

CHAPTER 23

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 93-1137

BY REPRESENTATIVES Allen, Grampsas, and Sullivan;
also SENATOR Mutzebaugh.**AN ACT****CONCERNING THE AUTHORITY EXERCISED BY LEVEL IIIa PEACE OFFICERS IN CARRYING OUT ASSIGNMENTS.***Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** 18-1-901 (3) (1) (IV.5) (A) and (3) (1) (IV.5) (B), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

18-1-901. Definitions. (3) (1) (IV.5) "Peace officer, level IIIa," means any reserve police officer, reserve deputy sheriff, or reserve marshal authorized by any city, city and county, town, or county within this state to act as a reserve police officer, reserve deputy sheriff, or reserve marshal respectively while on duty and acting at the express direction or under the direct supervision of a peace officer, level I, or a sheriff. "Peace officer, level IIIa," has the authority to enforce all the laws of the state of Colorado while actually on duty for the city, city and county, town, or county and while acting within the scope of his authority and in the performance of his duties subject to the restrictions and requirements provided in this subparagraph (IV.5). "Peace officer, level IIIa," is an authorized volunteer for purposes of the "Colorado Governmental Immunity Act", article 10 of title 24, C.R.S. A peace officer, level IIIa, must have received task-specific training that meets the requirements or standards established by the peace officers standards and training board, the "P.O.S.T. board", pursuant to section 24-31-303, C.R.S. Any expenses associated with such training shall be authorized by the city, city and county, town, or county. If the jurisdiction allows or requires such peace officer, level IIIa, to carry or use a firearm while on duty, such peace officer, level IIIa, shall be certified for firearms proficiency with the same frequency and subject to the same requirements as regular peace officers who perform like functions in the jurisdiction. The peace officer, level IIIa, must be in uniform when an assignment is carried out, and said uniform must be readily distinguishable from the uniform worn by peace officers, level I, or sheriffs of the jurisdiction, either because such uniform bears a patch or because such uniform is of

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

a different color than the uniform worn by peace officers, level I, or sheriffs in the jurisdiction. However, when a peace officer, level IIIa, is assigned to extradition or surveillance duties, the peace officer, level IIIa, need not be in uniform. When performing extradition duties, the peace officer, level IIIa, must be accompanied by a peace officer, level I, or a sheriff. When performing surveillance duties, the assignment of the peace officer, level IIIa, shall be confined to such surveillance duties, and he shall not perform any other activities related to law enforcement. For the purposes of this subparagraph (IV.5):

(A) "Direct supervision" means an assignment given by a peace officer, level I, or a sheriff to a peace officer, level IIIa, which assignment is carried out in the personal presence of, OR IN DIRECT RADIO OR TELEPHONE CONTACT WITH, and under the immediate control of the peace officer, level I, or sheriff. The peace officer, level IIIa, must be in uniform while such assignment is carried out, except when performing extradition or surveillance duties as otherwise provided in this subparagraph (IV.5).

(B) "Express direction" means a ~~narrowly~~ defined task-specific assignment given by a peace officer, level I, or a sheriff to a peace officer, level IIIa. The peace officer, level I, or sheriff need not be present while such assignment is being carried out by the peace officer, level IIIa. The peace officer, level IIIa, must be in uniform while such assignment is carried out, except when performing extradition or surveillance duties as otherwise provided in this subparagraph (IV.5).

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 22, 1993