The bill requires the peace officers standards and training board (P.O.S.T. board), which certifies peace officers, to revoke the certification of a peace officer if:

! The P.O.S.T. board receives notification from a law enforcement agency that employs or employed the peace
officer that the peace officer knowingly made an untruthful statement concerning a material fact or omitted a material fact on an official criminal justice record, while testifying under oath, or during an internal affairs investigation or comparable administrative investigation; and

The law enforcement agency certifies that it completed an administrative process defined by a published policy of the law enforcement agency and through that process, the law enforcement agency determined by a clear and convincing standard of the evidence that the officer knowingly made an untruthful statement concerning a material fact or knowingly omitted a material fact on an official criminal justice record, while testifying under oath, or during an internal affairs investigation or comparable administrative investigation.

The bill allows a person whose P.O.S.T. certification is revoked to appeal the revocation in accordance with rules of the P.O.S.T. board.

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

SECTION 1. In Colorado Revised Statutes, 24-31-305, add (2.5) as follows:


(2.5) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION, THE P.O.S.T. BOARD SHALL REVOKE A CERTIFICATION ISSUED TO A PERSON PURSUANT TO SUBSECTION (1) OR (1.3) OF THIS SECTION OR SECTION 24-31-308 IF:

(I) THE LAW ENFORCEMENT AGENCY THAT EMPLOYS OR EMPLOYED THE CERTIFICATE HOLDER NOTIFIES THE P.O.S.T. BOARD THAT, ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (2.5), THE CERTIFICATE HOLDER KNOWINGLY MADE AN UNTRUTHFUL STATEMENT CONCERNING A MATERIAL FACT OR KNOWINGLY OMITTED A MATERIAL FACT ON AN OFFICIAL CRIMINAL JUSTICE RECORD, WHILE TESTIFYING UNDER OATH, OR DURING AN INTERNAL AFFAIRS INVESTIGATION OR COMPARABLE ADMINISTRATIVE INVESTIGATION; AND

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(II) The law enforcement agency certifies that:

(A) It completed an administrative process defined by a published policy of the law enforcement agency, which policy was in effect at the time that the alleged untruthful statement concerning a material fact or knowing omission of material fact occurred; and

(B) Through that process, the law enforcement agency determined by a clear and convincing standard of the evidence that, on or after the effective date of this subsection (2.5), the certificate holder knowingly made an untruthful statement concerning a material fact or knowingly omitted a material fact on an official criminal justice record, while testifying under oath, or during an internal affairs investigation or comparable administrative investigation.

(b) A law enforcement agency that makes a determination described in subsection (2.5)(a)(II) of this section shall report such fact to the P.O.S.T. board on a form that is prescribed by the P.O.S.T. board.

(c) If a certificate holder who is the subject of an investigation described in subsection (2.5)(a)(II) of this section resigns or refuses to cooperate in the investigation, the investigating law enforcement agency shall complete the investigation with or without the subject's participation. If the results of the investigation demonstrate by a clear and convincing standard of the evidence that, on or after the effective date of this subsection (2.5), the certificate holder knowingly made an untruthful statement concerning a
MATERIAL FACT OR KNOWINGLY OMITTED A MATERIAL FACT ON AN OFFICIAL CRIMINAL JUSTICE RECORD, WHILE TESTIFYING UNDER OATH, OR DURING AN INTERNAL AFFAIRS INVESTIGATION OR COMPARABLE ADMINISTRATIVE INVESTIGATION, THE LAW ENFORCEMENT AGENCY SHALL NOTIFY THE P.O.S.T. BOARD AND REQUEST REVOCATION OF THE CERTIFICATE HOLDER'S CERTIFICATION ON A FORM PRESCRIBED BY THE P.O.S.T. BOARD.

(d) A CERTIFICATE HOLDER WHOSE P.O.S.T. CERTIFICATION IS REVOKED PURSUANT TO THIS SUBSECTION (2.5) MAY APPEAL THE REVOCATION IN ACCORDANCE WITH RULES OF THE P.O.S.T. BOARD.

(e) THE RECORDS OF ANY LAW ENFORCEMENT AGENCY THAT ARE SUBMITTED FOR REVIEW BY THE P.O.S.T. BOARD FOR THE PURPOSES OF THIS SUBSECTION (2.5) REMAIN THE PROPERTY OF THE REPORTING LAW ENFORCEMENT AGENCY AND ARE NOT SUBJECT TO PUBLIC RELEASE BY THE P.O.S.T. BOARD.

(f) IF A CERTIFICATE HOLDER'S CERTIFICATE IS REVOKED PURSUANT TO THIS SECTION AND A COURT OF RECORD SUBSEQUENTLY REVERSES OR VACATES THE FINDING THAT, ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (2.5), THE CERTIFICATE HOLDER KNOWINGLY MADE AN UNTRUTHFUL STATEMENT CONCERNING A MATERIAL FACT OR KNOWINGLY OMITTED A MATERIAL FACT ON AN OFFICIAL CRIMINAL JUSTICE RECORD, WHILE TESTIFYING UNDER OATH, OR DURING AN INTERNAL AFFAIRS INVESTIGATION OR COMPARABLE ADMINISTRATIVE INVESTIGATION, THE CERTIFICATE HOLDER MAY REQUEST REINSTATEMENT OF HIS OR HER CERTIFICATE BY PROVIDING DOCUMENTATION OF THE COURT'S RULING TO THE P.O.S.T. BOARD WITHIN FORTY-FIVE DAYS AFTER THE COURT'S RULING.
(g) If a law enforcement agency is notified that a peace officer who is employed or who was employed by the agency is alleged to have knowingly made an untruthful statement concerning a material fact or knowingly omitted a material fact on an official criminal justice record, while testifying under oath, or during an internal affairs investigation or comparable administrative investigation, on or after the effective date of this subsection (2.5), the agency shall investigate the allegation unless the accused peace officer has not been employed by the agency for at least six months preceding the date upon which the agency is notified of the allegation, in which case the agency may investigate the allegation.

(h) Nothing in this section prohibits the lawful use of deception or omission of facts by a peace officer while he or she is conducting an investigation of criminal activity.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.