

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 18, 2025
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB25-1136 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 5, line 9, strike "EMPLOYER" and substitute
2 "EMPLOYER;".
- 3 Page 5, strike lines 10 through 12.
- 4 Page 5, line 15, strike "GENERAL, AND THE P.O.S.T." and substitute
5 "GENERAL;".
- 6 Page 5, strike lines 16 through 20.
- 7 Page 5, line 23, strike "RETIREMENT, AND THE P.O.S.T." and substitute
8 "RETIREMENT;".
- 9 Page 5, strike lines 24 through 27.
- 10 Page 6, strike line 1.
- 11 Page 6, line 3, strike "BEING THE SUBJECT OF A CRIMINAL INVESTIGATION
12 FOR A" and substitute "BEING CHARGED WITH A".
- 13 Page 6, lines 5 and 6, strike "24-31-904 OR THE FILING OF CRIMINAL
14 CHARGES FOR SUCH A CRIME." and substitute "24-31-904.".
- 15 Page 6, line 8, strike "INVESTIGATION OR".
- 16 Page 6, line 9, strike "RULE, SO" and substitute "RULE.".
- 17 Page 6, strike lines 10 and 11.

- 1 Page 6, lines 21 through 25, strike "INFORMATION; EXCEPT THAT IF THE
2 PERSON IS CERTIFIED BY THE P.O.S.T. BOARD BUT NOT EMPLOYED AND
3 COMMITS A CRIME, THE DISTRICT ATTORNEY SHALL REPORT THE
4 CONVICTION TO THE P.O.S.T BOARD AND THE P.O.S.T. BOARD SHALL
5 INCLUDE THAT INFORMATION IN THE DATABASE." and substitute
6 "INFORMATION. NOTWITHSTANDING ANY OTHER PROVISION TO THE
7 CONTRARY, THE P.O.S.T. BOARD MAY BECOME THE CUSTODIAN OF
8 RECORDS AND MAY ENTER REPORTS INTO THE DATABASE ON BEHALF OF A
9 LAW ENFORCEMENT AGENCY THAT NO LONGER EXISTS."
- 10 Page 6, lines 25 and 26, strike "OR DISTRICT ATTORNEY".
- 11 Page 7, line 5, strike "PARTY MAKING THAT DETERMINATION" and
12 substitute "P.O.S.T. BOARD".
- 13 Page 7, strike lines 6 and 7 and substitute "SHALL REFER THE MATTER TO
14 THE APPROPRIATE DISTRICT ATTORNEY AND REQUEST THE DISTRICT
15 ATTORNEY TO CONDUCT A CRIMINAL INVESTIGATION."
- 16 Page 7, line 15, after "SUBPOENA," insert "AND SUBSEQUENTLY DOES NOT
17 GRANT A MOTION TO QUASH THE SUBPOENA,".
- 18 Page 7, line 26, after "SUBPOENA," insert "AND SUBSEQUENTLY DOES NOT
19 GRANT A MOTION TO QUASH THE SUBPOENA," and strike "SHALL" and
20 substitute "MAY".
- 21 Page 8, line 14, strike "ACTION." and substitute "ACTION ON ITS WEBSITE."
- 22 Page 8, line 16, strike "PEACE OFFICER'S DISCIPLINING EMPLOYER" and
23 substitute "REPORTING AGENCY".
- 24 Page 8, line 22, after "SUBPOENA," insert "AND SUBSEQUENTLY DOES NOT
25 GRANT A MOTION TO QUASH THE SUBPOENA,".
- 26 Page 9, line 7, strike "DIRECTOR".
- 27 Page 9, lines 16 and 17, strike "**add** (1.5), (5), and (6); and **repeal**
28 (1)(a)(II)" and substitute "**repeal** (1)(a)(II) and (2)(a)(II); and **add** (1.5),
29 (2.5), (5), and (6)".
- 30 Page 9, line 27, strike "UNLAWFUL" and substitute "EXCESSIVE OR
31 UNCONSTITUTIONAL".

1 Page 10, line 2, strike "UNLAWFUL" and substitute "EXCESSIVE OR
2 UNCONSTITUTIONAL".

3 Page 10, after line 3 insert:

4 "(2) (a) Notwithstanding any provision of law, the P.O.S.T. board
5 shall suspend a peace officer's certification for at least a year if:

6 (II) ~~The P.O.S.T. certified peace officer is found civilly liable for
7 the use or threatened use of unlawful physical force, or is found civilly
8 liable for failure to intervene in the use of unlawful force and the incident
9 did not result in serious bodily injury or death to another person;~~

10 (2.5) THE P.O.S.T. BOARD MAY SUSPEND A PEACE OFFICER'S
11 CERTIFICATION FOR AT LEAST ONE YEAR IF THE P.O.S.T.-CERTIFIED PEACE
12 OFFICER IS FOUND CIVILLY LIABLE FOR THE USE OF UNLAWFUL PHYSICAL
13 FORCE OR IS FOUND CIVILLY LIABLE FOR FAILURE TO INTERVENE IN THE
14 USE OF UNLAWFUL FORCE, AND THE INCIDENT DID NOT RESULT IN SERIOUS
15 BODILY INJURY OR DEATH TO ANOTHER PERSON."

16 Page 11, line 15, strike "SHALL" and substitute "MAY".

17 Page 12, line 1, strike "ROLE." and substitute "ROLE AND MAINTAINS
18 ANNUAL TRAINING REQUIREMENTS ESTABLISHED BY THE P.O.S.T.
19 BOARD."

20 Page 12, line 15, after "officers" insert "WHILE ENGAGED IN THE
21 PERFORMANCE OF THEIR DUTIES WHOSE PRIMARY AUTHORITY INCLUDES
22 THE PROTECTION AND SECURITY OF THE JUDICIARY, JUDICIAL DEPARTMENT
23 PERSONNEL, AND JUDICIAL FACILITIES AND WHO MAY COOPERATE WITH
24 LOCAL LAW ENFORCEMENT AND".

25 Page 13, after line 5 insert:

26 "SECTION 7. In Colorado Revised Statutes, **amend** 16-2.5-102
27 as follows:

28 **16-2.5-102. Certified peace officer - P.O.S.T. certification**
29 **required.** The following peace officers shall meet all the standards
30 imposed by law on a peace officer and shall be certified by the peace
31 officers standards and training board, referred to in this article as the
32 "P.O.S.T. board": A chief of police; a police officer; a sheriff; an
33 undersheriff; a deputy sheriff; a Colorado state patrol officer; a town
34 marshal; a deputy town marshal; a reserve police officer; a reserve deputy
35 sheriff; a reserve deputy town marshal; a police officer or reserve police
36 officer employed by a state institution of higher education; a Colorado
37 wildlife officer; a Colorado parks and recreation officer; a Colorado
38 police administrator or police officer employed by the Colorado mental

1 health institute at Pueblo; an attorney general criminal investigator; a
2 community parole officer; a public transit officer; a municipal court
3 marshal; ADMINISTRATORS OF JUDICIAL SECURITY; and the department of
4 corrections inspector general.

5 **SECTION 8.** In Colorado Revised Statutes, **amend** 16-2.5-130
6 as follows:

7 **16-2.5-130. P.O.S.T. director - P.O.S.T. board investigator.**
8 The director of the P.O.S.T. board, DEPUTY DIRECTOR, and a P.O.S.T.
9 board investigator are peace officers while engaged in the performance
10 of their duties whose primary authority shall include the enforcement of
11 laws and rules pertaining to the training and certification of peace officers
12 and shall include the enforcement of all laws of the state of Colorado and
13 who may be certified by the P.O.S.T. board.

14 **SECTION 9.** In Colorado Revised Statutes, 16-2.5-502, **repeal**
15 (3)(e) as follows:

16 **16-2.5-502. Peace officer credibility disclosures - policies and**
17 **procedures.** (3) On or before February 1, 2022, each district attorney
18 shall make available to the public the policies and procedures created and
19 implemented pursuant to subsection (2) of this section. The policies and
20 procedures must include, but need not be limited to, a process for a
21 district attorney to:

22 (e) ~~Remove any credibility disclosure notification records when~~
23 ~~appropriate and lawful."~~

24 Renumber succeeding section accordingly.

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