

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

REREVISÉD

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 20-1309.01 Michael Dohr x4347

SENATE BILL 20-217

SENATE SPONSORSHIP

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Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ENHANCE LAW ENFORCEMENT INTEGRITY,**
102 **AND, IN 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 all local law enforcement agencies to issue body-worn cameras to their officers and requires all recordings of an incident be released to the public within 14 days after the incident. Peace officers shall wear and activate a body-worn camera at any time when interacting with the public.

The bill requires the division of criminal justice in the department

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

HOUSE
3rd Reading Unamended
June 12, 2020

HOUSE
Amended 2nd Reading
June 11, 2020

SENATE
Amended 3rd Reading
June 9, 2020

SENATE
Amended 2nd Reading
June 8, 2020

of public safety to create an annual report of the information that is reported to the attorney general, aggregated and broken down by state or local agency that employs peace officers, along with the underlying data. Each state and local agency that employs peace officers shall report to the attorney general:

- ! All use of force by its officers that results in death or serious bodily injury;
- ! All instances when an officer resigned while under investigation for violating department policy;
- ! All data relating to stops conducted by its peace officers; and
- ! All data related to the use of an unannounced entry by a peace officer.

The division of criminal justice shall maintain a statewide database with data collected in a searchable format and publish the database on its website. Any state and local law enforcement agency that fails to meet its reporting requirements is subject to suspension of its funding by its appropriating authority.

If any peace officer is convicted of or pleads guilty or nolo contendere to any inappropriate use of physical force or a crime involving the unlawful use or threatened use of physical force, or for failing to intervene to prevent inappropriate use of physical force, the peace officer's employing agency shall immediately terminate the peace officer's employment and the P.O.S.T. board shall permanently revoke the peace officer's certification. The P.O.S.T. board shall not, under any circumstances, reinstate the peace officer's certification or grant new certification to the peace officer.

The bill allows a person who has a constitutional right secured by the bill of rights of the Colorado constitution that is infringed upon by a peace officer to bring a civil action for the violation. A plaintiff who prevails in the lawsuit is entitled to reasonable attorney fees, and a defendant in an individual suit is entitled to reasonable attorney fees for defending any frivolous claims. Qualified immunity and a defendant's good faith but erroneous belief in the lawfulness of his or her conduct are not defenses to the civil action. The bill requires a political subdivision of the state to indemnify its employees for such a claim.

The bill allows a peace officer or detention facility guard to use deadly physical force only when necessary to effect an arrest or prevent escape from custody when the person is using a deadly weapon or likely to imminently cause danger to life or serious bodily injury. The bill repeals a peace officer's authority to use a chokehold.

The bill requires the P.O.S.T. board to create and maintain a database containing information related to a peace officer's:

- ! Untruthfulness;
- ! Repeated failure to follow P.O.S.T. board training

1 P.O.S.T. BOARD PURSUANT TO SECTION 16-2.5-102, A COLORADO STATE
2 PATROL OFFICER AS DESCRIBED IN SECTION 16-2.5-114, AND ANY
3 NONCERTIFIED DEPUTY SHERIFF AS DESCRIBED IN SECTION 16-2.5-103 (2).

4 (4) "PHYSICAL FORCE" MEANS THE APPLICATION OF PHYSICAL
5 TECHNIQUES OR TACTICS, CHEMICAL AGENTS, OR WEAPONS TO ANOTHER
6 PERSON.

7 (5) "SERIOUS BODILY INJURY" HAS THE SAME MEANING AS IN
8 SECTION 18-1-901 (3)(p).

9 (6) "TAMPER" MEANS TO INTENTIONALLY DAMAGE, DISABLE,
10 DISLodge, OR OBSTRUCT THE SIGHT OR SOUND OR OTHERWISE IMPAIR
11 FUNCTIONALITY OF THE BODY-WORN CAMERA OR TO INTENTIONALLY
12 DAMAGE, DELETE, OR FAIL TO UPLOAD SOME OR ALL PORTIONS OF THE
13 VIDEO AND AUDIO.

14 **24-31-902. Incident recordings - release - tampering - fine.**

15 (1) (a) (I) BY JULY 1, 2023, ALL LOCAL LAW ENFORCEMENT AGENCIES IN
16 THE STATE AND THE COLORADO STATE PATROL SHALL PROVIDE
17 BODY-WORN CAMERAS FOR EACH PEACE OFFICER OF THE LAW
18 ENFORCEMENT AGENCY WHO INTERACTS WITH MEMBERS OF THE PUBLIC.
19 LAW ENFORCEMENT AGENCIES MAY SEEK FUNDING PURSUANT TO SECTION
20 24-33.5-519.

21 (II) (A) EXCEPT AS PROVIDED IN SUBSECTION (1)(a)(II)(B) OR
22 (1)(a)(II)(C) OF THIS SECTION, A PEACE OFFICER SHALL WEAR AND
23 ACTIVATE A BODY-WORN CAMERA OR DASH CAMERA, IF THE PEACE
24 OFFICER'S VEHICLE IS EQUIPPED WITH A DASH CAMERA, WHEN RESPONDING
25 TO A CALL FOR SERVICE OR DURING ANY INTERACTION WITH THE PUBLIC
26 INITIATED BY THE PEACE OFFICER, WHETHER CONSENSUAL OR
27 NONCONSENSUAL, FOR THE PURPOSE OF ENFORCING THE LAW OR

1 INVESTIGATING POSSIBLE VIOLATIONS OF THE LAW.

2 (B) A PEACE OFFICER MAY TURN OFF A BODY-WORN CAMERA TO
3 AVOID RECORDING PERSONAL INFORMATION THAT IS NOT CASE RELATED;
4 WHEN WORKING ON AN UNRELATED ASSIGNMENT; WHEN THERE IS A LONG
5 BREAK IN THE INCIDENT OR CONTACT THAT IS NOT RELATED TO THE
6 INITIAL INCIDENT; AND IN ADMINISTRATIVE, TACTICAL, AND MANAGEMENT
7 DISCUSSIONS.

8 (C) A PEACE OFFICER DOES NOT NEED TO WEAR OR ACTIVATE A
9 BODY-WORN CAMERA IF THE PEACE OFFICER IS WORKING UNDERCOVER.

10 (D) THE PROVISIONS OF THIS SUBSECTION (1)(a)(II) DO NOT APPLY
11 TO JAIL PEACE OFFICERS OR STAFF OF A LOCAL LAW ENFORCEMENT
12 AGENCY IF THE JAIL HAS VIDEO CAMERAS; EXCEPT THIS SUBSECTION
13 (1)(a)(II) APPLIES TO JAIL PEACE OFFICERS WHEN PERFORMING A TASK
14 THAT REQUIRES AN ANTICIPATED USE OF FORCE, INCLUDING CELL
15 EXTRACTIONS AND RESTRAINT CHAIRS. THE PROVISIONS OF THIS
16 SUBSECTION (1)(a)(II) ALSO DO NOT APPLY TO THE CIVILIAN OR
17 ADMINISTRATIVE STAFF OF THE COLORADO STATE PATROL OR A LOCAL
18 LAW ENFORCEMENT AGENCY, THE EXECUTIVE DETAIL OF THE COLORADO
19 STATE PATROL, AND PEACE OFFICERS WORKING IN A COURTROOM.

20 (III) IF A PEACE OFFICER FAILS TO ACTIVATE A BODY-WORN
21 CAMERA OR DASH CAMERA AS REQUIRED BY THIS SECTION OR TAMPERS
22 WITH BODY-WORN- OR DASH-CAMERA FOOTAGE OR OPERATION WHEN
23 REQUIRED TO ACTIVATE THE CAMERA, THERE IS A PERMISSIVE INFERENCE
24 IN ANY INVESTIGATION OR LEGAL PROCEEDING, EXCLUDING CRIMINAL
25 PROCEEDINGS AGAINST THE PEACE OFFICER, THAT THE MISSING FOOTAGE
26 WOULD HAVE REFLECTED MISCONDUCT BY THE PEACE OFFICER. IF A PEACE
27 OFFICER FAILS TO ACTIVATE OR REACTIVATE HIS OR HER BODY-WORN

1 CAMERA AS REQUIRED BY THIS SECTION OR TAMPERS WITH BODY-WORN OR
2 DASH CAMERA FOOTAGE OR OPERATION WHEN REQUIRED TO ACTIVATE THE
3 CAMERA, ANY STATEMENTS SOUGHT TO BE INTRODUCED IN A
4 PROSECUTION THROUGH THE PEACE OFFICER RELATED TO THE INCIDENT
5 THAT WERE NOT RECORDED DUE TO THE PEACE OFFICER'S FAILURE TO
6 ACTIVATE OR REACTIVATE THE BODY-WORN CAMERA AS REQUIRED BY
7 THIS SECTION OR IF THE STATEMENT WAS NOT RECORDED BY OTHER MEANS
8 CREATES A REBUTTABLE PRESUMPTION OF INADMISSIBILITY.
9 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THIS SUBSECTION
10 (1)(a)(III) DOES NOT APPLY IF THE BODY-WORN CAMERA WAS NOT
11 ACTIVATED DUE TO A MALFUNCTION OF THE BODY-WORN CAMERA AND
12 THE PEACE OFFICER WAS NOT AWARE OF THE MALFUNCTION, OR WAS
13 UNABLE TO RECTIFY IT, PRIOR TO THE INCIDENT, PROVIDED THAT THE LAW
14 ENFORCEMENT AGENCY'S DOCUMENTATION SHOWS THE PEACE OFFICER
15 CHECKED THE FUNCTIONALITY OF THE BODY-WORN CAMERA AT THE
16 BEGINNING OF HIS OR HER SHIFT.

17 (IV) (A) IN ADDITION TO ANY CRIMINAL LIABILITY AND PENALTY
18 UNDER THE LAW, IF A COURT, ADMINISTRATIVE LAW JUDGE, HEARING
19 OFFICER, OR A FINAL DECISION IN AN INTERNAL INVESTIGATION FINDS
20 THAT A PEACE OFFICER INTENTIONALLY FAILED TO ACTIVATE A
21 BODY-WORN CAMERA OR DASH CAMERA OR TAMPED WITH ANY
22 BODY-WORN OR DASH CAMERA, EXCEPT AS PERMITTED IN THIS SECTION,
23 THE PEACE OFFICER'S EMPLOYER SHALL IMPOSE DISCIPLINE UP TO AND
24 INCLUDING TERMINATION, TO THE EXTENT PERMITTED BY APPLICABLE
25 CONSTITUTIONAL AND STATUTORY PERSONNEL LAWS AND CASE LAW.

26 (B) IN ADDITION TO ANY CRIMINAL LIABILITY AND PENALTY UNDER
27 THE LAW, IF A COURT, ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR

1 A FINAL DECISION IN AN INTERNAL INVESTIGATION FINDS THAT A PEACE
2 OFFICER INTENTIONALLY FAILED TO ACTIVATE A BODY-WORN CAMERA OR
3 DASH CAMERA OR TAMPERED WITH ANY BODY-WORN OR DASH CAMERA,
4 EXCEPT AS PERMITTED IN THIS SECTION, WITH THE INTENT TO CONCEAL
5 UNLAWFUL OR INAPPROPRIATE ACTIONS OR OBSTRUCT JUSTICE, THE
6 P.O.S.T. BOARD SHALL SUSPEND THE PEACE OFFICER'S CERTIFICATION FOR
7 A PERIOD OF NOT LESS THAN ONE YEAR AND THE SUSPENSION MAY ONLY
8 BE LIFTED WITHIN THE PERIOD OF THE SUSPENSION IF THE PEACE OFFICER
9 IS EXONERATED BY A COURT.

10 (C) IN ADDITION TO ANY CRIMINAL LIABILITY AND PENALTY UNDER
11 THE LAW, IF A COURT, ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR

12 A FINAL DECISION IN AN INTERNAL INVESTIGATION FINDS THAT A PEACE
13 OFFICER INTENTIONALLY FAILED TO ACTIVATE A BODY-WORN CAMERA OR
14 DASH CAMERA OR TAMPERED WITH ANY BODY-WORN OR DASH CAMERA,
15 EXCEPT AS PERMITTED IN THIS SECTION, WITH THE INTENT TO CONCEAL
16 UNLAWFUL OR INAPPROPRIATE ACTIONS, OR OBSTRUCT JUSTICE, IN AN
17 INCIDENT RESULTING IN A CIVILIAN DEATH, THE P.O.S.T. BOARD SHALL
18 PERMANENTLY REVOKE THE PEACE OFFICER'S CERTIFICATION AND THE
19 REVOCAION MAY ONLY BE OVERTURNED IF THE PEACE OFFICER IS
20 EXONERATED BY A COURT.

21 (b) A LOCAL LAW ENFORCEMENT AGENCY AND THE COLORADO
22 STATE PATROL SHALL ESTABLISH AND FOLLOW A RETENTION SCHEDULE
23 FOR BODY-WORN CAMERA RECORDINGS IN COMPLIANCE WITH COLORADO
24 STATE ARCHIVES RULES AND DIRECTION.

25 (2) (a) FOR ALL INCIDENTS IN WHICH THERE IS A COMPLAINT OF
26 PEACE OFFICER MISCONDUCT BY ANOTHER PEACE OFFICER, A CIVILIAN, OR
27 NONPROFIT ORGANIZATION, THROUGH NOTICE TO THE LAW ENFORCEMENT

1 AGENCY INVOLVED IN THE ALLEGED MISCONDUCT, THE LOCAL LAW
2 ENFORCEMENT AGENCY OR THE COLORADO STATE PATROL SHALL RELEASE
3 ALL UNEDITED VIDEO AND AUDIO RECORDINGS OF THE INCIDENT,
4 INCLUDING THOSE FROM BODY-WORN CAMERAS, DASH CAMERAS, OR
5 OTHERWISE COLLECTED THROUGH INVESTIGATION, TO THE PUBLIC WITHIN
6 TWENTY-ONE DAYS AFTER THE LOCAL LAW ENFORCEMENT AGENCY OR THE
7 COLORADO STATE PATROL RECEIVED THE COMPLAINT OF MISCONDUCT.

8 (b) (I) ALL VIDEO AND AUDIO RECORDINGS DEPICTING A DEATH
9 MUST BE PROVIDED UPON REQUEST TO THE VICTIM'S SPOUSE, PARENT,
10 LEGAL GUARDIAN, CHILD, SIBLING, GRANDPARENT, GRANDCHILD,
11 SIGNIFICANT OTHER, OR OTHER LAWFUL REPRESENTATIVE, AND SUCH
12 PERSON SHALL BE NOTIFIED OF HIS OR HER RIGHT, PURSUANT TO SECTION
13 24-4.1-302.5 (1)(j.8), TO RECEIVE AND REVIEW THE RECORDING AT LEAST
14 SEVENTY-TWO HOURS PRIOR TO PUBLIC DISCLOSURE. A PERSON
15 SEVENTEEN YEARS OF AGE AND UNDER IS CONSIDERED INCAPACITATED,
16 UNLESS LEGALLY EMANCIPATED.

17 (II) (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
18 SECTION, ANY VIDEO THAT RAISES SUBSTANTIAL PRIVACY CONCERNS FOR
19 CRIMINAL DEFENDANTS, VICTIMS, WITNESSES, JUVENILES, OR INFORMANTS,
20 INCLUDING VIDEO DEPICTING NUDITY; A SEXUAL ASSAULT; A MEDICAL
21 EMERGENCY; PRIVATE MEDICAL INFORMATION; A MENTAL HEALTH CRISIS;
22 A VICTIM INTERVIEW; A MINOR, INCLUDING ANY IMAGES OR INFORMATION
23 THAT MIGHT UNDERMINE THE REQUIREMENT TO KEEP CERTAIN JUVENILE
24 RECORDS CONFIDENTIAL; ANY PERSONAL INFORMATION OTHER THAN THE
25 NAME OF ANY PERSON NOT ARRESTED, CITED, CHARGED, OR ISSUED A
26 WRITTEN WARNING, INCLUDING A GOVERNMENT-ISSUED IDENTIFICATION
27 NUMBER, DATE OF BIRTH, ADDRESS, OR FINANCIAL INFORMATION;

1 SIGNIFICANTLY EXPLICIT AND GRUESOME BODILY INJURY, UNLESS THE
2 INJURY WAS CAUSED BY A PEACE OFFICER; OR THE INTERIOR OF A HOME OR
3 TREATMENT FACILITY, SHALL BE REDACTED OR BLURRED TO PROTECT THE
4 SUBSTANTIAL PRIVACY INTEREST WHILE STILL ALLOWING PUBLIC RELEASE.
5 UNREDACTED FOOTAGE SHALL NOT BE RELEASED WITHOUT THE WRITTEN
6 AUTHORIZATION OF THE VICTIM OR, IF THE VICTIM IS DECEASED OR
7 INCAPACITATED, THE WRITTEN AUTHORIZATION OF THE VICTIM'S NEXT OF
8 KIN. A PERSON SEVENTEEN YEARS OF AGE AND UNDER IS CONSIDERED
9 INCAPACITATED, UNLESS LEGALLY EMANCIPATED.

10 (B) IF REDACTION OR BLURRING IS INSUFFICIENT TO PROTECT THE
11 SUBSTANTIAL PRIVACY INTEREST, THE LOCAL LAW ENFORCEMENT AGENCY
12 OR THE COLORADO STATE PATROL SHALL, UPON REQUEST, RELEASE THE
13 VIDEO TO THE VICTIM OR, IF THE VICTIM IS DECEASED OR INCAPACITATED,
14 TO THE VICTIM'S SPOUSE, PARENT, LEGAL GUARDIAN, CHILD, SIBLING,
15 GRANDPARENT, GRANDCHILD, SIGNIFICANT OTHER, OR OTHER LAWFUL
16 REPRESENTATIVE WITHIN TWENTY DAYS AFTER RECEIPT OF THE
17 COMPLAINT OF MISCONDUCT. IN CASES IN WHICH THE RECORDING IS NOT
18 RELEASED TO THE PUBLIC PURSUANT TO THIS SUBSECTION (2)(b)(II)(C),
19 THE LOCAL LAW ENFORCEMENT AGENCY SHALL NOTIFY THE PERSON
20 WHOSE PRIVACY INTEREST IS IMPLICATED, IF CONTACT INFORMATION IS
21 KNOWN, WITHIN TWENTY DAYS AFTER RECEIPT OF THE COMPLAINT OF
22 MISCONDUCT, AND INFORM THE PERSON OF HIS OR HER RIGHT TO WAIVE
23 THE PRIVACY INTEREST.

24 (C) A WITNESS, VICTIM, OR CRIMINAL DEFENDANT MAY WAIVE IN
25 WRITING THE INDIVIDUAL PRIVACY INTEREST THAT MAY BE IMPLICATED BY
26 PUBLIC RELEASE. UPON RECEIPT OF A WRITTEN WAIVER OF THE
27 APPLICABLE PRIVACY INTEREST, ACCOMPANIED BY A REQUEST FOR

1 RELEASE, THE LAW ENFORCEMENT AGENCY MAY NOT REDACT OR
2 WITHHOLD RELEASE TO PROTECT THAT PRIVACY INTEREST. THE HEARING
3 SHALL BE CONSIDERED A CRITICAL STAGE PURSUANT TO SECTION
4 24-4.1-302 AND GIVES VICTIMS THE RIGHT TO BE HEARD PURSUANT TO
5 24-4.1-302.5.

6 (III) ANY VIDEO THAT WOULD SUBSTANTIALLY INTERFERE WITH OR
7 JEOPARDIZE AN ACTIVE OR ONGOING INVESTIGATION MAY BE WITHHELD
8 FROM THE PUBLIC; EXCEPT THAT THE VIDEO SHALL BE RELEASED NO LATER
9 THAN FORTY-FIVE DAYS FROM THE DATE OF THE ALLEGATION OF
10 MISCONDUCT. IN ALL CASES WHEN RELEASE OF A VIDEO IS DELAYED IN
11 RELIANCE ON THIS SUBSECTION (2)(b)(III), THE PROSECUTING ATTORNEY
12 SHALL PREPARE A WRITTEN EXPLANATION OF THE INTERFERENCE OR
13 JEOPARDY THAT JUSTIFIES THE DELAYED RELEASE, CONTEMPORANEOUS
14 WITH THE REFUSAL TO RELEASE THE VIDEO. UPON RELEASE OF THE VIDEO,
15 THE PROSECUTING ATTORNEY SHALL RELEASE THE WRITTEN EXPLANATION
16 TO THE PUBLIC.

17 (c) IF CRIMINAL CHARGES HAVE BEEN FILED AGAINST ANY PARTY
18 TO THE INCIDENT, THAT PARTY MUST FILE ANY CONSTITUTIONAL
19 OBJECTION TO RELEASE OF THE RECORDING IN THE PENDING CRIMINAL
20 CASE BEFORE THE TWENTY-ONE-DAY PERIOD EXPIRES. ONLY IN CASES IN
21 WHICH THERE IS A PENDING CRIMINAL INVESTIGATION OR PROSECUTION OF
22 A PARTY TO THE INCIDENT, THE TWENTY-ONE-DAY PERIOD SHALL BEGIN
23 FROM THE DATE OF APPOINTMENT OF COUNSEL, THE FILING OF AN ENTRY
24 OF APPEARANCE BY COUNSEL, OR THE ELECTION TO PROCEED PRO SE BY
25 THE DEFENDANT IN THE CRIMINAL PROSECUTION MADE ON THE RECORD
26 BEFORE A JUDGE. IF THE DEFENDANT ELECTS TO PROCEED PRO SE IN THE
27 CRIMINAL CASE, THE COURT SHALL ADVISE THE DEFENDANT OF THE

1 TWENTY-ONE-DAY DEADLINE FOR THE DEFENDANT TO FILE ANY
2 CONSTITUTIONAL OBJECTION TO RELEASE OF THE RECORDING IN THE
3 PENDING CRIMINAL CASE AS PART OF THE COURT'S ADVISEMENT. THE
4 COURT SHALL HOLD A HEARING ON ANY OBJECTION NO LATER THAN SEVEN
5 DAYS AFTER IT IS FILED AND ISSUE A RULING NO LATER THAN THREE DAYS
6 AFTER THE HEARING. ___

7 **24-31-903. Division of criminal justice report.** (1) BEGINNING
8 JULY 1, 2023, THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
9 PUBLIC SAFETY SHALL CREATE AN ANNUAL REPORT INCLUDING ALL OF THE
10 INFORMATION THAT IS REPORTED TO THE DIVISION PURSUANT TO
11 SUBSECTION (2) OF THIS SECTION, AGGREGATED AND BROKEN DOWN BY
12 THE ___ LAW ENFORCEMENT AGENCY THAT EMPLOYS PEACE OFFICERS,
13 ALONG WITH THE UNDERLYING DATA.

14 (2) BEGINNING JANUARY 1, 2023, THE COLORADO STATE PATROL
15 AND EACH LOCAL LAW ENFORCEMENT AGENCY THAT EMPLOYS PEACE
16 OFFICERS SHALL REPORT TO THE DIVISION OF CRIMINAL JUSTICE:

17 (a) ALL USE OF FORCE BY ITS PEACE OFFICERS THAT RESULTS IN
18 DEATH OR SERIOUS BODILY INJURY, INCLUDING:

19 (I) THE DATE, TIME, AND LOCATION OF THE USE OF FORCE;

20 (II) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE PERSON
21 CONTACTED, PROVIDED THAT THE IDENTIFICATION OF THESE
22 CHARACTERISTICS IS BASED ON THE OBSERVATION AND PERCEPTION OF
23 THE PEACE OFFICER MAKING THE CONTACT AND OTHER AVAILABLE DATA;

24 (III) THE NAMES OF ALL PEACE OFFICERS WHO WERE AT THE
25 SCENE, IDENTIFIED BY WHETHER THE PEACE OFFICER WAS INVOLVED IN
26 THE USE OF FORCE OR NOT; EXCEPT THAT THE IDENTITY OF OTHER PEACE
27 OFFICERS AT THE SCENE NOT DIRECTLY INVOLVED IN THE USE OF FORCE

1 SHALL BE IDENTIFIED BY THE OFFICER'S IDENTIFICATION NUMBER ISSUED
2 BY THE P.O.S.T. BOARD UNLESS THE PEACE OFFICER IS CHARGED
3 CRIMINALLY OR IS A DEFENDANT TO A CIVIL SUIT AS A RESULT ARISING
4 FROM THE USE OF FORCE;

5 (IV) THE TYPE OF FORCE USED, THE SEVERITY AND NATURE OF THE
6 INJURY, WHETHER THE PEACE OFFICER SUFFERED PHYSICAL INJURY, AND
7 THE SEVERITY OF THE PEACE OFFICER'S INJURY;

8 (V) WHETHER THE PEACE OFFICER WAS ON DUTY AT THE TIME OF
9 THE USE OF FORCE;

10 (VI) WHETHER A PEACE OFFICER UNHOLSTERED A WEAPON DURING
11 THE INCIDENT;

12 (VII) WHETHER A PEACE OFFICER DISCHARGED A FIREARM DURING
13 THE INCIDENT.

14 (VIII) WHETHER THE USE OF FORCE RESULTED IN A LAW
15 ENFORCEMENT AGENCY INVESTIGATION AND THE RESULT OF THE
16 INVESTIGATION; AND

17 (IX) WHETHER THE USE OF FORCE RESULTED IN A CITIZEN
18 COMPLAINT AND THE RESOLUTION OF THAT COMPLAINT.

19 (b) ALL INSTANCES WHEN A PEACE OFFICER RESIGNED WHILE
20 UNDER INVESTIGATION FOR VIOLATING DEPARTMENT POLICY;

21 (c) ALL DATA RELATING TO CONTACTS CONDUCTED BY ITS PEACE
22 OFFICERS, INCLUDING:

23 (I) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE PERSON
24 CONTACTED PROVIDED THAT THE IDENTIFICATION OF THESE
25 CHARACTERISTICS IS BASED ON THE OBSERVATION AND PERCEPTION OF
26 THE PEACE OFFICER MAKING THE CONTACT AND OTHER AVAILABLE DATA;

27 ==

- 1 (II) WHETHER THE CONTACT WAS A TRAFFIC STOP;
- 2 (III) THE TIME, DATE, AND LOCATION OF THE CONTACT;
- 3 (IV) THE DURATION OF THE CONTACT;
- 4 (V) THE REASON FOR THE CONTACT;
- 5 (VI) THE SUSPECTED CRIME;
- 6 (VII) THE RESULT OF THE CONTACT, SUCH AS:
- 7 (A) NO ACTION, WARNING, CITATION, PROPERTY SEIZURE, OR
- 8 ARREST;
- 9 (B) IF A WARNING OR CITATION WAS ISSUED, THE WARNING
- 10 PROVIDED OR VIOLATION CITED;
- 11 (C) IF AN ARREST WAS MADE, THE OFFENSE CHARGED;
- 12 (D) IF THE CONTACT WAS A TRAFFIC STOP, THE INFORMATION
- 13 COLLECTED, WHICH IS LIMITED TO THE DRIVER;
- 14 (VIII) THE ACTIONS TAKEN BY THE PEACE OFFICER DURING THE
- 15 CONTACT, INCLUDING BUT NOT LIMITED TO WHETHER:
- 16 (A) THE PEACE OFFICER ASKED FOR CONSENT TO SEARCH THE
- 17 PERSON, AND, IF SO, WHETHER CONSENT WAS PROVIDED;
- 18 (B) THE PEACE OFFICER SEARCHED THE PERSON OR ANY PROPERTY,
- 19 AND, IF SO, THE BASIS FOR THE SEARCH AND THE TYPE OF CONTRABAND OR
- 20 EVIDENCE DISCOVERED, IF ANY; ■
- 21 (C) THE PEACE OFFICER SEIZED ANY PROPERTY AND, IF SO, THE
- 22 TYPE OF PROPERTY THAT WAS SEIZED AND THE BASIS FOR SEIZING THE
- 23 PROPERTY;
- 24 (D) A PEACE OFFICER UNHOLSTERED A WEAPON DURING THE
- 25 CONTACT; AND
- 26 (E) A PEACE OFFICER DISCHARGED A FIREARM DURING THE
- 27 CONTACT;

1 (d) ALL INSTANCES OF UNANNOUNCED ENTRY INTO A RESIDENCE,
2 WITH OR WITHOUT A WARRANT, INCLUDING:

3 (I) THE DATE, TIME, AND LOCATION OF THE USE OF UNANNOUNCED
4 ENTRY; ■

5 (II) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE SUBJECT
6 OF THE UNANNOUNCED ENTRY, PROVIDED THAT THE IDENTIFICATION OF
7 THESE CHARACTERISTICS IS BASED ON THE OBSERVATION AND PERCEPTION
8 OF THE PEACE OFFICER MAKING THE ENTRY AND OTHER AVAILABLE DATA;
9 AND

10 (III) WHETHER A PEACE OFFICER UNHOLSTERED A WEAPON DURING
11 THE UNANNOUNCED ENTRY; AND

12 (IV) WHETHER A PEACE OFFICER DISCHARGED A FIREARM DURING
13 THE UNANNOUNCED ENTRY;

14 (3) THE COLORADO STATE PATROL AND LOCAL LAW ENFORCEMENT
15 AGENCIES SHALL NOT REPORT THE NAME, ADDRESS, SOCIAL SECURITY
16 NUMBER, OR OTHER UNIQUE PERSONAL IDENTIFYING INFORMATION OF THE
17 SUBJECT OF THE USE OF FORCE, VICTIM OF THE OFFICIAL MISCONDUCT, OR
18 PERSONS CONTACTED, SEARCHED, OR SUBJECTED TO A PROPERTY SEIZURE.
19 NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE DATA
20 REPORTED PURSUANT TO THIS SECTION IS AVAILABLE TO THE PUBLIC
21 PURSUANT TO SUBSECTION (4) OF THIS SECTION.

22 (4) THE DIVISION OF CRIMINAL JUSTICE SHALL MAINTAIN A
23 STATEWIDE DATABASE WITH DATA COLLECTED PURSUANT TO THIS
24 SECTION, IN A SEARCHABLE FORMAT, AND PUBLISH THE DATABASE ON ITS
25 WEBSITE.

26 (5) THE COLORADO STATE PATROL AND ANY LOCAL LAW
27 ENFORCEMENT AGENCY THAT FAILS TO MEET ITS REPORTING

1 REQUIREMENTS PURSUANT TO THIS SECTION IS SUBJECT TO THE
2 SUSPENSION OF ITS FUNDING BY ITS APPROPRIATING AUTHORITY.

3 **24-31-904. Revoke peace officer certification after conviction.**

4 NOTWITHSTANDING ANY PROVISION OF LAW, IF ANY PEACE OFFICER IS
5 CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A CRIME
6 INVOLVING THE UNLAWFUL USE OR THREATENED USE OF PHYSICAL FORCE,
7 A CRIME INVOLVING THE FAILURE TO INTERVENE IN THE USE OF UNLAWFUL
8 FORCE, OR IS FOUND CIVILLY LIABLE FOR THE USE OF UNLAWFUL
9 PHYSICAL FORCE, OR IS FOUND CIVILLY LIABLE FOR FAILURE TO
10 INTERVENE IN THE USE OF UNLAWFUL FORCE, THE P.O.S.T. BOARD SHALL
11 PERMANENTLY REVOKE THE PEACE OFFICER'S CERTIFICATION. THE
12 P.O.S.T. BOARD SHALL NOT, UNDER ANY CIRCUMSTANCES, REINSTATE THE
13 PEACE OFFICER'S CERTIFICATION OR GRANT NEW CERTIFICATION TO THE
14 PEACE OFFICER UNLESS THE PEACE OFFICER IS EXONERATED BY A COURT.
15 THE P.O.S.T. BOARD SHALL RECORD EACH DECERTIFIED PEACE OFFICER IN
16 THE DATABASE CREATED PURSUANT TO SECTION 24-31-303 (1)(r).

17 **24-31-905. Prohibited law enforcement action in response to**
18 **protests. (1) IN RESPONSE TO A PROTEST OR DEMONSTRATION, A LAW**
19 **ENFORCEMENT AGENCY AND ANY PERSON ACTING ON BEHALF OF THE LAW**
20 **ENFORCEMENT AGENCY SHALL NOT:**

21 **(a) DISCHARGE KINETIC IMPACT PROJECTILES AND ALL OTHER NON-**
22 **OR LESS-LETHAL PROJECTILES IN A MANNER THAT TARGETS THE HEAD,**
23 **PELVIS, OR BACK;**

24 **(b) DISCHARGE KINETIC IMPACT PROJECTILES INDISCRIMINATELY**
25 **INTO A CROWD; OR**

26 **(c) USE CHEMICAL AGENTS OR IRRITANTS, INCLUDING PEPPER**
27 **SPRAY AND TEAR GAS, PRIOR TO ISSUING AN ORDER TO DISPERSE IN A**

1 SUFFICIENT MANNER TO ENSURE THE ORDER IS HEARD AND REPEATED IF
2 NECESSARY, FOLLOWED BY SUFFICIENT TIME AND SPACE TO ALLOW
3 COMPLIANCE WITH THE ORDER.

4 **SECTION 2.** In Colorado Revised Statutes, **add** 13-21-131 as
5 follows:

6 **13-21-131. Civil action for deprivation of rights - definition.**

7 (1) A PEACE OFFICER, AS DEFINED IN SECTION 24-31-901 (3), EMPLOYED
8 BY A LOCAL GOVERNMENT WHO, UNDER COLOR OF LAW, SUBJECTS OR
9 CAUSES TO BE SUBJECTED, INCLUDING FAILING TO INTERVENE, ANY OTHER
10 PERSON TO THE DEPRIVATION OF ANY INDIVIDUAL RIGHTS THAT CREATE
11 BINDING OBLIGATIONS ON GOVERNMENT ACTORS SECURED BY THE BILL OF
12 RIGHTS, ARTICLE II OF THE STATE CONSTITUTION, IS LIABLE TO THE
13 INJURED PARTY FOR LEGAL OR EQUITABLE RELIEF OR ANY OTHER
14 APPROPRIATE RELIEF.

15 (2) (a) STATUTORY IMMUNITIES AND STATUTORY LIMITATIONS ON
16 LIABILITY, DAMAGES, OR ATTORNEY FEES DO NOT APPLY TO CLAIMS
17 BROUGHT PURSUANT TO THIS SECTION. THE "COLORADO GOVERNMENTAL
18 IMMUNITY ACT", ARTICLE 10 OF TITLE 24, DOES NOT APPLY TO CLAIMS
19 BROUGHT PURSUANT TO THIS SECTION.

20 (b) QUALIFIED IMMUNITY IS NOT A DEFENSE TO LIABILITY
21 PURSUANT TO THIS SECTION.

22 (3) IN ANY ACTION BROUGHT PURSUANT TO THIS SECTION, A COURT
23 SHALL AWARD REASONABLE ATTORNEY FEES AND COSTS TO A PREVAILING
24 PLAINTIFF. IN ACTIONS FOR INJUNCTIVE RELIEF, A COURT SHALL DEEM A
25 PLAINTIFF TO HAVE PREVAILED IF THE PLAINTIFF'S SUIT WAS A
26 SUBSTANTIAL FACTOR OR SIGNIFICANT CATALYST IN OBTAINING THE
27 RESULTS SOUGHT BY THE LITIGATION. WHEN A JUDGMENT IS ENTERED IN

1 FAVOR OF A DEFENDANT, THE COURT MAY AWARD REASONABLE COSTS
2 AND ATTORNEY FEES TO THE DEFENDANT FOR DEFENDING ANY CLAIMS THE
3 COURT FINDS FRIVOLOUS.

4 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PEACE
5 OFFICER'S EMPLOYER SHALL INDEMNIFY ITS PEACE OFFICERS FOR ANY
6 LIABILITY INCURRED BY THE PEACE OFFICER AND FOR ANY JUDGMENT OR
7 SETTLEMENT ENTERED AGAINST THE PEACE OFFICER FOR CLAIMS ARISING
8 PURSUANT TO THIS SECTION; EXCEPT THAT IF THE PEACE OFFICER'S
9 EMPLOYER DETERMINES THAT THE OFFICER DID NOT ACT UPON A GOOD
10 FAITH AND REASONABLE BELIEF THAT THE ACTION WAS LAWFUL, THEN THE
11 PEACE OFFICER IS PERSONALLY LIABLE AND SHALL NOT BE INDEMNIFIED BY
12 THE PEACE OFFICER'S EMPLOYER FOR FIVE PERCENT OF THE JUDGMENT OR
13 SETTLEMENT OR TWENTY-FIVE THOUSAND DOLLARS, WHICHEVER IS LESS.
14 NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY,
15 IF THE PEACE OFFICER'S PORTION OF THE JUDGMENT IS UNCOLLECTIBLE
16 FROM THE PEACE OFFICER, THE PEACE OFFICER'S EMPLOYER OR INSURANCE
17 SHALL SATISFY THE FULL AMOUNT OF THE JUDGMENT OR SETTLEMENT. A
18 PUBLIC ENTITY DOES NOT HAVE TO INDEMNIFY A PEACE OFFICER IF THE
19 PEACE OFFICER WAS CONVICTED OF A CRIMINAL VIOLATION FOR THE
20 CONDUCT FROM WHICH THE CLAIM ARISES.

21 (5) A CIVIL ACTION PURSUANT TO THIS SECTION MUST BE
22 COMMENCED WITHIN TWO YEARS AFTER THE CAUSE OF ACTION ACCRUES.

23 **SECTION 3.** In Colorado Revised Statutes, 18-1-703, **amend** (1)
24 introductory portion and (1)(b) as follows:

25 **18-1-703. Use of physical force - special relationships.** (1) The
26 use of physical force upon another person ~~which~~ THAT would otherwise
27 constitute an offense is justifiable and not criminal under any of the

1 following circumstances:

2 (b) A superintendent or other authorized official of a jail, prison,
3 or correctional institution may, in order to maintain order and discipline,
4 use OBJECTIVELY reasonable and appropriate physical force when and to
5 the extent that he OR SHE reasonably believes it necessary to maintain
6 order and discipline, but he OR SHE may use deadly physical force only
7 when he OR SHE OBJECTIVELY reasonably believes ~~it necessary to prevent~~
8 ~~death or serious bodily injury~~ THE INMATE POSES AN IMMEDIATE THREAT
9 TO THE PERSON USING DEADLY FORCE OR ANOTHER PERSON.

10 **SECTION 4.** In Colorado Revised Statutes, 18-1-707, **repeal and**
11 **reenact, with amendments, (1), (2), (2.5), (3), and (4); and add (4.5) as**
12 **follows:**

13 **18-1-707. Use of force by peace officers - definition.** (1) PEACE
14 OFFICERS, IN CARRYING OUT THEIR DUTIES, SHALL APPLY NONVIOLENT
15 MEANS, WHEN POSSIBLE, BEFORE RESORTING TO THE USE OF PHYSICAL
16 FORCE. A PEACE OFFICER MAY USE PHYSICAL FORCE ONLY IF NONVIOLENT
17 MEANS WOULD BE INEFFECTIVE IN EFFECTING AN ARREST, PREVENTING AN
18 ESCAPE, OR PREVENTING AN IMMINENT THREAT OF SERIOUS BODILY INJURY
19 OR DEATH TO THE PEACE OFFICER OR ANOTHER PERSON.

20 (2) WHEN PHYSICAL FORCE IS USED, A PEACE OFFICER SHALL:

21 (a) NOT USE DEADLY PHYSICAL FORCE TO APPREHEND A PERSON
22 WHO IS SUSPECTED OF ONLY A MINOR OR NONVIOLENT OFFENSE;

23 (b) USE ONLY A DEGREE OF FORCE CONSISTENT WITH THE
24 MINIMIZATION OF INJURY TO OTHERS;

25 (c) ENSURE THAT ASSISTANCE AND MEDICAL AID ARE RENDERED
26 TO ANY INJURED OR AFFECTED PERSONS AS SOON AS PRACTICABLE; AND

27 (d) ENSURE THAT ANY IDENTIFIED RELATIVES OR NEXT OF KIN OF

1 PERSONS WHO HAVE SUSTAINED SERIOUS BODILY INJURY OR DEATH ARE
2 NOTIFIED AS SOON AS PRACTICABLE.

3 (2.5) (a) A PEACE OFFICER IS PROHIBITED FROM USING A
4 CHOKEHOLD UPON ANOTHER PERSON.

5 (b) (I) FOR THE PURPOSES OF THIS SUBSECTION (2.5),
6 "CHOKEHOLD" MEANS A METHOD BY WHICH A PERSON APPLIES SUFFICIENT
7 PRESSURE TO A PERSON TO MAKE BREATHING DIFFICULT OR IMPOSSIBLE
8 AND INCLUDES BUT IS NOT LIMITED TO ANY PRESSURE TO THE NECK,
9 THROAT, OR WINDPIPE THAT MAY PREVENT OR HINDER BREATHING OR
10 REDUCE INTAKE OF AIR.

11 (II) "CHOKEHOLD" ALSO MEANS APPLYING PRESSURE TO A
12 PERSON'S NECK ON EITHER SIDE OF THE WINDPIPE, BUT NOT TO THE
13 WINDPIPE ITSELF, TO STOP THE FLOW OF BLOOD TO THE BRAIN VIA THE
14 CAROTID ARTERIES.

15 (3) A PEACE OFFICER IS JUSTIFIED IN USING DEADLY PHYSICAL
16 FORCE TO MAKE AN ARREST ONLY WHEN ALL OTHER MEANS OF
17 APPREHENSION ARE UNREASONABLE GIVEN THE CIRCUMSTANCES AND:

18 (a) THE ARREST IS FOR A FELONY INVOLVING CONDUCT INCLUDING
19 THE USE OR THREATENED USE OF DEADLY PHYSICAL FORCE;

20 (b) THE SUSPECT POSES AN IMMEDIATE THREAT TO THE PEACE
21 OFFICER OR ANOTHER PERSON;

22 (c) THE FORCE EMPLOYED DOES NOT CREATE A SUBSTANTIAL RISK
23 OF INJURY TO OTHER PERSONS.

24 (4) A PEACE OFFICER SHALL IDENTIFY HIMSELF OR HERSELF AS A
25 PEACE OFFICER AND GIVE A CLEAR VERBAL WARNING OF HIS OR HER
26 INTENT TO USE FIREARMS OR OTHER DEADLY PHYSICAL FORCE, WITH
27 SUFFICIENT TIME FOR THE WARNING TO BE OBSERVED, UNLESS TO DO SO

1 WOULD UNDULY PLACE PEACE OFFICERS AT RISK OF INJURY, WOULD
2 CREATE A RISK OF DEATH OR INJURY TO OTHER PERSONS.

3 (4.5) NOTWITHSTANDING ANY OTHER PROVISION IN THIS SECTION,
4 A PEACE OFFICER IS JUSTIFIED IN USING DEADLY FORCE IF THE PEACE
5 OFFICER HAS AN OBJECTIVELY REASONABLE BELIEF THAT A LESSER
6 DEGREE OF FORCE IS INADEQUATE AND THE PEACE OFFICER HAS
7 OBJECTIVELY REASONABLE GROUNDS TO BELIEVE, AND DOES BELIEVE,
8 THAT HE OR ANOTHER PERSON IS IN IMMINENT DANGER OF BEING KILLED
9 OR OF RECEIVING SERIOUS BODILY INJURY.

10 SECTION 5. In Colorado Revised Statutes, 18-8-802, add (1.5)
11 as follows:

12 18-8-802. Duty to report use of force by peace officers - duty
13 to intervene. (1.5) (a) A PEACE OFFICER SHALL INTERVENE TO PREVENT
14 OR STOP ANOTHER PEACE OFFICER FROM USING PHYSICAL FORCE THAT
15 EXCEEDS THE DEGREE OF FORCE PERMITTED, IF ANY, BY SECTION 18-1-707,
16 IN PURSUANCE OF THE OTHER PEACE OFFICER'S LAW ENFORCEMENT DUTIES
17 IN CARRYING OUT AN ARREST OF ANY PERSON, PLACING ANY PERSON
18 UNDER DETENTION, TAKING ANY PERSON INTO CUSTODY, BOOKING ANY
19 PERSON, OR IN THE PROCESS OF CROWD CONTROL OR RIOT CONTROL,
20 WITHOUT REGARD FOR CHAIN OF COMMAND.

21 (b) (I) A PEACE OFFICER WHO INTERVENES AS REQUIRED BY
22 SUBSECTION (1.5) (a) OF THIS SECTION SHALL REPORT THE INTERVENTION
23 TO HIS OR HER IMMEDIATE SUPERVISOR.

24 (II) AT A MINIMUM, THE REPORT REQUIRED BY THIS SUBSECTION
25 (1.5)(b) MUST INCLUDE THE DATE, TIME, AND PLACE OF THE OCCURRENCE;
26 THE IDENTITY, IF KNOWN, AND DESCRIPTION OF THE PARTICIPANTS; AND A
27 DESCRIPTION OF THE INTERVENTION ACTIONS TAKEN. THIS REPORT SHALL

1 BE MADE IN WRITING WITHIN TEN DAYS OF THE OCCURRENCE OF THE USE
2 OF SUCH FORCE AND SHALL BE APPENDED TO ALL OTHER REPORTS OF THE
3 INCIDENT.

4 (c) A MEMBER OF A LAW ENFORCEMENT AGENCY SHALL NOT
5 DISCIPLINE OR RETALIATE IN ANY WAY AGAINST A PEACE OFFICER FOR
6 INTERVENING AS REQUIRED BY SUBSECTION (1.5) (a) OF THIS SECTION, OR
7 FOR REPORTING UNCONSTITUTIONAL CONDUCT, OR FOR FAILING TO
8 FOLLOW WHAT THE OFFICER REASONABLY BELIEVES IS AN
9 UNCONSTITUTIONAL DIRECTIVE.

10 (d) ANY PEACE OFFICER WHO FAILS TO INTERVENE TO PREVENT
11 THE USE OF UNLAWFUL FORCE AS PRESCRIBED IN THIS SUBSECTION (1.5)
12 COMMITS A CLASS 1 MISDEMEANOR. NOTHING IN THIS SUBSECTION (1.5)
13 SHALL PROHIBIT OR DISCOURAGE PROSECUTION OF ANY OTHER CRIMINAL
14 OFFENSE RELATED TO FAILURE TO INTERVENE, INCLUDING A HIGHER
15 CHARGE, IF SUPPORTED BY THE EVIDENCE.

16 (e) WHEN AN ADMINISTRATIVE LAW JUDGE OR INTERNAL
17 INVESTIGATION FINDS THAT A PEACE OFFICER FAILED TO INTERVENE TO
18 PREVENT THE USE OF UNLAWFUL PHYSICAL FORCE AS PRESCRIBED IN THIS
19 SUBSECTION (1.5), THIS FINDING MUST BE PRESENTED TO THE DISTRICT
20 ATTORNEY SO THAT HE OR SHE CAN DETERMINE WHETHER CHARGES
21 SHOULD BE FILED PURSUANT TO SUBSECTION (1.5)(d) OF THIS SECTION.
22 HOWEVER, NOTHING IN THIS SUBSECTION (1.5)(e) PROHIBITS THE DISTRICT
23 ATTORNEY FROM CHARGING AN OFFICER WITH FAILURE TO INTERVENE
24 BEFORE THE CONCLUSION OF ANY INTERNAL INVESTIGATION.

25 (f) IN ADDITION TO ANY CRIMINAL LIABILITY AND PENALTY UNDER
26 THE LAW, WHEN AN ADMINISTRATIVE LAW JUDGE HEARING OFFICER, OR
27 INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER FAILED TO

1 INTERVENE AS REQUIRED BY SUBSECTION (1.5)(a) OF THIS SECTION IN AN
2 INCIDENT RESULTING IN SERIOUS BODILY INJURY OR DEATH TO ANY
3 PERSON, THE PEACE OFFICER'S EMPLOYER SHALL SUBJECT THE PEACE
4 OFFICER TO DISCIPLINE, UP TO AND INCLUDING TERMINATION, TO THE
5 EXTENT PERMITTED BY APPLICABLE CONSTITUTIONAL AND STATUTORY
6 PERSONNEL LAWS AND CASE LAW, AND THE P.O.S.T. BOARD SHALL
7 PERMANENTLY DECERTIFY THE PEACE OFFICER UPON RECEIPT OF NOTICE
8 OF THE PEACE OFFICER'S DISCIPLINE. THE REVOCATION MAY ONLY BE
9 OVERTURNED IF THE PEACE OFFICER IS EXONERATED BY A COURT.

10 (g) IN A CASE IN WHICH THE PROSECUTION CHARGES A PEACE
11 OFFICER WITH OFFENSES RELATED TO AND BASED UPON THE USE OF
12 EXCESSIVE FORCE BUT DOES NOT FILE CHARGES AGAINST ANY OTHER
13 PEACE OFFICER OR OFFICERS WHO WERE AT THE SCENE DURING THE USE OF
14 FORCE, THE DISTRICT ATTORNEY SHALL PREPARE A WRITTEN REPORT
15 EXPLAINING THE DISTRICT ATTORNEY'S BASIS FOR THE DECISION NOT TO
16 CHARGE ANY OTHER PEACE OFFICER WITH ANY CRIMINAL CONDUCT AND
17 SHALL PUBLICLY DISCLOSE THE REPORT TO THE PUBLIC; EXCEPT THAT IF
18 DISCLOSURE OF THE REPORT WOULD SUBSTANTIALLY INTERFERE WITH OR
19 JEOPARDIZE AN ONGOING CRIMINAL INVESTIGATION, THE DISTRICT
20 ATTORNEY MAY DELAY PUBLIC DISCLOSURE FOR UP TO FORTY-FIVE DAYS.
21 THE DISTRICT ATTORNEY SHALL POST THE WRITTEN REPORT ON ITS
22 WEBSITE OR, IF IT DOES NOT HAVE A WEBSITE, MAKE IT PUBLICLY
23 AVAILABLE UPON REQUEST. NOTHING IN THIS SECTION IS INTENDED TO
24 PROHIBIT OR DISCOURAGE CRIMINAL PROSECUTION OF AN OFFICER WHO
25 FAILED TO INTERVENE FOR CONDUCT IN WHICH THE FACTS SUPPORT A
26 CRIMINAL CHARGE, INCLUDING UNDER A COMPLICITY THEORY, OR FOR AN
27 INCHOATE OFFENSE.

1 **SECTION 6.** In Colorado Revised Statutes, 18-1-707, **add** (10)
2 as follows:

3 **18-1-707. Use of physical force in making an arrest or in**
4 **preventing an escape - definitions -repeal.** (10) (a) EACH LAW
5 ENFORCEMENT AGENCY IN THE STATE SHALL TRAIN ITS PEACE OFFICERS ON
6 THE PROVISIONS OF SUBSECTIONS (1) TO (4.5) OF THIS SECTION, SECTION
7 18-1-703 (1)(b), AND SECTION 18-8-802 (1.5) AS ENACTED IN SENATE BILL
8 20-217, ENACTED IN 2020, PRIOR TO THE PROVISIONS BECOMING
9 EFFECTIVE ON SEPTEMBER 1, 2020.

10 (b) THIS SUBSECTION (10) IS REPEALED, EFFECTIVE JANUARY 1,
11 2021.

12 **SECTION 7.** In Colorado Revised Statutes, 20-1-114, **amend** (2)
13 as follows:

14 **20-1-114. Peace officer-involved death investigations -**
15 **disclosure.** (2) If the district attorney refers the matter under
16 investigation to the grand jury, the district attorney shall release a
17 statement at the time the matter is referred to the grand jury disclosing the
18 general purpose of the grand jury's investigation. If no true bill is
19 returned, the grand jury ~~may~~ SHALL issue AND PUBLISH a report. ~~pursuant~~
20 ~~to section 16-5-205.5. C.R.S.~~

21 **SECTION 8.** In Colorado Revised Statutes, 24-31-101, **add** (7)
22 and (8) as follows:

23 **24-31-101. Powers and duties of attorney general.** (7) THE
24 ATTORNEY GENERAL MAY BRING A CIVIL ACTION TO ENFORCE THE
25 PROVISIONS OF SECTION 24-31-111.

26 (8) THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION TO
27 ENFORCE THE PROVISIONS OF SECTION 24-31-307 (2) OR A CRIMINAL

1 ACTION TO ENFORCE THE PROVISIONS OF SECTION 24-31-307 (3).

2 ==

3 SECTION 9. In Colorado Revised Statutes, 24-31-303, amend
4 (1)(l), (1)(p), and (1)(q); and add (1)(r) as follows:

5 24-31-303. Duties - powers of the P.O.S.T. board. (1) The
6 P.O.S.T. board has the following duties:

7 (l) To promulgate rules deemed necessary by the board concerning
8 annual in-service training requirements for certified peace officers,
9 including but not limited to evaluation of the training program and
10 processes to ensure substantial compliance by law enforcement agencies,
11 and departments, AND INDIVIDUAL PEACE OFFICERS;

12 (p) To develop a community outreach program that informs the
13 public of the role and duties of the P.O.S.T. board; and

14 (q) To develop a recruitment program that creates a diversified
15 applicant pool for appointments to the P.O.S.T. board and the subject
16 matter expertise committees; AND

17 (r) BEGINNING ON JANUARY 1, 2022, TO CREATE AND MAINTAIN A
18 DATABASE CONTAINING INFORMATION RELATED TO A PEACE OFFICER'S:

19 (I) UNTRUTHFULNESS;

20 (II) REPEATED FAILURE TO FOLLOW P.O.S.T. BOARD TRAINING
21 REQUIREMENTS;

22 (III) DECERTIFICATION BY THE P.O.S.T. BOARD; AND

23 (IV) TERMINATION FOR CAUSE.

24 SECTION 10. In Colorado Revised Statutes, 24-4.1-302, add
25 (2)(w) as follows:

26 24-4.1-302. Definitions. As used in this part 3, and for no other
27 purpose, including the expansion of the rights of any defendant:

1 (2) "Critical stages" means the following stages of the criminal
2 justice process:

3 (w) A HEARING HELD PURSUANT TO SECTION 24-31-902 (2)(c);
4 **SECTION 11.** In Colorado Revised Statutes, 24-4.1-302.5,
5 **amend** (1)(d)(VII) and (1)(d)(VIII); and **add** (1)(d)(IX) and (1)(j.8) as
6 follows:

7 **24-4.1-302.5. Rights afforded to victims - definitions.** (1) In
8 order to preserve and protect a victim's rights to justice and due process,
9 each victim of a crime has the following rights:

10 (d) The right to be heard at any court proceeding:

11 (VII) Involving a subpoena for records concerning the victim's
12 medical history, mental health, education, or victim compensation, or any
13 other records that are privileged pursuant to section 13-90-107; ~~C.R.S.~~;
14 ~~or~~

15 (VIII) Involving a petition for expungement as described in
16 section 19-1-306; OR

17 (IX) INVOLVING A HEARING AS DESCRIBED IN SECTION 24-31-902
18 (2)(c).

19 (j.8) THE RIGHT, UPON REQUEST, TO OBTAIN ANY INCIDENT
20 RECORDING AS DESCRIBED IN SECTION 24-31-902.

21 **SECTION 12.** In Colorado Revised Statutes, **add** 24-31-111 as
22 follows:

23 **24-31-111. Public integrity - patterns and practices.** IT IS
24 UNLAWFUL FOR ANY GOVERNMENTAL AUTHORITY, OR ANY AGENT
25 THEREOF, OR ANY PERSON ACTING ON BEHALF OF A GOVERNMENTAL
26 AUTHORITY, TO ENGAGE IN A PATTERN OR PRACTICE OF CONDUCT BY
27 PEACE OFFICERS OR BY OFFICIALS OR EMPLOYEES OF ANY GOVERNMENTAL

1 AGENCY THAT DEPRIVES PERSONS OF RIGHTS, PRIVILEGES, OR IMMUNITIES
2 SECURED OR PROTECTED BY THE CONSTITUTION OR LAWS OF THE UNITED
3 STATES OR THE STATE OF COLORADO. WHENEVER THE ATTORNEY
4 GENERAL HAS REASONABLE CAUSE TO BELIEVE THAT A VIOLATION OF THIS
5 SECTION HAS OCCURRED, THE ATTORNEY GENERAL, FOR OR IN THE NAME
6 OF THE STATE OF COLORADO, MAY IN A CIVIL ACTION OBTAIN ANY AND
7 ALL APPROPRIATE RELIEF TO ELIMINATE THE PATTERN OR PRACTICE.
8 BEFORE FILING SUIT, THE ATTORNEY GENERAL SHALL NOTIFY THE
9 GOVERNMENT AUTHORITY OR ANY AGENT THEREOF, AND PROVIDE IT WITH
10 THE FACTUAL BASIS THAT SUPPORTS HIS OR HER REASONABLE CAUSE TO
11 BELIEVE A VIOLATION OCCURRED. UPON RECEIPT OF THE FACTUAL BASIS,
12 THE GOVERNMENT AUTHORITY, OR ANY AGENT THEREOF, HAS SIXTY DAYS
13 TO CHANGE OR ELIMINATE THE IDENTIFIED PATTERN OR PRACTICE. IF THE
14 IDENTIFIED PATTERN OR PRACTICE IS NOT CHANGED OR ELIMINATED AFTER
15 SIXTY DAYS, THE ATTORNEY GENERAL MAY FILE A CIVIL LAWSUIT.

16 **SECTION 13.** In Colorado Revised Statutes, 24-31-305, **add**
17 (2.7) as follows:

18 **24-31-305. Certification - issuance - renewal - revocation -**
19 **rules - definition.** (2.7) THE P.O.S.T. BOARD MAY REVOKE THE
20 CERTIFICATION OF A PEACE OFFICER WHO FAILS TO SATISFACTORILY
21 COMPLETE PEACE OFFICER TRAINING REQUIRED BY THE P.O.S.T. BOARD.
22 PRIOR TO REVOKING THE PEACE OFFICER'S CERTIFICATION, THE P.O.S.T.
23 BOARD SHALL NOTIFY THE PEACE OFFICER OF HIS OR HER FAILURE TO
24 COMPLETE THE TRAINING REQUIRED BY THE P.O.S.T. BOARD AND GIVE THE
25 PEACE OFFICER THIRTY CALENDAR DAYS TO SATISFACTORILY COMPLETE
26 THE PEACE OFFICER TRAINING REQUIRED BY THE P.O.S.T. BOARD.

27 **SECTION 14.** In Colorado Revised Statutes, **amend** 24-31-307

1 as follows:

2 **24-31-307. Enforcement.** (1) The P.O.S.T. board shall have the
3 power to ~~direct the attorney general to enforce the provisions of this part~~
4 ~~3 through an action in district court for injunctive or other appropriate~~
5 ~~relief against~~ PROMULGATE RULES FOR ENFORCEMENT OF THIS PART 3.

6 (2) THE ATTORNEY GENERAL MAY ENFORCE THE PROVISIONS OF
7 THIS PART 3 THROUGH AN ACTION IN DISTRICT COURT FOR INJUNCTIVE OR
8 OTHER APPROPRIATE RELIEF AGAINST:

9 (a) Any individual undertaking or attempting to undertake any
10 duties as a peace officer or a reserve peace officer in this state in violation
11 of this part 3; and

12 (b) Any agency permitting any individual to undertake or attempt
13 to undertake any duties as a peace officer or a reserve peace officer in this
14 state under the auspices of such agency in violation of this part 3.

15 (3) THE ATTORNEY GENERAL MAY BRING CRIMINAL CHARGES FOR
16 VIOLATIONS OF THIS PART 3 IF VIOLATION IS WILLFUL OR WANTON, OR
17 IMPOSE FINES, AS SET IN P.O.S.T. BOARD RULE, UPON ANY INDIVIDUAL
18 OFFICER OR AGENCY FOR FAILURE TO COMPLY WITH THIS PART 3 OR ANY
19 RULE PROMULGATED UNDER THIS PART 3.

20 ~~(2)~~ (4) The attorney general shall be entitled to recover reasonable
21 attorney fees and costs against the defendant in any enforcement action
22 under this part 3, if the attorney general prevails.

23 **SECTION 15.** In Colorado Revised Statutes, **amend** 24-31-307
24 as follows:

25 **24-31-307. Enforcement.** (1) The P.O.S.T. board shall have the
26 power to ~~direct the attorney general to enforce the provisions of this part~~
27 ~~3 through an action in district court for injunctive or other appropriate~~

1 relief against PROMULGATE RULES FOR ENFORCEMENT OF THIS PART 3.

2 (2) THE ATTORNEY GENERAL MAY ENFORCE THE PROVISIONS OF
3 THIS PART 3 THROUGH AN ACTION IN DISTRICT COURT FOR INJUNCTIVE OR
4 OTHER APPROPRIATE RELIEF AGAINST:

5 (a) Any individual undertaking or attempting to undertake any
6 duties as a peace officer or a reserve peace officer in this state in violation
7 of this part 3; and

8 (b) Any agency permitting any individual to undertake or attempt
9 to undertake any duties as a peace officer or a reserve peace officer in this
10 state under the auspices of such agency in violation of this part 3.

11 (3) THE ATTORNEY GENERAL MAY BRING CRIMINAL CHARGES FOR
12 VIOLATIONS OF THIS PART 3 IF VIOLATION IS WILLFUL OR WANTON, OR
13 IMPOSE FINES, AS SET IN P.O.S.T. BOARD RULE, UPON ANY INDIVIDUAL
14 OFFICER OR AGENCY FOR FAILURE TO COMPLY WITH THIS PART 3 OR ANY
15 RULE PROMULGATED UNDER THIS PART 3.

16 ~~(2)~~ (4) The attorney general shall be entitled to recover reasonable
17 attorney fees and costs against the defendant in any enforcement action
18 under this part 3, if the attorney general prevails.

19 **SECTION 16.** In Colorado Revised Statutes, 24-31-309, **amend**
20 (4)(a); and **add** (3.5) as follows:

21 **24-31-309. Profiling - officer identification - training.** (3.5) A
22 PEACE OFFICER SHALL HAVE A LEGAL BASIS FOR MAKING A CONTACT,
23 WHETHER CONSENSUAL OR NONCONSENSUAL, FOR THE PURPOSE OF
24 ENFORCING THE LAW OR INVESTIGATING POSSIBLE VIOLATIONS OF THE
25 LAW. AFTER MAKING A CONTACT, A PEACE OFFICER, AS DEFINED IN
26 SECTION 24-31-901 (3), SHALL REPORT TO THE PEACE OFFICER'S
27 EMPLOYING AGENCY:

1 (a) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE PERSON
2 CONTACTED, PROVIDED THAT THE IDENTIFICATION OF THESE
3 CHARACTERISTICS IS BASED ON THE OBSERVATION AND PERCEPTION OF
4 THE PEACE OFFICER MAKING THE CONTACT AND OTHER AVAILABLE DATA:

5 (b) WHETHER THE CONTACT WAS A TRAFFIC STOP;

6 (c) THE TIME, DATE, AND LOCATION OF THE CONTACT;

7 (d) THE DURATION OF THE CONTACT;

8 (e) THE REASON FOR THE CONTACT;

9 (f) THE SUSPECTED CRIME;

10 (g) THE RESULT OF THE CONTACT, SUCH AS:

11 (I) NO ACTION, WARNING, CITATION, PROPERTY SEIZURE, OR
12 ARREST;

13 (II) IF A WARNING OR CITATION WAS ISSUED, THE WARNING
14 PROVIDED OR VIOLATION CITED;

15 (III) IF AN ARREST WAS MADE, THE OFFENSE CHARGED;

16 (IV) IF THE CONTACT WAS A TRAFFIC STOP, THE INFORMATION
17 COLLECTED, WHICH IS LIMITED TO THE DRIVER;

18 (h) THE ACTIONS TAKEN BY THE PEACE OFFICER DURING THE
19 CONTACT, INCLUDING BUT NOT LIMITED TO WHETHER:

20 (I) THE PEACE OFFICER ASKED FOR CONSENT TO SEARCH THE
21 PERSON, VEHICLE, OR OTHER PROPERTY, AND, IF SO, WHETHER CONSENT
22 WAS PROVIDED;

23 (II) THE PEACE OFFICER SEARCHED THE PERSON OR ANY PROPERTY,
24 AND, IF SO, THE BASIS FOR THE SEARCH AND THE TYPE OF CONTRABAND OR
25 EVIDENCE DISCOVERED, IF ANY; ■

26 (III) THE PEACE OFFICER SEIZED ANY PROPERTY, AND, IF SO, THE
27 TYPE OF PROPERTY THAT WAS SEIZED AND THE BASIS FOR SEIZING THE

1 PROPERTY;

2 (IV) A PEACE OFFICER UNHOLSTERED A WEAPON DURING THE
3 CONTACT; AND

4 (V) A PEACE OFFICER DISCHARGED A FIREARM DURING THE
5 CONTACT;

6 (4) (a) A peace officer certified pursuant to this part 3 shall
7 provide, without being asked, ~~his or her~~ THE PEACE OFFICER'S business
8 card to any person whom the peace officer has detained in a traffic stop
9 but has not cited or arrested. The business card ~~shall~~ MUST include
10 identifying information about the peace officer, including but not limited
11 to the peace officer's name, division, precinct, and badge or other
12 identification number; ~~and~~ a telephone number that may be used, if
13 necessary, to report any comments, positive or negative, regarding the
14 traffic stop; AND INFORMATION ABOUT HOW TO FILE A COMPLAINT
15 RELATED TO THE CONTACT. The identity of the reporting person and the
16 report of any such comments that ~~constitutes~~ CONSTITUTE a complaint
17 ~~shall~~ MUST initially be kept confidential by the receiving law enforcement
18 agency, to the extent permitted by law. The receiving law enforcement
19 agency shall be permitted to obtain some identifying information
20 regarding the complaint to allow initial processing of the complaint. If it
21 becomes necessary for the further processing of the complaint for the
22 complainant to disclose ~~his or her~~ THE COMPLAINANT'S identity, the
23 complainant shall do so or, at the option of the receiving law enforcement
24 agency, the complaint may be dismissed.

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26 **SECTION 17. Legislative declaration.** The general assembly
27 hereby finds and declares that the provisions of Senate Bill 20-217,

1 enacted at the second regular session of the seventy-second general
2 assembly, are matters of statewide concern.

3 **SECTION 18. Appropriation.** (1) For the 2020-21 state fiscal
4 year, \$617,478 is appropriated to the department of public safety for use
5 by the Colorado state patrol. This appropriation is from the highway users
6 tax fund created in section 43-4-201 (1)(a), C.R.S. To implement this act,
7 the patrol may use this appropriation as follows:

8 (a) \$50,288 for civilians, which amount is based on an assumption
9 that the patrol will require an additional 1.0 FTE;

10 (b) \$7,550 for operating expenses;

11 (c) \$463,700 for information technology asset maintenance; and

12 (d) \$95,940 for the purchase of legal services.

13 (2) For the 2020-21 state fiscal year, \$95,940 is appropriated to
14 the department of law. This appropriation is from reappropriated funds
15 received from the department of public safety under subsection (1)(d) of
16 this section and is based on an assumption that the department of law will
17 require an additional 0.5 FTE. To implement this act, the department of
18 law may use this appropriation to provide legal services for the
19 department of public safety.

20 **SECTION 19. Effective date.** This act takes effect upon passage;
21 except that:

22 (1) Section 24-31-902, Colorado Revised Statutes, as enacted in
23 section 1 of this act, takes effect July 1, 2023;

24 (2) Section 3 of this act takes effect September 1, 2020; and

25 (3) Section 4 of this act takes effect September 1, 2020; except
26 that section 18-1-707 (2.5) and (3), Colorado Revised Statutes, as enacted
27 in section 4 of this act, takes effect upon passage.

1 **SECTION 20. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, or safety.