

CHAPTER 173

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 05-1029

BY REPRESENTATIVE(S) Massey, Berens, Buescher, Coleman, Crane, and Knoedler;
also SENATOR(S) Isgar.

AN ACT

CONCERNING THE ADDITION OF PORTABLE ELECTRONIC COMMUNICATION DEVICES TO THE LIST OF ITEMS THAT CONSTITUTE CONTRABAND FOR THE PURPOSES OF THE CRIME OF INTRODUCING CONTRABAND IN THE SECOND DEGREE, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 18-8-204 (2) (m), Colorado Revised Statutes, is amended, and the said 18-8-204 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

18-8-204. Introducing contraband in the second degree. (2) "Contraband" as used in this section means any of the following, but does not include any article or thing referred to in section 18-8-203:

(m) For purposes of a facility of the department of corrections or any private contract prison, any cigarettes or tobacco products, as defined in section 39-28.5-101 (5), C.R.S.; OR

(n) ANY PORTABLE ELECTRONIC COMMUNICATION DEVICE, INCLUDING BUT NOT LIMITED TO CELLULAR TELEPHONES; CLONED CELLULAR TELEPHONES AS DEFINED IN SECTION 18-9-309; PUBLIC, PRIVATE, OR FAMILY-STYLE RADIOS; PAGERS; PERSONAL DIGITAL ASSISTANTS; ANY OTHER DEVICE CAPABLE OF TRANSMITTING OR INTERCEPTING CELLULAR OR RADIO SIGNALS BETWEEN PROVIDERS AND USERS OF TELECOMMUNICATION AND DATA SERVICES; AND PORTABLE COMPUTERS; EXCEPT THOSE DEVICES AUTHORIZED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS OR HIS OR HER DESIGNEE.

SECTION 2. Exception to the requirements of section 2-2-703, Colorado

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

Revised Statutes. The general assembly hereby finds that the amendments to section 18-8-204, Colorado Revised Statutes, enacted in this act will result in the minor fiscal impact of one additional offender being convicted and sentenced to the department of corrections during the five years following passage of this act. Because of the relative insignificance of this degree of fiscal impact, these amendments are an exception to the five-year appropriation requirements specified in section 2-2-703, Colorado Revised Statutes.

SECTION 3. Effective date - applicability. This act shall take effect July 1, 2005, and shall apply to offenses committed on or after said date.

SECTION 4. 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 27, 2005