

CHAPTER 209

CRIMINAL LAW AND PROCEDURE

SENATE BILL 15-218

BY SENATOR(S) Roberts and Cooke, Aguilar, Balmer, Baumgardner, Carroll, Donovan, Garcia, Grantham, Guzman, Heath, Jahn, Johnston, Jones, Kefalas, Kerr, Lundberg, Marble, Merrifield, Neville T., Newell, Scheffel, Scott, Steadman, Todd, Ulibarri, Woods, Cadman;
also REPRESENTATIVE(S) Williams, Conti, Duran, Esgar, Fields, Foote, Ginal, Kagan, Lebsack, McCann, Melton, Moreno, Pettersen, Salazar, Vigil, Winter, Young, Hulinghorst.

AN ACT**CONCERNING REQUIRING A LAW ENFORCEMENT AGENCY TO DISCLOSE WHETHER A PEACE OFFICER HAS MADE A KNOWING MISREPRESENTATION IN CERTAIN SETTINGS.**

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds that:

(a) Colorado is committed to ensuring that local police departments and sheriffs' offices are empowered with the tools they need to protect citizens equitably and fairly;

(b) Colorado respects all peace officers and recognizes the high stress level and high risks of the profession; and

(c) The overwhelming majority of Colorado peace officers are competent, caring professionals who risk their lives in the service of their communities.

(2) However, the general assembly also finds that:

(a) For any peace officer, being a credible witness is an essential part of the profession;

(b) Credibility is also a critical basis for the great responsibility with which each community entrusts its peace officers;

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

(c) When a peace officer makes a knowing misrepresentation in certain formal settings, the act not only diminishes the credibility of that peace officer but also threatens to diminish the credibility of other peace officers and law enforcement agencies; and

(d) Police chiefs, county sheriffs, town marshals, and other supervising law enforcement officers must possess tools to ensure that peace officers are qualified for their positions, are highly trained, and have the highest character and integrity.

(3) Therefore, the general assembly declares that, subject to certain limitations, a law enforcement agency that employs, employed, or deputized a peace officer shall disclose to an agency that is considering hiring the peace officer information indicating whether the peace officer's employment history included any instances in which the peace officer made a knowing misrepresentation in certain formal settings.

SECTION 2. In Colorado Revised Statutes, **add 24-33.5-114** as follows:

24-33.5-114. Disclosure of knowing misrepresentation by a peace officer required - disclosure waivers - reports - definitions. (1) SUBJECT TO THE LIMITATIONS OF THIS SECTION, ANY STATE OR LOCAL LAW ENFORCEMENT AGENCY THAT EMPLOYS, EMPLOYED, OR DEPUTIZED ON OR AFTER JANUARY 1, 2010, A PEACE OFFICER WHO APPLIES FOR EMPLOYMENT WITH ANOTHER COLORADO LAW ENFORCEMENT AGENCY SHALL DISCLOSE TO THE HIRING AGENCY INFORMATION, IF AVAILABLE, INDICATING WHETHER THE PEACE OFFICER'S EMPLOYMENT HISTORY INCLUDED ANY INSTANCES IN WHICH THE PEACE OFFICER HAD A SUSTAINED VIOLATION FOR MAKING A KNOWING MISREPRESENTATION:

(a) IN ANY TESTIMONY OR AFFIDAVIT RELATING TO THE ARREST OR PROSECUTION OF A PERSON OR TO A CIVIL CASE PERTAINING TO THE PEACE OFFICER OR TO THE PEACE OFFICER'S EMPLOYMENT HISTORY; OR

(b) DURING THE COURSE OF ANY INTERNAL INVESTIGATION BY A LAW ENFORCEMENT AGENCY, WHICH INVESTIGATION IS RELATED TO THE PEACE OFFICER'S ALLEGED CRIMINAL CONDUCT; OFFICIAL MISCONDUCT, AS DESCRIBED IN SECTION 18-8-404 OR 18-8-405, C.R.S.; OR USE OF EXCESSIVE FORCE, REGARDLESS OF WHETHER THE ALLEGED CRIMINAL CONDUCT, OFFICIAL MISCONDUCT, OR USE OF EXCESSIVE FORCE OCCURRED WHILE THE PEACE OFFICER WAS ON DUTY, OFF DUTY, OR ACTING PURSUANT TO A SERVICE CONTRACT TO WHICH THE PEACE OFFICER'S EMPLOYING AGENCY IS A PARTY.

(2) THE DISCLOSURE DESCRIBED IN SUBSECTION (1) OF THIS SECTION IS REQUIRED ONLY UPON THE PRESENTATION OF A WRITTEN WAIVER TO A STATE OR LOCAL LAW ENFORCEMENT AGENCY, WHICH WAIVER EXPLICITLY AUTHORIZES THE AGENCY TO DISCLOSE THE INFORMATION DESCRIBED IN SAID SUBSECTION (1), HAS BEEN SIGNED BY THE APPLICANT PEACE OFFICER, AND IDENTIFIES THE COLORADO LAW ENFORCEMENT AGENCY THAT IS CONSIDERING THE APPLICANT PEACE OFFICER FOR EMPLOYMENT. A STATE OR LOCAL LAW ENFORCEMENT AGENCY THAT RECEIVES SUCH A WAIVER SHALL PROVIDE THE DISCLOSURE TO THE COLORADO LAW ENFORCEMENT AGENCY THAT IS CONSIDERING THE APPLICANT PEACE OFFICER FOR EMPLOYMENT NOT MORE THAN SEVEN DAYS AFTER SUCH RECEIPT.

(3) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT REQUIRED TO PROVIDE THE DISCLOSURE DESCRIBED IN SUBSECTION (1) OF THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING SUCH DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED BEFORE THE EFFECTIVE DATE OF THIS ACT.

(4)(a) A STATE OR LOCAL LAW ENFORCEMENT AGENCY SHALL NOTIFY THE LOCAL DISTRICT ATTORNEY WHENEVER THE AGENCY DETERMINES THERE IS A SUSTAINED FINDING THAT ANY PEACE OFFICER OF THE AGENCY HAS MADE A KNOWING MISREPRESENTATION:

(I) IN ANY TESTIMONY OR AFFIDAVIT RELATING TO THE ARREST OR PROSECUTION OF A PERSON OR TO A CIVIL CASE PERTAINING TO THE PEACE OFFICER OR TO THE PEACE OFFICER'S EMPLOYMENT HISTORY; OR

(II) DURING THE COURSE OF ANY INTERNAL INVESTIGATION BY A LAW ENFORCEMENT AGENCY, WHICH INVESTIGATION IS RELATED TO THE PEACE OFFICER'S ALLEGED CRIMINAL CONDUCT; OFFICIAL MISCONDUCT, AS DESCRIBED IN SECTION 18-8-404 OR 18-8-405, C.R.S.; OR USE OF EXCESSIVE FORCE, REGARDLESS OF WHETHER THE ALLEGED CRIMINAL CONDUCT, OFFICIAL MISCONDUCT, OR USE OF EXCESSIVE FORCE OCCURRED WHILE THE PEACE OFFICER WAS ON DUTY, OFF DUTY, OR ACTING PURSUANT TO A SERVICE CONTRACT TO WHICH THE PEACE OFFICER'S EMPLOYING AGENCY IS A PARTY.

(b) A LAW ENFORCEMENT AGENCY OF THE DEPARTMENT SHALL PROVIDE THE NOTICE DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) NOT MORE THAN SEVEN DAYS AFTER THE AGENCY DETERMINES THERE IS A SUSTAINED FINDING THAT A PEACE OFFICER OF THE AGENCY HAS MADE A KNOWING MISREPRESENTATION, AS DESCRIBED IN SAID PARAGRAPH (a).

(5) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT LIABLE FOR COMPLYING WITH THE PROVISIONS OF THIS SECTION.

(6) AS USED IN THIS SECTION, UNLESS THE CONTEXT REQUIRES OTHERWISE, "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:

(a) THE COLORADO STATE PATROL CREATED PURSUANT TO SECTION 24-33.5-201;

(b) THE COLORADO BUREAU OF INVESTIGATION CREATED PURSUANT TO SECTION 24-33.5-401;

(c) A COUNTY SHERIFF'S OFFICE;

(d) A MUNICIPAL POLICE DEPARTMENT;

(e) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION 24-1-124; OR

(f) A TOWN MARSHAL'S OFFICE.

SECTION 3. In Colorado Revised Statutes, **add** 30-10-525 as follows:

30-10-525. Disclosure of knowing misrepresentation by a peace officer required - disclosure waivers - reports - definitions. (1) SUBJECT TO THE LIMITATIONS OF THIS SECTION, A SHERIFF'S OFFICE THAT EMPLOYS, EMPLOYED, OR DEPUTIZED ON OR AFTER JANUARY 1, 2010, A PEACE OFFICER WHO APPLIES FOR EMPLOYMENT WITH ANOTHER COLORADO LAW ENFORCEMENT AGENCY SHALL DISCLOSE TO THE HIRING AGENCY INFORMATION, IF AVAILABLE, INDICATING WHETHER THE PEACE OFFICER'S EMPLOYMENT HISTORY INCLUDED ANY INSTANCES IN WHICH THE PEACE OFFICER HAD A SUSTAINED VIOLATION FOR MAKING A KNOWING MISREPRESENTATION:

(a) IN ANY TESTIMONY OR AFFIDAVIT RELATING TO THE ARREST OR PROSECUTION OF A PERSON OR TO A CIVIL CASE PERTAINING TO THE PEACE OFFICER OR TO THE PEACE OFFICER'S EMPLOYMENT HISTORY; OR

(b) DURING THE COURSE OF ANY INTERNAL INVESTIGATION BY A LAW ENFORCEMENT AGENCY, WHICH INVESTIGATION IS RELATED TO THE PEACE OFFICER'S ALLEGED CRIMINAL CONDUCT; OFFICIAL MISCONDUCT, AS DESCRIBED IN SECTION 18-8-404 OR 18-8-405, C.R.S.; OR USE OF EXCESSIVE FORCE, REGARDLESS OF WHETHER THE ALLEGED CRIMINAL CONDUCT, OFFICIAL MISCONDUCT, OR USE OF EXCESSIVE FORCE OCCURRED WHILE THE PEACE OFFICER WAS ON DUTY, OFF DUTY, OR ACTING PURSUANT TO A SERVICE CONTRACT TO WHICH THE PEACE OFFICER'S EMPLOYING AGENCY IS A PARTY.

(2) THE DISCLOSURE DESCRIBED IN SUBSECTION (1) OF THIS SECTION IS REQUIRED ONLY UPON THE PRESENTATION OF A WRITTEN WAIVER TO A SHERIFF'S OFFICE, WHICH WAIVER EXPLICITLY AUTHORIZES THE SHERIFF'S OFFICE TO DISCLOSE THE INFORMATION DESCRIBED IN SAID SUBSECTION (1), HAS BEEN SIGNED BY THE APPLICANT PEACE OFFICER, AND IDENTIFIES THE COLORADO LAW ENFORCEMENT AGENCY THAT IS CONSIDERING THE APPLICANT PEACE OFFICER FOR EMPLOYMENT. A SHERIFF'S OFFICE THAT RECEIVES SUCH A WAIVER SHALL PROVIDE THE DISCLOSURE TO THE COLORADO LAW ENFORCEMENT AGENCY THAT IS CONSIDERING THE APPLICANT PEACE OFFICER FOR EMPLOYMENT NOT MORE THAN SEVEN DAYS AFTER SUCH RECEIPT.

(3) A SHERIFF'S OFFICE IS NOT REQUIRED TO PROVIDE THE DISCLOSURE DESCRIBED IN SUBSECTION (1) OF THIS SECTION IF THE SHERIFF'S OFFICE IS PROHIBITED FROM PROVIDING SUCH DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO WHICH THE SHERIFF'S OFFICE IS A PARTY, WHICH AGREEMENT WAS EXECUTED BEFORE THE EFFECTIVE DATE OF THIS ACT.

(4) (a) A SHERIFF'S OFFICE SHALL NOTIFY THE LOCAL DISTRICT ATTORNEY WHENEVER THE SHERIFF'S OFFICE DETERMINES THERE IS A SUSTAINED FINDING THAT ANY PEACE OFFICER OF THE SHERIFF'S OFFICE HAS MADE A KNOWING MISREPRESENTATION:

(I) IN ANY TESTIMONY OR AFFIDAVIT RELATING TO THE ARREST OR PROSECUTION OF A PERSON OR TO A CIVIL CASE PERTAINING TO THE PEACE OFFICER OR TO THE PEACE OFFICER'S EMPLOYMENT HISTORY; OR

(II) DURING THE COURSE OF ANY INTERNAL INVESTIGATION BY A LAW ENFORCEMENT AGENCY, WHICH INVESTIGATION IS RELATED TO THE PEACE OFFICER'S

ALLEGED CRIMINAL CONDUCT; OFFICIAL MISCONDUCT, AS DESCRIBED IN SECTION 18-8-404 OR 18-8-405, C.R.S.; OR USE OF EXCESSIVE FORCE, REGARDLESS OF WHETHER THE ALLEGED CRIMINAL CONDUCT, OFFICIAL MISCONDUCT, OR USE OF EXCESSIVE FORCE OCCURRED WHILE THE PEACE OFFICER WAS ON DUTY, OFF DUTY, OR ACTING PURSUANT TO A SERVICE CONTRACT TO WHICH THE PEACE OFFICER'S EMPLOYING AGENCY IS A PARTY.

(b) A SHERIFF'S OFFICE SHALL PROVIDE THE NOTICE DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) NOT MORE THAN SEVEN DAYS AFTER THE SHERIFF'S OFFICE DETERMINES THERE IS A SUSTAINED FINDING THAT A PEACE OFFICER OF THE SHERIFF'S OFFICE HAS MADE A KNOWING MISREPRESENTATION, AS DESCRIBED IN SAID PARAGRAPH (a).

(5) A SHERIFF'S OFFICE IS NOT LIABLE FOR COMPLYING WITH THE PROVISIONS OF THIS SECTION.

(6) AS USED IN THIS SECTION, UNLESS THE CONTEXT REQUIRES OTHERWISE, "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:

(a) THE COLORADO STATE PATROL CREATED PURSUANT TO SECTION 24-33.5-201, C.R.S.;

(b) THE COLORADO BUREAU OF INVESTIGATION CREATED PURSUANT TO SECTION 24-33.5-401, C.R.S.;

(c) A COUNTY SHERIFF'S OFFICE;

(d) A MUNICIPAL POLICE DEPARTMENT;

(e) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION 24-1-124, C.R.S.; OR

(f) A TOWN MARSHAL'S OFFICE.

SECTION 4. In Colorado Revised Statutes, **add** 31-30-107 as follows:

31-30-107. Disclosure of knowing misrepresentation by a peace officer required - disclosure waivers - reports - definitions. (1) SUBJECT TO THE LIMITATIONS OF THIS SECTION, A MUNICIPAL POLICE DEPARTMENT OR TOWN MARSHAL'S OFFICE THAT EMPLOYS, EMPLOYED, OR DEPUTIZED ON OR AFTER JANUARY 1, 2010, A PEACE OFFICER WHO APPLIES FOR EMPLOYMENT WITH ANOTHER COLORADO LAW ENFORCEMENT AGENCY SHALL DISCLOSE TO THE HIRING AGENCY INFORMATION, IF AVAILABLE, INDICATING WHETHER THE PEACE OFFICER'S EMPLOYMENT HISTORY INCLUDED ANY INSTANCES IN WHICH THE PEACE OFFICER HAD A SUSTAINED VIOLATION FOR MAKING A KNOWING MISREPRESENTATION:

(a) IN ANY TESTIMONY OR AFFIDAVIT RELATING TO THE ARREST OR PROSECUTION OF A PERSON OR TO A CIVIL CASE PERTAINING TO THE PEACE OFFICER OR TO THE PEACE OFFICER'S EMPLOYMENT HISTORY; OR

(b) DURING THE COURSE OF ANY INTERNAL INVESTIGATION BY A LAW

ENFORCEMENT AGENCY, WHICH INVESTIGATION IS RELATED TO THE PEACE OFFICER'S ALLEGED CRIMINAL CONDUCT; OFFICIAL MISCONDUCT, AS DESCRIBED IN SECTION 18-8-404 OR 18-8-405, C.R.S.; OR USE OF EXCESSIVE FORCE, REGARDLESS OF WHETHER THE ALLEGED CRIMINAL CONDUCT, OFFICIAL MISCONDUCT, OR USE OF EXCESSIVE FORCE OCCURRED WHILE THE PEACE OFFICER WAS ON DUTY, OFF DUTY, OR ACTING PURSUANT TO A SERVICE CONTRACT TO WHICH THE PEACE OFFICER'S EMPLOYING AGENCY IS A PARTY.

(2) THE DISCLOSURE DESCRIBED IN SUBSECTION (1) OF THIS SECTION IS REQUIRED ONLY UPON THE PRESENTATION OF A WRITTEN WAIVER TO A MUNICIPAL POLICE DEPARTMENT OR TOWN MARSHAL'S OFFICE, WHICH WAIVER EXPLICITLY AUTHORIZES THE MUNICIPAL POLICE DEPARTMENT OR TOWN MARSHAL'S OFFICE TO DISCLOSE THE INFORMATION DESCRIBED IN SAID SUBSECTION (1), HAS BEEN SIGNED BY THE APPLICANT PEACE OFFICER, AND IDENTIFIES THE COLORADO LAW ENFORCEMENT AGENCY THAT IS CONSIDERING THE APPLICANT PEACE OFFICER FOR EMPLOYMENT. A MUNICIPAL POLICE DEPARTMENT OR TOWN MARSHAL'S OFFICE THAT RECEIVES SUCH A WAIVER SHALL PROVIDE THE DISCLOSURE TO THE COLORADO LAW ENFORCEMENT AGENCY THAT IS CONSIDERING THE APPLICANT PEACE OFFICER FOR EMPLOYMENT NOT MORE THAN SEVEN DAYS AFTER SUCH RECEIPT.

(3) A MUNICIPAL POLICE DEPARTMENT OR TOWN MARSHAL'S OFFICE IS NOT REQUIRED TO PROVIDE THE DISCLOSURE DESCRIBED IN SUBSECTION (1) OF THIS SECTION IF THE POLICE DEPARTMENT OR TOWN MARSHAL'S OFFICE IS PROHIBITED FROM PROVIDING SUCH DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO WHICH THE POLICE DEPARTMENT OR TOWN MARSHAL'S OFFICE IS A PARTY, WHICH AGREEMENT WAS EXECUTED BEFORE THE EFFECTIVE DATE OF THIS ACT.

(4) (a) A MUNICIPAL POLICE DEPARTMENT OR TOWN MARSHAL'S OFFICE SHALL NOTIFY THE LOCAL DISTRICT ATTORNEY WHENEVER THE MUNICIPAL POLICE DEPARTMENT OR TOWN MARSHAL'S OFFICE LEARNS THAT ANY PEACE OFFICER OF THE MUNICIPAL POLICE DEPARTMENT OR TOWN MARSHAL'S OFFICE HAS MADE A KNOWING MISREPRESENTATION:

(I) IN ANY TESTIMONY OR AFFIDAVIT RELATING TO THE ARREST OR PROSECUTION OF A PERSON OR TO A CIVIL CASE PERTAINING TO THE PEACE OFFICER OR TO THE PEACE OFFICER'S EMPLOYMENT HISTORY; OR

(II) DURING THE COURSE OF ANY INTERNAL INVESTIGATION BY A LAW ENFORCEMENT AGENCY, WHICH INVESTIGATION IS RELATED TO THE PEACE OFFICER'S ALLEGED CRIMINAL CONDUCT; OFFICIAL MISCONDUCT, AS DESCRIBED IN SECTION 18-8-404 OR 18-8-405, C.R.S.; OR USE OF EXCESSIVE FORCE, REGARDLESS OF WHETHER THE ALLEGED CRIMINAL CONDUCT, OFFICIAL MISCONDUCT, OR USE OF EXCESSIVE FORCE OCCURRED WHILE THE PEACE OFFICER WAS ON DUTY, OFF DUTY, OR ACTING PURSUANT TO A SERVICE CONTRACT TO WHICH THE PEACE OFFICER'S EMPLOYING AGENCY IS A PARTY.

(b) A MUNICIPAL POLICE DEPARTMENT OR TOWN MARSHAL'S OFFICE SHALL PROVIDE THE NOTICE DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) NOT MORE THAN SEVEN DAYS AFTER THE MUNICIPAL POLICE DEPARTMENT OR TOWN MARSHAL'S OFFICE LEARNS THAT A PEACE OFFICER OF THE MUNICIPAL POLICE

DEPARTMENT OR TOWN MARSHAL'S OFFICE HAS MADE A KNOWING MISREPRESENTATION, AS DESCRIBED IN SAID PARAGRAPH (a).

(5) A MUNICIPAL POLICE DEPARTMENT OR TOWN MARSHAL'S OFFICE IS NOT LIABLE FOR COMPLYING WITH THE PROVISIONS OF THIS SECTION.

(6) AS USED IN THIS SECTION, UNLESS THE CONTEXT REQUIRES OTHERWISE, "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:

(a) THE COLORADO STATE PATROL CREATED PURSUANT TO SECTION 24-33.5-201, C.R.S.;

(b) THE COLORADO BUREAU OF INVESTIGATION CREATED PURSUANT TO SECTION 24-33.5-401, C.R.S.;

(c) A COUNTY SHERIFF'S OFFICE;

(d) A MUNICIPAL POLICE DEPARTMENT;

(e) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION 24-1-124, C.R.S.; OR

(f) A TOWN MARSHAL'S OFFICE.

SECTION 5. In Colorado Revised Statutes, **add** 33-9-111 as follows:

33-9-111. Disclosure of knowing misrepresentation by a peace officer required - disclosure waivers - reports - definitions. (1) SUBJECT TO THE LIMITATIONS OF THIS SECTION, IF THE DIVISION EMPLOYS, EMPLOYED, OR DEPUTIZED ON OR AFTER JANUARY 1, 2010, A PEACE OFFICER WHO APPLIES FOR EMPLOYMENT WITH ANOTHER COLORADO LAW ENFORCEMENT AGENCY, THE DIVISION SHALL DISCLOSE TO THE HIRING AGENCY INFORMATION, IF AVAILABLE, INDICATING WHETHER THE PEACE OFFICER'S EMPLOYMENT HISTORY INCLUDED ANY INSTANCES IN WHICH THE PEACE OFFICER HAD A SUSTAINED VIOLATION FOR MAKING A KNOWING MISREPRESENTATION:

(a) IN ANY TESTIMONY OR AFFIDAVIT RELATING TO THE ARREST OR PROSECUTION OF A PERSON OR TO A CIVIL CASE PERTAINING TO THE PEACE OFFICER OR TO THE PEACE OFFICER'S EMPLOYMENT HISTORY; OR

(b) DURING THE COURSE OF ANY INTERNAL INVESTIGATION BY A LAW ENFORCEMENT AGENCY, WHICH INVESTIGATION IS RELATED TO THE PEACE OFFICER'S ALLEGED CRIMINAL CONDUCT; OFFICIAL MISCONDUCT, AS DESCRIBED IN SECTION 18-8-404 OR 18-8-405, C.R.S.; OR USE OF EXCESSIVE FORCE, REGARDLESS OF WHETHER THE ALLEGED CRIMINAL CONDUCT, OFFICIAL MISCONDUCT, OR USE OF EXCESSIVE FORCE OCCURRED WHILE THE PEACE OFFICER WAS ON DUTY, OFF DUTY, OR ACTING PURSUANT TO A SERVICE CONTRACT TO WHICH THE DIVISION IS A PARTY.

(2) THE DISCLOSURE DESCRIBED IN SUBSECTION (1) OF THIS SECTION IS REQUIRED ONLY UPON THE PRESENTATION OF A WRITTEN WAIVER TO THE DIVISION, WHICH WAIVER EXPLICITLY AUTHORIZES THE DIVISION TO DISCLOSE THE INFORMATION

DESCRIBED IN SAID SUBSECTION (1), HAS BEEN SIGNED BY THE APPLICANT PEACE OFFICER, AND IDENTIFIES THE COLORADO LAW ENFORCEMENT AGENCY THAT IS CONSIDERING THE APPLICANT PEACE OFFICER FOR EMPLOYMENT. IF THE DIVISION RECEIVES SUCH A WAIVER, THE DIVISION SHALL PROVIDE THE DISCLOSURE TO THE COLORADO LAW ENFORCEMENT AGENCY THAT IS CONSIDERING THE APPLICANT PEACE OFFICER FOR EMPLOYMENT NOT MORE THAN SEVEN DAYS AFTER SUCH RECEIPT.

(3) THE DIVISION IS NOT REQUIRED TO PROVIDE THE DISCLOSURE DESCRIBED IN SUBSECTION (1) OF THIS SECTION IF THE DIVISION IS PROHIBITED FROM PROVIDING SUCH DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO WHICH THE DIVISION IS A PARTY, WHICH AGREEMENT WAS EXECUTED BEFORE THE EFFECTIVE DATE OF THIS ACT.

(4) (a) THE DIVISION SHALL NOTIFY THE LOCAL DISTRICT ATTORNEY WHENEVER THE DIVISION DETERMINES THERE IS A SUSTAINED FINDING THAT ANY PEACE OFFICER OF THE DIVISION HAS MADE A KNOWING MISREPRESENTATION:

(I) IN ANY TESTIMONY OR AFFIDAVIT RELATING TO THE ARREST OR PROSECUTION OF A PERSON OR TO A CIVIL CASE PERTAINING TO THE PEACE OFFICER OR TO THE PEACE OFFICER'S EMPLOYMENT HISTORY; OR

(II) DURING THE COURSE OF ANY INTERNAL INVESTIGATION BY A LAW ENFORCEMENT AGENCY, WHICH INVESTIGATION IS RELATED TO THE PEACE OFFICER'S ALLEGED CRIMINAL CONDUCT; OFFICIAL MISCONDUCT, AS DESCRIBED IN SECTION 18-8-404 OR 18-8-405, C.R.S.; OR USE OF EXCESSIVE FORCE, REGARDLESS OF WHETHER THE ALLEGED CRIMINAL CONDUCT, OFFICIAL MISCONDUCT, OR USE OF EXCESSIVE FORCE OCCURRED WHILE THE PEACE OFFICER WAS ON DUTY, OFF DUTY, OR ACTING PURSUANT TO A SERVICE CONTRACT TO WHICH THE DIVISION IS A PARTY.

(b) THE DIVISION SHALL PROVIDE THE NOTICE DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (4) NOT MORE THAN SEVEN DAYS AFTER THE DIVISION DETERMINES THERE IS A SUSTAINED FINDING THAT A PEACE OFFICER OF THE DIVISION HAS MADE A KNOWING MISREPRESENTATION, AS DESCRIBED IN SAID PARAGRAPH (a).

(5) THE DIVISION IS NOT LIABLE FOR COMPLYING WITH THE PROVISIONS OF THIS SECTION.

(6) AS USED IN THIS SECTION, UNLESS THE CONTEXT REQUIRES OTHERWISE, "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:

(a) THE COLORADO STATE PATROL CREATED PURSUANT TO SECTION 24-33.5-201, C.R.S.;

(b) THE COLORADO BUREAU OF INVESTIGATION CREATED PURSUANT TO SECTION 24-33.5-401, C.R.S.;

(c) A COUNTY SHERIFF'S OFFICE;

(d) A MUNICIPAL POLICE DEPARTMENT;

(e) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION 24-1-124, C.R.S.; OR

(f) A TOWN MARSHAL'S OFFICE.

SECTION 6. 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 5, 2015, if adjournment sine die is on May 6, 2015); 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 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 20, 2015