

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0750.01 Michael Dohr x4347

SENATE BILL 17-066

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SENATE SPONSORSHIP

Cooke and Fields,

HOUSE SPONSORSHIP

Saine and Lebsock,

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Senate Committees  
Judiciary

House Committees

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A BILL FOR AN ACT

101 CONCERNING CLARIFYING RETROACTIVELY THE AUTHORITY OF A  
102 MUNICIPALITY TO EMPLOY A POLICE FORCE WITHOUT GOING  
103 THROUGH SUNRISE REVIEW.

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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://leg.colorado.gov>.)*

There is a sunrise review process for groups seeking peace officer status. The bill clarifies that municipalities do not need to go through that process to employ a police force.

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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.*

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 31-4-112 as  
3 follows:

4 **31-4-112. Marshal or chief of police - duties.** The marshal or  
5 chief of police shall execute and return, by himself OR HERSELF or by any  
6 member of the police force, all writs and processes directed to him OR  
7 HER by the municipal judge in any case arising under a city ordinance. In  
8 criminal cases, quasi-criminal cases, or cases in violation of city  
9 ordinances, he OR SHE may serve the same in any part of the county in  
10 which such city is situate. The marshal, chief of police, or any member of  
11 the police force shall suppress all riots, disturbances, and breaches of the  
12 peace, shall apprehend all disorderly persons in the city, and shall pursue  
13 and arrest any person fleeing from justice in any part of the state. He OR  
14 SHE shall apprehend any person in the act of committing any offense  
15 against the laws of the state or ordinances of the city and, forthwith and  
16 without any warrant, bring such person before a municipal judge, county  
17 judge, or other competent authority for examination and trial pursuant to  
18 law. He OR SHE has, in the discharge of his OR HER proper duties, powers  
19 and responsibilities similar to those ~~which~~ THAT sheriffs have in like  
20 cases. THE MARSHAL OR CHIEF OF POLICE MAY EMPLOY CERTIFIED PEACE  
21 OFFICERS TO ENFORCE ALL LAWS OF THE STATE OF COLORADO  
22 NOTWITHSTANDING SECTION 16-2.5-201.

23 **SECTION 2.** In Colorado Revised Statutes, **amend** 31-4-306 as  
24 follows:

25 **31-4-306. Marshal or chief of police - powers and duties.** The  
26 marshal or chief of police ~~shall have~~ HAS the same power that sheriffs  
27 have by law, coextensive with the county in cases of violation of town

1 ordinances, for offenses committed within the limits of the town. He OR  
2 SHE shall execute all writs and processes directed to him OR HER by the  
3 municipal judge in any case arising under a town ordinance and receive  
4 the same fees for his OR HER services that sheriffs are allowed in similar  
5 cases. THE MARSHAL OR CHIEF OF POLICE MAY EMPLOY CERTIFIED PEACE  
6 OFFICERS TO ENFORCE ALL LAWS OF THE STATE OF COLORADO  
7 NOTWITHSTANDING SECTION 16-2.5-201.

8 **SECTION 3.** In Colorado Revised Statutes, 31-15-401, **amend**  
9 (1)(a) as follows:

10 **31-15-401. General police powers.** (1) In relation to the general  
11 police power, the governing bodies of municipalities have the following  
12 powers:

13 (a) To regulate the police of the municipality, INCLUDING  
14 EMPLOYING CERTIFIED PEACE OFFICERS TO ENFORCE ALL LAWS OF THE  
15 STATE OF COLORADO NOTWITHSTANDING SECTION 16-2.5-201, and pass  
16 and enforce all necessary police ordinances;

17 **SECTION 4. Applicability.** This act applies before, on, and after  
18 the effective date of this act.

19 **SECTION 5. Safety clause.** The general assembly hereby finds,  
20 determines, and declares that this act is necessary for the immediate  
21 preservation of the public peace, health, and safety.