

CHAPTER 43

GOVERNMENT - COUNTY

HOUSE BILL 06-1181

BY REPRESENTATIVE(S) Cerbo, Butcher, Carroll M., Carroll T., Coleman, Curry, Frangas, Hodge, Marshall, McGihon, and Vigil;
also SENATOR(S) Tochtrop, and Johnson.

AN ACT

CONCERNING COUNTY SHERIFFS, AND, IN CONNECTION THEREWITH, LIMITING THE POWER OF A SHERIFF TO REVOKE THE APPOINTMENT OF A DEPUTY AT WILL AND MODIFYING THE LIABILITY OF A SHERIFF FOR CERTAIN ACTS.

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

SECTION 1. 30-10-506, Colorado Revised Statutes, is amended to read:

30-10-506. Deputies. Each sheriff may appoint as many deputies as ~~he~~ **THE SHERIFF** may think proper ~~for whose official acts and those of his undersheriff he shall be responsible;~~ and may revoke such appointments at his ~~pleasure~~ **WILL**; EXCEPT THAT A SHERIFF SHALL ADOPT PERSONNEL POLICIES, INCLUDING POLICIES FOR THE REVIEW OF REVOCATION OF APPOINTMENTS. BEFORE REVOKING AN APPOINTMENT OF A DEPUTY, THE SHERIFF SHALL NOTIFY THE DEPUTY OF THE REASON FOR THE PROPOSED REVOCATION AND SHALL GIVE THE DEPUTY AN OPPORTUNITY TO BE HEARD BY THE SHERIFF. Persons may also be deputized by ~~such~~ **THE** sheriff or undersheriff in writing to do particular acts. ~~The sheriff and his sureties shall be responsible on his official bond for the default or misconduct of his undersheriff and deputies.~~

SECTION 2. Repeal. 30-10-507, Colorado Revised Statutes, is repealed as follows:

30-10-507. Liability of sheriff for deputy. ~~Any default or misconduct in the office of deputy sheriff or jailer, after the death, resignation, or removal of any sheriff by whom he was appointed, shall be adjudged a breach of the bond of such sheriff.~~

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

SECTION 3. Repeal. 30-10-508, Colorado Revised Statutes, is repealed as follows:

30-10-508. Executor of sheriff liable. ~~Any action for default or misconduct of any sheriff, his undersheriff, jailer, or any of his deputies may be prosecuted against the executors or administrators of such sheriff.~~

SECTION 4. 30-10-509, Colorado Revised Statutes, is amended to read:

30-10-509. Liability of sheriff for neglect. When any sheriff neglects to make due return of any writ ~~or~~ OF process delivered to ~~him~~ THE SHERIFF to be executed, or is guilty of any default or misconduct in relation thereto, ~~he~~ THE SHERIFF is liable to fine or attachment or both, at the discretion of the court, subject to appeal. ~~Such~~ THE fine, however, shall not exceed two hundred dollars. ~~Such sheriff shall also be subject to an action for damages to the party aggrieved.~~

SECTION 5. Repeal. 30-10-510, Colorado Revised Statutes, is repealed as follows:

30-10-510. Appointment and revocation. ~~Every appointment of an undersheriff or of a deputy sheriff, and every revocation of such appointment, shall be in writing, under the hand of the sheriff, and shall be filed in the office of the county clerk and recorder; but this section shall not extend to any person who may be deputized by any sheriff or undersheriff to do a particular act only.~~

SECTION 6. 30-10-511, Colorado Revised Statutes, is amended to read:

30-10-511. Sheriff custodian of jail. Except as provided in section 16-11-308.5, C.R.S., the sheriff shall have charge and custody of the jails of ~~his~~ THE county, and of the prisoners in the ~~same~~ JAILS, and shall supervise them himself ~~OR~~ HERSELF or through ~~his~~ A deputy or jailer. ~~for whose acts he and his sureties shall be liable.~~

SECTION 7. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 9, 2006, if adjournment sine die is on May 10, 2006); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Became Law: March 28, 2006