

## CHAPTER 387

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**GOVERNMENT - STATE**


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**SENATE BILL 04-224**

BY SENATOR(S) Arnold;  
 also REPRESENTATIVE(S) Stengel, Larson, Carroll, Cloer, Coleman, Frangas, Hall, Hoppe, McCluskey, McFadyen, McGihon,  
 Merrifield, Miller, Rose, Spradley, Weissmann, and Williams S.

**AN ACT****CONCERNING SUNRISE REVIEW OF PEACE OFFICER STATUS.**

*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 PART to read:

**PART 2  
 SUNRISE REVIEW OF PEACE OFFICER STATUS**

**16-2.5-201. General assembly sunrise review of new positions or groups seeking statutory peace officer status.** (1) THE GENERAL ASSEMBLY FINDS THAT IT IS NECESSARY TO ENSURE THAT CLEAR STANDARDS EXIST FOR OBTAINING PEACE OFFICER STATUS IN THE STATE OF COLORADO. THE GENERAL ASSEMBLY FURTHER FINDS IT MADE STATUTORY CHANGES IN 2003 TO END THE STRATIFICATION OF PEACE OFFICERS AND ENSURE ALL PEACE OFFICERS RECEIVE A CONSISTENT LEVEL OF STATUTORY PROTECTION. THE GENERAL ASSEMBLY THEREFORE DECLARES, IN ORDER TO MAINTAIN CLEAR STANDARDS AND CONSISTENT STATUTORY PROTECTIONS FOR PEACE OFFICERS, IT IS NECESSARY FOR THE P.O.S.T. BOARD TO REVIEW A GROUP THAT SEEKS PEACE OFFICER STATUS EITHER FOR THE GROUP OR FOR A SPECIFIC POSITION, PRIOR TO THE GROUP SEEKING AUTHORIZATION FROM THE GENERAL ASSEMBLY FOR THE STATUS.

(2) NO LATER THAN JULY 1 OF ANY YEAR, A GROUP, OR POLITICAL SUBDIVISION OF THE STATE THAT SEEKS PEACE OFFICER STATUS EITHER FOR THE GROUP OR FOR A SPECIFIC POSITION, SHALL SUBMIT TO THE P.O.S.T. BOARD, FOR ITS REVIEW, A PROPOSAL CONTAINING THE FOLLOWING INFORMATION:

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

(a) A COMPLETE DESCRIPTION OF THE POSITION OR A DESCRIPTION OF THE GROUP PROPOSED FOR PEACE OFFICER STATUS AND AN ESTIMATE OF THE NUMBER OF PERSONS WHO HOLD THE POSITION OR ARE IN THE GROUP;

(b) A DESCRIPTION OF THE SPECIFIC NEED FOR THE AUTHORITY AND PROTECTIONS REQUIRED FOR THE POSITION OR GROUP;

(c) THE BENEFIT TO THE PUBLIC THAT WOULD RESULT FROM GRANTING THE STATUS;

(d) THE COSTS ASSOCIATED WITH GRANTING THE STATUS; AND

(e) A RESOLUTION OR LETTER OF SUPPORT FOR PROPOSED CHANGE IN STATUS FROM THE CHIEF EXECUTIVE OFFICER OF THE UNIT OF GOVERNMENT OR POLITICAL SUBDIVISION EMPLOYING THE GROUP OR OVERSEEING THE PROPOSED POSITION.

(3) AFTER RECEIVING THE INFORMATION SPECIFIED IN SUBSECTION (2) OF THIS SECTION, THE P.O.S.T. BOARD SHALL PREPARE AN ANALYSIS, EVALUATION, AND RECOMMENDATION OF THE PROPOSED STATUS. THE ANALYSIS, EVALUATION, AND RECOMMENDATION SHALL BE BASED UPON CRITERIA ESTABLISHED BY THE P.O.S.T. BOARD IN RULES ADOPTED PURSUANT TO SECTION 16-2.5-203.

(4)(a) THE P.O.S.T. BOARD SHALL CONDUCT A HEARING WITH THE GROUP SEEKING PEACE OFFICER STATUS FOR THE GROUP OR FOR A SPECIFIC POSITION.

(b) AT THE HEARING, THE DETERMINATION AS TO WHETHER PEACE OFFICER STATUS IS NEEDED SHALL BE BASED UPON THE CRITERIA CONTAINED IN THE P.O.S.T. BOARD RULES.

(5) AFTER THE HEARING, THE P.O.S.T. BOARD SHALL SUBMIT A REPORT TO THE GROUP SEEKING PEACE OFFICER STATUS FOR THE GROUP OR SPECIFIC POSITION AND TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE NO LATER THAN OCTOBER 15 OF THE YEAR FOLLOWING THE YEAR IN WHICH THE PROPOSAL WAS SUBMITTED.

(6) THE GROUP SEEKING PEACE OFFICER STATUS FOR THE GROUP OR SPECIFIC POSITION MAY REQUEST MEMBERS OF THE GENERAL ASSEMBLY TO PRESENT APPROPRIATE LEGISLATION TO THE GENERAL ASSEMBLY DURING EACH OF THE TWO REGULAR SESSIONS THAT IMMEDIATELY SUCCEED THE DATE OF THE REPORT REQUIRED PURSUANT TO SUBSECTION (2) OF THIS SECTION WITHOUT HAVING TO COMPLY AGAIN WITH THE PROVISIONS OF SUBSECTIONS (2) AND (4) OF THIS SECTION. BILLS INTRODUCED PURSUANT TO THIS SUBSECTION (6) SHALL COUNT AGAINST THE NUMBER OF BILLS TO WHICH MEMBERS OF THE GENERAL ASSEMBLY ARE LIMITED BY JOINT RULE OF THE SENATE AND THE HOUSE OF REPRESENTATIVES. THE GENERAL ASSEMBLY SHALL NOT CONSIDER PEACE OFFICER STATUS OF MORE THAN FIVE POSITIONS OR GROUPS IN ANY ONE SESSION OF THE GENERAL ASSEMBLY.

(7) THIS SECTION IS EXEMPT FROM THE PROVISIONS OF SECTION 24-1-136 (11), C.R.S., AND THE PERIODIC REPORTING REQUIREMENT OF THAT SECTION SHALL REMAIN IN EFFECT UNTIL CHANGED BY THE GENERAL ASSEMBLY ACTING BY BILL.

**16-2.5-202. P.O.S.T. board review of peace officer status.** (1) FOR A POSITION, GROUP, OR POLITICAL SUBDIVISION THAT RECEIVED PEACE OFFICER STATUS AFTER JULY 1, 2003, AND DID NOT GO THROUGH THE PROCESS DESCRIBED IN SECTION 16-2.5-201, THE P.O.S.T. BOARD SHALL REVIEW THE PEACE OFFICER AUTHORITY OF THE POSITION, GROUP, OR POLITICAL SUBDIVISION.

(2) THE P.O.S.T. BOARD SHALL REQUIRE THE GROUP THAT RECEIVED THE PEACE OFFICER STATUS OR THE GROUP OR POLITICAL SUBDIVISION THAT OVERSEES A POSITION THAT RECEIVED PEACE OFFICER STATUS TO SUBMIT TO THE P.O.S.T. BOARD THE INFORMATION REQUIRED IN SECTION 16-2.5-201 (2).

(3) AFTER RECEIVING THE INFORMATION, THE P.O.S.T. BOARD SHALL PREPARE AN ANALYSIS, EVALUATION, AND RECOMMENDATION OF THE PEACE OFFICER STATUS. THE ANALYSIS, EVALUATION, AND RECOMMENDATION SHALL BE BASED UPON THE CRITERIA ESTABLISHED IN P.O.S.T. BOARD RULE.

(4) THE P.O.S.T. BOARD SHALL CONDUCT A HEARING CONCERNING PEACE OFFICER STATUS FOR THE GROUP OR THE SPECIFIC POSITION, PURSUANT TO THE PROVISIONS OF SECTION 16-2.5-201 (4).

(5) THE P.O.S.T. BOARD SHALL SUBMIT A REPORT TO THE GROUP OR POLITICAL SUBDIVISION SEEKING TO RETAIN PEACE OFFICER STATUS, EITHER FOR THE GROUP OR FOR A SPECIFIC POSITION, AND TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE NO LATER THAN OCTOBER 15 OF THE YEAR FOLLOWING THE YEAR IN WHICH THE P.O.S.T. BOARD BEGAN THE REVIEW. THE REPORT MAY INCLUDE LEGISLATIVE RECOMMENDATIONS.

**16-2.5-203. Rules.** PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S., THE P.O.S.T. BOARD SHALL PROMULGATE RULES ESTABLISHING THE CRITERIA THAT SHALL BE APPLIED IN DETERMINING WHETHER TO RECOMMEND PEACE OFFICER STATUS FOR A GROUP OR SPECIFIC POSITION AS PROVIDED IN SECTION 16-2.5-201 (4).

**SECTION 2.** 24-31-303 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**24-31-303. Duties - powers of the P.O.S.T. board.** (1) The P.O.S.T. board has the following duties:

(i) TO PROMULGATE RULES AND REGULATIONS THAT ESTABLISH THE CRITERIA THAT SHALL BE APPLIED IN DETERMINING WHETHER TO RECOMMEND PEACE OFFICER STATUS FOR A GROUP OR SPECIFIC POSITION AS PROVIDED IN SECTION 16-2.5-201 (4), C.R.S.

**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: June 4, 2004