

CHAPTER 114

CRIMINAL LAW AND PROCEDURE

SENATE BILL 99-129

BY SENATORS Nichol and Anderson;
also REPRESENTATIVES Paschall and Scott.

AN ACT

CONCERNING THE AUTHORITY OF PUBLIC TRANSPORTATION ENTITIES TO APPOINT FARE INSPECTORS TO ENFORCE THE STATUTORY PROVISION PROSCRIBING THEFT OF PUBLIC TRANSPORTATION SERVICES BY FARE EVASION.

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

SECTION 1. 18-4-802 (2), Colorado Revised Statutes, is amended, and the said 18-4-802 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

18-4-802. Theft of public transportation services by fare evasion - inspectors - qualifications. (2) No person shall occupy, ride in, or use a public transportation vehicle without possession of proof of prior fare payment. Such proof of prior fare payment shall be presented upon demand of a FARE INSPECTOR APPOINTED OR EMPLOYED PURSUANT TO SUBSECTION (4) OF THIS SECTION, A peace officer, or ~~an~~ ANY OTHER employee or agent of a public transportation entity.

(4) (a) PUBLIC TRANSPORTATION ENTITIES ARE AUTHORIZED TO APPOINT OR EMPLOY, WITH THE POWER OF REMOVAL, FARE INSPECTORS AS MAY BE NECESSARY TO ENFORCE THE PROVISIONS OF THIS SECTION.

(b) A PERSON APPOINTED OR EMPLOYED AS A FARE INSPECTOR PURSUANT TO THIS SECTION SHALL MEET THE FOLLOWING REQUIREMENTS:

(I) THE PERSON IS A CITIZEN OF THE UNITED STATES AND THE STATE OF COLORADO.

(II) THE PERSON POSSESSES A HIGH SCHOOL DIPLOMA.

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

(III) THE PERSON HAS NEVER BEEN CONVICTED OF OR PLEADED GUILTY OR ENTERED A PLEA OF NOLO CONTENDERE TO ANY FELONY CHARGE UNDER FEDERAL OR STATE LAW.

(IV) THE PERSON SATISFIES SUCH OTHER REQUIREMENTS AS THE PUBLIC TRANSPORTATION ENTITY THAT APPOINTS OR EMPLOYS SUCH PERSON SHALL REQUIRE.

(c) A FARE INSPECTOR APPOINTED OR EMPLOYED PURSUANT TO THIS SECTION IS AUTHORIZED TO ENFORCE THE PROVISIONS OF THIS SECTION WHILE ACTING WITHIN THE SCOPE OF HIS OR HER AUTHORITY AND IN THE PERFORMANCE OF HIS OR HER DUTIES. A FARE INSPECTOR IS AUTHORIZED TO ISSUE A CITATION TO ANY PERSON WHO COMMITS THEFT OF PUBLIC TRANSPORTATION SERVICES BY FARE EVASION IN VIOLATION OF THIS SECTION. SAID CITATION SHALL BE ISSUED ON BEHALF OF THE COUNTY IN WHICH THE PERSON OCCUPYING, RIDING IN, OR USING A PUBLIC TRANSPORTATION VEHICLE WITHOUT PAYING THE APPLICABLE FARE IS LOCATED AT THE TIME THE THEFT IS DISCOVERED. THE PUBLIC TRANSPORTATION ENTITY WHOSE FARE INSPECTOR ISSUED THE CITATION SHALL TIMELY DELIVER THE CITATION TO THE LOCAL LAW ENFORCEMENT AGENCY FOR THE JURISDICTION IN WHICH THE ACCUSED PERSON IS LOCATED AT THE TIME THE THEFT IS DISCOVERED. THIS LOCAL LAW ENFORCEMENT AGENCY SHALL TRANSMIT THE CITATION TO THE CLERK OF THE APPROPRIATE COUNTY COURT FOR PURPOSES OF ENFORCEMENT AND PROSECUTION OF THE VIOLATION OF THIS SECTION. THE PUBLIC TRANSPORTATION ENTITY SHALL ALSO DELIVER A COPY OF THE CITATION TO THE DISTRICT ATTORNEY FOR THE COUNTY ON BEHALF OF WHICH THE CITATION IS ISSUED PURSUANT TO THIS PARAGRAPH (c).

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 15, 1999