

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 22-076

BY SENATOR(S) Holbert, Buckner, Coram, Ginal, Gonzales, Hisey, Jaquez Lewis, Liston, Pettersen, Priola, Rankin, Scott, Simpson, Smallwood;
also REPRESENTATIVE(S) Mullica, Duran, Lindsay, Lontine, Ransom, Ricks, Tipper, Titone.

CONCERNING COMPLAINTS RELATED TO A PERSON'S AUTHORIZATION TO PRACTICE AN OCCUPATION FOR ACTS COMMITTED WHILE THE PERSON IS SERVING IN AN OFFICIAL CAPACITY.

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

SECTION 1. In Colorado Revised Statutes, 12-20-403, **add** (5) as follows:

12-20-403. Disciplinary procedures - investigations - hearings - oaths - witness statements - subpoenas - appointment of administrative law judge - driver's history - acting as an official. (5) (a) EXCEPT AS PROVIDED IN SUBSECTION (5)(d) OF THIS SECTION, A REGULATOR SHALL DISMISS AN ANONYMOUS COMPLAINT MADE AGAINST A LICENSEE, CERTIFICANT, OR REGISTRANT IF THE BASIS FOR THE ANONYMOUS COMPLAINT ARISES FROM WORDS SAID OR FROM ACTIONS COMMITTED WHILE

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

THE LICENSEE, CERTIFICANT, OR REGISTRANT WAS ENGAGED IN OFFICIAL DUTIES AS:

(I) AN ELECTED OFFICIAL OF THE STATE OF COLORADO OR OF A POLITICAL SUBDIVISION OF COLORADO; OR

(II) A MEMBER OF A BOARD OR COMMISSION ESTABLISHED BY THE STATE OF COLORADO OR BY A POLITICAL SUBDIVISION OF COLORADO.

(b) A REGULATOR MAY DISMISS A COMPLAINT MADE AGAINST A LICENSEE, CERTIFICANT, OR REGISTRANT IF:

(I) THE COMPLAINT IS NOT MADE ANONYMOUSLY; AND

(II) THE BASIS FOR THE COMPLAINT ARISES FROM WORDS SAID OR FROM ACTIONS COMMITTED WHILE THE LICENSEE, CERTIFICANT, OR REGISTRANT WAS ENGAGED IN OFFICIAL DUTIES AS:

(A) AN ELECTED OFFICIAL OF THE STATE OF COLORADO OR OF A POLITICAL SUBDIVISION OF COLORADO; OR

(B) A MEMBER OF A BOARD OR COMMISSION ESTABLISHED BY THE STATE OF COLORADO OR BY A POLITICAL SUBDIVISION OF COLORADO.

(c) FOR THE REGULATOR TO DISMISS A COMPLAINT IN ACCORDANCE WITH THIS SUBSECTION (5), THE LICENSEE, CERTIFICANT, OR REGISTRANT THAT IS THE SUBJECT OF THE COMPLAINT NEED NOT RESPOND TO OR PROVIDE EVIDENCE CONCERNING THE COMPLAINT. THE DISMISSAL IS AUTOMATIC.

(d) THIS SUBSECTION (5) DOES NOT APPLY TO WORDS SAID TO OR ACTIONS COMMITTED FOR A SPECIFIC PERSON WHEN THE LICENSEE, CERTIFICANT, OR REGISTRANT IS SPEAKING OR ACTING IN THE LICENSEE'S, CERTIFICANT'S, OR REGISTRANT'S CAPACITY AS A MEMBER OF THE OCCUPATION THE PERSON IS LICENSED, CERTIFIED, OR REGISTERED TO PERFORM.

SECTION 2. 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.

Steve Fenberg
PRESIDENT OF
THE SENATE

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO