

CHAPTER 17

GOVERNMENT - STATE

SENATE BILL 00-077

BY SENATORS Reeves and Tebedo;
also REPRESENTATIVES Larson, Hoppe, and Kaufman.

AN ACT

CONCERNING THE COLORADO PEACE OFFICERS STANDARDS AND TRAINING BOARD.

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

SECTION 1. 18-1-901 (3) (1) (II) (A), Colorado Revised Statutes, is amended to read:

18-1-901. Definitions. (3) (1) (II) (A) "Peace officer, level Ia," means any sheriff; district attorney; assistant district attorney; deputy district attorney; special deputy district attorney; the attorney general of the state, the deputy attorney general, ~~and~~ any deputy or assistant attorney general assigned to a criminal enforcement function in the office of the attorney general, AND THE DIRECTOR AND INVESTIGATORS OF THE PEACE OFFICERS STANDARDS AND TRAINING BOARD STAFF WITHIN THE OFFICE OF THE ATTORNEY GENERAL WHO CURRENTLY HOLD A PEACE OFFICER CERTIFICATION; authorized investigator of a county or district attorney, the attorney general, or the executive director of the department of public safety; agent of the Colorado bureau of investigation pursuant to section 24-33.5-409, C.R.S.; parole officers or community program agents pursuant to article 2 of title 17, C.R.S.; the inspector general and any investigators appointed pursuant to section 17-1-103.8, C.R.S., employed by the department of corrections; or any officer of the Southern Ute Indian police force or Ute Mountain Ute Indian police force who is certified pursuant to part 3 of article 31 of title 24, C.R.S., or otherwise qualified under section 24-31-305 (2), C.R.S. "Peace officer, level Ia," has the authority to enforce all the laws of the state of Colorado while acting within the scope of the officer's authority and in the performance of the officer's duties.

SECTION 2. 24-31-305 (1.7) (c), Colorado Revised Statutes, is amended to read:

24-31-305. Certification - issuance - renewal - revocation. (1.7) (c) The

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

P.O.S.T. board may promulgate rules ~~and regulations~~ for the renewal of certification that expired pursuant to paragraph (b). ~~of this subsection (1.7); except that no expired certification shall be renewed if the certificate holder has not served as a peace officer or reserve peace officer within the previous ten years.~~

SECTION 3. 24-31-308 (1) (a) and (2), Colorado Revised Statutes, are amended 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~~ HAS BEEN authorized to act as a peace officer in another state or federal jurisdiction, excluding the armed forces, FOR AT LEAST THE PRECEDING THREE YEARS AND HAS SERVED AS A CERTIFIED LAW ENFORCEMENT OFFICER IN GOOD STANDING IN SUCH OTHER STATE OR FEDERAL JURISDICTION FOR MORE THAN ONE YEAR;

(2) (a) The P.O.S.T. board is authorized to grant a basic certification to a person who MEETS THE CRITERIA ESTABLISHED FOR BASIC CERTIFICATION BY RULE OF THE P.O.S.T. BOARD.

(b) ANY RULE OF THE P.O.S.T. BOARD ESTABLISHING THE CRITERIA FOR BASIC CERTIFICATION SHALL PROVIDE THAT A BASIC CERTIFICATION WILL BE ISSUED ONLY AFTER AN APPLICANT HAS SUCCESSFULLY DEMONSTRATED TO THE P.O.S.T. BOARD A PROFICIENCY IN ALL SKILL AREAS AS REQUIRED BY SECTION 24-31-305.

~~(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).~~

SECTION 4. 29-1-206, Colorado Revised Statutes, is amended to read:

29-1-206. Law enforcement agreements. Any county in this state ~~which~~ THAT shares a common border with a county in another state, AND ANY MUNICIPALITY LOCATED IN SUCH A BORDERING COUNTY OF THIS STATE, may enter into an agreement with ~~such~~ THE bordering county OF THE OTHER STATE OR WITH A MUNICIPALITY LOCATED IN THE BORDERING COUNTY OF THE OTHER STATE to provide for reciprocal law enforcement between such ~~counties~~ ENTITIES. 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 ~~as provided for in section 24-31-305,~~

~~C.R.S.~~; THE OTHER STATE AND SHALL APPLY TO THE PEACE OFFICER STANDARDS AND TRAINING BOARD FOR RECOGNITION prior to such assignment.

SECTION 5. 29-5-104 (2), Colorado Revised Statutes, is amended to read:

29-5-104. Request for temporary assignment of police officers or deputy sheriffs - authority. (2) Where, under the provisions of section 29-1-206, a county OR MUNICIPALITY in this state enters into an intergovernmental agreement for reciprocal law enforcement with a bordering county OR WITH A MUNICIPALITY WITHIN A BORDERING COUNTY ~~which~~ THAT is located in another state, the ~~sheriff~~ LAW ENFORCEMENT AGENCY HEAD of either county OR MUNICIPALITY may, pursuant to the provisions of such intergovernmental agreement, request the ~~sheriff~~ LAW ENFORCEMENT AGENCY HEAD of the other county OR MUNICIPALITY to assign deputy sheriffs or other peace officers to perform law enforcement duties within the jurisdiction of such requesting ~~sheriff~~ LAW ENFORCEMENT AGENCY HEAD and 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~~ RECOGNITION as peace officers in this state as provided for in section ~~24-31-305~~; 29-1-206, 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~~ LAW ENFORCEMENT AGENCY HEAD, have the same power within the jurisdiction of the requesting ~~sheriff~~ LAW ENFORCEMENT AGENCY HEAD as do regular deputies OR OTHER PEACE OFFICERS of such requesting ~~sheriff~~ LAW ENFORCEMENT AGENCY HEAD.

SECTION 6. 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 10, 2000