

CHAPTER 35

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 07-1173

BY REPRESENTATIVE(S) Marostica, Carroll T., Hicks, Jahn, Kerr J., King, Labuda, Lambert, Roberts, Rose, Stephens, and Todd;
also SENATOR(S) Morse, Schultheis, Shaffer, and Williams.

AN ACT**CONCERNING RESERVE PEACE OFFICER STATUS.**

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

SECTION 1. 16-2.5-110 (1), (3), and (6), Colorado Revised Statutes, are amended to read:

16-2.5-110. Reserve police officer - reserve deputy sheriff - reserve deputy town marshal - definitions. (1) (a) A reserve police officer, a reserve deputy sheriff, and a reserve deputy town marshal are reserve officers.

(b) "Reserve officer" means a person authorized by a city, city and county, town, or county within this state to act as a reserve police officer, reserve deputy sheriff, or reserve town marshal for certain specific and limited periods of time while the person is authorized to be on duty and acting at the express direction or under the direct supervision of a FULLY P.O.S.T.-certified peace officer pursuant to sections 16-2.5-103, 16-2.5-105, and 16-2.5-108. A reserve officer is a peace officer while engaged in the performance of his or her duties whose authority shall be limited to the authority granted by his or her authorizing agency.

(c) A reserve officer:

(I) Shall obtain reserve certification by the P.O.S.T. board as a reserve officer;
or

(II) May be a fully P.O.S.T.-certified peace officer SERVING AS A VOLUNTEER AND MAY BE GRANTED FULL PEACE OFFICER STATUS AND AUTHORITY AT THE DISCRETION OF THE APPOINTING AUTHORITY.

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

~~(3) When a reserve officer is in uniform 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.~~

(6) For the purposes of this section:

(a) "Direct supervision" means an assignment given by a FULLY 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 FULLY P.O.S.T.-certified peace officer.

(b) "Express direction" means a defined, task-specific assignment given by a FULLY P.O.S.T.-certified peace officer to a reserve officer. The FULLY P.O.S.T.-certified peace officer need not be present while the reserve officer carries out the assignment.

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 8, 2007, if adjournment sine die is on May 9, 2007); 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: March 16, 2007