

CHAPTER 348

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 24-1372

BY REPRESENTATIVE(S) 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;
also SENATOR(S) Fields and Gonzales, Buckner, Coleman, Cutter, Hinrichsen, Rodriguez, Winter F., Exum, Kolker, Marchman, Michaelson Jenet, Priola, Sullivan.

AN ACT**CONCERNING REGULATING THE USE OF PRONE RESTRAINT BY LAW ENFORCEMENT.**

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

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

18-1-707. Use of force by peace officers - definitions. (2.7) (a) AS USED IN THIS SUBSECTION (2.7), UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

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

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

(b) ON OR BEFORE JULY 1, 2025, ANY COLORADO LAW ENFORCEMENT AGENCY

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.

THAT EMPLOYS A PEACE OFFICER REQUIRED TO BE CERTIFIED BY THE P.O.S.T. BOARD PURSUANT TO SECTION 16-2.5-102; A SHERIFF; AND THE COLORADO STATE PATROL SHALL:

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

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

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

(C) COLORADO STATE PATROL OFFICERS; AND

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

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

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

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

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

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

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

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

(f) THE P.O.S.T. BOARD, CREATED IN SECTION 24-31-302, SHALL MAKE ITS

TRAINING ON THE USE OF THE PRONE POSITION AVAILABLE TO ALL LAW ENFORCEMENT AGENCIES IN THE STATE.

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

Approved: June 3, 2024