A BILL FOR AN ACT

CONCERNING MEASURES TO ENHANCE LAW ENFORCEMENT INTEGRITY.

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 bill requires all local law enforcement agencies to issue body-worn cameras to their officers and requires all recordings of an incident be released to the public within 14 days after the incident. Peace officers shall wear and activate a body-worn camera at any time when interacting with the public.

The bill requires the division of criminal justice in the department of public safety to create an annual report of the information that is reported to the attorney general, aggregated and broken down by state or
local agency that employs peace officers, along with the underlying data. Each state and local agency that employs peace officers shall report to the attorney general:

! All use of force by its officers that results in death or serious bodily injury;
! All instances when an officer resigned while under investigation for violating department policy;
! All data relating to stops conducted by its peace officers; and
! All data related to the use of an unannounced entry by a peace officer.

The division of criminal justice shall maintain a statewide database with data collected in a searchable format and publish the database on its website. Any state and local law enforcement agency that fails to meet its reporting requirements is subject to suspension of its funding by its appropriating authority.

If any peace officer is convicted of or pleads guilty or nolo contendere to any inappropriate use of physical force or a crime involving the unlawful use or threatened use of physical force, or for failing to intervene to prevent inappropriate use of physical force, the peace officer's employing agency shall immediately terminate the peace officer's employment and the P.O.S.T. board shall permanently revoke the peace officer's certification. The P.O.S.T. board shall not, under any circumstances, reinstate the peace officer's certification or grant new certification to the peace officer.

The bill allows a person who has a constitutional right secured by the bill of rights of the Colorado constitution that is infringed upon by a peace officer to bring a civil action for the violation. A plaintiff who prevails in the lawsuit is entitled to reasonable attorney fees, and a defendant in an individual suit is entitled to reasonable attorney fees for defending any frivolous claims. Qualified immunity and a defendant's good faith but erroneous belief in the lawfulness of his or her conduct are not defenses to the civil action. The bill requires a political subdivision of the state to indemnify its employees for such a claim.

The bill allows a peace officer or detention facility guard to use deadly physical force only when necessary to effect an arrest or prevent escape from custody when the person is using a deadly weapon or likely to imminently cause danger to life or serious bodily injury. The bill repeals a peace officer's authority to use a chokehold.

The bill requires the P.O.S.T. board to create and maintain a database containing information related to a peace officer's:

! Untruthfulness;
! Repeated failure to follow P.O.S.T. board training requirements;
! Decertification; and
Termination for cause.

The bill allows the P.O.S.T. board to revoke peace officer certification for a peace officer who has failed to complete required peace officer training.

The bill requires a peace officer to have an objective justification for making a stop. After making a stop, a peace officer shall report to the peace officer's employing agency that information that the agency is required to report to the attorney general's office.

The bill requires the division of criminal justice in the department of public safety to conduct, in coordination with the P.O.S.T. board, a post-investigation evaluation of all officer-involved deaths to determine and propose improvements and alterations to training of peace officers to guide future officer behavior.

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

SECTION 1. In Colorado Revised Statutes, add part 9 to article 31 of title 24 as follows:

PART 9

LAW ENFORCEMENT INTEGRITY

24-31-901. Definitions. As used in this part 9, unless the context otherwise requires:

(1) "Contacts" means an interaction with an individual, whether or not the person is in a motor vehicle, initiated by a peace officer, whether consensual or nonconsensual, for the purpose of enforcing the law or investigating possible violations of the law. "Contacts" do not include routine interactions with the public at the point of entry or exit from a controlled area.

(2) "Demographic information" means race, ethnicity, sex, and approximate age.

(3) "Peace officer" means any person employed by a political subdivision of the state required to be certified by the P.O.S.T. board pursuant to section 16-2.5-102, a Colorado state
PATROL OFFICER AS DESCRIBED IN SECTION 16-2.5-114, AND ANY
NONCERTIFIED DEPUTY SHERIFF AS DESCRIBED IN SECTION 16-2.5-103 (2).

(4) "SERIOUS BODILY INJURY" HAS THE SAME MEANING AS IN
SECTION 18-1-901 (3)(p).

24-31-902. Incident recordings - release - tampering - fine.

(1) (a) (I) BY JULY 1, 2023, ALL LOCAL LAW ENFORCEMENT AGENCIES IN
THE STATE AND THE COLORADO STATE PATROL SHALL PROVIDE
BODY-WORN CAMERAS FOR EACH MEMBER OF THE LAW ENFORCEMENT
AGENCY WHO INTERACTS WITH MEMBERS OF THE PUBLIC. LAW
ENFORCEMENT AGENCIES MAY SEEK FUNDING PURSUANT TO SECTION
24-33.5-519.

(II) (A) EXCEPT AS PROVIDED IN SUBSECTION (1)(a)(II)(B) OR
(1)(a)(II)(C) OF THIS SECTION, A PEACE OFFICER SHALL WEAR AND
ACTIVATE A BODY-WORN CAMERA WHEN RESPONDING TO A CALL FOR
SERVICE OR DURING ANY INTERACTION WITH THE PUBLIC INITIATED BY THE
PEACE OFFICER, WHETHER CONSENSUAL OR NONCONSENSUAL, FOR THE
PURPOSE OF ENFORCING THE LAW OR INVESTIGATING POSSIBLE VIOLATIONS
OF THE LAW.

(B) A PEACE OFFICER MAY TURN OFF A BODY-WORN CAMERA TO
AVOID RECORDING PERSONAL INFORMATION THAT IS NOT CASE RELATED;
WHEN WORKING ON AN UNRELATED ASSIGNMENT; WHEN THERE IS A LONG
BREAK IN THE INCIDENT OR CONTACT THAT IS NOT RELATED TO THE
INITIAL INCIDENT; AND IN ADMINISTRATIVE, TACTICAL, AND MANAGEMENT
DISCUSSIONS.

(C) A PEACE OFFICER DOES NOT NEED TO WEAR OR ACTIVATE A
BODY-WORN CAMERA IF THE PEACE OFFICER IS WORKING UNDERCOVER.

(III) IF A PEACE OFFICER FAILS TO ACTIVATE A BODY-WORN
CAMERA AS REQUIRED BY THIS SECTION OR TAMPERS WITH BODY-WORN-
OR DASH-CAMERA FOOTAGE OR OPERATION WHEN REQUIRED TO ACTIVATE
THE CAMERA, THERE IS A PERMISSIVE INFERENCE IN ANY INVESTIGATION
OR LEGAL PROCEEDING, EXCLUDING CRIMINAL PROCEEDINGS AGAINST THE
PEACE OFFICER, THAT THE MISSING FOOTAGE WOULD HAVE REFLECTED
MISCONDUCT BY THE PEACE OFFICER. IF A PEACE OFFICER FAILS TO
ACTIVATE OR REACTIVATE HIS OR HER BODY-WORN CAMERA, ANY
STATEMENTS SOUGHT TO BE INTRODUCED IN A PROSECUTION THROUGH
THE PEACE OFFICER RELATED TO THE INCIDENT THAT WERE NOT RECORDED
DUE TO THE PEACE OFFICER'S FAILURE TO ACTIVATE OR REACTIVATE THE
BODY-WORN CAMERA AS REQUIRED BY THIS SECTION ARE PRESUMPTIVELY
INADMISSIBLE. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THIS
SUBSECTION (1)(a)(III) DOES NOT APPLY IF THE BODY-WORN CAMERA WAS
NOT ACTIVATED DUE TO A MALFUNCTION OF THE BODY-WORN CAMERA
AND THE PEACE OFFICER WAS NOT AWARE OF THE MALFUNCTION PRIOR TO
THE INCIDENT.

(IV) (A) IN ADDITION TO ANY CRIMINAL LIABILITY AND PENALTY
UNDER THE LAW, IF A COURT, ADMINISTRATIVE LAW JUDGE, OR THROUGH
A FINAL DECISION IN AN INTERNAL INVESTIGATION FINDS THAT A PEACE
OFFICER INTENTIONALLY FAILED TO ACTIVATE A BODY-WORN CAMERA OR
TAMPERED WITH ANY BODY-WORN OR DASH CAMERA, EXCEPT AS
PERMITTED IN THIS SECTION, THE PEACE OFFICER'S EMPLOYER SHALL
IMPOSE DISCIPLINE UP TO AND INCLUDING TERMINATION.

(B) IN ADDITION TO ANY CRIMINAL LIABILITY AND PENALTY UNDER
THE LAW, IF A COURT, ADMINISTRATIVE LAW JUDGE, OR THROUGH A FINAL
DECISION IN AN INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER
INTENTIONALLY FAILED TO ACTIVATE A BODY-WORN CAMERA OR
TAMPERED WITH ANY BODY-WORN OR DASH CAMERA, EXCEPT AS PERMITTED IN THIS SECTION, WITH THE INTENT TO CONCEAL UNLAWFUL OR INAPPROPRIATE ACTIONS OR OBSTRUCT JUSTICE, THE P.O.S.T. BOARD SHALL SUSPEND THE PEACE OFFICER'S CERTIFICATION FOR A PERIOD OF NOT LESS THAN ONE YEAR AND THE SUSPENSION MAY ONLY BE LIFTED WITHIN THE PERIOD OF THE SUSPENSION IF THE PEACE OFFICER IS EXONERATED BY A COURT.

(C) IN ADDITION TO ANY CRIMINAL LIABILITY AND PENALTY UNDER THE LAW, IF A COURT, ADMINISTRATIVE LAW JUDGE, OR THROUGH A FINAL DECISION IN AN INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER INTENTIONALLY FAILED TO ACTIVATE A BODY-WORN CAMERA OR TAMPERED WITH ANY BODY-WORN OR DASH CAMERA, EXCEPT AS PERMITTED IN THIS SECTION, WITH THE INTENT TO CONCEAL UNLAWFUL OR INAPPROPRIATE ACTIONS, OR OBSTRUCT JUSTICE, IN AN INCIDENT RESULTING IN A CIVILIAN DEATH, THE P.O.S.T. BOARD SHALL PERMANENTLY REVOKE THE PEACE OFFICER'S CERTIFICATION AND THE REVOCATION MAY ONLY BE OVERTURNED IF THE PEACE OFFICER IS EXONERATED BY A COURT.

(b) A LOCAL LAW ENFORCEMENT AGENCY AND THE COLORADO STATE PATROL SHALL ESTABLISH AND FOLLOW A RETENTION SCHEDULE FOR BODY-WORN CAMERA RECORDINGS IN COMPLIANCE WITH COLORADO STATE ARCHIVES RULES AND DIRECTION.

(2) (a) FOR ALL INCIDENTS IN WHICH THERE IS A COMPLAINT OF PEACE OFFICER MISCONDUCT BY ANOTHER PEACE OFFICER, A CIVILIAN, OR NONPROFIT ORGANIZATION, THROUGH NOTICE TO THE LAW ENFORCEMENT AGENCY INVOLVED IN THE ALLEGED MISCONDUCT, THE LOCAL LAW ENFORCEMENT AGENCY OR THE COLORADO STATE PATROL SHALL RELEASE
ALL UNEDITED VIDEO AND AUDIO RECORDINGS OF THE INCIDENT, INCLUDING THOSE FROM BODY-WORN CAMERAS, DASH CAMERAS, OR OTHERWISE COLLECTED THROUGH INVESTIGATION, TO THE PUBLIC WITHIN TWENTY-ONE DAYS AFTER THE LOCAL LAW ENFORCEMENT AGENCY OR THE COLORADO STATE PATROL RECEIVED THE COMPLAINT OF MISCONDUCT.

(b) (I) ALL VIDEO AND AUDIO RECORDINGS DEPICTING A DEATH MUST BE PROVIDED TO THE DECEDEENT'S FAMILY AT LEAST TWENTY-FOUR HOURS PRIOR TO PUBLIC DISCLOSURE.

(II) (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, ANY VIDEO THAT RAISES SUBSTANTIAL PRIVACY CONCERNS FOR CRIMINAL DEFENDANTS, VICTIMS, WITNESSES, JUVENILES, OR INFORMANTS, INCLUDING VIDEO DEPICTING NUDITY; A SEXUAL ASSAULT; A MEDICAL EMERGENCY; A MENTAL HEALTH CRISIS; A VICTIM INTERVIEW; A MINOR, INCLUDING ANY IMAGES OR INFORMATION THAT MIGHT UNDERMINE THE REQUIREMENT TO KEEP CERTAIN JUVENILE RECORDS CONFIDENTIAL; ANY PERSONAL INFORMATION OTHER THAN THE NAME OR LICENSE PLATE OF ANY PERSON NOT ARRESTED, CITED, CHARGED, OR ISSUED A WRITTEN WARNING, INCLUDING A GOVERNMENT-ISSUED IDENTIFICATION NUMBER, DATE OF BIRTH, ADDRESS, OR FINANCIAL INFORMATION; SIGNIFICANTLY EXPLICIT AND GRUESOME BODILY INJURY, UNLESS THE INJURY WAS CAUSED BY A PEACE OFFICER; OR THE INTERIOR OF A HOME OR TREATMENT FACILITY, SHALL BE REDACTED OR BLURRED TO PROTECT THE SUBSTANTIAL PRIVACY INTEREST WHILE STILL ALLOWING PUBLIC RELEASE.

(B) IF REDACTION OR BLURRING IS INSUFFICIENT TO PROTECT THE SUBSTANTIAL PRIVACY INTEREST, THE LOCAL LAW ENFORCEMENT AGENCY OR THE COLORADO STATE PATROL SHALL RELEASE THE VIDEO TO THE VICTIM OR, IF THE VICTIM IS DECEASED, TO THE VICTIM’S FAMILY WITHIN
TWENTY DAYS AFTER RECEIPT OF THE COMPLAINT OF MISCONDUCT,

(C) A WITNESS, VICTIM, OR CRIMINAL DEFENDANT MAY WAIVE IN WRITING THE INDIVIDUAL PRIVACY INTEREST THAT MAY BE IMPLICATED BY PUBLIC RELEASE. UPON RECEIPT OF A WRITTEN WAIVER OF THE APPLICABLE PRIVACY INTEREST, ACCOMPANIED BY A REQUEST FOR RELEASE, THE LAW ENFORCEMENT AGENCY MAY NOT REDACT OR WITHHOLD RELEASE TO PROTECT THAT PRIVACY INTEREST.

(III) ANY VIDEO THAT WOULD SUBSTANTIALLY INTERFERE WITH OR JEOPARDIZE AN ACTIVE OR ONGOING INVESTIGATION MAY BE WITHHELD FROM THE PUBLIC; EXCEPT THAT THE VIDEO SHALL BE RELEASED NO LATER THAN THIRTY DAYS FROM THE DATE OF THE ALLEGATION OF MISCONDUCT.

In all cases when release of a video is delayed in reliance on this subsection (2)(b)(III), the prosecuting attorney shall prepare a written explanation of the interference or jeopardy that justifies the delayed release, contemporaneous with the refusal to release the video. Upon release of the video, the prosecuting attorney shall release the written explanation to the public.

(c) If criminal charges have been filed against any party to the incident, that party must file any constitutional objection to release of the recording in the pending criminal case before the twenty-one-day period expires. The court shall hold a hearing on any objection no later than seven days after it is filed and issue a ruling no later than three days after the hearing.

24-31-903. Division of criminal justice report. (1) Beginning July 1, 2023, the Division of Criminal Justice in the Department of Public Safety shall create an annual report including all of the
INFORMATION THAT IS REPORTED TO THE DIVISION PURSUANT TO
SUBSECTION (2) OF THIS SECTION, AGGREGATED AND BROKEN DOWN BY
THE ___ LAW ENFORCEMENT AGENCY THAT EMPLOYS PEACE OFFICERS,
ALONG WITH THE UNDERLYING DATA.

(2) BEGINNING JANUARY 1, 2023, THE COLORADO STATE PATROL
AND EACH LOCAL LAW ENFORCEMENT AGENCY THAT EMPLOYS PEACE
OFFICERS SHALL REPORT TO THE DIVISION OF CRIMINAL JUSTICE:
(a) ALL USE OF FORCE BY ITS PEACE OFFICERS THAT RESULTS IN
DEATH OR SERIOUS BODILY INJURY, INCLUDING:
(i) THE DATE, TIME, AND LOCATION OF THE USE OF FORCE;
(ii) THE PERCEIVED DEMOGRAPHIC OF THE PERSON STOPPED,
PROVIDED THAT THE IDENTIFICATION OF THESE CHARACTERISTICS IS
BASED ON THE OBSERVATION AND PERCEPTION OF THE PEACE OFFICER
MAKING THE STOP AND OTHER AVAILABLE DATA.
(iii) THE NAMES OF ALL PEACE OFFICERS WHO WERE AT THE
SCENE, IDENTIFIED BY WHETHER THE PEACE OFFICER WAS INVOLVED IN
THE USE OF FORCE OR NOT;
(iv) THE TYPE OF FORCE USED, THE SEVERITY AND NATURE OF THE
INJURY, WHETHER THE PEACE OFFICER SUFFERED PHYSICAL INJURY, AND
THE SEVERITY OF THE PEACE OFFICER'S INJURY;
(v) WHETHER THE PEACE OFFICER WAS ON DUTY AT THE TIME OF
THE USE OF FORCE;
(vi) WHETHER THE USE OF FORCE RESULTED IN A LAW
ENFORCEMENT AGENCY INVESTIGATION AND THE RESULT OF THE
INVESTIGATION; AND
(vii) WHETHER THE USE OF FORCE RESULTED IN A CITIZEN
COMPLAINT AND THE RESOLUTION OF THAT COMPLAINT.
(b) All instances when a peace officer resigned while under investigation for violating department policy;

(c) All data relating to contacts conducted by its peace officers, including:

(I) The perceived demographic of the person contacted provided that the identification of these characteristics is based on the observation and perception of the peace officer making the stop and other available data.

(II) Whether the contact was a traffic stop;

(III) The time, date, and location of the contact;

(IV) The duration of the contact;

(V) The reason for the contact;

(VI) The suspected crime;

(VII) The result of the contact, such as:

(A) No action, warning, citation, property seizure, or arrest;

(B) If a warning or citation was issued, the warning provided or violation cited;

(C) If an arrest was made, the offense charged;

(D) If the contact was a traffic stop, the information collected, which is limited to the driver;

(VIII) The actions taken by the peace officer during the contact, including but not limited to whether:

(A) The peace officer asked for consent to search the person, and, if so, whether consent was provided;

(B) The peace officer searched the person or any property, and, if so, the basis for the search and the type of contraband or
EVIDENCE DISCOVERED, IF ANY; AND

(C) The peace officer seized any property and, if so, the type of property that was seized and the basis for seizing the property;

(d) All instances of unannounced entry into a residence, with or without a warrant, including:

(I) The date, time, and location of the use of unannounced entry; and

(II) The perceived demographic of the subject of the unannounced entry, provided that the identification of these characteristics is based on the observation and perception of the peace officer making the stop and other available data.

(3) The Colorado State Patrol and law enforcement agencies shall not report the name, address, social security number, or other unique personal identifying information of the subject of the use of force, victim of the official misconduct, or persons contacted, searched, or subjected to a property seizure. Notwithstanding any provision of law to the contrary, the data reported pursuant to this section is available to the public pursuant to subsection (4) of this section.

(4) The Division of Criminal Justice shall maintain a statewide database with data collected pursuant to this section, in a searchable format, and publish the database on its website.

(5) The Colorado State Patrol and any local law enforcement agency that fails to meet its reporting requirements pursuant to this section is subject to the
SUSPENSION OF ITS FUNDING BY ITS APPROPRIATING AUTHORITY.

**24-31-904. Revoke peace officer certification after conviction.**

NOTWITHSTANDING ANY PROVISION OF LAW, IF ANY PEACE OFFICER IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A CRIME INVOLVING THE UNLAWFUL USE OR THREATENED USE OF PHYSICAL FORCE, OR IS FOUND CIVILLY LIABLE FOR USING EXCESSIVE FORCE FOR ANY CONDUCT DESCRIBED IN THIS SECTION, THE P.O.S.T. BOARD SHALL PERMANENTLY REVOKE THE PEACE OFFICER'S CERTIFICATION. THE P.O.S.T. BOARD SHALL NOT, UNDER ANY CIRCUMSTANCES, REINSTATE THE PEACE OFFICER'S CERTIFICATION OR GRANT NEW CERTIFICATION TO THE PEACE OFFICER UNLESS THE PEACE OFFICER IS EXONERATED BY A COURT.

The P.O.S.T. board shall record each decertified peace officer in the database created pursuant to section 24-31-303 (1)(r).

**24-31-905. Prohibited law enforcement action in response to protests.** (1) IN RESPONSE TO A PROTEST OR DEMONSTRATION, A LAW ENFORCEMENT AGENCY AND ANY PERSON ACTING ON BEHALF OF THE LAW ENFORCEMENT AGENCY SHALL NOT:

(a) DISCHARGE KINETIC IMPACT PROJECTILES AND ALL OTHER NON-OR LESS-LETHAL PROJECTILES IN A MANNER THAT TARGETS THE HEAD, PELVIS, OR BACK;

(b) DISCHARGE KINETIC IMPACT PROJECTILES INDISCRIMINATELY INTO A CROWD; OR

(c) USE CHEMICAL AGENTS OR IRRITANTS, INCLUDING PEPPER SPRAY AND TEAR GAS, PRIOR TO ISSUING AN ORDER TO DISPERSE IN A SUFFICIENT MANNER TO ENSURE THE ORDER IS HEARD AND REPEATED IF NECESSARY, FOLLOWED BY SUFFICIENT TIME AND SPACE TO ALLOW COMPLIANCE WITH THE ORDER.
SECTION 2. In Colorado Revised Statutes, add 13-21-131 as follows:


(1) A PEACE OFFICER, AS DEFINED IN SECTION 24-31-901(2), EMPLOYED BY A LOCAL GOVERNMENT WHO, UNDER COLOR OF LAW, SUBJECTS OR CAUSES TO BE SUBJECTED, INCLUDING FAILING TO INTERVENE, ANY OTHER PERSON TO THE DEPRIVATION OF ANY INDIVIDUAL RIGHTS THAT CREATE BINDING OBLIGATIONS ON GOVERNMENT ACTORS SECURED BY THE BILL OF RIGHTS, ARTICLE II OF THE STATE CONSTITUTION, IS LIABLE TO THE INJURED PARTY FOR LEGAL OR EQUITABLE RELIEF OR ANY OTHER APPROPRIATE RELIEF.

(2) (a) STATUTORY IMMUNITIES AND STATUTORY LIMITATIONS ON LIABILITY, DAMAGES, OR ATTORNEY FEES DO NOT APPLY TO CLAIMS BROUGHT PURSUANT TO THIS SECTION.

(b) QUALIFIED IMMUNITY IS NOT A DEFENSE TO LIABILITY PURSUANT TO THIS SECTION.

(3) IN ANY ACTION BROUGHT PURSUANT TO THIS SECTION, A COURT SHALL AWARD REASONABLE ATTORNEY FEES AND COSTS TO A PREVAILING PLAINTIFF. IN ACTIONS FOR INJUNCTIVE RELIEF, A COURT SHALL DEEM A PLAINTIFF TO HAVE PREVAILED IF THE PLAINTIFF'S SUIT WAS A SUBSTANTIAL FACTOR OR SIGNIFICANT CATALYST IN OBTAINING THE RESULTS SOUGHT BY THE LITIGATION. WHEN A JUDGMENT IS ENTERED IN FAVOR OF A DEFENDANT, THE COURT MAY AWARD REASONABLE COSTS AND ATTORNEY FEES TO THE DEFENDANT FOR DEFENDING ANY CLAIMS THE COURT FINDS FRIVOLOUS.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PEACE OFFICER'S EMPLOYER SHALL INDEMNIFY ITS PEACE OFFICERS FOR ANY
LIABILITY INCURRED BY THE PEACE OFFICER AND FOR ANY JUDGMENT OR
SETTLEMENT ENTERED AGAINST THE PEACE OFFICER FOR CLAIMS ARISING
PURSUANT TO THIS SECTION; EXCEPT THAT IF THE PEACE OFFICER'S
EMPLOYER DETERMINES THAT THE OFFICER DID NOT ACT UPON A GOOD
FAITH AND REASONABLE BELIEF THAT THE ACTION WAS LAWFUL, THEN THE
PEACE OFFICER IS PERSONALLY LIABLE AND SHALL NOT BE INDEMNIFIED BY
THE PEACE OFFICER'S EMPLOYER FOR FIVE PERCENT OF THE JUDGMENT OR
SETTLEMENT OR TWENTY-FIVE THOUSAND DOLLARS, WHICHEVER IS LESS.

NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY,
IF THE PEACE OFFICER'S PORTION OF THE JUDGMENT IS UNCOLLECTIBLE
FROM THE PEACE OFFICER, THE PEACE OFFICER'S EMPLOYER OR INSURANCE
SHALL SATISFY THE FULL AMOUNT OF THE JUDGMENT OR SETTLEMENT.

(5) A CIVIL ACTION PURSUANT TO THIS SECTION MUST BE
COMMENCED WITHIN TWO YEARS AFTER THE CAUSE OF ACTION ACCRUES.

SECTION 3. In Colorado Revised Statutes, 18-1-707, repeal and
reenact, with amendments, (1), (2), (2.5), (3), and (4); and add (4.5) as
follows:

18-1-707. Use of force by peace officers - definition. (1) PEACE
OFFICERS, IN CARRYING OUT THEIR DUTIES, SHALL APPLY NONVIOLENT
MEANS, WHEN POSSIBLE, BEFORE RESORTING TO THE USE OF PHYSICAL
FORCE. A PEACE OFFICER MAY USE PHYSICAL FORCE ONLY IF NONVIOLENT
MEANS WOULD BE INEFFECTIVE IN EFFECTING AN ARREST, PREVENTING AN
ESCAPE, OR PREVENTING AN IMMINENT THREAT OF SERIOUS BODILY INJURY
OR DEATH TO THE PEACE OFFICER OR ANOTHER PERSON.

(2) WHEN PHYSICAL FORCE IS USED, A PEACE OFFICER SHALL:

(a) NOT USE DEADLY PHYSICAL FORCE TO APPREHEND A PERSON
WHO IS SUSPECTED OF ONLY A MINOR OR NONVIOLENT OFFENSE;
(b) Use only a degree of force consistent with the minimization of injury to others;

c) Ensure that assistance and medical aid are rendered to any injured or affected persons as soon as practicable; and

d) Ensure that any identified relatives or next of kin of persons who have sustained serious bodily injury or death are notified as soon as practicable.

(2.5) (a) A peace officer is prohibited from using a chokehold upon another person.

(b) For the purposes of this subsection (2.5), "chokehold" means a method by which a person applies sufficient pressure to a person to make breathing difficult or impossible and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing or reduce intake of air.

(3) A peace officer is justified in using deadly physical force to make an arrest only when all other means of apprehension are impractical given the circumstances and:

(a) The arrest is for a felony involving conduct including the use or threatened use of deadly physical force;

(b) There is substantial risk that the person to be arrested will cause death or serious bodily injury if his or her apprehension is delayed; and

(c) The force employed does not create a substantial risk of injury to innocent persons.

(4) A peace officer shall identify himself or herself as a peace officer and give a clear verbal warning of his or her
INTENT TO USE FIREARMS OR OTHER DEADLY PHYSICAL FORCE, WITH
SUFFICIENT TIME FOR THE WARNING TO BE OBSERVED, UNLESS TO DO SO
WOULD UNDULY PLACE PEACE OFFICERS AT RISK OF INJURY, WOULD
CREATE A RISK OF DEATH OR INJURY TO OTHER PERSONS, OR WOULD BE
CLEARLY INAPPROPRIATE OR INEFFECTIVE UNDER THE CIRCUMSTANCES.

(4.5) The defenses in sections 18-1-703 through 18-1-706.5
apply to circumstances described in this section.

SECTION 4. In Colorado Revised Statutes, 18-8-802, add (1.5)
as follows:

18-8-802. Duty to report use of force by peace officers.

(1.5) (a) A peace officer shall intervene to prevent or stop
another peace officer from using physical force that exceeds
the degree of force permitted, if any, by section 18-1-707, in
pursuance of the other peace officer's law enforcement duties
in carrying out an arrest of any person, placing any person
under detention, taking any person into custody, booking any
person, or in the process of crowd control or riot control,
without regard for chain of command.

(b) (I) A peace officer who intervenes as required by
subsection (1.5) (a) of this section shall report the intervention
to his or her immediate supervisor.

(II) At a minimum, the report required by this subsection
(1.5)(b) must include the date, time, and place of the occurrence;
the identity, if known, and description of the participants; and a
description of the intervention actions taken. This report shall
be made in writing within ten days of the occurrence of the use
of such force and shall be appended to all other reports of the
INCIDENT.

(c) A MEMBER OF A LAW ENFORCEMENT AGENCY SHALL NOT DISCIPLINE OR RETALIATE IN ANY WAY AGAINST A PEACE OFFICER FOR INTERVENING AS REQUIRED BY SUBSECTION (1.5) (a) OF THIS SECTION, OR FOR REPORTING UNCONSTITUTIONAL CONDUCT, OR FOR FAILING TO FOLLOW WHAT THE OFFICER REASONABLY BELIEVES IS AN UNCONSTITUTIONAL DIRECTIVE.

(d) IN ADDITION TO ANY CRIMINAL LIABILITY AND PENALTY UNDER THE LAW, WHEN A COURT, ADMINISTRATIVE LAW JUDGE, OR INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER FAILED TO INTERVENE AS REQUIRED BY SUBSECTION (1.5)(a) OF THIS SECTION IN AN INCIDENT RESULTING IN SERIOUS BODILY INJURY OR DEATH TO ANY PERSON, THE PEACE OFFICER'S EMPLOYER SHALL SUBJECT THE PEACE OFFICER TO DISCIPLINE, UP TO AND INCLUDING TERMINATION, AND THE P.O.S.T. BOARD SHALL PERMANENTLY DECERTIFY THE PEACE OFFICER UPON RECEIPT OF NOTICE OF THE PEACE OFFICER'S DISCIPLINE. THE PEACE OFFICER MAY ONLY BE RECERTIFIED IF FOUND NOT GUILTY.

SECTION 5. In Colorado Revised Statutes, 24-31-303, amend (1)(l), (1)(p), and (1)(q); and add (1)(r) as follows:

24-31-303. Duties - powers of the P.O.S.T. board. (1) The P.O.S.T. board has the following duties:

(l) To promulgate rules deemed necessary by the board concerning annual in-service training requirements for certified peace officers, including but not limited to evaluation of the training program and processes to ensure substantial compliance by law enforcement agencies, and departments, AND INDIVIDUAL PEACE OFFICERS;
(p) To develop a community outreach program that informs the public of the role and duties of the P.O.S.T. board; and

(q) To develop a recruitment program that creates a diversified applicant pool for appointments to the P.O.S.T. board and the subject matter expertise committees; and

(r) **BEGINNING ON JANUARY 1, 2022, TO CREATE AND MAINTAIN A DATABASE CONTAINING INFORMATION RELATED TO A PEACE OFFICER'S:**

   (I) **UNTRUTHFULNESS;**

   (II) **REPEATED FAILURE TO FOLLOW P.O.S.T. BOARD TRAINING REQUIREMENTS;**

   (III) **DECERTIFICATION BY THE P.O.S.T. BOARD; AND**

   (IV) **TERMINATION FOR CAUSE.**

**SECTION 6.** In Colorado Revised Statutes, add 24-31-111 as follows:

**24-31-111. Public integrity - patterns and practices.** It is unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by peace officers or by officials or employees of any governmental agency that deprives persons of rights, privileges, or immunities secured or protected by the constitution or laws of the United States or the state of Colorado. Whenever the attorney general has reasonable cause to believe that a violation of this section has occurred, the attorney general, for or in the name of the state of Colorado, may in a civil action obtain any and all appropriate relief to eliminate the pattern or practice. **BEFORE FILING SUIT, THE ATTORNEY GENERAL SHALL NOTIFY THE**
GOVERNMENT AUTHORITY OR ANY AGENT THEREOF, AND PROVIDE IT WITH
THE FACTUAL BASIS THAT SUPPORTS HIS OR HER REASONABLE CAUSE TO
BELIEVE A VIOLATION OCCURRED. UPON RECEIPT OF THE FACTUAL BASIS,
THE GOVERNMENT AUTHORITY, OR ANY AGENT THEREOF, HAS SIXTY DAYS
TO CHANGE OR ELIMINATE THE IDENTIFIED PATTERN OR PRACTICE. IF THE
IDENTIFIED PATTERN OR PRACTICE IS NOT CHANGED OR ELIMINATED AFTER
SIXTY DAYS, THE ATTORNEY GENERAL MAY FILE A CIVIL LAWSUIT.

SECTION 7. In Colorado Revised Statutes, 24-31-305, add (2.7)
as follows:

24-31-305. Certification - issuance - renewal - revocation -
rules - definition. (2.7) The P.O.S.T. Board may revoke the
certification of a peace officer who fails to satisfactorily
complete peace officer training required by the P.O.S.T. Board.
Prior to revoking the peace officer's certification, the P.O.S.T.
board shall notify the peace officer of his or her failure to
complete the training required by the P.O.S.T. Board and give the
peace officer thirty calendar days to satisfactorily complete
the peace officer training required by the P.O.S.T. Board.

SECTION 8. In Colorado Revised Statutes, 24-31-309, amend
(4)(a); and add (3.5) as follows:

24-31-309. Profiling - officer identification - training. (3.5) A
peace officer shall have a legal basis for making a contact,
whether consensual or nonconsensual, for the purpose of
enforcing the law or investigating possible violations of the
law. After making a contact, a peace officer shall report to the
peace officer's employing agency:

(a) The perceived demographic of the person stopped,
PROVIDED THAT THE IDENTIFICATION OF THESE CHARACTERISTICS IS BASED ON THE OBSERVATION AND PERCEPTION OF THE PEACE OFFICER MAKING THE STOP AND OTHER AVAILABLE DATA.

(b) WHETHER THE CONTACT WAS A TRAFFIC STOP;

(c) THE TIME, DATE, AND LOCATION OF THE CONTACT;

(d) THE DURATION OF THE CONTACT;

(e) THE REASON FOR THE CONTACT;

(f) THE SUSPECTED CRIME;

(g) THE RESULT OF THE CONTACT, SUCH AS:

(I) NO ACTION, WARNING, CITATION, PROPERTY SEIZURE, OR ARREST;

(II) IF A WARNING OR CITATION WAS ISSUED, THE WARNING PROVIDED OR VIOLATION CITED;

(III) IF AN ARREST WAS MADE, THE OFFENSE CHARGED;

(IV) IF THE CONTACT WAS A TRAFFIC STOP, THE INFORMATION COLLECTED, WHICH IS LIMITED TO THE DRIVER;

(h) THE ACTIONS TAKEN BY THE PEACE OFFICER DURING THE CONTACT, INCLUDING BUT NOT LIMITED TO WHETHER:

(I) THE PEACE OFFICER ASKED FOR CONSENT TO SEARCH THE PERSON, AND, IF SO, WHETHER CONSENT WAS PROVIDED;

(II) THE PEACE OFFICER SEARCHED THE PERSON OR ANY PROPERTY, AND, IF SO, THE BASIS FOR THE SEARCH AND THE TYPE OF CONTRABAND OR EVIDENCE DISCOVERED, IF ANY; AND

(III) THE PEACE OFFICER SEIZED ANY PROPERTY, AND, IF SO, THE TYPE OF PROPERTY THAT WAS SEIZED AND THE BASIS FOR SEIZING THE PROPERTY.

(4) (a) A peace officer certified pursuant to this part 3 shall
provide, without being asked, **his or her** THE PEACE OFFICER'S business card to any person whom the peace officer has detained in a traffic stop but has not cited or arrested. The business card **shall MUST** include identifying information about the peace officer, including but not limited to the peace officer's name, division, precinct, and badge or other identification number; and a telephone number that may be used, if necessary, to report any comments, positive or negative, regarding the traffic stop; AND INFORMATION ABOUT HOW TO FILE A COMPLAINT RELATED TO THE **CONTACT**. The identity of the reporting person and the report of any such comments that constitutes CONSTITUTE a complaint **shall MUST** initially be kept confidential by the receiving law enforcement agency, to the extent permitted by law. The receiving law enforcement agency shall be permitted to obtain some identifying information regarding the complaint to allow initial processing of the complaint. If it becomes necessary for the further processing of the complaint for the complainant to disclose **his or her** THE COMPLAINANT'S identity, the complainant shall do so or, at the option of the receiving law enforcement agency, the complaint may be dismissed.

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**SECTION 9. Effective date.** This act takes effect upon passage; except that section 24-31-902, Colorado Revised Statutes, as enacted in section 1 of this act, takes effect July 1, 2021.

**SECTION 10. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.