

## CHAPTER 81

---

**CRIMINAL LAW AND PROCEDURE**


---

**HOUSE BILL 13-1118**

BY REPRESENTATIVE(S) Rosenthal, Gardner, Gerou, Ginal, Hullinghorst, Schafer, Singer, Wright, Young;  
also SENATOR(S) King, Morse.

**AN ACT**

**CONCERNING REQUIRING LAW ENFORCEMENT AGENCIES TO ISSUE PHOTOGRAPHIC IDENTIFICATION  
TO CERTAIN RETIRED PEACE OFFICERS.**

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

**SECTION 1.** In Colorado Revised Statutes, **add** 24-33.5-112 as follows:

**24-33.5-112. State law enforcement agencies to provide identification cards to retired peace officers upon request - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "LAW ENFORCEMENT AGENCY OF THE STATE" MEANS THE DEPARTMENT AND ANY AGENCY THAT EXISTS WITHIN THE DEPARTMENT AND EMPLOYS AT LEAST ONE PEACE OFFICER, INCLUDING BUT NOT LIMITED TO THE COLORADO STATE PATROL CREATED IN PART 2 OF THIS ARTICLE, THE COLORADO BUREAU OF INVESTIGATION CREATED IN PART 4 OF THIS ARTICLE, AND THE DIVISION OF CRIMINAL JUSTICE CREATED IN PART 5 OF THIS ARTICLE.

(b) "PEACE OFFICER" MEANS A CERTIFIED PEACE OFFICER DESCRIBED IN SECTION 16-2.5-102, C.R.S.

(c) "PHOTOGRAPHIC IDENTIFICATION" MEANS A PHOTOGRAPHIC IDENTIFICATION THAT SATISFIES THE DESCRIPTION AT 18 U.S.C. SEC. 926C (d).

(2) EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, ON AND AFTER THE EFFECTIVE DATE OF THIS ACT, IF A LAW ENFORCEMENT AGENCY OF THE STATE HAS A POLICY, ON THE EFFECTIVE DATE OF THIS ACT, OF ISSUING PHOTOGRAPHIC IDENTIFICATION TO PEACE OFFICERS WHO HAVE RETIRED FROM THE AGENCY, AND THE AGENCY DISCONTINUES SAID POLICY AFTER THE EFFECTIVE DATE OF THIS ACT,

---

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

THE AGENCY SHALL CONTINUE TO PROVIDE SUCH PHOTOGRAPHIC IDENTIFICATION TO PEACE OFFICERS WHO HAVE RETIRED FROM THE AGENCY IF:

- (a) THE PEACE OFFICER REQUESTS THE IDENTIFICATION;
- (b) THE PEACE OFFICER RETIRED FROM THE LAW ENFORCEMENT AGENCY BEFORE THE DATE UPON WHICH THE AGENCY DISCONTINUED THE POLICY; AND
- (c) THE PEACE OFFICER IS A QUALIFIED RETIRED LAW ENFORCEMENT OFFICER, AS DEFINED IN 18 U.S.C. SEC. 926C (c).

(3) BEFORE ISSUING OR RENEWING A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED LAW ENFORCEMENT OFFICER PURSUANT TO THIS SECTION, A LAW ENFORCEMENT AGENCY OF THE STATE SHALL COMPLETE A CRIMINAL BACKGROUND CHECK OF THE OFFICER THROUGH A SEARCH OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM CREATED BY THE FEDERAL "BRADY HANDGUN VIOLENCE PREVENTION ACT" (PUB.L. 103-159), THE RELEVANT PORTION OF WHICH IS CODIFIED AT 18 U.S.C. SEC. 922 (t), AND A SEARCH OF THE STATE INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM. IF THE BACKGROUND CHECK INDICATES THAT THE OFFICER IS PROHIBITED FROM POSSESSING A FIREARM BY STATE OR FEDERAL LAW, THE LAW ENFORCEMENT AGENCY SHALL NOT ISSUE THE PHOTOGRAPHIC IDENTIFICATION.

(4) A LAW ENFORCEMENT AGENCY OF THE STATE MAY CHARGE A FEE FOR ISSUING A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED PEACE OFFICER PURSUANT TO SUBSECTION (2) OF THIS SECTION, WHICH FEE SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS ASSUMED BY THE AGENCY IN ISSUING THE PHOTOGRAPHIC IDENTIFICATION.

(5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, A LAW ENFORCEMENT AGENCY OF THE STATE SHALL NOT BE REQUIRED TO ISSUE A PHOTOGRAPHIC IDENTIFICATION TO A PARTICULAR PEACE OFFICER IF THE CHIEF ADMINISTRATIVE OFFICER OF THE AGENCY ELECTS NOT TO DO SO.

(6) IF A LAW ENFORCEMENT AGENCY OF THE STATE DENIES A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED PEACE OFFICER WHO REQUESTS A PHOTOGRAPHIC IDENTIFICATION PURSUANT TO THIS SECTION, THE LAW ENFORCEMENT AGENCY SHALL PROVIDE THE RETIRED PEACE OFFICER A WRITTEN STATEMENT SETTING FORTH THE REASON FOR THE DENIAL.

**SECTION 2.** In Colorado Revised Statutes, **add** 24-31-109 as follows:

**24-31-109. Attorney general to provide identification cards to retired peace officers upon request - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "PEACE OFFICER" MEANS A CERTIFIED PEACE OFFICER DESCRIBED IN SECTION 16-2.5-102, C.R.S.

(b) "PHOTOGRAPHIC IDENTIFICATION" MEANS A PHOTOGRAPHIC IDENTIFICATION THAT SATISFIES THE DESCRIPTION AT 18 U.S.C. SEC. 926C (d).

(2) EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, ON AND AFTER THE EFFECTIVE DATE OF THIS ACT, IF THE DEPARTMENT OF LAW HAS A POLICY, ON THE EFFECTIVE DATE OF THIS ACT, OF ISSUING PHOTOGRAPHIC IDENTIFICATION TO PEACE OFFICERS WHO HAVE RETIRED FROM THE DEPARTMENT, AND THE DEPARTMENT DISCONTINUES SAID POLICY AFTER THE EFFECTIVE DATE OF THIS ACT, THE DEPARTMENT SHALL CONTINUE TO PROVIDE SUCH PHOTOGRAPHIC IDENTIFICATION TO PEACE OFFICERS WHO HAVE RETIRED FROM THE DEPARTMENT IF:

(a) THE PEACE OFFICER REQUESTS THE IDENTIFICATION;

(b) THE PEACE OFFICER RETIRED FROM THE DEPARTMENT OF LAW BEFORE THE DATE UPON WHICH THE DEPARTMENT DISCONTINUED THE POLICY; AND

(c) THE PEACE OFFICER IS A QUALIFIED RETIRED LAW ENFORCEMENT OFFICER, AS DEFINED IN 18 U.S.C. SEC. 926C (c).

(3) BEFORE ISSUING OR RENEWING A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED LAW ENFORCEMENT OFFICER PURSUANT TO THIS SECTION, A LAW ENFORCEMENT AGENCY OF THE STATE SHALL COMPLETE A CRIMINAL BACKGROUND CHECK OF THE OFFICER THROUGH A SEARCH OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM CREATED BY THE FEDERAL "BRADY HANDGUN VIOLENCE PREVENTION ACT" (PUB.L. 103-159), THE RELEVANT PORTION OF WHICH IS CODIFIED AT 18 U.S.C. SEC. 922 (t), AND A SEARCH OF THE STATE INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM. IF THE BACKGROUND CHECK INDICATES THAT THE OFFICER IS PROHIBITED FROM POSSESSING A FIREARM BY STATE OR FEDERAL LAW, THE LAW ENFORCEMENT AGENCY SHALL NOT ISSUE THE PHOTOGRAPHIC IDENTIFICATION.

(4) THE DEPARTMENT OF LAW MAY CHARGE A FEE FOR ISSUING A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED PEACE OFFICER PURSUANT TO SUBSECTION (2) OF THIS SECTION, WHICH FEE SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS ASSUMED BY THE DEPARTMENT IN ISSUING THE PHOTOGRAPHIC IDENTIFICATION.

(5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE DEPARTMENT OF LAW SHALL NOT BE REQUIRED TO ISSUE A PHOTOGRAPHIC IDENTIFICATION TO A PARTICULAR PEACE OFFICER IF THE ATTORNEY GENERAL ELECTS NOT TO DO SO.

(6) IF THE DEPARTMENT OF LAW DENIES A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED PEACE OFFICER WHO REQUESTS A PHOTOGRAPHIC IDENTIFICATION PURSUANT TO THIS SECTION, THE DEPARTMENT OF LAW SHALL PROVIDE THE RETIRED PEACE OFFICER A WRITTEN STATEMENT SETTING FORTH THE REASON FOR THE DENIAL.

**SECTION 3.** In Colorado Revised Statutes, **add** 30-10-524 as follows:

**30-10-524. Sheriff to provide identification cards to retired peace officers upon request - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "PEACE OFFICER" MEANS A CERTIFIED PEACE OFFICER DESCRIBED IN SECTION

## 16-2.5-102, C.R.S.

(b) "PHOTOGRAPHIC IDENTIFICATION" MEANS A PHOTOGRAPHIC IDENTIFICATION THAT SATISFIES THE DESCRIPTION AT 18 U.S.C. SEC. 926C (d).

(2) EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, ON AND AFTER THE EFFECTIVE DATE OF THIS ACT, IF A SHERIFF'S OFFICE HAS A POLICY, ON THE EFFECTIVE DATE OF THIS ACT, OF ISSUING PHOTOGRAPHIC IDENTIFICATION TO PEACE OFFICERS WHO HAVE RETIRED FROM THE SHERIFF'S OFFICE, AND THE SHERIFF'S OFFICE DISCONTINUES SAID POLICY AFTER THE EFFECTIVE DATE OF THIS ACT, THE SHERIFF'S OFFICE SHALL CONTINUE TO PROVIDE SUCH PHOTOGRAPHIC IDENTIFICATION TO PEACE OFFICERS WHO HAVE RETIRED FROM THE SHERIFF'S OFFICE IF:

(a) THE PEACE OFFICER REQUESTS THE IDENTIFICATION;

(b) THE PEACE OFFICER RETIRED FROM THE SHERIFF'S OFFICE BEFORE THE DATE UPON WHICH THE SHERIFF'S OFFICE DISCONTINUED THE POLICY; AND

(c) THE PEACE OFFICER IS A QUALIFIED RETIRED LAW ENFORCEMENT OFFICER, AS DEFINED IN 18 U.S.C. SEC. 926C (c).

(3) BEFORE ISSUING OR RENEWING A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED LAW ENFORCEMENT OFFICER PURSUANT TO THIS SECTION, A LAW ENFORCEMENT AGENCY OF THE STATE SHALL COMPLETE A CRIMINAL BACKGROUND CHECK OF THE OFFICER THROUGH A SEARCH OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM CREATED BY THE FEDERAL "BRADY HANDGUN VIOLENCE PREVENTION ACT" (PUB.L. 103-159), THE RELEVANT PORTION OF WHICH IS CODIFIED AT 18 U.S.C. SEC. 922 (t), AND A SEARCH OF THE STATE INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM. IF THE BACKGROUND CHECK INDICATES THAT THE OFFICER IS PROHIBITED FROM POSSESSING A FIREARM BY STATE OR FEDERAL LAW, THE LAW ENFORCEMENT AGENCY SHALL NOT ISSUE THE PHOTOGRAPHIC IDENTIFICATION.

(4) THE SHERIFF'S OFFICE MAY CHARGE A FEE FOR ISSUING A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED PEACE OFFICER PURSUANT TO SUBSECTION (2) OF THIS SECTION, WHICH FEE SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS ASSUMED BY THE SHERIFF'S OFFICE IN ISSUING THE PHOTOGRAPHIC IDENTIFICATION.

(5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, A SHERIFF'S OFFICE SHALL NOT BE REQUIRED TO ISSUE A PHOTOGRAPHIC IDENTIFICATION TO A PARTICULAR PEACE OFFICER IF THE SHERIFF ELECTS NOT TO DO SO.

(6) IF A SHERIFF'S OFFICE DENIES A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED PEACE OFFICER WHO REQUESTS A PHOTOGRAPHIC IDENTIFICATION PURSUANT TO THIS SECTION, THE SHERIFF'S OFFICE SHALL PROVIDE THE RETIRED PEACE OFFICER A WRITTEN STATEMENT SETTING FORTH THE REASON FOR THE DENIAL.

**SECTION 4.** In Colorado Revised Statutes, add 31-30-106 as follows:

**31-30-106. Police to provide identification cards to retired peace officers**

**upon request - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "PEACE OFFICER" MEANS A CERTIFIED PEACE OFFICER DESCRIBED IN SECTION 16-2.5-102, C.R.S.

(b) "PHOTOGRAPHIC IDENTIFICATION" MEANS A PHOTOGRAPHIC IDENTIFICATION THAT SATISFIES THE DESCRIPTION AT 18 U.S.C. SEC. 926C (d).

(2) EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, ON AND AFTER THE EFFECTIVE DATE OF THIS ACT, IF A POLICE DEPARTMENT OF A CITY OR TOWN HAS A POLICY, ON THE EFFECTIVE DATE OF THIS ACT, OF ISSUING PHOTOGRAPHIC IDENTIFICATION TO PEACE OFFICERS WHO HAVE RETIRED FROM THE POLICE DEPARTMENT, AND THE POLICE DEPARTMENT DISCONTINUES SAID POLICY AFTER THE EFFECTIVE DATE OF THIS ACT, THE POLICE DEPARTMENT SHALL CONTINUE TO PROVIDE SUCH PHOTOGRAPHIC IDENTIFICATION TO PEACE OFFICERS WHO HAVE RETIRED FROM THE POLICE DEPARTMENT IF:

(a) THE PEACE OFFICER REQUESTS THE IDENTIFICATION;

(b) THE PEACE OFFICER RETIRED FROM THE POLICE DEPARTMENT BEFORE THE DATE UPON WHICH THE POLICE DEPARTMENT DISCONTINUED THE POLICY; AND

(c) THE PEACE OFFICER IS A QUALIFIED RETIRED LAW ENFORCEMENT OFFICER, AS DEFINED IN 18 U.S.C. SEC. 926C (c).

(3) BEFORE ISSUING OR RENEWING A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED LAW ENFORCEMENT OFFICER PURSUANT TO THIS SECTION, A LAW ENFORCEMENT AGENCY OF THE STATE SHALL COMPLETE A CRIMINAL BACKGROUND CHECK OF THE OFFICER THROUGH A SEARCH OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM CREATED BY THE FEDERAL "BRADY HANDGUN VIOLENCE PREVENTION ACT" (PUB.L. 103-159), THE RELEVANT PORTION OF WHICH IS CODIFIED AT 18 U.S.C. SEC. 922 (t), AND A SEARCH OF THE STATE INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM. IF THE BACKGROUND CHECK INDICATES THAT THE OFFICER IS PROHIBITED FROM POSSESSING A FIREARM BY STATE OR FEDERAL LAW, THE LAW ENFORCEMENT AGENCY SHALL NOT ISSUE THE PHOTOGRAPHIC IDENTIFICATION.

(4) THE POLICE DEPARTMENT MAY CHARGE A FEE FOR ISSUING A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED PEACE OFFICER PURSUANT TO SUBSECTION (2) OF THIS SECTION, WHICH FEE SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS ASSUMED BY THE POLICE DEPARTMENT IN ISSUING THE PHOTOGRAPHIC IDENTIFICATION.

(5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, A POLICE DEPARTMENT SHALL NOT BE REQUIRED TO ISSUE A PHOTOGRAPHIC IDENTIFICATION TO A PARTICULAR PEACE OFFICER IF THE CHIEF ADMINISTRATIVE OFFICER OF THE POLICE DEPARTMENT ELECTS NOT TO DO SO.

(6) IF A POLICE DEPARTMENT DENIES A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED PEACE OFFICER WHO REQUESTS A PHOTOGRAPHIC IDENTIFICATION PURSUANT TO THIS SECTION, THE POLICE DEPARTMENT SHALL PROVIDE THE RETIRED

PEACE OFFICER A WRITTEN STATEMENT SETTING FORTH THE REASON FOR THE DENIAL.

**SECTION 5.** In Colorado Revised Statutes, **add 23-5-142** as follows:

**23-5-142. Institution law enforcement agencies to provide identification cards to retired peace officers upon request - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "LAW ENFORCEMENT AGENCY OF AN INSTITUTION OF HIGHER EDUCATION" MEANS AN AGENCY WITHIN AN INSTITUTION OF HIGHER EDUCATION DESCRIBED IN THIS TITLE THAT EMPLOYS AT LEAST ONE PEACE OFFICER.

(b) "PEACE OFFICER" MEANS A CERTIFIED PEACE OFFICER DESCRIBED IN SECTION 16-2.5-102, C.R.S.

(c) "PHOTOGRAPHIC IDENTIFICATION" MEANS A PHOTOGRAPHIC IDENTIFICATION THAT SATISFIES THE DESCRIPTION AT 18 U.S.C. SEC. 926C (d).

(2) EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, ON AND AFTER THE EFFECTIVE DATE OF THIS ACT, IF A LAW ENFORCEMENT AGENCY OF AN INSTITUTION OF HIGHER EDUCATION HAS A POLICY, ON THE EFFECTIVE DATE OF THIS ACT, OF ISSUING PHOTOGRAPHIC IDENTIFICATION TO PEACE OFFICERS WHO HAVE RETIRED FROM THE AGENCY, AND THE AGENCY DISCONTINUES SAID POLICY AFTER THE EFFECTIVE DATE OF THIS ACT, THE AGENCY SHALL CONTINUE TO PROVIDE SUCH PHOTOGRAPHIC IDENTIFICATION TO PEACE OFFICERS WHO HAVE RETIRED FROM THE AGENCY IF:

(a) THE PEACE OFFICER REQUESTS THE IDENTIFICATION;

(b) THE PEACE OFFICER RETIRED FROM THE LAW ENFORCEMENT AGENCY BEFORE THE DATE UPON WHICH THE AGENCY DISCONTINUED THE POLICY; AND

(c) THE PEACE OFFICER IS A QUALIFIED RETIRED LAW ENFORCEMENT OFFICER, AS DEFINED IN 18 U.S.C. SEC. 926C (c).

(3) BEFORE ISSUING OR RENEWING A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED LAW ENFORCEMENT OFFICER PURSUANT TO THIS SECTION, A LAW ENFORCEMENT AGENCY OF THE STATE SHALL COMPLETE A CRIMINAL BACKGROUND CHECK OF THE OFFICER THROUGH A SEARCH OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM CREATED BY THE FEDERAL "BRADY HANDGUN VIOLENCE PREVENTION ACT" (PUB.L. 103-159), THE RELEVANT PORTION OF WHICH IS CODIFIED AT 18 U.S.C. SEC. 922 (t), AND A SEARCH OF THE STATE INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM. IF THE BACKGROUND CHECK INDICATES THAT THE OFFICER IS PROHIBITED FROM POSSESSING A FIREARM BY STATE OR FEDERAL LAW, THE LAW ENFORCEMENT AGENCY SHALL NOT ISSUE THE PHOTOGRAPHIC IDENTIFICATION.

(4) A LAW ENFORCEMENT AGENCY OF AN INSTITUTION OF HIGHER EDUCATION MAY CHARGE A FEE FOR ISSUING A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED PEACE OFFICER PURSUANT TO SUBSECTION (2) OF THIS SECTION, WHICH FEE SHALL

NOT EXCEED THE DIRECT AND INDIRECT COSTS ASSUMED BY THE AGENCY IN ISSUING THE PHOTOGRAPHIC IDENTIFICATION.

(5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, A LAW ENFORCEMENT AGENCY OF AN INSTITUTION OF HIGHER EDUCATION SHALL NOT BE REQUIRED TO ISSUE A PHOTOGRAPHIC IDENTIFICATION TO A PARTICULAR PEACE OFFICER IF THE CHIEF ADMINISTRATIVE OFFICER OF THE AGENCY ELECTS NOT TO DO SO.

(6) IF A LAW ENFORCEMENT AGENCY OF AN INSTITUTION OF HIGHER EDUCATION DENIES A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED PEACE OFFICER WHO REQUESTS A PHOTOGRAPHIC IDENTIFICATION PURSUANT TO THIS SECTION, THE LAW ENFORCEMENT AGENCY SHALL PROVIDE THE RETIRED PEACE OFFICER A WRITTEN STATEMENT SETTING FORTH THE REASON FOR THE DENIAL.

**SECTION 6.** In Colorado Revised Statutes, **add** 17-1-115.2 as follows:

**17-1-115.2. Correctional law enforcement agencies to provide identification cards to retired peace officers upon request - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "LAW ENFORCEMENT AGENCY OF THE DEPARTMENT" MEANS THE DEPARTMENT AND ANY AGENCY WITHIN THE DEPARTMENT THAT EMPLOYS AT LEAST ONE PEACE OFFICER.

(b) "PEACE OFFICER" MEANS A CERTIFIED PEACE OFFICER DESCRIBED IN SECTION 16-2.5-102, C.R.S.

(c) "PHOTOGRAPHIC IDENTIFICATION" MEANS A PHOTOGRAPHIC IDENTIFICATION THAT SATISFIES THE DESCRIPTION AT 18 U.S.C. SEC. 926C (d).

(2) EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, ON AND AFTER THE EFFECTIVE DATE OF THIS ACT, IF A LAW ENFORCEMENT AGENCY OF THE DEPARTMENT HAS A POLICY, ON THE EFFECTIVE DATE OF THIS ACT, OF ISSUING PHOTOGRAPHIC IDENTIFICATION TO PEACE OFFICERS WHO HAVE RETIRED FROM THE AGENCY, AND THE AGENCY DISCONTINUES SAID POLICY AFTER THE EFFECTIVE DATE OF THIS ACT, THE AGENCY SHALL CONTINUE TO PROVIDE SUCH PHOTOGRAPHIC IDENTIFICATION TO PEACE OFFICERS WHO HAVE RETIRED FROM THE AGENCY IF:

(a) THE PEACE OFFICER REQUESTS THE IDENTIFICATION;

(b) THE PEACE OFFICER RETIRED FROM THE LAW ENFORCEMENT AGENCY BEFORE THE DATE UPON WHICH THE AGENCY DISCONTINUED THE POLICY; AND

(c) THE PEACE OFFICER IS A QUALIFIED RETIRED LAW ENFORCEMENT OFFICER, AS DEFINED IN 18 U.S.C. SEC. 926C (c).

(3) BEFORE ISSUING OR RENEWING A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED LAW ENFORCEMENT OFFICER PURSUANT TO THIS SECTION, A LAW ENFORCEMENT AGENCY OF THE STATE SHALL COMPLETE A CRIMINAL BACKGROUND CHECK OF THE OFFICER THROUGH A SEARCH OF THE NATIONAL INSTANT CRIMINAL

BACKGROUND CHECK SYSTEM CREATED BY THE FEDERAL "BRADY HANDGUN VIOLENCE PREVENTION ACT" (PUB.L. 103-159), THE RELEVANT PORTION OF WHICH IS CODIFIED AT 18 U.S.C. SEC. 922 (t), AND A SEARCH OF THE STATE INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM. IF THE BACKGROUND CHECK INDICATES THAT THE OFFICER IS PROHIBITED FROM POSSESSING A FIREARM BY STATE OR FEDERAL LAW, THE LAW ENFORCEMENT AGENCY SHALL NOT ISSUE THE PHOTOGRAPHIC IDENTIFICATION.

(4) A LAW ENFORCEMENT AGENCY OF THE DEPARTMENT MAY CHARGE A FEE FOR ISSUING A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED PEACE OFFICER PURSUANT TO SUBSECTION (2) OF THIS SECTION, WHICH FEE SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS ASSUMED BY THE AGENCY IN ISSUING THE PHOTOGRAPHIC IDENTIFICATION.

(5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, A LAW ENFORCEMENT AGENCY OF THE DEPARTMENT SHALL NOT BE REQUIRED TO ISSUE A PHOTOGRAPHIC IDENTIFICATION TO A PARTICULAR PEACE OFFICER IF THE CHIEF ADMINISTRATIVE OFFICER OF THE AGENCY ELECTS NOT TO DO SO.

(6) IF A LAW ENFORCEMENT AGENCY OF THE DEPARTMENT DENIES A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED PEACE OFFICER WHO REQUESTS A PHOTOGRAPHIC IDENTIFICATION PURSUANT TO THIS SECTION, THE LAW ENFORCEMENT AGENCY SHALL PROVIDE THE RETIRED PEACE OFFICER A WRITTEN STATEMENT SETTING FORTH THE REASON FOR THE DENIAL.

**SECTION 7.** In Colorado Revised Statutes, **add** 24-35-119 as follows:

**24-35-119. Law enforcement agencies of department to provide identification cards to retired peace officers upon request - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "LAW ENFORCEMENT AGENCY OF THE DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE AND ANY AGENCY WITHIN THE DEPARTMENT OF REVENUE THAT EMPLOYS AT LEAST ONE PEACE OFFICER.

(b) "PEACE OFFICER" MEANS A PEACE OFFICER DESCRIBED IN SECTION 16-2.5-101, 16-2.5-121, 16-2.5-122, 16-2.5-123, 16-2.5-124, 16-2.5-124.5, 16-2.5-125, OR 16-2.5-126.

(c) "PHOTOGRAPHIC IDENTIFICATION" MEANS A PHOTOGRAPHIC IDENTIFICATION THAT SATISFIES THE DESCRIPTION AT 18 U.S.C. SEC. 926C (d).

(2) EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, ON AND AFTER THE EFFECTIVE DATE OF THIS ACT, IF A LAW ENFORCEMENT AGENCY OF THE DEPARTMENT HAS A POLICY, ON THE EFFECTIVE DATE OF THIS ACT, OF ISSUING PHOTOGRAPHIC IDENTIFICATION TO PEACE OFFICERS WHO HAVE RETIRED FROM THE AGENCY, AND THE AGENCY DISCONTINUES SAID POLICY AFTER THE EFFECTIVE DATE OF THIS ACT, THE AGENCY SHALL CONTINUE TO PROVIDE SUCH PHOTOGRAPHIC IDENTIFICATION TO PEACE OFFICERS WHO HAVE RETIRED FROM THE AGENCY IF:

(a) THE PEACE OFFICER REQUESTS THE IDENTIFICATION;

(b) THE PEACE OFFICER RETIRED FROM THE LAW ENFORCEMENT AGENCY BEFORE THE DATE UPON WHICH THE AGENCY DISCONTINUED THE POLICY; AND

(c) THE PEACE OFFICER IS A QUALIFIED RETIRED LAW ENFORCEMENT OFFICER, AS DEFINED IN 18 U.S.C. SEC. 926C (c).

(3) BEFORE ISSUING OR RENEWING A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED LAW ENFORCEMENT OFFICER PURSUANT TO THIS SECTION, A LAW ENFORCEMENT AGENCY OF THE STATE SHALL COMPLETE A CRIMINAL BACKGROUND CHECK OF THE OFFICER THROUGH A SEARCH OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM CREATED BY THE FEDERAL "BRADY HANDGUN VIOLENCE PREVENTION ACT" (PUB.L. 103-159), THE RELEVANT PORTION OF WHICH IS CODIFIED AT 18 U.S.C. SEC. 922 (t), AND A SEARCH OF THE STATE INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM. IF THE BACKGROUND CHECK INDICATES THAT THE OFFICER IS PROHIBITED FROM POSSESSING A FIREARM BY STATE OR FEDERAL LAW, THE LAW ENFORCEMENT AGENCY SHALL NOT ISSUE THE PHOTOGRAPHIC IDENTIFICATION.

(4) A LAW ENFORCEMENT AGENCY OF THE DEPARTMENT MAY CHARGE A FEE FOR ISSUING A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED PEACE OFFICER PURSUANT TO SUBSECTION (2) OF THIS SECTION, WHICH FEE SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS ASSUMED BY THE AGENCY IN ISSUING THE PHOTOGRAPHIC IDENTIFICATION.

(5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, A LAW ENFORCEMENT AGENCY OF THE DEPARTMENT SHALL NOT BE REQUIRED TO ISSUE A PHOTOGRAPHIC IDENTIFICATION TO A PARTICULAR PEACE OFFICER IF THE CHIEF ADMINISTRATIVE OFFICER OF THE AGENCY ELECTS NOT TO DO SO.

(6) IF A LAW ENFORCEMENT AGENCY OF THE DEPARTMENT DENIES A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED PEACE OFFICER WHO REQUESTS A PHOTOGRAPHIC IDENTIFICATION PURSUANT TO THIS SECTION, THE LAW ENFORCEMENT AGENCY SHALL PROVIDE THE RETIRED PEACE OFFICER A WRITTEN STATEMENT SETTING FORTH THE REASON FOR THE DENIAL.

**SECTION 8. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 29, 2013