

CHAPTER 388

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 19-1334

BY REPRESENTATIVE(S) Saine, Bird, Buentello, Duran, Gray, Hooton, Jackson, Kipp, Liston, Michaelson Jenet, Snyder, Titone;
also SENATOR(S) Marble, Court, Foote, Gardner, Priola, Smallwood, Tate.

AN ACT**CONCERNING A PROHIBITION ON DISSEMINATING AN IMAGE OF A SUICIDE OF A MINOR.**

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

SECTION 1. In Colorado Revised Statutes, **add** part 9 to article 7 of title 18 as follows:

**PART 9
UNLAWFUL DISTRIBUTION
OF SUICIDE RECORDINGS**

18-7-901. Unlawful distribution of a suicide recording - definitions - Lil' Von Mercado's law. (1) A PERSON COMMITS THE OFFENSE OF POSTING AN IMAGE OF SUICIDE OF A MINOR IF THE PERSON INTENTIONALLY POSTS OR DISTRIBUTES THROUGH THE USE OF SOCIAL MEDIA OR ANY WEBSITE, OR DISSEMINATES THROUGH OTHER MEANS, AN IMAGE OF A MINOR ATTEMPTING SUICIDE, DYING BY SUICIDE, OR HAVING DIED BY SUICIDE, WITH THE INTENT TO HARASS, INTIMIDATE, OR COERCE ANY PERSON, AND THE POSTING OR DISTRIBUTION RESULTS IN SERIOUS EMOTIONAL DISTRESS TO ANY PERSON.

(2) POSTING AN IMAGE OF SUICIDE AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION OF A MINOR IS A CIVIL INFRACTION AND IS PUNISHABLE BY A PENALTY OF ONE HUNDRED DOLLARS PER VIOLATION, EXCEPT THAT POSTING AN IMAGE OF SUICIDE OF A MINOR IS A CLASS 3 MISDEMEANOR IF THE PERSON WAS THE FIRST OR ORIGINAL PERSON TO POST, DISTRIBUTE, OR DISSEMINATE THE IMAGE.

(3) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(a) "IMAGE" MEANS A PHOTOGRAPH, FILM, VIDEOTAPE, RECORDING, DIGITAL FILE, OR OTHER REPRODUCTION.

(b) "SOCIAL MEDIA" MEANS ANY ELECTRONIC MEDIUM, INCLUDING AN INTERACTIVE COMPUTER SERVICE, TELEPHONE NETWORK, OR DATA NETWORK, THAT ALLOWS USERS TO CREATE, SHARE, AND VIEW USER-GENERATED CONTENT, INCLUDING BUT NOT LIMITED TO VIDEOS, STILL PHOTOGRAPHS, BLOGS, VIDEO BLOGS, PODCASTS, INSTANT MESSAGES, ELECTRONIC MAIL, OR INTERNET WEBSITE PROFILES.

(4) IT IS NOT AN OFFENSE UNDER THIS SECTION IF THE POSTING OR DISTRIBUTION OF THE IMAGE IS A FICTIONAL WORK OR A DOCUMENTARY; OR IS RELATED TO A MATTER OF PUBLIC INTEREST OR PUBLIC CONCERN; OR RELATED TO THE REPORTING OF UNLAWFUL CONDUCT; OR THE LAWFUL AND COMMON PRACTICES OF LAW ENFORCEMENT, CRIMINAL REPORTING, LEGAL PROCEEDINGS, OR MEDICAL TREATMENT.

(5) THIS SECTION IS KNOWN AS AND MAY BE CITED AS "LIL' VON MERCADO'S LAW".

SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to offenses committed on or after the applicable effective date of this act.

Approved: May 31, 2019