

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 29, 2015
Date

Committee on Local Government.

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 reengrossed bill, page 2, strike lines 2 through 19 and substitute:

2 "SECTION 1. In Colorado Revised Statutes, **add** 13-21-128 as
3 follows:

4 **13-21-128. Civil damages for invasion of privacy -**
5 **unauthorized recordings.** (1) EXCEPT AS DESCRIBED IN SUBSECTION (2)
6 OF THIS SECTION, A PERSON WHO SUFFERS DAMAGES AS A RESULT OF
7 ANOTHER PERSON KNOWINGLY AND INTENTIONALLY CAPTURING, WITHOUT
8 THE PERSON'S CONSENT, A PHOTOGRAPH, SOUND RECORDING, OR OTHER
9 PHYSICAL IMPRESSION OR DIGITAL IMAGE OF THE PERSON UNDER
10 CIRCUMSTANCES IN WHICH THE PERSON HAD A REASONABLE EXPECTATION
11 OF PRIVACY HAS A PRIVATE CIVIL RIGHT OF ACTION AGAINST THE
12 PERPETRATOR, REGARDLESS OF WHETHER THE PERPETRATOR IS CONVICTED
13 OF ANY CRIMINAL OFFENSE.

14 (2) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY IF THE
15 PERSON WHO CAPTURES THE PHOTOGRAPH, SOUND RECORDING, OR OTHER
16 PHYSICAL IMPRESSION OR DIGITAL IMAGE WAS A PEACE OFFICER OR AN
17 EMPLOYEE OR OTHER AGENT OF A FEDERAL, STATE, OR LOCAL
18 GOVERNMENT AGENCY ACTING IN HIS OR HER OFFICIAL CAPACITY,
19 CONSISTENT WITH THE FOURTH AMENDMENT TO THE UNITED STATES
20 CONSTITUTION.

21 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT REQUIRES
22 OTHERWISE, "DAMAGES" DO NOT INCLUDE THE VALUE OR POTENTIAL
23 VALUE OF A CIVIL JUDGMENT WHEN:

1 (a) A PERSON CAPTURES A PHOTOGRAPH, SOUND RECORDING, OR
2 OTHER PHYSICAL IMPRESSION OR DIGITAL IMAGE OF ANOTHER PERSON
3 WHO IS A PARTY TO A CIVIL CASE; AND
4 (b) THE PHOTOGRAPH, SOUND RECORDING, OR OTHER PHYSICAL
5 IMPRESSION OR DIGITAL IMAGE IS GERMANE TO THE CIVIL CASE."

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