

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 16-0417.02 Michael Dohr x4347

HOUSE BILL 16-1262

HOUSE SPONSORSHIP

Williams, Esgar, Melton, Salazar

SENATE SPONSORSHIP

Cooke,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO IMPROVE PEACE OFFICER HIRING, AND, IN**
102 **CONNECTION THEREWITH, REQUIRING EMPLOYMENT WAIVERS**
103 **AS PART OF THE BACKGROUND CHECK PROCESS FOR A PERSON**
104 **APPLYING FOR A POSITION AS A PEACE OFFICER WHO HAS**
105 **WORKED AS AN OFFICER AND GIVING THE P.O.S.T. BOARD THE**
106 **AUTHORITY TO DENY CERTIFICATION TO AN APPLICANT WHO**
107 **ENTERED INTO A DEFERRED AGREEMENT.**

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

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.*

HOUSE
3rd Reading Unamended
March 17, 2016

HOUSE
Amended 2nd Reading
March 16, 2016

[http://www.leg.state.co.us/bills/summaries.](http://www.leg.state.co.us/bills/summaries/))

Each law enforcement agency in the state that interviews a candidate for a peace officer position who has worked at another law enforcement agency or in private security shall require the candidate to execute a waiver. The waiver will allow the candidate's previous law enforcement agency or private security company employers to disclose all files pertaining to the applicant, including internal affairs files, to the interviewing agency and releases the interviewing agency and each law enforcement agency or private security company that employed the candidate from any liability related to the use and disclosure of the files. The interviewing agency must submit the waiver to each law enforcement agency or private security company at least 10 days before making a hiring decision. A state or local law enforcement agency or private security company that receives a waiver shall provide the disclosure to the Colorado law enforcement agency that is interviewing the candidate not more than 7 days after such receipt.

The bill requires a P.O.S.T. certification applicant who has worked at another law enforcement agency to execute the same waiver as described above.

Under current law, the P.O.S.T. board must deny certification to a person who was convicted of any felony and certain misdemeanors. The bill gives the P.O.S.T. board the authority to deny certification to a person who entered into a deferred judgment, deferred prosecution, diversion agreement, or deferred adjudication for any of those crimes or had a juvenile adjudication for any of those crimes.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-33.5-115 as
3 follows:

4 **24-33.5-115. Peace officer hiring - required use of waiver -**
5 **definitions.** (1) A STATE OR LOCAL LAW ENFORCEMENT AGENCY,
6 INCLUDING HIGHER EDUCATION LAW ENFORCEMENT AGENCIES AND PUBLIC
7 TRANSIT LAW ENFORCEMENT AGENCIES, SHALL REQUIRE EACH CANDIDATE
8 THAT IT INTERVIEWS FOR A PEACE OFFICER POSITION WHO HAS BEEN
9 EMPLOYED BY ANOTHER LAW ENFORCEMENT AGENCY OR GOVERNMENTAL
10 AGENCY TO EXECUTE A WRITTEN WAIVER THAT EXPLICITLY AUTHORIZES

1 EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT HAS
2 EMPLOYED THE CANDIDATE TO DISCLOSE THE APPLICANT'S FILES,
3 INCLUDING INTERNAL AFFAIRS FILES, TO THE STATE OR LOCAL LAW
4 ENFORCEMENT AGENCY AND RELEASES THE INTERVIEWING AGENCY AND
5 EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT
6 EMPLOYED THE CANDIDATE FROM ANY LIABILITY RELATED TO THE USE
7 AND DISCLOSURE OF THE FILES. A CANDIDATE WHO REFUSES TO EXECUTE
8 THE WAIVER SHALL NOT BE CONSIDERED FOR EMPLOYMENT BY THE
9 INTERVIEWING AGENCY. THE AGENCY INTERVIEWING THE CANDIDATE
10 SHALL, AT LEAST TWENTY-ONE DAYS PRIOR TO MAKING THE HIRING
11 DECISION, SUBMIT THE WAIVER TO EACH LAW ENFORCEMENT AGENCY OR
12 GOVERNMENTAL AGENCY THAT HAS EMPLOYED THE CANDIDATE. A
13 STATE OR LOCAL LAW ENFORCEMENT AGENCY OR GOVERNMENTAL
14 AGENCY THAT RECEIVES SUCH A WAIVER SHALL PROVIDE THE DISCLOSURE
15 TO THE AGENCY THAT IS CONSIDERING THE CANDIDATE FOR EMPLOYMENT
16 NOT MORE THAN TWENTY-ONE DAYS AFTER SUCH RECEIPT.

17 (2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT
18 REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF
19 THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE
20 DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO
21 WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED
22 BEFORE THE EFFECTIVE DATE OF THIS SECTION.

23 (3) A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR
24 GOVERNMENTAL AGENCY IS NOT LIABLE FOR COMPLYING WITH THE
25 PROVISIONS OF THIS SECTION OR PARTICIPATING IN AN OFFICIAL ORAL
26 INTERVIEW WITH AN INVESTIGATOR REGARDING THE CANDIDATE.

27 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

1 REQUIRES:

2 (a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES
3 RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES,
4 PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL RELATED CLAIMS,
5 DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND
6 CONDEMNATIONS.

7 (b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:

8 (I) THE COLORADO STATE PATROL CREATED PURSUANT TO
9 SECTION 24-33.5-201;

10 (II) THE COLORADO BUREAU OF INVESTIGATION CREATED
11 PURSUANT TO SECTION 24-33.5-401;

12 (III) A COUNTY SHERIFF'S OFFICE;

13 (IV) A MUNICIPAL POLICE DEPARTMENT;

14 (V) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE
15 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION
16 24-1-124; OR

17 (VI) A TOWN MARSHAL'S OFFICE.

18 **SECTION 2.** In Colorado Revised Statutes, **add 24-35-120** as
19 follows:

20 **24-35-120. Peace officer hiring - required use of waiver -**
21 **definitions.** (1) THE DEPARTMENT OF REVENUE SHALL REQUIRE EACH
22 CANDIDATE THAT IT INTERVIEWS FOR A PEACE OFFICER POSITION WHO HAS
23 BEEN EMPLOYED BY ANOTHER LAW ENFORCEMENT AGENCY OR
24 GOVERNMENTAL AGENCY TO EXECUTE A WRITTEN WAIVER THAT
25 EXPLICITLY AUTHORIZES EACH LAW ENFORCEMENT AGENCY OR
26 GOVERNMENTAL AGENCY THAT HAS EMPLOYED THE CANDIDATE TO
27 DISCLOSE THE APPLICANT'S FILES, INCLUDING INTERNAL AFFAIRS FILES, TO

1 THE DEPARTMENT AND RELEASES THE DEPARTMENT AND EACH LAW
2 ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT EMPLOYED THE
3 CANDIDATE FROM ANY LIABILITY RELATED TO THE USE AND DISCLOSURE
4 OF THE FILES. A CANDIDATE WHO REFUSES TO EXECUTE THE WAIVER
5 SHALL NOT BE CONSIDERED FOR EMPLOYMENT BY THE DEPARTMENT OF
6 REVENUE. THE DEPARTMENT OF REVENUE SHALL, AT LEAST TWENTY-ONE
7 DAYS PRIOR TO MAKING THE HIRING DECISION, SUBMIT THE WAIVER TO
8 EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT HAS
9 EMPLOYED THE CANDIDATE. A STATE OR LOCAL LAW ENFORCEMENT
10 AGENCY OR GOVERNMENTAL AGENCY THAT RECEIVES SUCH A WAIVER
11 SHALL PROVIDE THE DISCLOSURE TO THE DEPARTMENT OF REVENUE NOT
12 MORE THAN TWENTY-ONE DAYS AFTER SUCH RECEIPT.

13 (2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT
14 REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF
15 THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE
16 DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO
17 WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED
18 BEFORE THE EFFECTIVE DATE OF THIS SECTION, OR PARTICIPATING IN AN
19 OFFICIAL ORAL INTERVIEW WITH AN INVESTIGATOR REGARDING THE
20 CANDIDATE.

21 (3) A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR
22 GOVERNMENTAL ENTITY IS NOT LIABLE FOR COMPLYING WITH THE
23 PROVISIONS OF THIS SECTION.

24 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
25 REQUIRES:

26 (a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES
27 RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES,

1 PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL-RELATED CLAIMS,
2 DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND
3 CONDEMNATIONS.

4 (b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:

5 (I) THE COLORADO STATE PATROL CREATED PURSUANT TO
6 SECTION 24-33.5-201;

7 (II) THE COLORADO BUREAU OF INVESTIGATION CREATED
8 PURSUANT TO SECTION 24-33.5-401;

9 (III) A COUNTY SHERIFF'S OFFICE;

10 (IV) A MUNICIPAL POLICE DEPARTMENT;

11 (V) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE
12 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION
13 24-1-124; OR

14 (VI) A TOWN MARSHAL'S OFFICE.

15 **SECTION 3.** In Colorado Revised Statutes, **add** 30-10-526 as
16 follows:

17 **30-10-526. Sheriff office hiring - required use of waiver -**
18 **definitions.** (1) A SHERIFF'S OFFICE SHALL REQUIRE EACH CANDIDATE
19 THAT IT INTERVIEWS FOR A PEACE OFFICER POSITION WHO HAS BEEN
20 EMPLOYED BY ANOTHER LAW ENFORCEMENT AGENCY OR GOVERNMENTAL
21 AGENCY TO EXECUTE A WRITTEN WAIVER THAT EXPLICITLY AUTHORIZES
22 EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT HAS
23 EMPLOYED THE CANDIDATE TO DISCLOSE THE APPLICANT'S FILES,
24 INCLUDING INTERNAL AFFAIRS FILES, TO THE INTERVIEWING SHERIFF'S
25 AGENCY AND RELEASES THE INTERVIEWING SHERIFF'S OFFICE AND EACH
26 LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT
27 EMPLOYED THE CANDIDATE FROM ANY LIABILITY RELATED TO THE USE

1 AND DISCLOSURE OF THE FILES. A CANDIDATE WHO REFUSES TO EXECUTE
2 THE WAIVER SHALL NOT BE CONSIDERED FOR EMPLOYMENT BY THE
3 SHERIFF'S OFFICE. THE SHERIFF'S OFFICE INTERVIEWING THE CANDIDATE
4 SHALL, AT LEAST TWENTY-ONE DAYS PRIOR TO MAKING THE HIRING
5 DECISION, SUBMIT THE WAIVER TO EACH LAW ENFORCEMENT AGENCY OR
6 GOVERNMENTAL AGENCY THAT HAS EMPLOYED THE CANDIDATE. A
7 STATE OR LOCAL LAW ENFORCEMENT AGENCY OR GOVERNMENTAL
8 AGENCY THAT RECEIVES SUCH A WAIVER SHALL PROVIDE THE DISCLOSURE
9 TO THE SHERIFF'S OFFICE THAT IS INTERVIEWING THE CANDIDATE NOT
10 MORE THAN TWENTY-ONE DAYS AFTER SUCH RECEIPT.

11 (2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT
12 REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF
13 THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE
14 DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO
15 WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED
16 BEFORE THE EFFECTIVE DATE OF THIS SECTION.

17 (3) A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR
18 GOVERNMENTAL AGENCY IS NOT LIABLE FOR COMPLYING WITH THE
19 PROVISIONS OF THIS SECTION OR PARTICIPATING IN AN OFFICIAL ORAL
20 INTERVIEW WITH AN INVESTIGATOR REGARDING THE CANDIDATE.

21 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
22 REQUIRES:

23 (a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES
24 RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES,
25 PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL RELATED CLAIMS,
26 DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND
27 CONDEMNATIONS.

- 1 (b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:
- 2 (I) THE COLORADO STATE PATROL CREATED PURSUANT TO
- 3 SECTION 24-33.5-201, C.R.S.;
- 4 (II) THE COLORADO BUREAU OF INVESTIGATION CREATED
- 5 PURSUANT TO SECTION 24-33.5-401, C.R.S.;
- 6 (III) A COUNTY SHERIFF'S OFFICE;
- 7 (IV) A MUNICIPAL POLICE DEPARTMENT;
- 8 (V) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE
- 9 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION
- 10 24-1-124, C.R.S.; OR
- 11 (VI) A TOWN MARSHAL'S OFFICE.

12 **SECTION 4.** In Colorado Revised Statutes, **add** 31-30-108 as
13 follows:

14 **31-30-108. Peace officer hiring - required use of waiver -**
15 **definitions.** (1) A MUNICIPAL POLICE DEPARTMENT OR TOWN MARSHAL'S
16 OFFICE SHALL REQUIRE EACH CANDIDATE THAT IT INTERVIEWS FOR A
17 PEACE OFFICER POSITION WHO HAS BEEN EMPLOYED BY ANOTHER LAW
18 ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY TO EXECUTE A
19 WRITTEN WAIVER THAT EXPLICITLY AUTHORIZES EACH LAW ENFORCEMENT
20 AGENCY OR GOVERNMENTAL AGENCY THAT HAS EMPLOYED THE
21 CANDIDATE TO DISCLOSE THE APPLICANT'S FILES, INCLUDING INTERNAL
22 AFFAIRS FILES, TO THE MUNICIPAL POLICE DEPARTMENT OR TOWN
23 MARSHAL'S OFFICE INTERVIEWING THE CANDIDATE AND RELEASES THE
24 INTERVIEWING AGENCY AND EACH LAW ENFORCEMENT AGENCY OR
25 GOVERNMENTAL AGENCY THAT EMPLOYED THE CANDIDATE FROM ANY
26 LIABILITY RELATED TO THE USE AND DISCLOSURE OF THE FILES. A
27 CANDIDATE WHO REFUSES TO EXECUTE THE WAIVER SHALL NOT BE

1 CONSIDERED FOR EMPLOYMENT BY THE DEPARTMENT OR OFFICE. THE
2 DEPARTMENT OR OFFICE INTERVIEWING THE CANDIDATE SHALL, AT LEAST
3 TWENTY-ONE DAYS PRIOR TO MAKING THE HIRING DECISION, SUBMIT THE
4 WAIVER TO EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL
5 AGENCY THAT HAS EMPLOYED THE CANDIDATE. A STATE OR LOCAL
6 LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT RECEIVES
7 SUCH A WAIVER SHALL PROVIDE THE DISCLOSURE TO THE MUNICIPAL
8 POLICE DEPARTMENT OR TOWN MARSHAL'S OFFICE THAT IS INTERVIEWING
9 THE CANDIDATE NOT MORE THAN TWENTY-ONE DAYS AFTER SUCH
10 RECEIPT.

11 (2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT
12 REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF
13 THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE
14 DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO
15 WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED
16 BEFORE THE EFFECTIVE DATE OF THIS SECTION.

17 (3) A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR
18 GOVERNMENTAL AGENCY IS NOT LIABLE FOR COMPLYING WITH THE
19 PROVISIONS OF THIS SECTION OR PARTICIPATING IN AN OFFICIAL ORAL
20 INTERVIEW WITH AN INVESTIGATOR REGARDING THE CANDIDATE.

21 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
22 REQUIRES:

23 (a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES
24 RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES,
25 PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL RELATED CLAIMS,
26 DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND
27 CONDEMNATIONS.

- 1 (b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:
- 2 (I) THE COLORADO STATE PATROL CREATED PURSUANT TO
- 3 SECTION 24-33.5-201, C.R.S.;
- 4 (II) THE COLORADO BUREAU OF INVESTIGATION CREATED
- 5 PURSUANT TO SECTION 24-33.5-401, C.R.S.;
- 6 (III) A COUNTY SHERIFF'S OFFICE;
- 7 (IV) A MUNICIPAL POLICE DEPARTMENT;
- 8 (V) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE
- 9 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION
- 10 24-1-124, C.R.S.; OR
- 11 (VI) A TOWN MARSHAL'S OFFICE.

12 **SECTION 5.** In Colorado Revised Statutes, **add** 33-9-112 as
13 follows:

14 **33-9-112. Peace officer hiring - required use of waiver -**
15 **definitions.** (1) THE DIVISION SHALL REQUIRE EACH CANDIDATE THAT IT
16 INTERVIEWS FOR A PEACE OFFICER POSITION WHO HAS BEEN EMPLOYED BY
17 ANOTHER LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY TO
18 EXECUTE A WRITTEN WAIVER THAT EXPLICITLY AUTHORIZES EACH LAW
19 ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT HAS EMPLOYED
20 THE CANDIDATE TO DISCLOSE THE APPLICANT'S FILES, INCLUDING
21 INTERNAL AFFAIRS FILES, TO THE DIVISION AND RELEASES THE DIVISION
22 AND EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT
23 EMPLOYED THE CANDIDATE FROM ANY LIABILITY RELATED TO THE USE
24 AND DISCLOSURE OF THE FILES. A CANDIDATE WHO REFUSES TO EXECUTE
25 THE WAIVER SHALL NOT BE CONSIDERED FOR EMPLOYMENT BY THE
26 DIVISION. THE DIVISION SHALL, AT LEAST TWENTY-ONE DAYS PRIOR TO
27 MAKING THE HIRING DECISION, SUBMIT THE WAIVER TO EACH LAW

1 ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT HAS EMPLOYED
2 THE CANDIDATE. A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR
3 GOVERNMENTAL AGENCY THAT RECEIVES SUCH A WAIVER SHALL PROVIDE
4 THE DISCLOSURE TO THE DIVISION NOT MORE THAN TWENTY-ONE DAYS
5 AFTER SUCH RECEIPT.

6 (2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT
7 REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF
8 THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE
9 DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO
10 WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED
11 BEFORE THE EFFECTIVE DATE OF THIS SECTION.

12 (3) A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR
13 GOVERNMENTAL AGENCY IS NOT LIABLE FOR COMPLYING WITH THE
14 PROVISIONS OF THIS SECTION OR PARTICIPATING IN AN OFFICIAL ORAL
15 INTERVIEW WITH AN INVESTIGATOR REGARDING THE CANDIDATE.

16 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
17 REQUIRES:

18 (a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES
19 RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES,
20 PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL RELATED CLAIMS,
21 DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND
22 CONDEMNATIONS.

23 (b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:

24 (I) THE COLORADO STATE PATROL CREATED PURSUANT TO
25 SECTION 24-33.5-201, C.R.S.;

26 (II) THE COLORADO BUREAU OF INVESTIGATION CREATED
27 PURSUANT TO SECTION 24-33.5-401, C.R.S.;

- 1 (III) A COUNTY SHERIFF'S OFFICE;
- 2 (IV) A MUNICIPAL POLICE DEPARTMENT;
- 3 (V) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE
- 4 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION
- 5 24-1-124, C.R.S.; OR
- 6 (VI) A TOWN MARSHAL'S OFFICE.

7 **SECTION 6.** In Colorado Revised Statutes, 24-31-305, **amend**
8 (1.5) as follows:

9 **24-31-305. Certification - issuance - renewal - revocation.**

10 (1.5) (a) The P.O.S.T. board shall deny certification to any person
11 who has been convicted of:

- 12 (a) (I) A felony;
- 13 (b) (II) Any misdemeanor in violation of sections 18-3-204,
- 14 18-3-402, 18-3-404, 18-3-405.5, and 18-3-412.5, C.R.S.;
- 15 (c) (III) Any misdemeanor in violation of sections 18-7-201,
- 16 18-7-202, 18-7-203, 18-7-204, 18-7-302, and 18-7-601, C.R.S.;
- 17 (d) (IV) Any misdemeanor in violation of any section of article 8
- 18 of title 18, C.R.S.;
- 19 (e) (V) Any misdemeanor in violation of sections 18-9-111 and
- 20 18-9-121, C.R.S.;
- 21 (f) (VI) Any misdemeanor in violation of sections 18-18-404,
- 22 18-18-405, 18-18-406, and 18-18-411, C.R.S.;
- 23 (g) (VII) Any misdemeanor in violation of section 18-6-403 (3)
- 24 (b.5), C.R.S., as it existed prior to July 1, 2006;
- 25 (h) (VIII) Any misdemeanor in violation of federal law or the law
- 26 of any state that is the equivalent of any of the offenses specified in
- 27 paragraphs (a) to (g) of this subsection (1.5); or

1 (†) (IX) Any local municipal ordinance that is the equivalent of
2 any of the offenses specified in paragraphs (a) to (g) of this subsection
3 (1.5).

4 (b) THE P.O.S.T. BOARD MUST DENY CERTIFICATION TO ANY
5 PERSON WHO ENTERED INTO ONE OF THE FOLLOWING FOR A CRIME LISTED
6 IN PARAGRAPH (a) OF THIS SUBSECTION (1.5) IF THE P.O.S.T. BOARD
7 DETERMINES THAT CERTIFICATION IS NOT IN THE PUBLIC INTEREST:

8 (I) A DEFERRED JUDGMENT AND SENTENCING AGREEMENT OR
9 DEFERRED SENTENCING AGREEMENT, WHETHER PENDING OR
10 SUCCESSFULLY COMPLETED;

11 (II) A DEFERRED PROSECUTION AGREEMENT, WHETHER PENDING
12 OR SUCCESSFULLY COMPLETED; OR

13 (III) A PRETRIAL DIVERSION AGREEMENT, WHETHER PENDING OR
14 SUCCESSFULLY COMPLETED.

15

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