

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 14-0369.01 Michael Dohr x4347

SENATE BILL 14-049

SENATE SPONSORSHIP

Heath,

HOUSE SPONSORSHIP

Priola,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING ENDANGERING PUBLIC UTILITY TRANSMISSION, AND, IN**
102 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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://www.leg.state.co.us/billsummaries>.)

Tampering with a public transportation facility with the intent to cause damage, malfunction, or nonfunction is a crime. The bill amends the crime of endangering public transportation to include the intent to steal material or remove material from the public transportation facility as additional ways to commit the crime. The bill clarifies that

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unamended
February 26, 2014

SENATE
Amended 2nd Reading
February 25, 2014

endangering public transportation applies to both freight and passenger trains.

The bill creates the crime of endangering utility transmission if someone tampers with a utility transmission facility with the intent to cause damage, malfunction, nonfunction, theft, or unauthorized removal of material. The crime is a class 3 felony.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-9-115, **amend** (1)
3 (a), (3), (4), and (5); and **add** (1.5) and (4.5) as follows:

4 **18-9-115. Endangering public transportation and utility**
5 **transmission.** (1) A person commits endangering public transportation
6 if such person:

7 (a) Tampers with a facility of public transportation with intent to
8 cause any damage, malfunction, ~~or~~ nonfunction, THEFT, OR
9 UNAUTHORIZED REMOVAL OF MATERIAL which would result in the
10 creation of a substantial risk of death or serious bodily injury to anyone;
11 or

12 (1.5) A PERSON COMMITS ENDANGERING UTILITY TRANSMISSION
13 IF SUCH PERSON TAMPERS WITH A FACILITY OF UTILITY TRANSMISSION
14 WITH INTENT TO CAUSE ANY DAMAGE, MALFUNCTION, NONFUNCTION,
15 THEFT, OR UNAUTHORIZED REMOVAL OF MATERIAL WHICH WOULD:

16 (a) INTERRUPT PERFORMANCE OF UTILITY TRANSMISSION; OR

17 (b) RESULT IN A CREATION OF A SUBSTANTIAL RISK OF DEATH OR
18 SERIOUS BODILY INJURY TO ANYONE.

19 (3) "Public conveyance" includes a PASSENGER OR FREIGHT train,
20 airplane, bus, truck, car, boat, tramway, gondola, lift, elevator, escalator,
21 or other device intended, designed, adapted, and used for the public
22 carriage of persons or property.

1 (4) "Facility of public transportation" includes a public
2 conveyance and any area, structure, or device which is designed, adapted,
3 and used to support, guide, control, permit, or facilitate the movement,
4 starting, stopping, takeoff, landing, or servicing of a public conveyance
5 or the loading or unloading of passengers, FREIGHT, or goods.

6 (4.5) "FACILITY OF UTILITY TRANSMISSION" INCLUDES ANY AREA,
7 STRUCTURE, OR DEVICE THAT IS DESIGNED, ADOPTED, OR USED TO
8 SUPPORT, GUIDE, CONTROL, PERMIT, OR FACILITATE TRANSMISSION OF:

9 (a) ELECTRICAL ENERGY IN EXCESS OF THIRTY THOUSAND VOLTS;
10 OR

11 (b) WATER, LIQUID FUEL, OR GASEOUS FUEL BY PIPELINE.

12 (5) Endangering public transportation OR ENDANGERING UTILITY
13 TRANSMISSION is a class 3 felony.

14 **SECTION 2.** In Colorado Revised Statutes, **add 17-18-111 as**
15 **follows:**

16 **17-18-111. Appropriation to comply with section 2-2-703 - SB**
17 **14-049 - repeal.** (1) **PURSUANT TO SECTION 2-2-703, C.R.S., THE**
18 **FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY**
19 **BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT SENATE BILL 14-049,**
20 **ENACTED IN 2014:**

21 **(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2015, IN ADDITION TO**
22 **ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE**
23 **DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT**
24 **OTHERWISE APPROPRIATED, THE SUM OF TWENTY-ONE THOUSAND FOUR**
25 **HUNDRED EIGHTY-FOUR DOLLARS (\$21,484).**

26 **(b) FOR THE FISCAL YEAR BEGINNING JULY 1, 2016, IN ADDITION TO**
27 **ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE**

1 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
2 OTHERWISE APPROPRIATED, THE SUM OF FORTY-TWO THOUSAND NINE
3 HUNDRED SIXTY-EIGHT DOLLARS (\$42,968).

4 (c) FOR THE FISCAL YEAR BEGINNING JULY 1, 2017, IN ADDITION TO
5 ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
6 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
7 OTHERWISE APPROPRIATED, THE SUM OF SIXTY-FOUR THOUSAND FOUR
8 HUNDRED FIFTY-TWO DOLLARS (\$64,452).

9 (d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2018, IN ADDITION TO
10 ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
11 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT
12 OTHERWISE APPROPRIATED, THE SUM OF EIGHTY-FIVE THOUSAND NINE
13 HUNDRED THIRTY-FIVE DOLLARS (\$85,935).

14 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2019.

15 **SECTION 3. Effective date - applicability.** This act takes effect
16 July 1, 2014, and applies to offenses committed on or after said date.

17 **SECTION 4. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.