

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0401.01 Richard Sweetman x4333

SENATE BILL 18-122

SENATE SPONSORSHIP

Martinez Humenik, Moreno, Tate, Zenzinger

HOUSE SPONSORSHIP

McKean, Arndt, Thurlow, Hooton

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING CLARIFYING THAT CERTAIN DEPUTY SHERIFFS MAY
102 SERVE WITHOUT ATTAINING CERTIFICATION FROM THE PEACE
103 OFFICERS STANDARDS AND TRAINING BOARD.

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/>.)

Statutory Revision Committee. Two provisions of current law require deputy sheriffs to be certified by the peace officers standards and training (P.O.S.T.) board, but another provision describes the authority of a "noncertified deputy sheriff". The bill clarifies that some deputy sheriffs may serve without P.O.S.T. certification under certain circumstances.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers 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. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) Two provisions of current law state that a deputy sheriff must
5 be certified by the peace officers standards and training board;

6 (b) Another provision of current law describes the authority of a
7 "noncertified deputy sheriff"; and

8 (c) This inconsistency must be corrected.

9 (2) The general assembly further finds that:

10 (a) It is common practice for law enforcement agencies to employ
11 noncertified deputy sheriffs with specifically limited authorities and
12 duties; and

13 (b) This common practice should continue.

14 (3) Now, therefore, the general assembly clarifies that a
15 noncertified deputy sheriff is a peace officer employed by a county or city
16 and county whose authority is limited to the duties assigned by and while
17 working under the direction of the chief of police, the sheriff, an official
18 who has the duties of a sheriff in a city and county, or the chief executive
19 of the employing law enforcement agency.

20 **SECTION 2.** In Colorado Revised Statutes, **amend** 16-2.5-102
21 as follows:

22 **16-2.5-102. Certified peace officer - P.O.S.T. certification**
23 **required.** The following peace officers shall meet all the standards
24 imposed by law on a peace officer and, EXCEPT AS DESCRIBED IN SECTION
25 16-2.5-103 (2), shall be certified by the peace officers standards and
26 training board, referred to in this ~~article~~ ARTICLE 2.5 as the "P.O.S.T.

1 board": A chief of police; a police officer; a sheriff; an undersheriff; a
2 deputy sheriff; a Colorado state patrol officer; a town marshal; a deputy
3 town marshal; a reserve police officer; a reserve deputy sheriff; a reserve
4 deputy town marshal; a police officer or reserve police officer employed
5 by a state institution of higher education; a Colorado wildlife officer; a
6 Colorado parks and recreation officer; a Colorado police administrator or
7 police officer employed by the Colorado mental health institute at Pueblo;
8 an attorney general criminal investigator; a community parole officer; a
9 public transit officer; a municipal court marshal; and the department of
10 corrections inspector general.

11 **SECTION 3.** In Colorado Revised Statutes, 16-2.5-103, **amend**
12 (1) as follows:

13 **16-2.5-103. Sheriff - undersheriff - certified deputy sheriff -**
14 **noncertified deputy sheriff.** (1) A sheriff, an undersheriff, and a deputy
15 sheriff are peace officers whose authority ~~shall include~~ INCLUDES the
16 enforcement of all laws of the state of Colorado. A sheriff shall be
17 certified by the P.O.S.T. board pursuant to section 30-10-501.6. ~~C.R.S.~~
18 EXCEPT AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, an
19 undersheriff and a deputy sheriff shall be certified by the P.O.S.T. board.

20 **SECTION 4. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2018 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.