

CHAPTER 64

GOVERNMENT - STATE

HOUSE BILL 14-1191

BY REPRESENTATIVE(S) Conti, Coram, Court, Ferrandino, Rosenthal, Scott, Becker, Buckner, Fields, Fischer, Foote, Ginal, Hamner, Hullinghorst, Kagan, Kraft-Tharp, Labuda, Lebsack, Mitsch Bush, Pabon, Peniston, Pettersen, Primavera, Priola, Ryden, Salazar, Schafer, Tyler, Williams, Wilson, Young;
also SENATOR(S) King, Heath, Herpin, Jahn, Johnston, Jones, Kefalas, Kerr, Newell, Nicholson, Schwartz, Tochtrop, Todd.

AN ACT**CONCERNING THE CREATION OF AN EMERGENCY ALERT PROGRAM TO NOTIFY THE PUBLIC AFTER A SERIOUS HIT-AND-RUN ACCIDENT.**

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

SECTION 1. In Colorado Revised Statutes, **add** 24-33.5-416.7 as follows:

24-33.5-416.7. Medina alert program - definitions - rules. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(a) A PERSON WHO KILLS OR INFLECTS A SERIOUS BODILY INJURY UPON A PERSON DURING A MOTOR VEHICLE ACCIDENT AND FLEES THE SCENE POSES A SERIOUS AND IMMINENT THREAT TO THE SAFETY OF THE PUBLIC;

(b) WHEN A PERSON KILLS OR INFLECTS A SERIOUS BODILY INJURY UPON A PERSON DURING A MOTOR VEHICLE ACCIDENT AND FLEES THE SCENE, THE FIRST FEW HOURS AFTER THE ACT ARE CRITICALLY IMPORTANT TO APPREHENDING THE PERSON; AND

(c) IT IS THEREFORE NECESSARY TO CREATE AN ALERT SYSTEM TO FACILITATE THE IMMEDIATE APPREHENSION OF SUCH PERSONS BY LAW ENFORCEMENT AGENCIES OF THE STATE.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DESIGNATED BROADCASTER" MEANS A BROADCASTER THAT IS DESIGNATED BY RULES PROMULGATED PURSUANT TO PARAGRAPH (e) OF SUBSECTION (4) OF THIS SECTION TO RECEIVE AND BROADCAST A MEDINA ALERT.

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

(b) "HIT-AND-RUN ACCIDENT" MEANS AN INCIDENT WHEN THE DRIVER OF A VEHICLE INVOLVED IN AN ACCIDENT FAILS TO STOP AT THE SCENE OF THE ACCIDENT AS REQUIRED BY SECTION 42-4-1601, C.R.S.

(c) "MEDINA ALERT" MEANS AN ALERT ISSUED BY THE BUREAU PURSUANT TO THE PROVISIONS OF THIS SECTION.

(d) "NOTIFICATION PERIOD" MEANS THE PERIOD OF TIME ESTABLISHED BY RULES PROMULGATED PURSUANT TO PARAGRAPH (c) OF SUBSECTION (4) OF THIS SECTION, DURING WHICH TIME A MEDINA ALERT MUST REMAIN EFFECTIVE UNLESS IT IS CANCELLED BY THE BUREAU AS DESCRIBED IN PARAGRAPH (g) OF SUBSECTION (3) OF THIS SECTION.

(e) "PROGRAM" MEANS THE MEDINA ALERT PROGRAM CREATED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION.

(f) "SERIOUS BODILY INJURY" HAS THE SAME MEANING AS DEFINED IN SECTION 42-4-1601 (4) (b), C.R.S.

(3) (a) TO FACILITATE THE IMMEDIATE APPREHENSION OF PERSONS WHO KILL OR CAUSE SERIOUS BODILY INJURY TO ANOTHER PERSON DURING A HIT-AND-RUN ACCIDENT, THERE IS CREATED THE MEDINA ALERT PROGRAM TO BE IMPLEMENTED BY THE BUREAU ON AND AFTER JANUARY 1, 2015. THE PROGRAM IS A COORDINATED EFFORT AMONG THE BUREAU, LAW ENFORCEMENT AGENCIES, AND THE STATE'S PUBLIC AND COMMERCIAL TELEVISION AND RADIO BROADCASTERS.

(b) USING PROCEDURES ESTABLISHED BY RULES PROMULGATED PURSUANT TO SUBSECTION (4) OF THIS SECTION, A LAW ENFORCEMENT AGENCY MAY NOTIFY THE BUREAU AFTER VERIFYING THAT:

(I) A PERSON HAS BEEN KILLED OR HAS SUFFERED SERIOUS BODILY INJURY DURING A HIT-AND-RUN ACCIDENT; AND

(II) THE LAW ENFORCEMENT AGENCY HAS ADDITIONAL INFORMATION CONCERNING THE SUSPECT OR THE SUSPECT'S VEHICLE, INCLUDING BUT NOT LIMITED TO:

(A) A COMPLETE LICENSE PLATE NUMBER OF THE SUSPECT'S VEHICLE;

(B) A PARTIAL LICENSE PLATE NUMBER AND THE MAKE, STYLE, AND COLOR OF THE SUSPECT'S VEHICLE; OR

(C) THE IDENTITY OF THE SUSPECT.

(c) UPON RECEIPT OF A NOTICE FROM A LAW ENFORCEMENT AGENCY THAT A PERSON HAS BEEN KILLED OR HAS SUFFERED SERIOUS BODILY INJURY DURING A HIT-AND-RUN ACCIDENT AND THERE IS ADDITIONAL INFORMATION CONCERNING THE SUSPECT OR THE SUSPECT'S VEHICLE, THE BUREAU, USING PROCEDURES ESTABLISHED BY RULES PROMULGATED PURSUANT TO SUBSECTION (4) OF THIS SECTION, SHALL CONFIRM THE ACCURACY OF THE INFORMATION AND ISSUE A MEDINA ALERT.

(d) THE BUREAU SHALL SEND THE MEDINA ALERT, INCLUDING THE NOTIFICATION PERIOD ASSOCIATED WITH THE MEDINA ALERT, TO EACH DESIGNATED BROADCASTER TO BE BROADCAST AT DESIGNATED INTERVALS AS SPECIFIED IN RULES PROMULGATED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

(e) A MEDINA ALERT MUST INCLUDE:

(I) ALL APPROPRIATE INFORMATION THAT THE REPORTING LAW ENFORCEMENT AGENCY HAS THAT MAY ASSIST IN THE APPREHENSION OF THE SUSPECT OR SUSPECTS;

(II) A STATEMENT INSTRUCTING ANYONE WITH INFORMATION RELATED TO THE HIT-AND-RUN ACCIDENT TO CONTACT HIS OR HER LOCAL LAW ENFORCEMENT AGENCY; AND

(III) A WARNING THAT THE SUSPECT OR SUSPECTS ARE DANGEROUS AND THAT MEMBERS OF THE PUBLIC SHOULD NOT ATTEMPT TO APPREHEND THE SUSPECT OR SUSPECTS THEMSELVES.

(f) A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY THAT LOCATES OR APPREHENDS THE SUSPECT OR SUSPECTS SHALL NOTIFY THE BUREAU AS SOON AS PRACTICABLE OF SUCH FACT.

(g) A MEDINA ALERT IS CANCELLED WHEN THE BUREAU NOTIFIES THE DESIGNATED BROADCASTER THAT THE SUSPECT OR SUSPECTS HAVE BEEN APPREHENDED OR AT THE END OF THE NOTIFICATION PERIOD, WHICHEVER OCCURS FIRST.

(4) ON OR BEFORE JANUARY 1, 2015, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY SHALL PROMULGATE RULES IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF THIS TITLE, FOR THE IMPLEMENTATION OF THE PROGRAM. THE RULES SHALL INCLUDE BUT NEED NOT BE LIMITED TO:

(a) PROCEDURES FOR A LAW ENFORCEMENT AGENCY TO USE TO NOTIFY THE BUREAU THAT A PERSON HAS BEEN KILLED OR HAS SUFFERED SERIOUS BODILY INJURY DURING A HIT-AND-RUN ACCIDENT AND THERE IS ADDITIONAL INFORMATION CONCERNING THE SUSPECT OR THE SUSPECT'S VEHICLE;

(b) PROCEDURES FOR THE BUREAU TO FOLLOW IN CONFIRMING THE REPORTING LAW ENFORCEMENT AGENCY'S INFORMATION AND REPORTING THE INFORMATION TO EACH DESIGNATED BROADCASTER;

(c) THE ESTABLISHMENT OF A NOTIFICATION PERIOD TO BE USED FOR EACH MEDINA ALERT;

(d) THE INTERVALS AT WHICH DESIGNATED BROADCASTERS SHALL ISSUE A MEDINA ALERT; AND

(e) A LIST OF DESIGNATED BROADCASTERS WHO HAVE VOLUNTEERED TO PARTICIPATE IN THE BROADCASTING OF MEDINA ALERTS.

(5) THE BUREAU AND THE DEPARTMENT OF TRANSPORTATION SHALL COORDINATE THE PRIORITY OF OTHER MESSAGES FOR THE PUBLIC WHEN DETERMINING WHETHER TO ISSUE A MEDINA ALERT ON THE DEPARTMENT OF TRANSPORTATION'S VARIABLE MESSAGE SIGNS.

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: March 25, 2014