

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0251.01 Richard Sweetman x4333

SENATE BILL 16-048

SENATE SPONSORSHIP

Marble, Cooke, Ulibarri

HOUSE SPONSORSHIP

Saine and Salazar,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING REQUIRING FEDERAL REGULATORY AGENCIES TO
102 PROVIDE NOTICE BEFORE USING SPECIAL UNITS TO CONDUCT
103 OPERATIONS WITHIN THE STATE.

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://www.leg.state.co.us/billsummaries>.)

At least 24 hours before using a specialized unit to conduct any type of operation within this state, a federal regulatory agency must provide notice of the operation to the county sheriff of the county in which the operation is to occur, and, if it is to occur within an incorporated area, to the police department, town marshal, or law

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

enforcement agency of the city or town. The notice must include a copy of the court order that authorizes the specialized unit to conduct the operation.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 116 to
3 title 24 as follows:

4 **ARTICLE 116**

5 **Federal Regulatory Agency Operations**

6 **24-116-101. Federal regulatory agency - specialized unit -**
7 **notice - ban - definitions.** (1) AT LEAST TWENTY-FOUR HOURS BEFORE
8 USING A SPECIALIZED UNIT TO CONDUCT ANY TYPE OF OPERATION WITHIN
9 THIS STATE, A FEDERAL REGULATORY AGENCY MUST PROVIDE NOTICE OF
10 AN IMPENDING OPERATION TO THE COUNTY SHERIFF OF THE COUNTY IN
11 WHICH THE OPERATION IS TO OCCUR, AND, IF IT IS TO OCCUR WITHIN AN
12 INCORPORATED AREA, TO THE POLICE DEPARTMENT, TOWN MARSHAL, OR
13 LAW ENFORCEMENT AGENCY OF THE CITY OR TOWN. THE NOTICE MUST
14 INCLUDE A COPY OF THE COURT ORDER THAT AUTHORIZES THE
15 SPECIALIZED UNIT TO CONDUCT THE OPERATION.

16 (2) A FEDERAL REGULATORY AGENCY SHALL NOT USE A
17 SPECIALIZED UNIT TO CONDUCT ANY OPERATION WITHIN THIS STATE,
18 UNLESS THE AGENCY FIRST PROVIDES THE NOTICE REQUIRED BY
19 SUBSECTION (1) OF THIS SECTION.

20 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
21 REQUIRES:

22 (a) "FEDERAL REGULATORY AGENCY" HAS THE SAME MEANING AS
23 "FEDERAL AGENCY" AS SET FORTH IN 40 U.S.C. SEC. 102, BUT DOES NOT
24 INCLUDE THE FOLLOWING FEDERAL AGENCIES AND DEPARTMENTS:

- 1 (I) THE DEPARTMENT OF DEFENSE;
2 (II) THE DEPARTMENT OF JUSTICE;
3 (III) THE DEPARTMENT OF HOMELAND SECURITY;
4 (IV) THE NUCLEAR REGULATORY COMMISSION;
5 (V) THE UNITED STATES CAPITOL POLICE;
6 (VI) THE BUREAU OF DIPLOMATIC SECURITY; AND
7 (VII) THE MILITARY DEPARTMENTS, AS DEFINED IN 5 U.S.C. SEC.
8 102.

9 (b) "SPECIALIZED UNIT" MEANS A UNIT THAT RECEIVES SPECIAL
10 TACTICAL OR MILITARY-STYLE TRAINING OR USES HARD-PLATED BODY
11 ARMOR, SHIELDS, OR HELMETS AND THAT RESPONDS TO HIGH-RISK
12 SITUATIONS THAT FALL OUTSIDE THE CAPABILITIES OF REGULAR LAW
13 ENFORCEMENT OFFICERS. A "SPECIALIZED UNIT" INCLUDES A SPECIAL
14 WEAPONS AND TACTICS TEAM, TACTICAL RESPONSE TEAM, SPECIAL EVENTS
15 TEAM, SPECIAL RESPONSE TEAM, OR AN ACTIVE SHOOTER TEAM.

16 **SECTION 2. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2016 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.