

**Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-1309.01 Michael Dohr x4347

**SENATE BILL 20-217**

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**SENATE SPONSORSHIP**

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**Senate Committees**

State, Veterans, & Military Affairs  
Appropriations

**House Committees**

Finance  
Appropriations

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**A BILL FOR AN ACT**

101 **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

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.*

SENATE  
Amended 3rd Reading  
June 9, 2020

SENATE  
Amended 2nd Reading  
June 8, 2020

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 9 to article  
3 31 of title 24 as follows:

4 PART 9

5 LAW ENFORCEMENT INTEGRITY

6 **24-31-901. Definitions.** AS USED IN THIS PART 9, UNLESS THE  
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "CONTACTS" MEANS AN INTERACTION WITH AN INDIVIDUAL,  
9 WHETHER OR NOT THE PERSON IS IN A MOTOR VEHICLE, INITIATED BY A  
10 PEACE OFFICER, WHETHER CONSENSUAL OR NONCONSENSUAL, FOR THE  
11 PURPOSE OF ENFORCING THE LAW OR INVESTIGATING POSSIBLE VIOLATIONS  
12 OF THE LAW. "CONTACTS" DO NOT INCLUDE ROUTINE INTERACTIONS WITH  
13 THE PUBLIC AT THE POINT OF ENTRY OR EXIT FROM A CONTROLLED AREA.

14 (2) "DEMOGRAPHIC INFORMATION" MEANS RACE, ETHNICITY, SEX,  
15 AND APPROXIMATE AGE.

16 (3) "PEACE OFFICER" MEANS ANY PERSON EMPLOYED BY A  
17 POLITICAL SUBDIVISION OF THE STATE REQUIRED TO BE CERTIFIED BY THE  
18 P.O.S.T. BOARD PURSUANT TO SECTION 16-2.5-102, A COLORADO STATE

1 PATROL OFFICER AS DESCRIBED IN SECTION 16-2.5-114, AND ANY  
2 NONCERTIFIED DEPUTY SHERIFF AS DESCRIBED IN SECTION 16-2.5-103 (2).

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

5 **24-31-902. Incident recordings - release - tampering - fine.**

6 (1) (a) (I) By July 1, 2023, all local law enforcement agencies in  
7 the state and the Colorado State Patrol shall provide  
8 body-worn cameras for each peace officer of the law  
9 enforcement agency who interacts with members of the public.  
10 Law enforcement agencies may seek funding pursuant to section  
11 24-33.5-519.

12 (II) (A) Except as provided in subsection (1)(a)(II)(B) or  
13 (1)(a)(II)(C) of this section, a peace officer shall wear and  
14 activate a body-worn camera when responding to a call for  
15 service or during any interaction with the public initiated by the  
16 peace officer, whether consensual or nonconsensual, for the  
17 purpose of enforcing the law or investigating possible violations  
18 of the law. When interacting with a crime victim or witness, a  
19 peace officer shall notify the crime victim or witness that the  
20 interaction is being recorded by a body-worn camera. The peace  
21 officer shall notify the crime victim or witness of his or her  
22 right to have the body-worn camera turned off and obtain  
23 consent to record the interaction before proceeding with the  
24 interaction. If consent is not provided by the crime victim or  
25 witness, the peace officer shall immediately discontinue  
26 recording the interaction. If consent is not provided, the peace  
27 officer shall notify crime victims and witnesses of their right to

1 HAVE THE BODY-WORN CAMERA TURNED ON UPON REQUEST AT ANY TIME  
2 DURING THE INTERACTION.

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

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

11 (D) THE PROVISIONS OF THIS SUBSECTION (1)(a)(II) DO NOT APPLY  
12 TO JAIL PEACE OFFICERS OR STAFF OF A LOCAL LAW ENFORCEMENT  
13 AGENCY IF THE JAIL HAS VIDEO CAMERAS; EXCEPT THIS SUBSECTION  
14 (1)(a)(II) APPLIES TO JAIL PEACE OFFICERS WHEN PERFORMING A TASK  
15 THAT REQUIRES THE USE OF FORCE, THE CIVILIAN OR ADMINISTRATIVE  
16 STAFF OF THE COLORADO STATE PATROL OR A LOCAL LAW ENFORCEMENT  
17 AGENCY, THE EXECUTIVE DETAIL OF THE COLORADO STATE PATROL, AND  
18 PEACE OFFICERS WORKING IN A COURTROOM.

19 (III) IF A PEACE OFFICER FAILS TO ACTIVATE A BODY-WORN  
20 CAMERA AS REQUIRED BY THIS SECTION OR TAMPERS WITH BODY-WORN-  
21 OR DASH-CAMERA FOOTAGE OR OPERATION WHEN REQUIRED TO ACTIVATE  
22 THE CAMERA, THERE IS A PERMISSIVE INFERENCE IN ANY INVESTIGATION  
23 OR LEGAL PROCEEDING, EXCLUDING CRIMINAL PROCEEDINGS AGAINST THE  
24 PEACE OFFICER, THAT THE MISSING FOOTAGE WOULD HAVE REFLECTED  
25 MISCONDUCT BY THE PEACE OFFICER. IF A PEACE OFFICER FAILS TO  
26 ACTIVATE OR REACTIVATE HIS OR HER BODY-WORN CAMERA AS REQUIRED  
27 BY THIS SECTION, ANY STATEMENTS SOUGHT TO BE INTRODUCED IN A

1 PROSECUTION THROUGH THE PEACE OFFICER RELATED TO THE INCIDENT  
2 THAT WERE NOT RECORDED DUE TO THE PEACE OFFICER'S FAILURE TO  
3 ACTIVATE OR REACTIVATE THE BODY-WORN CAMERA AS REQUIRED BY  
4 THIS SECTION OR IF THE STATEMENT WAS NOT RECORDED BY OTHER MEANS  
5 ARE PRESUMPTIVELY INADMISSIBLE. NOTWITHSTANDING ANY OTHER  
6 PROVISION OF LAW, THIS SUBSECTION (1)(a)(III) DOES NOT APPLY IF THE  
7 BODY-WORN CAMERA WAS NOT ACTIVATED DUE TO A MALFUNCTION OF  
8 THE BODY-WORN CAMERA AND THE PEACE OFFICER WAS NOT AWARE OF  
9 THE MALFUNCTION, OR WAS UNABLE TO RECTIFY IT, PRIOR TO THE  
10 INCIDENT, PROVIDED THAT THE LAW ENFORCEMENT AGENCY'S  
11 DOCUMENTATION SHOWS THE PEACE OFFICER CHECKED THE  
12 FUNCTIONALITY OF THE BODY-WORN CAMERA AT THE BEGINNING OF HIS  
13 OR HER SHIFT.

14 (IV) (A) IN ADDITION TO ANY CRIMINAL LIABILITY AND PENALTY  
15 UNDER THE LAW, IF A COURT, ADMINISTRATIVE LAW JUDGE, HEARING  
16 OFFICER, OR A FINAL DECISION IN AN INTERNAL INVESTIGATION FINDS  
17 THAT A PEACE OFFICER INTENTIONALLY FAILED TO ACTIVATE A  
18 BODY-WORN CAMERA OR DASH CAMERA OR TAMPERED WITH ANY  
19 BODY-WORN OR DASH CAMERA, EXCEPT AS PERMITTED IN THIS SECTION,  
20 THE PEACE OFFICER'S EMPLOYER SHALL IMPOSE DISCIPLINE UP TO AND  
21 INCLUDING TERMINATION, TO THE EXTENT PERMITTED BY APPLICABLE  
22 CONSTITUTIONAL AND STATUTORY PERSONNEL LAWS AND CASE LAW.

23 (B) IN ADDITION TO ANY CRIMINAL LIABILITY AND PENALTY UNDER  
24 THE LAW, IF A COURT, ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR  
25 A FINAL DECISION IN AN INTERNAL INVESTIGATION FINDS THAT A PEACE  
26 OFFICER INTENTIONALLY FAILED TO ACTIVATE A BODY-WORN CAMERA OR  
27 DASH CAMERA OR TAMPERED WITH ANY BODY-WORN OR DASH CAMERA,

1 EXCEPT AS PERMITTED IN THIS SECTION, WITH THE INTENT TO CONCEAL  
2 UNLAWFUL OR INAPPROPRIATE ACTIONS OR OBSTRUCT JUSTICE, THE  
3 P.O.S.T. BOARD SHALL SUSPEND THE PEACE OFFICER'S CERTIFICATION FOR  
4 A PERIOD OF NOT LESS THAN ONE YEAR AND THE SUSPENSION MAY ONLY  
5 BE LIFTED WITHIN THE PERIOD OF THE SUSPENSION IF THE PEACE OFFICER  
6 IS EXONERATED BY A COURT.

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

18 (b) ALL LOCAL LAW ENFORCEMENT AGENCIES SHALL ESTABLISH  
19 AND FOLLOW A RETENTION SCHEDULE FOR BODY-WORN CAMERA  
20 RECORDINGS IN COMPLIANCE WITH COLORADO STATE ARCHIVES RULES  
21 AND DIRECTION.

22 (2) (a) FOR ALL INCIDENTS IN WHICH THERE IS A COMPLAINT OF  
23 PEACE OFFICER MISCONDUCT BY ANOTHER PEACE OFFICER, A CIVILIAN, OR  
24 NONPROFIT ORGANIZATION, THROUGH NOTICE TO THE LAW ENFORCEMENT  
25 AGENCY INVOLVED IN THE ALLEGED MISCONDUCT, THE LOCAL LAW  
26 ENFORCEMENT AGENCY OR THE COLORADO STATE PATROL SHALL RELEASE  
27 ALL UNEDITED VIDEO AND AUDIO RECORDINGS OF THE INCIDENT.

1 INCLUDING THOSE FROM BODY-WORN CAMERAS, DASH CAMERAS, OR  
2 OTHERWISE COLLECTED THROUGH INVESTIGATION, TO THE PUBLIC WITHIN  
3 TWENTY-ONE DAYS AFTER THE LOCAL LAW ENFORCEMENT AGENCY OR THE  
4 COLORADO STATE PATROL RECEIVED THE COMPLAINT OF MISCONDUCT.

5 (b) (I) ALL VIDEO AND AUDIO RECORDINGS DEPICTING A DEATH  
6 MUST BE PROVIDED TO THE VICTIM OR, IF THE VICTIM IS DECEASED OR  
7 INCAPACITATED, THEY MUST BE RELEASED TO THE VICTIM'S SPOUSE,  
8 PARENT, LEGAL GUARDIAN, CHILD, SIBLING, GRANDPARENT, GRANDCHILD,  
9 SIGNIFICANT OTHER, OR OTHER LAWFUL REPRESENTATIVE, AND SUCH  
10 PERSON SHALL BE NOTIFIED OF HIS OR HER RIGHT, PURSUANT TO SECTION  
11 24-4.1-302.5 (1)(j.8), TO RECEIVE AND REVIEW THE RECORDING AT LEAST  
12 SEVENTY-TWO HOURS PRIOR TO PUBLIC DISCLOSURE. A PERSON EIGHTEEN  
13 YEARS OF AGE AND UNDER IS CONSIDERED INCAPACITATED, UNLESS  
14 LEGALLY EMANCIPATED.

15 (II) (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
16 SECTION, ANY VIDEO THAT RAISES SUBSTANTIAL PRIVACY CONCERNS FOR  
17 CRIMINAL DEFENDANTS, VICTIMS, WITNESSES, JUVENILES, OR INFORMANTS,  
18 INCLUDING VIDEO DEPICTING NUDITY; A SEXUAL ASSAULT; A MEDICAL  
19 EMERGENCY; A MENTAL HEALTH CRISIS; A VICTIM INTERVIEW; A MINOR,  
20 INCLUDING ANY IMAGES OR INFORMATION THAT MIGHT UNDERMINE THE  
21 REQUIREMENT TO KEEP CERTAIN JUVENILE RECORDS CONFIDENTIAL; ANY  
22 PERSONAL INFORMATION OTHER THAN THE NAME OF ANY PERSON NOT  
23 ARRESTED, CITED, CHARGED, OR ISSUED A WRITTEN WARNING, INCLUDING  
24 A GOVERNMENT-ISSUED IDENTIFICATION NUMBER, DATE OF BIRTH,  
25 ADDRESS, OR FINANCIAL INFORMATION; SIGNIFICANTLY EXPLICIT AND  
26 GRUESOME BODILY INJURY, UNLESS THE INJURY WAS CAUSED BY A PEACE  
27 OFFICER; OR THE INTERIOR OF A HOME OR TREATMENT FACILITY, SHALL BE



1 REDACTED OR BLURRED TO PROTECT THE SUBSTANTIAL PRIVACY INTEREST  
2 WHILE STILL ALLOWING PUBLIC RELEASE. UNREDACTED FOOTAGE MUST  
3 NOT BE RELEASED WITHOUT THE WRITTEN AUTHORIZATION OF THE VICTIM  
4 OR, IF THE VICTIM IS DECEASED OR INCAPACITATED, THE WRITTEN  
5 AUTHORIZATION OF THE VICTIM'S SPOUSE, PARENT, LEGAL GUARDIAN,  
6 CHILD, SIBLING, GRANDPARENT, GRANDCHILD, SIGNIFICANT OTHER, OR  
7 OTHER LAWFUL REPRESENTATIVE. A PERSON EIGHTEEN YEARS OF AGE AND  
8 UNDER IS CONSIDERED INCAPACITATED, UNLESS LEGALLY EMANCIPATED.  
9 IN THE EVENT THE VICTIM OR THE VICTIM'S SPOUSE, PARENT, LEGAL  
10 GUARDIAN, CHILD, SIBLING, GRANDPARENT, GRANDCHILD, SIGNIFICANT  
11 OTHER, OR OTHER LAWFUL REPRESENTATIVE CANNOT BE NOTIFIED OF HIS  
12 OR HER RIGHT TO REVIEW THE RECORDINGS, DECLINES TO REVIEW THE  
13 RECORDINGS, OR DECLINES TO PROVIDE AUTHORIZATION FOR THEIR  
14 RELEASE, IT IS PRESUMED THAT NO AUTHORIZATION IS PROVIDED AND THE  
15 UNREDACTED RECORDING MUST NOT BE RELEASED TO THE PUBLIC.

16 (B) IN RECOGNITION OF THE IMPORTANCE OF MEDICAL PRIVACY,  
17 PEACE OFFICERS SHALL MAKE EFFORTS, WHENEVER POSSIBLE, NOT TO  
18 CAPTURE PROTECTED HEALTH INFORMATION ON THEIR BODY-WORN  
19 CAMERAS. ALL PERSONAL HEALTH INFORMATION SHALL BE REDACTED  
20 BEFORE RELEASE OF A BODY-WORN CAMERA RECORDING, UNLESS THE  
21 INDIVIDUAL WHO IS THE SUBJECT OF THE INFORMATION AUTHORIZES THE  
22 USE OR DISCLOSURE OF THE INFORMATION.

23 (C) IF REDACTION OR BLURRING IS INSUFFICIENT TO PROTECT THE  
24 SUBSTANTIAL PRIVACY INTEREST, THE LOCAL LAW ENFORCEMENT AGENCY  
25 OR THE COLORADO STATE PATROL SHALL RELEASE THE VIDEO TO THE  
26 VICTIM OR, IF THE VICTIM IS DECEASED OR INCAPACITATED, TO THE  
27 VICTIM'S SPOUSE, PARENT, LEGAL GUARDIAN, CHILD, SIBLING,

1 GRANDPARENT, GRANDCHILD, SIGNIFICANT OTHER, OR OTHER LAWFUL  
2 REPRESENTATIVE WITHIN TWENTY DAYS AFTER RECEIPT OF THE  
3 COMPLAINT OF MISCONDUCT. IN CASES IN WHICH THE RECORDING IS NOT  
4 RELEASED TO THE PUBLIC PURSUANT TO THIS SUBSECTION (2)(b)(II)(B),  
5 THE LOCAL LAW ENFORCEMENT AGENCY SHALL NOTIFY THE PERSON  
6 WHOSE PRIVACY INTEREST IS IMPLICATED, IF CONTACT INFORMATION IS  
7 KNOWN, WITHIN TWENTY DAYS AFTER RECEIPT OF THE COMPLAINT OF  
8 MISCONDUCT, AND INFORM THE PERSON OF HIS OR HER RIGHT TO WAIVE  
9 THE PRIVACY INTEREST.

10 (D) A WITNESS, VICTIM, OR CRIMINAL DEFENDANT MAY WAIVE IN  
11 WRITING THE INDIVIDUAL PRIVACY INTEREST THAT MAY BE IMPLICATED BY  
12 PUBLIC RELEASE. UPON RECEIPT OF A WRITTEN WAIVER OF THE  
13 APPLICABLE PRIVACY INTEREST, ACCOMPANIED BY A REQUEST FOR  
14 RELEASE, THE LAW ENFORCEMENT AGENCY MAY NOT REDACT OR  
15 WITHHOLD RELEASE TO PROTECT THAT PRIVACY INTEREST. THE HEARING  
16 SHALL BE CONSIDERED A CRITICAL STAGE PURSUANT TO SECTION  
17 24-4.1-302 AND GIVES VICTIMS THE RIGHT TO BE HEARD PURSUANT TO  
18 24-4.1-302.5.

19 (III) ANY VIDEO THAT WOULD SUBSTANTIALLY INTERFERE WITH OR  
20 JEOPARDIZE AN ACTIVE OR ONGOING INVESTIGATION MAY BE WITHHELD  
21 FROM THE PUBLIC; EXCEPT THAT THE VIDEO SHALL BE RELEASED NO LATER  
22 THAN FORTY-FIVE DAYS FROM THE DATE OF THE ALLEGATION OF  
23 MISCONDUCT. IN ALL CASES WHEN RELEASE OF A VIDEO IS DELAYED IN  
24 RELIANCE ON THIS SUBSECTION (2)(b)(III), THE PROSECUTING ATTORNEY  
25 SHALL PREPARE A WRITTEN EXPLANATION OF THE INTERFERENCE OR  
26 JEOPARDY THAT JUSTIFIES THE DELAYED RELEASE, CONTEMPORANEOUS  
27 WITH THE REFUSAL TO RELEASE THE VIDEO. UPON RELEASE OF THE VIDEO,

1 THE PROSECUTING ATTORNEY SHALL RELEASE THE WRITTEN EXPLANATION  
2 TO THE PUBLIC.

3 (c) IF CRIMINAL CHARGES HAVE BEEN FILED AGAINST ANY PARTY  
4 TO THE INCIDENT, THAT PARTY MUST FILE ANY CONSTITUTIONAL  
5 OBJECTION TO RELEASE OF THE RECORDING IN THE PENDING CRIMINAL  
6 CASE BEFORE THE TWENTY-ONE-DAY PERIOD EXPIRES. THE COURT SHALL  
7 HOLD A HEARING ON ANY OBJECTION NO LATER THAN SEVEN DAYS AFTER  
8 IT IS FILED AND ISSUE A RULING NO LATER THAN THREE DAYS AFTER THE  
9 HEARING. \_\_\_

10 **24-31-903. Division of criminal justice report.** (1) BEGINNING  
11 JULY 1, 2023, THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF  
12 PUBLIC SAFETY SHALL CREATE AN ANNUAL REPORT INCLUDING ALL OF THE  
13 INFORMATION THAT IS REPORTED TO THE DIVISION PURSUANT TO  
14 SUBSECTION (2) OF THIS SECTION, AGGREGATED AND BROKEN DOWN BY  
15 THE \_\_\_ LAW ENFORCEMENT AGENCY THAT EMPLOYS PEACE OFFICERS,  
16 ALONG WITH THE UNDERLYING DATA.

17 (2) BEGINNING JANUARY 1, 2023, THE COLORADO STATE PATROL  
18 AND EACH LOCAL LAW ENFORCEMENT AGENCY THAT EMPLOYS PEACE  
19 OFFICERS SHALL REPORT TO THE DIVISION OF CRIMINAL JUSTICE:

20 (a) ALL USE OF FORCE BY ITS PEACE OFFICERS THAT RESULTS IN  
21 DEATH OR SERIOUS BODILY INJURY, INCLUDING:

22 (I) THE DATE, TIME, AND LOCATION OF THE USE OF FORCE;

23 (II) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE PERSON  
24 CONTACTED, PROVIDED THAT THE IDENTIFICATION OF THESE  
25 CHARACTERISTICS IS BASED ON THE OBSERVATION AND PERCEPTION OF  
26 THE PEACE OFFICER MAKING THE CONTACT AND OTHER AVAILABLE DATA;

27 (III) THE NAMES OF ALL PEACE OFFICERS WHO WERE AT THE

1 SCENE, IDENTIFIED BY WHETHER THE PEACE OFFICER WAS INVOLVED IN  
2 THE USE OF FORCE OR NOT;

3 (IV) THE TYPE OF FORCE USED, THE SEVERITY AND NATURE OF THE  
4 INJURY, WHETHER THE PEACE OFFICER SUFFERED PHYSICAL INJURY, AND  
5 THE SEVERITY OF THE PEACE OFFICER'S INJURY;

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

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

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

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

15 (IX) WHETHER THE USE OF FORCE RESULTED IN A CITIZEN  
16 COMPLAINT AND THE RESOLUTION OF THAT COMPLAINT.

17 (b) ALL INSTANCES WHEN A PEACE OFFICER RESIGNED WHILE  
18 UNDER INVESTIGATION FOR VIOLATING DEPARTMENT POLICY;

19 (c) ALL DATA RELATING TO CONTACTS CONDUCTED BY ITS PEACE  
20 OFFICERS, INCLUDING:

21 (I) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE PERSON  
22 CONTACTED PROVIDED THAT THE IDENTIFICATION OF THESE  
23 CHARACTERISTICS IS BASED ON THE OBSERVATION AND PERCEPTION OF  
24 THE PEACE OFFICER MAKING THE CONTACT AND OTHER AVAILABLE DATA;

25 ==

26 (II) WHETHER THE CONTACT WAS A TRAFFIC STOP;

27 (III) THE TIME, DATE, AND LOCATION OF THE CONTACT;

- 1 (IV) THE DURATION OF THE CONTACT;
- 2 (V) THE REASON FOR THE CONTACT;
- 3 (VI) THE SUSPECTED CRIME;
- 4 (VII) THE RESULT OF THE CONTACT, SUCH AS:
- 5 (A) NO ACTION, WARNING, CITATION, PROPERTY SEIZURE, OR
- 6 ARREST;
- 7 (B) IF A WARNING OR CITATION WAS ISSUED, THE WARNING
- 8 PROVIDED OR VIOLATION CITED;
- 9 (C) IF AN ARREST WAS MADE, THE OFFENSE CHARGED;
- 10 (D) IF THE CONTACT WAS A TRAFFIC STOP, THE INFORMATION
- 11 COLLECTED, WHICH IS LIMITED TO THE DRIVER;
- 12 (VIII) THE ACTIONS TAKEN BY THE PEACE OFFICER DURING THE
- 13 CONTACT, INCLUDING BUT NOT LIMITED TO WHETHER:
- 14 (A) THE PEACE OFFICER ASKED FOR CONSENT TO SEARCH THE
- 15 PERSON, AND, IF SO, WHETHER CONSENT WAS PROVIDED;
- 16 (B) THE PEACE OFFICER SEARCHED THE PERSON OR ANY PROPERTY,
- 17 AND, IF SO, THE BASIS FOR THE SEARCH AND THE TYPE OF CONTRABAND OR
- 18 EVIDENCE DISCOVERED, IF ANY; ■
- 19 (C) THE PEACE OFFICER SEIZED ANY PROPERTY AND, IF SO, THE
- 20 TYPE OF PROPERTY THAT WAS SEIZED AND THE BASIS FOR SEIZING THE
- 21 PROPERTY;
- 22 (D) A PEACE OFFICER UNHOLSTERED A WEAPON DURING THE
- 23 CONTACT; AND
- 24 (E) A PEACE OFFICER DISCHARGED A FIREARM DURING THE
- 25 CONTACT;
- 26 (d) ALL INSTANCES OF UNANNOUNCED ENTRY INTO A RESIDENCE,
- 27 WITH OR WITHOUT A WARRANT, INCLUDING:

1 (I) THE DATE, TIME, AND LOCATION OF THE USE OF UNANNOUNCED  
2 ENTRY; ■

3 (II) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE SUBJECT  
4 OF THE UNANNOUNCED ENTRY, PROVIDED THAT THE IDENTIFICATION OF  
5 THESE CHARACTERISTICS IS BASED ON THE OBSERVATION AND PERCEPTION  
6 OF THE PEACE OFFICER MAKING THE ENTRY AND OTHER AVAILABLE DATA;  
7 AND

8 (III) WHETHER A PEACE OFFICER UNHOLSTERED A WEAPON DURING  
9 THE UNANNOUNCED ENTRY; AND

10 (IV) WHETHER A PEACE OFFICER DISCHARGED A FIREARM DURING  
11 THE UNANNOUNCED ENTRY;

12 (3) THE COLORADO STATE PATROL AND LOCAL LAW ENFORCEMENT  
13 AGENCIES SHALL NOT REPORT THE NAME, ADDRESS, SOCIAL SECURITY  
14 NUMBER, OR OTHER UNIQUE PERSONAL IDENTIFYING INFORMATION OF THE  
15 SUBJECT OF THE USE OF FORCE, VICTIM OF THE OFFICIAL MISCONDUCT, OR  
16 PERSONS CONTACTED, SEARCHED, OR SUBJECTED TO A PROPERTY SEIZURE.  
17 NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE DATA  
18 REPORTED PURSUANT TO THIS SECTION IS AVAILABLE TO THE PUBLIC  
19 PURSUANT TO SUBSECTION (4) OF THIS SECTION.

20 (4) THE DIVISION OF CRIMINAL JUSTICE SHALL MAINTAIN A  
21 STATEWIDE DATABASE WITH DATA COLLECTED PURSUANT TO THIS  
22 SECTION, IN A SEARCHABLE FORMAT, AND PUBLISH THE DATABASE ON ITS  
23 WEBSITE.

24 (5) THE COLORADO STATE PATROL AND ANY LOCAL LAW  
25 ENFORCEMENT AGENCY THAT FAILS TO MEET ITS REPORTING  
26 REQUIREMENTS PURSUANT TO THIS SECTION IS SUBJECT TO THE  
27 SUSPENSION OF ITS FUNDING BY ITS APPROPRIATING AUTHORITY.

1           **24-31-904. Revoke peace officer certification after conviction.**  
2       NOTWITHSTANDING ANY PROVISION OF LAW, IF ANY PEACE OFFICER IS  
3       CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO     A CRIME  
4       INVOLVING THE UNLAWFUL USE OR THREATENED USE OF PHYSICAL FORCE,  
5           OR IS FOUND CIVILLY LIABLE FOR THE USE OF UNLAWFUL PHYSICAL  
6       FORCE,     THE P.O.S.T. BOARD SHALL PERMANENTLY REVOKE THE PEACE  
7       OFFICER'S CERTIFICATION. THE P.O.S.T. BOARD SHALL NOT, UNDER ANY  
8       CIRCUMSTANCES, REINSTATE THE PEACE OFFICER'S CERTIFICATION OR  
9       GRANT NEW CERTIFICATION TO THE PEACE OFFICER UNLESS THE PEACE  
10      OFFICER IS EXONERATED BY A COURT. THE P.O.S.T. BOARD SHALL RECORD  
11      EACH DECERTIFIED PEACE IN THE DATABASE CREATED PURSUANT TO  
12      SECTION 24-31-303 (1)(r).

13           **24-31-905. Prohibited law enforcement action in response to**  
14      **protests. (1) IN RESPONSE TO A PROTEST OR DEMONSTRATION, A LAW**  
15      **ENFORCEMENT AGENCY AND ANY PERSON ACTING ON BEHALF OF THE LAW**  
16      **ENFORCEMENT AGENCY SHALL NOT:**

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

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

22           **(c) USE CHEMICAL AGENTS OR IRRITANTS, INCLUDING PEPPER**  
23      **SPRAY AND TEAR GAS, PRIOR TO ISSUING AN ORDER TO DISPERSE IN A**  
24      **SUFFICIENT MANNER TO ENSURE THE ORDER IS HEARD AND REPEATED IF**  
25      **NECESSARY, FOLLOWED BY SUFFICIENT TIME AND SPACE TO ALLOW**  
26      **COMPLIANCE WITH THE ORDER.**

27           **SECTION 2.** In Colorado Revised Statutes, **add** 13-21-131 as

1 follows:

2 **13-21-131. Civil action for deprivation of rights - definition.**

3 (1) A PEACE OFFICER, AS DEFINED IN SECTION 24-31-901 (3), EMPLOYED  
4 BY A LOCAL GOVERNMENT WHO, UNDER COLOR OF LAW, SUBJECTS OR  
5 CAUSES TO BE SUBJECTED, INCLUDING FAILING TO INTERVENE, ANY OTHER  
6 PERSON TO THE DEPRIVATION OF ANY INDIVIDUAL RIGHTS THAT CREATE  
7 BINDING OBLIGATIONS ON GOVERNMENT ACTORS SECURED BY THE BILL OF  
8 RIGHTS, ARTICLE II OF THE STATE CONSTITUTION, IS LIABLE TO THE  
9 INJURED PARTY FOR LEGAL OR EQUITABLE RELIEF OR ANY OTHER  
10 APPROPRIATE RELIEF.

11 (2) (a) STATUTORY IMMUNITIES AND STATUTORY LIMITATIONS ON  
12 LIABILITY, DAMAGES, OR ATTORNEY FEES DO NOT APPLY TO CLAIMS  
13 BROUGHT PURSUANT TO THIS SECTION. THE "COLORADO GOVERNMENTAL  
14 IMMUNITY ACT", ARTICLE 10 OF TITLE 24, DOES NOT APPLY TO CLAIMS  
15 BROUGHT PURSUANT TO THIS SECTION.

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

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

27 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PEACE



1 OFFICER'S EMPLOYER SHALL INDEMNIFY ITS PEACE OFFICERS FOR ANY  
2 LIABILITY INCURRED BY THE PEACE OFFICER AND FOR ANY JUDGMENT OR  
3 SETTLEMENT ENTERED AGAINST THE PEACE OFFICER FOR CLAIMS ARISING  
4 PURSUANT TO THIS SECTION; EXCEPT THAT IF THE PEACE OFFICER'S  
5 EMPLOYER DETERMINES THAT THE OFFICER DID NOT ACT UPON A GOOD  
6 FAITH AND REASONABLE BELIEF THAT THE ACTION WAS LAWFUL, THEN THE  
7 PEACE OFFICER IS PERSONALLY LIABLE AND SHALL NOT BE INDEMNIFIED BY  
8 THE PEACE OFFICER'S EMPLOYER FOR FIVE PERCENT OF THE JUDGMENT OR  
9 SETTLEMENT OR TWENTY-FIVE THOUSAND DOLLARS, WHICHEVER IS LESS.  
10 NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY,  
11 IF THE PEACE OFFICER'S PORTION OF THE JUDGMENT IS UNCOLLECTIBLE  
12 FROM THE PEACE OFFICER, THE PEACE OFFICER'S EMPLOYER OR INSURANCE  
13 SHALL SATISFY THE FULL AMOUNT OF THE JUDGMENT OR SETTLEMENT. A  
14 PUBLIC ENTITY DOES NOT HAVE TO INDEMNIFY A PEACE OFFICER IF THE  
15 PEACE OFFICER WAS CONVICTED OF A CRIMINAL VIOLATION FOR THE  
16 CONDUCT FROM WHICH THE CLAIM ARISES.

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

19 **SECTION 3.** In Colorado Revised Statutes, 18-1-703, **amend** (1)  
20 introductory portion and (1)(b) as follows:

21 **18-1-703. Use of physical force - special relationships.** (1) The  
22 use of physical force upon another person ~~which~~ THAT would otherwise  
23 constitute an offense is justifiable and not criminal under any of the  
24 following circumstances:

25 (b) A superintendent or other authorized official of a jail, prison,  
26 or correctional institution may, in order to maintain order and discipline,  
27 use OBJECTIVELY reasonable and appropriate physical force when and to

1 the extent that he OR SHE reasonably believes it necessary to maintain  
2 order and discipline, but he OR SHE may use deadly physical force only  
3 when he OR SHE OBJECTIVELY reasonably believes ~~it necessary to prevent~~  
4 ~~death or serious bodily injury~~ THE INMATE POSES AN IMMEDIATE THREAT  
5 TO THE PERSON USING DEADLY FORCE OR ANOTHER PERSON.

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

9 **18-1-707. Use of force by peace officers - definition.** (1) PEACE  
10 OFFICERS, IN CARRYING OUT THEIR DUTIES, SHALL APPLY NONVIOLENT  
11 MEANS, WHEN POSSIBLE, BEFORE RESORTING TO THE USE OF PHYSICAL  
12 FORCE. A PEACE OFFICER MAY USE PHYSICAL FORCE ONLY IF NONVIOLENT  
13 MEANS WOULD BE INEFFECTIVE IN EFFECTING AN ARREST, PREVENTING AN  
14 ESCAPE, OR PREVENTING AN IMMINENT THREAT OF SERIOUS BODILY INJURY  
15 OR DEATH TO THE PEACE OFFICER OR ANOTHER PERSON.

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

17 (a) NOT USE DEADLY PHYSICAL FORCE TO APPREHEND A PERSON  
18 WHO IS SUSPECTED OF ONLY A MINOR OR NONVIOLENT OFFENSE;

19 (b) USE ONLY A DEGREE OF FORCE CONSISTENT WITH THE  
20 MINIMIZATION OF INJURY TO OTHERS;

21 (c) ENSURE THAT ASSISTANCE AND MEDICAL AID ARE RENDERED  
22 TO ANY INJURED OR AFFECTED PERSONS AS SOON AS PRACTICABLE; AND

23 (d) ENSURE THAT ANY IDENTIFIED RELATIVES OR NEXT OF KIN OF  
24 PERSONS WHO HAVE SUSTAINED SERIOUS BODILY INJURY OR DEATH ARE  
25 NOTIFIED AS SOON AS PRACTICABLE.

26 (2.5) (a) A PEACE OFFICER IS PROHIBITED FROM USING A  
27 CHOKEHOLD UPON ANOTHER PERSON.

1           (b) (I) FOR THE PURPOSES OF THIS SUBSECTION (2.5),  
2 "CHOKEHOLD" MEANS A METHOD BY WHICH A PERSON APPLIES SUFFICIENT  
3 PRESSURE TO A PERSON TO MAKE BREATHING DIFFICULT OR IMPOSSIBLE  
4 AND INCLUDES BUT IS NOT LIMITED TO ANY PRESSURE TO THE NECK,  
5 THROAT, OR WINDPIPE THAT MAY PREVENT OR HINDER BREATHING OR  
6 REDUCE INTAKE OF AIR.

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

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

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

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

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

20           (4) A PEACE OFFICER SHALL IDENTIFY HIMSELF OR HERSELF AS A  
21 PEACE OFFICER AND GIVE A CLEAR VERBAL WARNING OF HIS OR HER  
22 INTENT TO USE FIREARMS OR OTHER DEADLY PHYSICAL FORCE, WITH  
23 SUFFICIENT TIME FOR THE WARNING TO BE OBSERVED, UNLESS TO DO SO  
24 WOULD UNDULY PLACE PEACE OFFICERS AT RISK OF INJURY, WOULD  
25 CREATE A RISK OF DEATH OR INJURY TO OTHER PERSONS.

26           (4.5) NOTWITHSTANDING ANY OTHER PROVISION IN THIS SECTION,  
27 A PEACE OFFICER IS JUSTIFIED IN USING DEADLY FORCE IF THE PEACE

1 OFFICER HAS AN OBJECTIVELY REASONABLE BELIEF THAT A LESSER  
2 DEGREE OF FORCE IS INADEQUATE AND THE PEACE OFFICER HAS  
3 OBJECTIVELY REASONABLE GROUNDS TO BELIEVE, AND DOES BELIEVE,  
4 THAT HE OR ANOTHER PERSON IS IN IMMINENT DANGER OF BEING KILLED  
5 OR OF RECEIVING SERIOUS BODILY INJURY.

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

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

9 **(1.5) (a) A PEACE OFFICER SHALL INTERVENE TO PREVENT OR STOP**  
10 **ANOTHER PEACE OFFICER FROM USING PHYSICAL FORCE THAT EXCEEDS**  
11 **THE DEGREE OF FORCE PERMITTED, IF ANY, BY SECTION 18-1-707, IN**  
12 **PURSUANCE OF THE OTHER PEACE OFFICER'S LAW ENFORCEMENT DUTIES**  
13 **IN CARRYING OUT AN ARREST OF ANY PERSON, PLACING ANY PERSON**  
14 **UNDER DETENTION, TAKING ANY PERSON INTO CUSTODY, BOOKING ANY**  
15 **PERSON, OR IN THE PROCESS OF CROWD CONTROL OR RIOT CONTROL,**  
16 **WITHOUT REGARD FOR CHAIN OF COMMAND.**

17 **(b) (I) A PEACE OFFICER WHO INTERVENES AS REQUIRED BY**  
18 **SUBSECTION (1.5) (a) OF THIS SECTION SHALL REPORT THE INTERVENTION**  
19 **TO HIS OR HER IMMEDIATE SUPERVISOR.**

20 **(II) AT A MINIMUM, THE REPORT REQUIRED BY THIS SUBSECTION**  
21 **(1.5)(b) MUST INCLUDE THE DATE, TIME, AND PLACE OF THE OCCURRENCE;**  
22 **THE IDENTITY, IF KNOWN, AND DESCRIPTION OF THE PARTICIPANTS; AND A**  
23 **DESCRIPTION OF THE INTERVENTION ACTIONS TAKEN. THIS REPORT SHALL**  
24 **BE MADE IN WRITING WITHIN TEN DAYS OF THE OCCURRENCE OF THE USE**  
25 **OF SUCH FORCE AND SHALL BE APPENDED TO ALL OTHER REPORTS OF THE**  
26 **INCIDENT.**

27 **(c) A MEMBER OF A LAW ENFORCEMENT AGENCY SHALL NOT**

1 DISCIPLINE OR RETALIATE IN ANY WAY AGAINST A PEACE OFFICER FOR  
2 INTERVENING AS REQUIRED BY SUBSECTION (1.5) (a) OF THIS SECTION, OR  
3 FOR REPORTING UNCONSTITUTIONAL CONDUCT, OR FOR FAILING TO  
4 FOLLOW WHAT THE OFFICER REASONABLY BELIEVES IS AN  
5 UNCONSTITUTIONAL DIRECTIVE.

6 (d) IN ADDITION TO ANY CRIMINAL LIABILITY AND PENALTY UNDER  
7 THE LAW, WHEN A COURT, ADMINISTRATIVE LAW JUDGE, HEARING  
8 OFFICER, OR INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER  
9 FAILED TO INTERVENE AS REQUIRED BY SUBSECTION (1.5)(a) OF THIS  
10 SECTION IN AN INCIDENT RESULTING IN SERIOUS BODILY INJURY OR DEATH  
11 TO ANY PERSON, THE PEACE OFFICER'S EMPLOYER SHALL SUBJECT THE  
12 PEACE OFFICER TO DISCIPLINE, UP TO AND INCLUDING TERMINATION, TO  
13 THE EXTENT PERMITTED BY APPLICABLE CONSTITUTIONAL AND  
14 STATUTORY PERSONNEL LAWS AND CASE LAW, AND THE P.O.S.T. BOARD  
15 SHALL PERMANENTLY DECERTIFY THE PEACE OFFICER UPON RECEIPT OF  
16 NOTICE OF THE PEACE OFFICER'S DISCIPLINE. THE REVOCATION MAY ONLY  
17 BE OVERTURNED IF THE PEACE OFFICER IS EXONERATED BY A COURT.

18 (e) IN A CASE IN WHICH THE PROSECUTION CHARGES A PEACE  
19 OFFICER WITH OFFENSES RELATED TO AND BASED UPON THE USE OF  
20 EXCESSIVE FORCE BUT DOES NOT FILE CHARGES AGAINST ANY OTHER  
21 PEACE OFFICER OR OFFICERS WHO WERE AT THE SCENE DURING THE USE OF  
22 FORCE, THE DISTRICT ATTORNEY SHALL PREPARE A WRITTEN REPORT  
23 EXPLAINING THE DISTRICT ATTORNEY'S BASIS FOR THE DECISION NOT TO  
24 CHARGE ANY OTHER PEACE OFFICER WITH ANY CRIMINAL CONDUCT AND  
25 SHALL PUBLICLY DISCLOSE THE REPORT TO THE PUBLIC; EXCEPT THAT IF  
26 DISCLOSURE OF THE REPORT WOULD SUBSTANTIALLY INTERFERE WITH OR  
27 JEOPARDIZE AN ONGOING CRIMINAL INVESTIGATION, THE DISTRICT

1 ATTORNEY MAY DELAY PUBLIC DISCLOSURE FOR UP TO FORTY-FIVE DAYS.  
2 THE DISTRICT ATTORNEY SHALL POST THE WRITTEN REPORT ON ITS  
3 WEBSITE OR, IF IT DOES NOT HAVE A WEBSITE, MAKE IT PUBLICLY  
4 AVAILABLE UPON REQUEST. NOTHING IN THIS SECTION IS INTENDED TO  
5 PROHIBIT OR DISCOURAGE CRIMINAL PROSECUTION OF AN OFFICER WHO  
6 FAILED TO INTERVENE FOR CONDUCT IN WHICH THE FACTS SUPPORT A  
7 CRIMINAL CHARGE, INCLUDING UNDER A COMPLICITY THEORY, OR FOR AN  
8 INCHOATE OFFENSE.

9 SECTION 6. In Colorado Revised Statutes, 18-1-707, **add** (10)  
10 as follows:

11 **18-1-707. Use of physical force in making an arrest or in**  
12 **preventing an escape - definitions -repeal.** (10) (a) EACH LAW  
13 ENFORCEMENT AGENCY IN THE STATE SHALL TRAIN ITS PEACE OFFICERS ON  
14 THE PROVISIONS OF SUBSECTIONS (1) TO (4.5) OF THIS SECTION AND  
15 SECTION 18-8-802 (1.5) AS ENACTED IN SENATE BILL 20-217, ENACTED IN  
16 2020, PRIOR TO THE PROVISIONS BECOMING EFFECTIVE ON SEPTEMBER 1,  
17 2020.

18 (b) THIS SUBSECTION (10) IS REPEALED, EFFECTIVE JANUARY 1,  
19 2021.

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

22 **20-1-114. Peace officer-involved death investigations -**  
23 **disclosure.** (2) If the district attorney refers the matter under  
24 investigation to the grand jury, the district attorney shall release a  
25 statement at the time the matter is referred to the grand jury disclosing the  
26 general purpose of the grand jury's investigation. If no true bill is  
27 returned, the grand jury **may** SHALL issue AND PUBLISH a report. **pursuant**

1 ~~to section 16-5-205.5. C.R.S.~~

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

4 **24-31-101. Powers and duties of attorney general.** (7) THE  
5 ATTORNEY GENERAL MAY BRING A CIVIL ACTION TO ENFORCE THE  
6 PROVISIONS OF SECTION 24-31-111.

7 (8) THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION TO  
8 ENFORCE THE PROVISIONS OF SECTION 24-31-307 (2) OR A CRIMINAL  
9 ACTION TO ENFORCE THE PROVISIONS OF SECTION 24-31-307 (3).

10

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11 **SECTION 9.** In Colorado Revised Statutes, 24-31-303, **amend**  
12 (1)(l), (1)(p), and (1)(q); and **add** (1)(r) as follows:

13 **24-31-303. Duties - powers of the P.O.S.T. board.** (1) The  
14 P.O.S.T. board has the following duties:

15 (l) To promulgate rules deemed necessary by the board concerning  
16 annual in-service training requirements for certified peace officers,  
17 including but not limited to evaluation of the training program and  
18 processes to ensure substantial compliance by law enforcement agencies,  
19 ~~and~~ departments, AND INDIVIDUAL PEACE OFFICERS;

20 (p) To develop a community outreach program that informs the  
21 public of the role and duties of the P.O.S.T. board; ~~and~~

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

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

27 (I) UNTRUTHFULNESS;

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

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

4 (IV) TERMINATION FOR CAUSE.

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

7 **24-4.1-302. Definitions.** As used in this part 3, and for no other  
8 purpose, including the expansion of the rights of any defendant:

9 (2) "Critical stages" means the following stages of the criminal  
10 justice process:

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

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

15 **24-4.1-302.5. Rights afforded to victims - definitions.** (1) In  
16 order to preserve and protect a victim's rights to justice and due process,  
17 each victim of a crime has the following rights:

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

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

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

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

27 (j.8) THE RIGHT, UPON REQUEST, TO OBTAIN ANY INCIDENT



1        RECORDING AS DESCRIBED IN SECTION 24-31-902.

2            **SECTION 12.** In Colorado Revised Statutes, **add** 24-31-111 as  
3 follows:

4            **24-31-111. Public integrity - patterns and practices.** IT IS  
5 UNLAWFUL FOR ANY GOVERNMENTAL AUTHORITY, OR ANY AGENT  
6 THEREOF, OR ANY PERSON ACTING ON BEHALF OF A GOVERNMENTAL  
7 AUTHORITY, TO ENGAGE IN A PATTERN OR PRACTICE OF CONDUCT BY  
8 PEACE OFFICERS OR BY OFFICIALS OR EMPLOYEES OF ANY GOVERNMENTAL  
9 AGENCY THAT DEPRIVES PERSONS OF RIGHTS, PRIVILEGES, OR IMMUNITIES  
10 SECURED OR PROTECTED BY THE CONSTITUTION OR LAWS OF THE UNITED  
11 STATES OR THE STATE OF COLORADO. WHENEVER THE ATTORNEY  
12 GENERAL HAS REASONABLE CAUSE TO BELIEVE THAT A VIOLATION OF THIS  
13 SECTION HAS OCCURRED, THE ATTORNEY GENERAL, FOR OR IN THE NAME  
14 OF THE STATE OF COLORADO, MAY IN A CIVIL ACTION OBTAIN ANY AND  
15 ALL APPROPRIATE RELIEF TO ELIMINATE THE PATTERN OR PRACTICE.  
16 BEFORE FILING SUIT, THE ATTORNEY GENERAL SHALL NOTIFY THE  
17 GOVERNMENT AUTHORITY OR ANY AGENT THEREOF, AND PROVIDE IT WITH  
18 THE FACTUAL BASIS THAT SUPPORTS HIS OR HER REASONABLE CAUSE TO  
19 BELIEVE A VIOLATION OCCURRED. UPON RECEIPT OF THE FACTUAL BASIS,  
20 THE GOVERNMENT AUTHORITY, OR ANY AGENT THEREOF, HAS SIXTY DAYS  
21 TO CHANGE OR ELIMINATE THE IDENTIFIED PATTERN OR PRACTICE. IF THE  
22 IDENTIFIED PATTERN OR PRACTICE IS NOT CHANGED OR ELIMINATED AFTER  
23 SIXTY DAYS, THE ATTORNEY GENERAL MAY FILE A CIVIL LAWSUIT.

24            **SECTION 13.** In Colorado Revised Statutes, 24-31-305, **add**  
25 (2.7) as follows:

26            **24-31-305. Certification - issuance - renewal - revocation -**  
27 **rules - definition.** (2.7) THE P.O.S.T. BOARD MAY REVOKE THE

1 CERTIFICATION OF A PEACE OFFICER WHO FAILS TO SATISFACTORILY  
2 COMPLETE PEACE OFFICER TRAINING REQUIRED BY THE P.O.S.T. BOARD.  
3 PRIOR TO REVOKING THE PEACE OFFICER'S CERTIFICATION, THE P.O.S.T.  
4 BOARD SHALL NOTIFY THE PEACE OFFICER OF HIS OR HER FAILURE TO  
5 COMPLETE THE TRAINING REQUIRED BY THE P.O.S.T. BOARD AND GIVE THE  
6 PEACE OFFICER THIRTY CALENDAR DAYS TO SATISFACTORILY COMPLETE  
7 THE PEACE OFFICER TRAINING REQUIRED BY THE P.O.S.T. BOARD.

8 **SECTION 14.** In Colorado Revised Statutes, **amend 24-31-307**  
9 as follows:

10 **24-31-307. Enforcement.** (1) The P.O.S.T. board shall have the  
11 power to ~~direct the attorney general to enforce the provisions of this part~~  
12 ~~3 through an action in district court for injunctive or other appropriate~~  
13 ~~relief against~~ PROMULGATE RULES FOR ENFORCEMENT OF THIS PART 3.

14 (2) THE ATTORNEY GENERAL MAY ENFORCE THE PROVISIONS OF  
15 THIS PART 3 THROUGH AN ACTION IN DISTRICT COURT FOR INJUNCTIVE OR  
16 OTHER APPROPRIATE RELIEF AGAINST:

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

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

23 (3) THE ATTORNEY GENERAL MAY BRING CRIMINAL CHARGES FOR  
24 VIOLATIONS OF THIS PART 3 IF VIOLATION IS WILLFUL OR WANTON, OR  
25 IMPOSE FINES, AS SET IN P.O.S.T. BOARD RULE, UPON ANY INDIVIDUAL  
26 OFFICER OR AGENCY FOR FAILURE TO COMPLY WITH THIS PART 3 OR ANY  
27 RULE PROMULGATED UNDER THIS PART 3.

1           ~~(2)~~(4) The attorney general shall be entitled to recover reasonable  
2 attorney fees and costs against the defendant in any enforcement action  
3 under this part 3, if the attorney general prevails.

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

6           **24-31-307. Enforcement.** (1) The P.O.S.T. board shall have the  
7 power to ~~direct the attorney general to enforce the provisions of this part~~  
8 ~~3 through an action in district court for injunctive or other appropriate~~  
9 ~~relief against~~ PROMULGATE RULES FOR ENFORCEMENT OF THIS PART 3.

10           (2) THE ATTORNEY GENERAL MAY ENFORCE THE PROVISIONS OF  
11 THIS PART 3 THROUGH AN ACTION IN DISTRICT COURT FOR INJUNCTIVE OR  
12 OTHER APPROPRIATE RELIEF AGAINST:

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

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

19           (3) THE ATTORNEY GENERAL MAY BRING CRIMINAL CHARGES FOR  
20 VIOLATIONS OF THIS PART 3 IF VIOLATION IS WILLFUL OR WANTON, OR  
21 IMPOSE FINES, AS SET IN P.O.S.T. BOARD RULE, UPON ANY INDIVIDUAL  
22 OFFICER OR AGENCY FOR FAILURE TO COMPLY WITH THIS PART 3 OR ANY  
23 RULE PROMULGATED UNDER THIS PART 3.

24           ~~(2)~~(4) The attorney general shall be entitled to recover reasonable  
25 attorney fees and costs against the defendant in any enforcement action  
26 under this part 3, if the attorney general prevails.

27           **SECTION 16.** In Colorado Revised Statutes, 24-31-309, **amend**

1 (4)(a); and **add** (3.5) as follows:

2 **24-31-309. Profiling - officer identification - training.** (3.5) A  
3 PEACE OFFICER SHALL HAVE A LEGAL BASIS FOR MAKING A CONTACT,  
4 WHETHER CONSENSUAL OR NONCONSENSUAL, FOR THE PURPOSE OF  
5 ENFORCING THE LAW OR INVESTIGATING POSSIBLE VIOLATIONS OF THE  
6 LAW. AFTER MAKING A CONTACT, A PEACE OFFICER, AS DEFINED IN  
7 SECTION 24-31-901 (3), SHALL REPORT TO THE PEACE OFFICER'S  
8 EMPLOYING AGENCY:

9 (a) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE PERSON  
10 CONTACTED, PROVIDED THAT THE IDENTIFICATION OF THESE  
11 CHARACTERISTICS IS BASED ON THE OBSERVATION AND PERCEPTION OF  
12 THE PEACE OFFICER MAKING THE CONTACT AND OTHER AVAILABLE DATA:

13 (b) WHETHER THE CONTACT WAS A TRAFFIC STOP;

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

15 (d) THE DURATION OF THE CONTACT;

16 (e) THE REASON FOR THE CONTACT;

17 (f) THE SUSPECTED CRIME;

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

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

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

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

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

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

1 (I) THE PEACE OFFICER ASKED FOR CONSENT TO SEARCH THE  
2 PERSON, VEHICLE, OR OTHER PROPERTY, AND, IF SO, WHETHER CONSENT  
3 WAS PROVIDED;

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

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

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

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

14 (4) (a) A peace officer certified pursuant to this part 3 shall  
15 provide, without being asked, ~~his or her~~ THE PEACE OFFICER'S business  
16 card to any person whom the peace officer has detained in a traffic stop  
17 but has not cited or arrested. The business card ~~shall~~ MUST include  
18 identifying information about the peace officer, including but not limited  
19 to the peace officer's name, division, precinct, and badge or other  
20 identification number; ~~and~~ a telephone number that may be used, if  
21 necessary, to report any comments, positive or negative, regarding the  
22 traffic stop; AND INFORMATION ABOUT HOW TO FILE A COMPLAINT  
23 RELATED TO THE CONTACT. The identity of the reporting person and the  
24 report of any such comments that ~~constitutes~~ CONSTITUTE a complaint  
25 ~~shall~~ MUST initially be kept confidential by the receiving law enforcement  
26 agency, to the extent permitted by law. The receiving law enforcement  
27 agency shall be permitted to obtain some identifying information

1 regarding the complaint to allow initial processing of the complaint. If it  
2 becomes necessary for the further processing of the complaint for the  
3 complainant to disclose ~~his or her~~ THE COMPLAINANT'S identity, the  
4 complainant shall do so or, at the option of the receiving law enforcement  
5 agency, the complaint may be dismissed.

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**SECTION 17. Legislative declaration.** (1) The general assembly  
8 hereby finds and declares that the provisions of Senate Bill 20-217,  
9 enacted at the second regular session of the seventy-second general  
10 assembly, are matters of statewide concern.

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**SECTION 18. Effective date.** This act takes effect upon passage;  
except that:

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(1) Section 24-31-902, Colorado Revised Statutes, as enacted in  
section 1 of this act, takes effect July 1, 2023; and

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(2) Sections 3 and 4 of this act takes effect September 1, 2021.

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**SECTION 19. 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.