

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 26-0518.01 Ken Fowler x2372

HOUSE BILL 26-1123

HOUSE SPONSORSHIP

Stewart K. and Mabrey, Duran

SENATE SPONSORSHIP

Amabile and Weissman,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO PREVENT SEXUAL ABUSE IN JAILS, AND, IN**
102 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires that the reasonable belief standard to conduct a strip search apply to all arrests, not just the arrest of an individual for a traffic or petty offense. The bill requires 2 peace officers to make a determination that there is reasonable belief to conduct a strip search and requires that the reason and results of a strip search be documented in a report. The bill prohibits the use of body-worn cameras to capture videos

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
March 31, 2026

during strip searches when other forms of recording or surveillance are available. The bill limits access to video recordings that depict prisoner nudity. The bill requires courts to deny requests by a defendant in a criminal proceeding to copy, photograph, duplicate, or otherwise reproduce a video recording of a strip search.

The bill requires local detention facilities to have a policy detailing staff protocol for responding to suspected, alleged, or witnessed sexual abuse and requires jail staff to report suspected, alleged, or witnessed sexual abuse. The bill creates whistleblower protection policies for jail staff.

The bill requires local detention facilities to inform prisoners of their rights and the resources available to them if they are a victim of sexual abuse while in jail and allow sexual assault advocates to access prisoners who request advocacy services. The bill requires local detention facilities to designate a "Prison Rape Elimination Act of 2003" (PREA) coordinator and requires jails to provide the coordinator's contact information to prisoners and the public.

The bill requires the legislative oversight committee concerning Colorado jail standards (committee) to develop guidelines for identifying, and creating a process for, qualified third parties or certified PREA auditors to audit local detention facilities and their sexual abuse prevention policies upon request of the committee.

The bill requires the removal of P.O.S.T. certification from any peace officer who is found by an administrative law judge, hearing officer, or internal investigation to have sexually abused a prisoner in a local detention facility.

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

2

3 **SECTION 1.** In Colorado Revised Statutes, **add 17-26-103.5** as
4 follows:

5 **17-26-103.5. Strip searches in jails - definitions.**

6 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

8 (a) "LOCAL DETENTION FACILITY" MEANS A COUNTY JAIL OR A
9 FACILITY OPERATED BY A CITY, CITY AND COUNTY, OR TOWN FOR THE
10 PURPOSES OF CONFINING PERSONS CHARGED WITH OR CONVICTED OF

1 VIOLATIONS OF MUNICIPAL ORDINANCES.

2 (b) "PERSONNEL" MEANS A PEACE OFFICER, NONCERTIFIED DEPUTY
3 SHERIFF, OR EMPLOYEE OR CONTRACTOR OF A LOCAL DETENTION FACILITY
4 OR MUNICIPAL AGENCY WHO IS AUTHORIZED BY FACILITY OR AGENCY
5 POLICY TO PERFORM A STRIP SEARCH.

6 (c) "STRIP SEARCH" MEANS HAVING PERSONNEL REMOVE OR
7 ARRANGE SOME OR ALL OF A PERSON'S CLOTHING SO AS TO PERMIT A
8 VISUAL INSPECTION OF THE GENITALS, BUTTOCKS, ANUS, OR FEMALE
9 BREASTS OF THE PERSON.

10 (2) PERSONNEL SHALL ONLY CONDUCT A STRIP SEARCH ON A
11 PERSON WHO IS DETAINED IN A LOCAL DETENTION FACILITY IF:

12 (a) THE LOCAL DETENTION FACILITY IS CONDUCTING INTAKE OF AN
13 ARRESTED PERSON AND CONDUCTING STRIP SEARCHES UPON INTAKE IS THE
14 LOCAL DETENTION FACILITY'S POLICY; OR

15 (b) TWO PERSONNEL HAVE MADE INDEPENDENT DETERMINATIONS
16 AND REASONABLY BELIEVE AN INMATE IS CONCEALING A WEAPON OR A
17 CONTROLLED SUBSTANCE ON THE INMATE'S PERSON.

18 (3) PERSONNEL CONDUCTING A STRIP SEARCH SHALL DOCUMENT
19 IN A REPORT THE REASON FOR THE STRIP SEARCH AND THE RESULTS OF THE
20 STRIP SEARCH.

21 (4) NOTWITHSTANDING SECTION 24-31-902, PERSONNEL SHALL
22 NOT CONDUCT A STRIP SEARCH WITH THEIR BODY-WORN CAMERA
23 ACTIVATED.

24 (5) ON OR BEFORE JANUARY 31 OF EACH YEAR, EACH LOCAL
25 DETENTION FACILITY SHALL SUBMIT A REPORT TO THE JAIL STANDARDS
26 ADVISORY COMMITTEE CREATED IN SECTION 30-10-530 AND THE
27 COLORADO ATTORNEY GENERAL STATING THE NUMBER OF STRIP

1 SEARCHES THAT OCCURRED IN THE FACILITY IN THE LAST CALENDAR YEAR
2 AND THE REASON FOR AND THE RESULT OF EACH STRIP SEARCH.

3 **SECTION 2.** In Colorado Revised Statutes, **add** 17-26-141 as
4 follows:

5 **17-26-141. Access to jail video recordings showing prisoner**
6 **nudity - when authorized - definitions.**

7 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
8 REQUIRES:

9 (a) "LOCAL DETENTION FACILITY" MEANS A COUNTY JAIL OR A
10 FACILITY OPERATED BY A CITY OR TOWN FOR THE PURPOSE OF CONFINING
11 PERSONS CHARGED WITH OR CONVICTED OF VIOLATIONS OF MUNICIPAL
12 ORDINANCES.

13 (b) "STRIP SEARCH" MEANS HAVING AN ARRESTED PERSON REMOVE
14 OR ARRANGE SOME OR ALL OF THE PERSON'S CLOTHING SO AS TO PERMIT
15 A VISUAL INSPECTION OF THE GENITALS, BUTTOCKS, ANUS, OR FEMALE
16 BREASTS OF THE PERSON.

17 (2) A DETENTION FACILITY MUST HAVE AN ELECTRONIC TRACKING
18 SYSTEM THAT RETAINS A LOG OF ALL ACCESS TO VIDEO FOOTAGE,
19 INCLUDING BODY-WORN CAMERA FOOTAGE, CAPTURED BY THE LOCAL
20 DETENTION FACILITY.

21 (3) WHILE NOT ON THE PREMISE OF A LOCAL DETENTION FACILITY,
22 PERSONNEL OF A LOCAL DETENTION FACILITY SHALL NOT ACCESS VIDEO
23 FOOTAGE, INCLUDING BODY-WORN CAMERA FOOTAGE, CAPTURED BY A
24 LOCAL DETENTION FACILITY.

25 (4) PERSONNEL OF A LOCAL DETENTION FACILITY MUST OBTAIN
26 WRITTEN APPROVAL FROM THE SHERIFF AND DOCUMENT WHAT VIDEO
27 FOOTAGE THEY ARE ACCESSING AND THE REASON THEY ARE ACCESSING IT

1 BEFORE ACCESSING ANY FOOTAGE, INCLUDING BODY-WORN CAMERA
2 FOOTAGE, CAPTURED IN A LOCAL DETENTION FACILITY. WHEN A SHERIFF
3 IS ACCESSING FOOTAGE CAPTURED IN A LOCAL DETENTION FACILITY, THEY
4 MUST DOCUMENT WHAT FOOTAGE THEY ARE ACCESSING AND THE REASON
5 THEY ARE ACCESSING IT.

6 (5) IF A LOCAL DETENTION FACILITY STORES VIDEO FOOTAGE OF
7 STRIP SEARCHES SEPARATELY FROM THE FOOTAGE OF THE REST OF THE
8 LOCAL DETENTION FACILITY, AND ACCESS TO THE STRIP SEARCH FOOTAGE
9 IS IN COMPLIANCE WITH THE REQUIREMENTS OF SUBSECTION (2) OF THIS
10 SECTION, THE REQUIREMENTS OF SUBSECTION (4) OF THIS SECTION ONLY
11 APPLY TO THE SEPARATE STRIP SEARCH FOOTAGE.

12 (6) THIS SECTION IS NOT APPLICABLE TO DISCOVERY OF VIDEO
13 RECORDINGS OR THE USE OF VIDEO RECORDINGS BY PARTIES IN A CIVIL,
14 CRIMINAL, OR ADMINISTRATIVE COURT CASE, OR AN INTERNAL
15 INVESTIGATION OR IN RESPONSE TO REQUESTS MADE PURSUANT TO
16 SECTION 24-72-303.

17 **SECTION 3.** In Colorado Revised Statutes, add 17-26-142 as
18 follows:

19 **17-26-142. Sexual assault prevention program - required**
20 **policies and procedures - audit required - definitions.**

21 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
22 REQUIRES:

23 **(a)** "LOCAL DETENTION FACILITY" MEANS A COUNTY, MUNICIPAL,
24 OR CITY JAIL OR DETENTION FACILITY.

25 **(b)** "PRISON RAPE ELIMINATION ACT" OR "PREA" MEANS THE
26 FEDERAL "PRISON RAPE ELIMINATION ACT OF 2003", 42 U.S.C. SEC.
27

1 15601 ET SEQ.

2 (c) "SEXUAL ABUSE" HAS THE SAME MEANING AS "SEXUAL
3 VIOLENCE" AS DEFINED IN SECTION 13-14-101.

4 (2) EACH LOCAL DETENTION FACILITY SHALL DEVELOP POLICIES
5 AND PROCEDURES TO:

6 (a) REQUIRE STAFF MEMBERS TO REPORT SUSPECTED, ALLEGED, OR
7 WITNESSED SEXUAL ABUSE;

8 (b) ESTABLISH PROTOCOLS FOR STAFF MEMBERS TO RESPOND TO
9 SUSPECTED, ALLEGED, OR WITNESSED SEXUAL ABUSE, WHICH PROTOCOLS
10 MUST INCLUDE PROTECTING THE VICTIM FROM IMMEDIATE HARM;
11 CONNECTING THE VICTIM WITH MEDICAL CARE; PRESERVING EVIDENCE OF
12 THE SUSPECTED, ALLEGED, OR WITNESSED OFFENSE; AND REPORTING THE
13 ALLEGED SEXUAL ABUSE;

14 (c) INFORM PRISONERS OF THEIR RIGHTS ESTABLISHED PURSUANT
15 TO THE FEDERAL "PRISON RAPE ELIMINATION ACT";

16 (d) INFORM PRISONERS UPON BOOKING, IN WRITING AND IN AN
17 ACCESSIBLE LANGUAGE, OF RESOURCES FOR VICTIMS OF SEXUAL ABUSE,
18 INCLUDING THE TELEPHONE NUMBER FOR A SEXUAL ASSAULT CRISIS LINE
19 AND THE MAILING ADDRESS OF THE NEAREST CONFIDENTIAL SEXUAL
20 ASSAULT ADVOCACY PROGRAM; AND

21 (e) ALLOW CONFIDENTIAL SEXUAL ASSAULT ADVOCATES TIMELY
22 ACCESS TO PRISONERS WHO HAVE REACHED OUT TO A CONFIDENTIAL
23 SEXUAL ASSAULT ADVOCACY PROGRAM FOR ADVOCACY SERVICES.

24 (3) (a) EACH LOCAL DETENTION FACILITY SHALL DESIGNATE A
25 STAFF MEMBER AS THE JAIL'S PREA COORDINATOR. THE PREA
26 COORDINATOR SHALL IMPLEMENT FEDERAL PREA STANDARDS AND
27 FACILITATE ACCESS TO CONFIDENTIAL SEXUAL ASSAULT ADVOCACY

1 SERVICES FOR INMATES SEEKING CONFIDENTIAL SEXUAL ASSAULT
2 ADVOCACY SERVICES.

3 (b) THE JAIL SHALL INFORM STAFF MEMBERS AND PRISONERS OF
4 THE NAME AND CONTACT INFORMATION FOR THE PREA COORDINATOR
5 AND MAKE THE NAME AND CONTACT INFORMATION OF THE PREA
6 COORDINATOR AVAILABLE TO THE PUBLIC.

7 [REDACTED]

8 **SECTION 4.** In Colorado Revised Statutes, **add** 17-26-143 as
9 follows:

10 **17-26-143. Retaliation against whistleblower jail staff**
11 **prohibited - private right of action - exemptions - procedures -**
12 **definitions.**

13 (1) (a) A LOCAL DETENTION FACILITY SHALL NOT DISCHARGE,
14 DISCIPLINE, DEMOTE, DENY A PROMOTION TO, TRANSFER OR REASSIGN,
15 DISCRIMINATE AGAINST, HARASS, SUSPEND, CREATE A HOSTILE WORK
16 ENVIRONMENT FOR, SUBJECT TO CORRECTIVE ACTION OR REPRIMAND,
17 ISSUE AN EMPLOYMENT RATING THAT RESULTS IN THE LOSS OF PAY OR
18 ADVERSELY AFFECTS ELIGIBILITY FOR PROMOTION OR FOR AN ASSIGNMENT
19 FOR, LAY OFF, REDUCE WORK HOURS FOR, KNOWINGLY PROVIDE FALSE
20 INFORMATION FOR THE PURPOSE OF NEGATIVELY AFFECTING FUTURE
21 EMPLOYMENT OPPORTUNITIES FOR, OR THREATEN ANY ACTIONS AGAINST
22 OR OTHERWISE DISCRIMINATE AGAINST A STAFF MEMBER IN TERMS,
23 CONDITIONS, OR PRIVILEGES OF EMPLOYMENT BECAUSE THE STAFF
24 MEMBER DISCLOSES INFORMATION IN GOOD FAITH TO THE PROPER
25 SUPERVISING AUTHORITY THAT THE STAFF MEMBER REASONABLY
26 BELIEVES SHOWS SUSPECTED, ALLEGED, OR WITNESSED SEXUAL ABUSE OR
27 SEX-BASED HARASSMENT IN THE LOCAL DETENTION FACILITY.

1 (b) ADMINISTRATIVE PROCEDURES, INCLUDING SUSPENSION
2 DURING AN INVESTIGATION OR DEPARTMENTAL PROCEDURES USED TO
3 DISTRIBUTE ASSIGNMENTS OR DUTIES OR MEET THE OPERATIONAL NEEDS
4 OF THE LOCAL DETENTION FACILITY, DO NOT VIOLATE SUBSECTION (1)(a)
5 OF THIS SECTION.

6 (c) A STAFF MEMBER WHO IN GOOD FAITH DISCLOSES INFORMATION
7 THAT THE STAFF MEMBER REASONABLY BELIEVES SHOWS SUSPECTED,
8 ALLEGED, OR WITNESSED SEXUAL ABUSE OR SEX-BASED HARASSMENT IN
9 THE LOCAL DETENTION FACILITY IS ENGAGING IN A PROTECTED ACTIVITY.

10 (d) THIS SUBSECTION (1) DOES NOT PREVENT A LOCAL DETENTION
11 FACILITY FROM COMPLYING WITH ANY DISCLOSURE REQUIREMENTS
12 REQUIRED BY LAW OR BY COURT RULE OR PROCEDURE.

13 (2) A STAFF MEMBER AGGRIEVED BY A VIOLATION OF SUBSECTION
14 (1) OF THIS SECTION HAS A PRIVATE RIGHT OF ACTION AGAINST THE LOCAL
15 DETENTION FACILITY THAT VIOLATED SUBSECTION (1) OF THIS SECTION
16 AFTER THE STAFF MEMBER EXHAUSTS THE INTERNAL ADMINISTRATIVE
17 PROCEDURES PURSUANT TO SUBSECTION (10) OF THIS SECTION.

18 (3) A STAFF MEMBER WHOSE PROTECTED ACTIVITY DESCRIBED
19 PURSUANT TO SUBSECTION (1) OF THIS SECTION WAS A CONTRIBUTING
20 FACTOR IN THE LOCAL DETENTION FACILITY'S ACTION DESCRIBED IN
21 SUBSECTION (1) OF THIS SECTION MAY BE AWARDED ALL RELIEF
22 NECESSARY TO MAKE THE STAFF MEMBER WHOLE, INCLUDING, BUT NOT
23 LIMITED TO:

24 (a) (I) REINSTATEMENT, WITH THE SAME SENIORITY STATUS THAT
25 THE STAFF MEMBER WOULD HAVE HAD BUT FOR THE VIOLATION OF
26 SUBSECTION (1) OF THIS SECTION; AND

27 (II) THE AMOUNT OF BACK PAY WITH INTEREST AT AN INTEREST

1 RATE SET BY THE SECRETARY OF STATE PURSUANT TO SECTION 13-21-101
2 (3) FOR THE YEARS BACK PAY IS AWARDED;

3 (b) ANY OTHER EQUITABLE RELIEF THE COURT DEEMS
4 APPROPRIATE;

5 (c) COMPENSATORY DAMAGES FOR OTHER PECUNIARY LOSSES,
6 EMOTIONAL PAIN AND SUFFERING, INCONVENIENCE, MENTAL ANGUISH,
7 LOSS OF ENJOYMENT OF LIFE, AND OTHER NONPECUNIARY LOSSES; AND

8 (d) REASONABLE ATTORNEY FEES AND COSTS.

9 (4) ANY REQUEST FOR REINSTATEMENT OR FOR AN AWARD OF
10 REASONABLE ATTORNEY FEES MUST BE MADE TO THE COURT AFTER A
11 JUDGMENT IS ENTERED IN FAVOR OF THE STAFF MEMBER. THE PARTIES ARE
12 ENTITLED TO A HEARING ON THE REQUEST PRIOR TO THE COURT'S
13 DETERMINATION.

14 (5) IT IS AN AFFIRMATIVE DEFENSE TO AN ACTION BROUGHT
15 PURSUANT TO THIS SECTION IF THE LOCAL DETENTION FACILITY SHOWS BY
16 A PREPONDERANCE OF THE EVIDENCE THAT THE LOCAL DETENTION
17 FACILITY WOULD HAVE TAKEN THE ACTION THAT FORMS THE BASIS OF THE
18 SUIT AGAINST THE STAFF MEMBER BASED ON A LEGITIMATE
19 NONRETALIATORY BASIS.

20 (6) AN ACTION BROUGHT PURSUANT TO THIS SECTION IS NOT
21 SUBJECT TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE
22 10 OF TITLE 24.

23 (7) IF A LOCAL DETENTION FACILITY ASSERTS THE AFFIRMATIVE
24 DEFENSE CREATED IN SUBSECTION (5) OF THIS SECTION, THE STAFF
25 MEMBER MUST HAVE THE OPPORTUNITY TO ESTABLISH IN RESPONSE, BY A
26 PREPONDERANCE OF THE EVIDENCE, THAT THE LEGITIMATE
27 NONRETALIATORY BASIS WAS PRETEXTUAL.

1 (8) AN ACTION BROUGHT PURSUANT TO THIS SECTION MUST BE
2 BROUGHT WITHIN TWO YEARS AFTER THE DATE OF THE MOST RECENT
3 ADVERSE EMPLOYMENT ACTION DESCRIBED IN SUBSECTION (1) OF THIS
4 SECTION.

5 (9) (a) THIS SECTION DOES NOT APPLY TO A STAFF MEMBER WHO
6 DISCLOSES INFORMATION THAT THE STAFF MEMBER KNOWS TO BE FALSE,
7 WHO DISCLOSES INFORMATION WITH DISREGARD FOR THE TRUTH, OR WHO
8 DISCLOSES INFORMATION WITHOUT FULLY COMPLYING WITH SUBSECTION
9 (10) OF THIS SECTION.

10 (b) A STAFF MEMBER'S DISCLOSURE OF THE STAFF MEMBER'S OWN
11 ACT OF NEGLIGENCE, UNPROFESSIONAL CONDUCT, OR VIOLATION OF ANY
12 LOCAL, STATE, OR FEDERAL LAW IS NOT AN ACTIVITY PROTECTED
13 PURSUANT TO THIS SECTION AND DOES NOT PROVIDE THE STAFF MEMBER
14 WITH IMMUNITY RELATED TO THE ACTIVITY SUBJECT TO THE DISCLOSURE.

15 (c) THIS SECTION DOES NOT PREVENT A LOCAL DETENTION
16 FACILITY FROM TAKING DISCIPLINARY ACTION AGAINST A STAFF MEMBER
17 FOR REASONS OTHER THAN THOSE SPECIFIED IN SUBSECTION (1) OF THIS
18 SECTION.

19 (10) (a) WHEN MAKING A GOOD FAITH REPORT OR DISCLOSURE
20 PROTECTED BY THIS SECTION, A STAFF MEMBER SHALL FOLLOW THE
21 INTERNAL REPORTING AND INTERNAL ADMINISTRATIVE PROCEDURES OF
22 THE LOCAL DETENTION FACILITY, TO THE EXTENT THE PROCEDURES EXIST
23 AND ARE PROVIDED TO THE EMPLOYEE IN WRITING, AND SHALL EXHAUST
24 THE PROCEDURES PRIOR TO INITIATING A PRIVATE RIGHT OF ACTION
25 PURSUANT TO SUBSECTION (2) OF THIS SECTION. IF THE INTERNAL
26 REPORTING PROCEDURE REQUIRES A STAFF MEMBER TO REPORT TO THE
27 INDIVIDUAL WHO ALLEGEDLY COMMITTED THE ACT DESCRIBED IN

1 SUBSECTION (1)(a) OF THIS SECTION, THE PROCEDURE MUST PROVIDE AN
2 ALTERNATIVE REPORTING PROCEDURE. THE LIMITATIONS PERIOD
3 DESCRIBED IN SUBSECTION (8) OF THIS SECTION IS TOLLED UNTIL THE
4 INTERNAL ADMINISTRATIVE PROCESS IS COMPLETE.

5 (b) (I) A LOCAL DETENTION FACILITY SHALL COMPLETE THE
6 INTERNAL ADMINISTRATIVE PROCEDURE WITHIN ONE HUNDRED EIGHTY
7 DAYS AFTER A REPORT OR DISCLOSURE.

8 (II) IF A LOCAL DETENTION FACILITY DOES NOT ADOPT AN
9 INTERNAL ADMINISTRATIVE PROCEDURE OR DOES NOT COMPLETE THE
10 INTERNAL ADMINISTRATIVE PROCEDURE WITHIN ONE HUNDRED EIGHTY
11 DAYS AFTER A REPORT OR DISCLOSURE, THIS SUBSECTION (10) IS DEEMED
12 COMPLIED WITH AND THE STAFF MEMBER MAY FILE A PRIVATE RIGHT OF
13 ACTION IN A COURT OF COMPETENT JURISDICTION PURSUANT TO
14 SUBSECTION (2) OF THIS SECTION. IF THE LOCAL DETENTION FACILITY'S
15 INTERNAL ADMINISTRATIVE PROCEDURE HAS NOT BEEN COMPLETED WHEN
16 THE STAFF MEMBER INITIATES A PRIVATE RIGHT OF ACTION PURSUANT TO
17 SUBSECTION (2) OF THIS SECTION FOR REASONS BEYOND THE CONTROL OF
18 THE LOCAL DETENTION FACILITY, INCLUDING, BUT NOT LIMITED TO, THE
19 EXISTENCE OF AN OPEN CRIMINAL PROCEEDING OR AN OPEN CRITICAL
20 INCIDENT RESPONSE TEAM INVESTIGATION, THE LOCAL DETENTION
21 FACILITY MAY SEEK A STAY OF THE PRIVATE RIGHT OF ACTION PENDING
22 RESOLUTION OF THE SOURCE OF THE DELAY.

23 (11) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
24 REQUIRES:

25 (a) "LOCAL DETENTION FACILITY" MEANS A COUNTY JAIL OR A
26 FACILITY OPERATED BY A CITY OR TOWN FOR THE PURPOSES OF CONFINING
27 PERSONS CHARGED WITH OR CONVICTED OF VIOLATIONS OF MUNICIPAL

1 **ORDINANCES.**

2 (b) "PROPER SUPERVISING AUTHORITY" MEANS THE PERSON OR
3 DEPARTMENT DESIGNATED IN THE LOCAL DETENTION FACILITY TO
4 INVESTIGATE ALLEGATIONS OF INTERNAL MISCONDUCT. IF THE LOCAL
5 DETENTION FACILITY DOES NOT HAVE A POLICY DESIGNATING A PERSON OR
6 DEPARTMENT TO INVESTIGATE ALLEGATIONS OF MISCONDUCT, THE PROPER
7 SUPERVISING AUTHORITY IS THE HIGHEST-RANKING STAFF MEMBER IN THE
8 LOCAL DETENTION FACILITY.

9 (c) "STAFF MEMBER" MEANS A PERSON ASSIGNED TO OR EMPLOYED
10 AT A LOCAL DETENTION FACILITY.

11 **SECTION 5.** In Colorado Revised Statutes, 24-31-902, **amend**
12 **(1)(a)(III); and add (1)(a)(II)(F) as follows:**

13 **24-31-902. Incident recordings - release - tampering - fine.**

14 (1) (a) (II) (F) A PEACE OFFICER SHALL NOT WEAR OR ACTIVATE A
15 BODY-WORN CAMERA IF THE PEACE OFFICER IS CONDUCTING A STRIP
16 SEARCH UNLESS NO OVERHEAD CAMERA IS AVAILABLE AND RECORDING
17 VIDEO AND AUDIO IN THE SPACE THE PEACE OFFICER IS CONDUCTING THE
18 STRIP SEARCH.

19 (III) If a peace officer fails to activate a body-worn camera or
20 dash camera as required by this section or tampers with body-worn- or
21 dash-camera footage or operation when required to activate the camera,
22 there is a permissive inference in any investigation or legal proceeding,
23 excluding criminal proceedings against the peace officer, that the missing
24 footage would have reflected misconduct by the peace officer. If a peace
25 officer fails to activate or reactivate his or her body-worn camera as
26 required by this section or tampers with body-worn- or dash-camera
27 footage or operation when required to activate the camera, any statements

1 or conduct sought to be introduced in a prosecution through the peace
2 officer related to the incident that were not recorded due to the peace
3 officer's failure to activate or reactivate the body-worn camera as required
4 by this section or if the statement or conduct was not recorded by other
5 means creates a rebuttable presumption of inadmissibility.
6 Notwithstanding any other provision of law, this subsection (1)(a)(III)
7 does not apply:

8 (A) If the body-worn camera was not activated due to a
9 malfunction of the body-worn camera and the peace officer was not
10 aware of the malfunction, or was unable to rectify it, prior to the incident,
11 provided that the law enforcement agency's documentation shows the
12 peace officer checked the functionality of the body-worn camera at the
13 beginning of his or her shift; OR

14 (B) IF THE PEACE OFFICER TURNED THEIR BODY-WORN CAMERA
15 OFF IN COMPLIANCE WITH (1)(a)(II)(F) OF THIS SECTION.

16 **SECTION 6.** In Colorado Revised Statutes, 24-31-904, **amend**
17 (1)(a)(IV) and (1)(a)(V); and **add** (1)(a)(VI) and (7) as follows:

18 **24-31-904. Peace officer certification discipline - definition.**

19 (1) (a) Notwithstanding any provision of law, the P.O.S.T. board
20 shall permanently revoke a peace officer's certification if:

21 (IV) An administrative law judge, hearing officer, or internal
22 investigation finds that a peace officer failed to intervene pursuant to
23 section 18-8-805 (5) and the incident resulted in death to another person;

24 **or**

25 (V) An administrative law judge, hearing officer, or internal
26 investigation finds that a peace officer violated section 18-8-805 (1) or
27 (2)(a)(I) and the incident resulted in death to another person; OR

1 (VI) AN ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR
2 INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER PERPETRATED AN
3 ACT THAT CONSTITUTES SEXUAL ASSAULT, AS DESCRIBED IN SECTION
4 18-3-402; UNLAWFUL SEXUAL CONTACT, AS DESCRIBED IN SECTION
5 18-3-404; OR INVASION OF PRIVACY FOR SEXUAL GRATIFICATION, AS
6 DESCRIBED IN SECTION 18-3-405.6, AND THE ACT INVOLVED A PERSON IN
7 THE CUSTODY OF A LOCAL DETENTION FACILITY.

8 (7) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
9 REQUIRES, "LOCAL DETENTION FACILITY" MEANS A COUNTY JAIL OR A
10 FACILITY OPERATED BY A CITY, CITY AND COUNTY, OR TOWN FOR THE
11 PURPOSES OF CONFINING PERSONS CHARGED WITH OR CONVICTED OF
12 VIOLATIONS OF MUNICIPAL ORDINANCES.

13 **SECTION 7. Appropriation.** For the 2026-27 state fiscal year,
14 \$38,916 is appropriated to the department of law. This appropriation is
15 from the P.O.S.T. board cash fund created in section 24-31-303 (2)(b),
16 C.R.S., and is based on an assumption that the department will require an
17 additional 0.3 FTE. To implement this act, the department may use this
18 appropriation for peace officers standards and training board support.

19 **SECTION 8. Safety clause.** The general assembly finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, or safety or for appropriations for
22 the support and maintenance of the departments of the state and state
23 institutions.