

CHAPTER 309

CRIMINAL LAW AND PROCEDURE

SENATE BILL 04-223

BY SENATOR(S) McElhany;
also REPRESENTATIVE(S) Briggs, Boyd, and Weddig.

AN ACT**CONCERNING THE DESIGNATION OF PUBLIC TRANSIT OFFICERS AS PEACE OFFICERS.**

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

SECTION 1. Article 2.5 of title 16, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

16-2.5-146. Public transit officers. (1) A PUBLIC TRANSIT OFFICER EMPLOYED BY A PUBLIC TRANSPORTATION ENTITY, AS DEFINED IN SECTION 18-4-801 (2), C.R.S., IS A PEACE OFFICER WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES. A PUBLIC TRANSIT OFFICER'S AUTHORITY SHALL BE LIMITED TO THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO AND THE PROVISION OF SECURITY FOR PASSENGERS, EMPLOYEES, AND PROPERTY OF THE PUBLIC TRANSPORTATION ENTITY ON PUBLIC TRANSPORTATION VEHICLES, AS DEFINED IN SECTION 18-4-801 (3), C.R.S., AND AT PUBLIC TRANSPORTATION FACILITIES. A PUBLIC TRANSIT OFFICER'S AUTHORITY SHALL INCLUDE THE POWER OF ARREST BASED UPON PROBABLE CAUSE WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES. A PUBLIC TRANSIT OFFICER SHALL BE CERTIFIED BY THE P.O.S.T. BOARD.

(2) AS USED IN THIS SECTION, "PUBLIC TRANSPORTATION FACILITIES" MEANS ANY MOVABLE OR FIXED FACILITY OPERATED BY A TRANSIT AUTHORITY AND USED PRIMARILY FOR MASS TRANSPORTATION PURPOSES, INCLUDING BUT NOT LIMITED TO FIXED GUIDEWAY SYSTEMS, PARKING LOTS, PARKING BUILDINGS, BUS STOPS, TRANSIT STATIONS, GARAGES, AND OFFICES.

SECTION 2. 16-2.5-102, Colorado Revised Statutes, is amended to read:

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

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

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; A PUBLIC TRANSIT OFFICER; and the department of corrections inspector general.

SECTION 3. 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 27, 2004