

CHAPTER 76

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 12-1026

BY REPRESENTATIVE(S) Coram;
also SENATOR(S) Roberts, Aguilar, Guzman, King S., Newell.

AN ACT**CONCERNING PEACE OFFICER STATUS FOR CERTAIN MUNICIPALITY PROSECUTING ATTORNEYS.***Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** In Colorado Revised Statutes, **add** 16-2.5-149 as follows:

16-2.5-149. City attorney - town attorney - senior assistant city attorney - assistant city attorney - chief deputy city attorney - deputy city attorney - special deputy city attorney - prosecuting attorney - senior prosecuting attorney - senior prosecutor - special prosecutor. (1) A CITY ATTORNEY, TOWN ATTORNEY, SENIOR ASSISTANT CITY ATTORNEY, ASSISTANT CITY ATTORNEY, CHIEF DEPUTY CITY ATTORNEY, DEPUTY CITY ATTORNEY, SPECIAL DEPUTY CITY ATTORNEY, PROSECUTING ATTORNEY, SENIOR PROSECUTING ATTORNEY, SENIOR PROSECUTOR, OR SPECIAL PROSECUTOR EMPLOYED OR CONTRACTED BY A MUNICIPALITY, CITY, TOWN, STATUTORY CITY OR TOWN, OR CITY AND COUNTY IS A PEACE OFFICER ONLY WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES AS A PROSECUTOR. SUCH PEACE OFFICER'S AUTHORITY SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE MUNICIPALITY, CITY, TOWN, STATUTORY CITY OR TOWN, OR CITY AND COUNTY AND THE STATE OF COLORADO, AND THE PEACE OFFICER MAY BE CERTIFIED BY THE P.O.S.T. BOARD.

(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE PEACE OFFICER STATUS CONFERRED BY SUBSECTION (1) OF THIS SECTION SHALL NOT BE AVAILABLE TO AN ATTORNEY SPECIFIED IN SUBSECTION (1) OF THIS SECTION WHO CHOOSES TO PRACTICE AS A CRIMINAL DEFENSE ATTORNEY IN THE STATE OF COLORADO WHILE ALSO WORKING AS A PROSECUTING ATTORNEY OR AN ATTORNEY WHO CONTRACTS WITH A MUNICIPALITY, CITY, TOWN, STATUTORY CITY OR TOWN, OR CITY AND COUNTY, LOCAL GOVERNMENT TO SERVE AS A CITY ATTORNEY, TOWN

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

ATTORNEY, SENIOR ASSISTANT CITY ATTORNEY, ASSISTANT CITY ATTORNEY, CHIEF DEPUTY CITY ATTORNEY, DEPUTY CITY ATTORNEY, SPECIAL DEPUTY CITY ATTORNEY, PROSECUTING ATTORNEY, SENIOR PROSECUTING ATTORNEY, SENIOR PROSECUTOR, OR SPECIAL PROSECUTOR ON A LESS THAN A FULL-TIME BASIS.

SECTION 2. 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: April 6, 2012