

CHAPTER 227

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 02-1313

BY REPRESENTATIVE(S) Tochtrop, Tapia, Coleman, Larson, Lawrence, Mace, Miller, Plant, Snook, and Stengel;
also SENATOR(S) Thiebaut and Chlouber.

AN ACT

CONCERNING PEACE OFFICERS CERTIFIED BY THE PEACE OFFICERS STANDARDS AND TRAINING BOARD.

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

SECTION 1. 18-1-901 (3) (1) (I) and (3) (1) (III), Colorado Revised Statutes, are amended to read:

18-1-901. Definitions. (3) (1) (I) "Peace officer, level I," means a police officer, undersheriff, deputy sheriff, Colorado state patrol officer pursuant to section 24-33.5-212, C.R.S., marshal, ~~or~~ security officer employed by any state institution of higher education pursuant to the limitations set forth in section 24-7-103, C.R.S., A DISTRICT WILDLIFE MANAGER OR PARKS AND RECREATION OFFICER DEFINED AS A PEACE OFFICER PURSUANT TO SECTION 33-1-102, C.R.S., AND ACTING UNDER THE AUTHORITY OF A PEACE OFFICER PURSUANT TO SECTIONS 33-6-101 AND 33-15-101, C.R.S., OR A POLICE ADMINISTRATOR OR POLICE OFFICER EMPLOYED BY THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO, who is employed by the state or any city, city and county, town, or county within this state and who is certified pursuant to section 24-31-305, C.R.S. "Peace officer, level I," has the authority to enforce all the laws of the state of Colorado while acting within the scope of his OR HER authority and in the performance of his OR HER duties.

(A) ANY PERSON EMPLOYED BY ANY ORGANIZATION THAT IS ADDED TO THE DEFINITION OF "PEACE OFFICER, LEVEL I," ON OR AFTER JANUARY 1, 2002, SHALL NOT BE A "PEACE OFFICER, LEVEL I," UNTIL SUCH TIME THAT THE PEACE OFFICERS STANDARDS AND TRAINING BOARD VERIFIES THAT SUCH PERSON IS CERTIFIED PURSUANT TO SECTION 24-31-305, C.R.S. THE ORGANIZATION THAT EMPLOYS SUCH PERSON SHALL SUBMIT HIS OR HER NAME TO THE BOARD IN ORDER TO ALLOW THE BOARD TO CONDUCT SUCH VERIFICATION. NOTHING IN THIS SUB-SUBPARAGRAPH (A)

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

SHALL APPLY TO ANY PERSON EMPLOYED BY AN ORGANIZATION THAT WAS LISTED IN THE DEFINITION OF "PEACE OFFICER, LEVEL I," PRIOR TO JANUARY 1, 2002.

(B) ANY PERSON EMPLOYED BY ANY ORGANIZATION THAT IS ADDED TO THE DEFINITION OF "PEACE OFFICER, LEVEL I," ON OR AFTER JANUARY 1, 2002, SHALL BE REQUIRED TO COMPLETE A MINIMUM OF FORTY HOURS OF CONTINUING LAW ENFORCEMENT EDUCATION PER YEAR, OR SUCH NUMBER OF HOURS OTHERWISE REQUIRED BY LAW, IN ORDER TO CONTINUE TO BE CLASSIFIED AS "PEACE OFFICER, LEVEL I". NOTHING IN THIS SUB-SUBPARAGRAPH (B) SHALL APPLY TO ANY PERSON EMPLOYED BY AN ORGANIZATION THAT WAS LISTED IN THE DEFINITION OF "PEACE OFFICER, LEVEL I," PRIOR TO JANUARY 1, 2002.

(III) "Peace officer, level II," means an inspector of the state licensing authority under the "Colorado Beer Code" or the liquor enforcement division under section 12-47-904, C.R.S., or part 5 of article 35 of title 24, C.R.S.; an authorized investigator of the state lottery division pursuant to section 24-35-205 (3) or 24-35-206 (7), C.R.S.; any authorized investigator and the director of the division of gaming and the executive director of the department of revenue pursuant to section 12-47.1-204, C.R.S.; any fire arson investigator appointed by the chief of any fire department and approved by the sheriff or the chief of police of the jurisdiction in which such fire arson investigator performs duties; any officer, guard, or supervisory employee within the department of corrections, except the inspector general and any investigators appointed pursuant to section 17-1-103.8, C.R.S., employed by the department of corrections; a security guard employed by the state of Colorado; a security officer as defined in section 24-7-101, C.R.S.; a ~~district wildlife manager, special district wildlife manager or parks and recreation officer~~ defined as a peace officer pursuant to section 33-1-102, C.R.S., and acting under the authority of a peace officer pursuant to ~~sections 33-6-101 and 33-15-101~~ SECTION 33-6-101, C.R.S.; an investigator for the division of racing events and the investigator's supervisors, including the director of the division of racing events pursuant to section 12-60-203, C.R.S., or a railroad employee defined as a peace officer pursuant to section 40-32-104.5, C.R.S., who shall have access to Colorado bureau of investigation fugitive and stolen property records. "Peace officer, level II," has the authority to enforce all the laws of the state of Colorado while acting within the scope of his OR HER authority and in the performance of his OR HER duties, and section 18-1-106 (1.5) and section 18-3-107 shall apply to "peace officer, level II".

SECTION 2. 24-7-103, Colorado Revised Statutes, is amended to read:

24-7-103. Powers conferred. (1) Security officers employed and commissioned pursuant to this article, when operating on state owned or leased property, are hereby granted all the powers conferred by law upon peace officers to carry weapons and to make arrests. ~~but~~

(2) When not on state owned or leased property, ~~such~~ SECURITY officers EMPLOYED AND COMMISSIONED PURSUANT TO THIS ARTICLE shall not have any authority not possessed by private citizens to arrest, investigate, or carry weapons. THIS SUBSECTION (2) SHALL NOT APPLY TO PEACE OFFICERS, LEVEL I, AS DEFINED IN SECTION 18-1-901 (3) (I) (1), C.R.S.

SECTION 3. 24-31-303, Colorado Revised Statutes, is amended BY THE

ADDITION OF A NEW SUBSECTION to read:

24-31-303. Duties - powers of the P.O.S.T. board - repeal. (6) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THE CURRENT LEVELS OF PEACE OFFICER ESTABLISHED PURSUANT TO SECTION 18-1-901, C.R.S. NEED TO BE REEVALUATED TO ENSURE THAT PERSONS IN EACH CATEGORY ARE PROPERLY CATEGORIZED. ACCORDINGLY, THE P.O.S.T. BOARD SHALL REEVALUATE SUCH CURRENT LEVELS OF PEACE OFFICER, TO THE EXTENT THAT SUCH REEVALUATION IS POSSIBLE WITHIN ITS CURRENT BUDGET, AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY ABOUT ANY PROPOSED CHANGES TO CHANGE SUCH LEVELS. SUCH RECOMMENDATIONS SHALL BE MADE ON OR BEFORE FEBRUARY 1, 2003.

(b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2003.

SECTION 4. 33-6-101 (4), Colorado Revised Statutes, is amended to read:

33-6-101. Powers and duties of officers. (4) Every district wildlife manager ~~and special district wildlife manager~~ must obtain basic certification from the peace officer standards and training board no later than July 1, 1998, pursuant to part 3 of article 31 of title 24, C.R.S.

SECTION 5. 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: May 30, 2002