

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 05-1045

BY REPRESENTATIVE(S) Decker, Jahn, Borodkin, Paccione, Romanoff, Lindstrom, and Todd;
also SENATOR(S) Williams and Hanna.

CONCERNING THE PROHIBITION OF RADAR JAMMING DEVICES.

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

SECTION 1. Part 14 of article 4 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

42-4-1415. Radar jamming devices prohibited - penalty.

(1) (a) NO PERSON SHALL USE, POSSESS, OR SELL A RADAR JAMMING DEVICE.

(b) NO PERSON SHALL OPERATE A MOTOR VEHICLE WITH A RADAR JAMMING DEVICE IN THE MOTOR VEHICLE.

(2) (a) FOR PURPOSES OF THIS SECTION, "RADAR JAMMING DEVICE" MEANS ANY ACTIVE OR PASSIVE DEVICE, INSTRUMENT, MECHANISM, OR EQUIPMENT THAT IS DESIGNED OR INTENDED TO INTERFERE WITH, DISRUPT, OR SCRAMBLE THE RADAR OR LASER THAT IS USED BY LAW ENFORCEMENT AGENCIES AND PEACE OFFICERS TO MEASURE THE SPEED OF MOTOR VEHICLES. "RADAR JAMMING DEVICE" INCLUDES BUT IS NOT LIMITED TO

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

DEVICES COMMONLY REFERRED TO AS "JAMMERS" OR "SCRAMBLERS".

(b) FOR PURPOSES OF THIS SECTION, "RADAR JAMMING DEVICE" SHALL NOT INCLUDE EQUIPMENT THAT IS LEGAL UNDER FCC REGULATIONS, SUCH AS A CITIZENS' BAND RADIO, HAM RADIO, OR ANY OTHER SIMILAR ELECTRONIC EQUIPMENT.

(3) RADAR JAMMING DEVICES ARE SUBJECT TO SEIZURE BY ANY PEACE OFFICER AND MAY BE CONFISCATED AND DESTROYED BY ORDER OF THE COURT IN WHICH A VIOLATION OF THIS SECTION IS CHARGED.

(4) A VIOLATION OF SUBSECTION (1) OF THIS SECTION IS A CLASS 2 MISDEMEANOR TRAFFIC OFFENSE, PUNISHABLE AS PROVIDED IN SECTION 42-4-1701 (3) (a) (II) (A).

(5) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION SHALL NOT APPLY TO PEACE OFFICERS ACTING IN THEIR OFFICIAL CAPACITY.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 2005, and shall apply to offenses committed on or after said date.

SECTION 3. 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.

Andrew Romanoff
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Joan Fitz-Gerald
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO