

CHAPTER 55

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 22-1088

BY REPRESENTATIVE(S) Valdez D. and Will, Hooton;
also SENATOR(S) Liston and Lee, Cooke, Holbert.**AN ACT****CONCERNING PEACE OFFICER STATUS FOR CERTAIN DEPARTMENT OF REVENUE EMPLOYEES.***Be it enacted by the General Assembly of the State of Colorado:***SECTION 1. Legislative declaration.** (1) The general assembly finds that:

(a) On July 1, 2019, pursuant to section 16-2.5-201 (2), Colorado Revised Statutes, the department of revenue submitted a proposal to the P.O.S.T. board seeking peace officer status for the motor vehicle criminal investigator and criminal tax enforcement special agent positions;

(b) On August 15, 2019, pursuant to section 16-2.5-201 (4), Colorado Revised Statutes, the P.O.S.T. board conducted a hearing with the department of revenue concerning peace officer status for the motor vehicle criminal investigator and criminal tax enforcement special agent positions;

(c) On October 19, 2019, pursuant to section 16-2.5-201 (5), Colorado Revised Statutes, the P.O.S.T. board submitted a report to the department of revenue and to the judiciary committees of the house of representatives and the senate. The P.O.S.T. board's report recommended peace officer status for the department of revenue's motor vehicle criminal investigator and criminal tax enforcement special agent positions; and

(d) The COVID-19 pandemic frustrated the department of revenue's ability to successfully pursue legislation within the timing required pursuant to section 16-2.5-201 (6), Colorado Revised Statutes;

(2) Therefore, the general assembly declares that due to the department of

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.

revenue's substantial compliance with statutory obligations, and limitations caused by the circumstances caused by the COVID-19 pandemic, it is necessary to exempt the department of revenue from the requirement to present legislation to the general assembly during the two regular legislative sessions that immediately succeed the date of its proposal without having to submit another proposal and have another hearing.

SECTION 2. In Colorado Revised Statutes, **add** 16-2.5-122.5 and 16-2.5-123.5 as follows:

16-2.5-122.5. Motor vehicle criminal investigator. A MOTOR VEHICLE CRIMINAL INVESTIGATOR EMPLOYED BY THE DEPARTMENT OF REVENUE IS A PEACE OFFICER WHILE ENGAGED IN THE PERFORMANCE OF THE INVESTIGATOR'S DUTIES AND WHOSE PRIMARY AUTHORITY IS AS STATED IN SECTION 42-1-222, AND WHOSE AUTHORITY ALSO INCLUDES THE ENFORCEMENT OF ALL OF THE LAWS OF THE STATE OF COLORADO, AND WHO SHALL BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-123.5. Criminal tax enforcement special agent. A CRIMINAL TAX ENFORCEMENT SPECIAL AGENT EMPLOYED BY THE DEPARTMENT OF REVENUE IS A PEACE OFFICER WHILE ENGAGED IN THE PERFORMANCE OF THE INVESTIGATOR'S DUTIES AND WHILE ACTING UNDER PROPER ORDERS OR RULES, WHOSE PRIMARY AUTHORITY IS THE ENFORCEMENT OF SECTION 39-21-118, AND ALSO INCLUDES THE ENFORCEMENT OF ALL OF THE LAWS OF THE STATE OF COLORADO, AND WHO SHALL BE CERTIFIED BY THE P.O.S.T. BOARD.

SECTION 3. In Colorado Revised Statutes, 16-2.5-201, **add** (6.5) as follows:

16-2.5-201. General assembly sunrise review of groups seeking statutory peace officer status. (6.5) NOTWITHSTANDING SUBSECTION (6) OF THIS SECTION, FOR THE PURPOSE OF SEEKING PEACE OFFICER STATUS FOR A MOTOR VEHICLE CRIMINAL INVESTIGATOR AND A CRIMINAL TAX ENFORCEMENT SPECIAL AGENT, THE DEPARTMENT OF REVENUE IS EXEMPT FROM THE REQUIREMENT TO PRESENT APPROPRIATE LEGISLATION TO THE GENERAL ASSEMBLY DURING THE TWO REGULAR LEGISLATIVE SESSIONS THAT IMMEDIATELY SUCCEED THE DATE OF THE PROPOSAL REQUIRED PURSUANT TO SUBSECTION (2) OF THIS SECTION WITHOUT HAVING TO COMPLY AGAIN WITH SUBSECTIONS (2) AND (4) OF THIS SECTION.

SECTION 4. In Colorado Revised Statutes, 24-35-119, **amend** (1)(b) as follows:

24-35-119. Law enforcement agencies of department to provide identification cards to retired peace officers upon request - definitions. (1) As used in this section, unless the context otherwise requires:

(b) "Peace officer" means a peace officer described in section 16-2.5-101, 16-2.5-121, 16-2.5-122, ~~16-2.5-122.5~~, 16-2.5-123, ~~16-2.5-123.5~~, 16-2.5-124, 16-2.5-124.5, 16-2.5-125, or 16-2.5-126. ~~C.R.S.~~

SECTION 5. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an

item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 30, 2022