

SENATE COMMITTEE OF REFERENCE REPORT

May 25, 2021

Chair of Committee

Date

Committee on State, Veterans, & Military Affairs.

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

HB21-1250 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend reengrossed bill, page 3, line 8, strike "law, or" and substitute
- 2 "law or" and strike the second "law," and substitute "law."

- 3 Page 3, line 9, strike "OR CONDUCTING WELFARE CHECKS."

- 4 Page 3, line 11, strike "area." and substitute "area; A NON-INVESTIGATORY
- 5 AND CONSENSUAL INTERACTION WITH A MEMBER OF THE PUBLIC,
- 6 INITIATED BY A MEMBER OF THE PUBLIC, UNLESS AND UNTIL THE
- 7 INTERACTION PROGRESSES INTO AN INVESTIGATION OF A POSSIBLE
- 8 VIOLATION OF THE LAW; A MOTORIST ASSIST; UNDERCOVER INTERACTIONS;
- 9 OR ROUTINE INTERACTIONS WITH PERSONS DETAINED IN A JAIL OR
- 10 DETENTION FACILITY."

- 11 Page 4 line 1, after "(2)(b)(II)(C)," insert "(2)(b)(III),".

- 12 Page 4, line 4, strike "~~July 1, 2023~~ JULY 1, 2022," and substitute "July 1,
- 13 2023,".

- 14 Page 4, line 14, after "SERVICE," insert "DURING A WELFARE CHECK
- 15 EXCEPT FOR A MOTORIST ASSIST,".

- 16 Page 8, after line 18, insert:
- 17 "(III) Any video that would substantially interfere with or
- 18 jeopardize an active or ongoing investigation may be withheld from the



1 public; except that the video shall be released no later than forty-five days
2 from the date of the allegation of misconduct; EXCEPT THAT IN A CASE IN
3 WHICH THE ONLY OFFENSES CHARGED ARE STATUTORY TRAFFIC
4 INFRACTIONS, THE RELEASE OF THE VIDEO MAY BE DELAYED PURSUANT TO
5 RULE 8 OF THE COLORADO RULES FOR TRAFFIC INFRACTIONS. In all cases
6 when release of a video is delayed in reliance on this subsection
7 (2)(b)(III), the prosecuting attorney shall prepare a written explanation of
8 the interference or jeopardy that justifies the delayed release,
9 contemporaneous with the refusal to release the video. Upon release of
10 the video, the prosecuting attorney shall release the written explanation
11 to the public."

12 Page 9, strike lines 10 through 16 and substitute:

13 "(3) SUBSECTION (1)(a)(III), AS IT RELATES TO ONLY AN OFFICER
14 TAMPERING WITH BODY-WORN OR DASH-CAMERA FOOTAGE OR OPERATION,
15 AND SUBSECTION (2) OF THIS SECTION APPLY ON AND AFTER THE
16 EFFECTIVE DATE OF THIS SUBSECTION (3) WHEN A PEACE OFFICER IS
17 WEARING A BODY-WORN CAMERA OR THE OFFICER'S VEHICLE IS EQUIPPED
18 WITH A DASH CAMERA. IF A PEACE OFFICER IS WEARING A BODY-WORN
19 CAMERA OR THE OFFICER'S VEHICLE IS EQUIPPED WITH A DASH CAMERA,
20 THE REMAINING PORTIONS OF THIS SECTION APPLY ON AND AFTER JULY 1,
21 2022. THIS SECTION DOES NOT REQUIRE A LAW ENFORCEMENT AGENCY TO
22 PROVIDE ITS LAW ENFORCEMENT OFFICERS WITH BODY-WORN CAMERAS
23 PRIOR TO JULY 1, 2023."

24 Page 9, line 19, after "portion," insert "(2)(c)(I),".

25 Page 10, lines 19 through 21, strike "contacts, EXCEPT FOR CONTACTS BY
26 A PEACE OFFICER WHO IS WORKING UNDERCOVER OR CONTACTS THAT
27 INVOLVE INTERACTIONS IN A JAIL," and substitute "contacts".

28 Page 10, after line 22, insert:

29 "(I) The perceived demographic information of the person
30 contacted provided that the identification of these characteristics is based
31 on the observation and perception of the peace officer making the contact
32 and other available data; EXCEPT THAT THIS SUBSECTION (2)(c)(I) DOES
33 NOT APPLY TO A PERSON CONTACTED WHO IS A WITNESS TO A CRIME OR A
34 SURVIVOR OF A CRIME;".

35 Page 18, after line 1 insert:



1 **"SECTION 8.** In Colorado Revised Statutes, 18-1-707, **amend**
2 (1) and (3)(b) as follows:

3 **18-1-707. Use of force by peace officers - definitions - repeal.**
4 (1) Peace officers, in carrying out their duties, shall apply nonviolent
5 means, when possible, before resorting to the use of physical force. A
6 peace officer may use physical force only if nonviolent means would be
7 ineffective in effecting an arrest, preventing an escape, or preventing an
8 imminent threat of ~~serious bodily injury or death~~ to the peace officer or
9 another person.

10 (3) A peace officer is justified in using deadly physical force to
11 make an arrest only when all other means of apprehension are
12 unreasonable given the circumstances and:

13 (b) The suspect poses an immediate threat OF DEATH OR SERIOUS
14 BODILY INJURY to the peace officer or another person;".

15 Renumber succeeding sections accordingly.

16 Page 25, strike lines 22 and 23 and substitute "~~defined in section~~
17 ~~24-31-901 (3), shall report to the peace officer's employing agency:~~ AS
18 DEFINED IN SECTION 24-31-901 (1), WHETHER CONSENSUAL OR
19 NONCONSENSUAL, FOR MAKING A CONTACT WITH A MEMBER OF THE
20 PUBLIC FOR PURPOSES OF ENFORCING THE LAW OR INVESTIGATING
21 POSSIBLE VIOLATIONS OF THE LAW. AFTER MAKING A CONTACT, A PEACE
22 OFFICER, AS DEFINED IN SECTION 24-31-901 (3), SHALL REPORT TO THE
23 PEACE OFFICER'S EMPLOYING AGENCY:".

24 Page 28, after line 4, insert:

25 **"SECTION 18.** In Colorado Revised Statutes, 24-72-303, **amend**
26 (4)(a) as follows:

27 **24-72-303. Records of official actions required - open to**
28 **inspection - applicability.** (4) (a) Upon completion of an internal
29 investigation, including any appeals process, that examines the in-uniform
30 or on-duty conduct of a peace officer, as described in part 1 of article 2.5
31 of title 16, related to ~~a specific, identifiable~~ AN incident of alleged
32 misconduct involving a member of the public, the entire investigation file,
33 including the witness interviews, video and audio recordings, transcripts,
34 documentary evidence, investigative notes, and final departmental
35 decision is open for public inspection upon request; except that the
36 custodian may first provide the requester with a summary of the
37 investigation file and if, after reviewing the summary, the requester



1 requests access to the investigation file, the custodian shall provide access
2 to the entire investigation file subject to the provisions of subsections
3 (4)(b), (4)(c), and (4)(d) of this section."

4 Renumber succeeding sections accordingly.

5 Page 29, strike lines 9 and 10.

6 Renumber succeeding section accordingly.

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