

CHAPTER 336

GOVERNMENT - STATE

SENATE BILL 03-103

BY SENATOR(S) Reeves, Teck, Arnold, Chlouber, Dyer, Evans, Fitz-Gerald, Groff, Hanna, Isgar, Keller, Kester, Linkhart, Phillips, Tapia, Taylor, and Windels;
also REPRESENTATIVE(S) Berry, Larson, Borodkin, Butcher, Coleman, Jahn, Madden, McCluskey, McFadyen, Merrifield, Miller, Paccione, Ragsdale, Salazar, Spence, and Stafford.

AN ACT

CONCERNING TRAINING PROGRAMS FOR COLORADO PEACE OFFICERS OVERSEEN BY THE PEACE OFFICER STANDARDS AND TRAINING BOARD, AND, IN CONNECTION THEREWITH, PROVIDING FUNDING FOR SUCH PEACE OFFICER TRAINING PROGRAMS, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 24-31-303 (2) (b), Colorado Revised Statutes, is amended to read:

24-31-303. Duties - powers of the P.O.S.T. board - repeal. (2) (b) There is hereby created in the state treasury a P.O.S.T. board cash fund. The fees collected pursuant to paragraph (a) of this subsection (2) AND PURSUANT TO SECTION 42-3-134 (32), C.R.S., shall be transmitted to the state treasurer who shall credit such revenue to the P.O.S.T. board cash fund. It is the intent of the general assembly that the fees collected shall cover all direct and indirect costs incurred pursuant to this section. In accordance with section 24-36-114, ~~C.R.S.~~, all interest derived from the deposit and investment of moneys in ~~this~~ THE P.O.S.T. BOARD CASH fund shall be credited to the general fund. All moneys in the P.O.S.T. board cash fund shall be subject to annual appropriation by the general assembly and shall be used for the purposes set forth in this subsection (2) AND IN SECTION 24-31-310. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE P.O.S.T. BOARD CASH FUND SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

SECTION 2. Part 3 of article 31 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-31-310. Resources for the training of peace officers - peace officers in

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

rural jurisdictions - legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT COLORADO PEACE OFFICERS RISK THEIR LIVES EVERY DAY IN THE NORMAL COURSE OF THEIR DUTIES. ON THE ROADS AND HIGHWAYS AND THROUGHOUT THE STATE, PEACE OFFICERS ARE EXPECTED TO MAKE QUICK AND DIFFICULT DECISIONS THAT CONCERN BOTH PUBLIC AND OFFICER SAFETY. THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT GOOD TRAINING IS CRUCIAL FOR PEACE OFFICERS TO MAKE DECISIONS THAT ARE IN THE BEST INTERESTS OF THE HEALTH AND SAFETY OF THE CITIZENS OF COLORADO. THE GENERAL ASSEMBLY RECOGNIZES THAT THE P.O.S.T. BOARD OVERSEES PEACE OFFICER TRAINING PROGRAMS AND THAT IN THE PAST THE STATE HAS PROVIDED FUNDING FOR SUCH TRAINING PROGRAMS. THE GENERAL ASSEMBLY FURTHER RECOGNIZES THAT THE STATE HAS NOT PROVIDED FUNDING FOR PEACE OFFICER TRAINING PROGRAMS SINCE 1992, AND THAT THE LACK OF STATE FUNDING HAS HAD A SIGNIFICANT IMPACT ON THE TRAINING OF PEACE OFFICERS IN THE STATE. THEREFORE, IT IS THE INTENT OF THIS SECTION TO REIMPLEMENT STATE FUNDING FOR PEACE OFFICER TRAINING PROGRAMS AND TO ENABLE THE P.O.S.T. BOARD TO PROVIDE SUBSTANTIAL TRAINING FOR PEACE OFFICERS WHO SERVE THE CITIZENS OF COLORADO.

(2) THE MONEYS COLLECTED AND TRANSFERRED TO THE P.O.S.T. BOARD CASH FUND PURSUANT TO SECTION 42-3-134 (32), C.R.S., SHALL BE USED TO PROVIDE TRAINING PROGRAMS FOR PEACE OFFICERS, ESPECIALLY PEACE OFFICERS IN RURAL AND SMALLER JURISDICTIONS THAT HAVE LIMITED RESOURCES DUE TO THE SIZE OR LOCATION OF SUCH JURISDICTIONS. THE MONEYS SHALL BE USED AND DISTRIBUTED PURSUANT TO SUBSECTION (3) OF THIS SECTION.

(3) THE MONEYS COLLECTED AND TRANSFERRED TO THE P.O.S.T. BOARD CASH FUND PURSUANT TO SECTION 42-3-134 (32), C.R.S., SHALL BE USED AND DISTRIBUTED AS DETERMINED BY THE P.O.S.T. BOARD. THE MONEYS IN THE FUND SHALL BE USED TO PAY THE SALARY AND BENEFITS OF ANY EMPLOYEE HIRED BY THE DEPARTMENT OF LAW IN ORDER TO ADMINISTER THE PEACE OFFICER TRAINING PROGRAMS AND TO COVER ANY OTHER COSTS INCURRED BY THE P.O.S.T. BOARD IN CONNECTION WITH SUCH PROGRAMS. UNDER NO CIRCUMSTANCE SHALL GENERAL FUND MONEYS BE USED TO COVER SUCH COSTS INCURRED BY THE DEPARTMENT OF LAW OR THE P.O.S.T. BOARD.

SECTION 3. 42-3-134, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

42-3-134. Registration fees - passenger and passenger-mile taxes - fee schedule for years of TABOR surplus revenue - refund - clean screen fund - repeal. (32) EFFECTIVE JULY 1, 2003, IN ADDITION TO ANY OTHER FEE IMPOSED BY THIS SECTION, THERE SHALL BE COLLECTED, AT THE TIME OF REGISTRATION, A FEE OF TWENTY- FIVE CENTS ON EVERY ITEM OF CLASS A, B, OR C PERSONAL PROPERTY REQUIRED TO BE REGISTERED PURSUANT TO THIS ARTICLE. NOTWITHSTANDING THE REQUIREMENTS OF SECTION 43-4-203, C.R.S., SUCH FEE SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT THE SAME TO THE POLICE OFFICERS STANDARDS AND TRAINING BOARD CASH FUND, CREATED IN SECTION 24-31-303 (2) (b), C.R.S.; EXCEPT THAT COUNTY CLERKS AND RECORDERS SHALL BE ENTITLED TO RETAIN FIVE PERCENT OF THE FEE COLLECTED TO COVER THE CLERKS' EXPENSES IN THE COLLECTION AND REMITTANCE OF SUCH FEE. ALL OF THE MONEYS IN THE FUND THAT ARE COLLECTED PURSUANT TO THIS SUBSECTION (32) SHALL BE USED BY THE

POLICE OFFICERS STANDARDS AND TRAINING BOARD FOR THE PURPOSES SPECIFIED IN SECTION 24-31-310, C.R.S.

SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the P.O.S.T. board cash fund created in section 24-31-303 (2) (b), Colorado Revised Statutes, not otherwise appropriated, to the department of law, for the fiscal year beginning July 1, 2003, the sum of nine hundred thirty-seven thousand five hundred ninety-two dollars (\$937,592) and 2.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 5. 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, 2003