

CHAPTER 27

GOVERNMENT - STATE

HOUSE BILL 05-1076

BY REPRESENTATIVE(S) McCluskey, Larson, Berens, Buescher, Carroll T., Hoppe, Paccione, Rose, Stafford, and Boyd;
also SENATOR(S) Grossman, Entz, Hanna, Isgar, Tapia, Taylor, and Williams.

AN ACT**CONCERNING PEACE OFFICER CERTIFICATION GRANTED BY THE PEACE OFFICERS STANDARDS AND TRAINING BOARD.**

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

SECTION 1. 24-31-301 (2), (5), (5.5), and (7), Colorado Revised Statutes, are amended, and the said 24-31-301 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

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

(2) "Certification" means the issuance to an applicant of a signed instrument evidencing that such applicant has met the requirements imposed by this part 3 and the P.O.S.T. board. Certification includes "basic certification", ~~and~~ "provisional certification", AND "CONDITIONAL PEACE OFFICER AUTHORITY" that shall be issued to peace officers, "reserve certification" that shall be issued to reserve peace officers, and such additional certifications as the board may approve for peace officers.

(3.5) "CONDITIONAL PEACE OFFICER AUTHORITY" MEANS A SIGNED INSTRUMENT ISSUED BY THE P.O.S.T. BOARD THAT ALLOWS ANY PERSON TO SERVE AS A PEACE OFFICER DESCRIBED IN SECTIONS 16-2.5-102, 16-2.5-103 (1), 16-2.5-105 TO 16-2.5-114, 16-2.5-116 (1), 16-2.5-117 (1), 16-2.5-120, 16-2.5-121, 16-2.5-123 TO 16-2.5-126, 16-2.5-128 TO 16-2.5-130, 16-2.5-132 TO 16-2.5-136, 16-2.5-139 TO 16-2.5-142, 16-2.5-145, AND 16-2.5-146, C.R.S.

(5) "Peace officer" means any person described in section 16-2.5-101, C.R.S., and who ~~shall~~ ~~HAS~~ ~~not~~ ~~have~~ been convicted of a felony OR CONVICTED ON OR AFTER JULY 1, 2001, OF ANY MISDEMEANOR AS DESCRIBED IN SECTION 24-31-305 (1.5), OR

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

RELEASED OR DISCHARGED FROM THE ARMED FORCES OF THE UNITED STATES UNDER DISHONORABLE CONDITIONS.

(5.5) "Reserve peace officer" means any person described in section 16-2.5-110, C.R.S., AND WHO HAS NOT BEEN CONVICTED OF A FELONY OR CONVICTED ON OR AFTER JULY 1, 2001, OF ANY MISDEMEANOR AS DESCRIBED IN SECTION 24-31-305 (1.5), OR RELEASED OR DISCHARGED FROM THE ARMED FORCES OF THE UNITED STATES UNDER DISHONORABLE CONDITIONS.

(7) "Training program" means a course of instruction approved by the P.O.S.T. board for peace officer or reserve peace officer certification AND OTHER PEACE OFFICER TRAINING PROGRAMS.

SECTION 2. 24-31-305 (1) (b) and (4), Colorado Revised Statutes, are amended, and the said 24-31-305 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-31-305. Certification - issuance - renewal - revocation. (1) (b) The training required for basic certification may be obtained through a training program conducted by a training academy approved by the P.O.S.T. board ~~a course of study approved by the P.O.S.T. board~~, or completion of requirements of another state, federal, or tribal jurisdiction having standards deemed at least equivalent to those established pursuant to this part 3.

(c) THE P.O.S.T. BOARD IS AUTHORIZED TO GRANT CONDITIONAL PEACE OFFICER AUTHORITY TO ANY PERSON WHO SUCCESSFULLY COMPLETES THE REQUIREMENTS OF PARAGRAPH (b) OF THIS SUBSECTION (1). CONDITIONAL PEACE OFFICER AUTHORITY QUALIFIES THE PERSON TO SEEK EMPLOYMENT AND SERVE AS A FULLY AUTHORIZED PEACE OFFICER WITH ANY COLORADO LAW ENFORCEMENT AGENCY RECOGNIZED IN ARTICLE 2.5 OF TITLE 16, C.R.S. CONDITIONAL PEACE OFFICER AUTHORITY IS VALID FOR ONE YEAR, BUT MAY BE EXTENDED FOR A CONTINUING PERIOD OF NOT MORE THAN SIX MONTHS. UPON FULL EXPIRATION OF CONDITIONAL PEACE OFFICER AUTHORITY, A PERSON MAY RENEW THE AUTHORITY THROUGH THE SUCCESSFUL COMPLETION OF A P.O.S.T. REFRESHER ACADEMY PROGRAM. THE P.O.S.T. BOARD IS AUTHORIZED TO ISSUE BASIC PEACE OFFICER CERTIFICATION TO ANY PERSON WHO HOLDS CONDITIONAL PEACE OFFICER AUTHORITY AND WHO HAS BEEN EMPLOYED FOR AT LEAST ONE YEAR IN GOOD STANDING AS A PEACE OFFICER BY A LAW ENFORCEMENT AGENCY SPECIFIED IN SECTION 24-31-301 (3.5).

(4) The P.O.S.T. board may grant variances from the requirements of this section TO ANY INDIVIDUAL, INCLUDING ANY INDIVIDUAL CALLED TO ACTIVE DUTY BY THE ARMED FORCES OF THE UNITED STATES, if strict application thereof would result in practical difficulty or unnecessary hardship and where the variance would not conflict with the basic purposes and policies of this part 3. THE P.O.S.T. BOARD SHALL PROMULGATE RULES REGARDING THE PROCEDURE FOR APPLYING FOR AND GRANTING VARIANCES PURSUANT TO THIS SUBSECTION (4).

SECTION 3. 24-31-305 (1.5) (g), Colorado Revised Statutes, is amended, and the said 24-31-305 (1.5) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-31-305. Certification - issuance - renewal - revocation. (1.5) The P.O.S.T. board shall deny certification to any person who has been convicted of:

(g) ~~Any misdemeanor in violation of federal law or the law of any state that is the equivalent of any of the offenses specified in paragraphs (a) through (f) of this subsection (1.5).~~ ANY MISDEMEANOR IN VIOLATION OF SECTIONS 18-6-403 (3) (b.5) AND 18-7-208, C.R.S.; OR

(h) ANY MISDEMEANOR IN VIOLATION OF FEDERAL LAW OR THE LAW OF ANY STATE THAT IS THE EQUIVALENT OF ANY OF THE OFFENSES SPECIFIED IN PARAGRAPHS (a) TO (g) OF THIS SUBSECTION (1.5).

SECTION 4. 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 10, 2005, if adjournment sine die is on May 11, 2005); 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 5, 2005