

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0135.02 Jacob Baus x2173

HOUSE BILL 23-1310

HOUSE SPONSORSHIP

deGruy Kennedy,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CONDITIONS UNDER WHICH A PERSON COMMITS A
102 CIVIL INFRACTION FOR MISUSING A PUBLIC SAFETY ANSWERING
103 POINT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

A public safety answering point (PSAP) is a facility that is equipped and staffed to provide an emergency telephone service. The bill makes it unlawful to misuse a PSAP by:

- Purposefully initiating communication with the PSAP without reporting an emergency, or without reporting new

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

or amended information related to a previously reported emergency, after being instructed by the PSAP to stop such behavior;

- Making a report to a PSAP representative when the person knows the information reported is false;
- Knowingly obstructing the administration of a PSAP; or
- Making any comment to a PSAP representative with the intent to intimidate or harass the PSAP representative.

The bill gives a PSAP the authority to issue a warning for a violation for misuse of a PSAP or, if the PSAP representative has reason to believe the behavior is related to a behavioral health issue, authorizes the PSAP to refer the person to behavioral health services. Notwithstanding whether a person was issued a written warning, a violation for misuse of a PSAP is a civil infraction and is subject to a fine of not more than \$100.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 29-11-108 as
3 follows:

4 **29-11-108. Misuse of a public safety answering point -**
5 **warning - civil infraction.** (1) IT IS UNLAWFUL FOR A PERSON TO:

6 (a) PURPOSEFULLY INITIATE COMMUNICATION WITH A PSAP IF THE
7 PERSON KNOWS THERE IS NO REPORT OF AN EMERGENCY INVOLVING
8 DANGER TO LIFE, HEALTH, SAFETY, OR PROPERTY, OR THE PERSON KNOWS
9 THAT THE PERSON IS NOT REPORTING NEW OR AMENDED INFORMATION
10 RELATED TO A PREVIOUSLY REPORTED EMERGENCY INVOLVING DANGER
11 TO LIFE, HEALTH, SAFETY, OR PROPERTY AFTER BEING INSTRUCTED BY A
12 PSAP REPRESENTATIVE TO STOP INITIATING COMMUNICATION WITH THE
13 PSAP;

14 (b) MAKE A REPORT TO A PSAP REPRESENTATIVE WHEN THE
15 PERSON KNOWS THAT THE INFORMATION REPORTED IS FALSE;

16 (c) KNOWINGLY OBSTRUCT THE ADMINISTRATION OF A PSAP; OR

17 (d) MAKE ANY COMMENT TO A PSAP REPRESENTATIVE WITH THE

1 INTENT TO INTIMIDATE OR HARASS THE PSAP REPRESENTATIVE.

2 (2) FOR A VIOLATION OF THIS SECTION, THE PSAP MAY SEND THE
3 PERSON A WRITTEN WARNING, WHICH MAY BE BY TEXT MESSAGE, OR MAY
4 REFER THE VIOLATION TO A LOCAL LAW ENFORCEMENT AGENCY TO SEND
5 A WRITTEN WARNING, WHICH MAY BE BY TEXT MESSAGE. THE WRITTEN
6 WARNING MUST INCLUDE THE SECTION CITATION THAT DESCRIBES THE
7 VIOLATION; THE TEXT OF THIS SECTION; AND THE DATE, TIME, AND
8 DESCRIPTION OF THE VIOLATION. THE WRITTEN WARNING MAY INCLUDE
9 INFORMATION RELATED TO AVAILABLE BEHAVIORAL HEALTH AND
10 COUNSELING RESOURCES.

11 (3) (a) NOTWITHSTANDING WHETHER A WRITTEN WARNING WAS
12 SENT PURSUANT TO SUBSECTION (2) OF THIS SECTION, A VIOLATION OF THIS
13 SECTION IS A CIVIL INFRACTION AND, UPON CONVICTION, IS SUBJECT TO A
14 FINE OF NOT MORE THAN ONE HUNDRED DOLLARS.

15 (b) IF THE PSAP REPRESENTATIVE OR LOCAL LAW ENFORCEMENT
16 AGENCY HAS REASON TO BELIEVE THAT A VIOLATION OF THIS SECTION IS
17 RELATED TO A BEHAVIORAL HEALTH ISSUE, THE PSAP REPRESENTATIVE
18 OR LOCAL LAW ENFORCEMENT AGENCY SHALL CONSIDER REFERRING THE
19 PERSON TO AN APPROPRIATE BEHAVIORAL HEALTH OR COUNSELING
20 RESOURCE IN LIEU OF ISSUING A CIVIL INFRACTION.

21 (4) THIS SECTION IS NOT INTENDED TO INFRINGE UPON ANY RIGHT
22 GUARANTEED TO ANY PERSON BY THE FIRST AMENDMENT TO THE UNITED
23 STATES CONSTITUTION OR TO PREVENT THE EXPRESSION OF ANY
24 RELIGIOUS, POLITICAL, OR PHILOSOPHICAL VIEWS.

25 **SECTION 2. Act subject to petition - effective date -**
26 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
27 the expiration of the ninety-day period after final adjournment of the

1 general assembly; except that, if a referendum petition is filed pursuant
2 to section 1 (3) of article V of the state constitution against this act or an
3 item, section, or part of this act within such period, then the act, item,
4 section, or part will not take effect unless approved by the people at the
5 general election to be held in November 2024 and, in such case, will take
6 effect on the date of the official declaration of the vote thereon by the
7 governor.

8 (2) This act applies to offenses committed on or after the effective
9 date of this act.