

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Espenoza

1 Strike the Judiciary Committee Report, dated February 24, 2026, and
2 substitute:

3 "Amend printed bill, strike everything below the enacting clause and
4 substitute:

5 **"SECTION 1.** In Colorado Revised Statutes, 18-13-111, **amend**
6 (1)(a), (1)(b) introductory portion, (1)(c) introductory portion, (1)(c)(I),
7 (1)(d)(I), (1)(d)(II), (1)(e), (1.3)(a) introductory portion, (1.3)(a)(I),
8 (1.3)(a)(III), (1.3)(b), (1.5)(a), (1.5)(b), (2), (3) introductory portion, (4),
9 (5) introductory portion, (5)(c), (5)(d), (6), (10)(a)(II), and (10)(a)(III);
10 **repeal** (5)(e), (5)(f), (5)(g), (5)(h), and (8); and **add** (1.6), (3)(f), (5.5),
11 (10)(a)(IV), and (14) as follows:

12 **18-13-111. Purchases of commodity metals, critical**
13 **infrastructure material, or detached catalytic converters - violations**
14 **- creation - composition - reports - legislative declaration -**
15 **definitions.**

16 (1) (a) Except as otherwise provided in subsection (3) of this
17 section, every owner, keeper, or proprietor of a junk shop, junk store,
18 salvage yard, or junk cart or other vehicle and every collector of or dealer
19 in junk, salvage, or other secondhand property shall keep a book or
20 register detailing all transactions involving commodity metals, CRITICAL
21 INFRASTRUCTURE MATERIAL, or detached catalytic converters.

22 (b) The owner, keeper, proprietor, collector, or dealer shall record
23 the identification of a seller of commodity metals, CRITICAL
24 INFRASTRUCTURE MATERIALS, or detached catalytic converters in the book
25 or register and the method by which the seller verified the seller's identity.
26 The seller shall verify the seller's identity by one of the following:

27 (c) The owner, keeper, proprietor, collector, or dealer shall require
28 the seller of a commodity metal, CRITICAL INFRASTRUCTURE MATERIAL,
29 or detached catalytic converter to provide for the book or register:

30 (I) A signed affidavit, sworn and affirmed under penalty of law,
31 that the seller is the owner of the commodity metal, CRITICAL
32 INFRASTRUCTURE MATERIAL, or detached catalytic converter or is
33 otherwise entitled to sell the commodity metal, CRITICAL
34 INFRASTRUCTURE MATERIAL, or detached catalytic converter. The owner,
35 keeper, proprietor, collector, or dealer shall provide the affidavit form to
36 the seller.

37 (d) The owner, keeper, proprietor, collector, or dealer shall
38 include the following in the book or register:

39 (I) The date and place of each purchase of the commodity metal,

1 CRITICAL INFRASTRUCTURE MATERIAL, or detached catalytic converter;
2 and

3 (II) The description and quantity of the commodity metal,
4 CRITICAL INFRASTRUCTURE MATERIAL, or detached catalytic converter
5 purchased.

6 (e) The book or register shall be made available to ~~any peace~~
7 ~~officer~~ A LAW ENFORCEMENT AGENCY OR MUNICIPAL CODE ENFORCEMENT
8 AGENCY for inspection ~~at any reasonable time~~ UPON REQUEST.

9 (1.3) (a) A purchaser of commodity metals, CRITICAL
10 INFRASTRUCTURE MATERIALS, or detached catalytic converters shall:

11 (I) Sign up with the scrap theft alert system maintained by the
12 Institute of Scrap Recycling Industries, Incorporated, or its successor
13 organization, to receive alerts regarding thefts of commodity metals,
14 CRITICAL INFRASTRUCTURE MATERIALS, or detached catalytic converters
15 in the purchaser's geographic area;

16 (III) Use the alerts to identify potentially stolen commodity
17 metals, CRITICAL INFRASTRUCTURE MATERIALS, or detached catalytic
18 converters, including training the purchaser's employees to use the alerts
19 during the purchaser's daily operations.

20 (b) A purchaser of commodity metals, CRITICAL INFRASTRUCTURE
21 MATERIALS, or detached catalytic converters shall maintain for ninety
22 days copies of any theft alerts received and downloaded pursuant to
23 subsection (1.3)(a) of this section. A purchaser shall also maintain
24 documentation that the purchaser educates employees about, and provides
25 to employees, scrap theft alerts.

26 (1.5) (a) An owner, keeper, proprietor, collector, or dealer is
27 permitted to pay a seller in cash for any commodity metal, CRITICAL
28 INFRASTRUCTURE MATERIAL, or detached catalytic converter transaction
29 of three hundred dollars or less.

30 (b) If the transaction costs more than three hundred dollars OR
31 INVOLVES CRITICAL INFRASTRUCTURE MATERIAL THAT THE PAYING PARTY
32 KNOWS OR SHOULD HAVE KNOWN WAS PART OF CRITICAL
33 INFRASTRUCTURE, the owner, keeper, proprietor, collector, or dealer shall
34 pay the seller of a commodity metal or detached catalytic converter by
35 check unless the seller is paid by means of any process in which a picture
36 of the seller is taken when the money is paid. FOR THE PURPOSES OF THIS
37 SUBSECTION (1.5)(b), THE PAYING PARTY SHOULD HAVE KNOWN THE
38 COMMODITY METALS WERE PART OF CRITICAL INFRASTRUCTURE IF
39 EVIDENCE EXISTS THAT THE INSULATING CASING OF THE COMMODITY
40 METAL WAS BURNED OR SMOLDERED OFF.

41 (1.6) (a) AN OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR
42 DEALER WHO KNOWINGLY POSSESSES CRITICAL INFRASTRUCTURE
43 MATERIAL IN VIOLATION OF THIS SECTION COMMITS UNLAWFUL

1 POSSESSION OF CRITICAL INFRASTRUCTURE MATERIALS.

2 (b) (I) AN OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR DEALER
3 WHO TAKES POSSESSION OF CRITICAL INFRASTRUCTURE MATERIAL AS PART
4 OF A LOAD OF OTHERWISE NONCRITICAL INFRASTRUCTURE MATERIALS
5 WITH AN AFFIDAVIT STATING THAT THE TRANSFEROR MAY LAWFULLY
6 TRANSFER THE NONCRITICAL INFRASTRUCTURE MATERIAL HAS A DUTY TO
7 NOTIFY THE APPROPRIATE LAW ENFORCEMENT AGENCY OR MUNICIPAL
8 CODE ENFORCEMENT AGENCY BY THE END OF THE NEXT BUSINESS DAY
9 AFTER DISCOVERING THE CRITICAL INFRASTRUCTURE MATERIALS. THE
10 CRITICAL INFRASTRUCTURE MATERIAL MUST BE SET ASIDE AND MUST NOT
11 BE SOLD, PENDING A DETERMINATION AS TO ITS LEGAL STATUS MADE BY
12 A LAW ENFORCEMENT AGENCY OR MUNICIPAL CODE ENFORCEMENT
13 AGENCY.

14 (II) AN OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR DEALER
15 DOES NOT VIOLATE THIS SUBSECTION (1.6) IF THE OWNER, KEEPER,
16 PROPRIETOR, COLLECTOR, OR DEALER HAS AN AFFIDAVIT STATING THAT
17 THE TRANSFEROR MAY LAWFULLY TRANSFER THE CRITICAL
18 INFRASTRUCTURE MATERIAL.

19 (III) AN OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR DEALER
20 WHO UNKNOWINGLY TAKES POSSESSION OF CRITICAL INFRASTRUCTURE
21 MATERIAL AS PART OF A LOAD OF OTHERWISE NONCRITICAL
22 INFRASTRUCTURE MATERIALS WITHOUT A WRITTEN CERTIFICATION THAT
23 THE TRANSFEROR MAY LAWFULLY TRANSFER THE CRITICAL
24 INFRASTRUCTURE MATERIAL AND KNOWINGLY DOES NOT NOTIFY THE
25 APPROPRIATE LAW ENFORCEMENT AGENCY OR MUNICIPAL CODE
26 ENFORCEMENT AGENCY BY THE END OF THE NEXT BUSINESS DAY AFTER
27 BECOMING AWARE THEY ARE IN POSSESSION OF CRITICAL INFRASTRUCTURE
28 MATERIALS IN VIOLATION OF THIS SUBSECTION (1.6)(b) COMMITS FAILURE
29 TO REPORT STOLEN CRITICAL INFRASTRUCTURE MATERIALS.

30 (2) Except as otherwise provided in subsection (3) of this section,
31 the owner, keeper, proprietor, collector, or dealer of any commodity
32 metal, CRITICAL INFRASTRUCTURE MATERIAL, or detached catalytic
33 converter shall make a digital photographic record, video record, or other
34 record that identifies the seller and the commodity metal, CRITICAL
35 INFRASTRUCTURE MATERIAL, or detached catalytic converter that the
36 seller is selling. The digital photographic record, video record, or other
37 record format shall be retained for one hundred eighty days, and the
38 owner shall permit a law enforcement officer OR MUNICIPAL CODE
39 ENFORCEMENT OFFICER to make inspections of the record.

40 (3) The following transactions and materials are exempt from the
41 requirements specified in subsections (1), (1.6), and (2) of this section:

42 (f) THE PURCHASE OF CRITICAL INFRASTRUCTURE MATERIALS
43 WHEN THE OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR DEALER HAS A

1 WRITTEN CONTRACT WITH THE ORIGINAL SOURCE COMPANY THAT CLAIMS
2 AND AFFIRMS THAT THE CRITICAL INFRASTRUCTURE MATERIAL BELONGS
3 TO THE OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR DEALER.

4 (4) The information entered in the book or register, as provided
5 in subsection (1) of this section, need not be kept for a period longer than
6 three years after the date of purchase of the commodity metal, CRITICAL
7 INFRASTRUCTURE MATERIAL, or detached catalytic converter.

8 (5) A person who violates subsection (1) of this section by failing
9 to keep a book or register, ~~any~~ A person who knowingly gives false
10 information with respect to the information required to be maintained in
11 the book or register provided for in subsection (1) of this section, and ~~any~~
12 A person who violates subsection (1.3), (1.5), or (2) of this section
13 commits:

14 (c) A class 1 misdemeanor if the amount is one thousand dollars
15 or more but less than two thousand dollars; AND

16 (d) A class 6 felony if the amount is two thousand dollars or more.
17 ~~but less than one thousand dollars;~~

18 (e) ~~A class 5 felony if the amount is five thousand dollars or more
19 but less than twenty thousand dollars;~~

20 (f) ~~A class 4 felony if the amount is twenty thousand dollars or
21 more but less than one hundred thousand dollars;~~

22 (g) ~~A class 3 felony if the amount is one hundred thousand dollars
23 or more but less than one million dollars; and~~

24 (h) ~~A class 2 felony if the amount is one million dollars or more.~~

25 (5.5) (a) UNLAWFUL POSSESSION OF CRITICAL INFRASTRUCTURE
26 MATERIALS, AS DESCRIBED IN SUBSECTION (1.6)(a) OF THIS SECTION, IS:

27 (I) A CLASS 2 MISDEMEANOR IF THE AMOUNT IS LESS THAN ONE
28 THOUSAND DOLLARS;

29 (II) A CLASS 1 MISDEMEANOR IF THE AMOUNT IS ONE THOUSAND
30 DOLLARS OR MORE BUT LESS THAN TWO THOUSAND DOLLARS; AND

31 (III) A CLASS 6 FELONY IF THE AMOUNT IS TWO THOUSAND
32 DOLLARS OR MORE.

33 (b) FAILURE TO REPORT STOLEN CRITICAL INFRASTRUCTURE
34 MATERIALS, AS DESCRIBED IN SUBSECTION (1.6)(b) OF THIS SECTION, IS:

35 (I) A CLASS 2 MISDEMEANOR IF THE AMOUNT IS LESS THAN ONE
36 THOUSAND DOLLARS;

37 (II) A CLASS 1 MISDEMEANOR IF THE AMOUNT IS ONE THOUSAND
38 DOLLARS OR MORE BUT LESS THAN TWO THOUSAND DOLLARS; AND

39 (III) A CLASS 6 FELONY IF THE AMOUNT IS TWO THOUSAND
40 DOLLARS OR MORE.

41 (6) There is a ~~rebuttable presumption~~ PERMISSIVE INFERENCE that
42 metal purchased by a dealer for the purpose of recycling is a commodity
43 metal if the commodity metal has a value of fifty cents per pound or

1 greater for purposes of recycling the commodity metal.
2 (8) As used in this section, unless the context otherwise requires:
3 (a) ~~(Deleted by amendment, L. 2007, p. 759, § 1, effective July 1,~~
4 ~~2007.)~~
5 ~~(a.5) "Applicable facility" means dealers, owners, keepers, or~~
6 ~~proprietors of a junk shop, junk store, salvage yard, or other secondhand~~
7 ~~property.~~
8 ~~(b) "Book or register" means any written or electronic record of~~
9 ~~transactions kept by any owner, keeper, proprietor, collector, or dealer,~~
10 ~~including sequentially numbered receipts containing the information~~
11 ~~required by subsection (1) of this section.~~
12 ~~(b.5) "Commodity metal" means copper; a copper alloy, such as~~
13 ~~bronze or brass; or aluminum. "Commodity metal" does not include~~
14 ~~precious metals, such as gold, silver, or platinum.~~
15 ~~(c) (Deleted by amendment, L. 2007, p. 759, § 1, effective July 1,~~
16 ~~2007.)~~
17 ~~(d) "Dealer" means any person, business, or entity that buys, sells,~~
18 ~~or distributes, for the purpose of recycling, processing, or smelting, any~~
19 ~~commodity metal or detached catalytic converter on a wholesale basis.~~
20 ~~For the purposes of this subsection (8)(d), a transaction between a dealer~~
21 ~~and a motor vehicle dealer is not a wholesale sale.~~
22 ~~(e) (Deleted by amendment, L. 2011, (HB 11-1130), ch. 106, p.~~
23 ~~330, § 1, effective April 13, 2011.)~~
24 ~~(f) "Detached catalytic converter" means a post-combustion~~
25 ~~device that:~~
26 ~~(I) Oxidizes hydrocarbons and carbon monoxide gases or reduces~~
27 ~~oxides of nitrogen;~~
28 ~~(II) Is designed or intended for use as part of an emission control~~
29 ~~system; and~~
30 ~~(III) Was previously installed on a motor vehicle and subsequently~~
31 ~~removed.~~
32 (10) (a) The general assembly hereby finds, determines, and
33 declares that:
34 (II) ~~Such~~ THE thefts impact every community in Colorado; ~~and~~
35 (III) The regulation of commodity metal or detached catalytic
36 converter purchases is a matter of statewide concern; AND
37 (IV) THEFTS OF COMMODITY METALS THAT MAKE UP CRITICAL
38 INFRASTRUCTURE MATERIALS REPRESENTS A SIGNIFICANT THREAT TO
39 COLORADO CITIZENS.
40 (14) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
41 REQUIRES:
42 (a) "APPLICABLE FACILITY" MEANS A JUNK SHOP, JUNK STORE,
43 SALVAGE YARD, OR OTHER SECONDHAND PROPERTY OPERATED BY A

1 DEALER, OWNER, KEEPER, OR PROPRIETOR.

2 (b) "BOOK OR REGISTER" MEANS ANY WRITTEN OR ELECTRONIC
3 RECORD OF TRANSACTIONS KEPT BY AN OWNER, KEEPER, PROPRIETOR,
4 COLLECTOR, OR DEALER, INCLUDING SEQUENTIALLY NUMBERED RECEIPTS
5 CONTAINING THE INFORMATION REQUIRED BY SUBSECTION (1) OF THIS
6 SECTION.

7 (c) "COMMODITY METAL" MEANS COPPER; A COPPER ALLOY, SUCH
8 AS BRONZE OR BRASS; OR ALUMINUM. "COMMODITY METAL" DOES NOT
9 INCLUDE PRECIOUS METALS, SUCH AS GOLD, SILVER, OR PLATINUM.

10 (d) "COVERED INFRASTRUCTURE" MEANS:

11 (I) COMMUNICATION INFRASTRUCTURE, INCLUDING FIBER-OPTIC
12 CABLES AND OTHER INFRASTRUCTURE USED FOR:

13 (A) INTERNET, INCLUDING BROADBAND INTERNET SERVICE;
14 (B) CABLE COMMUNICATIONS;
15 (C) WIRELESS COMMUNICATIONS;
16 (D) TELECOMMUNICATIONS; AND
17 (E) A PUBLIC SAFETY ANSWERING POINT, AS DEFINED IN SECTION
18 29-11-101;

19 (II) TRANSPORTATION INFRASTRUCTURE, INCLUDING
20 INFRASTRUCTURE USED FOR:

21 (A) LIGHT RAIL, AS DEFINED IN SECTION 29-35-103;
22 (B) PASSENGER RAIL;
23 (C) FREIGHT RAIL;
24 (D) A PUBLIC ROADWAY SYSTEM; AND
25 (E) BRIDGES;

26 (III) HOUSING INFRASTRUCTURE;
27 (IV) AN ELECTRIC VEHICLE CHARGING STATION; AND
28 (V) PUBLIC UTILITY INFRASTRUCTURE.

29 (e) "CRITICAL INFRASTRUCTURE MATERIAL" MEANS ANY
30 COMPONENT OR PART USED IN COVERED INFRASTRUCTURE THAT IS MADE
31 OF OR CONTAINS A COMMODITY METAL, THE THEFT OF WHICH POSES AN
32 IMMINENT THREAT TO LIFE OR THE PHYSICAL SAFETY OF A PERSON,
33 INCLUDING THROUGH SERIOUS HARM TO THE BASIC SUPPLY OF COVERED
34 INFRASTRUCTURE TO THE POPULATION OR TO THE EXERCISE OF A CORE
35 FUNCTION OF COVERED INFRASTRUCTURE.

36 (f) "DEALER" MEANS ANY PERSON, BUSINESS, OR ENTITY THAT
37 BUYS, SELLS, OR DISTRIBUTES, FOR THE PURPOSE OF RECYCLING,
38 PROCESSING, OR SMELTING, ANY COMMODITY METAL OR DETACHED
39 CATALYTIC CONVERTER ON A WHOLESALE BASIS. FOR THE PURPOSES OF
40 THIS SUBSECTION (14)(f), A TRANSACTION BETWEEN A DEALER AND A
41 MOTOR VEHICLE DEALER IS NOT A WHOLESALE SALE.

42 (g) "DETACHED CATALYTIC CONVERTER" MEANS A
43 POST-COMBUSTION DEVICE THAT:

1 (I) OXIDIZES HYDROCARBONS AND CARBON MONOXIDE GASES OR
2 REDUCES OXIDES OF NITROGEN;

3 (II) IS DESIGNED OR INTENDED FOR USE AS PART OF AN EMISSION
4 CONTROL SYSTEM; AND

5 (III) WAS PREVIOUSLY INSTALLED ON A MOTOR VEHICLE AND
6 SUBSEQUENTLY REMOVED.

7 **SECTION 2. Applicability.** This act applies to offenses
8 committed on or after July 1, 2026.

9 **SECTION 3. Safety clause.** The general assembly finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety or for appropriations for
12 the support and maintenance of the departments of the state and state
13 institutions."."

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