

CHAPTER 208

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 04-1366

BY REPRESENTATIVE(S) Cadman, Carroll, Hefley, King, Lee, Garcia, Hall, Larson, Paccione, Rose, Schultheis, and Williams S.;
also SENATOR(S) Dyer.

AN ACT

CONCERNING RESERVE OFFICERS PERFORMING LAW ENFORCEMENT FUNCTIONS.

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

SECTION 1. 16-2.5-110 (3), (4), and (6), Colorado Revised Statutes, are amended, and the said 16-2.5-110 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

16-2.5-110. Reserve police officer - reserve deputy sheriff - reserve deputy town marshal. (3) WHEN a reserve officer ~~shall be~~ IS 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.

(3.5) IF A POLICE CHIEF, SHERIFF, OR TOWN MARSHAL DETERMINES THAT A RESERVE OFFICER HAS BEEN ADEQUATELY TRAINED TO PERFORM A LAW-ENFORCEMENT FUNCTION THAT THE POLICE CHIEF, SHERIFF, OR TOWN MARSHAL IS REQUIRED TO PERFORM, THE POLICE CHIEF, SHERIFF, OR TOWN MARSHAL MAY ALLOW THE RESERVE OFFICER TO PERFORM THE FUNCTION EITHER IN UNIFORM OR IN CIVILIAN CLOTHES, WHICHEVER IS APPROPRIATE.

(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.~~

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

(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.~~

SECTION 2. 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 (August 4, 2004, if adjournment sine die is on May 5, 2004); 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: April 26, 2004