

## CHAPTER 92

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**GOVERNMENT - COUNTY**

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**HOUSE BILL 99-1265**

BY REPRESENTATIVES Sinclair, Tapia, Chavez, Clarke, Coleman, Gagliardi, Leyba, Morrison, Saliman, Vigil, S. Williams, and Zimmerman;  
also SENATORS Dyer, Dennis, Thiebaut, Hernandez, Linkhart, Martinez, and Pascoe.

**AN ACT**

CONCERNING THE AUTHORITY OF BOARDS OF COUNTY COMMISSIONERS TO IMPOSE RESTRICTIONS ON GRAFFITI IMPLEMENTS THAT MAY BE USED BY JUVENILES.

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

**SECTION 1.** 30-15-401 (1) (d.5), Colorado Revised Statutes, is amended to read:

**30-15-401. General regulations.** (1) In addition to those powers granted by sections 30-11-101 and 30-11-107 and by parts 1, 2, and 3 of this article, the board of county commissioners has the power to adopt ordinances for control or licensing of those matters of purely local concern which are described in the following enumerated powers:

(d.5) To discourage juvenile delinquency through the imposition of curfews applicable to juveniles, the restraint and punishment of loitering by juveniles, and the restraint and punishment of defacement of, including the affixing of graffiti to, buildings and other public or private property by juveniles, BY MEANS THAT MAY INCLUDE RESTRICTIONS ON THE PURCHASE OR POSSESSION OF GRAFFITI IMPLEMENTS BY JUVENILES. THE BOARD OF COUNTY COMMISSIONERS, WHEN ENACTING AN ORDINANCE TO CARRY OUT THE POWERS GRANTED BY THIS PARAGRAPH (d.5), MAY MAKE IT UNLAWFUL FOR A RETAILER TO SELL GRAFFITI IMPLEMENTS TO JUVENILES, BUT SHALL NOT DICTATE THE MANNER IN WHICH THE RETAILER DISPLAYS GRAFFITI IMPLEMENTS. For purposes of this paragraph (d.5), "juvenile" means a juvenile as defined in section 19-2-103 (10), C.R.S., AND "GRAFFITI IMPLEMENT" MEANS AN AEROSOL PAINT CONTAINER, BROAD-TIPPED MARKER, GUM LABEL, PAINT STICK OR GRAFFITI STICK, OR ETCHING EQUIPMENT.

**SECTION 2. Effective date.** This act shall take effect at 12:01 a.m. on the day

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

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 9, 1999