

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 17-0804.01 Debbie Haskins x2045

SENATE BILL 17-120

SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REQUIREMENT OF UNITED STATES CITIZENSHIP TO**
102 **BE A PEACE OFFICER IN COLORADO.**

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>.)

The "Immigration and Nationality Act" allows states to pass laws requiring United States citizenship as a condition of employment. The bill imposes a United States citizenship requirement for peace officers, including certified peace officers, in Colorado.

A person who is a legal permanent resident and who is employed by a law enforcement agency as a peace officer or certified peace officer

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.

SENATE
Amended 2nd Reading
February 13, 2017

on the effective date of the bill is exempted from the United States citizenship requirement until July 1, 2020. A person who is a legal permanent resident and is a certified peace officer but not employed on the effective date of the bill is exempted from the United States citizenship requirement until July 1, 2020. If the person fails to obtain United States citizenship during the grandfathered-time period, the P.O.S.T. board shall revoke the person's peace officer certification, if applicable.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 16-2.5-101.5 as
3 follows:

4 **16-2.5-101.5. Peace officer and certified peace officers - United**
5 **States citizenship required - grandfather provision.** (1) ON AND AFTER
6 THE EFFECTIVE DATE OF THIS SECTION, IN ADDITION TO ALL STANDARDS
7 IMPOSED BY LAW ON A PEACE OFFICER, A PERSON WHO IS A PEACE OFFICER,
8 AS DEFINED IN SECTION 16-2.5-101, IS REQUIRED TO BE A CITIZEN OF THE
9 UNITED STATES.

10 (2) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, IN
11 ADDITION TO ALL STANDARDS IMPOSED BY LAW ON A CERTIFIED PEACE
12 OFFICER, A PERSON WHO IS A CERTIFIED PEACE OFFICER, AS DEFINED IN
13 SECTION 16-2.5-102, IS REQUIRED TO BE A CITIZEN OF THE UNITED STATES.

14 (3) (a) A PERSON WHO IS A LEGAL PERMANENT RESIDENT OF THE
15 UNITED STATES AND WHO IS EMPLOYED BY A LAW ENFORCEMENT AGENCY
16 AS A PEACE OFFICER OR CERTIFIED PEACE OFFICER ON THE EFFECTIVE DATE
17 OF THIS SECTION IS EXEMPTED FROM THE UNITED STATES CITIZENSHIP
18 REQUIREMENT UNTIL JULY 1, 2022, UNLESS THE P.O.S.T. BOARD EXTENDS
19 THE DATE FOR COMPLIANCE AS PROVIDED IN SUBSECTION (3)(c) OF THIS
20 SECTION. A PERSON WHO IS A LEGAL PERMANENT RESIDENT OF THE
21 UNITED STATES AND IS A CERTIFIED PEACE OFFICER BUT NOT EMPLOYED

1 ON THE EFFECTIVE DATE OF THIS SECTION IS EXEMPTED FROM THE UNITED
2 STATES CITIZENSHIP REQUIREMENT UNTIL JULY 1, 2022, UNLESS THE
3 P.O.S.T. BOARD EXTENDS THE DATE FOR COMPLIANCE AS PROVIDED IN
4 SUBSECTION (3)(c) OF THIS SECTION.

5 (b) FOR PURPOSES OF THIS SUBSECTION (3), AN ADULT PROBATION
6 OFFICER, AS DEFINED IN SECTION 16-2.5-137, AND A JUVENILE PROBATION
7 OFFICER, AS DEFINED IN SECTION 16-2.5-138, ARE CONSIDERED TO BE
8 EMPLOYED BY A LAW ENFORCEMENT AGENCY.

9 (c) THE P.O.S.T. BOARD, UPON REQUEST OF THE EMPLOYING LAW
10 ENFORCEMENT AGENCY OF A CERTIFIED PEACE OFFICER WHOSE
11 COMPLIANCE WAS GRANDFATHERED IN UNDER SUBSECTION (3)(a) OF THIS
12 SECTION, MAY EXTEND THE DATE FOR THE CERTIFIED PEACE OFFICER'S
13 COMPLIANCE WITH THE UNITED STATES CITIZENSHIP REQUIREMENT BASED
14 UPON A SHOWING THAT THE CERTIFIED PEACE OFFICER IS MAKING
15 PROGRESS TOWARDS ATTAINING CITIZENSHIP AND NEEDS AN EXTENSION
16 OF TIME.

17 **SECTION 2.** In Colorado Revised Statutes, 24-31-305, **add (5)**
18 **as follows:**

19 **24-31-305. Certification - issuance - renewal - revocation.**
20 **(5) ON AND AFTER JULY 1, 2022, THE P.O.S.T. BOARD SHALL REVOKE THE**
21 **CERTIFICATION OF ANY PEACE OFFICER WHO FAILS TO MEET THE UNITED**
22 **STATES CITIZENSHIP REQUIREMENT SPECIFIED IN SECTION 16-2.5-101.5,**
23 **UNLESS THE P.O.S.T. BOARD EXTENDS THE DATE FOR COMPLIANCE WITH**
24 **THE UNITED STATES CITIZENSHIP REQUIREMENT PURSUANT TO SECTION**
25 **16-2.5-101.5 (3)(c).**

26 **SECTION 3. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.