

## HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Herod

1 Strike the Judiciary Committee Report, dated April 23, 2024, and  
2 substitute:

3 "Amend printed bill, strike everything below the enacting clause and  
4 substitute:

5 **"SECTION 1. Legislative declaration.** (1) The general  
6 assembly finds and declares that:

7 (a) In 2020, the general assembly adopted part 9 to article 31 of  
8 title 24, law enforcement integrity, to address accountability standards for  
9 peace officers if they engage in misconduct when interacting with our  
10 communities;

11 (b) To further protect our communities, accountability standards  
12 must also extend to internal misconduct within law enforcement agencies  
13 to ensure a supportive environment for existing and future peace officers;

14 (c) Law enforcement professionals have a duty to serve and  
15 protect communities with integrity and honor, which extends to the  
16 treatment of the honorable peace officers who internally report  
17 misconduct by their peers;

18 (d) Due to the number of peace officers who have come forward  
19 detailing misconduct they have endured from fellow officers, followed by  
20 targeted social and professional retaliation they have received from peers  
21 and supervisors, the general assembly declares that enhancing workplace  
22 protections in law enforcement agencies is a matter of statewide concern;

23 (e) The state has a duty to strengthen safeguards to ensure a safe  
24 and equitable workplace environment for all law enforcement officials so  
25 they are better supported in upholding proper law enforcement as a matter  
26 of public health and safety;

27 (f) In an effort to incentivize the integrity of peace officers during  
28 internal investigations, the state must protect government employees from  
29 any adverse action taken in response to a whistleblower's actions;

30 (g) By protecting whistleblowers from retaliation, it is the intent  
31 of the general assembly that the protection will lead to an increase in  
32 peace officer retention and quality of work as officers continue to protect  
33 and serve our communities; and

34 (h) To further explore methods to better support peace officers in  
35 the work environment, the conversation must continue in a formal  
36 working group.

37 (2) Therefore, the general assembly requests that the executive  
38 committee of the legislative council appoint a working group to continue  
39 the important conversation regarding protecting law enforcement  
40 whistleblowers.

41 **SECTION 2.** In Colorado Revised Statutes, 24-31-305, **amend**

1 (2)(a) as follows:  
2 **24-31-305. Certification - issuance - renewal - revocation -**  
3 **rules - definition.** (2) (a) THE P.O.S.T. BOARD SHALL SUSPEND OR  
4 REVOKE a certification issued pursuant to subsection (1) or (1.3) of this  
5 section or section 24-31-308 ~~shall be suspended or revoked by the~~  
6 ~~P.O.S.T. board~~ if the certificate holder has been convicted of a felony at  
7 any time; ~~or~~ has been convicted on or after July 1, 2001, of any  
8 misdemeanor or misdemeanors described in subsection (1.5) of this  
9 section; HAS RETALIATED AGAINST OR CAUSED A PEACE OFFICER'S  
10 EMPLOYER TO RETALIATE AGAINST ANOTHER PEACE OFFICER WHO  
11 DISCLOSED INFORMATION ABOUT A PEACE OFFICER WHO EITHER  
12 ALLEGEDLY ENDANGERED PUBLIC HEALTH OR SAFETY, ALLEGEDLY  
13 VIOLATED LAW OR POLICY, OR ALLEGEDLY RETALIATED AGAINST ANOTHER  
14 OFFICER FOR DISCLOSING THAT INFORMATION; or has otherwise failed to  
15 meet the certification requirements established by the board. FOR  
16 PURPOSES OF THIS SUBSECTION (2)(a), "RETALIATE" HAS THE SAME  
17 MEANING AS DESCRIBED IN SECTION 24-31-906 (1).

18 **SECTION 3** In Colorado Revised Statutes, 24-31-902, **amend**  
19 (2)(a) and (2)(b)(III) as follows:

20 **24-31-902. Incident recordings - release - tampering - fine.**  
21 (2) (a) For all incidents in which there is AN OFFICER-INVOLVED  
22 SHOOTING OR a complaint of peace officer misconduct by another peace  
23 officer, a civilian, or nonprofit organization, through notice to the law  
24 enforcement agency involved in THE OFFICER-INVOLVED SHOOTING OR the  
25 alleged misconduct, the local law enforcement agency or the Colorado  
26 state patrol shall release, upon request, all unedited video and audio  
27 recordings of the incident, including those from body-worn cameras, dash  
28 cameras, or otherwise collected through investigation, to the public within  
29 twenty-one days after the local law enforcement agency or the Colorado  
30 state patrol received the request for release of the video or audio  
31 recordings. NOTWITHSTANDING THE PROVISIONS OF SECTIONS 24-72-205  
32 AND 24-72-306, THE LAW ENFORCEMENT AGENCY SHALL NOT CHARGE A  
33 FEE TO THE REQUESTOR RELATED TO RELEASING THE UNEDITED VIDEO AND  
34 AUDIO RECORDINGS OF AN INCIDENT.

35 (b) (III) Any video that would substantially interfere with or  
36 jeopardize an active or ongoing investigation may be withheld from the  
37 public; except that the video shall be released no later than forty-five days  
38 from the date of the OFFICER-INVOLVED SHOOTING OR THE allegation of  
39 misconduct; except that in a case in which the only offenses charged are  
40 statutory traffic infractions, the release of the video may be delayed  
41 pursuant to rule 8 of the Colorado rules for traffic infractions. In all cases  
42 when release of a video is delayed in reliance on this subsection  
43 (2)(b)(III), the prosecuting attorney shall prepare a written explanation of  
44 the interference or jeopardy that justifies the delayed release,

1 contemporaneous with the refusal to release the video. Upon release of  
2 the video, the prosecuting attorney shall release the written explanation  
3 to the public.

4 **SECTION 4.** In Colorado Revised Statutes, 24-31-906, **amend**  
5 (1) and (3) as follows:

6 **24-31-906. Retaliation against whistleblower officers**  
7 **prohibited.** (1) DUE TO THE STRONG PUBLIC POLICY INTERESTS  
8 PROTECTED BY PROHIBITING RETALIATION AGAINST WHISTLEBLOWERS, a  
9 peace officer's employer or the employer's agent shall not discharge,  
10 discipline, demote, deny a promotion, transfer or reassign, discriminate  
11 against, harass, SUSPEND, CREATE A HOSTILE WORK ENVIRONMENT,  
12 SUBJECT TO CORRECTIVE ACTION OR REPRIMAND, POORLY EVALUATE, LAY  
13 OFF, REDUCE WORK HOURS, ADVERSELY AFFECT FUTURE EMPLOYMENT  
14 OPPORTUNITIES, or threaten a peace officer's employment ANY OF THE  
15 ABOVE ACTIONS OR OTHERWISE DISCRIMINATE IN TERMS, CONDITIONS, OR  
16 PRIVILEGES OF EMPLOYMENT because the peace officer disclosed  
17 information that shows:

18 (a) ~~A~~ AN ALLEGED danger to public health or safety; ~~or~~

19 (b) ~~A~~ AN ALLEGED violation of law or policy committed by  
20 another peace officer; OR

21 (c) EVIDENCE OF RETALIATION AGAINST ANOTHER PEACE OFFICER.

22 (3) (a) A LAW ENFORCEMENT AGENCY SHALL APPROPRIATELY  
23 DISCIPLINE an employee or agent of a THE law enforcement agency that  
24 WHO knowingly or intentionally violates subsection (1) of this section.  
25 ~~shall be disciplined appropriately by the law enforcement agency.~~

26 (b) A PEACE OFFICER WHO WAS SUBJECT TO RETALIATION MAY USE  
27 EVIDENCE OF THE RETALIATION IN ORDER TO APPEAL OR REMEDIATE ANY  
28 ADVERSE EMPLOYMENT ACTION DESCRIBED IN SUBSECTION (1) OF THIS  
29 SECTION. IF A PEACE OFFICER PROVES BY A PREPONDERANCE OF THE  
30 EVIDENCE THAT THE PEACE OFFICER WAS RETALIATED AGAINST IN  
31 VIOLATION OF SUBSECTION (1) OF THIS SECTION, THE PEACE OFFICER'S  
32 EMPLOYING AGENCY SHALL REMEDIATE THE ADVERSE ACTION, INCLUDING  
33 REINSTATEMENT. IF THE ADVERSE ACTION INVOLVED THE REVOCATION OR  
34 SUSPENSION OF P.O.S.T. CERTIFICATION, THE LAW ENFORCEMENT AGENCY  
35 SHALL NOTIFY THE P.O.S.T. BOARD THAT THE PROCEDURES PROMULGATED  
36 PURSUANT TO SECTION 24-31-305 (2)(b) MUST BE INITIATED SINCE THE  
37 REVOCATION OR SUSPENSION RESULTED FROM RETALIATORY CONDUCT.

38 **SECTION 5. Safety clause.** The general assembly finds,  
39 determines, and declares that this act is necessary for the immediate  
40 preservation of the public peace, health, or safety or for appropriations for  
41 the support and maintenance of the departments of the state and state  
42 institutions."."

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