

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Cooke

1 Amend printed bill, page 2, line 10, strike "(1)(a)." and substitute
2 "(2)(c).".

3 Page 2 of the bill, strike lines 17 and 18 and substitute "**procedures.**
4 (1) ON OR BEFORE JANUARY 1, 2022, EACH LAW ENFORCEMENT AGENCY
5 AND DISTRICT ATTORNEY'S OFFICE SHALL ADOPT AND IMPLEMENT WRITTEN
6 POLICIES AND PROCEDURES CONSISTENT WITH THE STATEWIDE MODEL FOR
7 PEACE OFFICER CREDIBILITY DISCLOSURE NOTIFICATIONS CREATED AND
8 RECOMMENDED BY THE PEACE OFFICER CREDIBILITY DISCLOSURE
9 NOTIFICATION COMMITTEE ESTABLISHED IN SUBSECTION (2)(a) OF THIS
10 SECTION.

11 (2) (a) THERE IS HEREBY CREATED THE PEACE OFFICER
12 CREDIBILITY DISCLOSURE NOTIFICATION COMMITTEE. THE PEACE OFFICER
13 CREDIBILITY DISCLOSURE NOTIFICATION COMMITTEE MUST BE COMPRISED
14 OF THE FOLLOWING MEMBERS AS APPOINTED BY THEIR RESPECTIVE
15 ORGANIZATIONS:

16 (I) A REPRESENTATIVE OF THE COLORADO DISTRICT ATTORNEYS'
17 COUNCIL;

18 (II) A REPRESENTATIVE FROM AN ORGANIZATION REPRESENTING
19 POLICE OFFICERS;

20 (III) A REPRESENTATIVE FROM AN ORGANIZATION REPRESENTING
21 THE CHIEFS OF POLICE;

22 (IV) A REPRESENTATIVE FROM AN ORGANIZATION REPRESENTING
23 THE COUNTY SHERIFFS;

24 (V) A COUNTY ATTORNEY DESIGNATED BY AN ORGANIZATION
25 REPRESENTING COUNTIES; AND

26 (VI) A CITY ATTORNEY DESIGNATED BY AN ORGANIZATION
27 REPRESENTING MUNICIPALITIES.

28 (b) THE PEACE OFFICER CREDIBILITY DISCLOSURE NOTIFICATION
29 COMMITTEE MUST BE CO-CHAIRLED BY THE REPRESENTATIVE FROM THE
30 COLORADO DISTRICT ATTORNEYS' COUNCIL AND THE REPRESENTATIVE
31 FROM THE ORGANIZATION REPRESENTING PEACE OFFICERS. THE CO-CHAIRS
32 OF THE COMMITTEE SHALL SET THE DATES, TIMES, AND PROCEDURES FOR
33 THE COMMITTEE MEETINGS AS DEEMED NECESSARY TO MEET THE
34 REQUIREMENTS OF THIS SECTION. THE PEACE OFFICER CREDIBILITY
35 DISCLOSURE NOTIFICATION COMMITTEE SHALL CREATE A STATEWIDE
36 MODEL FOR PEACE OFFICER CREDIBILITY DISCLOSURE NOTIFICATIONS BY
37 DECEMBER 1, 2021.

38 (c) THE STATEWIDE MODEL FOR PEACE OFFICER CREDIBILITY
39 DISCLOSURE NOTIFICATION POLICIES AND PROCEDURES MUST INCLUDE,
40 BUT NEED NOT BE LIMITED TO:

1 (I) A PROMPT NOTIFICATION FROM A LAW ENFORCEMENT AGENCY
2 TO THE DISTRICT ATTORNEY OF ANY SUSTAINED FINDING THAT A PEACE
3 OFFICER HAS:
4 (A) KNOWINGLY MADE AN UNTRUTHFUL STATEMENT CONCERNING
5 A MATERIAL FACT, KNOWINGLY OMITTED A MATERIAL FACT IN AN OFFICIAL
6 CRIMINAL JUSTICE RECORD, OR KNOWINGLY OMITTED A MATERIAL FACT
7 WHILE TESTIFYING UNDER OATH OR DURING AN INTERNAL AFFAIRS
8 INVESTIGATION OR ADMINISTRATIVE INVESTIGATION AND DISCIPLINARY
9 PROCESS;
10 (B) DEMONSTRATED A PATTERN OF BIAS BASED ON RACE,
11 RELIGION, ETHNICITY, GENDER, SEXUAL ORIENTATION, AGE, DISABILITY,
12 NATIONAL ORIGIN, OR ANY OTHER PROTECTED CLASS;
13 (C) BEEN CONVICTED OF ANY FELONY, ANY CRIME INVOLVING
14 DISHONESTY, OR BEEN CHARGED IN A CRIMINAL PROCEEDING WITH ANY
15 FELONY OR ANY CRIME INVOLVING DISHONESTY OR VIOLATED ANY POLICY
16 OF THE LAW ENFORCEMENT AGENCY REGARDING DISHONESTY;
17 (D) VIOLATED THE CONSTITUTIONAL OR STATUTORY RIGHTS OF
18 ANY OTHER PERSON; OR
19 (E) TAMPERED WITH OR FABRICATED EVIDENCE."

20 Page 3 of the bill, strike lines 1 through 17.

21 Page 4 of the bill, line 4, strike "(c)" and substitute "(d)" and strike "THE
22 LAW" and substitute "THE STATEWIDE MODEL FOR PEACE OFFICER
23 CREDIBILITY DISCLOSURE NOTIFICATIONS ESTABLISHED IN SUBSECTION
24 (2)(c) OF THIS SECTION MUST REQUIRE THAT A LAW".

25 Page 4 of the bill, lines 9 and 10, strike "(1)(a) OF THIS SECTION; AND" and
26 substitute "(2)(c)(I) OF THIS SECTION OR AN INVESTIGATION DESCRIBED IN
27 SUBSECTION (2)(c)(II) OF THIS SECTION;"

28 Page 4 of the bill, line 12, strike "MAY BE" and substitute "is".

29 Page 4 of the bill, after line 14 insert:

30 "(D) THE APPLICABLE STATUTORY PROVISION IDENTIFYING THE
31 BASIS FOR THE CREDIBILITY DISCLOSURE NOTIFICATION AS SET FORTH IN
32 SUBSECTIONS (2)(c)(I)(A) THROUGH (2)(c)(I)(E) OF THIS SECTION."

33 Page 4 of the bill, strike lines 15 through 27 and substitute:

34 "(II) THE STATEWIDE MODEL FOR PEACE OFFICER CREDIBILITY
35 DISCLOSURE NOTIFICATIONS MUST PROVIDE A PROCESS TO NOTIFY THE

1 INVOLVED PEACE OFFICER AT LEAST SEVEN CALENDAR DAYS PRIOR TO
2 SENDING THE CREDIBILITY DISCLOSURE NOTIFICATION TO THE DISTRICT
3 ATTORNEY'S OFFICE, IF PRACTICABLE."

4 Page 5 of the bill, strike lines 1 through 9.

5 Page 5 of the bill, line 10, strike "(a)" and strike "JANUARY" and
6 substitute "FEBRUARY".

7 Page 5 of the bill, strike line 11 and substitute "SHALL MAKE AVAILABLE
8 TO THE PUBLIC THE POLICIES AND PROCEDURES CREATED AND
9 IMPLEMENTED PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE
10 POLICIES AND PROCEDURES MUST INCLUDE, BUT NEED NOT BE LIMITED TO,
11 A PROCESS FOR A DISTRICT ATTORNEY TO:".

12 Page 5 of the bill, line 12, strike "(I)" and substitute "(a)" and strike
13 "RECEIVING" and substitute "RECEIVE".

14 Page 5 of the bill, line 13, strike "(II)" and substitute "(b)" and strike
15 "MAINTAINING" and substitute "MAINTAIN".

16 Page 5 of the bill, lines 14 and 15, strike "ALLEGATIONS AND SUSTAINED
17 FINDINGS;" and substitute "THE CREDIBILITY DISCLOSURE NOTIFICATIONS
18 IN SUBSECTIONS (2)(c)(I) AND (2)(c)(II) OF THIS SECTION;".

19 Page 5 of the bill, after line 15 insert:

20 "(c) DESCRIBE HOW MEMBERS OF THE PUBLIC CAN ACCESS THE
21 DATABASE CREATED BY THE P.O.S.T. BOARD PURSUANT TO SECTION
22 24-31-303 (1)(r) CONCERNING PEACE OFFICERS WHO ARE SUBJECT TO
23 CREDIBILITY DISCLOSURE NOTIFICATIONS. THE PROCEDURES MUST BE
24 POSTED ON THE DISTRICT ATTORNEY'S OR COUNTY'S WEBSITE."

25 Page 5 of the bill, line 16, strike "(III)" and substitute "(d)", and strike
26 "ESTABLISHING" and substitute "ESTABLISH" and before "NOTIFY" insert
27 "TIMELY".

28 Page 5 of the bill, line 20, strike "(IV)" and substitute "(e)" and strike
29 "REMOVING" and substitute "REMOVE" and after "NOTIFICATION" insert
30 "RECORDS WHEN APPROPRIATE AND LAWFUL."

31 Page 5 of the bill, strike lines 21 through 27.

- 1 Page 6 of the bill, line 3, strike "FIVE" and substitute "FOUR".
- 2 Page 6 of the bill, line 4, strike "APPLICABLE" and substitute
3 "CONTROLLING".
- 4 Page 6 of the bill, after line 7 insert:
- 5 **"SECTION 2.** In Colorado Revised Statutes, 24-31-303, **amend**
6 (1)(r) introductory portion, (1)(r)(III), and (1)(r)(IV); and **add** (1)(r)(V)
7 as follows:
- 8 **24-31-303. Duties - powers of the P.O.S.T. board.** (1) The
9 P.O.S.T. board has the following duties:
- 10 (r) Beginning on January 1, 2022, to create and maintain a
11 database, IN A SEARCHABLE FORMAT TO BE PUBLISHED ON ITS WEBSITE,
12 containing information related to a peace officer's:
- 13 (III) Decertification by the P.O.S.T. board; **and**
14 (IV) Termination for cause; AND
- 15 (V) ACTIONS AS DESCRIBED BY THE APPLICABLE STATUTORY
16 PROVISION IDENTIFYING THE BASIS FOR THE CREDIBILITY DISCLOSURE
17 NOTIFICATION AS SET FORTH IN SECTION 16-2.5-502 (2)(c)(I).".
- 18 Renumber succeeding section accordingly.
- 19 Amend the Senate Judiciary Committee Report, dated April 1, 2021, page
20 1, strike lines 6 through 9 and substitute:
- 21 "(II) A LAW ENFORCEMENT AGENCY'S OBLIGATION TO NOTIFY THE
22 DISTRICT ATTORNEY'S OFFICE IN THE LAW ENFORCEMENT AGENCY'S
23 JURISDICTION WHEN:".
- 24 Page 1 of the report, line 19, strike "DISCLOSURE PURSUANT TO
25 SUBSECTION (1)(a) OF THIS SECTION." and substitute "DISCLOSURE".
- 26 Page 1 of the report, after line 19 insert:
- 27 "(III) A PROCESS FOR A LAW ENFORCEMENT AGENCY TO PROMPTLY
28 NOTIFY THE DISTRICT ATTORNEY OF SUCH A FINDING; AND
- 29 (IV) A PROCESS TO REMOVE A PEACE OFFICER'S CREDIBILITY
30 DISCLOSURE NOTIFICATION FROM THE DISTRICT ATTORNEY'S CREDIBILITY
31 DISCLOSURE NOTIFICATION RECORD IF APPROPRIATE AND LAWFUL.".
- 32 Page 1 of the report, strike line 20.

- 1 Page 2 of the report, strike lines 1 through 6.
- 2 Page 2 of the report, strike lines 8 through 11.

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