

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

REENGROSSED

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

LLS NO. 24-0696.02 Anna Petrini x5497

HOUSE BILL 24-1372

HOUSE SPONSORSHIP

Woodrow and Herod, Amabile, Bacon, Brown, deGruy Kennedy, English, Garcia, Hernandez, Jodeh, Lindsay, Mabrey, Ortiz, Ricks, Rutinel, Vigil, Boesenecker, Duran, Epps, Froelich, Kipp, Marvin, Parenti, Sirota, Titone, Valdez, Velasco, Weissman, Willford

SENATE SPONSORSHIP

Fields and Gonzales, Buckner, Coleman, Cutter, Hinrichsen, Rodriguez, Winter F.

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REGULATING THE USE OF PRONE RESTRAINT BY LAW**
102 **ENFORCEMENT.**

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 prohibits peace officers from using prone restraint to subdue a subject, except in cases in which the use of deadly physical force is justified. The bill requires officers who use prone restraint to immediately reposition a person to facilitate breathing once the person is in handcuffs or the person's hands are tied. The bill applies a similar prone restraint prohibition and recovery position requirement to guards

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
April 20, 2024

HOUSE
Amended 2nd Reading
April 19, 2024

and peace officers employed in detention facilities.

The bill requires the development of a model state policy on the risk of positional asphyxia and law enforcement use of prone restraint when making arrests or preventing escapes. The bill lists elements of the model policy and directs state and local law enforcement agencies, including those that supervise detention facilities, to adopt their own written policies and training requirements based on those elements. Law enforcement agencies that have not adopted their own policies on or before July 1, 2026, must comply with the state's model policy. The bill requires reporting of policy violations.

The bill creates a private right of action against a law enforcement agency that fails to adopt prone restraint policies, train officers to adhere to those policies, or report policy violations. The bill also creates a private right of action against individual peace officers and guards employed in detention facilities who violate policies on which they've been trained, and authorizes the peace officers standards and training board to impose related disciplinary measures on peace officers.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1-707, **add** (2.7)
3 as follows:

4 **18-1-707. Use of force by peace officers - definitions.**

5 (2.7) (a) AS USED IN THIS SUBSECTION (2.7), UNLESS THE CONTEXT
6 OTHERWISE REQUIRES:

7 (I) "MECHANICAL RESTRAINT" MEANS A PHYSICAL DEVICE USED TO
8 INVOLUNTARILY RESTRICT THE MOVEMENT OF A PERSON OR THE
9 MOVEMENT OR NORMAL FUNCTION OF A PORTION OF A PERSON'S BODY.

10 (II) "PRONE POSITION" MEANS A POSITION IN WHICH A PERSON IS
11 LYING ON A SOLID SURFACE WITH THE PERSON'S CHEST AND ABDOMEN
12 POSITIONED DOWNWARD EVEN IF THE PERSON'S FACE IS TURNED TO THE
13 SIDE OR THE PERSON HAS ONE SHOULDER LIFTED.

14 (III) "PRONE RESTRAINT" MEANS A USE OF PHYSICAL FORCE,
15 INCLUDING, BUT NOT LIMITED TO, THE USE OF A MECHANICAL RESTRAINT,
16 IN WHICH THE PERSON WHO IS BEING RESTRAINED IS IN A PRONE POSITION.

1 (IV) "RECOVERY POSITION" MEANS A POSITION OTHER THAN A
2 PRONE POSITION THAT ALLOWS THE PERSON TO BREATHE NORMALLY.

3 (b) ON OR BEFORE JULY 1, 2025, ANY COLORADO LAW
4 ENFORCEMENT AGENCY THAT EMPLOYS A PEACE OFFICER REQUIRED TO BE
5 CERTIFIED BY THE P.O.S.T. BOARD PURSUANT TO SECTION 16-2.5-102; A
6 SHERIFF; AND THE COLORADO STATE PATROL SHALL:

7 (I) ADOPT WRITTEN POLICIES AND PROCEDURES CONCERNING USE
8 OF THE PRONE POSITION AND PRONE RESTRAINT BY:

9 (A) PEACE OFFICERS REQUIRED TO BE CERTIFIED BY THE P.O.S.T.
10 BOARD PURSUANT TO SECTION 16-2.5-102 EMPLOYED BY A COLORADO
11 LAW ENFORCEMENT AGENCY;

12 (B) SHERIFF'S DEPUTIES, REGARDLESS OF P.O.S.T. CERTIFICATION,
13 WHO ARE ENGAGED IN PATROL, ARREST, TAKING SUSPECTS INTO CUSTODY,
14 TRANSPORTING DETAINEES, OR WHO HAVE DIRECT CONTACT WITH
15 INMATES WITHIN COUNTY OR LOCAL JAILS; OR

16 (C) COLORADO STATE PATROL OFFICERS; AND

17 (II) POST THE ADOPTED POLICIES AND PROCEDURES ON THE
18 ENTITY'S PUBLICLY ACCESSIBLE WEBSITE, OR, IF THE ENTITY DOES NOT
19 HAVE A PUBLICLY ACCESSIBLE WEBSITE, SHALL MAKE THE POLICY AND
20 PROCEDURES PUBLICLY AVAILABLE UPON REQUEST.

21 (c) THE POLICIES AND PROCEDURES ADOPTED PURSUANT TO
22 SUBSECTION (2.7)(b) OF THIS SECTION MUST INCLUDE, BUT NEED NOT BE
23 LIMITED TO, THE FOLLOWING:

24 (I) WHEN AND HOW TO REQUEST MEDICAL AID FOR USE OF FORCE
25 INVOLVING A PRONE RESTRAINT;

26 (II) WHEN TO GET MEDICAL CLEARANCE FOR USE OF FORCE
27 INVOLVING A PRONE RESTRAINT WHEN THERE ARE INJURIES OR

1 COMPLAINTS OF INJURIES;

2 (III) HOW AND WHEN APPROPRIATE MEDICAL AID WITHIN THE
3 SCOPE OF A PEACE OFFICER'S TRAINING SHOULD BE RENDERED FOR ANY
4 USE OF FORCE INVOLVING PRONE RESTRAINT; AND

5 (IV) HOW AND WHEN TO APPROPRIATELY AND SAFELY TRANSITION
6 ANY PERSON PLACED IN A PRONE POSITION INTO A RECOVERY POSITION AS
7 SOON AS PRACTICABLE.

8 (d) EACH ENTITY MUST REVIEW POLICIES AND PROCEDURES
9 ADOPTED PURSUANT TO SUBSECTION (2.7)(b) OF THIS SECTION AT LEAST
10 EVERY FIVE YEARS TO ENSURE THE POLICIES AND PROCEDURES ARE
11 UPDATED TO INCLUDE CURRENT BEST PRACTICES.

12 (e) BEGINNING ON OR BEFORE JULY 1, 2026, EACH ENTITY
13 REQUIRED TO ADOPT POLICIES AND PROCEDURES PURSUANT TO
14 SUBSECTION (2.7)(b) OF THIS SECTION SHALL IMPLEMENT AND TRAIN ITS
15 PEACE OFFICERS ON THE PROVISIONS OF THE POLICIES AND PROCEDURES
16 ADOPTED PURSUANT TO SUBSECTION (2.7)(b) OF THIS SECTION.

17 (f) THE P.O.S.T. BOARD, CREATED IN SECTION 24-31-302, SHALL
18 MAKE ITS TRAINING ON THE USE OF THE PRONE POSITION AVAILABLE TO
19 ALL LAW ENFORCEMENT AGENCIES IN THE STATE.

20 **SECTION 2. Safety clause.** The general assembly finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety or for appropriations for
23 the support and maintenance of the departments of the state and state
24 institutions.