A BILL FOR AN ACT

CONCERNING MEASURES TO ENHANCE LAW ENFORCEMENT INTEGRITY,

AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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.

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) "PHYSICAL FORCE" MEANS THE APPLICATION OF PHYSICAL
TECHNIQUES OR TACTICS, CHEMICAL AGENTS, OR WEAPONS TO ANOTHER
PERSON.

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

(6) "TAMPER" MEANS TO INTENTIONALLY DAMAGE, DISABLE,
DISLodge, OR OBSTRUCT THE SIGHT OR SOUND OR OTHERWISE IMPAIR
FUNCTIONALITY OF THE BODY-WORN CAMERA OR TO INTENTIONALLY
DAMAGE, DELETE, OR FAIL TO UPLOAD SOME OR ALL PORTIONS OF THE
VIDEO AND AUDIO.

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 PEACE OFFICER 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 OR DASH CAMERA, IF THE PEACE
OFFICER'S VEHICLE IS EQUIPPED WITH A DASH 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.

(D) THE PROVISIONS OF THIS SUBSECTION (1)(a)(II) DO NOT APPLY
TO JAIL PEACE OFFICERS OR STAFF OF A LOCAL LAW ENFORCEMENT
AGENCY IF THE JAIL HAS VIDEO CAMERAS; EXCEPT THIS SUBSECTION
(1)(a)(II) APPLIES TO JAIL PEACE OFFICERS WHEN PERFORMING A TASK
THAT REQUIRES AN ANTICIPATED USE OF FORCE, INCLUDING CELL
EXTRACTIONS AND RESTRAINT CHAIRS. THE PROVISIONS OF THIS
SUBSECTION (1)(a)(II) ALSO DO NOT APPLY TO THE CIVILIAN OR
ADMINISTRATIVE STAFF OF THE COLORADO STATE PATROL OR A LOCAL
LAW ENFORCEMENT AGENCY, THE EXECUTIVE DETAIL OF THE COLORADO
STATE PATROL, AND PEACE OFFICERS WORKING IN A COURTROOM.

(III) IF A PEACE OFFICER FAILS TO ACTIVATE A BODY-WORN
CAMERA OR DASH 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 AS REQUIRED BY THIS SECTION OR TAMPERS WITH BODY-WORN OR
DASH CAMERA FOOTAGE OR OPERATION WHEN REQUIRED TO ACTIVATE THE
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 OR IF THE STATEMENT WAS NOT RECORDED BY OTHER MEANS
CREATES A REBUTTABLE PRESUMPTION OF INADMISSIBILITY.

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, OR WAS
UNABLE TO RECTIFY IT, PRIOR TO THE INCIDENT, PROVIDED THAT THE LAW
ENFORCEMENT AGENCY'S DOCUMENTATION SHOWS THE PEACE OFFICER
CHECKED THE FUNCTIONALITY OF THE BODY-WORN CAMERA AT THE
BEGINNING OF HIS OR HER SHIFT.

(IV) (A) IN ADDITION TO ANY CRIMINAL LIABILITY AND PENALTY
UNDER THE LAW, IF A COURT, ADMINISTRATIVE LAW JUDGE, HEARING
OFFICER, OR A FINAL DECISION IN AN INTERNAL INVESTIGATION FINDS
THAT A PEACE OFFICER INTENTIONALLY FAILED TO ACTIVATE A
BODY-WORN CAMERA OR DASH 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, TO THE EXTENT PERMITTED BY APPLICABLE
CONSTITUTIONAL AND STATUTORY PERSONNEL LAWS AND CASE LAW.

(B) IN ADDITION TO ANY CRIMINAL LIABILITY AND PENALTY UNDER
THE LAW, IF A COURT, ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR
A FINAL DECISION IN AN INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER INTENTIONALLY FAILED TO ACTIVATE A BODY-WORN CAMERA OR DASH 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, HEARING OFFICER, OR A FINAL DECISION IN AN INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER INTENTIONALLY FAILED TO ACTIVATE A BODY-WORN CAMERA OR DASH 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 UPON REQUEST TO THE VICTIM'S SPOUSE, PARENT,
LEGAL GUARDIAN, CHILD, SIBLING, GRANDPARENT, GRANDCHILD,
SIGNIFICANT OTHER, OR OTHER LAWFUL REPRESENTATIVE, AND SUCH
PERSON SHALL BE NOTIFIED OF HIS OR HER RIGHT, PURSUANT TO SECTION
24-4.1-302.5 (1)(j.8), TO RECEIVE AND REVIEW THE RECORDING AT LEAST
SEVENTY-TWO HOURS PRIOR TO PUBLIC DISCLOSURE. A PERSON
SEVENTEEN YEARS OF AGE AND UNDER IS CONSIDERED INCAPACITATED,
UNLESS LEGALLY EMANCIPATED.

(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; PRIVATE MEDICAL INFORMATION; 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 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.
Unredacted footage shall not be released without the written
authorization of the victim or, if the victim is deceased or
incapacitated, the written authorization of the victim's next of
kin. A person seventeen years of age and under is considered
incapacitated, unless legally emancipated.

(B) If redaction or blurring is insufficient to protect the
substantial privacy interest, the local law enforcement agency
or the Colorado State Patrol shall, upon request, release the
video to the victim or, if the victim is deceased or incapacitated,
to the victim's spouse, parent, legal guardian, child, sibling,
grandparent, grandchild, significant other, or other lawful
representative within twenty days after receipt of the
complaint of misconduct. In cases in which the recording is not
released to the public pursuant to this subsection (2)(b)(II)(C),
the local law enforcement agency shall notify the person
whose privacy interest is implicated, if contact information is
known, within twenty days after receipt of the complaint of
misconduct, and inform the person of his or her right to waive
the privacy interest.

(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. THE HEARING
SHALL BE CONSIDERED A CRITICAL STAGE PURSUANT TO SECTION
24-4.1-302 AND GIVES VICTIMS THE RIGHT TO BE HEARD PURSUANT TO
24-4.1-302.5.

(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 forty-five 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. Only in cases in
which there is a pending criminal investigation or prosecution of
a party to the incident, the twenty-one-day period shall begin
from the date of appointment of counsel, the filing of an entry
of appearance by counsel, or the election to proceed pro se by
the defendant in the criminal prosecution made on the record
before a judge. If the defendant elects to proceed pro se in the
criminal case, the court shall advise the defendant of the
TWENTY-ONE-DAY DEADLINE FOR THE DEFENDANT TO FILE ANY CONSTITUTIONAL OBJECTION TO RELEASE OF THE RECORDING IN THE PENDING CRIMINAL CASE AS PART OF THE COURT'S ADVISEMENT. 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 information of the person contacted, provided that the identification of these characteristics is based on the observation and perception of the peace officer making the contact 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; except that the identity of other peace officers at the scene not directly involved in the use of force
SHALL BE IDENTIFIED BY THE OFFICER'S IDENTIFICATION NUMBER ISSUED BY THE P.O.S.T. BOARD UNLESS THE PEACE OFFICER IS CHARGED CRIMINALLY OR IS A DEFENDANT TO A CIVIL SUIT AS A RESULT ARISING FROM THE USE OF FORCE;


(V) WHETHER THE PEACE OFFICER WAS ON DUTY AT THE TIME OF THE USE OF FORCE;

(VI) WHETHER A PEACE OFFICER UNHOLSTERED A WEAPON DURING THE INCIDENT;

(VII) WHETHER A PEACE OFFICER DISCHARGED A FIREARM DURING THE INCIDENT.

(VIII) WHETHER THE USE OF FORCE RESULTED IN A LAW ENFORCEMENT AGENCY INVESTIGATION AND THE RESULT OF THE INVESTIGATION; AND

(IX) 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 INFORMATION OF THE PERSON CONTACTED PROVIDED THAT THE IDENTIFICATION OF THESE CHARACTERISTICS IS BASED ON THE OBSERVATION AND PERCEPTION OF THE PEACE OFFICER MAKING THE CONTACT 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;

(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) A peace officer unholstered a weapon during the contact; and

(E) A peace officer discharged a firearm during the contact;
(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;

(II) The perceived demographic information 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 entry and other available data; and

(III) Whether a peace officer unholstered a weapon during the unannounced entry; and

(IV) Whether a peace officer discharged a firearm during the unannounced entry;

(3) The Colorado State Patrol and local 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,
A CRIME INVOLVING THE FAILURE TO INTERVENE IN THE USE OF UNLAWFUL
FORCE, ____ OR IS FOUND CIVILLY LIABLE FOR THE USE OF UNLAWFUL
PHYSICAL FORCE, ____ OR IS FOUND CIVILLY LIABLE FOR FAILURE TO
INTERVENE IN THE USE OF UNLAWFUL FORCE, 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 (3), 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. THE "COLORADO GOVERNMENTAL
IMMUNITY ACT", ARTICLE 10 OF TITLE 24, DOES 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, WHICHER 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. A PUBLIC ENTITY DOES NOT HAVE TO INDEMNIFY A PEACE OFFICER IF THE PEACE OFFICER WAS CONVICTED OF A CRIMINAL VIOLATION FOR THE CONDUCT FROM WHICH THE CLAIM ARISES.

(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, 18-1-703, amend (1) introductory portion and (1)(b) as follows:

18-1-703. Use of physical force - special relationships. (1) The use of physical force upon another person which would otherwise constitute an offense is justifiable and not criminal under any of the
following circumstances:

(b) A superintendent or other authorized official of a jail, prison, or correctional institution may, in order to maintain order and discipline, use OBJECTIVELY reasonable and appropriate physical force when and to the extent that he OR SHE reasonably believes it necessary to maintain order and discipline, but he OR SHE may use deadly physical force only when he OR SHE OBJECTIVELY reasonably believes it necessary to prevent death or serious bodily injury THE INMATE POSES AN IMMEDIATE THREAT TO THE PERSON USING DEADLY FORCE OR ANOTHER PERSON.

SECTION 4. 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) (I) 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.

(II) "CHOKEHOLD" ALSO MEANS APPLYING PRESSURE TO A 
PERSON'S NECK ON EITHER SIDE OF THE WINDPIPE, BUT NOT TO THE 
WINDPIPE ITSELF, TO STOP THE FLOW OF BLOOD TO THE BRAIN VIA THE 
CAROTID ARTERIES.

(3) A PEACE OFFICER IS JUSTIFIED IN USING DEADLY PHYSICAL 
FORCE TO MAKE AN ARREST ONLY WHEN ALL OTHER MEANS OF 
APPREHENSION ARE UNREASONABLE GIVEN THE CIRCUMSTANCES AND:

(a) THE ARREST IS FOR A FELONY INVOLVING CONDUCT INCLUDING 
THE USE OR THREATENED USE OF DEADLY PHYSICAL FORCE;

(b) THE SUSPECT POSES AN IMMEDIATE THREAT TO THE PEACE 
OFFICER OR ANOTHER PERSON;

(c) THE FORCE EMPLOYED DOES NOT CREATE A SUBSTANTIAL RISK 
OF INJURY TO OTHER 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.

(4.5) NOTWITHSTANDING ANY OTHER PROVISION IN THIS SECTION,
A PEACE OFFICER IS JUSTIFIED IN USING DEADLY FORCE IF THE PEACE
OFFICER HAS AN OBJECTIVELY REASONABLE BELIEF THAT A LESSER
DEGREE OF FORCE IS INADEQUATE AND THE PEACE OFFICER HAS
OBJECTIVELY REASONABLE GROUNDS TO BELIEVE, AND DOES BELIEVE,
THAT HE OR ANOTHER PERSON IS IN IMMINENT DANGER OF BEING KILLED
OR OF RECEIVING SERIOUS BODILY INJURY.

SECTION 5. In Colorado Revised Statutes, 18-8-802, add (1.5)
as follows:

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

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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) ANY PEACE OFFICER WHO FAILS TO INTERVENE TO PREVENT THE USE OF UNLAWFUL FORCE AS PRESCRIBED IN THIS SUBSECTION (1.5) Commits a class 1 misdemeanor. Nothing in this subsection (1.5) shall prohibit or discourage prosecution of any other criminal offense related to failure to intervene, including a higher charge, if supported by the evidence.

(e) WHEN AN ADMINISTRATIVE LAW JUDGE OR INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER FAILED TO INTERVENE TO PREVENT THE USE OF UNLAWFUL PHYSICAL FORCE AS PRESCRIBED IN THIS SUBSECTION (1.5), THIS FINDING MUST BE PRESENTED TO THE DISTRICT ATTORNEY SO THAT HE OR SHE CAN DETERMINE WHETHER CHARGES SHOULD BE FILED PURSUANT TO SUBSECTION (1.5)(d) OF THIS SECTION. HOWEVER, NOTHING IN THIS SUBSECTION (1.5)(e) PROHIBITS THE DISTRICT ATTORNEY FROM CHARGING AN OFFICER WITH FAILURE TO INTERVENE BEFORE THE CONCLUSION OF ANY INTERNAL INVESTIGATION.

(f) IN ADDITION TO ANY CRIMINAL LIABILITY AND PENALTY UNDER THE LAW, WHEN AN ADMINISTRATIVE LAW JUDGE HEARING OFFICER, 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, TO THE EXTENT PERMITTED BY APPLICABLE CONSTITUTIONAL AND STATUTORY PERSONNEL LAWS AND CASE LAW, AND THE P.O.S.T. BOARD SHALL PERMANENTLY DECERTIFY THE PEACE OFFICER UPON RECEIPT OF NOTICE OF THE PEACE OFFICER'S DISCIPLINE. THE REVOCATION MAY ONLY BE OVERTURNED IF THE PEACE OFFICER IS EXONERATED BY A COURT.

(g) In a case in which the prosecution charges a peace officer with offenses related to and based upon the use of excessive force but does not file charges against any other peace officer or officers who were at the scene during the use of force, the district attorney shall prepare a written report explaining the district attorney's basis for the decision not to charge any other peace officer with any criminal conduct and shall publicly disclose the report to the public; except that if disclosure of the report would substantially interfere with or jeopardize an ongoing criminal investigation, the district attorney may delay public disclosure for up to forty-five days. The district attorney shall post the written report on its website or, if it does not have a website, make it publicly available upon request. Nothing in this section is intended to prohibit or discourage criminal prosecution of an officer who failed to intervene for conduct in which the facts support a criminal charge, including under a complicity theory, or for an inchoate offense.
SECTION 6. In Colorado Revised Statutes, 18-1-707, add (10) as follows:

18-1-707. Use of physical force in making an arrest or in preventing an escape - definitions -repeal. (10) (a) Each law enforcement agency in the state shall train its peace officers on the provisions of subsections (1) to (4.5) of this section, section 18-1-703 (1)(b), and section 18-8-802 (1.5) as enacted in Senate Bill 20-217, enacted in 2020, prior to the provisions becoming effective on September 1, 2020.

(b) This subsection (10) is repealed, effective January 1, 2021.

SECTION 7. In Colorado Revised Statutes, 20-1-114, amend (2) as follows:

20-1-114. Peace officer-involved death investigations - disclosure. (2) If the district attorney refers the matter under investigation to the grand jury, the district attorney shall release a statement at the time the matter is referred to the grand jury disclosing the general purpose of the grand jury's investigation. If no true bill is returned, the grand jury shall issue and publish a report pursuant to section 16-5-205.5, C.R.S.

SECTION 8. In Colorado Revised Statutes, 24-31-101, add (7) and (8) as follows:

24-31-101. Powers and duties of attorney general. (7) The attorney general may bring a civil action to enforce the provisions of section 24-31-111.

(8) The attorney general may bring a civil action to enforce the provisions of section 24-31-307 (2) or a criminal
ACTION TO ENFORCE THE PROVISIONS OF SECTION 24-31-307 (3).

SECTION 9. 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 10. In Colorado Revised Statutes, 24-4.1-302, add (2)(w) as follows:

24-4.1-302. Definitions. As used in this part 3, and for no other purpose, including the expansion of the rights of any defendant:
(2) "Critical stages" means the following stages of the criminal justice process:

(w) A HEARING HELD PURSUANT TO SECTION 24-31-902 (2)(c);

SECTION 11. In Colorado Revised Statutes, 24-4.1-302.5, amend (1)(d)(VII) and (1)(d)(VIII); and add (1)(d)(IX) and (1)(j.8) as follows:

24-4.1-302.5. Rights afforded to victims - definitions. (1) In order to preserve and protect a victim's rights to justice and due process, each victim of a crime has the following rights:

(d) The right to be heard at any court proceeding;

(VII) Involving a subpoena for records concerning the victim's medical history, mental health, education, or victim compensation, or any other records that are privileged pursuant to section 13-90-107; C.R.S.; or

(VIII) Involving a petition for expungement as described in section 19-1-306; OR

(IX) INVOLVING A HEARING AS DESCRIBED IN SECTION 24-31-902 (2)(c).

(j.8) THE RIGHT, UPON REQUEST, TO OBTAIN ANY INCIDENT RECORDING AS DESCRIBED IN SECTION 24-31-902.

SECTION 12. 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 13. 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.

as follows:

**24-31-307. Enforcement.** (1) The P.O.S.T. board shall have the power to direct the attorney general to enforce the provisions of this part through an action in district court for injunctive or other appropriate relief against*PROMULGATE RULES FOR ENFORCEMENT OF THIS PART 3.*

(2) The attorney general may enforce the provisions of this part 3 through an action in district court for injunctive or other appropriate relief against:

(a) Any individual undertaking or attempting to undertake any duties as a peace officer or a reserve peace officer in this state in violation of this part 3; and

(b) Any agency permitting any individual to undertake or attempt to undertake any duties as a peace officer or a reserve peace officer in this state under the auspices of such agency in violation of this part 3.

(3) The attorney general may bring criminal charges for violations of this part 3 if violation is willful or wanton, or impose fines, as set in P.O.S.T. board rule, upon any individual officer or agency for failure to comply with this part 3 or any rule promulgated under this part 3.

(4) The attorney general shall be entitled to recover reasonable attorney fees and costs against the defendant in any enforcement action under this part 3, if the attorney general prevails.

**SECTION 15.** In Colorado Revised Statutes, amend 24-31-307 as follows:

**24-31-307. Enforcement.** (1) The P.O.S.T. board shall have the power to direct the attorney general to enforce the provisions of this part through an action in district court for injunctive or other appropriate
relief against PROMULGATE RULES FOR ENFORCEMENT OF THIS PART 3.

(2) The attorney general may enforce the provisions of this PART 3 THROUGH AN ACTION IN DISTRICT COURT FOR INJUNCTIVE OR OTHER APPROPRIATE RELIEF AGAINST:

(a) Any individual undertaking or attempting to undertake any duties as a peace officer or a reserve peace officer in this state in violation of this part 3; and

(b) Any agency permitting any individual to undertake or attempt to undertake any duties as a peace officer or a reserve peace officer in this state under the auspices of such agency in violation of this part 3.

(3) The attorney general may bring criminal charges for violations of this PART 3 IF VIOLATION IS WILLFUL OR WANTON, OR IMPOSE FINES, AS SET IN P.O.S.T. BOARD RULE, UPON ANY INDIVIDUAL OFFICER OR AGENCY FOR FAILURE TO COMPLY WITH THIS PART 3 OR ANY RULE PROMULGATED UNDER THIS PART 3.

(2)(4) The attorney general shall be entitled to recover reasonable attorney fees and costs against the defendant in any enforcement action under this part 3, if the attorney general prevails.

SECTION 16. 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, AS DEFINED IN SECTION 24-31-901 (3), SHALL REPORT TO THE PEACE OFFICER’S EMPLOYING AGENCY:
(a) The perceived demographic information of the person contacted, provided that the identification of these characteristics is based on the observation and perception of the peace officer making the contact 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, vehicle, or other property, 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;

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

(IV) A PEACE OFFICER UNHOLSTERED A WEAPON DURING THE CONTACT; AND

(V) A PEACE OFFICER DISCHARGED A FIREARM DURING THE CONTACT;

(4) (a) A peace officer certified pursuant to this part 3 shall provide, without being asked, his or her 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 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 constitute a complaint shall 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 identity, the complainant shall do so or, at the option of the receiving law enforcement agency, the complaint may be dismissed.

SECTION 17. Legislative declaration. The general assembly hereby finds and declares that the provisions of Senate Bill 20-217,
enacted at the second regular session of the seventy-second general assembly, are matters of statewide concern.

SECTION 18. Appropriation. (1) For the 2020-21 state fiscal year, $617,478 is appropriated to the department of public safety for use by the Colorado state patrol. This appropriation is from the highway users tax fund created in section 43-4-201 (1)(a), C.R.S. To implement this act, the patrol may use this appropriation as follows:

(a) $50,288 for civilians, which amount is based on an assumption that the patrol will require an additional 1.0 FTE;
(b) $7,550 for operating expenses;
(c) $463,700 for information technology asset maintenance; and
(d) $95,940 for the purchase of legal services.

(2) For the 2020-21 state fiscal year, $95,940 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of public safety under subsection (1)(d) of this section and is based on an assumption that the department of law will require an additional 0.5 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of public safety.

SECTION 19. Effective date. This act takes effect upon passage; except that:

(1) Section 24-31-902, Colorado Revised Statutes, as enacted in section 1 of this act, takes effect July 1, 2023;
(2) Section 3 of this act takes effect September 1, 2020; and
(3) Section 4 of this act takes effect September 1, 2020; except that section 18-1-707 (2.5) and (3), Colorado Revised Statutes, as enacted in section 4 of this act, takes effect upon passage.
SECTION 20. 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.