

## CHAPTER 105

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**CRIMINAL LAW AND PROCEDURE**

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## SENATE BILL 17-066

BY SENATOR(S) Cooke and Fields, Crowder, Gardner, Lambert, Lundberg, Martinez Humenik, Todd, Grantham;  
also REPRESENTATIVE(S) Saine and Lebsock, Becker K., Gray, Hansen, Salazar.

**AN ACT**

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

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

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

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

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

**31-4-306. Marshal or chief of police - powers and duties.** The marshal or chief of police ~~shall have~~ HAS the same power that sheriffs have by law, coextensive with

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

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

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

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

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

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

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

Approved: April 4, 2017