

CHAPTER 152

PROPERTY

HOUSE BILL 25-1060

BY REPRESENTATIVE(S) Soper and Clifford, Valdez;
also SENATOR(S) Kirkmeyer and Mullica, Liston.

AN ACT

CONCERNING THE USE OF ELECTRONIC FENCE DETECTION SYSTEMS.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Certain alarm systems have battery-charged detectors that, when contacted, transmit a signal to a real property owner or law enforcement;

(b) These alarm systems are often used to protect critical infrastructure, including cell phone towers, electric substations, and internet service provider huts, as well as commercial construction sites and other sites that are often vandalized or subject to thievery. In particular, these alarm systems help prevent the theft of copper wire, which is critical to maintaining the state's power grid and telecommunications network.

(c) Such alarm systems:

(I) Reduce crime by causing potential thieves or vandals to rethink their criminal intentions;

(II) Avoid adding to police backlogs by reducing crime;

(III) Help keep communities safe; and

(IV) Enable real property owners to have an effective means of safeguarding assets;

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.

(d) Extensive and arduous planning, zoning, permitting, and variance requirements for these alarm systems could significantly delay a construction project or lead to injuries near critical infrastructure equipment; and

(e) There is a need for a statewide standard for the regulation of these alarm systems, similar to how there are statewide standards for the regulation of other alarm systems.

SECTION 2. In Colorado Revised Statutes, **add** article 5.8 to title 9 as follows:

ARTICLE 5.8
Electronic Fence Detection Systems

9-5.8-101. Definitions. AS USED IN THIS ARTICLE 5.8, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ALARM SYSTEM" MEANS A NEW OR EXISTING SYSTEM THAT INCLUDES ONE OR MORE MONITORED DEVICES THAT CAN, IF THERE IS AN INTRUSION ON REAL PROPERTY THAT IS USED FOR BUSINESS PURPOSES, TRANSMIT A SIGNAL TO THE BUSINESS, A MONITORING COMPANY AUTHORIZED BY THE BUSINESS OWNER, OR LAW ENFORCEMENT SO THAT THE BUSINESS OR LAW ENFORCEMENT MAY RESPOND TO THE INTRUSION.

(2) "ELECTRONIC FENCE DETECTION SYSTEM" MEANS A SYSTEM THAT:

(a) IS CONNECTED TO AN ALARM SYSTEM AND TO INTEGRATED COMPONENTS OR EQUIPMENT;

(b) AT THE TIME A FENCE IS INSTALLED, HAS AN ENERGIZER POWERED BY A TWELVE-VOLT COMMERCIAL STORAGE BATTERY THAT MEETS THE STANDARDS SET FORTH BY THE INTERNATIONAL ELECTROTECHNICAL COMMISSION STANDARD 60335-2-76;

(c) INCLUDES A BATTERY-CHARGED FENCE DETECTOR THAT, WHEN CONTACTED, CAUSES THE ALARM SYSTEM TO TRANSMIT A SIGNAL TO THE BUSINESS, A MONITORING COMPANY AUTHORIZED BY THE BUSINESS OWNER, OR LAW ENFORCEMENT;

(d) IS NOT LOCATED ON REAL PROPERTY THAT HAS BEEN DESIGNATED BY A LOCAL GOVERNMENT AS EXCLUSIVELY FOR RESIDENTIAL USE;

(e) IS LOCATED BEHIND A NONELECTRIC PERIMETER FENCE OR WALL THAT IS NOT LESS THAN FIVE FEET IN HEIGHT;

(f) IS THE TALLER OF:

(I) TEN FEET IN HEIGHT; OR

(II) TWO FEET TALLER THAN THE HEIGHT OF THE NONELECTRIC PERIMETER FENCE OR WALL; AND

(g) IS MARKED WITH CONSPICUOUS WARNING SIGNS THAT ARE LOCATED ON THE FENCE AT NOT MORE THAN THIRTY-FOOT INTERVALS AND THAT READ: "WARNING: ELECTRIC FENCE".

(3) "LOCAL GOVERNMENT" MEANS A STATUTORY OR HOME RULE COUNTY, CITY AND COUNTY, OR CITY.

9-5.8-102. Local regulation - requirements - permits - inspections. (1) A LOCAL GOVERNMENT MAY IMPOSE INSTALLATION OR OPERATIONAL REQUIREMENTS FOR AN ELECTRONIC FENCE DETECTION SYSTEM WITHIN THE LOCAL GOVERNMENT'S ADOPTED PROCESS FOR THE PERMITTING OF ALARM SYSTEMS.

(2) A LOCAL GOVERNMENT MAY REQUIRE A PERMIT FOR THE INSTALLATION OR USE OF AN ELECTRONIC FENCE DETECTION SYSTEM IF THE PERMIT IS NOT IN ADDITION TO ANY PERMIT GENERALLY REQUIRED FOR THE INSTALLATION OR USE OF OTHER ALARM SYSTEMS.

(3) A LOCAL GOVERNMENT MAY, AS PART OF OR IN ADDITION TO AN INSPECTION THAT IT GENERALLY REQUIRES FOR AN ALARM SYSTEM, INSPECT AN ELECTRONIC FENCE DETECTION SYSTEM TO VERIFY THAT THE SYSTEM HAS THE REQUIRED CHARACTERISTICS SPECIFIED IN SECTION 9-5.8-101 (2).

(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A LOCAL GOVERNMENT MAY IMPOSE LESS STRINGENT OR MORE STRINGENT REQUIREMENTS FOR THE INSTALLATION OR OPERATION OF AN ELECTRONIC FENCE DETECTION SYSTEM THAT IS LOCATED IN A RESIDENTIAL AREA OR MAY PROHIBIT THE INSTALLATION OR OPERATION OF AN ELECTRONIC FENCE DETECTION SYSTEM IN A RESIDENTIAL AREA.

SECTION 3. Act subject to petition - effective date. 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; 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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 30, 2025