

**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

SENATE SPONSORSHIP

Garcia and Fields, Fenberg, Williams A., Gonzales, Moreno, Rodriguez, Bridges, Danielson, Donovan, Foote, Ginal, Hansen, Lee, Pettersen, Story, Todd, Winter, Zenzinger

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Herod and Gonzales-Gutierrez, Garnett, Buckner, Coleman, Exum, Jackson, Melton, Benavidez, Buentello, Caraveo, Duran, Jaquez Lewis, Tipper, Valdez A., Valdez D., Arndt, Becker, Bird, Cutter, Esgar, Froelich, Gray, Hooton, Kennedy, Kipp, Kraft-Tharp, Lontine, McCluskie, McLachlan, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Sullivan, Titone, Weissman, Woodrow, Young

Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

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.

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.

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 SECTION, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "DEMOGRAPHIC INFORMATION" MEANS RACE, NATIONAL
9 ORIGIN, SEX, AGE, SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY
10 STATUS, MENTAL HEALTH STATUS, HOUSING STATUS, AND VETERAN
11 STATUS.

12 (2) "PEACE OFFICER" MEANS ANY PERSON EMPLOYED BY A
13 POLITICAL SUBDIVISION OF THE STATE REQUIRED TO BE CERTIFIED BY THE
14 P.O.S.T. BOARD PURSUANT TO SECTION 16-2.5-102 AND ANY
15 NONCERTIFIED DEPUTY SHERIFF AS DESCRIBED IN SECTION 16-2.5-103 (2).

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

18 **24-31-902. Incident recordings - release - tampering - fine.**

1 (1) (a) (I) By July 1, 2021, all ___ law enforcement agencies in the
2 state shall provide body-worn cameras for each member of the
3 law enforcement agency who interacts with members of the
4 public. Law enforcement agencies may seek funding pursuant to
5 section 24-33.5-519.

6 (II) A peace officer shall wear and activate a body-worn
7 camera at any time when interacting with a member of the
8 public.

9 (III) If a peace officer fails to activate or tampers with
10 body-worn- or dash-camera footage or operation, there is a
11 rebuttable presumption in any investigation and legal
12 proceeding, whether criminal or civil, that the missing footage
13 would have reflected misconduct by the peace officer.

14 (b) Any department that is unable to comply with the
15 provisions of subsection (1)(a) of this section may apply to the
16 attorney general for a single one-year waiver to comply with
17 subsection (1)(a) of this section. The attorney general shall not
18 grant a waiver if the department has not complied with any
19 provision of Senate Bill 20-___, enacted in 2020.

20 (2) For all incidents in which there is an allegation of
21 peace officer misconduct, all unedited video and audio
22 recordings of the incident, including those from body-worn
23 cameras, dash cameras, or otherwise collected through
24 investigation, must be released to the public within fourteen
25 days after the incident. All video and audio recordings
26 depicting a death must be provided to the decedent's family at
27 least twenty-four hours prior to public disclosure.

1 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IN THE
2 EVENT THAT THE VIDEO DEPICTS NUDITY OR OTHER HIGHLY PERSONAL
3 CIRCUMSTANCES, THE DEPARTMENT SHALL GIVE A CIVILIAN VICTIM THE
4 OPPORTUNITY TO HAVE INPUT ON APPROPRIATE REDACTIONS.

5 **24-31-903. Division of criminal justice report.** (1) BEGINNING
6 JULY 1, 2021, THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
7 PUBLIC SAFETY SHALL CREATE AN ANNUAL REPORT INCLUDING ALL OF THE
8 INFORMATION THAT IS REPORTED TO THE ATTORNEY GENERAL PURSUANT
9 TO SUBSECTION (2) OF THIS SECTION, AGGREGATED AND BROKEN DOWN BY
10 THE ___ LAW ENFORCEMENT AGENCY THAT EMPLOYS PEACE OFFICERS,
11 ALONG WITH THE UNDERLYING DATA.

12 (2) EACH ___ LAW ENFORCEMENT AGENCY THAT EMPLOYS PEACE
13 OFFICERS SHALL REPORT TO THE ATTORNEY GENERAL:

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

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

17 (II) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE SUBJECT
18 BASED ON THE OBSERVATION AND PERCEPTION OF THE PEACE OFFICER AND
19 OTHER AVAILABLE DATA;

20 (III) THE NAMES OF ALL PEACE OFFICERS WHO WERE AT THE
21 SCENE, IDENTIFIED BY WHETHER THE PEACE OFFICER WAS INVOLVED IN
22 THE USE OF FORCE OR NOT;

23 (IV) THE TYPE OF FORCE USED, THE SEVERITY AND NATURE OF THE
24 INJURY, WHETHER THE PEACE OFFICER SUFFERED PHYSICAL INJURY, AND
25 THE SEVERITY OF THE PEACE OFFICER'S INJURY;

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

1 (VI) WHETHER THE USE OF FORCE RESULTED IN A LAW
2 ENFORCEMENT AGENCY INVESTIGATION AND THE RESULT OF THE
3 INVESTIGATION; AND

4 (VII) WHETHER THE USE OF FORCE RESULTED IN A CITIZEN
5 COMPLAINT AND THE RESOLUTION OF THAT COMPLAINT.

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

8 (c) ALL DATA RELATING TO STOPS CONDUCTED BY ITS PEACE
9 OFFICERS, INCLUDING:

10 (I) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE PERSON
11 STOPPED BASED ON THE OBSERVATION AND PERCEPTION OF THE PEACE
12 OFFICER MAKING THE STOP AND OTHER AVAILABLE DATA;

13 (II) WHETHER THE STOP WAS A TRAFFIC STOP;

14 (III) THE TIME, DATE, AND LOCATION OF THE STOP;

15 (IV) THE DURATION OF THE STOP;

16 (V) THE REASON FOR THE STOP;

17 (VI) THE SUSPECTED CRIME;

18 (VII) THE RESULT OF THE STOP, SUCH AS:

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

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

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

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

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

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

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

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

9 (d) ALL INSTANCES OF UNANNOUNCED ENTRY AS DESCRIBED IN
10 SECTION 16-3-313, INCLUDING:

11 (I) THE DATE, TIME, AND LOCATION OF THE USE OF UNANNOUNCED
12 ENTRY; AND

13 (II) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE SUBJECT
14 OF THE UNANNOUNCED ENTRY BASED ON THE OBSERVATION AND
15 PERCEPTION OF THE PEACE OFFICER AND OTHER AVAILABLE DATA AND THE
16 NAME OF THE PEACE OFFICER.

17 (3) LAW ENFORCEMENT AGENCIES SHALL NOT REPORT THE NAME,
18 ADDRESS, SOCIAL SECURITY NUMBER, OR OTHER UNIQUE PERSONAL
19 IDENTIFYING INFORMATION OF THE SUBJECT OF THE USE OF FORCE, VICTIM
20 OF THE OFFICIAL MISCONDUCT, OR PERSONS STOPPED, SEARCHED, OR
21 SUBJECTED TO A PROPERTY SEIZURE. NOTWITHSTANDING ANY PROVISION
22 OF LAW TO THE CONTRARY, THE DATA REPORTED PURSUANT TO THIS
23 SECTION IS AVAILABLE TO THE PUBLIC PURSUANT TO SUBSECTION (4) OF
24 THIS SECTION.

25 (4) THE DIVISION OF CRIMINAL JUSTICE SHALL MAINTAIN A
26 STATEWIDE DATABASE WITH DATA COLLECTED PURSUANT TO THIS
27 SECTION, IN A SEARCHABLE FORMAT, AND PUBLISH THE DATABASE ON ITS

1 WEBSITE.

2 (5) ANY ___ LAW ENFORCEMENT AGENCY THAT FAILS TO MEET ITS
3 REPORTING REQUIREMENTS PURSUANT TO THIS SECTION IS SUBJECT TO THE
4 SUSPENSION OF ITS FUNDING BY ITS APPROPRIATING AUTHORITY.

5 **24-31-904. Terminate peace officer employment after**
6 **conviction.** NOTWITHSTANDING ANY PROVISION OF LAW, IF ANY PEACE
7 OFFICER IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO
8 ANY INAPPROPRIATE USE OF PHYSICAL FORCE, OR A CRIME INVOLVING THE
9 UNLAWFUL USE OR THREATENED USE OF PHYSICAL FORCE, OR FOR FAILING
10 TO INTERVENE TO PREVENT INAPPROPRIATE USE OF PHYSICAL FORCE, OR
11 IS FOUND CIVILLY LIABLE FOR USING EXCESSIVE FORCE FOR ANY CONDUCT
12 DESCRIBED IN THIS SECTION, THE PEACE OFFICER'S EMPLOYING AGENCY
13 SHALL IMMEDIATELY TERMINATE THE PEACE OFFICER'S EMPLOYMENT AND
14 THE P.O.S.T. BOARD SHALL PERMANENTLY REVOKE THE PEACE OFFICER'S
15 CERTIFICATION. THE P.O.S.T. BOARD SHALL NOT, UNDER ANY
16 CIRCUMSTANCES, REINSTATE THE PEACE OFFICER'S CERTIFICATION OR
17 GRANT NEW CERTIFICATION TO THE PEACE OFFICER. THE P.O.S.T. BOARD
18 SHALL RECORD EACH DECERTIFIED PEACE OFFICER IN THE DATABASE
19 CREATED PURSUANT TO SECTION 24-31-303 (1)(r).

20 **SECTION 2.** In Colorado Revised Statutes, **add** 13-21-131 as
21 follows:

22 **13-21-131. Civil action for deprivation of rights - definition.**

23 (1) A PEACE OFFICER EMPLOYED BY A ___ GOVERNMENT WHO, UNDER
24 COLOR OF LAW, SUBJECTS OR CAUSES TO BE SUBJECTED, INCLUDING
25 FAILING TO INTERVENE, ANY OTHER PERSON TO THE DEPRIVATION OF ANY
26 INDIVIDUAL RIGHTS THAT CREATE BINDING OBLIGATIONS ON GOVERNMENT
27 ACTORS SECURED BY THE BILL OF RIGHTS, ARTICLE II OF THE STATE

1 CONSTITUTION, IS LIABLE TO THE INJURED PARTY FOR LEGAL OR
2 EQUITABLE RELIEF OR ANY OTHER APPROPRIATE RELIEF.

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

6 (b) NEITHER QUALIFIED IMMUNITY, NOR A DEFENDANT'S GOOD
7 FAITH BUT ERRONEOUS BELIEF IN THE LAWFULNESS OF HIS OR HER
8 CONDUCT, IS A DEFENSE TO LIABILITY PURSUANT TO THIS SECTION.

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

18 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A
19 POLITICAL SUBDIVISION OF THE STATE SHALL INDEMNIFY ITS PEACE
20 OFFICERS FOR ANY LIABILITY INCURRED BY THE EMPLOYEE AND FOR ANY
21 JUDGMENT OR SETTLEMENT ENTERED AGAINST THE EMPLOYEE FOR CLAIMS
22 ARISING PURSUANT TO THIS SECTION; EXCEPT THAT A PEACE OFFICER WHO
23 DOES NOT HAVE A SUBJECTIVE GOOD-FAITH BASIS THAT THE OFFICER'S
24 ACTIONS WERE LAWFUL AND THAT IT WAS OBJECTIVELY REASONABLE FOR
25 THE PEACE OFFICER TO HAVE THAT BELIEF IS PERSONALLY LIABLE AND
26 SHALL NOT BE INDEMNIFIED BY A PUBLIC ENTITY, INSURANCE CARRIER, OR
27 OTHERWISE FOR FIVE PERCENT OR ONE HUNDRED THOUSAND DOLLARS OF

1 THE JUDGMENT OR SETTLEMENT, WHICHEVER IS LESS. THE POLITICAL
2 SUBDIVISION OF THE STATE SHALL APPROPRIATE THE FIRST TWO HUNDRED
3 THOUSAND DOLLARS OF THE INDEMNIFICATION FROM THE POLITICAL
4 SUBDIVISION'S PUBLIC SAFETY BUDGET, UNLESS THE PUBLIC SAFETY
5 BUDGET IS LESS THAN TWO HUNDRED THOUSAND DOLLARS, IN WHICH CASE
6 AT LEAST TWENTY-FIVE PERCENT OF THE PUBLIC SAFETY BUDGET SHALL
7 BE USED TO INDEMNIFY.

8 **SECTION 3.** In Colorado Revised Statutes, 18-1-707, **amend** (1)
9 introductory portion, (2), (4), and (8)(a); and **repeal** (2.5) and (3) as
10 follows:

11 **18-1-707. Use of physical force in making an arrest or in**
12 **preventing an escape - definitions.** (1) Except as provided in
13 ~~subsections (2) and (2.5)~~ SUBSECTION (2) of this section, a peace officer
14 is justified in using reasonable and appropriate physical force upon
15 another person when and to the extent that ~~he~~ THE PEACE OFFICER
16 reasonably believes it necessary:

17 (2) A peace officer is justified in using deadly physical force upon
18 another person for a purpose specified in subsection (1) of this section
19 only when ~~he~~ THE PEACE OFFICER reasonably believes that it is necessary:

20 (a) To defend himself OR HERSELF or a third person from what ~~he~~
21 THE PEACE OFFICER reasonably believes to be the use or imminent use of
22 deadly physical force; or

23 (b) To effect an arrest, or to prevent the escape from custody, of
24 a person whom ~~he~~ THE PEACE OFFICER reasonably believes:

25 ~~(I) Has committed or attempted to commit a felony involving the~~
26 ~~use or threatened use of a deadly weapon; or~~

27 ~~(H)~~ (I) Is attempting to escape by the use, NOT SIMPLY THE

1 POSSESSION, of a deadly weapon; or
2 ~~(HH) (II) Otherwise indicates, except through a motor vehicle~~
3 ~~violation, that he~~ Is IMMINENTLY likely to endanger human life or to
4 inflict serious bodily injury to another unless apprehended without delay.
5 (2.5) ~~(a) A peace officer is justified in using a chokehold upon~~
6 ~~another person for the purposes specified in subsection (1) of this section~~
7 ~~only when he or she reasonably believes that it is necessary:~~
8 ~~(I) To defend himself or herself or a third person from what he or~~
9 ~~she reasonably believes to be the use or imminent use of deadly physical~~
10 ~~force or infliction of bodily injury; or~~
11 ~~(H) To effect an arrest, or to prevent the escape from custody, of~~
12 ~~a person whom he or she reasonably believes:~~
13 ~~(A) Has committed or attempted to commit a felony involving or~~
14 ~~threatening the use of a deadly weapon; or~~
15 ~~(B) Is attempting to escape by the use of physical force; or~~
16 ~~(C) Indicates, except through a motor vehicle, that he or she is~~
17 ~~likely to endanger human life or to inflict serious bodily injury to another~~
18 ~~unless he or she is apprehended without delay.~~
19 ~~(b) For the purposes of this subsection (2.5), "chokehold" means~~
20 ~~a method by which a person holds another person by putting his or her~~
21 ~~arm around the other person's neck with sufficient pressure to make~~
22 ~~breathing difficult or impossible and includes, but is not limited to, any~~
23 ~~pressure to the throat or windpipe, which may prevent or hinder breathing~~
24 ~~or reduce intake of air.~~
25 (3) ~~Nothing in subsection (2)(b) or subsection (2.5) of this section~~
26 ~~shall be deemed to constitute justification for reckless or criminally~~
27 ~~negligent conduct by a peace officer amounting to an offense against or~~

1 with respect to innocent persons whom he is not seeking to arrest or retain
2 in custody.

3 (4) For purposes of this section, a reasonable belief that a person
4 has committed an offense means a reasonable belief in facts or
5 circumstances that if true would in law constitute an offense. If the
6 believed facts or circumstances would not in law constitute an offense, an
7 erroneous though not unreasonable belief that the law is otherwise does
8 not render justifiable the use of force to make an arrest or to prevent an
9 escape from custody. A peace officer who is effecting an arrest pursuant
10 to a warrant is justified in using the physical force prescribed in
11 subsections (1) ~~(2), and (2.5)~~ OR (2) of this section unless the warrant is
12 invalid and is known by the officer to be invalid.

13 (8) A guard or peace officer employed in a detention facility is
14 justified:

15 (a) In using deadly physical force when he OR SHE reasonably
16 believes it ~~necessary to prevent the escape of a prisoner convicted of,~~
17 ~~charged with, or held for a felony or confined under the maximum~~
18 ~~security rules of any detention facility as such facility is defined in~~
19 ~~subsection (9) of this section~~ IS NECESSARY TO PREVENT IMMINENTLY
20 LIKELY ENDANGERMENT OF HUMAN LIFE OR INFLICTION OF SERIOUS
21 BODILY INJURY TO ANOTHER;

22 **SECTION 4.** In Colorado Revised Statutes, 24-31-303, **amend**
23 (1)(l), (1)(p), and (1)(q); and **add** (1)(r) as follows:

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

26 (l) To promulgate rules deemed necessary by the board concerning
27 annual in-service training requirements for certified peace officers,

1 including but not limited to evaluation of the training program and
2 processes to ensure substantial compliance by law enforcement agencies,
3 ~~and~~ departments, AND INDIVIDUAL PEACE OFFICERS;

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

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

9 (r) TO CREATE AND MAINTAIN A DATABASE CONTAINING
10 INFORMATION RELATED TO A PEACE OFFICER'S:

11 (I) UNTRUTHFULNESS;

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

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

15 (IV) TERMINATION FOR CAUSE.

16 **SECTION 5.** In Colorado Revised Statutes, **add** 24-31-111 as
17 follows:

18 **24-31-111. Public integrity - patterns and practices.** IT IS
19 UNLAWFUL FOR ANY GOVERNMENTAL AUTHORITY, OR ANY AGENT
20 THEREOF, OR ANY PERSON ACTING ON BEHALF OF A GOVERNMENTAL
21 AUTHORITY, TO ENGAGE IN A PATTERN OR PRACTICE OF CONDUCT BY
22 PEACE OFFICERS OR BY OFFICIALS OR EMPLOYEES OF ANY GOVERNMENTAL
23 AGENCY THAT DEPRIVES PERSONS OF RIGHTS, PRIVILEGES, OR IMMUNITIES
24 SECURED OR PROTECTED BY THE CONSTITUTION OR LAWS OF THE UNITED
25 STATES OR THE STATE OF COLORADO. WHENEVER THE ATTORNEY
26 GENERAL HAS REASONABLE CAUSE TO BELIEVE THAT A VIOLATION OF THIS
27 SECTION HAS OCCURRED, THE ATTORNEY GENERAL, FOR OR IN THE NAME

1 OF THE STATE OF COLORADO, MAY IN A CIVIL ACTION OBTAIN ANY AND
2 ALL APPROPRIATE RELIEF TO ELIMINATE THE PATTERN OR PRACTICE.

3 **SECTION 6.** In Colorado Revised Statutes, 24-31-305, **add** (2.7)
4 as follows:

5 **24-31-305. Certification - issuance - renewal - revocation -**
6 **rules - definition.** (2.7) THE P.O.S.T. BOARD MAY REVOKE THE
7 CERTIFICATION OF A PEACE OFFICER WHO FAILS TO SATISFACTORILY
8 COMPLETE PEACE OFFICER TRAINING REQUIRED BY THE P.O.S.T. BOARD.

9 **SECTION 7.** In Colorado Revised Statutes, 24-31-309, **amend**
10 (4)(a); and **add** (3.5) as follows:

11 **24-31-309. Profiling - officer identification - training.** (3.5) A
12 PEACE OFFICER SHALL HAVE AN OBJECTIVE JUSTIFICATION FOR MAKING A
13 STOP. AFTER MAKING A STOP, A PEACE OFFICER SHALL REPORT TO THE
14 PEACE OFFICER'S EMPLOYING AGENCY:

15 (a) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE PERSON
16 STOPPED BASED ON THE OBSERVATION AND PERCEPTION OF THE PEACE
17 OFFICER MAKING THE STOP AND OTHER AVAILABLE DATA;

18 (b) WHETHER THE STOP WAS A TRAFFIC STOP;

19 (c) THE TIME, DATE, AND LOCATION OF THE STOP;

20 (d) THE DURATION OF THE STOP;

21 (e) THE REASON FOR THE STOP;

22 (f) THE SUSPECTED CRIME;

23 (g) THE RESULT OF THE STOP, SUCH AS:

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

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

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

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

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

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

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

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

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 STOP. The identity of the reporting person and the report
24 of any such comments that ~~constitutes~~ CONSTITUTE a complaint ~~shall~~
25 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.

6 **SECTION 8.** In Colorado Revised Statutes, 24-33.5-503, **amend**
7 (1)(z) and (1)(aa); and **add** (1)(bb) as follows:

8 **24-33.5-503. Duties of division.** (1) The division has the
9 following duties:

10 (z) To provide training on the Colorado risk assessment scale and
11 the administrative release guideline instrument as required by section
12 17-22.5-404 (2)(c); ~~C.R.S.~~; and

13 (aa) To receive the information reported to the division by law
14 enforcement agencies pursuant to section 22-32-146, ~~C.R.S.~~; and by
15 district attorneys pursuant to section 20-1-113, ~~C.R.S.~~; and provide the
16 information, as submitted to the division, to any member of the public
17 upon request, in a manner that does not include any identifying
18 information regarding any student. If the division provides the
19 information to a member of the public upon request pursuant to this
20 ~~paragraph (aa)~~ SUBSECTION (1)(aa), the division may charge a fee to the
21 person, which fee shall not exceed the direct and indirect costs incurred
22 by the division in providing the information; AND

23 (bb) TO CONDUCT, IN COORDINATION WITH THE P.O.S.T. BOARD,
24 A POST-INVESTIGATION EVALUATION OF ALL PEACE-OFFICER-INVOLVED
25 DEATHS TO DETERMINE AND PROPOSE IMPROVEMENTS AND ALTERATIONS
26 TO TRAINING OF PEACE OFFICERS TO GUIDE FUTURE OFFICER BEHAVIOR.

27 **SECTION 9. Effective date.** This act takes effect upon passage;

1 except that section 24-31-902, Colorado Revised Statutes, as enacted in
2 section 1 of this act, takes effect July 1, 2021.

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