

CHAPTER 173

GOVERNMENT - COUNTY

SENATE BILL 97-212

BY SENATORS Wattenberg and Chlouber;
also REPRESENTATIVE Taylor.

AN ACT

CONCERNING THE ESTABLISHMENT OF QUALIFICATION REQUIREMENTS FOR COUNTY SHERIFFS AS
AUTHORIZED BY SECTION 8.5 OF ARTICLE XIV OF THE COLORADO CONSTITUTION.

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

SECTION 1. 30-10-501.5, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

30-10-501.5. Qualifications. (1) NO PERSON SHALL BE ELIGIBLE FOR NOMINATION, ELECTION, OR APPOINTMENT TO THE OFFICE OF SHERIFF UNLESS SUCH PERSON:

(a) IS A CITIZEN OF THE UNITED STATES, IS A CITIZEN OF THE STATE OF COLORADO, AND IS A RESIDENT OF THE COUNTY TO WHICH THE PERSON IS TO BE APPOINTED OR ELECTED;

(b) POSSESSES A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT OR A COLLEGE DEGREE;

(c) HAS HAD A COMPLETE SET OF FINGERPRINTS TAKEN BY A QUALIFIED LAW ENFORCEMENT AGENCY AND SUBMITTED A RECEIPT EVIDENCING SUCH FINGERPRINTING AT THE TIME OF FILING HIS OR HER WRITTEN ACCEPTANCE PURSUANT TO SECTION 1-4-601 (3), 1-4-906, OR 1-4-1002 (5), C.R.S., OR A CANDIDATE FILING AN AFFIDAVIT OF INTENT PURSUANT TO SECTION 1-4-1101, C.R.S. SUCH LAW ENFORCEMENT AGENCY SHALL FORWARD THE FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION. THE BUREAU SHALL UTILIZE SUCH FINGERPRINTS, ITS

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

FILES AND RECORDS, AND THOSE OF THE FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF DETERMINING WHETHER THE PERSON HAS EVER BEEN CONVICTED OF OR PLEADED GUILTY OR ENTERED A PLEA OF NOLO CONTENDERE TO ANY FELONY CHARGE UNDER FEDERAL OR STATE LAWS. THE COLORADO BUREAU OF INVESTIGATION SHALL NOTIFY THE COUNTY CLERK AND RECORDER OF THE COUNTY WHEREIN THE PERSON IS A CANDIDATE OF THE RESULTS OF THE FINGERPRINT ANALYSIS. IN THE EVENT THAT A CONVICTION OR PLEA IS DISCLOSED, SUCH PERSON SHALL BE DEEMED UNQUALIFIED FOR THE OFFICE OF SHERIFF, UNLESS PARDONED. THE RESULTS OF SUCH FINGERPRINT ANALYSIS SHALL BE CONFIDENTIAL; EXCEPT THAT THE COUNTY CLERK AND RECORDER MAY DIVULGE WHETHER SUCH PERSON IS QUALIFIED OR UNQUALIFIED FOR THE OFFICE OF SHERIFF.

SECTION 2. Part 5 of article 10 of title 30, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

30-10-501.6. Training. (1) EVERY PERSON ELECTED OR APPOINTED TO THE OFFICE OF SHERIFF FOR THE FIRST TIME SHALL:

(a) ATTEND A MINIMUM OF EIGHTY CLOCK HOURS AT A NEW SHERIFF TRAINING COURSE DEVELOPED AND FACILITATED EITHER BY THE COUNTY SHERIFFS OF COLORADO, INCORPORATED, OR ANY OTHER TRAINING RESOURCE AGENCY APPROVED BY THE COLORADO PEACE OFFICERS STANDARDS AND TRAINING BOARD, THE FIRST TIME SUCH TRAINING COURSE IS GIVEN AFTER THE PERSON'S ELECTION OR APPOINTMENT. THE COLORADO PEACE OFFICERS STANDARDS AND TRAINING BOARD SHALL HAVE DISCRETION TO ALLOW THE SUBSTITUTION OF ANY COMBINATION OF EDUCATION, EXPERIENCE, AND TRAINING DEEMED BY THE BOARD TO BE EQUIVALENT TO SUCH NEW SHERIFF TRAINING COURSE.

(b) OBTAIN BASIC PEACE OFFICER CERTIFICATION WITHIN ONE YEAR OF TAKING OFFICE. AN EXTENSION MAY BE GRANTED BY THE COLORADO PEACE OFFICERS STANDARDS AND TRAINING BOARD OF UP TO ONE YEAR TO OBTAIN SUCH CERTIFICATION UPON JUST CAUSE SHOWN. THE COLORADO PEACE OFFICERS STANDARDS AND TRAINING BOARD SHALL ISSUE WRITTEN FINDINGS OF FACT SUPPORTING SUCH AN EXTENSION.

(2) EVERY SHERIFF MUST POSSESS BASIC PEACE OFFICER CERTIFICATION AND SHALL UNDERGO AT LEAST TWENTY CLOCK HOURS OF IN-SERVICE TRAINING PROVIDED BY THE COUNTY SHERIFFS OF COLORADO, INCORPORATED, EVERY YEAR DURING SUCH SHERIFF'S TERM. THE COLORADO PEACE OFFICERS STANDARDS AND TRAINING BOARD SHALL HAVE DISCRETION TO WAIVE IN-SERVICE TRAINING UPON PRESENTATION OF EVIDENCE BY THE SHERIFF DEMONSTRATING JUST CAUSE FOR NONCOMPLETION OF SUCH TRAINING. THE COLORADO PEACE OFFICERS STANDARDS AND TRAINING BOARD SHALL HAVE DISCRETION TO ALLOW THE SUBSTITUTION OF ANY COMBINATION OF EDUCATION, EXPERIENCE, AND TRAINING DEEMED BY THE BOARD TO BE EQUIVALENT TO SUCH IN-SERVICE TRAINING OF AT LEAST TWENTY CLOCK HOURS ANNUALLY.

(3) THE COUNTY SHALL ONLY PAY ALL REASONABLE COSTS AND EXPENSES OF NEW SHERIFF AND IN-SERVICE TRAINING.

30-10-501.7. Enforcement. (1) IN THE EVENT A SHERIFF FAILS TO COMPLY WITH

THE REQUIREMENTS SET FORTH IN SECTION 30-10-501.6, SUCH SHERIFF'S PAY MUST BE SUSPENDED BY THE BOARD OF COUNTY COMMISSIONERS IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION. SUCH SHERIFF'S PAY SHALL BE REINSTATED WITH BACK PAY BY THE BOARD OF COUNTY COMMISSIONERS UPON COMPLETION OF SAID REQUIREMENTS IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION.

(2) IN ANY CIRCUMSTANCES SET FORTH IN SUBSECTION (1) OF THIS SECTION, THE COLORADO PEACE OFFICERS STANDARDS AND TRAINING BOARD SHALL NOTIFY THE BOARD OF COUNTY COMMISSIONERS OF THE SHERIFF'S FAILURE TO COMPLY WITH THE REQUIREMENTS OF SAID SUBSECTION (1) AND THAT STATE LAW REQUIRES THE COUNTY COMMISSIONERS TO IMMEDIATELY SUSPEND SUCH SHERIFF'S PAY UNTIL THE REQUIREMENTS OF SECTION 30-10-501.6 HAVE BEEN COMPLIED WITH. AFTER THE SHERIFF'S COMPLIANCE WITH THE PROVISIONS OF SECTION 30-10-501.6, THE COLORADO PEACE OFFICERS STANDARDS AND TRAINING BOARD SHALL IMMEDIATELY NOTIFY THE BOARD OF COUNTY COMMISSIONERS OF THE SHERIFF'S COMPLIANCE AND THAT STATE LAW REQUIRES THE BOARD OF COUNTY COMMISSIONERS TO REINSTATE SUCH SHERIFF'S PAY AND PROVIDE HIM OR HER ANY BACK PAY.

SECTION 3. 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: May 21, 1997