

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

**REENGROSSED**

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

LLS NO. 23-0436.02 Pierce Lively x2059

**HOUSE BILL 23-1206**

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**HOUSE SPONSORSHIP**

**Marshall**, Bacon, Brown, deGruy Kennedy, Gonzales-Gutierrez, Herod, Kipp, Lindsay, Mabrey, McCluskie, Vigil

**SENATE SPONSORSHIP**

**Hinrichsen**,

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING INDIVIDUALS EMPLOYED BY GOVERNMENT IN THE FIELD**  
102                    **OF LAW ENFORCEMENT, AND, IN CONNECTION THEREWITH,**  
103                    **PROHIBITING CERTAIN POLITICAL ACTIVITIES BY COUNTY**  
104                    **SHERIFF'S OFFICE EMPLOYEES.**

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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 requires a county sheriff in a county with a population of 25,000 or more to possess a bachelor's degree or higher in criminal justice or a related field.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

HOUSE  
3rd Reading Unamended  
March 24, 2023

HOUSE  
Amended 2nd Reading  
March 23, 2023

The bill requires candidates for the offices of county sheriff and district attorney to petition onto the ballot and prevents those candidates from being nominated as a candidate for a primary process election. Relatedly, the bill also prevents a ballot from listing the political affiliation of candidates for the offices of county sheriff and district attorney and excludes county sheriffs and district attorneys from party committees.

Lastly, the bill prohibits county sheriff's office employees from participating in specified political activities.

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

2 [REDACTED]

3 **SECTION 1.** In Colorado Revised Statutes, add 30-10-528 as  
4 follows:

5 **30-10-528. Limitations on political activities - definition.**

6 (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

7 (a) LAW ENFORCEMENT MUST BE CONDUCTED IN AN IMPARTIAL  
8 AND APOLITICAL MANNER;

9 (b) EVEN THE APPEARANCE OF PARTISAN ACTIVITY IN THE  
10 CONDUCT OF LAW ENFORCEMENT UNDERMINES THE TRUST AND  
11 CONFIDENCE IN LAW ENFORCEMENT NECESSARY FOR LAW ENFORCEMENT  
12 OFFICERS TO PERFORM THEIR DUTIES;

13 (c) THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT  
14 THIS SECTION SERVE AS A COLORADO VERSION OF THE "HATCH ACT", 5  
15 U.S.C. SEC. 7321 ET SEQ., AS AMENDED, FOR COUNTY SHERIFFS, WHILE  
16 THOSE SHERIFFS ARE IN UNIFORM OR USING COUNTY PROPERTY, AND FOR  
17 COUNTY SHERIFF OFFICERS. JUDICIAL DECISIONS AND INTERPRETATIONS OF  
18 THE "HATCH ACT", 5 U.S.C. SEC. 7321 ET SEQ., AS AMENDED, SHOULD  
19 GUIDE THE INTERPRETATION OF THIS SECTION WHEN APPLICABLE.

20 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

1 REQUIRES, "EMPLOYEE OF THE COUNTY SHERIFF'S OFFICE" MEANS THE  
2 COUNTY SHERIFF, WHILE THE SHERIFF IS IN UNIFORM OR USING  
3 GOVERNMENT PROPERTY, AND ANY EMPLOYEE OF THE COUNTY SHERIFF'S  
4 OFFICE INCLUDING ANY DEPUTY SHERIFFS.

5 (3) AN EMPLOYEE OF THE COUNTY SHERIFF'S OFFICE SHALL NOT:

6 (a) PARTICIPATE IN ANY POLITICAL CAMPAIGN WHILE ON DUTY;

7 (b) SOLICIT MONEY ON BEHALF OF ANY POLITICAL CAMPAIGNS;

8 EXCEPT THAT THIS SUBSECTION (2)(b) SHALL NOT PROHIBIT AN EMPLOYEE  
9 OF THE COUNTY SHERIFF'S OFFICE WHO IS RUNNING FOR AN ELECTED  
10 OFFICE FROM SOLICITING AND ACCEPTING CAMPAIGN CONTRIBUTIONS FOR  
11 THE EMPLOYEE'S OWN ELECTION CAMPAIGN IF THE EMPLOYEE IS NOT ON  
12 DUTY OR IN UNIFORM WHEN SUCH ACTIVITIES OCCUR;

13 (c) USE THE EMPLOYEE'S OFFICIAL POSITION TO MAKE ANY PUBLIC  
14 ENDORSEMENT OF ANY CANDIDATE IN ANY CAMPAIGN FOR ELECTED  
15 OFFICE; EXCEPT THAT, IF THE EMPLOYEE IS RUNNING FOR AN ELECTED  
16 OFFICE, THEN THE RESTRICTION IN THIS SUBSECTION (2)(c) DOES NOT  
17 APPLY TO THE EMPLOYEE'S OWN CAMPAIGN;

18 (d) USE THE EMPLOYEE'S OFFICIAL POSITION TO REFLECT THE  
19 EMPLOYEE'S PERSONAL POLITICAL FEELINGS AS THOSE OF THE COUNTY  
20 SHERIFF'S DEPARTMENT OR USE THE EMPLOYEE'S OFFICIAL POSITION TO  
21 EXERT ANY PRESSURE ON ANYONE TO INFLUENCE THAT PERSON'S  
22 POLITICAL VIEWS;

23 (e) DISPLAY ANY POLITICAL ADVERTISING OR PARAPHERNALIA ON  
24 THE EMPLOYEE'S BODY OR AUTOMOBILE WHILE ON DUTY OR IN UNIFORM;

25 (f) DISPLAY CAMPAIGN LITERATURE, BANNERS, PLACARDS,  
26 STREAMERS, STICKERS, SIGNS, OR OTHER ITEMS OF CAMPAIGN OR  
27 POLITICAL ADVERTISING ON BEHALF OF ANY PARTY, COMMITTEE, OR

1 AGENCY OR CANDIDATE FOR POLITICAL OFFICE ON THE PREMISES OF ANY  
2 BUILDING OR LAND OWNED BY THE COUNTY OR USE ANY FACILITIES OF THE  
3 COUNTY, INCLUDING EQUIPMENT AND VEHICLES, FOR THOSE PURPOSES; OR

4 (g) USE PUBLIC BUILDINGS, FACILITIES, OR SPACES DEDICATED TO,  
5 OR UNDER THE EXCLUSIVE CONTROL OF, LAW ENFORCEMENT THAT ARE  
6 NOT REGULARLY AVAILABLE TO THE GENERAL PUBLIC.

7 (4) EXCEPT AS PROVIDED IN SUBSECTION (2)(f) OF THIS SECTION,  
8 NOTHING IN SUBSECTION (2) OF THIS SECTION PROHIBITS OR PREVENTS ANY  
9 SUCH EMPLOYEE FROM BECOMING OR CONTINUING TO BE A MEMBER OF A  
10 POLITICAL CLUB OR ORGANIZATION AND ENJOYING ALL THE RIGHTS AND  
11 PRIVILEGES OF SUCH MEMBERSHIP OR FROM ATTENDING ANY POLITICAL  
12 MEETINGS WHILE NOT ON DUTY.

13 (5) ANY PERSON WHO VIOLATES SUBSECTION (2) OF THIS SECTION  
14 IS SUBJECT TO A CIVIL PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS  
15 PER VIOLATION AND MAY BE DISMISSED FROM THE SERVICE OF THE  
16 COUNTY SHERIFF'S OFFICE.

17 (6) (a) ANY PERSON MAY FILE AN AFFIDAVIT WITH THE DISTRICT  
18 ATTORNEY STATING THE NAME OF ANY PERSON WHO HAS VIOLATED THIS  
19 SECTION AND STATING THE FACTS THAT CONSTITUTE THE ALLEGED  
20 OFFENSE. UPON THE FILING OF SUCH AN AFFIDAVIT, THE DISTRICT  
21 ATTORNEY SHALL PROMPTLY INVESTIGATE AND, IF REASONABLE GROUNDS  
22 FOR FINDING A VIOLATION APPEAR, THE DISTRICT ATTORNEY SHALL  
23 PROSECUTE THE VIOLATOR.

24 (b) THE ATTORNEY GENERAL HAS EQUAL POWER WITH THE  
25 DISTRICT ATTORNEY TO FILE AND PROSECUTE COMPLAINTS AGAINST ANY  
26 PERSON FOR VIOLATING THIS SECTION.

27 **SECTION 2. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the  
2 ninety-day period after final adjournment of the general assembly; except  
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
4 of the state constitution against this act or an item, section, or part of this  
5 act within such period, then the act, item, section, or part will not take  
6 effect unless approved by the people at the general election to be held in  
7 November 2024 and, in such case, will take effect on the date of the  
8 official declaration of the vote thereon by the governor.