

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 26-0609.01 Owen Hatch x2698

HOUSE BILL 26-1101

HOUSE SPONSORSHIP

Espenosa and Soper,

SENATE SPONSORSHIP

Lindstedt and Pelton B.,

House Committees

Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ADDING CRIMINAL OFFENSES RELATED TO CRITICAL**
102 **INFRASTRUCTURE COMPONENTS TO CRIMINAL OFFENSES**
103 **INVOLVING COMMODITY METALS.**

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://leg.colorado.gov>.)

The bill defines critical infrastructure related to commodity metals and adds several different criminal offenses related to the sale of, possession of, and failure to report stolen critical infrastructure.

The bill prohibits an owner, keeper, or proprietor (owner) of a junk shop, junk store, salvage yard, or junk cart or other vehicle and every

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
March 26, 2026

collector of or dealer in junk, salvage, or other secondhand property who buys a commodity metal that was part of critical infrastructure (buyer) from paying cash for the commodity metal unless the seller is paid by means of any process in which a picture of the seller is taken.

The bill prohibits a buyer from possessing a commodity metal that was part of critical infrastructure without a certification from the seller or donator of the commodity metal. A buyer who unknowingly takes possession of commodity metals from critical infrastructure as part of a load of otherwise non-commodity metals without a written certification has a duty to notify the appropriate law enforcement agency or municipal code enforcement agency.

An owner of a junk shop, junk store, salvage yard, or junk cart must make their book or register available to a law enforcement agency or municipal code enforcement agency upon request.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-13-111, **amend**

3 (1)(a), (1)(b) introductory portion, (1)(c) introductory portion, (1)(c)(I),

4 (1)(d)(I), (1)(d)(II), (1)(e), (1.3)(a) introductory portion, (1.3)(a)(I),

5 (1.3)(a)(III), (1.3)(b), (1.5)(a), (1.5)(b), (2), (3) introductory portion, (4),

6 (5) introductory portion, (5)(c), (5)(d), (6), (10)(a)(II), and (10)(a)(III);

7 **repeal** (5)(e), (5)(f), (5)(g), (5)(h), and (8); and **add** (1.6), (3)(f), (5.5),

8 (10)(a)(IV), and (14) as follows:

9 **18-13-111. Purchases of commodity metals, critical**

10 **infrastructure material, or detached catalytic converters - violations**

11 **- creation - composition - reports - legislative declaration -**

12 **definitions.**

13 (1) (a) Except as otherwise provided in subsection (3) of this

14 section, every owner, keeper, or proprietor of a junk shop, junk store,

15 salvage yard, or junk cart or other vehicle and every collector of or dealer

16 in junk, salvage, or other secondhand property shall keep a book or

17 register detailing all transactions involving commodity metals, CRITICAL

1 INFRASTRUCTURE MATERIAL, or detached catalytic converters.

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

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

10 (I) A signed affidavit, sworn and affirmed under penalty of law,
11 that the seller is the owner of the commodity metal, CRITICAL
12 INFRASTRUCTURE MATERIAL, or detached catalytic converter or is
13 otherwise entitled to sell the commodity metal, CRITICAL
14 INFRASTRUCTURE MATERIAL, or detached catalytic converter. The owner,
15 keeper, proprietor, collector, or dealer shall provide the affidavit form to
16 the seller.

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

19 (I) The date and place of each purchase of the commodity metal,
20 CRITICAL INFRASTRUCTURE MATERIAL, or detached catalytic converter;
21 and

22 (II) The description and quantity of the commodity metal,
23 CRITICAL INFRASTRUCTURE MATERIAL, or detached catalytic converter
24 purchased.

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

1 (1.3) (a) A purchaser of commodity metals, CRITICAL
2 INFRASTRUCTURE MATERIALS, or detached catalytic converters shall:

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

8 (III) Use the alerts to identify potentially stolen commodity
9 metals, CRITICAL INFRASTRUCTURE MATERIALS, or detached catalytic
10 converters, including training the purchaser's employees to use the alerts
11 during the purchaser's daily operations.

12 (b) A purchaser of commodity metals, CRITICAL INFRASTRUCTURE
13 MATERIALS, or detached catalytic converters shall maintain for ninety
14 days copies of any theft alerts received and downloaded pursuant to
15 subsection (1.3)(a) of this section. A purchaser shall also maintain
16 documentation that the purchaser educates employees about, and provides
17 to employees, scrap theft alerts.

18 (1.5) (a) An owner, keeper, proprietor, collector, or dealer is
19 permitted to pay a seller in cash for any commodity metal, CRITICAL
20 INFRASTRUCTURE MATERIAL, or detached catalytic converter transaction
21 of three hundred dollars or less.

22 (b) If the transaction costs more than three hundred dollars OR
23 INVOLVES CRITICAL INFRASTRUCTURE MATERIAL THAT THE PAYING PARTY
24 KNOWS OR SHOULD HAVE KNOWN WAS PART OF CRITICAL
25 INFRASTRUCTURE, the owner, keeper, proprietor, collector, or dealer shall
26 pay the seller of a commodity metal or detached catalytic converter by
27 check unless the seller is paid by means of any process in which a picture

1 of the seller is taken when the money is paid. FOR THE PURPOSES OF THIS
2 SUBSECTION (1.5)(b), THE PAYING PARTY SHOULD HAVE KNOWN THE
3 COMMODITY METALS WERE PART OF CRITICAL INFRASTRUCTURE IF
4 EVIDENCE EXISTS THAT THE INSULATING CASING OF THE COMMODITY
5 METAL WAS BURNED OR SMOLDERED OFF.

6 (1.6) (a) AN OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR
7 DEALER WHO KNOWINGLY POSSESSES CRITICAL INFRASTRUCTURE
8 MATERIAL IN VIOLATION OF THIS SECTION COMMITS UNLAWFUL
9 POSSESSION OF CRITICAL INFRASTRUCTURE MATERIALS.

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

22 (II) AN OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR DEALER
23 DOES NOT VIOLATE THIS SUBSECTION (1.6) IF THE OWNER, KEEPER,
24 PROPRIETOR, COLLECTOR, OR DEALER HAS AN AFFIDAVIT STATING THAT
25 THE TRANSFEROR MAY LAWFULLY TRANSFER THE CRITICAL
26 INFRASTRUCTURE MATERIAL.

27 (III) AN OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR DEALER

1 WHO UNKNOWNLY TAKES POSSESSION OF CRITICAL INFRASTRUCTURE
2 MATERIAL AS PART OF A LOAD OF OTHERWISE NONCRITICAL
3 INFRASTRUCTURE MATERIALS WITH AN AFFIDAVIT STATING THAT THE
4 TRANSFEROR MAY LAWFULLY TRANSFER THE NONCRITICAL
5 INFRASTRUCTURE MATERIAL AND KNOWINGLY DOES NOT NOTIFY THE
6 APPROPRIATE LAW ENFORCEMENT AGENCY OR MUNICIPAL CODE
7 ENFORCEMENT AGENCY BY THE END OF THE NEXT BUSINESS DAY AFTER
8 BECOMING AWARE THEY ARE IN POSSESSION OF CRITICAL INFRASTRUCTURE
9 MATERIALS IN VIOLATION OF THIS SUBSECTION (1.6)(b) COMMITS FAILURE
10 TO REPORT STOLEN CRITICAL INFRASTRUCTURE MATERIALS.

11 (2) Except as otherwise provided in subsection (3) of this section,
12 the owner, keeper, proprietor, collector, or dealer of any commodity
13 metal, CRITICAL INFRASTRUCTURE MATERIAL, or detached catalytic
14 converter shall make a digital photographic record, video record, or other
15 record that identifies the seller and the commodity metal, CRITICAL
16 INFRASTRUCTURE MATERIAL, or detached catalytic converter that the
17 seller is selling. The digital photographic record, video record, or other
18 record format shall be retained for one hundred eighty days, and the
19 owner shall permit a law enforcement officer OR MUNICIPAL CODE
20 ENFORCEMENT OFFICER to make inspections of the record.

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

23 (f) THE PURCHASE OF CRITICAL INFRASTRUCTURE MATERIALS
24 WHEN THE OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR DEALER HAS A
25 WRITTEN CONTRACT WITH THE ORIGINAL SOURCE COMPANY THAT CLAIMS
26 AND AFFIRMS THAT THE CRITICAL INFRASTRUCTURE MATERIAL BELONGS
27 TO THE OWNER, KEEPER, PROPRIETOR, COLLECTOR, OR DEALER.

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

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

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

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

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

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

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

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

22 (5.5) (a) UNLAWFUL POSSESSION OF CRITICAL INFRASTRUCTURE
23 MATERIALS, AS DESCRIBED IN SUBSECTION (1.6)(a) OF THIS SECTION, IS:

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

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

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

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

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

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

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

11 (6) There is a ~~rebuttable presumption~~ PERMISSIVE INFERENCE that
12 metal purchased by a dealer for the purpose of recycling is a commodity
13 metal if the commodity metal has a value of fifty cents per pound or
14 greater for purposes of recycling the commodity metal.

15 (8) ~~As used in this section, unless the context otherwise requires:~~

16 (a) ~~(Deleted by amendment, L. 2007, p. 759, § 1, effective July 1,~~
17 ~~2007.)~~

18 (a.5) ~~"Applicable facility" means dealers, owners, keepers, or~~
19 ~~proprietors of a junk shop, junk store, salvage yard, or other secondhand~~
20 ~~property.~~

21 (b) ~~"Book or register" means any written or electronic record of~~
22 ~~transactions kept by any owner, keeper, proprietor, collector, or dealer,~~
23 ~~including sequentially numbered receipts containing the information~~
24 ~~required by subsection (1) of this section.~~

25 (b.5) ~~"Commodity metal" means copper; a copper alloy, such as~~
26 ~~bronze or brass; or aluminum. "Commodity metal" does not include~~
27 ~~precious metals, such as gold, silver, or platinum.~~

1 (c) ~~(Deleted by amendment, L. 2007, p. 759, § 1, effective July 1,~~
2 ~~2007.)~~

3 (d) ~~"Dealer" means any person, business, or entity that buys, sells,~~
4 ~~or distributes, for the purpose of recycling, processing, or smelting, any~~
5 ~~commodity metal or detached catalytic converter on a wholesale basis.~~
6 ~~For the purposes of this subsection (8)(d), a transaction between a dealer~~
7 ~~and a motor vehicle dealer is not a wholesale sale.~~

8 (e) ~~(Deleted by amendment, L. 2011, (HB 11-1130), ch. 106, p.~~
9 ~~330, § 1, effective April 13, 2011.)~~

10 (f) ~~"Detached catalytic converter" means a post-combustion~~
11 ~~device that:~~

12 (I) ~~Oxidizes hydrocarbons and carbon monoxide gases or reduces~~
13 ~~oxides of nitrogen;~~

14 (II) ~~Is designed or intended for use as part of an emission control~~
15 ~~system; and~~

16 (III) ~~Was previously installed on a motor vehicle and subsequently~~
17 ~~removed.~~

18 (10) (a) The general assembly hereby finds, determines, and
19 declares that:

20 (II) ~~Such~~ THE thefts impact every community in Colorado; ~~and~~

21 (III) The regulation of commodity metal or detached catalytic
22 converter purchases is a matter of statewide concern; AND

23 (IV) THEFTS OF COMMODITY METALS THAT MAKE UP CRITICAL
24 INFRASTRUCTURE MATERIALS REPRESENTS A SIGNIFICANT THREAT TO
25 COLORADO CITIZENS.

26 (14) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
27 REQUIRES:

1 (a) "APPLICABLE FACILITY" MEANS A JUNK SHOP, JUNK STORE,
2 SALVAGE YARD, OR OTHER SECONDHAND PROPERTY OPERATED BY A
3 DEALER, OWNER, KEEPER, OR PROPRIETOR.

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

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

12 (d) "COVERED INFRASTRUCTURE" MEANS:

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

15 (A) INTERNET, INCLUDING BROADBAND INTERNET SERVICE;

16 (B) CABLE COMMUNICATIONS;

17 (C) WIRELESS COMMUNICATIONS;

18 (D) TELECOMMUNICATIONS; AND

19 (E) A PUBLIC SAFETY ANSWERING POINT, AS DEFINED IN SECTION
20 29-11-101;

21 (II) TRANSPORTATION INFRASTRUCTURE, INCLUDING
22 INFRASTRUCTURE USED FOR:

23 (A) LIGHT RAIL, AS DEFINED IN SECTION 29-35-103;

24 (B) PASSENGER RAIL;

25 (C) FREIGHT RAIL;

26 (D) A PUBLIC ROADWAY SYSTEM; AND

27 (E) BRIDGES;

1 (III) HOUSING INFRASTRUCTURE;

2 (IV) AN ELECTRIC VEHICLE CHARGING STATION; AND

3 (V) PUBLIC UTILITY INFRASTRUCTURE.

4 (e) "CRITICAL INFRASTRUCTURE MATERIAL" MEANS ANY
5 COMPONENT OR PART USED IN COVERED INFRASTRUCTURE THAT IS MADE
6 OF OR CONTAINS A COMMODITY METAL, THE THEFT OF WHICH POSES AN
7 IMMINENT THREAT TO LIFE OR THE PHYSICAL SAFETY OF A PERSON,
8 INCLUDING THROUGH SERIOUS HARM TO THE BASIC SUPPLY OF COVERED
9 INFRASTRUCTURE TO THE POPULATION OR TO THE EXERCISE OF A CORE
10 FUNCTION OF COVERED INFRASTRUCTURE.

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

17 (g) "DETACHED CATALYTIC CONVERTER" MEANS A
18 POST-COMBUSTION DEVICE THAT:

19 (I) OXIDIZES HYDROCARBONS AND CARBON MONOXIDE GASES OR
20 REDUCES OXIDES OF NITROGEN;

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

23 (III) WAS PREVIOUSLY INSTALLED ON A MOTOR VEHICLE AND
24 SUBSEQUENTLY REMOVED.

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

27 **SECTION 3. Safety clause.** The general assembly finds,

1 determines, and declares that this act is necessary for the immediate
2 preservation of the public peace, health, or safety or for appropriations for
3 the support and maintenance of the departments of the state and state
4 institutions.