

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

HOUSE BILL 26-1123

BY REPRESENTATIVE(S) Stewart K. and Mabrey, Duran, Bacon, Boesenecker, Brown, Camacho, Carter, Espenoza, Froelich, Garcia, Jackson, Joseph, Lieder, Lindsay, Nguyen, Phillips, Rutinel, Rydin, Sirota, Smith, Story, Zokaie, McCluskie, English, Paschal, Titone; also SENATOR(S) Amabile and Weissman, Benavidez, Cutter, Gonzales J., Hinrichsen, Jodeh, Kipp, Wallace, Coleman.

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

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

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

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

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

(a) "LOCAL DETENTION FACILITY" MEANS A COUNTY JAIL AS DESCRIBED IN SECTION 17-26-101 OR MUNICIPAL JAIL AS DESCRIBED IN

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

SECTION 31-15-401 (1)(j).

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

(c) "STRIP SEARCH" MEANS HAVING A PERSON REMOVE OR ARRANGE SOME OR ALL OF THEIR CLOTHING SO AS TO PERMIT A VISUAL INSPECTION OF THE GENITALS, BUTTOCKS, ANUS, OR FEMALE BREASTS OF THE PERSON.

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

(a) THE LOCAL DETENTION FACILITY IS CONDUCTING AN INTAKE OF A PERSON DETAINED IN A LOCAL DETENTION FACILITY FROM OUTSIDE THE FACILITY AND CONDUCTING STRIP SEARCHES UPON INTAKE FROM OUTSIDE THE FACILITY IS THE LOCAL DETENTION FACILITY'S POLICY;

(b) TWO PERSONNEL HAVE DETERMINED AND REASONABLY BELIEVE AN INMATE IS CONCEALING ON THE INMATE'S PERSON A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5); A DANGEROUS INSTRUMENT, AS DEFINED IN SECTION 18-8-203 (4); OR CONTRABAND, AS DEFINED IN SECTION 18-8-204 (2); OR

(c) THE STRIP SEARCH OCCURS UNDER A CIRCUMSTANCE OR SET OF CONDITIONS IN WHICH THERE HAS BEEN A DOCUMENTED PRIOR INCIDENT OF POSSESSION OF A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5); A DANGEROUS INSTRUMENT, AS DEFINED IN SECTION 18-8-203 (4); OR CONTRABAND, AS DEFINED IN SECTION 18-8-204 (2); OR ANY OTHER ITEM THAT CREATES GRAVE DANGER OF DAMAGE TO PROPERTY OR INJURY TO PERSONS AND SUBSTANTIALLY OBSTRUCTS THE PERFORMANCE OF INSTITUTIONAL FUNCTIONS OF THE LOCAL DETENTION FACILITY, AND THE CIRCUMSTANCE OR SET OF CONDITIONS GIVE RISE TO A SUBSTANTIAL LIKELIHOOD THAT A SIMILAR INCIDENT MAY OCCUR AGAIN, AND THE LOCAL DETENTION FACILITY HAS A WRITTEN POLICY AUTHORIZING A STRIP SEARCH UNDER THE CIRCUMSTANCE OR SET OF CONDITIONS.

(3) (a) PERSONNEL CONDUCTING A STRIP SEARCH PURSUANT TO SUBSECTION (2)(b) OR (2)(c) OF THIS SECTION SHALL DOCUMENT IN A

REPORT THE REASON FOR THE STRIP SEARCH AND THE RESULTS OF THE STRIP SEARCH.

(b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JANUARY 1, 2031.

(4)(a) PERSONNEL CONDUCTING A STRIP SEARCH SHALL RECORD THE STRIP SEARCH VIA BODY-WORN CAMERA. PERSONNEL CONDUCTING A STRIP SEARCH SHALL NOTIFY THE PERSON THAT THEY ARE STRIP SEARCHING PRIOR TO BEGINNING A STRIP SEARCH THAT THE STRIP SEARCH IS BEING VIDEO RECORDED.

(b) PERSONNEL SHALL USE THE BODY-WORN CAMERA'S TAGGING FUNCTION TO TAG ALL STRIP SEARCH FOOTAGE AS A STRIP SEARCH.

(5) ON OR BEFORE JANUARY 31 OF EACH YEAR, EACH LOCAL DETENTION FACILITY SHALL SUBMIT A REPORT TO THE JAIL STANDARDS ADVISORY COMMITTEE CREATED IN SECTION 30-10-530 AND THE COLORADO ATTORNEY GENERAL STATING THE NUMBER OF STRIP SEARCHES THAT OCCURRED PURSUANT TO SUBSECTION (2)(b) OR (2)(c) OF THIS SECTION IN THE FACILITY IN THE LAST CALENDAR YEAR AND THE REASON FOR AND THE RESULT OF EACH STRIP SEARCH.

(6) SECTION 16-3-405 DOES NOT APPLY TO STRIP SEARCHES CONDUCTED PURSUANT TO THIS SECTION.

(7) A STRIP SEARCH MUST NOT BE CONDUCTED FOR PURPOSES OF RETALIATION.

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

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

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

(a) "LOCAL DETENTION FACILITY" MEANS A COUNTY JAIL AS DESCRIBED IN SECTION 17-26-101 OR MUNICIPAL JAIL AS DESCRIBED IN SECTION 31-15-401 (1)(j).

(b) "STRIP SEARCH" MEANS HAVING A PERSON REMOVE OR ARRANGE SOME OR ALL OF THEIR CLOTHING SO AS TO PERMIT A VISUAL INSPECTION OF THE GENITALS, BUTTOCKS, ANUS, OR FEMALE BREASTS OF THE PERSON.

(2) PERSONNEL OF A LOCAL DETENTION FACILITY WHO CONDUCT STRIP SEARCHES SHALL TAG BODY-WORN CAMERA FOOTAGE OF STRIP SEARCHES WITH A STRIP SEARCH TAG USING THE BODY-WORN CAMERA'S TAGGING FEATURE.

(3) PERSONNEL OF A LOCAL DETENTION FACILITY SHALL NOT RECORD A STRIP SEARCH USING AN OVERHEAD CAMERA OR RECORDING DEVICE OTHER THAN A BODY-WORN CAMERA.

(4) WHILE NOT ON THE PREMISE OF A LOCAL DETENTION FACILITY, PERSONNEL OF A LOCAL DETENTION FACILITY SHALL NOT ACCESS VIDEO FOOTAGE OF STRIP SEARCHES CAPTURED BY A LOCAL DETENTION FACILITY.

(5) PERSONNEL OF A LOCAL DETENTION FACILITY MUST OBTAIN WRITTEN APPROVAL FROM THE SHERIFF OR EQUIVALENT HEAD OF A MUNICIPAL JAIL, OR THE SHERIFF'S OR EQUIVALENT HEAD OF A MUNICIPAL JAIL'S DESIGNEE, AND DOCUMENT WHAT VIDEO FOOTAGE THEY ARE ACCESSING AND THE REASON THEY ARE ACCESSING IT BEFORE ACCESSING ANY FOOTAGE OF STRIP SEARCHES CAPTURED IN A LOCAL DETENTION FACILITY. WHEN A SHERIFF OR EQUIVALENT HEAD OF A MUNICIPAL JAIL IS ACCESSING STRIP SEARCH FOOTAGE CAPTURED IN A LOCAL DETENTION FACILITY, THEY MUST DOCUMENT WHAT FOOTAGE THEY ARE ACCESSING AND THE REASON THEY ARE ACCESSING IT.

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

(7) EACH LOCAL DETENTION FACILITY SHALL HAVE WRITTEN POLICIES REGARDING:

(a) THE CIRCUMSTANCES OR SET OF CONDITIONS WHEN PERSONNEL OF THE LOCAL DETENTION FACILITY ARE AUTHORIZED TO CONDUCT STRIP SEARCHES OF PERSONS IN THE CUSTODY OF THE LOCAL DETENTION FACILITY;

(b) THE RESTRICTION OF ACCESS TO BODY-WORN CAMERA FOOTAGE TAGGED AS STRIP SEARCH VIDEO PURSUANT TO SUBSECTION (2) OF THIS SECTION; AND

(c) THE RETENTION OF BODY-WORN CAMERA FOOTAGE TAGGED AS STRIP SEARCH VIDEO.

(8) ON OR BEFORE AUGUST 1, 2026, EACH SHERIFF SHALL IMPLEMENT THE WRITTEN POLICIES DESCRIBED IN SUBSECTION (7) OF THIS SECTION.

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

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

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

(a) "LOCAL DETENTION FACILITY" MEANS A COUNTY JAIL AS DESCRIBED IN SECTION 17-26-101 OR MUNICIPAL JAIL AS DESCRIBED IN SECTION 31-15-401 (1)(j).

(b) "PRISON RAPE ELIMINATION ACT" OR "PREA" MEANS THE FEDERAL "PRISON RAPE ELIMINATION ACT OF 2003", 34 U.S.C. SEC. 30301 ET SEQ.

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

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

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

(b) ESTABLISH PROTOCOLS FOR STAFF MEMBERS TO RESPOND TO SUSPECTED, ALLEGED, OR WITNESSED SEXUAL ABUSE, WHICH PROTOCOLS MUST INCLUDE PROTECTING THE VICTIM FROM IMMEDIATE HARM;

CONNECTING THE VICTIM WITH MEDICAL CARE; PRESERVING EVIDENCE OF THE SUSPECTED, ALLEGED, OR WITNESSED OFFENSE; AND REPORTING THE ALLEGED SEXUAL ABUSE;

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

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

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

(3)(a) EACH LOCAL DETENTION FACILITY SHALL DESIGNATE A STAFF MEMBER AS THE JAIL'S PREA COORDINATOR. THE PREA COORDINATOR SHALL, PURSUANT TO SECTION 2-3-1901.5, IMPLEMENT FEDERAL PREA STANDARDS AS REQUIRED BY THE LEGISLATIVE OVERSIGHT COMMITTEE FOR COLORADO JAIL STANDARDS AND SHALL FACILITATE ACCESS TO CONFIDENTIAL SEXUAL ASSAULT ADVOCACY SERVICES FOR INMATES SEEKING CONFIDENTIAL SEXUAL ASSAULT ADVOCACY SERVICES.

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

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

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

(1) (a) A LOCAL DETENTION FACILITY SHALL NOT DISCHARGE, DISCIPLINE, DEMOTE, DENY A PROMOTION TO, TRANSFER OR REASSIGN, DISCRIMINATE AGAINST, HARASS, SUSPEND, CREATE A HOSTILE WORK ENVIRONMENT FOR, SUBJECT TO CORRECTIVE ACTION OR REPRIMAND, ISSUE

AN EMPLOYMENT RATING THAT RESULTS IN THE LOSS OF PAY OR ADVERSELY AFFECTS ELIGIBILITY FOR PROMOTION OR FOR AN ASSIGNMENT FOR, LAY OFF, REDUCE WORK HOURS FOR, KNOWINGLY PROVIDE FALSE INFORMATION FOR THE PURPOSE OF NEGATIVELY AFFECTING FUTURE EMPLOYMENT OPPORTUNITIES FOR, OR THREATEN ANY ACTIONS AGAINST OR OTHERWISE DISCRIMINATE AGAINST A STAFF MEMBER IN TERMS, CONDITIONS, OR PRIVILEGES OF EMPLOYMENT BECAUSE THE STAFF MEMBER DISCLOSES INFORMATION IN GOOD FAITH TO THE PROPER SUPERVISING AUTHORITY THAT THE STAFF MEMBER REASONABLY BELIEVES SHOWS SUSPECTED, ALLEGED, OR WITNESSED SEXUAL ABUSE OR SEX-BASED HARASSMENT IN THE LOCAL DETENTION FACILITY.

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

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

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

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

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

(a) (I) REINSTATEMENT, WITH THE SAME SENIORITY STATUS THAT THE STAFF MEMBER WOULD HAVE HAD BUT FOR THE VIOLATION OF

SUBSECTION (1) OF THIS SECTION; AND

(II) THE AMOUNT OF BACK PAY WITH INTEREST AT AN INTEREST RATE SET BY THE SECRETARY OF STATE PURSUANT TO SECTION 13-21-101 (3) FOR THE YEARS BACK PAY IS AWARDED;

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

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

(d) REASONABLE ATTORNEY FEES AND COSTS.

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

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

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

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

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

SECTION.

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

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

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

(10) (a) WHEN MAKING A GOOD FAITH REPORT OR DISCLOSURE PROTECTED BY THIS SECTION, A STAFF MEMBER SHALL FOLLOW THE INTERNAL REPORTING AND INTERNAL ADMINISTRATIVE PROCEDURES OF THE LOCAL DETENTION FACILITY, TO THE EXTENT THE PROCEDURES EXIST AND ARE PROVIDED TO THE EMPLOYEE IN WRITING, AND SHALL EXHAUST THE PROCEDURES PRIOR TO INITIATING A PRIVATE RIGHT OF ACTION PURSUANT TO SUBSECTION (2) OF THIS SECTION. IF THE INTERNAL REPORTING PROCEDURE REQUIRES A STAFF MEMBER TO REPORT TO THE INDIVIDUAL WHO ALLEGEDLY COMMITTED THE ACT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, THE PROCEDURE MUST PROVIDE AN ALTERNATIVE REPORTING PROCEDURE. THE LIMITATIONS PERIOD DESCRIBED IN SUBSECTION (8) OF THIS SECTION IS TOLLED UNTIL THE INTERNAL ADMINISTRATIVE PROCESS IS COMPLETE.

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

(II) IF A LOCAL DETENTION FACILITY DOES NOT ADOPT AN INTERNAL ADMINISTRATIVE PROCEDURE OR DOES NOT COMPLETE THE INTERNAL ADMINISTRATIVE PROCEDURE WITHIN ONE HUNDRED EIGHTY DAYS AFTER A REPORT OR DISCLOSURE, THIS SUBSECTION (10) IS DEEMED COMPLIED WITH

AND THE STAFF MEMBER MAY FILE A PRIVATE RIGHT OF ACTION IN A COURT OF COMPETENT JURISDICTION PURSUANT TO SUBSECTION (2) OF THIS SECTION. IF THE LOCAL DETENTION FACILITY'S INTERNAL ADMINISTRATIVE PROCEDURE HAS NOT BEEN COMPLETED WHEN THE STAFF MEMBER INITIATES A PRIVATE RIGHT OF ACTION PURSUANT TO SUBSECTION (2) OF THIS SECTION FOR REASONS BEYOND THE CONTROL OF THE LOCAL DETENTION FACILITY, INCLUDING, BUT NOT LIMITED TO, THE EXISTENCE OF AN OPEN CRIMINAL PROCEEDING OR AN OPEN CRITICAL INCIDENT RESPONSE TEAM INVESTIGATION, THE LOCAL DETENTION FACILITY MAY SEEK A STAY OF THE PRIVATE RIGHT OF ACTION PENDING RESOLUTION OF THE SOURCE OF THE DELAY.

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

(a) "LOCAL DETENTION FACILITY" MEANS A COUNTY JAIL AS DESCRIBED IN SECTION 17-26-101 OR MUNICIPAL JAIL AS DESCRIBED IN SECTION 31-15-401 (1)(j).

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

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

**SECTION 5.** In Colorado Revised Statutes, 24-31-904, **amend** (1)(a)(IV) and (1)(a)(V); and **add** (1)(a)(VI) and (7) as follows:

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

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

(IV) An administrative law judge, hearing officer, or internal investigation finds that a peace officer failed to intervene pursuant to

section 18-8-805 (5) and the incident resulted in death to another person; or

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

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

(7) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "LOCAL DETENTION FACILITY" MEANS A COUNTY JAIL AS DESCRIBED IN SECTION 17-26-101 OR MUNICIPAL JAIL AS DESCRIBED IN SECTION 31-15-401 (1)(j).

**SECTION 6.** In Colorado Revised Statutes, **amend** 30-10-511 as follows:

**30-10-511. Sheriff custodian of jail - duties - strip search footage - repeal.**

(1) Except as provided in section 16-11-308.5, ~~C.R.S.~~, the sheriff ~~shall have~~ HAS charge and custody of the jails of the county, and of the prisoners in the jails, and THE SHERIFF shall supervise ~~them himself or herself~~ THE PRISONERS THEMSELF or through a deputy or jailer.

(2) (a) EACH SHERIFF SHALL COORDINATE WITH THE SHERIFF'S BODY-WORN CAMERA VENDOR TO IMPLEMENT A TAG FOR STRIP SEARCHES IN THE BODY-WORN CAMERA FOOTAGE TAGGING OPTIONS. EACH SHERIFF SHALL ENSURE THAT STRIP SEARCH FOOTAGE HAS THE MOST RESTRICTIVE LEVEL OF ACCESS AVAILABLE WITHIN THE SHERIFF'S BODY-WORN CAMERA SYSTEM. THE SHERIFF AND JAIL PERSONNEL SHALL ONLY ACCESS STRIP SEARCH FOOTAGE PURSUANT TO SECTION 17-26-141 (5).

(b) ON OR BEFORE AUGUST 1, 2026, EACH SHERIFF SHALL IMPLEMENT BODY-WORN CAMERA FOOTAGE TAGGING PURSUANT TO SECTION

17-26-141 (2).

(3) (a) ON OR BEFORE JANUARY 1 OF EACH YEAR, EACH SHERIFF SHALL REPORT DATA COLLECTED DURING THE PREVIOUS CALENDAR YEAR AS DOCUMENTED IN THE REPORT DESCRIBED IN SECTION 17-26-103.5 (3) TO THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY IN A MANNER PRESCRIBED BY THE DIVISION.

(b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JANUARY 31, 2031.

**SECTION 7.** In Colorado Revised Statutes, 24-33.5-503, **add** (1)(hh) as follows:

**24-33.5-503. Duties of division - repeal.**

(1) The division has the following duties:

(hh) (I) TO MAKE PUBLICLY AVAILABLE BY JANUARY 31 OF EACH YEAR DATA SUBMITTED TO THE DIVISION PURSUANT TO SECTION 30-10-511 (3). THE DIVISION SHALL USE EXISTING OR FREELY AVAILABLE TECHNOLOGY TO ACCOMPLISH THE REQUIREMENTS OF THIS SUBSECTION (1)(hh).

(II) THIS SUBSECTION (1)(hh) IS REPEALED, EFFECTIVE FEBRUARY 1, 2031.

**SECTION 8. Appropriation.** For the 2026-27 state fiscal year, \$38,916 is appropriated to the department of law. This appropriation is from the P.O.S.T. board cash fund created in section 24-31-303 (2)(b), C.R.S., and is based on an assumption that the department will require an additional 0.3 FTE. To implement this act, the department may use this appropriation for peace officers standards and training board support.

**SECTION 9. Safety clause.** The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

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Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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James Rashad Coleman, Sr.  
PRESIDENT OF  
THE SENATE

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Vanessa Reilly  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Esther van Mourik  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_  
(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO