

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

Date

April 14, 2015

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB15-1115 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, strike lines 2 through 22 and substitute:

2 "SECTION 1. In Colorado Revised Statutes, **add** 18-7-802 as
3 follows:

4 **18-7-802. Criminal invasion of privacy by use of a device -**
5 **penalty.** (1) EXCEPT AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION,
6 CRIMINAL INVASION OF PRIVACY BY USE OF A DEVICE OCCURS WHEN A
7 PERSON KNOWINGLY AND INTENTIONALLY CAPTURES ANY PHOTOGRAPH,
8 SOUND RECORDING, OR OTHER PHYSICAL IMPRESSION OR DIGITAL IMAGE
9 OF ANOTHER PERSON, WITHOUT THAT PERSON'S CONSENT, IN A SITUATION
10 WHERE THAT PERSON HAS A REASONABLE EXPECTATION OF PRIVACY,
11 THROUGH THE USE OF ANY DEVICE REGARDLESS OF WHETHER THERE IS A
12 TRESPASS, IF THE PHOTOGRAPH, SOUND RECORDING, OR OTHER PHYSICAL
13 IMPRESSION OR DIGITAL IMAGE COULD NOT HAVE BEEN ACHIEVED
14 WITHOUT A TRESPASS UNLESS THE DEVICE OR ANOTHER DEVICE WAS USED.

15 (2) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO A PEACE
16 OFFICER OR AN EMPLOYEE OR OTHER AGENT OF A FEDERAL, STATE, OR
17 LOCAL GOVERNMENT AGENCY ACTING IN HIS OR HER OFFICIAL CAPACITY.

18 (3) CRIMINAL INVASION OF PRIVACY BY USE OF A DEVICE IS A
19 CLASS 3 MISDEMEANOR."

20 Strike pages 3 through 6.

21 Page 7, strike lines 1 through 26.

22 Renumber succeeding section accordingly.

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