

First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0370.02 Michael Dohr x4347

HOUSE BILL 25-1031

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HOUSE SPONSORSHIP

**Bacon and Clifford,**

SENATE SPONSORSHIP

**(None),**

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**House Committees**  
Judiciary

**Senate Committees**

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A BILL FOR AN ACT

101 CONCERNING A PROHIBITION ON WHISTLEBLOWER RETALIATION IN  
102 LAW ENFORCEMENT.

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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 creates a civil cause of action for a peace officer if the peace officer reports or discloses conduct that is in violation of, or the peace officer reasonably believes is in violation of, any law or policy and the report or disclosure is a contributing factor in the employer of the peace officer's decision to take adverse employment action against the peace officer. A peace officer may seek the following damages:

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.*

- Reinstatement, with or without back pay;
- Any other equitable relief the court deems appropriate;
- Compensatory damages for other pecuniary losses, emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses; and
- Reasonable attorney fees and costs.

If the court finds that an action or defense brought was frivolous, groundless, or vexatious, the court may award costs and attorney fees to the defendant or peace officer, respectively.

The bill creates an affirmative defense to the action if the peace officer's employer would have taken the action that forms the basis of the suit against the peace officer, based on a legitimate nonretaliatory basis. The action is not subject to the "Colorado Governmental Immunity Act". The statute of limitations to bring the action is 2 years.

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

2           **SECTION 1.** In Colorado Revised Statutes, 24-31-906, **amend**  
 3 (1) and (3); and **add** (4), (5), (6), (7), (8), (9), (10), and (11) as follows:

4           **24-31-906. Retaliation against whistleblower officers**  
 5 **prohibited - private right of action - exemptions - procedures -**  
 6 **definitions.** (1) (a) DUE TO THE STRONG PUBLIC POLICY INTERESTS  
 7 PROTECTED BY PROHIBITING UNLAWFUL RETALIATION AGAINST  
 8 WHISTLEBLOWERS, a peace officer's employer or the employer's agent  
 9 shall not discharge, discipline, demote, deny a promotion TO, transfer or  
 10 reassign, discriminate against, harass, SUSPEND, CREATE A HOSTILE WORK  
 11 ENVIRONMENT FOR, SUBJECT TO CORRECTIVE ACTION OR REPRIMAND,  
 12 ISSUE AN EMPLOYMENT RATING THAT RESULTS IN THE LOSS OF PAY OR  
 13 ADVERSELY AFFECTS ELIGIBILITY FOR PROMOTION OR FOR AN ASSIGNMENT  
 14 FOR, LAY OFF, REDUCE WORK HOURS FOR, KNOWINGLY PROVIDE FALSE  
 15 INFORMATION OR INFORMATION REGARDING WHISTLEBLOWER ACTIVITY  
 16 FOR THE PURPOSE OF NEGATIVELY AFFECTING FUTURE EMPLOYMENT  
 17 OPPORTUNITIES FOR, or threaten a ~~peace officer's employment~~ ANY SUCH

1 ACTIONS AGAINST A PEACE OFFICER, OR OTHERWISE DISCRIMINATE  
2 AGAINST A PEACE OFFICER IN TERMS, CONDITIONS, OR PRIVILEGES OF  
3 EMPLOYMENT, because the peace officer disclosed IN GOOD FAITH  
4 information TO THE PROPER SUPERVISING AUTHORITY that THE PEACE  
5 OFFICER REASONABLY BELIEVES shows:

6 (a) (I) A danger to public health or safety; or

7 (b) (II) ~~A~~ AN ALLEGED violation of law ~~or policy~~ committed by  
8 another peace officer.

9 (b) DEPARTMENTAL ADMINISTRATIVE PROCEDURES, SUCH AS  
10 SUSPENSION DURING AN INVESTIGATION, OR DEPARTMENTAL OBJECTIVE  
11 PROCEDURES USED TO DISTRIBUTE ASSIGNMENTS OR DUTIES DO NOT  
12 VIOLATE SUBSECTION (1)(a) OF THIS SECTION.

13 (c) A PEACE OFFICER WHO DISCLOSES INFORMATION PURSUANT TO  
14 SUBSECTION (1)(a) OF THIS SECTION IN GOOD FAITH IS ENGAGING IN A  
15 PROTECTED ACTIVITY.

16 (d) THIS SUBSECTION (1) DOES NOT PREVENT AN EMPLOYER FROM  
17 COMPLYING WITH ANY DISCLOSURE REQUIREMENTS REQUIRED BY LAW OR  
18 COURT RULE OR PROCEDURE.

19 (3) ~~An employee or agent of a law enforcement agency that~~  
20 ~~knowingly or intentionally violates subsection (1) of this section shall be~~  
21 ~~disciplined appropriately by the law enforcement agency.~~ AN EMPLOYEE  
22 AGGRIEVED BY A VIOLATION OF SUBSECTION (1) OF THIS SECTION THAT IS  
23 A PROTECTED ACTIVITY PURSUANT TO SUBSECTION (1)(c) OF THIS SECTION  
24 AND WAS A CONTRIBUTING FACTOR IN THE BASIS FOR THE VIOLATION OF  
25 SUBSECTION (1) OF THIS SECTION, AND FOR WHICH THE EMPLOYEE MADE  
26 A REPORT OR DISCLOSURE, HAS A PRIVATE RIGHT OF ACTION AGAINST THE  
27 EMPLOYER THAT VIOLATED SUBSECTION (1) OF THIS SECTION AFTER THE

1 EMPLOYEE EXHAUSTS THE INTERNAL ADMINISTRATIVE PROCEDURES  
2 PURSUANT TO SUBSECTION (9) OF THIS SECTION. AN EMPLOYEE MAY SEEK  
3 THE FOLLOWING DAMAGES:

4 (a) (I) REINSTATEMENT, WITH OR WITHOUT BACK PAY; AND  
5 (II) IF THE COURT ORDERS BACK PAY, THE LIABILITY FOR BACK PAY  
6 ACCRUES FROM A DATE NO MORE THAN TWO YEARS PRIOR TO THE FILING  
7 OF THE CASE. THE COURT SHALL REDUCE AN AWARD OF BACK PAY BY THE  
8 AMOUNT OF ACTUAL EARNINGS OF, OR THE AMOUNT THAT COULD HAVE  
9 BEEN EARNED WITH REASONABLE DILIGENCE BY, THE EMPLOYEE.

10 (b) ANY OTHER EQUITABLE RELIEF THE COURT DEEMS  
11 APPROPRIATE;

12 (c) COMPENSATORY DAMAGES FOR OTHER PECUNIARY LOSSES,  
13 EMOTIONAL PAIN AND SUFFERING, INCONVENIENCE, MENTAL ANGUISH,  
14 LOSS OF ENJOYMENT OF LIFE, AND OTHER NONPECUNIARY LOSSES; AND

15 (d) REASONABLE ATTORNEY FEES AND COSTS.

16 (4) IF THE COURT FINDS THAT AN ACTION OR DEFENSE BROUGHT  
17 PURSUANT TO THIS PART 9 WAS FRIVOLOUS, GROUNDLESS, OR VEXATIOUS  
18 AS PROVIDED IN ARTICLE 17 OF TITLE 13, THE COURT MAY AWARD COSTS  
19 AND ATTORNEY FEES TO THE DEFENDANT IN THE ACTION.

20 (5) IT IS AN AFFIRMATIVE DEFENSE TO AN ACTION BROUGHT  
21 PURSUANT TO THIS SECTION IF THE EMPLOYER SHOWS BY A  
22 PREPONDERANCE OF THE EVIDENCE THAT THE EMPLOYER WOULD HAVE  
23 TAKEN THE ACTION THAT FORMS THE BASIS OF THE SUIT AGAINST THE  
24 EMPLOYEE BASED ON A LEGITIMATE NONRETALIATORY BASIS.

25 (6) AN ACTION BROUGHT PURSUANT TO THIS SECTION IS NOT  
26 SUBJECT TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE  
27 10 OF THIS TITLE 24.

1           (7) AN ACTION BROUGHT PURSUANT TO THIS SECTION MUST BE  
2 BROUGHT WITHIN TWO YEARS AFTER THE DATE OF THE MOST RECENT  
3 ADVERSE EMPLOYMENT ACTION DESCRIBED IN SUBSECTION (1) OF THIS  
4 SECTION.

5           (8) (a) THIS SECTION DOES NOT APPLY TO AN EMPLOYEE WHO  
6 DISCLOSES INFORMATION THAT THE EMPLOYEE KNOWS TO BE FALSE, WHO  
7 DISCLOSES INFORMATION WITH DISREGARD FOR THE TRUTH, OR WHO  
8 DISCLOSES INFORMATION WITHOUT FULLY COMPLYING WITH SUBSECTION  
9 (9) OF THIS SECTION.

10           (b) AN EMPLOYEE'S DISCLOSURE OF THE EMPLOYEE'S OWN ACT OF  
11 NEGLIGENCE, UNPROFESSIONAL CONDUCT, BREACH OF A P.O.S.T.  
12 CERTIFICATION REQUIREMENT, OR VIOLATION OF ANY STATE OR FEDERAL  
13 LAW IS NOT A PROTECTED ACTIVITY PURSUANT TO THIS SECTION AND DOES  
14 NOT PROVIDE THE EMPLOYEE WITH IMMUNITY RELATED TO THE ACTIVITY  
15 SUBJECT TO THE DISCLOSURE.

16           (c) THIS SECTION DOES NOT PREVENT AN EMPLOYER FROM TAKING  
17 DISCIPLINARY ACTION AGAINST AN EMPLOYEE FOR REASONS OTHER THAN  
18 THOSE SPECIFIED IN SUBSECTION (1) OF THIS SECTION.

19           (9) (a) WHEN MAKING A GOOD FAITH REPORT OR DISCLOSURE  
20 PROTECTED BY THIS SECTION, AN EMPLOYEE SHALL FOLLOW THE INTERNAL  
21 REPORTING AND INTERNAL ADMINISTRATIVE PROCEDURES OF THE  
22 EMPLOYEE'S EMPLOYER, TO THE EXTENT THE PROCEDURES EXIST AND ARE  
23 PROVIDED TO THE EMPLOYEE IN WRITING, AND SHALL EXHAUST THE  
24 PROCEDURES PRIOR TO INITIATING A PRIVATE RIGHT OF ACTION PURSUANT  
25 TO SUBSECTION (3) OF THIS SECTION. THE LIMITATIONS PERIOD IN  
26 SUBSECTION (7) OF THIS SECTION IS TOLLED UNTIL THE INTERNAL  
27 ADMINISTRATIVE PROCESS IS COMPLETE.

1 (b) (I) A LAW ENFORCEMENT AGENCY SHALL COMPLETE THE  
2 INTERNAL ADMINISTRATIVE PROCEDURE WITHIN ONE HUNDRED EIGHTY  
3 DAYS AFTER A REPORT OR DISCLOSURE EXCEPT IN THE CASE OF A  
4 REASONABLE DELAY OR IN THE CASE OF A MUTUALLY AGREED UPON  
5 DELAY.

6 (II) IF A LAW ENFORCEMENT AGENCY DOES NOT ADOPT AN  
7 INTERNAL ADMINISTRATIVE PROCEDURE OR DOES NOT COMPLETE THE  
8 INTERNAL ADMINISTRATIVE PROCEDURE WITHIN ONE HUNDRED EIGHTY  
9 DAYS AFTER STARTING THE PROCESS, EXCEPT IN THE CASE OF A  
10 REASONABLE DELAY OR IN THE CASE OF A MUTUALLY AGREED UPON  
11 DELAY, THIS SUBSECTION (9) IS DEEMED COMPLIED WITH AND THE COURT  
12 MAY AWARD ADDITIONAL DAMAGES TO THE PEACE OFFICER IN A PRIVATE  
13 RIGHT OF ACTION FILED PURSUANT TO SUBSECTION (3) OF THIS SECTION.

14 (10) NO LATER THAN JANUARY 1, 2026, ALL LAW ENFORCEMENT  
15 AGENCIES THAT EMPLOY P.O.S.T.-CERTIFIED PEACE OFFICERS SHALL  
16 PROVIDE A TRAINING TO EMPLOYEES OR A WORKPLACE POSTING, OR BOTH,  
17 REGARDING THE REQUIREMENTS OF THIS SECTION. IF THE LAW  
18 ENFORCEMENT AGENCY PROVIDES A WORKPLACE POSTING, THE LAW  
19 ENFORCEMENT AGENCY SHALL PLACE THE POSTING IN AN AREA THAT IS  
20 READILY ACCESSIBLE TO ALL EMPLOYEES AND PRINT THE POSTING IN A  
21 READABLE FORMAT. IF THE AGENCY PROVIDES A TRAINING FOR NEW  
22 EMPLOYEES HIRED AFTER THE DATE OF THE TRAINING FOR EXISTING  
23 EMPLOYEES, THE LAW ENFORCEMENT AGENCY SHALL PROVIDE THE  
24 TRAINING DURING THE EMPLOYEE'S ORIENTATION.

25 (11) AS USED IN THE SECTION, UNLESS THE CONTEXT OTHERWISE  
26 REQUIRES:

27 (a) "EMPLOYEE" MEANS A PEACE OFFICER AS DESCRIBED IN

1 SECTION 16-2.5-101 WHO IS EMPLOYED BY AN EMPLOYER AND WHO HAS  
2 ENGAGED IN PROTECTED ACTIVITY.

3 (b) "EMPLOYER" MEANS THE INSTRUMENTALITIES OF THE STATE OF  
4 COLORADO OR ANY POLITICAL SUBDIVISIONS OF THE STATE, INCLUDING,  
5 BUT NOT LIMITED TO, A COUNTY, CITY AND COUNTY, MUNICIPALITY,  
6 PUBLIC SCHOOL DISTRICT, OR SPECIAL-PURPOSE DISTRICT OR AUTHORITY;  
7 AND ITS AGENTS, EMPLOYEES, OR ASSIGNS.

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