

CHAPTER 242

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 03-1266

BY REPRESENTATIVE(S) Larson, McCluskey, Rippey, Rose, Salazar, Stengel, Weddig, Coleman, Frangas, Hall, and Romanoff; also SENATOR(S) Taylor, Fitz-Gerald, Sandoval, and Tapia.

AN ACT

CONCERNING RECODIFICATION OF STATUTES RELATED TO PEACE OFFICERS.

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

SECTION 1. Repeal. 18-1-901 (3) (1), Colorado Revised Statutes, is repealed.

SECTION 2. Title 16, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 2.5
Peace Officers**

16-2.5-101. Peace officer - defined - general authority. (1) A PERSON WHO IS INCLUDED WITHIN THE PROVISIONS OF THIS ARTICLE AND WHO MEETS ALL STANDARDS IMPOSED BY LAW ON A PEACE OFFICER IS A PEACE OFFICER, AND, NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO PERSON OTHER THAN A PERSON DESIGNATED IN THIS ARTICLE IS A PEACE OFFICER. A PEACE OFFICER MAY BE CERTIFIED BY THE PEACE OFFICERS STANDARDS AND TRAINING BOARD PURSUANT TO PART 3 OF ARTICLE 31 OF TITLE 24, C.R.S., AND, AT A MINIMUM, HAS THE AUTHORITY TO ENFORCE ALL LAWS OF THE STATE OF COLORADO WHILE ACTING WITHIN THE SCOPE OF HIS OR HER AUTHORITY AND IN THE PERFORMANCE OF HIS OR HER DUTIES.

(2) A PEACE OFFICER CERTIFIED BY THE PEACE OFFICER STANDARDS AND TRAINING BOARD SHALL HAVE THE AUTHORITY TO CARRY FIREARMS AT ALL TIMES, CONCEALED OR OTHERWISE, SUBJECT TO THE WRITTEN FIREARMS POLICY CREATED BY THE AGENCY EMPLOYING THE PEACE OFFICER. ALL OTHER PEACE OFFICERS SHALL HAVE THE AUTHORITY TO CARRY FIREARMS, CONCEALED OR OTHERWISE, WHILE ENGAGED IN THE PERFORMANCE OF THEIR DUTIES OR AS OTHERWISE AUTHORIZED BY THE WRITTEN POLICY OF THE AGENCY EMPLOYING THE OFFICER.

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

(3) AS USED IN EVERY STATUTE, UNLESS THE CONTEXT OTHERWISE REQUIRES, "LAW ENFORCEMENT OFFICER" MEANS A PEACE OFFICER.

16-2.5-102. Certified peace officer - P.O.S.T. certification required. THE FOLLOWING PEACE OFFICERS SHALL MEET ALL THE STANDARDS IMPOSED BY LAW ON A PEACE OFFICER AND SHALL BE CERTIFIED BY THE PEACE OFFICER STANDARDS AND TRAINING BOARD, REFERRED TO IN THIS ARTICLE AS THE "P.O.S.T. BOARD": A CHIEF OF POLICE; A POLICE OFFICER; A SHERIFF; AN UNDERSHERIFF; A DEPUTY SHERIFF, A COLORADO STATE PATROL OFFICER; A TOWN MARSHAL; A DEPUTY TOWN MARSHAL; A RESERVE POLICE OFFICER; A RESERVE DEPUTY SHERIFF; A RESERVE DEPUTY TOWN MARSHAL; THE DIRECTOR OF THE COLORADO BUREAU OF INVESTIGATION; A SECURITY OFFICER EMPLOYED BY A STATE INSTITUTION OF HIGHER EDUCATION; A COLORADO WILDLIFE OFFICER; A COLORADO PARKS AND RECREATION OFFICER; A COLORADO POLICE ADMINISTRATOR OR POLICE OFFICER EMPLOYED BY THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO; AN ATTORNEY GENERAL CRIMINAL INVESTIGATOR; A COMMUNITY PAROLE OFFICER; AND THE DEPARTMENT OF CORRECTIONS INSPECTOR GENERAL.

16-2.5-103. Sheriff - undersheriff - certified deputy sheriff - noncertified deputy sheriff. (1) A SHERIFF, AN UNDERSHERIFF, AND A DEPUTY SHERIFF ARE PEACE OFFICERS WHOSE AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO. A SHERIFF SHALL BE CERTIFIED BY THE P.O.S.T. BOARD PURSUANT SECTION 30-10-501.6, C.R.S. AN UNDERSHERIFF AND A DEPUTY SHERIFF SHALL BE CERTIFIED BY THE P.O.S.T. BOARD.

(2) A NONCERTIFIED DEPUTY SHERIFF OR DETENTION OFFICER IS A PEACE OFFICER EMPLOYED BY A COUNTY OR CITY AND COUNTY WHOSE AUTHORITY IS LIMITED TO THE DUTIES ASSIGNED BY AND WHILE WORKING UNDER THE DIRECTION OF THE CHIEF OF POLICE, SHERIFF, AN OFFICIAL WHO HAS THE DUTIES OF A SHERIFF IN A CITY AND COUNTY, OR CHIEF EXECUTIVE OF THE EMPLOYING LAW ENFORCEMENT AGENCY.

16-2.5-104. Coroner. A CORONER IS A PEACE OFFICER WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES WHOSE AUTHORITY SHALL BE LIMITED PURSUANT TO PART 6 OF ARTICLE 10 OF TITLE 30, C.R.S.

16-2.5-105. Police officer. A POLICE OFFICER, INCLUDING A CHIEF OF POLICE EMPLOYED BY A MUNICIPALITY, IS A PEACE OFFICER WHOSE AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO AND WHO SHALL BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-106. Southern Ute Indian police officer. A SOUTHERN UTE INDIAN POLICE OFFICER IS A PEACE OFFICER WHOSE AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO AND WHO MAY BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-107. Ute Mountain Ute Indian police officer. A UTE MOUNTAIN UTE INDIAN POLICE OFFICER IS A PEACE OFFICER WHOSE AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO AND WHO MAY BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-108. Town marshal - deputy. A TOWN MARSHAL OR DEPUTY TOWN MARSHAL IS A PEACE OFFICER WHOSE AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO AND WHO SHALL BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-109. Fire arson investigator. A FIRE ARSON INVESTIGATOR EMPLOYED BY A UNIT OF LOCAL GOVERNMENT IS A PEACE OFFICER WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES WHOSE AUTHORITY SHALL BE LIMITED TO THE ENFORCEMENT OF ARSON AND RELATED LAWS AND WHO MAY BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-110. Reserve police officer - reserve deputy sheriff - reserve deputy town marshal. (1) A RESERVE POLICE OFFICER, A RESERVE DEPUTY SHERIFF, AND A RESERVE DEPUTY TOWN MARSHAL ARE RESERVE OFFICERS. "RESERVE OFFICER" MEANS A PERSON AUTHORIZED BY A CITY, CITY AND COUNTY, TOWN, OR COUNTY WITHIN THIS STATE TO ACT AS A RESERVE POLICE OFFICER, RESERVE DEPUTY SHERIFF, OR RESERVE TOWN MARSHAL FOR CERTAIN SPECIFIC AND LIMITED PERIODS OF TIME WHILE THE PERSON IS AUTHORIZED TO BE ON DUTY AND ACTING AT THE EXPRESS DIRECTION OR UNDER THE DIRECT SUPERVISION OF A P.O.S.T.-CERTIFIED PEACE OFFICER PURSUANT TO SECTION 16-2.5-103, 16-2.5-105, AND 16-2.5-108. A RESERVE OFFICER IS A PEACE OFFICER WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES WHOSE AUTHORITY SHALL BE LIMITED TO THE AUTHORITY GRANTED BY HIS OR HER AUTHORIZING AGENCY. A RESERVE OFFICER SHALL OBTAIN RESERVE CERTIFICATION BY THE P.O.S.T. BOARD AS A RESERVE OFFICER OR MAY BE A FULLY P.O.S.T.-CERTIFIED PEACE OFFICER.

(2) A CITY, CITY AND COUNTY, TOWN, OR COUNTY ASSIGNING DUTIES TO A RESERVE OFFICER BEYOND THOSE DUTIES INCLUDED IN THE P.O.S.T. BOARD TRAINING SHALL ASSUME THE RESPONSIBILITY FOR ENSURING THAT THE RESERVE OFFICER IS ADEQUATELY TRAINED FOR THE DUTIES. ANY EXPENSES ASSOCIATED WITH THE ADDITIONAL TRAINING SHALL BE AUTHORIZED BY THE CITY, CITY AND COUNTY, TOWN, OR COUNTY. IF THE JURISDICTION ALLOWS OR REQUIRES THE RESERVE OFFICER TO CARRY OR USE A FIREARM WHILE ON DUTY, THE RESERVE OFFICER SHALL BE CERTIFIED FOR FIREARMS PROFICIENCY WITH THE SAME FREQUENCY AND SUBJECT TO THE SAME REQUIREMENTS AS A P.O.S.T.-CERTIFIED PEACE OFFICER IN THE JURISDICTION. A RESERVE OFFICER WHO DOES NOT COMPLY WITH THE TRAINING REQUIREMENTS SET FORTH IN THIS SUBSECTION (2) IS NOT AUTHORIZED TO ENFORCE THE LAWS OF THE STATE OF COLORADO.

(3) A RESERVE OFFICER SHALL BE IN UNIFORM WHEN CARRYING OUT AN ASSIGNMENT. THE UNIFORM SHALL BE READILY DISTINGUISHABLE FROM THE UNIFORM WORN BY A P.O.S.T.-CERTIFIED OFFICER, EITHER BECAUSE THE RESERVE OFFICER'S UNIFORM BEARS A PATCH OR BECAUSE THE UNIFORM IS A DIFFERENT COLOR THAN THE UNIFORM WORN BY A P.O.S.T.-CERTIFIED OFFICER.

(4) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (3) OF THIS SECTION, WHEN A RESERVE OFFICER IS ASSIGNED TO EXTRADITION OR SURVEILLANCE DUTIES, THE RESERVE OFFICER NEED NOT BE IN UNIFORM. WHEN PERFORMING EXTRADITION DUTIES, THE RESERVE OFFICER SHALL BE ACCOMPANIED BY A P.O.S.T.-CERTIFIED OFFICER. WHEN ASSIGNED TO SURVEILLANCE DUTIES, THE RESERVE OFFICER SHALL BE CONFINED TO THE SURVEILLANCE DUTIES, AND HE OR SHE SHALL NOT PERFORM

ANY OTHER ACTIVITIES RELATED TO LAW ENFORCEMENT.

(5) A RESERVE OFFICER MAY BE COMPENSATED FOR HIS OR HER TIME DURING A DECLARED EMERGENCY OR DURING A TIME OF SPECIAL NEED. IN ALL OTHER CIRCUMSTANCES, A RESERVE OFFICER SHALL SERVE WITHOUT COMPENSATION, BUT MAY BE REIMBURSED AT THE DISCRETION OF THE CITY, CITY AND COUNTY, TOWN, OR COUNTY BENEFITTING FROM THE SERVICES OF THE RESERVE OFFICER FOR ANY AUTHORIZED OUT-OF-POCKET EXPENSES INCURRED IN THE COURSE OF HIS OR HER DUTIES. THE CITY, CITY AND COUNTY, TOWN, OR COUNTY SHALL PAY THE COST OF WORKERS COMPENSATION BENEFITS FOR INJURIES INCURRED BY A RESERVE OFFICER WHILE ON DUTY AND WHILE ACTING WITHIN THE SCOPE OF HIS OR HER ASSIGNED DUTIES. A RESERVE OFFICER IS AN AUTHORIZED VOLUNTEER FOR PURPOSES OF ARTICLE 10 OF TITLE 24, C.R.S.

(6) FOR THE PURPOSES OF THIS SECTION:

(a) "DIRECT SUPERVISION" MEANS AN ASSIGNMENT GIVEN BY A P.O.S.T.-CERTIFIED PEACE OFFICER TO A RESERVE OFFICER, WHICH ASSIGNMENT IS CARRIED OUT IN THE PERSONAL PRESENCE OF, OR INDIRECT RADIO OR TELEPHONE CONTACT WITH, AND UNDER THE IMMEDIATE CONTROL OF, THE P.O.S.T.-CERTIFIED PEACE OFFICER. THE RESERVE OFFICER MUST BE IN UNIFORM WHILE THE ASSIGNMENT IS CARRIED OUT, EXCEPT WHEN PERFORMING EXTRADITION OR SURVEILLANCE DUTIES AS PROVIDED IN SUBSECTION (4) OF THIS SECTION.

(b) "EXPRESS DIRECTION" MEANS A DEFINED, TASK-SPECIFIC ASSIGNMENT GIVEN BY A P.O.S.T.-CERTIFIED PEACE OFFICER TO A RESERVE OFFICER. THE P.O.S.T.-CERTIFIED PEACE OFFICER NEED NOT BE PRESENT WHILE THE RESERVE OFFICER CARRIES OUT THE ASSIGNMENT. THE RESERVE OFFICER SHALL BE IN UNIFORM WHILE CARRYING OUT THE ASSIGNMENT, EXCEPT WHEN PERFORMING EXTRADITION OR SURVEILLANCE DUTIES AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION.

(7) FOR THE PURPOSES OF THIS SECTION, A PERSON SERVING AS A CITIZEN AUXILIARY IS NOT A PEACE OFFICER AND THE P.O.S.T. BOARD SHALL NOT REQUIRE THE PERSON TO BE CERTIFIED.

16-2.5-111. Executive director of the department of public safety. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY IS A PEACE OFFICER WHOSE AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO AND WHO MAY BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-112. Director of the office of preparedness, security, and fire safety. THE DIRECTOR OF THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY IS A PEACE OFFICER WHOSE AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO AND WHO MAY BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-113. Colorado bureau of investigation director - agent. THE DIRECTOR OF THE COLORADO BUREAU OF INVESTIGATION IS A PEACE OFFICER WHOSE AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO AND WHO SHALL BE CERTIFIED BY THE P.O.S.T. BOARD. A COLORADO BUREAU OF

INVESTIGATION AGENT IS A PEACE OFFICER WHOSE AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO PURSUANT TO SECTION 24-33.5-409, C.R.S., AND WHO MAY BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-114. Colorado state patrol officer. A COLORADO STATE PATROL OFFICER IS A PEACE OFFICER WHOSE AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO PURSUANT TO SECTION 24-33.5-212, C.R.S., AND WHO SHALL BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-115. Port of entry officer. A PORT OF ENTRY OFFICER IS A PEACE OFFICER WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES WHOSE AUTHORITY SHALL BE LIMITED PURSUANT TO SECTION 42-8-104, C.R.S.

16-2.5-116. Colorado wildlife officer - special wildlife officer. (1) A COLORADO WILDLIFE OFFICER EMPLOYED BY THE COLORADO DIVISION OF WILDLIFE IN THE DEPARTMENT OF NATURAL RESOURCES IS A PEACE OFFICER WHOSE AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO PURSUANT TO SECTION 33-1-102 (4.3), C.R.S., AND WHO SHALL BE CERTIFIED BY THE P.O.S.T. BOARD. EACH COLORADO WILDLIFE OFFICER SHALL BE REQUIRED TO COMPLETE A MINIMUM OF FORTY HOURS OF CONTINUING LAW ENFORCEMENT EDUCATION PER CALENDAR YEAR, OR SUCH NUMBER OF HOURS AS MAY OTHERWISE BE REQUIRED BY LAW.

(2) A SPECIAL WILDLIFE OFFICER IS A PEACE OFFICER WHOSE AUTHORITY IS LIMITED AS DEFINED BY THE DIRECTOR OF THE DIVISION OF WILDLIFE PURSUANT TO SECTION 33-1-102 (4.3), C.R.S.

16-2.5-117. Colorado parks and recreation officer - special parks and recreation officer. (1) A COLORADO PARKS AND RECREATION OFFICER EMPLOYED BY THE COLORADO DIVISION OF PARKS AND OUTDOOR RECREATION IN THE DEPARTMENT OF NATURAL RESOURCES IS A PEACE OFFICER WHOSE AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO PURSUANT TO SECTION 33-10-102 (17), C.R.S., AND WHO SHALL BE CERTIFIED BY THE P.O.S.T. BOARD. EACH COLORADO PARKS AND RECREATION OFFICER SHALL BE REQUIRED TO COMPLETE A MINIMUM OF FORTY HOURS OF CONTINUING LAW ENFORCEMENT EDUCATION PER CALENDAR YEAR, OR SUCH NUMBER OF HOURS AS MAY OTHERWISE BE REQUIRED BY LAW.

(2) A SPECIAL PARKS AND RECREATION OFFICER IS A PEACE OFFICER WHOSE AUTHORITY IS LIMITED AS DEFINED BY THE DIRECTOR OF THE DIVISION OF PARKS AND OUTDOOR RECREATION PURSUANT TO SECTION 33-10-102 (15), C.R.S.

16-2.5-118. Commissioner of agriculture. THE COMMISSIONER OF AGRICULTURE OR HIS OR HER DESIGNEE IS A PEACE OFFICER WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES WHOSE AUTHORITY SHALL BE LIMITED PURSUANT TO THE "FARM PRODUCTS ACT", SECTION 12-16-114, C.R.S., THE "COMMODITY HANDLER ACT", SECTION 12-16-210, C.R.S., THE "ANIMAL PROTECTION ACT", SECTION 35-42-107 (4), C.R.S., AND THE "PET ANIMAL CARE AND FACILITIES ACT", SECTION 35-80-109 (6), C.R.S.

16-2.5-119. State brand inspector. A STATE BRAND INSPECTOR IS A PEACE

OFFICER WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES WHOSE AUTHORITY SHALL BE LIMITED PURSUANT TO SECTION 35-53-128, C.R.S.

16-2.5-120. Colorado state higher education security officer. A COLORADO STATE HIGHER EDUCATION SECURITY OFFICER EMPLOYED BY A STATE INSTITUTION OF HIGHER EDUCATION PURSUANT TO SECTIONS 24-7-101 TO 24-7-105, C.R.S., IS A PEACE OFFICER WHOSE AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO AND WHO SHALL BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-121. Executive director of the department of revenue - senior director of enforcement for the department of revenue. THE EXECUTIVE DIRECTOR AND THE SENIOR DIRECTOR OF ENFORCEMENT OF THE DEPARTMENT OF REVENUE ARE PEACE OFFICERS WHILE ENGAGED IN THE PERFORMANCE OF THEIR DUTIES WHOSE AUTHORITY INCLUDES THE ENFORCEMENT OF LAWS AND RULES REGARDING AUTOMOBILE DEALERS PURSUANT TO SECTION 12-6-105 (1) (d) (II), C.R.S., THE LOTTERY PURSUANT TO SECTIONS 24-35-205 (3) AND 24-35-206 (7), C.R.S., LIMITED GAMING PURSUANT TO SECTION 12-47.1-204, C.R.S., LIQUOR PURSUANT TO SECTION 12-47-904 (1), C.R.S., AND RACING EVENTS PURSUANT TO SECTION 12-60-203 (1), C.R.S., AND THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO AND WHO MAY BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-122. Auto industry investigator. AN AUTO INDUSTRY INVESTIGATOR IS A PEACE OFFICER WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES WHOSE AUTHORITY SHALL BE LIMITED TO THE ENFORCEMENT OF SECTION 12-6-105 (1) (d) (II), C.R.S.

16-2.5-123. Director of the division of gaming - gaming investigator. THE DIRECTOR OF THE DIVISION OF GAMING IN THE DEPARTMENT OF REVENUE OR A GAMING INVESTIGATOR IN THE DEPARTMENT OF REVENUE IS A PEACE OFFICER WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES WHOSE PRIMARY AUTHORITY SHALL BE AS STATED IN SECTION 12-47.1-204, C.R.S., AND SHALL ALSO INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO AND WHO MAY BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-124. Liquor enforcement investigator. A LIQUOR ENFORCEMENT INVESTIGATOR IS A PEACE OFFICER WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES AND WHILE ACTING UNDER PROPER ORDERS OR REGULATIONS WHOSE PRIMARY AUTHORITY SHALL BE AS STATED IN SECTIONS 12-47-904 (1) AND 24-35-504, C.R.S., AND SHALL ALSO INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO AND WHO MAY BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-125. State lottery investigator. A STATE LOTTERY INVESTIGATOR IS A PEACE OFFICER WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES WHOSE PRIMARY AUTHORITY SHALL BE AS STATED IN SECTIONS 24-35-205 (3) AND 24-35-206 (7), C.R.S., AND SHALL ALSO INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO AND WHO MAY BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-126. Director of racing events - racing events supervisor - racing events investigator. THE DIRECTOR OF RACING EVENTS, A RACING EVENTS SUPERVISOR, AND A RACING EVENTS INVESTIGATOR ARE PEACE OFFICERS WHILE ENGAGED IN THE PERFORMANCE OF THEIR DUTIES WHOSE PRIMARY AUTHORITY SHALL

BE AS STATED IN SECTION 12-60-203 (1), C.R.S., AND SHALL ALSO INCLUDE THE ENFORCEMENT ALL LAWS OF THE STATE OF COLORADO AND WHO MAY BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-127. State student loan investigator. A STATE STUDENT LOAN INVESTIGATOR IS A PEACE OFFICER WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES WHOSE AUTHORITY SHALL BE LIMITED PURSUANT TO SECTION 23-3.1-104 (2) (q), C.R.S.

16-2.5-128. Colorado attorney general - chief deputy attorney general - solicitor general - assistant solicitor general - deputy attorney general - deputy and assistant attorney general of criminal enforcement - deputy and assistant attorney general of consumer protection. THE ATTORNEY GENERAL, CHIEF DEPUTY ATTORNEY GENERAL, SOLICITOR GENERAL, ASSISTANT SOLICITORS GENERAL, DEPUTY ATTORNEYS GENERAL, DEPUTY AND ASSISTANT ATTORNEYS GENERAL OF CRIMINAL ENFORCEMENT, AND CERTAIN DEPUTY AND ASSISTANT ATTORNEYS GENERAL OF CONSUMER PROTECTION THAT ARE DESIGNATED BY THE ATTORNEY GENERAL, ARE PEACE OFFICERS WHOSE AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO AND WHO MAY BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-129. Attorney general criminal investigator. AN ATTORNEY GENERAL CRIMINAL INVESTIGATOR IS A PEACE OFFICER WHOSE AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO AND WHO SHALL BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-130. P.O.S.T. director - P.O.S.T. board investigator. THE DIRECTOR OF THE P.O.S.T. BOARD AND A P.O.S.T. BOARD INVESTIGATOR ARE PEACE OFFICERS WHILE ENGAGED IN THE PERFORMANCE OF THEIR DUTIES WHOSE PRIMARY AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF LAWS AND RULES PERTAINING TO THE TRAINING AND CERTIFICATION OF PEACE OFFICERS AND SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO AND WHO MAY BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-131. Chief security officer for the general assembly. THE CHIEF SECURITY OFFICER FOR THE GENERAL ASSEMBLY IS A PEACE OFFICER WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES WHOSE AUTHORITY SHALL BE LIMITED PURSUANT TO SECTION 2-2-402, C.R.S.

16-2.5-132. District attorney - assistant district attorney - chief deputy district attorney - deputy district attorney - special deputy district attorney - special prosecutor. A DISTRICT ATTORNEY, AN ASSISTANT DISTRICT ATTORNEY, A CHIEF DEPUTY DISTRICT ATTORNEY, A DEPUTY DISTRICT ATTORNEY, A SPECIAL DEPUTY DISTRICT ATTORNEY, AND A SPECIAL PROSECUTOR ARE PEACE OFFICERS WHOSE AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO AND WHO MAY BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-133. District attorney chief investigator - district attorney investigator. A DISTRICT ATTORNEY CHIEF INVESTIGATOR AND A DISTRICT ATTORNEY INVESTIGATOR ARE PEACE OFFICERS WHOSE AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO AND WHO MAY BE

CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-134. Department of corrections inspector general - department of corrections investigator. THE DEPARTMENT OF CORRECTIONS INSPECTOR GENERAL AND A DEPARTMENT OF CORRECTIONS INVESTIGATOR ARE PEACE OFFICERS WHOSE AUTHORITY SHALL BE PURSUANT TO SECTION 17-1-103.8, C.R.S., AND WHOSE AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF ALL THE LAWS OF THE STATE OF COLORADO. A DEPARTMENT OF CORRECTIONS INVESTIGATOR MAY BE CERTIFIED BY THE P.O.S.T. BOARD. THE INSPECTOR GENERAL SHALL BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-135. Executive director of the department of corrections - warden - corrections officer. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, A WARDEN, A CORRECTIONS OFFICER EMPLOYED BY THE DEPARTMENT OF CORRECTIONS, OR OTHER DEPARTMENT OF CORRECTIONS EMPLOYEE ASSIGNED BY THE EXECUTIVE DIRECTOR, IS A PEACE OFFICER WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES PURSUANT TO TITLE 17, C.R.S., WHOSE PRIMARY AUTHORITY IS THE SUPERVISION OF PERSONS IN THE CUSTODY OR CONFINEMENT OF THE DEPARTMENT OF CORRECTIONS AND WHO MAY BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-136. Community parole officer. A COMMUNITY PAROLE OFFICER EMPLOYED BY THE DEPARTMENT OF CORRECTIONS RESPONSIBLE FOR THE SUPERVISION OF OFFENDERS IN THE COMMUNITY IS A PEACE OFFICER WHOSE AUTHORITY SHALL BE PURSUANT TO SECTION 17-27-105.5, C.R.S., AND WHOSE AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO, AND WHO SHALL BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-137. Adult probation officer. AN ADULT PROBATION OFFICER IS A PEACE OFFICER WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES WHOSE AUTHORITY SHALL BE LIMITED PURSUANT TO PART 2 OF ARTICLE 11 OF THIS TITLE.

16-2.5-138. Juvenile probation officer - juvenile parole officer. A JUVENILE PROBATION OFFICER AND A JUVENILE PAROLE OFFICER ARE PEACE OFFICERS WHILE ENGAGED IN THE PERFORMANCE OF THEIR DUTIES WHOSE AUTHORITY SHALL BE LIMITED PURSUANT TO SECTIONS 19-2-926 AND 19-2-1003, C.R.S.

16-2.5-139. Police administrator - police officer employed by the Colorado mental health institute at Pueblo. A POLICE ADMINISTRATOR AND A POLICE OFFICER EMPLOYED BY THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO ARE PEACE OFFICERS WHOSE AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO PURSUANT TO SECTIONS 24-7-101 TO 24-7-105, C.R.S., AND WHO SHALL BE CERTIFIED BY THE P.O.S.T. BOARD. EACH POLICE ADMINISTRATOR OR POLICE OFFICER EMPLOYED BY THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO SHALL BE REQUIRED TO COMPLETE A MINIMUM OF FORTY HOURS OF CONTINUING LAW ENFORCEMENT EDUCATION PER CALENDAR YEAR, OR SUCH NUMBER OF HOURS AS MAY OTHERWISE BE REQUIRED BY LAW.

16-2.5-140. Correctional security officer employed by the Colorado mental health institute at Pueblo. A CORRECTIONAL SECURITY OFFICER EMPLOYED BY THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO IS A PEACE OFFICER WHOSE AUTHORITY SHALL BE PURSUANT TO SECTIONS 24-7-101 TO 24-7-105, C.R.S., AND

WHOSE AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO, AND WHO MAY BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-141. Colorado state security guard. A COLORADO STATE SECURITY GUARD IS A PEACE OFFICER WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES WHOSE AUTHORITY SHALL BE LIMITED TO THE SCOPE AND AUTHORITY OF HIS OR HER ASSIGNED DUTIES AND WHO MAY BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-142. Railroad peace officer. A RAILROAD PEACE OFFICER IS A PEACE OFFICER WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES WHOSE AUTHORITY SHALL BE LIMITED PURSUANT TO SECTION 40-32-104.5, C.R.S., AND WHO MAY BE CERTIFIED BY THE P.O.S.T. BOARD.

16-2.5-143. Public utilities commission member. A PUBLIC UTILITIES COMMISSION MEMBER IS A PEACE OFFICER WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES WHOSE AUTHORITY SHALL BE LIMITED PURSUANT TO ARTICLES 1 TO 17 OF TITLE 40, C.R.S.

16-2.5-144. Colorado national guardsman. A COLORADO NATIONAL GUARDSMAN IS A PEACE OFFICER WHILE ACTING UNDER CALL OF THE GOVERNOR IN CASES OF EMERGENCY OR CIVIL DISORDER. HIS OR HER AUTHORITY SHALL BE LIMITED TO THE PERIOD OF CALL-UP SPECIFIED BY THE GOVERNOR AND SHALL BE EXERCISED ONLY IF THE EXECUTIVE ORDER OF THE GOVERNOR CALLING THE NATIONAL GUARD TO STATE DUTY SPECIFIES THAT ENFORCEMENT OF THE LAWS OF THE STATE OF COLORADO IS A PURPOSE FOR THE CALL-UP.

SECTION 3. The introductory portion to 8-41-208 (1) and 8-41-208 (2), Colorado Revised Statutes, are amended to read:

8-41-208. Coverage for job-related exposure to or contraction of hepatitis C. (1) The exposure to or contraction of hepatitis C by a firefighter, emergency services provider, or peace officer, as ~~defined~~ DESCRIBED in section ~~18-1-901(3)(1)~~, ~~C.R.S.~~ 16-2.5-101, C.R.S., shall be presumed to be within the course and scope of employment if the following conditions are satisfied:

(2) The exposure to or contraction of hepatitis C by a firefighter, emergency services provider, or peace officer, as ~~defined~~ DESCRIBED in section ~~18-1-901(3)(1)~~, ~~C.R.S.~~ 16-2.5-101, C.R.S., shall not be deemed to be within the course and scope of employment if an employer or insurer shows by a preponderance of the evidence that such exposure or contraction did not occur on the job.

SECTION 4. 8-42-101 (1) (c), Colorado Revised Statutes, is amended to read:

8-42-101. Employer must furnish medical aid - approval of plan - fee schedule - contracting for treatment - no recovery from employee - medical treatment guidelines - accreditation of physicians - repeal. (1) (c) In any case in which a firefighter, emergency medical services provider, or peace officer, as ~~defined~~ DESCRIBED in section ~~18-1-901(3)(1)~~, ~~C.R.S.~~ 16-2.5-101, C.R.S., is exposed during the course and within the scope of employment to a known or possible source of hepatitis C, the employer, or if insured, the insurer, shall, at their expense, provide for baseline testing within the period of time specified in section 8-41-208 (1) (a) to

determine whether the employee was free of hepatitis C at the time of the on-the-job exposure. The employer, or if insured, the insurer, shall pay for all reasonable and necessary medical procedures and treatment for exposure to hepatitis C during the period of time set forth in section 8-41-208 (1) (d).

SECTION 5. 12-22-303 (22), Colorado Revised Statutes, is amended to read:

12-22-303. Definitions. As used in this part 3, unless the context otherwise requires:

(22) "Peace officer" shall have the same meaning as set forth in section ~~18-1-901 (3) (t), C.R.S.~~ 16-2.5-101, C.R.S.

SECTION 6. 13-21-203 (6), Colorado Revised Statutes, is amended to read:

13-21-203. Limitation on damages. (6) The provisions of this section shall not apply to ~~any level of~~ A peace officer, as ~~defined~~ DESCRIBED in section ~~18-1-901 (3) (t), C.R.S.~~ 16-2.5-101, C.R.S., or to any firefighter, as defined in section 18-3-201 (1), C.R.S., for claims arising out of injuries sustained from an act or omission of such peace officer or firefighter acting in the performance of his or her duties and within the scope of his or her employment.

SECTION 7. 16-3-308 (1), Colorado Revised Statutes, is amended to read:

16-3-308. Evidence - admissibility - declaration of purpose. (1) Evidence which is otherwise admissible in a criminal proceeding shall not be suppressed by the trial court if the court determines that the evidence was seized by a peace officer, as ~~defined~~ DESCRIBED in section ~~18-1-901 (3) (t), C.R.S.~~ 16-2.5-101, C.R.S., as a result of a good faith mistake or of a technical violation.

SECTION 8. 16-5-205.5 (5) (b), Colorado Revised Statutes, is amended to read:

16-5-205.5. Grand jury reports. (5) Release of a grand jury report pursuant to this section may be deemed to be in the public interest only if the report addresses one or more of the following:

(b) Allegations of abuse of authority by a public servant, as defined in section 18-1-901 (3) (o), C.R.S., or a peace officer, as ~~defined~~ DESCRIBED in section ~~18-1-901 (3) (t), C.R.S.~~ 16-2.5-101, C.R.S.;

SECTION 9. 17-2-103 (3) (b), Colorado Revised Statutes, is amended to read:

17-2-103. Arrest of parolee - revocation proceedings. (3) (b) A parole officer may request that the board issue a warrant for the arrest of a parolee for violation of the conditions of his parole by filing a complaint with the board showing probable cause to believe that the parolee has violated a condition of his parole. Such warrant may be executed by ~~any~~ A peace officer, as ~~defined~~ DESCRIBED in section ~~18-1-901 (3) (t), C.R.S.~~ 16-2.5-101, C.R.S.

SECTION 10. 18-1.3-1201 (5) (c) (I), Colorado Revised Statutes, is amended to read:

18-1.3-1201. Imposition of sentence in class 1 felonies - appellate review.

(5) For purposes of this section, aggravating factors shall be the following factors:

(c) The defendant intentionally killed any of the following persons while such person was engaged in the course of the performance of such person's official duties, and the defendant knew or reasonably should have known that such victim was such a person engaged in the performance of such person's official duties, or the victim was intentionally killed in retaliation for the performance of the victim's official duties:

(I) A peace officer or former peace officer as ~~defined~~ DESCRIBED in section ~~18-1-901(3)(f)~~ 16-2.5-101, C.R.S.; or

SECTION 11. 18-1.4-102 (5) (c) (I), Colorado Revised Statutes, is amended to read:

18-1.4-102. Imposition of sentence in class 1 felonies for crimes committed on or after July 1, 1995, and prior to July 12, 2002 - appellate review. (5) For purposes of this section, aggravating factors shall be the following factors:

(c) The defendant intentionally killed any of the following persons while such person was engaged in the course of the performance of such person's official duties, and the defendant knew or reasonably should have known that such victim was such a person engaged in the performance of such person's official duties, or the victim was intentionally killed in retaliation for the performance of the victim's official duties:

(I) A peace officer or former peace officer as ~~defined~~ DESCRIBED in section ~~18-1-901(3)(f)~~ 16-2.5-101, C.R.S.; or

SECTION 12. 18-8-801 (2), Colorado Revised Statutes, is amended to read:

18-8-801. Definitions. As used in this part 8, unless the context otherwise requires:

(2) "Peace officer" has the meaning set out in section ~~18-1-901(3)(f)~~ 16-2.5-101, C.R.S.

SECTION 13. 18-9-120 (1) (d), Colorado Revised Statutes, is amended to read:

18-9-120. Terrorist training activities - penalties - exemptions. (1) As used in this section, unless the context otherwise requires:

(d) "Law enforcement officer" means any peace officer of this state, as ~~defined~~ DESCRIBED in section ~~18-1-901(3)(f)~~ 16-2.5-101, C.R.S., including a member of the Colorado national guard or any peace officer of the United States, any state, any political subdivision of a state, or the District of Columbia. "Law enforcement officer" includes, but is not limited to, any member of the national guard, as defined in 10 U.S.C. sec. 101 (9), any member of the organized militia of any state or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia who is not included within the definition of national guard, and any

member of the armed forces of the United States.

SECTION 14. 18-9-313 (2), Colorado Revised Statutes, is amended to read:

18-9-313. Peace officer personal information on the internet. (2) It is unlawful for a person knowingly to make available on the internet personal information about a peace officer ~~level I, level IA, level II, or level III~~; as ~~defined~~ DESCRIBED in section ~~18-1-901 (3)~~ 16-2.5-101, C.R.S., if the dissemination of the personal information poses an imminent and serious threat to the peace officer's safety or the safety of the peace officer's immediate family and the person making the information available on the internet knows or reasonably should know of the imminent and serious threat.

SECTION 15. 18-12-107.5 (2), Colorado Revised Statutes, is amended to read:

18-12-107.5. Illegal discharge of a firearm - penalty. (2) It shall not be an offense under this section if the person who discharges a firearm in violation of subsection (1) of this section is a peace officer as ~~defined~~ DESCRIBED in section ~~18-1-901 (3)~~ (1) 16-2.5-101, C.R.S., acting within the scope of such officer's authority and in the performance of such officer's duties.

SECTION 16. 18-18-102 (24), Colorado Revised Statutes, is amended to read:

18-18-102. Definitions. As used in this article:

(24) "Peace officer" shall have the same meaning as set forth in section ~~18-1-901 (3)~~ (1) 16-2.5-101, C.R.S.

SECTION 17. 19-2-803 (2) (b), Colorado Revised Statutes, is amended to read:

19-2-803. Legislative declaration - admissibility of evidence. (2) For purposes of this section:

(b) "Peace officer" has the meaning set forth in ~~the definition of~~ section ~~18-1-901 (3)~~ (1), C.R.S. 16-2.5-101, C.R.S.

SECTION 18. 19-3-304 (2) (s), Colorado Revised Statutes, is amended to read:

19-3-304. Persons required to report child abuse or neglect. (2) Persons required to report such abuse or neglect or circumstances or conditions shall include any:

(s) Peace officer as ~~defined~~ DESCRIBED in section ~~18-1-901 (3)~~ (1), C.R.S. 16-2.5-101, C.R.S.;

SECTION 19. 27-10-102 (8), Colorado Revised Statutes, is amended to read:

27-10-102. Definitions. As used in this article, unless the context otherwise requires:

(8) "Peace officer" means any peace officer as ~~defined~~ DESCRIBED in section

~~18-1-901 (3) (1), C.R.S.~~ 16-2.5-101, C.R.S.

SECTION 20. 42-3-107 (16.5) (e) (II), Colorado Revised Statutes, is amended to read:

42-3-107. Taxable value of classes of property - rate of tax - when and where payable - department duties - apportionment of tax collections - definitions. (16.5) (e) (II) No owner may operate special mobile machinery in Colorado unless the owner has paid the specific ownership tax assessed pursuant to this article, nor shall any owner operate special mobile machinery in Colorado after the expiration of the period for which the specific ownership tax was assessed. Any person who violates the provisions of this subparagraph (II) shall be subject to, in addition to any other applicable penalty, an administrative penalty of five hundred dollars or double the amount of the specific ownership tax, whichever is greater. Such penalty may be levied by any peace officer, as ~~defined~~ DESCRIBED in section ~~18-1-901 (3) (1), C.R.S.~~ 16-2.5-101, C.R.S., and authorized by section 42-8-104 (2). Such violation shall be determined by, paid to, and retained by the municipality or county in which such motor vehicle is or should have been registered, subject to judicial review pursuant to rule 106 (a) (4) of the Colorado rules of civil procedure.

SECTION 21. 42-3-125 (2) (a), Colorado Revised Statutes, is amended to read:

42-3-125. Access to records of license plate holders. (2) The provisions of subsection (1) of this section shall not apply to the following individuals:

(a) A peace officer as ~~defined~~ DESCRIBED in section ~~18-1-901 (3) (1), C.R.S.~~ 16-2.5-101, C.R.S., when the peace officer is seeking to ascertain the identity of the owner of a motor vehicle; and

SECTION 22. 43-2-201.1 (3), Colorado Revised Statutes, is amended to read:

43-2-201.1. Closure of public highways extending to public lands - penalty. (3) Any peace officer of this state, as ~~defined~~ DESCRIBED in section ~~18-1-901 (3) (1), C.R.S.~~ 16-2.5-101, C.R.S., has the authority to enforce the provisions of this section.

SECTION 23. The introductory portion to 25-1-107 (1) (a.5) (IV), Colorado Revised Statutes, is amended to read:

25-1-107. Powers and duties of the department - repeal. (1) The department has, in addition to all other powers and duties imposed upon it by law, the following powers and duties:

(a.5) (IV) When a public safety worker, emergency medical service provider, PEACE OFFICER, or staff member of a detention facility has been exposed to blood or other bodily fluid which there is a reason to believe may be infectious with hepatitis C, state and local health departments within their respective jurisdictions shall assist in evaluation and treatment of any involved persons by:

SECTION 24. 25-1-310 (3), Colorado Revised Statutes, is amended to read:

25-1-310. Emergency commitment. (3) If the approved treatment facility

administrator or his OR HER authorized designee approves the application, the person shall be committed, evaluated, and treated for a period not to exceed five days. The person shall be brought to the facility by a peace officer, the emergency service patrol, or any interested person. If necessary, the court may be contacted to issue an order to the police, THE PEACE OFFICER'S DEPARTMENT, or sheriff's department to transport the person to the facility.

SECTION 25. 25-1-1106 (3), Colorado Revised Statutes, is amended to read:

25-1-1106. Emergency commitment. (3) If the approved treatment facility administrator finds that there are sufficient grounds in the application, the person shall be committed, evaluated, and treated for a period not to exceed five days. The person shall be brought to the facility by a peace officer or any interested person. If necessary, the court may be contacted to issue an order to the police, THE PEACE OFFICER'S DEPARTMENT, or sheriff's department to transport the person to the facility.

SECTION 26. 29-5-111 (1), Colorado Revised Statutes, is amended to read:

29-5-111. Liability of peace officers. (1) Notwithstanding the doctrines of sovereign immunity and respondeat superior, a city, town, county, city and county, or other political subdivision of the state shall indemnify its paid peace officers and ~~its peace officers, level IIIa, as defined in section 18-1-901 (3) (1) (IV.5), C.R.S.~~ RESERVE OFFICERS, AS DEFINED IN SECTION 16-2.5-110, C.R.S., while such ~~peace officers, level IIIa,~~ RESERVE OFFICERS are on duty for any liability incurred by them and for any judgment, except a judgment for exemplary damages, entered against them for torts committed within the scope of their employment if the person claiming damages serves such political subdivision with a copy of the summons within ten days from the date when a copy of the summons is served on such peace officer. In no event shall any such political subdivision be required so to indemnify its peace officers in excess of one hundred thousand dollars for one person in any single occurrence or three hundred thousand dollars for two or more persons for any single occurrence; except that, in such instance no indemnity shall be allowed for any person in excess of one hundred thousand dollars. It is the duty of the city, town, county, city and county, or other political subdivision to provide the defense handled by the legal staff of the public entity or by other counsel, in the discretion of the public entity, for any such peace officer in such claim or civil action. However, in the event that the court determines that a ~~peace officer, level IIIa~~ RESERVE OFFICER, AS DEFINED IN SECTION 16-2.5-110, C.R.S., incurred such liability while acting outside the scope of his OR HER assigned duties or that such ~~peace officer, level IIIa~~ RESERVE OFFICER acted in a willful and wanton manner in incurring such liability, the court shall order such ~~peace officer, level IIIa~~ RESERVE OFFICER to reimburse the political subdivision for reasonable costs and reasonable attorney fees expended for the defense of such ~~peace officer, level IIIa~~ RESERVE OFFICER. With the approval of the governing body of the city, town, county, city and county, or other political subdivision, such claim or civil action may be settled or compromised. A city, town, county, city and county, or other political subdivision may carry liability insurance to insure itself and its peace officers. If such political subdivision purchases insurance which provides substantial coverage for such peace officers with a policy limitation of at least one hundred thousand dollars for one person in any single occurrence and three hundred thousand dollars for two or more persons for any single occurrence (except that in such instance no indemnity shall be allowed for any person in excess of one hundred

thousand dollars), then such political subdivision shall be liable under this section to indemnify any such peace officers only to the extent of the limits and for such torts as are covered by the policy and only to the extent of the coverage of the policy. Nothing in this section shall be deemed to condone the conduct of any peace officer who uses excessive force or who violates the statutory or constitutional rights of any person.

SECTION 27. 12-55.5-102 (6), Colorado Revised Statutes, is amended to read:

12-55.5-102. Definitions. As used in this article, unless the context otherwise requires:

(6) "Peace officer" means a ~~level I or level Ia or level H~~ peace officer as ~~defined~~ DESCRIBED in section ~~18-1-901 (3) (I), C.R.S.~~ 16-2.5-101, C.R.S.

SECTION 28. 19-1-103 (72), Colorado Revised Statutes, is amended to read:

19-1-103. Definitions. As used in this title or in the specified portion of this title, unless the context otherwise requires:

(72) "Law enforcement officer" means a peace officer, as ~~defined~~ DESCRIBED in section ~~18-1-901 (3) (I) (I), (3) (I) (II), and (3) (I) (III), C.R.S.~~ 16-2.5-101, C.R.S.

SECTION 29. 24-31-301 (5) and (5.5), Colorado Revised Statutes, are amended to read:

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

(5) "Peace officer" means any person described in section ~~18-1-901 (3) (I) (I), (3) (I) (II), (3) (I) (III), C.R.S.~~ 16-2.5-101, C.R.S., and who shall not have been convicted of a felony.

(5.5) "Reserve peace officer" means any person described in section ~~18-1-901 (3) (I) (IV.5), C.R.S.~~ 16-2.5-110, C.R.S.

SECTION 30. 24-72-204 (3) (a) (IX), Colorado Revised Statutes, is amended to read:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal.

(3) (a) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law; except that any of the following records, other than letters of reference concerning employment, licensing, or issuance of permits, shall be available to the person in interest under this subsection (3):

(IX) Addresses, telephone numbers, and personal financial information of past or present users of public utilities, public facilities, or recreational or cultural services which are owned and operated by the state, its agencies, institutions, or political subdivisions; except that nothing in this subparagraph (IX) shall prohibit the custodian of records from transmitting such data to any peace officer, as ~~defined~~ DESCRIBED in section ~~18-1-901 (3) (I) (I), (3) (I) (II), and (3) (I) (III), C.R.S.~~

16-2.5-101, C.R.S., acting within the scope of such officer's authority and in furtherance of such officer's duties, who makes a request to the custodian to inspect such records and who provides evidence satisfactory to the custodian that the inspection is reasonably related to such peace officer's authority and duties. Nothing in this subparagraph (IX) shall be construed to prohibit the publication of such information in an aggregate or statistical form so classified as to prevent the identification, location, or habits of individuals.

SECTION 31. 35-41.5-117 (5) (a), Colorado Revised Statutes, is amended to read:

35-41.5-117. Disposition of alternative livestock taken by officer. (5) (a) A brand inspector or ~~level I, Ia, or II~~ peace officer, as ~~defined~~ DESCRIBED in section ~~18-1-901 (3) (I), C.R.S.~~ 16-2.5-101, C.R.S., is authorized to stop and inspect any vehicle transporting or containing alternative livestock or the carcasses thereof.

SECTION 32. 13-80-119 (2) (a) (III), (2) (a.5) (III), and (2) (b) (III), Colorado Revised Statutes, are amended to read:

13-80-119. Damages sustained during commission of a felonious act or in flight from the commission of a felonious act. (2) (a) The court shall dismiss the action for damages and award attorney fees and costs to the person against whom the action was brought if the person bringing the action, on whose behalf an action has been brought, or in the case of a wrongful death action, the decedent, has been convicted of the felony or has been adjudicated a delinquent as a result of the commission of the act, unless the damage was caused by the willful and deliberate act of another person; except that such exception shall not apply if the person who caused the injuries acted:

(III) As a peace officer, as such person is ~~defined~~ DESCRIBED in section ~~18-1-901 (3) (I) (I), (3) (I) (II), and (3) (I) (IV.5), C.R.S.~~ 16-2.5-101, C.R.S., acting within the scope of the officer's employment and acting pursuant to section 18-1-707, C.R.S.

(a.5) The court shall dismiss the action for damages and award attorney fees and costs to the person against whom the action was brought if the person against whom the action was brought is found not guilty of criminal charges for causing the injuries sustained by the person who committed the felony or act that is defined as a felony, or in the case of a wrongful death action for causing the decedent's death, as a result of the commission of the act, unless the damage was caused by the willful and deliberate act of another person; except that such exception shall not apply if the person who caused the injuries acted:

(III) As a peace officer, as such person is ~~defined~~ DESCRIBED in section ~~18-1-901 (3) (I) (I), (3) (I) (II), and (3) (I) (IV.5), C.R.S.~~ 16-2.5-101, C.R.S., acting within the scope of the officer's employment and acting pursuant to section 18-1-707, C.R.S.

(b) If paragraph (a.5) of this subsection (2) does not apply and if the person bringing the action for damages or on whose behalf an action has been brought is not convicted of a felony or adjudicated a delinquent as a result of the commission of the act or in the case of a wrongful death action, the court shall submit to the jury hearing the damages claim the issue of whether or not, by a preponderance of the evidence,

the person committed an act that is defined by any law of this state or the United States to be a felony. The court shall dismiss the action and award attorney fees and costs to the person against whom the action was brought if the court or jury determines that the damage was sustained during the commission of or during immediate flight from an act that is defined by any law of this state or the United States to be a felony, unless the damage was caused by the willful and deliberate act of another person; except that such exception shall not apply if the person who caused the injury acted:

(III) As a peace officer, as such person is ~~defined~~ DESCRIBED in section ~~18-1-901 (3) (I) (I), (3) (I) (II), and (3) (I) (IV.5),~~ C.R.S. 16-2.5-101, C.R.S., acting within the scope of the officer's employment and acting pursuant to section 18-1-707, C.R.S.

SECTION 33. 35-65-109, Colorado Revised Statutes, is amended to read:

35-65-109. Authorization of peace officers to preserve order and protect exhibits. The board of directors or executive committee of any agricultural, horticultural, or stock society of this state is authorized to contract with a city, town, county, or city and county in whose jurisdiction the grounds of said society are located to provide ~~level I, level Ia, or level IIIa~~ peace officers, as provided in section ~~18-1-901 (3) (I) (I), (3) (I) (II), or (3) (I) (IV.5),~~ C.R.S. 16-2.5-101, C.R.S., whose duty it is to preserve order within and around the grounds of said society, to protect the property within said grounds, and to eject all persons who are improperly within the grounds of said society who are guilty of disorderly conduct or who neglect or refuse to pay the fee or observe the rules prescribed by the society. Said peace officers have the same power, during the time said exhibition continues, that a sheriff has by law to keep the peace and, in addition, during such time, may arrest any person for the commission of any offense mentioned in section 35-65-110.

SECTION 34. 14-10-107 (4.1), Colorado Revised Statutes, is amended to read:

14-10-107. Commencement - pleadings - abolition of existing defenses - automatic, temporary injunction - enforcement. (4.1) With regard to the automatic, temporary injunction that becomes effective in accordance with paragraph (b) of subsection (4) of this section when a petition for dissolution of marriage or legal separation is filed and served, whenever there is exhibited by the respondent to any duly authorized peace officer ~~level I, as defined~~ AS DESCRIBED in section ~~18-1-901, C.R.S. or sheriff,~~ 16-2.5-101, C.R.S., a copy of the petition and summons duly filed and issued pursuant to this section, or, in the case of the petitioner, a copy of the petition and summons duly filed and issued pursuant to this section, together with a certified copy of the affidavit of service of process or a certified copy of the waiver and acceptance of service, and the peace officer ~~level I, as defined in section 18-1-901, C.R.S. or sheriff~~ has cause to believe that a violation of that part of the automatic, temporary injunction which enjoins both parties from molesting the other party has occurred, such peace officer, ~~level I, as defined in section 18-1-901, C.R.S. or sheriff~~ shall use every reasonable means to enforce that part of the injunction against the petitioner or respondent. A peace officer shall not be held civilly or criminally liable for his OR HER action pursuant to this subsection (4.1) if ~~his~~ THE action is in good faith and without malice.

SECTION 35. 16-3-109, Colorado Revised Statutes, is amended to read:

16-3-109. Peace officer- authority to make arrest while off duty. A peace officer, ~~level I, as defined in~~ AS DESCRIBED IN SECTION ~~18-1-901 (3) (1) (I), C.R.S.~~ 16-2.5-101, who, while off duty, is employed in a capacity specifically permitted by policies and procedures adopted by such officer's governmental entity employer shall possess the status and authority which would otherwise be afforded an on-duty ~~level I~~ peace officer AS DESCRIBED IN SECTION 16-2.5-101, acting within the course and scope of such officer's employment. To be within the scope of this section, a ~~level I~~ peace officer employed by a nongovernmental entity must be in uniform with the peace officer's public entity badge plainly visible, or such ~~level I~~ peace officer must have been approved for plain clothes work by the peace officer's governmental employer.

SECTION 36. 19-1-103 (1) (b), Colorado Revised Statutes, is amended to read:

19-1-103. Definitions. As used in this title or in the specified portion of this title, unless the context otherwise requires:

(1) (b) In all cases, those investigating reports of child abuse shall take into account accepted child-rearing practices of the culture in which the child participates including, but not limited to, accepted work-related practices of agricultural communities. Nothing in this subsection (1) shall refer to acts that could be construed to be a reasonable exercise of parental discipline or to acts reasonably necessary to subdue a child being taken into custody pursuant to section 19-2-502 that are performed by a peace officer, ~~level I, as defined~~ AS DESCRIBED in section ~~18-1-901 (3) (1), C.R.S.~~ 16-2.5-101, C.R.S., acting in the good faith performance of the officer's duties.

SECTION 37. 19-3-313 (8), Colorado Revised Statutes, is amended to read:

19-3-313. Central registry. (8) Any peace officer, ~~level I,~~ AS DESCRIBED IN SECTION 16-2.5-101, C.R.S., or probation officer, who was the subject of a report submitted to the central registry prior to July 1, 1987, for an act as described in section 19-3-303 (1) (b) and who was not criminally prosecuted or administratively disciplined for such act may request the director to expunge the record of such report on the grounds that such act did not constitute child abuse or neglect.

SECTION 38. 24-7-103 (2), Colorado Revised Statutes, is amended to read:

24-7-103. Powers conferred. (2) When not on state owned or leased property, security officers employed and commissioned pursuant to this article shall not have any authority not possessed by private citizens to arrest, investigate, or carry weapons. This subsection (2) shall not apply to peace officers ~~level I, as defined~~ AS DESCRIBED in section ~~18-1-901 (3) (1) (I), C.R.S.~~ 16-2.5-101, C.R.S.

SECTION 39. The introductory portion to 24-31-303 (5), Colorado Revised Statutes, is amended to read:

24-31-303. Duties - powers of the P.O.S.T. board - repeal. (5) It is unlawful for any person to serve as a peace officer, ~~level I, as defined~~ DESCRIBED in section ~~18-1-901 (3) (1) (I), C.R.S.~~ 16-2.5-102, C.R.S., or a reserve peace officer AS DEFINED IN SECTION 16-2.5-110, C.R.S., in this state unless such person:

SECTION 40. 42-4-237 (3) (c), Colorado Revised Statutes, is amended to read:

42-4-237. Safety belt systems - mandatory use - exemptions - penalty.

(3) Except as provided in section 42-2-105.5, the requirement of subsection (2) of this section shall not apply to:

(c) A peace officer ~~level I, as defined AS DESCRIBED in section 18-1-901 (3) (1) (I), C.R.S.~~ 16-2.5-101, C.R.S., while performing official duties so long as the performance of said duties is in accordance with rules and regulations applicable to said officer which are at least as restrictive as subsection (2) of this section and which only provide exceptions necessary to protect the officer;

SECTION 41. 43-4-506.5 (3) (a) and (3) (b), Colorado Revised Statutes, are amended to read:

43-4-506.5. Traffic laws - toll collection. (3) (a) Any person who evades a toll established by an authority shall be subject to the civil penalty established by that authority for toll evasion. Any peace officer ~~level I, as defined AS DESCRIBED in section 18-1-901 (3) (1) (I), C.R.S.~~ 16-2.5-101, C.R.S., shall have the authority to issue civil penalty assessments, or municipal summons and complaints if authorized pursuant to a municipal ordinance, for such toll evasion.

(b) At any time that a person is cited for toll evasion, the person operating the motor vehicle involved shall be given either a notice in the form of a civil penalty assessment notice or a municipal summons and complaint. If a civil penalty assessment is issued, such notice shall be tendered by a peace officer ~~level I, AS DESCRIBED IN SECTION 16-2.5-101, C.R.S.,~~ and shall contain the name and address of such person, the license number of the motor vehicle involved, the number of such person's driver's license, the nature of the violation, the amount of the penalty prescribed for the violation, the date of the notice, a place for such person to execute a signed acknowledgment of such person's receipt of the civil penalty assessment notice, a place for such person to execute a signed acknowledgment of liability for the cited violation, and such other information as may be required by law to constitute such notice as a complaint to appear in court should the prescribed penalty not be paid within twenty days. Every cited person shall execute the signed acknowledgment of the person's receipt of the civil penalty assessment notice.

SECTION 42. 43-4-811 (3) (a) and (3) (c), Colorado Revised Statutes, are amended to read:

43-4-811. Traffic laws - toll collection. (3) (a) Any person who evades a toll established by the enterprise shall be subject to the civil penalty established by the enterprise for toll evasion. Any peace officer ~~level I, as defined AS DESCRIBED in section 18-1-901 (3) (1) (I), C.R.S.~~ 16-2.5-101, C.R.S., shall have the authority to issue civil penalty assessments, or municipal summons and complaints if authorized pursuant to a municipal ordinance, for such toll evasion.

(c) If a civil penalty assessment notice is issued, such notice shall be tendered by a peace officer ~~level I, AS DESCRIBED IN SECTION 16-2.5-101, C.R.S.,~~ and shall contain the name and address of the person operating the motor vehicle involved, the license number of the motor vehicle, such person's driver's license number, the nature

of the violation, the amount of the penalty prescribed for the violation, the date of the notice, a place for such person to execute a signed acknowledgment of such person's receipt of the civil penalty assessment notice, a place for such person to execute a signed acknowledgment of liability for the cited violation, and such other information as may be required by law to constitute the notice as a complaint to appear in court should the prescribed penalty not be paid within twenty days. Every cited person shall execute the signed acknowledgment of the person's receipt of the civil penalty assessment notice.

SECTION 43. 16-3-110 (1) (a), Colorado Revised Statutes, is amended to read:

16-3-110. Peace officers - duties. (1) For the purposes of this section, "peace officer" means:

(a) A peace officer, ~~level I, or peace officer, level Ia, as defined~~ AS DESCRIBED in section ~~18-1-901 (3) (I) (I) and (3) (I) (II), C.R.S., 16-2.5-101~~ respectively; or

SECTION 44. 18-1.3-501 (1.5) (b), Colorado Revised Statutes, is amended to read:

18-1.3-501. Misdemeanors classified - penalties. (1.5) (b) As used in this section, "peace officer or firefighter engaged in the performance of his or her duties" means a peace officer ~~as defined~~ AS DESCRIBED in section ~~18-1-901 (3) (I) (I) or (3) (I) (II)~~ 16-2.5-101, C.R.S., or a firefighter as defined in section 18-3-201 (1) who is engaged or acting in, or who is present for the purpose of engaging or acting in, the performance of any duty, service, or function imposed, authorized, required, or permitted by law to be performed by a peace officer or firefighter, whether or not the peace officer or firefighter is within the territorial limits of his or her jurisdiction, if the peace officer or firefighter is in uniform or the person committing an assault upon or offense against or otherwise acting toward such peace officer or firefighter knows or reasonably should know that the victim is a peace officer or firefighter or if the peace officer or firefighter is intentionally assaulted in retaliation for the performance of his or her official duties.

SECTION 45. 18-3-107 (2), Colorado Revised Statutes, is amended to read:

18-3-107. First degree murder of a peace officer or firefighter - legislative declaration. (2) As used in this section, "peace officer or firefighter engaged in the performance of his or her duties" means a peace officer, ~~as defined~~ AS DESCRIBED in section ~~18-1-901 (3) (I) (I) or (3) (I) (II)~~ 16-2.5-101, C.R.S., or a firefighter, as defined in section 18-3-201 (1), who is engaged or acting in, or who is present for the purpose of engaging or acting in, the performance of any duty, service, or function imposed, authorized, required, or permitted by law to be performed by a peace officer or firefighter, whether or not the peace officer or firefighter is within the territorial limits of his or her jurisdiction, if the peace officer or firefighter is in uniform or the person committing an assault upon or offense against or otherwise acting toward such peace officer or firefighter knows or reasonably should know that the victim is a peace officer or firefighter.

SECTION 46. 18-12-105 (2) (d) and (2) (e), Colorado Revised Statutes, are amended to read:

18-12-105. Unlawfully carrying a concealed weapon - unlawful possession of weapons. (2) It shall not be an offense if the defendant was:

(d) A peace officer, ~~level I or level Ia, as defined~~ DESCRIBED in section ~~18-1-901 (3) (I) or (3) (I) (H)~~ 16-2.5-101, C.R.S., WHEN CARRYING A WEAPON IN CONFORMANCE WITH THE POLICY OF THE EMPLOYING AGENCY AS PROVIDED IN SECTION 16-2.5-101 (2), C.R.S.; or

(e) ~~A peace officer, level II, as defined in section 18-1-901 (3) (I) (H), while on duty; or~~

SECTION 47. 35-42-110, Colorado Revised Statutes, is amended to read:

35-42-110. Injured animals may be destroyed. Any agent of the bureau or peace officer, ~~level I, or peace officer, level Ia~~ AS DESCRIBED IN SECTION 16-2.5-101, C.R.S., may lawfully destroy or cause to be destroyed any animal in his OR HER charge when, in the judgment of such agent and by the written certificate of two persons, one of whom may be selected by the owner if the owner so requests, called to view the animal in the presence of the agent, such animal appears to be injured, disabled, diseased past recovery, or unfit for any useful purpose.

SECTION 48. 35-42.5-101 (2), Colorado Revised Statutes, is amended to read:

35-42.5-101. Duties and restrictions relating to shelters and pounds - legislative declaration. (2) Any officer or agent of the state bureau of animal protection created in article 42 of this title, or any peace officer, ~~level I, or peace officer, level Ia~~ AS DESCRIBED IN SECTION 16-2.5-101, C.R.S., may enforce the provisions of this section.

SECTION 49. 17-1-103.8 (1) and (5) (a), Colorado Revised Statutes, are amended to read:

17-1-103.8. Duties of executive director - inspector general - investigators - duties. (1) The executive director, pursuant to section 13 of article XII of the state constitution, shall appoint a person to the position of inspector general. The person appointed to the position shall report to the executive director and shall have the powers of a peace officer, ~~level Ia, as defined~~ DESCRIBED in ~~section 18-1-901 (3) (I) (H) (A), C.R.S.~~ SECTIONS 16-2.5-101 AND 16-2.5-134, C.R.S.

(5) (a) The executive director, in consultation with the inspector general, shall appoint investigators who shall operate under the inspector general's direct authority. Investigators appointed pursuant to this section shall have the powers of a peace officer, ~~level Ia, as defined~~ DESCRIBED in ~~section 18-1-901 (3) (I) (H) (A), C.R.S.~~ SECTIONS 16-2.5-101 AND 16-2.5-134, C.R.S. Investigators shall have only those powers and duties specified in paragraphs (c) and (d) of this subsection (5).

SECTION 50. 17-27-102 (3.5), Colorado Revised Statutes, is amended to read:

17-27-102. Definitions. As used in this article:

(3.5) "Community corrections program agent" or "agent" means a person who is

an employee of the department and is a peace officer, ~~level Ia~~ AS DESCRIBED IN SECTIONS 16-2.5-101 AND 16-2.5-136, C.R.S., with the powers and duties described in section 17-27-105.5.

SECTION 51. 18-12-105.5 (3) (e), (3) (f), and (3) (g), Colorado Revised Statutes, are amended to read:

18-12-105.5. Unlawfully carrying a weapon - unlawful possession of weapons - school, college, or university grounds. (3) It shall not be an offense under this section if:

(e) The person is a peace officer, ~~level I or level Ia, as defined~~ AS DESCRIBED in section ~~18-1-901 (3) (I) (I) or (3) (I) (H)~~ 16-2.5-101, C.R.S., WHEN CARRYING A WEAPON IN CONFORMANCE WITH THE POLICY OF THE EMPLOYING AGENCY AS PROVIDED IN SECTION 16-2.5-101 (2), C.R.S.; or

(f) ~~The person is a peace officer, level II, as defined in section 18-1-901 (3) (I) (H), while on duty; or~~

(g) ~~The person is a peace officer, level IIIa, as defined in section 18-1-901 (3) (I) (IV.5), while on duty and under supervision; or~~

SECTION 52. 42-20-103 (2), Colorado Revised Statutes, is amended to read:

42-20-103. Definitions. As used in this article, unless the context otherwise requires:

(2) "Enforcement official" means, and is limited to, A PEACE OFFICER WHO IS an officer of the COLORADO STATE patrol AS DESCRIBED IN SECTIONS 16-2.5-101 AND 16-2.5-114, C.R.S., A CERTIFIED PEACE OFFICER WHO IS a certified port of entry officer AS DESCRIBED IN SECTIONS 16-2.5-101 AND 16-2.5-115, C.R.S., A PEACE OFFICER WHO IS an investigating official of the transportation section of the public utilities commission AS DESCRIBED IN SECTIONS 16-2.5-101 AND 16-2.5-143, C.R.S., or any OTHER peace officer ~~level I, as defined~~ AS DESCRIBED in section ~~18-1-901 (3) (I) (I)~~ 16-2.5-101, C.R.S.

SECTION 53. 12-47.1-204 (3), Colorado Revised Statutes, is amended to read:

12-47.1-204. Investigator - peace officers. (3) The investigators of the division ~~and their supervisors; including the director of the division and the executive director of the department of revenue;~~ shall be considered a peace officer ~~level II~~ OFFICERS, as ~~defined~~ DESCRIBED in section ~~18-1-901 (3) (I) (H), C.R.S.~~ SECTIONS 16-2.5-101 AND 16-2.5-122, C.R.S. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL BE CONSIDERED A PEACE OFFICER AS DESCRIBED IN SECTIONS 16-2.5-101 AND 16-2.5-121, C.R.S.

SECTION 54. 12-60-203 (1), Colorado Revised Statutes, is amended to read:

12-60-203. Investigators - peace officers. (1) All investigators of the division of racing events ~~and their supervisors;~~ including the director and the executive director, shall for purposes of enforcement of this article be considered a peace

~~officer, level II; OFFICERS as defined DESCRIBED in section 18-1-901 (3) (I) (III), C.R.S. SECTIONS 16-2.5-101 AND 16-2.5-126, C.R.S.~~

SECTION 55. 40-32-104.5 (2), Colorado Revised Statutes, is amended to read:

40-32-104.5. Railroad peace officer - defined - scope of authority - responsibility and liability of railroad. (2) A class I railroad corporation may employ a railroad peace officer to protect and investigate offenses against the corporation. Such railroad peace officer, while engaged in the conduct of his or her employment, shall possess and exercise all the powers vested in a peace officer ~~level II~~, of this state, pursuant to ~~section 18-1-901 (3) (I) (III), C.R.S. SECTIONS 16-2.5-101 AND 16-2.5-142, C.R.S.~~ Such authority shall be exercised only in the protection of persons, including on-duty employees, who are located on the class I railroad corporation's property and in the protection of all real and personal property in the current physical possession of such railroad corporation. Such authority may include engaging in immediate pursuit. In the exercise of his or her duties, the railroad peace officer shall have the power to arrest for violation of laws upon railroad property; except that he or she shall be required to notify the appropriate local law enforcement agency before applying for any warrant or lodging any criminal complaint unless the arrest is pursuant to section 40-32-107.

SECTION 56. 19-2-204 (2), Colorado Revised Statutes, is amended to read:

19-2-204. Juvenile probation departments or divisions - service agreements. (2) Subject to the provisions of section 13-3-105, C.R.S., the juvenile court is authorized to appoint juvenile probation officers and such other professional and clerical personnel as may be required. Juvenile probation officers shall have the powers and duties specified in section 19-2-926 and shall have the powers of peace officers, ~~level III~~, as ~~defined~~ DESCRIBED in ~~section 18-1-901 (3) (I) (IV), C.R.S. SECTIONS 16-2.5-101 AND 16-2.5-138, C.R.S.~~

SECTION 57. 19-2-209 (2), Colorado Revised Statutes, is amended to read:

19-2-209. Division of juvenile parole - organization. (2) The division of juvenile parole shall include the director of juvenile parole and all juvenile parole officers appointed under this section. Such juvenile parole officers and other personnel shall be appointed by the director of juvenile parole pursuant to section 13 of article XII of the state constitution and with the consent of the department of human services. Juvenile parole officers shall have the powers and duties specified in part 10 of this article and shall have the powers of peace officers, ~~level III~~, as ~~defined~~ DESCRIBED in ~~section 18-1-901 (3) (I) (IV), C.R.S. SECTIONS 16-2.5-101 AND 16-2.5-138, C.R.S.~~

SECTION 58. 19-2-926 (4), Colorado Revised Statutes, is amended to read:

19-2-926. Juvenile probation officers - powers and duties. (4) Juvenile probation officers, for the purpose of performing their duties, shall have all the powers of peace officers, ~~level III~~, as ~~defined~~ DESCRIBED in ~~section 18-1-901 (3) (I) (IV), C.R.S. SECTIONS 16-2.5-101 AND 16-2.5-138, C.R.S.~~

SECTION 59. 19-2-1003 (3), Colorado Revised Statutes, is amended to read:

19-2-1003. Division of juvenile parole - powers - duties. (3) All juvenile parole officers shall have the powers of peace officers, ~~level III~~, as ~~defined~~ DESCRIBED in ~~section 18-1-901 (3) (I) (IV)~~, C.R.S. SECTIONS 16-2.5-101 AND 16-2.5-138, C.R.S., in performing the duties of their position.

SECTION 60. 35-42-107 (4), Colorado Revised Statutes, is amended to read:

35-42-107. Bureau personnel - appointment. (4) Agents of the bureau who have completed training as specified by the commissioner are vested with the power to issue summons and complaints to enforce the provisions of part 2 of article 9 of title 18, C.R.S., and article 80 of this title, as granted peace officers under section 16-2-104, C.R.S., and shall be designated as peace officers, ~~level III~~, as ~~defined~~ DESCRIBED in ~~section 18-1-901 (3) (I) (IV)~~, C.R.S. SECTIONS 16-2.5-101 AND 16-2.5-118, C.R.S.

SECTION 61. 42-4-509 (1), Colorado Revised Statutes, is amended to read:

42-4-509. Vehicles weighed - excess removed. (1) Any police or peace officer, as ~~defined~~ DESCRIBED in section ~~18-1-901 (3) (I) (IV)~~, C.R.S. 16-2.5-101, C.R.S., having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or stationary scales or shall require that such vehicle be driven to the nearest public scales in the event such scales are within five miles.

SECTION 62. 18-3-201 (2), Colorado Revised Statutes, is amended to read:

18-3-201. Definitions. As used in sections 18-3-201 to 18-3-203, unless the context otherwise requires:

(2) "Peace officer or firefighter engaged in the performance of his or her duties" means a peace officer, AS DESCRIBED IN SECTION 16-2.5-101, C.R.S., or firefighter who is engaged or acting in, or who is present for the purpose of engaging or acting in, the performance of any duty, service, or function imposed, authorized, required, or permitted by law to be performed by a peace officer or firefighter, whether or not the peace officer or firefighter is within the territorial limits of his or her jurisdiction, if the peace officer or firefighter is in uniform or the person committing an assault upon or offense against or otherwise acting toward such peace officer or firefighter knows or reasonably should know that the victim is a peace officer or firefighter. For the purposes of this subsection (2) and this part 2, the term "peace officer" shall include county enforcement personnel designated pursuant to section 29-7-101 (3), C.R.S.

SECTION 63. 18-8-101 , Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

18-8-101. Definitions. As used in this article, unless the context otherwise requires:

(4) "PEACE OFFICER" HAS THE SAME MEANING AS DESCRIBED IN SECTION 16-2.5-101, C.R.S.

SECTION 64. 33-1-102 (9) and (32), Colorado Revised Statutes, are amended, and the said 33-1-102 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

33-1-102. Definitions. As used in this title, unless the context otherwise requires:

(4.3) "COLORADO WILDLIFE OFFICER" OR "SPECIAL WILDLIFE OFFICER" MEANS AN EMPLOYEE OF THE DIVISION OF WILDLIFE, OR ANY OTHER PERSON WHO IS COMMISSIONED BY THE DIRECTOR OF THE DIVISION TO ENFORCE THE WILDLIFE STATUTES AND RULES AND REGULATIONS OF THE COMMISSION AND ALL LAWS OF THE STATE OF COLORADO, WHO IS RECOGNIZED AS A PEACE OFFICER IN SECTION 16-2.5-116, C.R.S.

~~(9) "District wildlife manager" or "special district wildlife manager" means an employee of the division of wildlife or any other person who is commissioned by the director of the division to enforce the wildlife statutes and the rules and regulations of the commission, who is recognized as a peace officer in section 18-1-901 (3) (I), C.R.S., and who is empowered to enforce the "Colorado Criminal Code", title 18, C.R.S.~~

(32) "Peace officer" means a sheriff, undersheriff, deputy sheriff, police officer, Colorado state patrol officer, or TOWN marshal, a district attorney, assistant district attorney, deputy district attorney, or special deputy district attorney, an authorized investigator of a district attorney, an agent of the Colorado bureau of investigation, a ~~district wildlife manager~~ COLORADO WILDLIFE OFFICER or special ~~district wildlife manager~~ OFFICER, or a parks and recreation officer.

SECTION 65. 33-10-102 (17), Colorado Revised Statutes, is amended to read:

33-10-102. Definitions. As used in articles 10 to 15 of this title, unless the context otherwise requires:

(17) "Peace officer" means a sheriff, undersheriff, deputy sheriff, police officer, Colorado state patrol officer, or TOWN marshal, a district attorney, assistant district attorney, deputy district attorney, or special deputy district attorney, an authorized investigator of a district attorney, an agent of the Colorado bureau of investigation, a ~~district wildlife manager~~ COLORADO WILDLIFE OFFICER or special ~~district wildlife manager~~ OFFICER, or a parks and recreation officer. A parks and recreation officer has the powers of a peace officer as set forth in ~~section 18-1-901 (3) (I) (III), C.R.S.,~~ SECTIONS 16-2.5-101 AND 16-2.5-117 C.R.S., and has the authority to enforce the laws of the state of Colorado while in the performance of his duties.

SECTION 66. 33-1-110 (5), Colorado Revised Statutes, is amended to read:

33-1-110. Duties of the director of the division. (5) The director shall appoint ~~district wildlife managers~~ COLORADO WILDLIFE OFFICERS and may appoint special ~~district wildlife managers~~ OFFICERS to serve without pay, who shall have the same powers as a ~~district wildlife manager~~ COLORADO WILDLIFE OFFICER. A special ~~district wildlife manager~~ OFFICER commission shall not be issued until the applicant has submitted to the division an application setting forth his OR HER qualifications to act as such an officer. The director may revoke the special ~~district wildlife manager~~

OFFICER commission of any such person at his OR HER pleasure.

SECTION 67. 33-1-113 (2), Colorado Revised Statutes, is amended to read:

33-1-113. Expenses of employees. (2) In addition to the compensation paid employees of the division and in addition to reimbursement for expenses as provided in subsection (1) of this section, each employee of the division who is vested with the rights and powers of a ~~district wildlife manager~~ COLORADO WILDLIFE OFFICER, including and limited to area wildlife managers and ~~district wildlife managers~~ COLORADO WILDLIFE OFFICERS, shall, because of the number of hours and the extraordinary service performed by such employees and the requirement of purchasing necessary uniform items, be further reimbursed for maintenance and ordinary expenses incurred in the performance of their duties in such amount as shall be determined by the commission, but the amount authorized under this subsection (2) for any such employee of the division shall not exceed the sum of fifty dollars per month.

SECTION 68. 33-6-101 (1) and (4), Colorado Revised Statutes, are amended to read:

33-6-101. Powers and duties of officers. (1) Every ~~district wildlife manager~~ COLORADO WILDLIFE OFFICER or other commissioned officer of the division shall enforce the provisions of articles 1 to 6 of this title. Every other peace officer, as defined in section 33-1-102 (32), may assist the ~~district wildlife managers~~ COLORADO WILDLIFE OFFICERS in the enforcement of articles 1 to 6 of this title. Each such officer has the full power and authority to arrest any person who he OR SHE has probable cause to believe is guilty of a violation of articles 1 to 6 of this title, and, in accordance with the constitutions and laws of the United States and the state of Colorado, to open, enter, and search all places of concealment where he OR SHE has probable cause to believe wildlife held in violation of articles 1 to 6 of this title is to be found or where other material evidence relating to a violation of articles 1 to 6 of this title is to be found and to seize the same. Each such officer shall have the authority to secure and execute search or arrest warrants.

(4) Every ~~district wildlife manager~~ COLORADO WILDLIFE OFFICER must obtain basic certification from the peace officer standards and training board no later than July 1, 1998, pursuant to part 3 of article 31 of title 24, C.R.S.

SECTION 69. 33-6-111 (4), Colorado Revised Statutes, is amended to read:

33-6-111. Inspection of license and wildlife - check stations - failure to tag - eluding an officer. (4) It is unlawful for any person to elude or attempt to elude by any means a ~~district wildlife manager~~ COLORADO WILDLIFE OFFICER or other peace officer after having received a visual or audible signal such as a red or red and blue light, siren, or voice command directing him to stop. Any person who violates this subsection (4) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars and an assessment of ten license suspension points. In addition, the court shall require the person to pay for any damages caused to any public or private real or personal property damaged while eluding an officer.

SECTION 70. 33-6-128 (3), Colorado Revised Statutes, is amended to read:

33-6-128. Damage or destruction of dens or nests - harassment of wildlife.

(3) A ~~district wildlife manager~~ COLORADO WILDLIFE OFFICER or other peace officer may capture or kill any dog he OR SHE determines to be harassing wildlife. The provisions of this subsection (3) shall not apply to dogs that are under the direct personal control of a person.

SECTION 71. 33-14.5-106 (2) (b) (II), Colorado Revised Statutes, is amended to read:

33-14.5-106. Off-highway vehicle recreation fund - creation - use of moneys.

(2) All moneys collected for fines imposed pursuant to the provisions of this article shall be distributed as follows:

(b) One-half of such amount collected shall be distributed as follows:

(II) If the citing officer is a ~~district wildlife manager~~ COLORADO WILDLIFE OFFICER or special ~~district wildlife manager~~ OFFICER, such amount shall be transferred to the state treasurer and credited to the wildlife cash fund; or

SECTION 72. 33-15-103 (1) (b) (II) (B), Colorado Revised Statutes, is amended to read:

33-15-103. Disposition of fines - notice of court decisions. (1) (b) All moneys collected for fines imposed pursuant to the provisions of article 14.5 of this title shall be distributed as follows:

(II) One-half of such amount collected shall be distributed as follows:

(B) If the citing officer is a ~~district wildlife manager~~ COLORADO WILDLIFE OFFICER or special ~~district wildlife manager~~ OFFICER, such amount shall be transferred to the state treasurer and credited to the wildlife cash fund; or

SECTION 73. 23-30-403 (2), Colorado Revised Statutes, is amended to read:

23-30-403. Proof of ownership required - when. (2) Any person who transports or possesses any forest product intended for resale shall, upon request of any sheriff, undersheriff, deputy sheriff, police officer, TOWN marshal, Colorado state patrol officer, parks and recreation officer, COLORADO WILDLIFE OFFICER, or an agent of the Colorado bureau of investigation, exhibit valid proof of ownership.

SECTION 74. 12-48.5-108 (1) (d), Colorado Revised Statutes, is amended to read:

12-48.5-108. Persons prohibited as licensees. (1) No license provided by this article shall be issued to or held by:

(d) ~~Any sheriff, deputy sheriff, police officer, or prosecuting officer~~ A PEACE OFFICER or any of the local licensing authority's inspectors or employees;

SECTION 75. 12-47-307 (2), Colorado Revised Statutes, is amended to read:

12-47-307. Persons prohibited as licensees. (2) No license provided by this article shall be issued to or held by any ~~sheriff, deputy sheriff, police officer, or prosecuting officer~~ PEACE OFFICER, or the state licensing authority, or any of its inspectors or employees.

SECTION 76. 12-25.5-109 (1) (d), Colorado Revised Statutes, is amended to read:

12-25.5-109. Persons prohibited as licensees. (1) No license provided by this article shall be issued to or held by:

(d) ~~Any sheriff, deputy sheriff, police officer, or prosecuting officer~~ A PEACE OFFICER or any of the local licensing authority's inspectors or employees;

SECTION 77. 18-5-205 (7), Colorado Revised Statutes, is amended to read:

18-5-205. Fraud by check - definitions - penalties. (7) A bank, a savings and loan association, an industrial bank, or a credit union shall not be civilly or criminally liable for releasing information relating to the drawer's account to a sheriff, deputy sheriff, undersheriff, police officer, AGENT OF THE COLORADO BUREAU OF INVESTIGATION, DIVISION OF GAMING INVESTIGATOR, DIVISION OF LOTTERY INVESTIGATOR, PARKS AND OUTDOOR RECREATION OFFICER, COLORADO WILDLIFE OFFICER, district attorney, assistant district attorney, deputy district attorney, or authorized investigator for a district attorney or the attorney general investigating or prosecuting a charge under this section.

SECTION 78. 18-5-512 (5), Colorado Revised Statutes, is amended to read:

18-5-512. Issuance of bad check. (5) A bank shall not be civilly or criminally liable for releasing information relating to the issuer's account to a sheriff, deputy sheriff, undersheriff, police officer, AGENT OF THE COLORADO BUREAU OF INVESTIGATION, DIVISION OF GAMING INVESTIGATOR, DIVISION OF LOTTERY INVESTIGATOR, PARKS AND OUTDOOR RECREATION OFFICER, COLORADO WILDLIFE OFFICER, district attorney, assistant district attorney, deputy district attorney, or authorized investigator for a district attorney investigating or prosecuting a charge under this section.

SECTION 79. 19-1-113 (2) and (5) (a), Colorado Revised Statutes, are amended to read:

19-1-113. Emergency protection orders. (2) Any person who has the responsibility of supervising a child placed out of the home by court order may seek an emergency protection order, through a ~~sheriff, deputy sheriff, or police officer~~ P.O.S.T.-CERTIFIED PEACE OFFICER, when such person asserts reasonable grounds to believe that the child is in immediate and present danger based on an allegation that the child is absent without permission from the court-ordered placement.

(5) (a) An emergency protection order may be issued only if the issuing judge or magistrate finds that an imminent danger exists to the welfare of a child based on an

allegation that the child is absent without permission from the court-ordered placement. A verbal order shall be reduced to writing and signed by the peace officer through whom the emergency order was sought and shall include a statement of the grounds for the order asserted through the ~~sheriff, deputy sheriff, or police~~ P.O.S.T.-CERTIFIED PEACE officer. An order initially written shall meet the same requirement as an order issued verbally.

SECTION 80. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 2, 2003