

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

March 13, 2019

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB19-166 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, line 4, strike "**-revocation.**" and substitute
2 "**-revocation - rules - definition.**".

3 Page 2, lines 15 and 16, strike "COMPARABLE ADMINISTRATIVE
4 INVESTIGATION;" and substitute "ADMINISTRATIVE INVESTIGATION AND
5 DISCIPLINARY PROCESS;".

6 Page 3, line 6, strike "AND".

7 Page 3, line 7, after "THAT" insert "ADMINISTRATIVE INVESTIGATION AND
8 DISCIPLINARY".

9 Page 3, line 14, strike "INVESTIGATION." and substitute:
10 "INVESTIGATION; AND

11 (C) THE CERTIFICATE HOLDER HAS ELECTED NOT TO EXERCISE, OR
12 HAS EXHAUSTED, THE INTERNAL DISCIPLINARY APPEAL RIGHTS PROVIDED
13 BY THE OFFICER'S EMPLOYER; AND

14 (III) THE P.O.S.T. BOARD HAS DETERMINED, AFTER CONDUCTING
15 A HEARING AND APPEALS PROCESS PROVIDED PURSUANT TO RULES OF THE
16 P.O.S.T. BOARD AND IN COMPLIANCE WITH SECTIONS 24-4-104 AND
17 24-4-105, THAT THE CERTIFICATE HOLDER KNOWINGLY MADE AN
18 UNTRUTHFUL STATEMENT CONCERNING A MATERIAL FACT OR KNOWINGLY
19 OMITTED A MATERIAL FACT ON AN OFFICIAL CRIMINAL JUSTICE RECORD,
20 WHILE TESTIFYING UNDER OATH, OR DURING AN INTERNAL AFFAIRS

1 INVESTIGATION OR ADMINISTRATIVE INVESTIGATION AND DISCIPLINARY
2 PROCESS."

3 Page 3, line 18, after the period insert "THE FORM MUST REQUIRE THE
4 OFFICIAL SUBMITTING THE FORM TO ATTEST, UNDER PENALTY OF PERJURY,
5 THAT, TO THE BEST OF THE OFFICIAL'S KNOWLEDGE AND BELIEF, THE
6 STATEMENTS ON THE FORM ARE TRUE, CORRECT, AND COMPLETE, AND
7 THAT ANY FALSE STATEMENT, MISSTATEMENT, OR INACCURACY MAY
8 RESULT IN REVOCATION OF THE OFFICIAL'S CERTIFICATION AS WELL AS
9 CRIMINAL PROSECUTION."

10 Page 4, lines 3 and 4, strike "COMPARABLE ADMINISTRATIVE
11 INVESTIGATION," and substitute "ADMINISTRATIVE INVESTIGATION AND
12 DISCIPLINARY PROCESS,".

13 Page 4, strike lines 8 through 10.

14 Reletter succeeding paragraphs accordingly.

15 Page 4, before line 16 insert:

16 "(e) A PERSON WHO HAS HAD HIS OR HER P.O.S.T. CERTIFICATION
17 REVOKED PURSUANT TO THIS SUBSECTION (2.5) MAY SEEK JUDICIAL
18 REVIEW PURSUANT TO THE PROVISIONS OF SECTION 24-4-106."

19 Reletter succeeding paragraphs accordingly.

20 Page 4, lines 23 and 24, strike "COMPARABLE ADMINISTRATIVE
21 INVESTIGATION," and substitute "ADMINISTRATIVE INVESTIGATION AND
22 DISCIPLINARY PROCESS,".

23 Page 5, line 7, strike "COMPARABLE ADMINISTRATIVE INVESTIGATION,"
24 and substitute "ADMINISTRATIVE INVESTIGATION AND DISCIPLINARY
25 PROCESS,".

26 Page 5, line 8, after "AGENCY" insert "EMPLOYING THE PEACE OFFICER, OR
27 THE LAST LAW ENFORCEMENT AGENCY TO EMPLOY THE PEACE OFFICER,".

28 Page 5, after line 16 insert:

29 "(i) FOR THE PURPOSES OF THIS SUBSECTION (2.5),
30 "ADMINISTRATIVE INVESTIGATION AND DISCIPLINARY PROCESS" MEANS AN
31 EMPLOYER'S FORMAL PROCESS OF INTERNAL CONTROL THAT ASSURES

1 THAT AN ALLEGATION OF VIOLATION OF EMPLOYER RULES, POLICY,
2 PROCEDURE, OR OTHER MISCONDUCT OR IMPROPER ACTIONS BY AN
3 EMPLOYEE ARE SUBJECT TO A COMPLETE AND OBJECTIVE INVESTIGATION
4 RESULTING IN FINDINGS OF FACT AND DISCIPLINARY ACTION FOR ANY
5 SUBSTANTIATED VIOLATION.

6 (j) THE P.O.S.T. BOARD MAY PROMULGATE RULES FOR THE
7 IMPLEMENTATION OF THIS SUBSECTION (2.5)."

** ** ** ** **

** ** ** ** **