



# Legislative Council Staff

## Research Note

Version: Final

Date: 3/15/2017

### Bill Number

**Senate Bill 17-120**

### Sponsors

**Senator Gardner  
Representative Liston**

### Short Title

**Require U.S. Citizenship For  
Colorado Peace Officers**

### Research Analyst

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### Status

This research note reflects the final version of the bill which was postponed indefinitely by the House State Affairs Committee on March 15, 2017.

### Background

Colorado law imposes standards on and grants certain responsibilities to persons considered peace officers. At a minimum, a peace officer has the authority to enforce all laws of the state of Colorado while acting within the scope of his or her authority and the performance of his or her duties. Peace officers may also be certified by the Peace Officer Standards and Training (P.O.S.T.) Board. A peace officer certified by the P.O.S.T. Board has the authority to carry firearms at all times, concealed or otherwise, subject to the written firearms policy created by the agency employing the peace officer. A peace officer who is not certified by the P.O.S.T. Board has the authority to carry firearms, concealed or otherwise, while engaged in the performance of his or her duties or as otherwise authorized by the written policy of the agency employing the officer.

Staff could not identify any other provisions of state law that require citizenship to be employed in a position. State law does require citizenship in other areas, such as voting eligibility or to serve in the General Assembly.

### Senate Action

**Senate Judiciary Committee (February 6, 2017).** At the hearing, the committee heard testimony in opposition to the bill from representatives of the County Sheriffs of Colorado and the

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Colorado Association of Chiefs of Police. The committee adopted amendment L.001, which clarifies that adult and juvenile probation officers are considered to be employed by law enforcement agencies under the provisions of the bill, and referred the bill, as amended, to the Committee of the Whole.

**Senate second reading (February 13, 2017).** The Senate adopted the Senate Judiciary Committee report, and amendment L.002 to that report. Amendment L.002 extends the exemption period for certain persons until July 1, 2022, and permits the P.O.S.T. Board, at the request of a law enforcement agency, to extend the deadline for compliance with the bill's citizenship requirement for certified peace officers employed by that law enforcement agency upon a showing that the certified peace officer is making progress toward attaining citizenship and needs an extension of time. The Senate passed the bill, as amended, on second reading.

**Senate third reading (February 17, 2017).** The Senate adopted amendment L.005, which exempts honorably discharged veterans of the U.S. military from the bill's citizenship requirements. The Senate passed the bill, as amended, on third reading.

## House Action

**House State Affairs Committee (February 6, 2017).** At the hearing, the committee heard testimony in opposition to the bill from representatives of the Colorado Association of Chiefs of Police, the County Sheriffs of Colorado, and the Colorado Immigrants Rights Coalition, as well as from private citizens. The bill was postponed indefinitely by the committee.

## Relevant Research

Legislative Council Staff, *Peace Officer Status in Colorado*, Issue Brief, February 2016: <http://leg.colorado.gov/publications/peace-officer-status-colorado>.