

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-1309.01 Michael Dohr x4347

SENATE BILL 20-217

SENATE SPONSORSHIP

Garcia and Fields, Fenberg, Williams A., Gonzales, Moreno, Rodriguez, Bridges, Danielson, Donovan, Foote, Ginal, Hansen, Lee, Pettersen, Story, Todd, Winter, Zenzinger, Crowder, Hill, Priola, Tate

HOUSE SPONSORSHIP

Herod and Gonzales-Gutierrez, Garnett, Buckner, Coleman, Exum, Jackson, Melton, Benavidez, Buentello, Caraveo, Duran, Jaquez Lewis, Tipper, Valdez A., Valdez D., Arndt, Becker, Bird, Cutter, Esgar, Froelich, Gray, Hooton, Kennedy, Kipp, Kraft-Tharp, Lontine, McCluskie, McLachlan, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Sullivan, Titone, Weissman, Woodrow, Young

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.

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

6 **24-31-902. Incident recordings - release - tampering - fine.**

7 (1) (a) (I) BY JULY 1, 2023, ALL LOCAL LAW ENFORCEMENT AGENCIES IN
8 THE STATE AND THE COLORADO STATE PATROL SHALL PROVIDE
9 BODY-WORN CAMERAS FOR EACH PEACE OFFICER OF THE LAW
10 ENFORCEMENT AGENCY WHO INTERACTS WITH MEMBERS OF THE PUBLIC.
11 LAW ENFORCEMENT AGENCIES MAY SEEK FUNDING PURSUANT TO SECTION
12 24-33.5-519.

13 (II) (A) EXCEPT AS PROVIDED IN SUBSECTION (1)(a)(II)(B) OR
14 (1)(a)(II)(C) OF THIS SECTION, A PEACE OFFICER SHALL WEAR AND
15 ACTIVATE A BODY-WORN CAMERA WHEN RESPONDING TO A CALL FOR
16 SERVICE OR DURING ANY INTERACTION WITH THE PUBLIC INITIATED BY THE
17 PEACE OFFICER, WHETHER CONSENSUAL OR NONCONSENSUAL, FOR THE
18 PURPOSE OF ENFORCING THE LAW OR INVESTIGATING POSSIBLE VIOLATIONS
19 OF THE LAW. WHEN INTERACTING WITH A CRIME VICTIM OR WITNESS, A
20 PEACE OFFICER SHALL NOTIFY THE CRIME VICTIM OR WITNESS THAT THE
21 INTERACTION IS BEING RECORDED BY A BODY-WORN CAMERA. THE PEACE
22 OFFICER SHALL NOTIFY THE CRIME VICTIM OR WITNESS OF HIS OR HER
23 RIGHT TO HAVE THE BODY-WORN CAMERA TURNED OFF AND OBTAIN
24 CONSENT TO RECORD THE INTERACTION BEFORE PROCEEDING WITH THE
25 INTERACTION. IF CONSENT IS NOT PROVIDED BY THE CRIME VICTIM OR
26 WITNESS, THE PEACE OFFICER SHALL IMMEDIATELY DISCONTINUE
27 RECORDING THE INTERACTION. IF CONSENT IS NOT PROVIDED, THE PEACE

1 OFFICER SHALL NOTIFY CRIME VICTIMS AND WITNESSES OF THEIR RIGHT TO
2 HAVE THE BODY-WORN CAMERA TURNED ON UPON REQUEST AT ANY TIME
3 DURING THE INTERACTION.

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

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

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

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

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

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

24 (B) IN ADDITION TO ANY CRIMINAL LIABILITY AND PENALTY UNDER
25 THE LAW, IF A COURT, ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR
26 A FINAL DECISION IN AN INTERNAL INVESTIGATION FINDS THAT A PEACE
27 OFFICER INTENTIONALLY FAILED TO ACTIVATE A BODY-WORN CAMERA OR

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

8 (C) IN ADDITION TO ANY CRIMINAL LIABILITY AND PENALTY UNDER
9 THE LAW, IF A COURT, ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR
10 THROUGH A FINAL DECISION IN AN INTERNAL INVESTIGATION FINDS THAT
11 A PEACE OFFICER INTENTIONALLY FAILED TO ACTIVATE A BODY-WORN
12 CAMERA OR TAMPERED WITH ANY BODY-WORN OR DASH CAMERA, EXCEPT
13 AS PERMITTED IN THIS SECTION, WITH THE INTENT TO CONCEAL UNLAWFUL
14 OR INAPPROPRIATE ACTIONS, OR OBSTRUCT JUSTICE, IN AN INCIDENT
15 RESULTING IN A CIVILIAN DEATH, THE P.O.S.T. BOARD SHALL
16 PERMANENTLY REVOKE THE PEACE OFFICER'S CERTIFICATION AND THE
17 REVOCAION MAY ONLY BE OVERTURNED IF THE PEACE OFFICER IS
18 EXONERATED BY A COURT.

19 (b) ALL LOCAL LAW ENFORCEMENT AGENCIES SHALL ESTABLISH
20 AND FOLLOW A RETENTION SCHEDULE FOR BODY-WORN CAMERA
21 RECORDINGS IN COMPLIANCE WITH COLORADO STATE ARCHIVES RULES
22 AND DIRECTION.

23 (2) (a) FOR ALL INCIDENTS IN WHICH THERE IS A COMPLAINT OF
24 PEACE OFFICER MISCONDUCT BY ANOTHER PEACE OFFICER, A CIVILIAN, OR
25 NONPROFIT ORGANIZATION, THROUGH NOTICE TO THE LAW ENFORCEMENT
26 AGENCY INVOLVED IN THE ALLEGED MISCONDUCT, THE LOCAL LAW
27 ENFORCEMENT AGENCY OR THE COLORADO STATE PATROL SHALL RELEASE

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

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

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

1 OFFICER; OR THE INTERIOR OF A HOME OR TREATMENT FACILITY, SHALL BE
2 REDACTED OR BLURRED TO PROTECT THE SUBSTANTIAL PRIVACY INTEREST
3 WHILE STILL ALLOWING PUBLIC RELEASE. UNREDACTED FOOTAGE MUST
4 NOT BE RELEASED WITHOUT THE WRITTEN AUTHORIZATION OF THE VICTIM
5 OR, IF THE VICTIM IS DECEASED OR INCAPACITATED, THE WRITTEN
6 AUTHORIZATION OF THE VICTIM'S SPOUSE, PARENT, LEGAL GUARDIAN,
7 CHILD, SIBLING, GRANDPARENT, GRANDCHILD, SIGNIFICANT OTHER, OR
8 OTHER LAWFUL REPRESENTATIVE. A PERSON EIGHTEEN YEARS OF AGE AND
9 UNDER IS CONSIDERED INCAPACITATED, UNLESS LEGALLY EMANCIPATED.
10 IN THE EVENT THE VICTIM OR THE VICTIM'S SPOUSE, PARENT, LEGAL
11 GUARDIAN, CHILD, SIBLING, GRANDPARENT, GRANDCHILD, SIGNIFICANT
12 OTHER, OR OTHER LAWFUL REPRESENTATIVE CANNOT BE NOTIFIED OF HIS
13 OR HER RIGHT TO REVIEW THE RECORDINGS, DECLINES TO REVIEW THE
14 RECORDINGS, OR DECLINES TO PROVIDE AUTHORIZATION FOR THEIR
15 RELEASE, IT IS PRESUMED THAT NO AUTHORIZATION IS PROVIDED AND THE
16 UNREDACTED RECORDING MUST NOT BE RELEASED TO THE PUBLIC.

17 (B) IN RECOGNITION OF THE IMPORTANCE OF MEDICAL PRIVACY,
18 PEACE OFFICERS SHALL MAKE EFFORTS, WHENEVER POSSIBLE, NOT TO
19 CAPTURE PROTECTED HEALTH INFORMATION ON THEIR BODY-WORN
20 CAMERAS. ALL PERSONAL HEALTH INFORMATION SHALL BE REDACTED
21 BEFORE RELEASE OF A BODY-WORN CAMERA RECORDING, UNLESS THE
22 INDIVIDUAL WHO IS THE SUBJECT OF THE INFORMATION AUTHORIZES THE
23 USE OR DISCLOSURE OF THE INFORMATION.

24 (C) IF REDACTION OR BLURRING IS INSUFFICIENT TO PROTECT THE
25 SUBSTANTIAL PRIVACY INTEREST, THE LOCAL LAW ENFORCEMENT AGENCY
26 OR THE COLORADO STATE PATROL SHALL RELEASE THE VIDEO TO THE
27 VICTIM OR, IF THE VICTIM IS DECEASED OR INCAPACITATED, TO THE

1 VICTIM'S SPOUSE, PARENT, LEGAL GUARDIAN, CHILD, SIBLING,
2 GRANDPARENT, GRANDCHILD, SIGNIFICANT OTHER, OR OTHER LAWFUL
3 REPRESENTATIVE WITHIN TWENTY DAYS AFTER RECEIPT OF THE
4 COMPLAINT OF MISCONDUCT. IN CASES IN WHICH THE RECORDING IS NOT
5 RELEASED TO THE PUBLIC PURSUANT TO THIS SUBSECTION (2)(b)(II)(B),
6 THE LOCAL LAW ENFORCEMENT AGENCY SHALL NOTIFY THE PERSON
7 WHOSE PRIVACY INTEREST IS IMPLICATED, IF CONTACT INFORMATION IS
8 KNOWN, WITHIN TWENTY DAYS AFTER RECEIPT OF THE COMPLAINT OF
9 MISCONDUCT, AND INFORM THE PERSON OF HIS OR HER RIGHT TO WAIVE
10 THE PRIVACY INTEREST.

11 (D) A WITNESS, VICTIM, OR CRIMINAL DEFENDANT MAY WAIVE IN
12 WRITING THE INDIVIDUAL PRIVACY INTEREST THAT MAY BE IMPLICATED BY
13 PUBLIC RELEASE. UPON RECEIPT OF A WRITTEN WAIVER OF THE
14 APPLICABLE PRIVACY INTEREST, ACCOMPANIED BY A REQUEST FOR
15 RELEASE, THE LAW ENFORCEMENT AGENCY MAY NOT REDACT OR
16 WITHHOLD RELEASE TO PROTECT THAT PRIVACY INTEREST. THE HEARING
17 SHALL BE CONSIDERED A CRITICAL STAGE PURSUANT TO SECTION
18 24-4.1-302 AND GIVES VICTIMS THE RIGHT TO BE HEARD PURSUANT TO
19 24-4.1-302.5.

20 (III) ANY VIDEO THAT WOULD SUBSTANTIALLY INTERFERE WITH OR
21 JEOPARDIZE AN ACTIVE OR ONGOING INVESTIGATION MAY BE WITHHELD
22 FROM THE PUBLIC; EXCEPT THAT THE VIDEO SHALL BE RELEASED NO LATER
23 THAN FORTY-FIVE DAYS FROM THE DATE OF THE ALLEGATION OF
24 MISCONDUCT. IN ALL CASES WHEN RELEASE OF A VIDEO IS DELAYED IN
25 RELIANCE ON THIS SUBSECTION (2)(b)(III), THE PROSECUTING ATTORNEY
26 SHALL PREPARE A WRITTEN EXPLANATION OF THE INTERFERENCE OR
27 JEOPARDY THAT JUSTIFIES THE DELAYED RELEASE, CONTEMPORANEOUS

1 WITH THE REFUSAL TO RELEASE THE VIDEO. UPON RELEASE OF THE VIDEO,
2 THE PROSECUTING ATTORNEY SHALL RELEASE THE WRITTEN EXPLANATION
3 TO THE PUBLIC.

4 (c) IF CRIMINAL CHARGES HAVE BEEN FILED AGAINST ANY PARTY
5 TO THE INCIDENT, THAT PARTY MUST FILE ANY CONSTITUTIONAL
6 OBJECTION TO RELEASE OF THE RECORDING IN THE PENDING CRIMINAL
7 CASE BEFORE THE TWENTY-ONE-DAY PERIOD EXPIRES. THE COURT SHALL
8 HOLD A HEARING ON ANY OBJECTION NO LATER THAN SEVEN DAYS AFTER
9 IT IS FILED AND ISSUE A RULING NO LATER THAN THREE DAYS AFTER THE
10 HEARING. ___

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

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

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

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

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

1 (III) THE NAMES OF ALL PEACE OFFICERS WHO WERE AT THE
2 SCENE, IDENTIFIED BY WHETHER THE PEACE OFFICER WAS INVOLVED IN
3 THE USE OF FORCE OR NOT;

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

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

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

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

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

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

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

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

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

26 ==

27 (II) WHETHER THE CONTACT WAS A TRAFFIC STOP;

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

1 WITH OR WITHOUT A WARRANT, INCLUDING:

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

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

8 AND

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

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

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

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

25 (5) THE COLORADO STATE PATROL AND ANY LOCAL LAW
26 ENFORCEMENT AGENCY THAT FAILS TO MEET ITS REPORTING
27 REQUIREMENTS PURSUANT TO THIS SECTION IS SUBJECT TO THE

1 SUSPENSION OF ITS FUNDING BY ITS APPROPRIATING AUTHORITY.

2 **24-31-904. Revoke peace officer certification after conviction.**

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

14 **24-31-905. Prohibited law enforcement action in response to**
15 **protests. (1) IN RESPONSE TO A PROTEST OR DEMONSTRATION, A LAW**
16 **ENFORCEMENT AGENCY AND ANY PERSON ACTING ON BEHALF OF THE LAW**
17 **ENFORCEMENT AGENCY SHALL NOT:**

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

21 **(b) DISCHARGE KINETIC IMPACT PROJECTILES INDISCRIMINATELY**
22 **INTO A CROWD; OR**

23 **(c) USE CHEMICAL AGENTS OR IRRITANTS, INCLUDING PEPPER**
24 **SPRAY AND TEAR GAS, PRIOR TO ISSUING AN ORDER TO DISPERSE IN A**
25 **SUFFICIENT MANNER TO ENSURE THE ORDER IS HEARD AND REPEATED IF**
26 **NECESSARY, FOLLOWED BY SUFFICIENT TIME AND SPACE TO ALLOW**
27 **COMPLIANCE WITH THE ORDER.**

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

3 **13-21-131. Civil action for deprivation of rights - definition.**

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

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

17 (b) QUALIFIED IMMUNITY IS NOT A DEFENSE TO LIABILITY
18 PURSUANT TO THIS SECTION.

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

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

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

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

22 **18-1-703. Use of physical force - special relationships.** (1) The
23 use of physical force upon another person ~~which~~ THAT would otherwise
24 constitute an offense is justifiable and not criminal under any of the
25 following circumstances:

26 (b) A superintendent or other authorized official of a jail, prison,
27 or correctional institution may, in order to maintain order and discipline,

1 use OBJECTIVELY reasonable and appropriate physical force when and to
2 the extent that he OR SHE reasonably believes it necessary to maintain
3 order and discipline, but he OR SHE may use deadly physical force only
4 when he OR SHE OBJECTIVELY reasonably believes ~~it necessary to prevent~~
5 ~~death or serious bodily injury~~ THE INMATE POSES AN IMMEDIATE THREAT
6 TO THE PERSON USING DEADLY FORCE OR ANOTHER PERSON.

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

10 **18-1-707. Use of force by peace officers - definition.** (1) PEACE
11 OFFICERS, IN CARRYING OUT THEIR DUTIES, SHALL APPLY NONVIOLENT
12 MEANS, WHEN POSSIBLE, BEFORE RESORTING TO THE USE OF PHYSICAL
13 FORCE. A PEACE OFFICER MAY USE PHYSICAL FORCE ONLY IF NONVIOLENT
14 MEANS WOULD BE INEFFECTIVE IN EFFECTING AN ARREST, PREVENTING AN
15 ESCAPE, OR PREVENTING AN IMMINENT THREAT OF SERIOUS BODILY INJURY
16 OR DEATH TO THE PEACE OFFICER OR ANOTHER PERSON.

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

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

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

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

24 (d) ENSURE THAT ANY IDENTIFIED RELATIVES OR NEXT OF KIN OF
25 PERSONS WHO HAVE SUSTAINED SERIOUS BODILY INJURY OR DEATH ARE
26 NOTIFIED AS SOON AS PRACTICABLE.

27 (2.5) (a) A PEACE OFFICER IS PROHIBITED FROM USING A

1 CHOKEHOLD UPON ANOTHER PERSON.

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

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

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

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

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

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

21 (4) A PEACE OFFICER SHALL IDENTIFY HIMSELF OR HERSELF AS A
22 PEACE OFFICER AND GIVE A CLEAR VERBAL WARNING OF HIS OR HER
23 INTENT TO USE FIREARMS OR OTHER DEADLY PHYSICAL FORCE, WITH
24 SUFFICIENT TIME FOR THE WARNING TO BE OBSERVED, UNLESS TO DO SO
25 WOULD UNDULY PLACE PEACE OFFICERS AT RISK OF INJURY, WOULD
26 CREATE A RISK OF DEATH OR INJURY TO OTHER PERSONS.

27 (4.5) NOTWITHSTANDING ANY OTHER PROVISION IN THIS SECTION,

1 A PEACE OFFICER IS JUSTIFIED IN USING DEADLY FORCE IF THE PEACE
2 OFFICER HAS AN OBJECTIVELY REASONABLE BELIEF THAT A LESSER
3 DEGREE OF FORCE IS INADEQUATE AND THE PEACE OFFICER HAS
4 OBJECTIVELY REASONABLE GROUNDS TO BELIEVE, AND DOES BELIEVE,
5 THAT HE OR ANOTHER PERSON IS IN IMMINENT DANGER OF BEING KILLED
6 OR OF RECEIVING SERIOUS BODILY INJURY.

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

9 **18-8-802. Duty to report use of force by peace officers.**

10 (1.5) (a) A PEACE OFFICER SHALL INTERVENE TO PREVENT OR STOP
11 ANOTHER PEACE OFFICER FROM USING PHYSICAL FORCE THAT EXCEEDS
12 THE DEGREE OF FORCE PERMITTED, IF ANY, BY SECTION 18-1-707, IN
13 PURSUANCE OF THE OTHER PEACE OFFICER'S LAW ENFORCEMENT DUTIES
14 IN CARRYING OUT AN ARREST OF ANY PERSON, PLACING ANY PERSON
15 UNDER DETENTION, TAKING ANY PERSON INTO CUSTODY, BOOKING ANY
16 PERSON, OR IN THE PROCESS OF CROWD CONTROL OR RIOT CONTROL,
17 WITHOUT REGARD FOR CHAIN OF COMMAND.

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

21 (II) AT A MINIMUM, THE REPORT REQUIRED BY THIS SUBSECTION
22 (1.5)(b) MUST INCLUDE THE DATE, TIME, AND PLACE OF THE OCCURRENCE;
23 THE IDENTITY, IF KNOWN, AND DESCRIPTION OF THE PARTICIPANTS; AND A
24 DESCRIPTION OF THE INTERVENTION ACTIONS TAKEN. THIS REPORT SHALL
25 BE MADE IN WRITING WITHIN TEN DAYS OF THE OCCURRENCE OF THE USE
26 OF SUCH FORCE AND SHALL BE APPENDED TO ALL OTHER REPORTS OF THE
27 INCIDENT.

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

7 (d) IN ADDITION TO ANY CRIMINAL LIABILITY AND PENALTY UNDER
8 THE LAW, WHEN A COURT, ADMINISTRATIVE LAW JUDGE, HEARING
9 OFFICER, OR INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER
10 FAILED TO INTERVENE AS REQUIRED BY SUBSECTION (1.5)(a) OF THIS
11 SECTION IN AN INCIDENT RESULTING IN SERIOUS BODILY INJURY OR DEATH
12 TO ANY PERSON, THE PEACE OFFICER'S EMPLOYER SHALL SUBJECT THE
13 PEACE OFFICER TO DISCIPLINE, UP TO AND INCLUDING TERMINATION, TO
14 THE EXTENT PERMITTED BY APPLICABLE CONSTITUTIONAL AND
15 STATUTORY PERSONNEL LAWS AND CASE LAW, AND THE P.O.S.T. BOARD
16 SHALL PERMANENTLY DECERTIFY THE PEACE OFFICER UPON RECEIPT OF
17 NOTICE OF THE PEACE OFFICER'S DISCIPLINE. THE REVOCATION MAY ONLY
18 BE OVERTURNED IF THE PEACE OFFICER IS EXONERATED BY A COURT.

19 (e) IN A CASE IN WHICH THE PROSECUTION CHARGES A PEACE
20 OFFICER WITH OFFENSES RELATED TO AND BASED UPON THE USE OF
21 EXCESSIVE FORCE BUT DOES NOT FILE CHARGES AGAINST ANY OTHER
22 PEACE OFFICER OR OFFICERS WHO WERE AT THE SCENE DURING THE USE OF
23 FORCE, THE DISTRICT ATTORNEY SHALL PREPARE A WRITTEN REPORT
24 EXPLAINING THE DISTRICT ATTORNEY'S BASIS FOR THE DECISION NOT TO
25 CHARGE ANY OTHER PEACE OFFICER WITH ANY CRIMINAL CONDUCT AND
26 SHALL PUBLICLY DISCLOSE THE REPORT TO THE PUBLIC; EXCEPT THAT IF
27 DISCLOSURE OF THE REPORT WOULD SUBSTANTIALLY INTERFERE WITH OR

1 JEOPARDIZE AN ONGOING CRIMINAL INVESTIGATION, THE DISTRICT
2 ATTORNEY MAY DELAY PUBLIC DISCLOSURE FOR UP TO FORTY-FIVE DAYS.
3 THE DISTRICT ATTORNEY SHALL POST THE WRITTEN REPORT ON ITS
4 WEBSITE OR, IF IT DOES NOT HAVE A WEBSITE, MAKE IT PUBLICLY
5 AVAILABLE UPON REQUEST. NOTHING IN THIS SECTION IS INTENDED TO
6 PROHIBIT OR DISCOURAGE CRIMINAL PROSECUTION OF AN OFFICER WHO
7 FAILED TO INTERVENE FOR CONDUCT IN WHICH THE FACTS SUPPORT A
8 CRIMINAL CHARGE, INCLUDING UNDER A COMPLICITY THEORY, OR FOR AN
9 INCHOATE OFFENSE.

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

12 **18-1-707. Use of physical force in making an arrest or in**
13 **preventing an escape - definitions -repeal.** (10) (a) EACH LAW
14 ENFORCEMENT AGENCY IN THE STATE SHALL TRAIN ITS PEACE OFFICERS ON
15 THE PROVISIONS OF SUBSECTIONS (1) TO (4.5) OF THIS SECTION AND
16 SECTION 18-8-802 (1.5) AS ENACTED IN SENATE BILL 20-217, ENACTED IN
17 2020, PRIOR TO THE PROVISIONS BECOMING EFFECTIVE ON SEPTEMBER 1,
18 2020.

19 (b) THIS SUBSECTION (10) IS REPEALED, EFFECTIVE JANUARY 1,
20 2021.

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

23 **20-1-114. Peace officer-involved death investigations -**
24 **disclosure.** (2) If the district attorney refers the matter under
25 investigation to the grand jury, the district attorney shall release a
26 statement at the time the matter is referred to the grand jury disclosing the
27 general purpose of the grand jury's investigation. If no true bill is

1 returned, the grand jury ~~may~~ SHALL issue AND PUBLISH a report. pursuant
2 to section ~~16-5-205.5. C.R.S.~~

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

5 **24-31-101. Powers and duties of attorney general.** (7) THE
6 ATTORNEY GENERAL MAY BRING A CIVIL ACTION TO ENFORCE THE
7 PROVISIONS OF SECTION 24-31-111.

8 (8) THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION TO
9 ENFORCE THE PROVISIONS OF SECTION 24-31-307 (2) OR A CRIMINAL
10 ACTION TO ENFORCE THE PROVISIONS OF SECTION 24-31-307 (3).

11

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

14 **24-31-303. Duties - powers of the P.O.S.T. board.** (1) The
15 P.O.S.T. board has the following duties:

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

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

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

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

- 1 (I) UNTRUTHFULNESS;
- 2 (II) REPEATED FAILURE TO FOLLOW P.O.S.T. BOARD TRAINING
- 3 REQUIREMENTS;
- 4 (III) DECERTIFICATION BY THE P.O.S.T. BOARD; AND
- 5 (IV) TERMINATION FOR CAUSE.

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

8 **24-4.1-302. Definitions.** As used in this part 3, and for no other
9 purpose, including the expansion of the rights of any defendant:

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

12 (w) A HEARING HELD PURSUANT TO SECTION 24-31-902 (2)(c);

13 **SECTION 11.** In Colorado Revised Statutes, 24-4.1-302.5,
14 **amend** (1)(d)(VII) and (1)(d)(VIII); and **add** (1)(d)(IX) and (1)(j.8) as
15 follows:

16 **24-4.1-302.5. Rights afforded to victims - definitions.** (1) In
17 order to preserve and protect a victim's rights to justice and due process,
18 each victim of a crime has the following rights:

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

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

23 ~~or~~

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

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

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

3 SECTION 12. In Colorado Revised Statutes, add 24-31-111 as
4 follows:

5 24-31-111. Public integrity - patterns and practices. IT IS
6 UNLAWFUL FOR ANY GOVERNMENTAL AUTHORITY, OR ANY AGENT
7 THEREOF, OR ANY PERSON ACTING ON BEHALF OF A GOVERNMENTAL
8 AUTHORITY, TO ENGAGE IN A PATTERN OR PRACTICE OF CONDUCT BY
9 PEACE OFFICERS OR BY OFFICIALS OR EMPLOYEES OF ANY GOVERNMENTAL
10 AGENCY THAT DEPRIVES PERSONS OF RIGHTS, PRIVILEGES, OR IMMUNITIES
11 SECURED OR PROTECTED BY THE CONSTITUTION OR LAWS OF THE UNITED
12 STATES OR THE STATE OF COLORADO. WHENEVER THE ATTORNEY
13 GENERAL HAS REASONABLE CAUSE TO BELIEVE THAT A VIOLATION OF THIS
14 SECTION HAS OCCURRED, THE ATTORNEY GENERAL, FOR OR IN THE NAME
15 OF THE STATE OF COLORADO, MAY IN A CIVIL ACTION OBTAIN ANY AND
16 ALL APPROPRIATE RELIEF TO ELIMINATE THE PATTERN OR PRACTICE.
17 BEFORE FILING SUIT, THE ATTORNEY GENERAL SHALL NOTIFY THE
18 GOVERNMENT AUTHORITY OR ANY AGENT THEREOF, AND PROVIDE IT WITH
19 THE FACTUAL BASIS THAT SUPPORTS HIS OR HER REASONABLE CAUSE TO
20 BELIEVE A VIOLATION OCCURRED. UPON RECEIPT OF THE FACTUAL BASIS,
21 THE GOVERNMENT AUTHORITY, OR ANY AGENT THEREOF, HAS SIXTY DAYS
22 TO CHANGE OR ELIMINATE THE IDENTIFIED PATTERN OR PRACTICE. IF THE
23 IDENTIFIED PATTERN OR PRACTICE IS NOT CHANGED OR ELIMINATED AFTER
24 SIXTY DAYS, THE ATTORNEY GENERAL MAY FILE A CIVIL LAWSUIT.

25 SECTION 13. In Colorado Revised Statutes, 24-31-305, add
26 (2.7) as follows:

27 24-31-305. Certification - issuance - renewal - revocation -

1 **rules - definition.** (2.7) THE P.O.S.T. BOARD MAY REVOKE THE
2 CERTIFICATION OF A PEACE OFFICER WHO FAILS TO SATISFACTORILY
3 COMPLETE PEACE OFFICER TRAINING REQUIRED BY THE P.O.S.T. BOARD.
4 PRIOR TO REVOKING THE PEACE OFFICER'S CERTIFICATION, THE P.O.S.T.
5 BOARD SHALL NOTIFY THE PEACE OFFICER OF HIS OR HER FAILURE TO
6 COMPLETE THE TRAINING REQUIRED BY THE P.O.S.T. BOARD AND GIVE THE
7 PEACE OFFICER THIRTY CALENDAR DAYS TO SATISFACTORILY COMPLETE
8 THE PEACE OFFICER TRAINING REQUIRED BY THE P.O.S.T. BOARD.

9 **SECTION 14.** In Colorado Revised Statutes, **amend 24-31-307**
10 as follows:

11 **24-31-307. Enforcement.** (1) The P.O.S.T. board shall have the
12 power to ~~direct the attorney general to enforce the provisions of this part~~
13 ~~3 through an action in district court for injunctive or other appropriate~~
14 ~~relief against~~ PROMULGATE RULES FOR ENFORCEMENT OF THIS PART 3.

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

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

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

24 (3) THE ATTORNEY GENERAL MAY BRING CRIMINAL CHARGES FOR
25 VIOLATIONS OF THIS PART 3 IF VIOLATION IS WILLFUL OR WANTON, OR
26 IMPOSE FINES, AS SET IN P.O.S.T. BOARD RULE, UPON ANY INDIVIDUAL
27 OFFICER OR AGENCY FOR FAILURE TO COMPLY WITH THIS PART 3 OR ANY

1 RULE PROMULGATED UNDER THIS PART 3.

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

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

7 **24-31-307. Enforcement.** (1) The P.O.S.T. board shall have the
8 power to ~~direct the attorney general to enforce the provisions of this part~~
9 ~~3 through an action in district court for injunctive or other appropriate~~
10 ~~relief against~~ PROMULGATE RULES FOR ENFORCEMENT OF THIS PART 3.

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

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

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

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

25 ~~(2)~~ (4) The attorney general shall be entitled to recover reasonable
26 attorney fees and costs against the defendant in any enforcement action
27 under this part 3, if the attorney general prevails.

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

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

10 (a) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE PERSON
11 CONTACTED, PROVIDED THAT THE IDENTIFICATION OF THESE
12 CHARACTERISTICS IS BASED ON THE OBSERVATION AND PERCEPTION OF
13 THE PEACE OFFICER MAKING THE CONTACT AND OTHER AVAILABLE DATA;

- 14 (b) WHETHER THE CONTACT WAS A TRAFFIC STOP;
- 15 (c) THE TIME, DATE, AND LOCATION OF THE CONTACT;
- 16 (d) THE DURATION OF THE CONTACT;
- 17 (e) THE REASON FOR THE CONTACT;
- 18 (f) THE SUSPECTED CRIME;
- 19 (g) THE RESULT OF THE CONTACT, SUCH AS:
 - 20 (I) NO ACTION, WARNING, CITATION, PROPERTY SEIZURE, OR
 - 21 ARREST;
 - 22 (II) IF A WARNING OR CITATION WAS ISSUED, THE WARNING
 - 23 PROVIDED OR VIOLATION CITED;
 - 24 (III) IF AN ARREST WAS MADE, THE OFFENSE CHARGED;
 - 25 (IV) IF THE CONTACT WAS A TRAFFIC STOP, THE INFORMATION
 - 26 COLLECTED, WHICH IS LIMITED TO THE DRIVER;
 - 27 (h) THE ACTIONS TAKEN BY THE PEACE OFFICER DURING THE

1 CONTACT, INCLUDING BUT NOT LIMITED TO WHETHER:

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

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

8 (III) THE PEACE OFFICER SEIZED ANY PROPERTY, AND, IF SO, THE
9 TYPE OF PROPERTY THAT WAS SEIZED AND THE BASIS FOR SEIZING THE
10 PROPERTY;

11 (IV) A PEACE OFFICER UNHOLSTERED A WEAPON DURING THE
12 CONTACT; AND

13 (V) A PEACE OFFICER DISCHARGED A FIREARM DURING THE
14 CONTACT;

15 (4) (a) A peace officer certified pursuant to this part 3 shall
16 provide, without being asked, ~~his or her~~ THE PEACE OFFICER'S business
17 card to any person whom the peace officer has detained in a traffic stop
18 but has not cited or arrested. The business card ~~shall~~ MUST include
19 identifying information about the peace officer, including but not limited
20 to the peace officer's name, division, precinct, and badge or other
21 identification number; ~~and~~ a telephone number that may be used, if
22 necessary, to report any comments, positive or negative, regarding the
23 traffic stop; AND INFORMATION ABOUT HOW TO FILE A COMPLAINT
24 RELATED TO THE CONTACT. The identity of the reporting person and the
25 report of any such comments that ~~constitutes~~ CONSTITUTE a complaint
26 ~~shall~~ MUST initially be kept confidential by the receiving law enforcement
27 agency, to the extent permitted by law. The receiving law enforcement

1 agency shall be permitted to obtain some identifying information
2 regarding the complaint to allow initial processing of the complaint. If it
3 becomes necessary for the further processing of the complaint for the
4 complainant to disclose ~~his or her~~ THE COMPLAINANT'S identity, the
5 complainant shall do so or, at the option of the receiving law enforcement
6 agency, the complaint may be dismissed.

7

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8 **SECTION 17. Legislative declaration.** (1) The general assembly
9 hereby finds and declares that the provisions of Senate Bill 20-217,
10 enacted at the second regular session of the seventy-second general
11 assembly, are matters of statewide concern.

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

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

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

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

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

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

1 department of public safety.

2 **SECTION 19. Effective date.** This act takes effect upon passage;

3 except that:

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

6 (2) Sections 3 and 4 of this act takes effect September 1, 2021.

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