

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0953.03 Conrad Imel x2313

SENATE BILL 26-190

SENATE SPONSORSHIP

Coleman and Weissman,

HOUSE SPONSORSHIP

Bacon and English,

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING RELEASING INFORMATION RELATED TO INCIDENTS
102 INVOLVING A PEACE OFFICER'S USE OF FORCE THAT RESULTS IN
103 DEATH.

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>.)

Under existing law, all video and audio recordings (recordings) depicting an incident of peace officer misconduct that resulted in death must be provided upon request to the victim's family. The bill clarifies that the recordings depicting an incident of a peace officer's use of force that resulted in death (incident) must be provided to the victim's family

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.

regardless of whether there is a complaint of peace officer misconduct for the incident. The bill clarifies what constitutes the incident for the purpose of releasing recordings to the victim's family. The bill requires publicly releasing incident recordings after they are released to the victim's family.

The bill sets deadlines for the victim's family to be informed about a multi-agency team investigation into an incident.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Fatal officer-involved incidents require heightened
5 transparency, independence, and timeliness to maintain public trust;

6 (b) Colorado law requires multi-agency investigations and
7 prosecutorial review of peace officer actions leading to injury or death;
8 and

9 (c) Families of victims and the public have a compelling interest
10 in timely access to information about peace officer actions that result in
11 injury or death.

12 (2) The general assembly further declares that the release of
13 information to the victim's family and to the public about the use of force
14 by a peace officer that results in death is a matter of mixed statewide and
15 local concern.

16 **SECTION 2.** In Colorado Revised Statutes, 24-31-902, **amend**
17 (2)(a) and (2)(b)(I); and **add** (2)(b)(I.5) as follows:

18 **24-31-902. Incident recordings - release - tampering - fine.**

19 (2) (a) (I) For all incidents in which there is a complaint of peace
20 officer misconduct by another peace officer, a civilian, or nonprofit
21 organization, through notice to the law enforcement agency involved in
22 the alleged misconduct, the local law enforcement agency or the Colorado

1 state patrol shall release, upon request, all unedited video and audio
2 recordings of the incident, including those from body-worn cameras, dash
3 cameras, or otherwise collected through investigation, to the public within
4 twenty-one days after the local law enforcement agency or the Colorado
5 state patrol received the request for release of the video or audio
6 recordings.

7 (II) IF THE RELEASE OF FOOTAGE PURSUANT TO SECTION
8 16-2.5-303 (1) SATISFIES THE REQUIREMENTS OF THIS SUBSECTION (2)(a),
9 THIS SUBSECTION (2)(a) DOES NOT REQUIRE THE RELEASE OF FOOTAGE A
10 SECOND TIME.

11 (b) (I) REGARDLESS OF WHETHER THERE IS A COMPLAINT OF PEACE
12 OFFICER MISCONDUCT FOR THE INCIDENT, all video and audio recordings
13 depicting a AN INCIDENT OF A PEACE OFFICER'S USE OF FORCE THAT
14 RESULTED IN death must be provided ~~upon request~~ to THE FOLLOWING
15 PERSONS WHO ARE KNOWN TO THE LAW ENFORCEMENT AGENCY AFTER
16 THE LAW ENFORCEMENT AGENCY HAS EXERCISED REASONABLE DILIGENCE
17 TO IDENTIFY THEM: The victim's spouse, parent, legal guardian, child,
18 sibling, grandparent, grandchild, significant other, or other lawful
19 representative. ~~and such~~ THE PERSON MAY DECLINE TO RECEIVE THE
20 RECORDINGS. THE person shall be notified of ~~his or her~~ THEIR right,
21 pursuant to section 24-4.1-302.5 (1)(j.8), to receive and review the
22 recording at least seventy-two hours prior to public disclosure. A person
23 seventeen years ~~of age~~ OLD and under is considered incapacitated, unless
24 legally emancipated. THE LAW ENFORCEMENT AGENCY SHALL NOT,
25 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION, PUBLICLY RELEASE
26 VIDEO AND AUDIO RECORDINGS DEPICTING AN INCIDENT THAT RESULTED
27 IN DEATH BEFORE OFFERING AND PROVIDING THE RECORDINGS TO THE

1 FAMILY UPON REQUEST OF THE FAMILY.

2 (I.5) FOR THE PURPOSES OF RELEASING VIDEO AND AUDIO
3 RECORDINGS PURSUANT TO SUBSECTION (2)(b)(I) OF THIS SECTION, THE
4 INCIDENT BEGINS WHEN THE OFFICER WHO USED FORCE RESPONDS TO THE
5 CALL AND ENDS THIRTY MINUTES AFTER THE OFFICER WHO USED FORCE IS
6 RELEASED FROM THE SCENE.

7 **SECTION 3.** In Colorado Revised Statutes, **add** 16-2.5-300.3 as
8 follows:

9 **16-2.5-300.3. Definitions.**

10 AS USED IN THIS PART 3, UNLESS THE CONTEXT OTHERWISE
11 REQUIRES:

12 (1) "EMPLOYING AGENCY" MEANS THE LAW ENFORCEMENT
13 AGENCY THAT EMPLOYS THE PEACE OFFICER.

14 (2) "FAMILY OF THE VICTIM" OR "FAMILY" MEANS THE SPOUSE,
15 PARENT, LEGAL GUARDIAN, CHILD, SIBLING, GRANDPARENT, GRANDCHILD,
16 SIGNIFICANT OTHER, OR OTHER LAWFUL REPRESENTATIVE OF THE VICTIM
17 OF A PEACE OFFICER'S USE OF FORCE THAT RESULTED IN DEATH.

18 (3) "MULTI-AGENCY TEAM" MEANS A MULTI-AGENCY TEAM
19 DESCRIBED IN SECTION 16-2.5-301 THAT CONDUCTS AN INVESTIGATION
20 INTO AN INCIDENT INVOLVING THE DISCHARGE OF A FIREARM BY A PEACE
21 OFFICER OR OTHER USE OF FORCE BY A PEACE OFFICER THAT RESULTED IN
22 DEATH.

23 **SECTION 4.** In Colorado Revised Statutes, **add** 16-2.5-302 as
24 follows:

25 **16-2.5-302. Family notifications.**

26 (1) WITHIN TWENTY-FOUR HOURS AFTER AN INCIDENT OF A PEACE
27 OFFICER'S USE OF FORCE THAT RESULTED IN DEATH, THE EMPLOYING

1 AGENCY SHALL NOTIFY THE FAMILY OF THE VICTIM OF THE COMPOSITION
2 OF THE MULTI-AGENCY TEAM AND THE STATUS OF THE INVESTIGATION.

3 (2) PURSUANT TO SECTION 24-31-902 (2)(b), THE EMPLOYING
4 AGENCY SHALL RELEASE TO THE FAMILY OF THE VICTIM ALL UNEDITED,
5 UNBLURRED, AND UNREDACTED VIDEO AND AUDIO RECORDINGS OF AN
6 INCIDENT OF A PEACE OFFICER'S USE OF FORCE THAT RESULTED IN DEATH,
7 UNLESS THE FAMILY DECLINES TO RECEIVE THE RECORDINGS.

8 **SECTION 5.** In Colorado Revised Statutes, **add** 16-2.5-303 as
9 follows:

10 **16-2.5-303. Public transparency - mandatory release of video**
11 **and audio recordings.**

12 AFTER VIDEO AND AUDIO RECORDINGS OF AN INCIDENT OF A PEACE
13 OFFICER'S USE OF FORCE THAT RESULTED IN DEATH ARE RELEASED TO THE
14 FAMILY OF THE VICTIM PURSUANT TO SECTION 24-31-902 (2)(b), OR AFTER
15 THE FAMILY OF THE VICTIM HAS DECLINED THE RECORDINGS, THE
16 EMPLOYING AGENCY SHALL PUBLICLY RELEASE ALL UNEDITED VIDEO AND
17 AUDIO RECORDINGS OF THE INCIDENT, INCLUDING THOSE FROM
18 BODY-WORN CAMERAS AND DASH CAMERAS. THIS SECTION DOES NOT
19 ALTER THE REQUIREMENT IN SECTION 24-31-902 (2)(b) THAT THE FAMILY
20 OF THE VICTIM RECEIVE THE VIDEO AND AUDIO RECORDINGS AT LEAST
21 SEVENTY-TWO HOURS PRIOR TO PUBLIC DISCLOSURE.

22 **SECTION 6. Safety clause.** The general assembly finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety or for appropriations for
25 the support and maintenance of the departments of the state and state
26 institutions.