

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 2, 2024
Date

Committee on Judiciary.

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

HB24-1372 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1.** In Colorado Revised Statutes, 18-1-707, **add** (2.7)
4 as follows:

5 **18-1-707. Use of force by peace officers - definitions.**
6 (2.7) (a) AS USED IN THIS SUBSECTION (2.7), UNLESS THE CONTEXT
7 OTHERWISE REQUIRES:

8 (I) "MECHANICAL RESTRAINT" MEANS A PHYSICAL DEVICE USED TO
9 INVOLUNTARILY RESTRICT THE MOVEMENT OF A PERSON OR THE
10 MOVEMENT OR NORMAL FUNCTION OF A PORTION OF A PERSON'S BODY.

11 (II) "PRONE POSITION" MEANS A POSITION IN WHICH A PERSON IS
12 LYING ON A SOLID SURFACE WITH THE PERSON'S CHEST AND ABDOMEN
13 POSITIONED DOWNWARD EVEN IF THE PERSON'S FACE IS TURNED TO THE
14 SIDE OR THE PERSON HAS ONE SHOULDER LIFTED.

15 (III) "PRONE RESTRAINT" MEANS A USE OF PHYSICAL FORCE,
16 INCLUDING, BUT NOT LIMITED TO, THE USE OF A MECHANICAL RESTRAINT,
17 IN WHICH THE PERSON WHO IS BEING RESTRAINED IS IN A PRONE POSITION.

18 (IV) "RECOVERY POSITION" MEANS A POSITION OTHER THAN A
19 PRONE POSITION THAT ALLOWS THE PERSON TO BREATHE NORMALLY.

20 (b) ON OR BEFORE JULY 1, 2025, ANY COLORADO LAW
21 ENFORCEMENT AGENCY THAT EMPLOYS A PEACE OFFICER REQUIRED TO BE
22 CERTIFIED BY THE P.O.S.T. BOARD PURSUANT TO SECTION 16-2.5-102; A
23 SHERIFF; AND THE COLORADO STATE PATROL SHALL:

24 (I) ADOPT WRITTEN POLICIES AND PROCEDURES CONCERNING USE
25 OF THE PRONE POSITION AND PRONE RESTRAINT BY:

26 (A) PEACE OFFICERS REQUIRED TO BE CERTIFIED BY THE P.O.S.T.
27 BOARD PURSUANT TO SECTION 16-2.5-102 EMPLOYED BY A COLORADO

1 LAW ENFORCEMENT AGENCY;
2 (B) SHERIFF'S DEPUTIES, REGARDLESS OF P.O.S.T. CERTIFICATION,
3 WHO ARE ENGAGED IN PATROL, ARREST, TAKING SUSPECTS INTO CUSTODY,
4 TRANSPORTING DETAINEES, OR WHO HAVE DIRECT CONTACT WITH
5 INMATES WITHIN COUNTY OR LOCAL JAILS; OR
6 (C) COLORADO STATE PATROL OFFICERS; AND
7 (II) POST THE ADOPTED POLICIES AND PROCEDURES ON THE
8 ENTITY'S WEBSITE, OR, IF THE ENTITY DOES NOT HAVE A WEBSITE, SHALL
9 MAKE THE POLICY AND PROCEDURES PUBLICLY AVAILABLE UPON REQUEST.
10 (c) THE POLICIES AND PROCEDURES ADOPTED PURSUANT TO
11 SUBSECTION (2.7)(b) OF THIS SECTION MUST INCLUDE, BUT NEED NOT BE
12 LIMITED TO, THE FOLLOWING:
13 (I) WHEN AND HOW TO REQUEST MEDICAL AID FOR USE OF FORCE
14 INVOLVING A PRONE RESTRAINT;
15 (II) WHEN TO GET MEDICAL CLEARANCE FOR USE OF FORCE
16 INVOLVING A PRONE RESTRAINT WHEN THERE ARE INJURIES OR
17 COMPLAINTS OF INJURIES;
18 (III) HOW AND WHEN APPROPRIATE MEDICAL AID WITHIN THE
19 SCOPE OF A PEACE OFFICER'S TRAINING SHOULD BE RENDERED FOR ANY
20 USE OF FORCE INVOLVING PRONE RESTRAINT; AND
21 (IV) HOW AND WHEN TO APPROPRIATELY AND SAFELY TRANSITION
22 ANY PERSON PLACED IN A PRONE POSITION INTO A RECOVERY POSITION AS
23 SOON AS PRACTICABLE.
24 (d) EACH ENTITY MUST REVIEW POLICIES AND PROCEDURES
25 ADOPTED PURSUANT TO SUBSECTION (2.7)(b) OF THIS SECTION AT LEAST
26 EVERY FIVE YEARS TO ENSURE THE POLICIES AND PROCEDURES ARE
27 UPDATED TO INCLUDE CURRENT BEST PRACTICES.
28 (e) BEGINNING ON OR BEFORE JULY 1, 2026, EACH ENTITY
29 REQUIRED TO ADOPT POLICIES AND PROCEDURES PURSUANT TO
30 SUBSECTION (2.7)(b) OF THIS SECTION SHALL IMPLEMENT AND TRAIN ITS
31 PEACE OFFICERS ON THE PROVISIONS OF THE POLICIES AND PROCEDURES
32 ADOPTED PURSUANT TO SUBSECTION (2.7)(b) OF THIS SECTION.
33 (f) THE P.O.S.T. BOARD, CREATED IN SECTION 24-31-302, SHALL
34 MAKE ITS TRAINING ON THE USE OF THE PRONE POSITION AVAILABLE TO
35 ALL LAW ENFORCEMENT AGENCIES IN THE STATE.

36 **SECTION 2. Safety clause.** The general assembly finds,
37 determines, and declares that this act is necessary for the immediate
38 preservation of the public peace, health, or safety or for appropriations for
39 the support and maintenance of the departments of the state and state
40 institutions."

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