

CHAPTER 69

GOVERNMENT - LOCAL

HOUSE BILL 93-1050

BY REPRESENTATIVES Taylor, Acquafresca, Armstrong, Chlouber, Dyer, Epps, Friednash, George, Jerke, Kaufman, Lawrence, and Prinster;
also SENATORS Wattenberg, Ament, Bishop, Hopper, Johnson, Meiklejohn, Norton, and Schroeder.

AN ACT

CONCERNING AUTHORIZATION OF INTERGOVERNMENTAL AGREEMENTS BETWEEN COUNTIES IN THIS STATE AND COUNTIES IN BORDERING STATES TO PROVIDE FOR RECIPROCAL LAW ENFORCEMENT.

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

SECTION 1. Part 2 of article 1 of title 29, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

29-1-206. Law enforcement agreements. ANY COUNTY IN THIS STATE WHICH SHARES A COMMON BORDER WITH A COUNTY IN ANOTHER STATE MAY ENTER INTO AN AGREEMENT WITH SUCH BORDERING COUNTY TO PROVIDE FOR RECIPROCAL LAW ENFORCEMENT BETWEEN SUCH COUNTIES. SUCH AGREEMENT SHALL MEET THE REQUIREMENTS OF SECTION 29-1-203 AND SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, AN ADDITIONAL REQUIREMENT THAT ANY PERSON WHO IS ASSIGNED TO LAW ENFORCEMENT DUTY IN THIS STATE PURSUANT TO SUCH INTERGOVERNMENTAL AGREEMENT AND SECTION 29-5-104 (2) SHALL BE CERTIFIED AS A PEACE OFFICER IN COLORADO, EITHER BY WAIVER UNDER THE PROVISIONS OF SECTION 24-31-306 (4), C.R.S., OR AS OTHERWISE PROVIDED IN SECTION 24-31-305 OR 24-31-306, C.R.S., PRIOR TO SUCH ASSIGNMENT.

SECTION 2. 29-5-101, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

29-5-101. Peace officers must be residents - exception. No sheriff, mayor of a city, or other person authorized by law to appoint special deputy sheriffs, marshals, policemen, or other peace officers in the state to preserve the public peace and prevent or quell public disturbances shall hereafter appoint as such special deputy sheriff, marshal, policeman, or other peace officer any person who is not at the time

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

of the appointment a bona fide resident of the state of Colorado, and no person shall assume or exercise the functions, powers, duties, or privileges incident and belonging to the office of special deputy sheriff, marshal, policeman, or other peace officer without having first received his appointment in writing from the lawfully constituted authorities of the state. NOTWITHSTANDING THE RESIDENCY REQUIREMENT STATED IN THIS SECTION, A PERSON MAY BE DEPUTIZED OR OTHERWISE ASSIGNED TO LAW ENFORCEMENT DUTY PURSUANT TO SECTION 29-5-104 (2) ALTHOUGH SUCH PERSON IS NOT A BONA FIDE RESIDENT OF THIS STATE.

SECTION 3. 29-5-104, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

29-5-104. Request for temporary assignment of police officers or deputy sheriffs - authority. (1) The chief of police, or person performing the functions thereof, of any town, city, or city and county and the sheriff of any county may, when in his opinion the same is required to quell disturbances or riots or in any other situation wherein he deems that an emergency exists within his jurisdiction, request the chief of police or person performing the function thereof of any other city, town, or city and county or the sheriff of any other county to assign officers or deputy sheriffs under their respective commands to perform temporary duty within the jurisdiction of such requesting chief of police or sheriff and under the direction and control of such requesting chief of police or sheriff under such terms and conditions as shall be agreed upon between the requesting and assigning chiefs of police or sheriffs. Such officers or deputy sheriffs shall, while so assigned and performing duties subject to the direction and control of the requesting chief of police or sheriff, have the same power within the jurisdiction of the requesting chief of police or sheriff as do regular officers or deputies, as the case may be, of such requesting chief of police or sheriff.

(2) WHERE, UNDER THE PROVISIONS OF SECTION 29-1-206, A COUNTY IN THIS STATE ENTERS INTO AN INTERGOVERNMENTAL AGREEMENT FOR RECIPROCAL LAW ENFORCEMENT WITH A BORDERING COUNTY WHICH IS LOCATED IN ANOTHER STATE, THE SHERIFF OF EITHER COUNTY MAY, PURSUANT TO THE PROVISIONS OF SUCH INTERGOVERNMENTAL AGREEMENT, REQUEST THE SHERIFF OF THE OTHER COUNTY TO ASSIGN DEPUTY SHERIFFS OR OTHER PEACE OFFICERS TO PERFORM LAW ENFORCEMENT DUTIES WITHIN THE JURISDICTION OF SUCH REQUESTING SHERIFF AND UNDER THE DIRECTION AND CONTROL OF SUCH REQUESTING SHERIFF UNDER SUCH TERMS AND CONDITIONS AS ARE STATED IN THE INTERGOVERNMENTAL AGREEMENT. PRIOR TO SUCH ASSIGNMENT, SUCH DEPUTY SHERIFFS OR OTHER PEACE OFFICERS SHALL OBTAIN CERTIFICATION AS PEACE OFFICERS IN THIS STATE, EITHER BY WAIVER UNDER THE PROVISIONS OF SECTION 24-31-306 (4), C.R.S., OR AS OTHERWISE PROVIDED IN SECTION 24-31-305 OR 24-31-306, C.R.S. SUCH DEPUTY SHERIFFS OR OTHER PEACE OFFICERS SHALL, WHILE SO ASSIGNED AND PERFORMING DUTIES SUBJECT TO THE DIRECTION AND CONTROL OF THE REQUESTING SHERIFF, HAVE THE SAME POWER WITHIN THE JURISDICTION OF THE REQUESTING SHERIFF AS DO REGULAR DEPUTIES OF SUCH REQUESTING SHERIFF.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 31, 1993