

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 21-0775.01 Michael Dohr x4347

**HOUSE BILL 21-1250**

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**HOUSE SPONSORSHIP**

**Herod and Gonzales-Gutierrez,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING MEASURES TO ADDRESS LAW ENFORCEMENT**  
102                    **ACCOUNTABILITY, AND, IN CONNECTION THEREWITH, MAKING**  
103                    **AN APPROPRIATION.**

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**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 makes changes to the provisions of Senate Bill 20-217, enacted in 2020, (SB 217) to provide clarity and address issues discovered since the passage of the bill. SB 217 used the term "exonerated", but never defined it; the bill defines "exonerated". The bill clarifies some of the circumstances when a body-worn camera must be

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.*

HOUSE  
Amended 2nd Reading  
May 17, 2021

operating and provisions related to the release of the footage. The bill requires an officer to comply with the body-worn camera requirements if the officer is wearing a body camera, even though the requirement for all officers to wear a body camera does not take effect until July 1, 2023.

SB 217 required law enforcement to report certain information related to each contact an officer has with a person beginning January 1, 2023. The bill changes the start date of the reporting requirement to January 1, 2022. The bill expands the definition of "contact" to include welfare checks. The bill clarifies and adds to some of the information that must be reported.

SB 217 required the peace officers standards and training (P.O.S.T.) board to permanently decertify a peace officer if the officer failed to intervene and serious bodily injury or death occurred. The bill changes the penalty to a suspension of the officer's certification for one year.

Under current law, there is a civil action that permits suit against employers of local law enforcement officers for misconduct. The bill permits the Colorado state patrol to also be sued via that civil action. The bill also requires the employer to conduct an investigation of an officer prior to determining if the officer acted in good faith.

If a person believes that a law enforcement agency has violated the investigation requirement, the person must submit a complaint to the P.O.S.T. board, which shall refer the complaint to an administrative law judge to determine whether a violation occurred. The administrative law judge shall notify the P.O.S.T. board chair of a finding that a violation occurred. If a violation is found, the P.O.S.T. board shall not provide P.O.S.T. cash fund money to the employer for one full year from the date of the finding.

The bill requires a peace officer to use de-escalation techniques prior to the use of physical force and requires the use of physical force to be objectively reasonable.

The bill requires that prior to hiring a new employee, appointing a new employee, or transferring an existing employee to a position requiring P.O.S.T. certification, a law enforcement agency shall determine if the person has a record contained in the P.O.S.T. misconduct database. If the person is listed in the database and the law enforcement agency proceeds to employ the person in a position requiring P.O.S.T. certification, the agency shall notify the P.O.S.T. board of the hire, appointment, or transfer.

The bill clarifies and adds to some of the information required to be included in the P.O.S.T. board database related to peace officer misconduct.

1           **SECTION 1.** In Colorado Revised Statutes, 24-31-901, **amend**  
2 (1); and **add** (2.5), (4.5), and (7) as follows:

3           **24-31-901. Definitions.** As used in this part 9, unless the context  
4 otherwise requires:

5           (1) ~~"Contacts"~~ "CONTACT" means an IN-PERSON interaction with  
6 an individual, whether or not the person is in a motor vehicle, initiated by  
7 a peace officer, whether consensual or nonconsensual, for the purpose of  
8 enforcing the law, ~~or~~ investigating possible violations of the law,  
9 ~~"Contacts" do~~ OR CONDUCTING WELFARE CHECKS. "CONTACT" DOES not  
10 include routine interactions with the public at the point of entry or exit  
11 from a controlled area.

12           (2.5) "EXONERATED" MEANS A NOT GUILTY VERDICT IN A  
13 CRIMINAL PROSECUTION, A FINDING OF NO LIABILITY IN A CIVIL ACTION, A  
14 FINDING OF NO CULPABILITY OR NO LIABILITY IN AN ADMINISTRATIVE  
15 PROCEEDING, OR BEING CLEARED BY AN INTERNAL INVESTIGATION;  
16 EXCEPT THAT A FINDING OF NO CULPABILITY OR NO LIABILITY IN AN  
17 ADMINISTRATIVE PROCEEDING OR BEING CLEARED BY AN INTERNAL  
18 INVESTIGATION DOES NOT MEAN "EXONERATED" IF THE OFFICER IS FOUND  
19 GUILTY IN A SUBSEQUENT CRIMINAL PROSECUTION FOR THE SAME  
20 CONDUCT OR FOUND LIABLE FOR THE SAME CONDUCT IN A CIVIL ACTION.

21           (4.5) "P.O.S.T. BOARD" MEANS THE PEACE OFFICERS STANDARDS  
22 AND TRAINING BOARD CREATED IN SECTION 24-31-302.

23           (7) "WEAPON" MEANS A FIREARM, LONG GUN, TASER, BATON, NUN  
24 CHUCKS, OR PROJECTILE.

25           **SECTION 2.** In Colorado Revised Statutes, 24-31-902, **amend**  
26 **as they will become effective July 1, 2023,** (1)(a)(I), (1)(a)(II)(A),  
27 (1)(a)(II)(B), (1)(a)(II)(D), (1)(a)(III), (1)(a)(IV)(B), (1)(a)(IV)(C), (2)(a),

1 (2)(b)(II)(A), (2)(b)(II)(B), (2)(b)(II)(C), and (2)(c); and **add** (3) as  
2 follows:

3 **24-31-902. Incident recordings - release - tampering - fine.**

4 (1) (a) (I) By ~~July 1, 2023~~ JULY 1, 2022, all local law enforcement  
5 agencies in the state and the Colorado state patrol shall provide  
6 body-worn cameras for each peace officer of the law enforcement agency  
7 who interacts with members of the public. Law enforcement agencies  
8 may seek funding pursuant to section 24-33.5-519.

9 (II) (A) Except as provided in subsection (1)(a)(II)(B) or  
10 (1)(a)(II)(C) of this section, a peace officer shall wear and activate a  
11 body-worn camera or dash camera, if the peace officer's vehicle is  
12 equipped with a dash camera, when responding to a call for service,  
13 ENTERING INTO A PREMISES FOR THE PURPOSES OF ENFORCING THE LAW OR  
14 IN RESPONSE TO A CALL FOR SERVICE, or during any interaction with the  
15 public initiated by the peace officer, whether consensual or  
16 nonconsensual, for the purpose of enforcing the law or investigating  
17 possible violations of the law. THE BODY-WORN CAMERA OR DASH  
18 CAMERA DOES NOT NEED TO BE ON WHEN EN ROUTE TO A CALL FOR  
19 SERVICE, BUT SHOULD BE TURNED ON SHORTLY BEFORE THE VEHICLE  
20 APPROACHES THE SCENE.

21 (B) A peace officer may turn off a body-worn camera to avoid  
22 recording personal information that is not case related; when working on  
23 an unrelated assignment; when there is a long break in the incident; ~~or~~  
24 ~~contact that is not related to the initial incident;~~ and in administrative,  
25 tactical, and management discussions WHEN CIVILIANS ARE NOT PRESENT.

26 (D) The provisions of this subsection (1)(a)(II) do not apply to jail  
27 peace officers or staff of a local law enforcement agency ~~if the~~ WORKING

1 IN ANY PLACE IN THE jail THAT has FUNCTIONING video cameras; except  
2 that this subsection (1)(a)(II) applies to jail peace officers when  
3 performing a task that requires an anticipated use of force, including cell  
4 extractions and restraint chairs. The provisions of this subsection  
5 (1)(a)(II) also do not apply to the civilian or administrative staff of the  
6 Colorado state patrol or a local law enforcement agency, the executive  
7 detail of the Colorado state patrol, and peace officers working in a  
8 courtroom.

9 (III) If a peace officer fails to activate a body-worn camera or  
10 dash camera as required by this section or tampers with body-worn- or  
11 dash-camera footage or operation when required to activate the camera,  
12 there is a permissive inference in any investigation or legal proceeding,  
13 excluding criminal proceedings against the peace officer, that the missing  
14 footage would have reflected misconduct by the peace officer. If a peace  
15 officer fails to activate or reactivate his or her body-worn camera as  
16 required by this section or tampers with body-worn- or dash-camera  
17 footage or operation when required to activate the camera, any statements  
18 OR CONDUCT sought to be introduced in a prosecution through the peace  
19 officer related to the incident that were not recorded due to the peace  
20 officer's failure to activate or reactivate the body-worn camera as required  
21 by this section or if the statement OR CONDUCT was not recorded by other  
22 means creates a rebuttable presumption of inadmissibility.  
23 Notwithstanding any other provision of law, this subsection (1)(a)(III)  
24 does not apply if the body-worn camera was not activated due to a  
25 malfunction of the body-worn camera and the peace officer was not  
26 aware of the malfunction, or was unable to rectify it, prior to the incident,  
27 provided that the law enforcement agency's documentation shows the

1 peace officer checked the functionality of the body-worn camera at the  
2 beginning of his or her shift.

3 (IV) (B) In addition to any criminal liability and penalty under the  
4 law, if a court, administrative law judge, hearing officer, or a final  
5 decision in an internal investigation finds that a peace officer intentionally  
6 failed to activate a body-worn camera or dash camera or tampered with  
7 any body-worn or dash camera, except as permitted in this section, with  
8 the intent to conceal unlawful or inappropriate actions or obstruct justice,  
9 the P.O.S.T. board shall suspend the peace officer's certification for a  
10 period of not less than one year and the suspension may only be lifted  
11 within the period of the suspension if the peace officer is exonerated by  
12 a court, ADMINISTRATIVE LAW JUDGE, OR INTERNAL AFFAIRS  
13 INVESTIGATION.

14 (C) In addition to any criminal liability and penalty under the law,  
15 if a court, administrative law judge, hearing officer, or a final decision in  
16 an internal investigation finds that a peace officer intentionally failed to  
17 activate a body-worn camera or dash camera or tampered with any  
18 body-worn or dash camera, except as permitted in this section, with the  
19 intent to conceal unlawful or inappropriate actions, or obstruct justice, in  
20 an incident resulting in a civilian death OR SERIOUS BODILY INJURY, the  
21 P.O.S.T. board shall permanently revoke the peace officer's certification  
22 and the revocation may only be overturned if the peace officer is  
23 exonerated by a court, ADMINISTRATIVE LAW JUDGE, OR INTERNAL  
24 AFFAIRS INVESTIGATION.

25 (2) (a) For all incidents in which there is a complaint of peace  
26 officer misconduct by another peace officer, a civilian, or nonprofit  
27 organization, through notice to the law enforcement agency involved in

1 the alleged misconduct, the local law enforcement agency or the Colorado  
2 state patrol shall release, UPON REQUEST, all unedited video and audio  
3 recordings of the incident, including those from body-worn cameras, dash  
4 cameras, or otherwise collected through investigation, to the public within  
5 twenty-one days after the local law enforcement agency or the Colorado  
6 state patrol received the ~~complaint of misconduct~~ REQUEST FOR RELEASE  
7 OF THE VIDEO OR AUDIO RECORDINGS.

8 (b) (II) (A) Notwithstanding any other provision of this section,  
9 any video that raises substantial privacy concerns for criminal defendants,  
10 victims, witnesses, juveniles, or informants, including video depicting  
11 nudity; a sexual assault; a medical emergency; private medical  
12 information; a mental health crisis; a victim interview; a minor, including  
13 any images or information that might undermine the requirement to keep  
14 certain juvenile records confidential; any personal information other than  
15 the name of any person not arrested, cited, charged, or issued a written  
16 warning, including a government-issued identification number, date of  
17 birth, address, or financial information; significantly explicit and  
18 gruesome bodily injury, unless the injury was caused by a peace officer;  
19 or the interior of a home or treatment facility, shall be ~~redacted~~ or blurred  
20 to protect the substantial privacy interest while still allowing public  
21 release. ~~Unredacted~~ UNBLURRED footage shall not be released without the  
22 written authorization of the victim or, if the victim is deceased or  
23 incapacitated, the written authorization of the victim's next of kin. A  
24 person seventeen years of age and under is considered incapacitated,  
25 unless legally emancipated. THIS SUBSECTION (2)(b)(II)(A) DOES NOT  
26 PERMIT THE REMOVAL OF ANY PORTION OF THE VIDEO.

27 (B) If ~~redaction~~ or blurring is insufficient to protect the substantial

1 privacy interest, the local law enforcement agency or the Colorado state  
2 patrol shall, upon request, release the video to the victim or, if the victim  
3 is deceased or incapacitated, to the victim's spouse, parent, legal guardian,  
4 child, sibling, grandparent, grandchild, significant other, or other lawful  
5 representative within twenty days after receipt of the complaint of  
6 misconduct. In cases in which the recording is not released to the public  
7 pursuant to this subsection (2)(b)(II)(B), the local law enforcement  
8 agency shall notify the person whose privacy interest is implicated, if  
9 contact information is known, within twenty days after receipt of the  
10 complaint of misconduct, and inform the person of his or her right to  
11 waive the privacy interest.

12 (C) A witness, victim, or criminal defendant may waive in writing  
13 the individual privacy interest that may be implicated by public release.  
14 Upon receipt of a written waiver of the applicable privacy interest,  
15 accompanied by a request for release, the law enforcement agency may  
16 not redact or withhold release to protect that privacy interest. ~~The hearing~~  
17 ~~shall be considered a critical stage pursuant to section 24-4.1-302 and~~  
18 ~~gives victims the right to be heard pursuant to 24-4.1-302.5.~~

19 (c) If criminal charges have been filed against any party to the  
20 incident, that party must file any constitutional objection to release of the  
21 recording in the pending criminal case before the twenty-one-day period  
22 expires. Only in cases in which there is a pending criminal investigation  
23 or prosecution of a party to the incident, the twenty-one-day period shall  
24 begin from the date of appointment of counsel, the filing of an entry of  
25 appearance by counsel, or the election to proceed pro se by the defendant,  
26 RECEIPT OF THE CRIMINAL COMPLAINT, AND THE DEFENDANT'S RECEIPT OF  
27 THE VIDEO IN DISCOVERY in the criminal prosecution made on the record



1 before a judge. If the defendant elects to proceed pro se in the criminal  
2 case, the court shall advise the defendant of the twenty-one-day deadline  
3 for the defendant to file any constitutional objection to release of the  
4 recording in the pending criminal case as part of the court's advisement.  
5 The court shall hold a hearing on any objection no later than seven days  
6 after it is filed and issue a ruling no later than three days after the hearing.  
7 THE HEARING IS CONSIDERED A CRITICAL STAGE AS DEFINED IN SECTION  
8 24-4.1-302 AND GIVES VICTIMS THE RIGHT TO BE HEARD PURSUANT TO  
9 SECTION 24-4.1-302.5.

10 (3) SUBSECTIONS (1)(a)(III) AND (2) OF THIS SECTION APPLY ON  
11 AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (3) WHEN A PEACE  
12 OFFICER IS WEARING A BODY-WORN CAMERA OR THE OFFICER'S VEHICLE  
13 IS EQUIPPED WITH A DASH CAMERA AND REMAINING PORTIONS OF THIS  
14 SECTION APPLY ON AND AFTER JULY 1, 2022. THIS SECTION DOES NOT  
15 REQUIRE A LAW ENFORCEMENT AGENCY TO PROVIDE ITS LAW  
16 ENFORCEMENT OFFICERS BODY-WORN CAMERAS PRIOR TO JULY 1, 2022.

17 **SECTION 3.** In Colorado Revised Statutes, 24-31-903, **amend**  
18 (2) introductory portion, (2)(a) introductory portion, (2)(a)(VI),  
19 (2)(a)(VII), (2)(a)(VIII), (2)(a)(IX), (2)(c) introductory portion,  
20 (2)(c)(VIII)(B), (2)(c)(VIII)(D), (2)(c)(VIII)(E), (2)(d)(III), and  
21 (2)(d)(IV); and **add** (2)(a)(X), (2)(a)(XI), and (2)(e) as follows:

22 **24-31-903. Division of criminal justice report.** (2) Beginning  
23 ~~January 1, 2023~~ JANUARY 1, 2022, the Colorado state patrol and each  
24 local law enforcement agency that employs peace officers shall report to  
25 the division of criminal justice THE FOLLOWING USING DATA-COLLECTION  
26 METHODS DEVELOPED FOR THIS PURPOSE BY THE DIVISION OF CRIMINAL  
27 JUSTICE IN CONJUNCTION WITH THE COLORADO BUREAU OF INVESTIGATION

1 AND LOCAL LAW ENFORCEMENT AGENCIES:

2 (a) All use of force by its peace officers that results in death or  
3 serious bodily injury OR THAT INVOLVES THE USE OF A WEAPON, including:

4 (VI) Whether a peace officer unholstered OR BRANDISHED a  
5 weapon during the incident, AND, IF SO, THE TYPE OF WEAPON;

6 (VII) Whether a peace officer discharged a ~~firearm~~ WEAPON  
7 during the incident;

8 (VIII) Whether the use of force resulted in a law enforcement  
9 agency investigation and the result of the investigation; and

10 (IX) Whether the use of force resulted in a ~~citizen~~ CIVILIAN  
11 complaint and the resolution of that complaint;

12 (X) WHETHER AN AMBULANCE WAS CALLED TO THE SCENE AND  
13 WHETHER A PERSON WAS TRANSPORTED TO A HOSPITAL FROM THE SCENE  
14 WHETHER IN AN AMBULANCE OR OTHER TRANSPORTATION; AND

15 (XI) WHETHER THE PERSON CONTACTED EXHIBITED A WEAPON  
16 DURING THE INTERACTION LEADING UP TO THE INJURY OR DEATH, AND, IF  
17 SO, THE TYPE OF WEAPON AND WHETHER IT WAS DISCOVERED BEFORE OR  
18 AFTER THE USE OF FORCE;

19 (c) All data relating to contacts, EXCEPT FOR CONTACTS BY A  
20 PEACE OFFICER WHO IS WORKING UNDERCOVER OR CONTACTS THAT  
21 INVOLVE INTERACTIONS IN A JAIL, AND ENTRIES INTO A RESIDENCE,  
22 INCLUDING A FORCIBLE ENTRY, conducted by its peace officers, including:

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

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

1 (D) A peace officer unholstered OR BRANDISHED a weapon during  
2 the contact, AND, IF SO, THE TYPE OF WEAPON; and

3 (E) A peace officer discharged a ~~firearm~~ WEAPON during the  
4 contact;

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

7 (III) Whether a peace officer unholstered OR BRANDISHED a  
8 weapon during the unannounced entry, AND, IF SO, THE TYPE OF WEAPON;  
9 and

10 (IV) Whether a peace officer discharged a ~~firearm~~ WEAPON during  
11 the unannounced entry.

12 (e) THE NUMBER OF OFFICER-INVOLVED CIVILIAN DEATHS.

13 **SECTION 4.** In Colorado Revised Statutes, **amend** 24-31-904 as  
14 follows:

15 **24-31-904. Peace officer certification discipline.**

16 (1)(a) Notwithstanding any provision of law, THE P.O.S.T. BOARD SHALL  
17 PERMANENTLY REVOKE A PEACE OFFICER'S CERTIFICATION if: ~~any peace~~  
18 ~~officer is~~

19 (I) THE P.O.S.T. CERTIFIED PEACE OFFICER IS convicted of or  
20 pleads guilty or nolo contendere to a crime involving the unlawful use ~~or~~  
21 ~~threatened use~~ of physical force OR a crime involving the failure to  
22 intervene in the use of unlawful force ~~or~~ AND THE INCIDENT RESULTED IN  
23 SERIOUS BODILY INJURY OR DEATH TO ANOTHER PERSON:

24 (II) THE P.O.S.T. CERTIFIED PEACE OFFICER is found civilly liable  
25 for the use of unlawful physical force, or is found civilly liable for failure  
26 to intervene in the use of unlawful force ~~the P.O.S.T. board shall~~  
27 ~~permanently revoke the peace officer's certification~~ AND THE INCIDENT

1 RESULTED IN SERIOUS BODILY INJURY OR DEATH TO ANOTHER PERSON; OR  
2 (III) AN ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR  
3 INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER USED UNLAWFUL  
4 PHYSICAL FORCE, FAILED TO INTERVENE, OR VIOLATED SECTION 18-1-707,  
5 AND THE INCIDENT RESULTED IN SERIOUS BODILY INJURY OR DEATH TO  
6 ANOTHER PERSON.

7 (b) The P.O.S.T. board shall not, under any circumstances,  
8 reinstate the peace officer's certification or grant new certification to the  
9 peace officer unless the peace officer is exonerated by a AN  
10 ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR court. The P.O.S.T.  
11 board shall record each ~~decertified~~ peace officer WHOSE CERTIFICATION  
12 IS REVOKED PURSUANT TO THIS SECTION in the database created pursuant  
13 to section 24-31-303 (1)(r).

14 (2) (a) NOTWITHSTANDING ANY PROVISION OF LAW, THE P.O.S.T.  
15 BOARD SHALL SUSPEND A PEACE OFFICER'S CERTIFICATION FOR AT LEAST  
16 A YEAR IF:

17 (I) THE P.O.S.T. CERTIFIED PEACE OFFICER IS CONVICTED OF OR  
18 PLEADS GUILTY OR NOLO CONTENDERE TO A CRIME INVOLVING THE  
19 UNLAWFUL USE OR THREATENED USE OF PHYSICAL FORCE OR A CRIME  
20 INVOLVING THE FAILURE TO INTERVENE IN THE USE OF UNLAWFUL FORCE  
21 AND THE INCIDENT DID NOT RESULT IN SERIOUS BODILY INJURY OR DEATH  
22 TO ANOTHER PERSON;

23 (II) THE P.O.S.T. CERTIFIED PEACE OFFICER IS FOUND CIVILLY  
24 LIABLE FOR THE USE OR THREATENED USE OF UNLAWFUL PHYSICAL FORCE,  
25 OR IS FOUND CIVILLY LIABLE FOR FAILURE TO INTERVENE IN THE USE OF  
26 UNLAWFUL FORCE AND THE INCIDENT DID NOT RESULT IN SERIOUS BODILY  
27 INJURY OR DEATH TO ANOTHER PERSON; OR

1 (III) AN ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR  
2 INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER USED OR  
3 THREATENED TO USE UNLAWFUL PHYSICAL FORCE, FAILED TO INTERVENE,  
4 OR VIOLATED SECTION 18-1-707, AND THE INCIDENT DID NOT RESULT IN  
5 SERIOUS BODILY INJURY OR DEATH TO ANOTHER PERSON.

6 (b) THE P.O.S.T. BOARD SHALL REINSTATE THE PEACE OFFICER'S  
7 CERTIFICATION IF THE PEACE OFFICER IS EXONERATED BY AN  
8 ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR COURT.

9 (3) NOTWITHSTANDING THIS SECTION, THE P.O.S.T. BOARD SHALL  
10 NOT SUSPEND OR REVOKE A PEACE OFFICER'S CERTIFICATION BASED ON A  
11 FINAL DECISION OF AN INTERNAL INVESTIGATION UNLESS AND UNTIL  
12 SUBSECTIONS (3)(a) AND (3)(b) OF THIS SECTION ARE COMPLIED WITH, NO  
13 LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE DATE THE LAW  
14 ENFORCEMENT AGENCY REPORTS AN INCIDENT TO THE P.O.S.T. BOARD:

15 (a) THE LAW ENFORCEMENT AGENCY THAT EMPLOYS OR  
16 EMPLOYED THE PEACE OFFICER SHALL NOTIFY THE P.O.S.T. BOARD UPON  
17 ANY SUSTAINED FINDINGS OF SUBSECTION (1)(a)(III) OR (2)(a)(III) OF THIS  
18 SECTION, IN A MANNER DESIGNATED BY THE P.O.S.T. BOARD. UPON  
19 RECEIPT OF THE NOTIFICATION, THE P.O.S.T. BOARD SHALL NOTIFY THE  
20 CERTIFICATE HOLDER OF THE CERTIFICATE HOLDER'S RIGHT TO REQUEST  
21 A HEARING. UPON REQUEST OF THE P.O.S.T. BOARD, THE REPORTING  
22 AGENCY SHALL PROVIDE RELEVANT DOCUMENTS RELATED TO THE  
23 SUSTAINED FINDINGS OF SUBSECTION (1)(a)(III) OR (2)(a)(III). FOR THE  
24 PURPOSES OF THIS SUBSECTION (3), THE RECORDS OF ANY LAW  
25 ENFORCEMENT AGENCY THAT ARE SUBMITTED FOR REVIEW BY THE  
26 P.O.S.T. BOARD REMAIN THE PROPERTY OF THE REPORTING LAW  
27 ENFORCEMENT AGENCY AND ARE NOT SUBJECT TO PUBLIC RELEASE BY THE

1 P.O.S.T. BOARD.

2 (b) THE CERTIFICATE HOLDER MUST REQUEST A HEARING WITHIN  
3 THIRTY DAYS AFTER RECEIPT OF THE P.O.S.T. BOARD'S NOTIFICATION.  
4 UPON THE REQUEST BY THE CERTIFICATE HOLDER, THE P.O.S.T. BOARD  
5 SHALL REFER THE MATTER TO AN ADMINISTRATIVE LAW JUDGE, WHO  
6 SHALL CONDUCT A HEARING IN COMPLIANCE WITH SECTIONS 24-4-104 AND  
7 24-4-105 TO DETERMINE IF THE OFFICER ENGAGED IN THE ALLEGED  
8 CONDUCT.

9 (c) IF THE CERTIFICATE HOLDER EITHER DOES NOT REQUEST A  
10 HEARING OR REQUESTS A HEARING AND THE ADMINISTRATIVE LAW JUDGE  
11 DETERMINES, AFTER CONDUCTING THE HEARING PURSUANT TO THE RULES  
12 OF THE P.O.S.T. BOARD AND IN COMPLIANCE WITH SECTIONS 24-4-104  
13 AND 24-4-105, THAT THE CERTIFICATE HOLDER VIOLATED SUBSECTION  
14 (1)(a)(III) OR (2)(a)(III) OF THIS SECTION, THE P.O.S.T. BOARD SHALL  
15 REVOKE OR SUSPEND THE PEACE OFFICER'S CERTIFICATION PURSUANT TO  
16 SUBSECTION (1)(a) OR (2)(a) OF THIS SECTION.

17 (4) THE P.O.S.T. BOARD HAS THE AUTHORITY TO PERMANENTLY  
18 REVOKE OR SUSPEND THE CERTIFICATION OF ANY PEACE OFFICER WHO  
19 ENTERS INTO A DEFERRED JUDGEMENT, DEFERRED PROSECUTION, OR  
20 DIVERSION AGREEMENT FOR A CRIME INVOLVING THE UNLAWFUL USE OF  
21 PHYSICAL FORCE OR A CRIME INVOLVING THE FAILURE TO INTERVENE IN  
22 THE UNLAWFUL USE OF FORCE.

23 **SECTION 5.** In Colorado Revised Statutes, add 24-31-906 as  
24 follows:

25 **24-31-906. Retaliation against whistleblower officers**  
26 **prohibited.** (1) A PEACE OFFICER'S EMPLOYER OR THE EMPLOYER'S  
27 AGENT SHALL NOT DISCHARGE; DISCIPLINE; DEMOTE; DENY A PROMOTION,

1 TRANSFER, OR REASSIGN; DISCRIMINATE AGAINST; HARASS; OR THREATEN  
2 A PEACE OFFICER'S EMPLOYMENT BECAUSE THE PEACE OFFICER DISCLOSED  
3 INFORMATION THAT SHOWS:

4 (a) A DANGER TO PUBLIC HEALTH OR SAFETY; OR

5 (b) A VIOLATION OF LAW OR POLICY COMMITTED BY ANOTHER  
6 PEACE OFFICER.

7 (2) NO LATER THAN JANUARY 1, 2022, ALL LAW ENFORCEMENT  
8 AGENCIES THAT EMPLOY P.O.S.T.-CERTIFIED PEACE OFFICERS SHALL  
9 PROVIDE A TRAINING AVAILABLE TO EMPLOYEES, A WORKPLACE POSTING,  
10 OR BOTH REGARDING THE REQUIREMENTS OF THIS SECTION. IF THE LAW  
11 ENFORCEMENT AGENCY PROVIDES A POSTING, THE LAW ENFORCEMENT  
12 AGENCY SHALL PLACE THE POSTING IN AN AREA THAT IS READILY  
13 ACCESSIBLE TO ALL EMPLOYEES AND PRINTED IN A READABLE FORMAT.  
14 FOR NEW EMPLOYEES HIRED AFTER THE DATE OF THE TRAINING FOR  
15 EXISTING EMPLOYEES, THE LAW ENFORCEMENT AGENCY SHALL PROVIDE  
16 THE TRAINING DURING THE EMPLOYEE'S ORIENTATION.

17 (3) AN EMPLOYEE OR AGENT OF A LAW ENFORCEMENT AGENCY  
18 THAT KNOWINGLY OR INTENTIONALLY VIOLATES SUBSECTION (1) OF THIS  
19 SECTION SHALL BE DISCIPLINED APPROPRIATELY BY THE LAW  
20 ENFORCEMENT AGENCY.

21 **SECTION 6.** In Colorado Revised Statutes, 13-21-131, **amend**  
22 (1) and (4) as follows:

23 **13-21-131. Civil action for deprivation of rights.** (1) A peace  
24 officer, as defined in section 24-31-901 (3), ~~employed by a local~~  
25 ~~government~~ who, under color of law, subjects or causes to be subjected,  
26 including failing to intervene, any other person to the deprivation of any  
27 individual rights that create binding obligations on government actors

1 secured by the bill of rights, article II of the state constitution, is liable to  
2 the injured party for legal or equitable relief or any other appropriate  
3 relief.

4 (4) (a) Notwithstanding any other provision of law, a peace  
5 officer's employer shall indemnify its peace officers for any liability  
6 incurred by the peace officer and for any judgment or settlement entered  
7 against the peace officer for claims arising pursuant to this section; except  
8 that, if the peace officer's employer determines ON A CASE-BY-CASE BASIS  
9 that the officer did not act upon a good faith and reasonable belief that the  
10 action was lawful, then the peace officer is personally liable and shall not  
11 be indemnified by the peace officer's employer for five percent of the  
12 judgment or settlement or twenty-five thousand dollars, whichever is less.  
13 Notwithstanding any provision of this section to the contrary, if the peace  
14 officer's portion of the judgment is uncollectible from the peace officer,  
15 the peace officer's employer or insurance shall satisfy the full amount of  
16 the judgment or settlement. A public entity does not have to indemnify a  
17 peace officer if the peace officer was convicted of a criminal violation for  
18 the conduct from which the claim arises UNLESS THE PEACE OFFICER'S  
19 EMPLOYER WAS A CAUSAL FACTOR IN THE VIOLATION, THROUGH ITS  
20 ACTION OR INACTION.

21 (b) (I) AN EMPLOYER SHALL NOT:

22 (A) PREEMPTIVELY DETERMINE WHETHER A PEACE OFFICER ACTED  
23 IN GOOD FAITH BEFORE SUCH ACTION IN QUESTION HAS OCCURRED; OR

24 (B) PROVIDE A DETERMINATION PROVIDING THAT ANY PEACE  
25 OFFICER OR PEACE OFFICERS ARE DEEMED TO HAVE ACTED IN GOOD FAITH  
26 UNTIL COMPLETION OF A DOCUMENTED INVESTIGATION CONDUCTED BY  
27 THE EMPLOYER.



1 (II) IF A PERSON BELIEVES THAT AN EMPLOYER HAS VIOLATED THE  
2 PROVISIONS OF SUBSECTION (4)(b)(I) OF THIS SECTION, THE PERSON SHALL  
3 SUBMIT A COMPLAINT TO THE P.O.S.T. BOARD, CREATED IN SECTION  
4 24-31-302, WHICH SHALL REFER THE COMPLAINT TO AN ADMINISTRATIVE  
5 LAW JUDGE TO DETERMINE WHETHER A VIOLATION OCCURRED. THE  
6 ADMINISTRATIVE LAW JUDGE SHALL NOTIFY THE P.O.S.T. BOARD CHAIR  
7 OF A FINDING THAT A VIOLATION OF SUBSECTION (4)(b)(I) OF THIS SECTION  
8 OCCURRED. IF A VIOLATION IS FOUND, THE P.O.S.T. BOARD SHALL NOT  
9 PROVIDE P.O.S.T. CASH FUND MONEY TO THE EMPLOYER FOR ONE FULL  
10 YEAR FROM THE DATE OF THE FINDING.

11 (III) FOR THE PURPOSES OF THIS SUBSECTION (4)(b), AN EMPLOYER  
12 INCLUDES THE ELECTED SHERIFF, CHIEF OF POLICE, CITY OR TOWN  
13 ADMINISTRATOR, COUNTY ADMINISTRATOR, MAYOR, CITY OR TOWN  
14 COUNCIL, COUNTY COMMISSION, OR ANY OTHER PUBLIC BODY WITH  
15 FORMAL SUPERVISION AND OVERSIGHT OF A LAW ENFORCEMENT AGENCY.

16 **SECTION 7.** In Colorado Revised Statutes, 16-2.5-301, **amend**  
17 (1) as follows:

18 **16-2.5-301. Peace officer actions leading to injury or death**  
19 **investigations - protocol.** (1) Each police department, sheriff's office,  
20 and district attorney within the state shall develop protocols for  
21 participating in a multi-agency team, which shall include at least one  
22 other police department or sheriff's office, or the Colorado bureau of  
23 investigation, in conducting any investigation, evaluation, and review of  
24 an incident involving the discharge of a **firearm** by a peace officer that  
25 resulted in injury or **death, OR OTHER USE OF FORCE BY A PEACE OFFICER**  
26 **THAT RESULTED IN DEATH.** The law enforcement agencies participating  
27 need not be from the same judicial district.

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

**18-8-802. Duty to report use of force by peace officers - duty to intervene.** (1.5) (a) A peace officer, AS DEFINED IN SECTION 24-31-901 (3), **WHO IS ON-DUTY** shall intervene to prevent or stop another peace officer from using physical force that exceeds the degree of force permitted, if any, by section 18-1-707 in pursuance of the other peace officer's law enforcement duties in carrying out an arrest of any person, placing any person under detention, taking any person into custody, booking any person, or in the process of crowd control or riot control, without regard for chain of command.

(b) (I) A peace officer, AS DEFINED IN SECTION 24-31-901 (3), who intervenes as required by subsection (1.5)(a) of this section shall report the intervention to his or her immediate supervisor.

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

(c) A member of a law enforcement agency shall not discipline or retaliate in any way against a peace officer, AS DEFINED IN SECTION 24-31-901 (3), for intervening as required by subsection (1.5)(a) of this section, or for reporting unconstitutional conduct, or for failing to follow what the officer reasonably believes is an unconstitutional directive.

(d) Any peace officer, AS DEFINED IN SECTION 24-31-901 (3), who

1 fails to intervene to prevent the use of unlawful force as prescribed in this  
2 subsection (1.5) commits a class 1 misdemeanor. ~~Nothing in this~~  
3 ~~subsection (1.5) shall prohibit or discourage prosecution of any other~~  
4 ~~criminal offense related to failure to intervene, including a higher charge,~~  
5 ~~if supported by the evidence.~~

6 (e) When an administrative law judge or internal investigation  
7 finds that a peace officer, AS DEFINED IN SECTION 24-31-901 (3), failed to  
8 intervene to prevent the use of unlawful physical force as prescribed in  
9 this subsection (1.5), this finding must be presented to the district attorney  
10 so that ~~he or she~~ THE DISTRICT ATTORNEY can determine whether charges  
11 should be filed pursuant to subsection (1.5)(d) of this section. However,  
12 nothing in this subsection (1.5)(e) prohibits OR IS INTENDED TO  
13 DISCOURAGE the district attorney from charging an officer with failure to  
14 intervene before the conclusion of any internal investigation.

15 (f) ~~In addition to any criminal liability and penalty under the law,~~  
16 ~~when an administrative law judge, hearing officer, or internal~~  
17 ~~investigation finds that a peace officer, failed to intervene as required by~~  
18 ~~subsection (1.5)(a) of this section in an incident resulting in serious bodily~~  
19 ~~injury or death to any person, the peace officer's employer shall subject~~  
20 ~~the peace officer to discipline, up to and including termination, to the~~  
21 ~~extent permitted by applicable constitutional and statutory personnel laws~~  
22 ~~and case law, and the P.O.S.T. board shall permanently decertify the~~  
23 ~~peace officer upon receipt of notice of the peace officer's discipline. The~~  
24 ~~revocation may only be overturned if the peace officer is exonerated by~~  
25 ~~a court.~~

26 (g) In a case in which the prosecution charges a peace officer, AS  
27 DEFINED IN SECTION 24-31-901 (3), with offenses related to and based

1 upon the use of excessive force but does not file charges against any other  
2 peace officer or officers who were at the scene during the use of force,  
3 the district attorney shall prepare a written report explaining the district  
4 attorney's basis for the decision not to charge any other peace officer with  
5 any criminal conduct and shall publicly disclose the report to the public;  
6 except that if disclosure of the report would substantially interfere with  
7 or jeopardize an ongoing criminal investigation, the district attorney may  
8 delay public disclosure for up to forty-five days. The district attorney  
9 shall post the written report on its website or, if it does not have a  
10 website, make it publicly available upon request. ~~Nothing in this section~~  
11 ~~is intended to prohibit or discourage criminal prosecution of an officer~~  
12 ~~who failed to intervene for conduct in which the facts support a criminal~~  
13 ~~charge, including under a complicity theory, or for an inchoate offense.~~  
14 NOTHING IN THIS SUBSECTION (1.5) PROHIBITS OR DISCOURAGES  
15 PROSECUTION OF ANY OTHER CRIMINAL OFFENSE RELATED TO FAILURE TO  
16 INTERVENE, INCLUDING A HIGHER CHARGE, IF SUPPORTED BY THE  
17 EVIDENCE.

18 **SECTION 9.** In Colorado Revised Statutes, 24-31-101, **amend**  
19 **(1)(n); repeal (3) and (4); and add (1)(p) and (1)(q) as follows:**

20 **24-31-101. Powers and duties of attorney general.** (1) The  
21 attorney general:

22 (n) Shall, pursuant to section 24-30-1507, represent expert  
23 witnesses and consultants described in section 24-30-1510 (3)(h); **and**

24 (p) MAY BRING A CIVIL ACTION TO ENFORCE THE PROVISIONS OF  
25 SECTION 24-31-113; AND

26 (q) MAY BRING A CIVIL ACTION TO ENFORCE THE PROVISIONS OF  
27 SECTION 24-31-307 (2) OR A CRIMINAL ACTION TO ENFORCE THE

1 PROVISIONS OF SECTION 24-31-307 (3).

2 ~~(3) The attorney general may bring a civil action to enforce the~~  
3 ~~provisions of section 24-31-113.~~

4 ~~(4) The attorney general may bring a civil action to enforce the~~  
5 ~~provisions of section 24-31-307 (2) or a criminal action to enforce the~~  
6 ~~provisions of section 24-31-307 (3).~~

7 **SECTION 10.** In Colorado Revised Statutes, 24-31-305, **add** (5)  
8 as follows:

9 **24-31-305. Certification - issuance - renewal - revocation -**  
10 **rules - definition.** (5) IF A LAW ENFORCEMENT AGENCY HIRES A NEW  
11 EMPLOYEE, APPOINTS A NEW EMPLOYEE, OR TRANSFERS AN EXISTING  
12 EMPLOYEE TO A POSITION REQUIRING P.O.S.T. CERTIFICATION, PRIOR TO  
13 SUCH HIRE, APPOINTMENT, OR TRANSFER THE LAW ENFORCEMENT AGENCY  
14 SHALL DETERMINE IF THE PERSON HAS A RECORD CONTAINED IN THE  
15 DATABASE CREATED IN SECTION 24-31-303 (1)(r). IF THE PERSON IS LISTED  
16 IN THE DATABASE AND THE LAW ENFORCEMENT AGENCY PROCEEDS TO  
17 EMPLOY THE PERSON IN A POSITION REQUIRING P.O.S.T. CERTIFICATION,  
18 THE AGENCY SHALL NOTIFY THE P.O.S.T. BOARD OF THE HIRE,  
19 APPOINTMENT, OR TRANSFER IN A FORMAT DETERMINED BY THE P.O.S.T.  
20 BOARD.

21 **SECTION 11.** In Colorado Revised Statutes, **amend** 24-31-113  
22 as follows:

23 **24-31-113. Public integrity - patterns and practices.** It is  
24 unlawful for any governmental authority, or any agent thereof, or any  
25 person acting on behalf of a governmental authority, to engage in a  
26 pattern or practice of conduct by peace officers or by officials or  
27 employees of any governmental agency that deprives persons of rights,

1 privileges, or immunities secured or protected by the constitution or laws  
2 of the United States or the state of Colorado. Whenever the attorney  
3 general has reasonable cause to believe that a violation of this section has  
4 occurred, the attorney general, for or in the name of the state of Colorado,  
5 may in a civil action obtain any and all appropriate relief to eliminate the  
6 pattern or practice. Before filing suit, the attorney general shall notify the  
7 government authority or any agent thereof, and provide it with the factual  
8 basis that supports his or her reasonable cause to believe a violation  
9 occurred. Upon receipt of the factual basis, the government authority, or  
10 any agent thereof, has sixty days to change or eliminate the identified  
11 pattern or practice. If the identified pattern or practice is not changed ~~or~~  
12 AND PERMANENTLY eliminated after sixty days, the attorney general may  
13 file a civil lawsuit. THE ATTORNEY GENERAL MAY ISSUE SUBPOENAS FOR  
14 ANY PURPOSE IN CONDUCTING AN INVESTIGATION UNDER THIS SECTION.

15 **SECTION 12.** In Colorado Revised Statutes, 24-31-303, **amend**  
16 ~~(1)(r)~~; and **add (1)(s)** as follows:

17 **24-31-303. Duties - powers of the P.O.S.T. board - definition.**

18 (1) The P.O.S.T. board has the following duties:

19 (r) (I) Beginning on January 1, 2022, to create and maintain a  
20 database containing information related to a peace officer's:

21 ~~(H)~~ (A) Untruthfulness;

22 ~~(H)~~ (B) ~~Repeated failure~~ THREE OR MORE FAILURES to follow  
23 P.O.S.T. board training requirements WITHIN TEN CONSECUTIVE YEARS;

24 ~~(H)~~ (C) ~~Decertification~~ REVOCATION OF THE CERTIFICATION by  
25 the P.O.S.T. board, ~~and~~ INCLUDING THE BASIS FOR THE REVOCATION;

26 ~~(H)~~ (D) Termination for cause BY THE PEACE OFFICER'S  
27 EMPLOYER UNLESS THE TERMINATION IS OVERTURNED OR REVERSED BY

1 AN APPELLATE PROCESS. A NOTATION MUST BE PLACED NEXT TO THE  
2 OFFICER'S NAME DURING THE PENDENCY OF ANY APPELLATE PROCESS.

3 (E) RESIGNATION OR RETIREMENT WHILE UNDER INVESTIGATION.

4 (II) LAW ENFORCEMENT AGENCIES SHALL REPORT TO THE P.O.S.T.  
5 BOARD THE INFORMATION REQUIRED IN THIS SUBSECTION (1)(r) IN A  
6 FORMAT DETERMINED BY THE P.O.S.T. BOARD. FAILURE TO SUBMIT SUCH  
7 INFORMATION IS SUBJECT TO A FINE SET IN RULE BY THE P.O.S.T. BOARD.

8 (III) FOR PURPOSES OF THIS SUBSECTION (1)(r),  
9 "UNTRUTHFULNESS" MEANS A PEACE OFFICER KNOWINGLY MADE AN  
10 UNTRUTHFUL STATEMENT CONCERNING A MATERIAL FACT OR KNOWINGLY  
11 OMITTED A MATERIAL FACT ON AN OFFICIAL CRIMINAL JUSTICE RECORD,  
12 WHILE TESTIFYING UNDER OATH, OR DURING AN INTERNAL AFFAIRS  
13 INVESTIGATION OR ADMINISTRATIVE INVESTIGATION AND DISCIPLINARY  
14 PROCESS.

15 (s) BY JANUARY 1, 2022, TO ADOPT PROCEDURES TO ALLOW A  
16 PEACE OFFICER TO SEEK REVIEW OF THE PEACE OFFICER'S STATUS IN THE  
17 DATABASE CREATED PURSUANT TO SUBSECTION (1)(r) OF THIS SECTION  
18 BASED ON THE PEACE OFFICER'S PRESENTATION OF NEW EVIDENCE TO  
19 SHOW THE PEACE OFFICER'S RECORD MAY BE REMOVED FROM THE  
20 DATABASE.

21 **SECTION 13.** In Colorado Revised Statutes, 24-31-305, **amend**  
22 (1.7)(a) and (1.7)(b) as follows:

23 **24-31-305. Certification - issuance - renewal - revocation -**  
24 **rules - definition.** (1.7) (a) Unless revoked OR VOLUNTARILY  
25 SURRENDERED, a basic certification or reserve certification issued  
26 pursuant to this part 3 is valid as long as the certificate holder is  
27 continuously serving as a peace officer or reserve peace officer.

1 (b) If a basic or reserve certificate holder has not served as a peace  
2 officer or reserve peace officer for a total of at least six months during  
3 any consecutive three-year period, the certification automatically expires  
4 at the end of such three-year period, unless the certificate holder is then  
5 serving as a peace officer or reserve peace officer OR HAD PREVIOUSLY  
6 VOLUNTARILY SURRENDERED HIS OR HER CERTIFICATE.

7 **SECTION 14.** In Colorado Revised Statutes, 24-31-307, **amend**  
8 (3); and **add** (3.5) as follows:

9 **24-31-307. Enforcement.** (3) The attorney general may bring  
10 criminal charges for violations of this part 3 if THE violation is ~~willful or~~  
11 ~~wanton~~ KNOWINGLY OR INTENTIONAL, or impose fines, as set in P.O.S.T.  
12 board rule, upon any individual officer or agency for failure to comply  
13 with this part 3 or any rule promulgated under this part 3.

14 (3.5) ANY PERSON OR LAW ENFORCEMENT AGENCY THAT  
15 KNOWINGLY OR INTENTIONALLY PROVIDES INACCURATE DATA FOR THE  
16 DATABASE CREATED PURSUANT TO SECTION 24-31-303 (1)(r) IS SUBJECT  
17 TO A FINE SET IN RULE BY THE P.O.S.T. BOARD, AND, IF THE PERSON IS A  
18 P.O.S.T. CERTIFIED PEACE OFFICER, THE OFFICER IS SUBJECT TO  
19 REVOCATION OR SUSPENSION OF THE OFFICER'S P.O.S.T. CERTIFICATION BY  
20 THE P.O.S.T. BOARD. A PERSON OR LAW ENFORCEMENT AGENCY THAT  
21 TRUTHFULLY AND ACCURATELY REPORTS INFORMATION PURSUANT TO  
22 SECTION 24-31-303 (1)(r) IN GOOD FAITH IS NOT LIABLE UNDER THIS  
23 SUBSECTION (3.5).

24 **SECTION 15.** In Colorado Revised Statutes, 24-31-309, **amend**  
25 (2), (3.5) introductory portion, (3.5)(h)(II), (3.5)(h)(IV), and (3.5)(h)(V)  
26 as follows:

27 **24-31-309. Profiling - officer identification - training.**



1 (2) **Definitions.** For purposes of this section:

2 (a) "LEGAL BASIS" MEANS ANY BASIS AUTHORIZED BY STATUTE OR  
3 THAT THE COLORADO SUPREME COURT OR UNITED STATES SUPREME  
4 COURT HAS DETERMINED IS LAWFUL PURSUANT TO SECTION 7 OF ARTICLE  
5 II OF THE STATE CONSTITUTION OR THE FOURTH AMENDMENT TO THE  
6 UNITED STATES CONSTITUTION.

7 (b) "Profiling" means the practice of relying solely on race,  
8 ethnicity, gender, national origin, language, religion, sexual orientation,  
9 gender identity, age, or disability in:

10 (a) (I) Determining the existence of probable cause to place in  
11 custody or arrest an individual or in constituting a reasonable and  
12 articulable suspicion that an offense has been or is being committed so as  
13 to justify the detention of an individual or the investigatory stop of a  
14 vehicle; or

15 (b) (II) Determining the scope, substance, or duration of an  
16 investigation or law enforcement activity to which a person will be  
17 subjected.

18 (3.5) A peace officer, AS DEFINED IN SECTION 24-31-901 (3), shall  
19 have a legal basis for making a contact, ~~whether consensual or~~  
20 ~~nonconsensual, for the purpose of enforcing the law or investigating~~  
21 ~~possible violations of the law. After making a contact, a peace officer, as~~  
22 ~~defined in section 24-31-901 (3),~~ AS DEFINED IN SECTION 24-31-901 (1),  
23 AND shall report to the peace officer's employing agency:

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

26 (II) The peace officer searched the person, A VEHICLE, or any  
27 property, and, if so, the basis for the search and the type of contraband or

1 evidence discovered, if any;

2 (IV) A peace officer unholstered OR BRANDISHED a weapon during  
3 the contact, AND, IF SO, THE TYPE OF WEAPON; and

4 (V) A peace officer discharged a ~~firearm~~ WEAPON during the  
5 contact.

6 **SECTION 16.** In Colorado Revised Statutes, **add** 24-31-317 as  
7 follows:

8 **24-31-317. Administrative law judge appointment.** THE  
9 P.O.S.T. BOARD CHAIRPERSON MAY APPOINT AN ADMINISTRATIVE LAW  
10 JUDGE OR HEARING OFFICER PURSUANT TO ARTICLE 4 OF TITLE 24 TO  
11 CONDUCT HEARINGS, ADMINISTER OATHS, TAKE AFFIRMATIONS OF  
12 WITNESSES, ISSUE SUBPOENAS COMPELLING THE ATTENDANCE OF  
13 WITNESSES AND PRODUCTION OF RECORDS, RULE ON EVIDENCE, MAKE  
14 FINDINGS, AND REPORT THE FINDINGS TO THE P.O.S.T. BOARD FOR ANY  
15 PROCEEDINGS OR ACTIONS AUTHORIZED UNDER THIS PART 3.

16 **SECTION 17.** In Colorado Revised Statutes, 24-33.5-519, **add**  
17 (2)(c) as follows:

18 **24-33.5-519. Body-worn cameras for law enforcement officers**  
19 **- grant program - study group - fund - repeal.** (2) (c) (I) THE GENERAL  
20 ASSEMBLY SHALL APPROPRIATE TWO MILLION DOLLARS IN FISCAL YEAR  
21 2021-22 TO THE FUND.

22 (II) THIS SUBSECTION (2)(c) IS REPEALED, EFFECTIVE JULY 1, 2022.

23 **SECTION 18.** In Colorado Revised Statutes, **add** part 5 to article  
24 6 of title 24 as follows:

25 **PART 5**

26 **ENCRYPTION OF RADIO COMMUNICATIONS**

27 **BY GOVERNMENTAL ENTITIES**

1           **24-6-501. Definitions.** AS USED IN THIS PART 5, UNLESS THE  
2 CONTEXT OTHERWISE REQUIRES:

3           (1) "ENCRYPTION" MEANS THE ENCODING OF VOICE  
4 COMMUNICATION ON AN ANALOG OR DIGITALLY MODULATED RADIO  
5 CARRIER, WHICH ENCODING RENDERS THE COMMUNICATION DIFFICULT OR  
6 IMPOSSIBLE TO BE MONITORED BY COMMERCIALY AVAILABLE RADIO  
7 RECEIVERS OR SCANNERS.

8           (2) "GOVERNMENTAL ENTITY" MEANS AN ENTITY OF THE STATE  
9 GOVERNMENT; EACH ENTITY OF THE GOVERNMENT OF EACH CITY, COUNTY,  
10 AND CITY AND COUNTY; AND SPECIAL DISTRICTS, SCHOOL DISTRICTS, AND  
11 STATE INSTITUTIONS OF HIGHER EDUCATION.

12           (3) "RADIO COMMUNICATIONS" MEANS ANY COMMUNICATION BY  
13 WAY OF TRANSMISSION OF A RADIO FREQUENCY CARRIER TO BASE,  
14 MOBILE, OR PORTABLE RADIO TRANSCEIVERS BY EITHER ANALOG OR  
15 DIGITAL MODULATION.

16           (4) "SCANNER" MEANS A RADIO RECEIVER DESIGNED FOR THE  
17 PURPOSE OF MONITORING MULTIPLE RADIO CARRIERS SIMULTANEOUSLY.

18           **24-6-502. Public broadcast of governmental radio**  
19 **communications - encryption policy.** (1) A GOVERNMENTAL ENTITY  
20 THAT ENCRYPTS ALL OF ITS RADIO COMMUNICATIONS SHALL ENACT AN  
21 ENCRYPTION POLICY THAT MEETS THE REQUIREMENTS OF SUBSECTION (2)  
22 OF THIS SECTION.

23           (2) (a) A GOVERNMENTAL ENTITY SHALL INCLUDE IN ITS RADIO  
24 COMMUNICATIONS ENCRYPTION POLICY ACCESS TO UNENCRYPTED RADIO  
25 TRANSMISSIONS FOR MEMBERS OF THE MEDIA, WHICH MAY INCLUDE A  
26 PROCESS FOR GRANTING SUCH ACCESS, SUCH AS VERIFICATION OF MEDIA  
27 CREDENTIALS, AND REASONABLE RESTRICTIONS ON THE USE OF RADIO

1 MONITORING EQUIPMENT.

2 (b) PRIOR TO ENACTING AN ENCRYPTION POLICY, A  
3 GOVERNMENTAL ENTITY SHALL SEEK THE INPUT FROM MEMBERS OF THE  
4 MEDIA WHO ARE BASED IN COLORADO.

5 **SECTION 19.** In Session Laws of Colorado 2020, **amend** section  
6 18 of chapter 110 as follows:

7 Section 18. **Effective date.** This act takes effect upon passage;  
8 except that:

9 (1) Section 24-31-902, Colorado Revised Statutes, as enacted in  
10 section 2 of this act, takes effect ~~July 1, 2023~~ on the effective date of  
11 House Bill 21-1250;

12 (2) Section 4 of this act takes effect September 1, 2020; and

13 (3) Section 5 of this act takes effect September 1, 2020; except  
14 that section 18-1-707 (2.5) and (3), Colorado Revised Statutes, as enacted  
15 in section 5 of this act, takes effect upon passage.

16 **SECTION 20. Appropriation.** (1) For the 2021-22 state fiscal  
17 year, \$907,175 is appropriated to the department of public safety for use  
18 by the Colorado state patrol. This appropriation is from the highway users  
19 tax fund created in section 43-4-201 (1)(a), C.R.S., and appropriated  
20 pursuant to section 43-4-201 (3)(a)(I)(C), C.R.S. To implement this act,  
21 the division may use this appropriation as follows:

22 (a) \$602,148 for sergeants, technicians, and troopers, which  
23 amount is based on an assumption that the department will require an  
24 additional 7.0 FTE;

25 (b) \$48,543 for civilians;

26 (c) \$125,492 for operating expenses;

27 (d) \$34,380 for vehicle lease payments; and

1 (e) \$96,612 for state patrol training academy.

2 (2) For the 2021-22 state fiscal year, \$582,742 is appropriated to  
3 the department of law. This appropriation is from reappropriated funds  
4 received from the department of personnel from the risk management  
5 fund created in section 24-30-1510 (1)(a), C.R.S., and is based on an  
6 assumption that the department of law will require an additional 3.0 FTE.  
7 To implement this act, the department of law may use this appropriation  
8 to provide legal services for the department of public safety.

9 **SECTION 21. Applicability.** Section 8 of this act applies on or  
10 after January 1, 2022.

11 **SECTION 22. Safety clause.** The general assembly hereby finds,  
12 determines, and declares that this act is necessary for the immediate  
13 preservation of the public peace, health, or safety.