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  

HOUSE SPONSORSHIP  

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Senate Committees  
State, Veterans, & Military Affairs  
Appropriations  

House Committees  

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A BILL FOR AN ACT  
CONCERNING MEASURES TO ENHANCE LAW ENFORCEMENT INTEGRITY.  

Bill Summary  

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)  

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

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

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

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

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

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

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

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

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

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

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

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

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 section, unless the context otherwise requires:

(1) "Demographic information" means race, national origin, sex, age, sexual orientation, gender identity, disability status, mental health status, housing status, and veteran status.

(2) "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 and any noncertified deputy sheriff as described in section 16-2.5-103 (2).

(3) "Serious bodily injury" has the same meaning as in section 18-1-901 (3)(p).

24-31-902. Incident recordings - release - tampering - fine.
(1) (a) (I) By July 1, 2021, all law enforcement agencies in the state shall provide body-worn cameras for each member of the law enforcement agency who interacts with members of the public. Law enforcement agencies may seek funding pursuant to Section 24-33.5-519.

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

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

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

(2) For all incidents in which there is an allegation of peace officer misconduct, all unedited video and audio recordings of the incident, including those from body-worn cameras, dash cameras, or otherwise collected through investigation, must be released to the public within fourteen days after the incident. All video and audio recordings depicting a death must be provided to the decedent's family at least twenty-four hours prior to public disclosure.
NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IN THE EVENT THAT THE VIDEO DEPICTS NUDITY OR OTHER HIGHLY PERSONAL CIRCUMSTANCES, THE DEPARTMENT SHALL GIVE A CIVILIAN VICTIM THE OPPORTUNITY TO HAVE INPUT ON APPROPRIATE REDACTIONS.

24-31-903. Division of criminal justice report. (1) BEGINNING JULY 1, 2021, 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 ATTORNEY GENERAL 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) EACH LAW ENFORCEMENT AGENCY THAT EMPLOYS PEACE OFFICERS SHALL REPORT TO THE ATTORNEY GENERAL:

(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 SUBJECT BASED ON THE OBSERVATION AND PERCEPTION OF THE PEACE OFFICER 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;


(V) WHETHER THE PEACE OFFICER WAS ON DUTY AT THE TIME OF THE USE OF FORCE;
(VI) WHETHER THE USE OF FORCE RESULTED IN A LAW ENFORCEMENT AGENCY INVESTIGATION AND THE RESULT OF THE INVESTIGATION; AND

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

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

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

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

(II) WHETHER THE STOP WAS A TRAFFIC STOP;

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

(IV) THE DURATION OF THE STOP;

(V) THE REASON FOR THE STOP;

(VI) THE SUSPECTED CRIME;

(VII) THE RESULT OF THE STOP, 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 STOP WAS A TRAFFIC STOP, THE INFORMATION COLLECTED, WHICH IS LIMITED TO THE DRIVER;

(VIII) THE ACTIONS TAKEN BY THE PEACE OFFICER DURING THE STOP, INCLUDING BUT NOT LIMITED TO WHETHER:
(A) The peace officer asked for consent to search the person, and, if so, whether consent was provided;

(B) The peace officer searched the person or any property, and, if so, the basis for the search and the type of contraband or evidence discovered, if any; and

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

(d) All instances of unannounced entry as described in section 16-3-313, including:

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

(II) The perceived demographic information of the subject of the unannounced entry based on the observation and perception of the peace officer and other available data and the name of the peace officer.

(3) 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 stopped, 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) **Any** 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.** Terminate peace officer employment after conviction. Notwithstanding any provision of law, 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, or is found civilly liable for using excessive force for any conduct described in this section, 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 P.O.S.T. board shall record each decertified peace officer in the database created pursuant to section 24-31-303 (1)(r).

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

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

(1) A peace officer employed by a ___ government who, under color of law, subjects or causes to be subjected, including failing to intervene, any other person to the deprivation of any individual rights that create binding obligations on government actors secured by the Bill of Rights, Article II of the State
CONSTITUTION, IS LIABLE TO THE INJURED PARTY FOR LEGAL OR
EQUITABLE RELIEF OR ANY OTHER APPROPRIATE RELIEF.

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

(b) NEITHER QUALIFIED IMMUNITY, NOR A DEFENDANT'S GOOD
FAITH BUT ERRONEOUS BELIEF IN THE LAWFULNESS OF HIS OR HER
CONDUCT, IS 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 PREVAILING IF THE PLAINTIFF'S SUIT IS 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
POLITICAL SUBDIVISION OF THE STATE SHALL INDEMNIFY ITS PEACE
OFFICERS FOR ANY LIABILITY INCURRED BY THE EMPLOYEE AND FOR ANY
JUDGMENT OR SETTLEMENT ENTERED AGAINST THE EMPLOYEE FOR CLAIMS
ARISING PURSUANT TO THIS SECTION; EXCEPT THAT A PEACE OFFICER WHO
DOES NOT HAVE A SUBJECTIVE GOOD-FAITH BASIS THAT THE OFFICER'S
ACTIONS WERE LAWFUL AND THAT IT WAS OBJECTIVELY REASONABLE FOR
THE PEACE OFFICER TO HAVE THAT BELIEF IS PERSONALLY LIABLE AND
SHALL NOT BE INDEMNIFIED BY A PUBLIC ENTITY, INSURANCE CARRIER, OR
OTHERWISE FOR FIVE PERCENT OR ONE HUNDRED THOUSAND DOLLARS OF
THE JUDGMENT OR SETTLEMENT, WHICHEVER IS LESS. THE POLITICAL
SUBDIVISION OF THE STATE SHALL APPROPRIATE THE FIRST TWO HUNDRED
THOUSAND DOLLARS OF THE INDEMNIFICATION FROM THE POLITICAL
SUBDIVISION'S PUBLIC SAFETY BUDGET, UNLESS THE PUBLIC SAFETY
BUDGET IS LESS THAN TWO HUNDRED THOUSAND DOLLARS, IN WHICH CASE
AT LEAST TWENTY-FIVE PERCENT OF THE PUBLIC SAFETY BUDGET SHALL
BE USED TO INDEMNIFY.

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

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

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

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

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

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

(II) (I) Is attempting to escape by the use, NOT SIMPLY THE
POSSESSION, of a deadly weapon; or

(II) Otherwise indicates, except through a motor vehicle violation, that he is imminently likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay.

(2.5) (a) A peace officer is justified in using a chokehold upon another person for the purposes specified in subsection (1) of this section only when he or she reasonably believes that it is necessary:

(I) To defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of deadly physical force or infliction of bodily injury; or

(II) To effect an arrest, or to prevent the escape from custody, of a person whom he or she reasonably believes:

(A) Has committed or attempted to commit a felony involving or threatening the use of a deadly weapon; or

(B) Is attempting to escape by the use of physical force; or

(C) Indicates, except through a motor vehicle, that he or she is likely to endanger human life or to inflict serious bodily injury to another unless he or she is apprehended without delay.

(b) For the purposes of this subsection (2.5), "chokehold" means a method by which a person holds another person by putting his or her arm around the other person's neck with sufficient pressure to make breathing difficult or impossible and includes, but is not limited to, any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air.

(3) Nothing in subsection (2)(b) or subsection (2.5) of this section shall be deemed to constitute justification for reckless or criminally negligent conduct by a peace officer amounting to an offense against or
with respect to innocent persons whom he is not seeking to arrest or retain in custody.

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

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

(a) In using deadly physical force when he or she reasonably believes it necessary to prevent the escape of a prisoner convicted of, charged with, or held for a felony or confined under the maximum security rules of any detention facility as such facility is defined in subsection (9) of this section is necessary to prevent imminently likely endangerment of human life or infliction of serious bodily injury to another;

SECTION 4. 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) 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 5. 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.

SECTION 6. 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.

SECTION 7. 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 an objective justification for making a
stop. After making a stop, a peace officer shall report to the
peace officer's employing agency:

(a) The perceived demographic information of the person
stopped based on the observation and perception of the peace
officer making the stop and other available data;

(b) Whether the stop was a traffic stop;

(c) The time, date, and location of the stop;

(d) The duration of the stop;

(e) The reason for the stop;

(f) The suspected crime;

(g) The result of the stop, 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 stop was a traffic stop, the information collected, which is limited to the driver;

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

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

(II) The peace officer searched the person or any property, and, if so, the basis for the search and the type of contraband or evidence discovered, if any; and

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

(4) (a) A peace officer certified pursuant to this part 3 shall provide, without being asked, his or her 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 stop. The identity of the reporting person and the report of any such comments that constitutes 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 THE COMPLAINANT’S identity, the complainant shall do so or, at the option of the receiving law enforcement agency, the complaint may be dismissed.

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

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

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

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

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

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

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