

CHAPTER 214

GOVERNMENT - STATE

SENATE BILL 98-020

BY SENATORS Congrove, Bishop, Chlouber, Hernandez, and Linkhart;
also REPRESENTATIVE Tucker.

AN ACT

CONCERNING THE PEACE OFFICER STANDARDS AND TRAINING BOARD, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 24-31-301 (2) and (5), Colorado Revised Statutes, are amended to read:

24-31-301. Definitions. As used in this part 3, unless the context otherwise requires:

(2) "Certification" means the issuance to an applicant of a signed instrument evidencing that such applicant has met the requirements imposed by this part 3 and the P.O.S.T. board. Certification includes "basic certification" AND "PROVISIONAL CERTIFICATION" that shall be issued to peace officers, "reserve certification" that shall be issued to reserve peace officers, and such additional certifications as the board may approve for peace officers.

(5) "Peace officer" means any person described in section 18-1-901 (3) (I) (I), (3) (I) (II), (3) (I) (III), C.R.S., AND WHO SHALL NOT HAVE BEEN CONVICTED OF A FELONY. ~~and any district wildlife manager or special district wildlife manager described as a "peace officer, level II," in section 18-1-901 (3) (1) (III), C.R.S.~~

SECTION 2. 24-31-303 (4) and the introductory portion to 24-31-303 (5), Colorado Revised Statutes, are amended to read:

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

24-31-303. Duties - powers of the P.O.S.T. board. (4) ~~Variances from the provisions of this part 3 and regulations issued pursuant thereto may be granted by the P.O.S.T. board where strict application thereof would result in practical difficulty or unnecessary hardship and where the variance would not conflict with the basic purposes and policies of this part 3.~~

(5) It is unlawful for any person to serve as a peace officer, LEVEL I, AS DEFINED IN SECTION 18-1-901 (3) (I) (I), C.R.S., or a reserve peace officer in this state unless such person:

SECTION 3. 24-31-305 (1.7) (a), (1.7) (b), and (2), Colorado Revised Statutes, are amended, and the said 24-31-305 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-31-305. Certification - issuance - renewal - revocation. (1.7) (a) Unless revoked, a BASIC certification OR RESERVE CERTIFICATION issued pursuant to this part 3 is valid as long as the certificate holder is continuously serving as a peace officer or reserve peace officer.

(b) If a BASIC OR RESERVE certificate holder has not served as a peace officer or reserve peace officer for a total of AT LEAST six months during any consecutive three-year period, the certification automatically expires at the end of such three-year period, unless the certificate holder is then serving as a peace officer or reserve peace officer.

(2) A certification issued pursuant to subsection (1) or (1.3) of this section OR SECTION 24-31-308 shall be suspended or revoked by the P.O.S.T. board if the certificate holder has been convicted of a felony or has otherwise failed to meet the certification requirements established by the board.

(4) THE P.O.S.T. BOARD MAY GRANT VARIANCES FROM THE REQUIREMENTS OF THIS SECTION IF STRICT APPLICATION THEREOF WOULD RESULT IN PRACTICAL DIFFICULTY OR UNNECESSARY HARDSHIP AND WHERE THE VARIANCE WOULD NOT CONFLICT WITH THE BASIC PURPOSES AND POLICIES OF THIS PART 3.

SECTION 4. 24-31-306 (7.5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-31-306. Qualifications for peace officers - repeal. (7.5) (c) THIS SUBSECTION (7.5) IS REPEALED, EFFECTIVE JANUARY 1, 1999.

SECTION 5. 24-31-306, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-31-306. Qualifications for peace officers - repeal. (9) (a) ANY PERSON EMPLOYED AS A PARKS AND RECREATION OFFICER DESCRIBED IN SECTION 18-1-901 (3) (I) (III) AS OF JANUARY 1, 1995, SHALL HAVE SATISFIED THE TRAINING REQUIRED BY SECTION 24-31-305 (1) (a) (II) IF THE PERSON HAS:

(I) SUCCESSFULLY COMPLETED, PRIOR TO JANUARY 1, 1982, BASIC TRAINING PROVIDED BY THE COLORADO DIVISION OF PARKS AND RECREATION; AND

(II) BEEN CONTINUOUSLY EMPLOYED AS A PARKS AND RECREATION OFFICER SINCE COMPLETION OF SUCH TRAINING.

(b) ANY PERSON EMPLOYED AS A PARKS AND RECREATION OFFICER DESCRIBED IN SECTION 18-1-901 (3) (1) (III) AS OF JANUARY 1, 1995, SHALL HAVE SATISFIED THE TRAINING AND EXAMINATION REQUIRED BY SECTION 24-31-305 (1) (a) (II) AND (III) IF THE PERSON HAS:

(I) SUCCESSFULLY COMPLETED, PRIOR TO JANUARY 1, 1995, BASIC TRAINING APPROVED BY THE P.O.S.T. BOARD; AND

(II) BEEN CONTINUOUSLY EMPLOYED AS A PARKS AND RECREATION OFFICER SINCE COMPLETION OF SUCH TRAINING.

(c) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE JULY 1, 1999.

SECTION 6. 33-10-109 (1) (a), Colorado Revised Statutes, is amended to read:

33-10-109. Powers and duties of director. (1) It is the duty of the director to:

(a) Appoint such personnel, subject to the provisions of section 13 of article XII of the state constitution, as are necessary for the efficient operation of the division, including such personnel designated as parks and recreation officers. An employee of the division may be certified as a parks and recreation officer by the issuance of a parks and recreation officer law enforcement card. The commission card, signed by the director, shall evidence that such parks and recreation officer has satisfied the certification requirements established by the division, INCLUDING BASIC CERTIFICATION FROM THE PEACE OFFICER STANDARDS AND TRAINING BOARD. Certified parks and recreation officers shall have the power to enforce the provisions of articles 10 to 15 and 32 of this title relating to parks and outdoor recreation areas and shall cooperate with the division of wildlife in the enforcement of laws, rules, and regulations.

SECTION 7. Part 3 of article 31 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-31-308. Reciprocity - provisional certificate. (1) THE P.O.S.T. BOARD IS AUTHORIZED TO GRANT A PROVISIONAL CERTIFICATE TO ANY PERSON WHO:

(a) IS CURRENTLY AUTHORIZED TO ACT AS A PEACE OFFICER IN ANOTHER STATE OR FEDERAL JURISDICTION, EXCLUDING THE ARMED FORCES;

(b) PASSES THE CERTIFICATION EXAMINATION REQUIRED PURSUANT TO THIS PART 3; AND

(c) POSSESSES CURRENT FIRST AID AND CARDIOPULMONARY RESUSCITATION CERTIFICATES OR THEIR EQUIVALENT.

(2) THE P.O.S.T. BOARD IS AUTHORIZED TO GRANT A BASIC CERTIFICATION TO A PERSON WHO:

- (a) HOLDS A VALID PROVISIONAL CERTIFICATE; AND
- (b) (I) SUCCESSFULLY COMPLETED APPROVED TRAINING IN EACH SKILLS AREA;
- (II) PASSES A SKILLS EXAMINATION IN EACH AREA;
- (III) DEMONSTRATES TO THE P.O.S.T. BOARD THAT HE OR SHE HAS MET COMPARABLE STANDARDS IN EACH SKILLS AREA IN ANOTHER STATE OR FEDERAL JURISDICTION; OR
- (IV) DEMONSTRATES TO THE P.O.S.T. BOARD PROFICIENCY IN EACH SKILLS AREA THROUGH ANY COMBINATION OF THE METHODS ESTABLISHED IN SUBPARAGRAPHS (I) TO (III) OF THIS PARAGRAPH (b).

(3) (a) A PROVISIONAL CERTIFICATE SHALL BE VALID FOR SIX MONTHS.

(b) UPON A SHOWING OF GOOD CAUSE, THE P.O.S.T. BOARD MAY RENEW A PROVISIONAL CERTIFICATE ONCE FOR A PERIOD NOT TO EXCEED AN ADDITIONAL SIX MONTHS.

SECTION 8. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of law, peace officer standards and training board, for the fiscal year beginning July 1, 1998, the sum of ten thousand dollars (\$10,000) cash funds, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from cash funds received from the peace officer standards training board cash fund.

SECTION 9. 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 22, 1998