

CHAPTER 199

GOVERNMENT - LOCAL

HOUSE BILL 08-1347

BY REPRESENTATIVE(S) McKinley, Borodkin, Gardner B., Hodge, Kerr J., Labuda, McFadyen, McGihon, Merrifield, Rose, Soper, Stafford, and Todd;
also SENATOR(S) Shaffer, and Spence.

AN ACT

CONCERNING PROVISIONS WHEREBY A CITY AND COUNTY MAY ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH A LAW ENFORCEMENT AGENCY OF ANOTHER STATE FOR THE PERFORMANCE OF LAW ENFORCEMENT DUTIES.

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

SECTION 1. 29-1-206, Colorado Revised Statutes, is amended to read:

29-1-206. Law enforcement agreements - repeal. (1) Any county in this state that shares a common border with a county in another state, and any municipality located in such a bordering county of this state, may enter into an agreement with the bordering county of the other state or with a municipality located in the bordering county of the other state to provide for reciprocal law enforcement between ~~such~~ THE entities. ~~Such~~ THE agreement shall meet the requirements of section 29-1-203 and shall include, but shall not be limited to, an additional requirement that any person who is assigned to law enforcement duty in this state pursuant to such intergovernmental agreement and section 29-5-104 (2) shall be certified as a peace officer in the other state and shall apply to the peace officer standards and training board CREATED PURSUANT TO SECTION 24-31-302, C.R.S., for recognition prior to ~~such~~ AN assignment IN COLORADO.

(2) (a) A CITY AND COUNTY THAT HAS A POPULATION OF FIVE HUNDRED THOUSAND OR MORE PERSONS MAY ENTER INTO AN AGREEMENT WITH A LAW ENFORCEMENT AGENCY FROM A STATE THAT BORDERS COLORADO PURSUANT TO WHICH THE LAW ENFORCEMENT AGENCY FROM THE OTHER STATE MAY PROVIDE LAW ENFORCEMENT WITHIN THE CITY AND COUNTY. ANY AGREEMENT SHALL MEET THE REQUIREMENTS OF SECTION 29-1-203 AND SHALL REQUIRE THAT A MEMBER OF THE LAW ENFORCEMENT AGENCY FROM THE OTHER STATE WHO IS ASSIGNED TO LAW

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

ENFORCEMENT DUTY WITHIN THE CITY AND COUNTY PURSUANT TO THE INTERGOVERNMENTAL AGREEMENT AND SECTION 29-5-104 (3) SHALL BE CERTIFIED AS A PEACE OFFICER IN HIS OR HER HOME STATE AND SHALL APPLY TO THE PEACE OFFICER STANDARDS AND TRAINING BOARD CREATED PURSUANT TO SECTION 24-31-302, C.R.S., FOR RECOGNITION PRIOR TO AN ASSIGNMENT IN COLORADO.

(b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE SEPTEMBER 15, 2008.

SECTION 2. 29-5-104 (2), Colorado Revised Statutes, is amended, and the said 29-5-104 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

29-5-104. Request for temporary assignment of police officers or deputy sheriffs - authority - repeal. (2) Where, under the provisions of ~~section 29-1-206~~ SECTION 29-1-206 (1), a county or municipality in this state enters into an intergovernmental agreement for reciprocal law enforcement with a bordering county or with a municipality within a bordering county that is located in another state, the law enforcement agency head of either county or municipality may, pursuant to the provisions of ~~such~~ THE intergovernmental agreement, request the law enforcement agency head of the other county or municipality to assign deputy sheriffs or other peace officers to perform law enforcement duties within the jurisdiction of ~~such~~ THE requesting law enforcement agency head and under ~~such~~ THE terms and conditions as are stated in the intergovernmental agreement. Prior to ~~such~~ AN assignment, ~~such~~ THE deputy sheriffs or other peace officers shall obtain recognition as peace officers in this state as provided for in ~~section 29-1-206~~. ~~Such~~ SECTION 29-1-206 (1). THE deputy sheriffs or other peace officers shall, while so assigned and performing duties subject to the direction and control of the requesting law enforcement agency head, have the same power within the jurisdiction of the requesting law enforcement agency head as do regular deputies or other peace officers of ~~such~~ THE requesting law enforcement agency head.

(3) (a) WHERE, UNDER THE PROVISIONS OF SECTION 29-1-206 (2), A CITY AND COUNTY THAT HAS A POPULATION OF FIVE HUNDRED THOUSAND OR MORE PERSONS ENTERS INTO AN INTERGOVERNMENTAL AGREEMENT WITH A LAW ENFORCEMENT AGENCY FROM A STATE THAT BORDERS COLORADO FOR THE PROVISION OF LAW ENFORCEMENT, THE CHIEF OF THE POLICE DEPARTMENT FOR THE CITY AND COUNTY MAY, PURSUANT TO THE PROVISIONS OF THE INTERGOVERNMENTAL AGREEMENT, REQUEST THE LAW ENFORCEMENT AGENCY FROM THE OTHER STATE TO ASSIGN DEPUTY SHERIFFS OR OTHER PEACE OFFICERS TO PERFORM LAW ENFORCEMENT DUTIES WITHIN THE CITY AND COUNTY AND UNDER THE TERMS AND CONDITIONS STATED IN THE INTERGOVERNMENTAL AGREEMENT. PRIOR TO THE ASSIGNMENT, THE DEPUTY SHERIFFS OR OTHER PEACE OFFICERS SHALL OBTAIN RECOGNITION AS PEACE OFFICERS IN THIS STATE AS PROVIDED FOR IN SECTION 29-1-206. THE DEPUTY SHERIFFS OR OTHER PEACE OFFICERS SHALL, WHILE SO ASSIGNED AND PERFORMING DUTIES SUBJECT TO THE DIRECTION AND CONTROL OF THE CHIEF OF THE POLICE DEPARTMENT FOR THE CITY AND COUNTY, HAVE THE SAME POWERS WITHIN THE CITY AND COUNTY AS DO REGULAR DEPUTIES OR OTHER PEACE OFFICERS OF THE CITY AND COUNTY.

(b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE SEPTEMBER 15, 2008.

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 1, 2008