

CHAPTER 179

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 95-1338

BY REPRESENTATIVES May, Chlouber, Schauer, Dean, George, Prinzler, and Schwarz;
also SENATOR Bishop.

AN ACT

CONCERNING A PROHIBITION ON BRINGING SPECIFIC REFRESHMENT-RELATED ITEMS INTO THE DENVER METROPOLITAN MAJOR LEAGUE BASEBALL STADIUM DISTRICT STADIUM, AND IN CONNECTION THEREWITH, MAKING IT UNLAWFUL TO BRING ALCOHOLIC BEVERAGES OR ANY BOTTLES OR CANS INTO THE STADIUM.

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

SECTION 1. Part 1 of article 9 of title 18, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

18-9-123. Bringing alcoholic beverages, bottles, or cans into the major league baseball stadium. (1) (a) IT SHALL BE UNLAWFUL FOR ANY PERSON TO CARRY OR BRING INTO THE DENVER METROPOLITAN MAJOR LEAGUE BASEBALL STADIUM DISTRICT STADIUM, AS DEFINED IN SECTION 32-14-103 (5) AND (10), C.R.S., AND REFERRED TO IN THIS SECTION AS THE "STADIUM", THE FOLLOWING:

(I) ANY ALCOHOLIC BEVERAGE OR ALCOHOLIC LIQUOR AS DEFINED IN SECTION 12-47-103 (1.5), C.R.S.; OR

(II) ANY BOTTLE OR CAN EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION.

(b) AS USED IN THIS SECTION:

(I) "BOTTLE" MEANS A CONTAINER THAT IS MADE OF NONPOROUS MATERIAL INCLUDING BUT NOT LIMITED TO GLASS OR CERAMIC, TYPICALLY WITH A COMPARATIVELY NARROW NECK OR MOUTH, BUT EXCLUDING:

(A) CONTAINERS MADE OF CARDBOARD, PAPER, OR PLASTIC; OR

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(B) THERMOS BOTTLES.

(II) "CAN" MEANS A CONTAINER OF CYLINDRICAL SHAPE THAT IS MADE OF METAL OR METALLIC ALLOYS.

(2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A PERSON FROM BRINGING OR CARRYING INTO THE STADIUM A BEVERAGE, BOTTLE, OR CAN REQUIRED IN CONNECTION WITH THE PERSON'S PRACTICE OF RELIGION, THE PERSON'S MEDICAL OR PHYSICAL CONDITION, OR FOOD OR FORMULA FOR THE PERSON'S INFANT.

(3) ANY PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION COMMITS A CLASS 1 PETTY OFFENSE.

(4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A HOME RULE MUNICIPALITY FROM ENACTING AN ORDINANCE THAT IS AT LEAST AS RESTRICTIVE AS OR MORE RESTRICTIVE THAN THIS SECTION THAT PROHIBITS A PERSON FROM BRINGING ANY ALCOHOLIC BEVERAGE OR ALCOHOLIC LIQUOR, ANY BOTTLE, OR ANY CAN INTO THE STADIUM.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 23, 1995