

## CHAPTER 213

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**CRIMINAL LAW AND PROCEDURE**

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## HOUSE BILL 15-1287

BY REPRESENTATIVE(S) Williams, Priola, Foote, Arndt, Becker K., Buckner, Kagan, Lontine, Melton, Moreno, Pettersen, Vigil, Winter, Court, Duran, Esgar, Fields, Ginal, Hamner, Kraft-Tharp, Lebsock, McCann, Mitsch Bush, Primavera, Rosenthal, Ryden, Salazar, Tate, Young, Hullinghorst, Garnett, Lee, Pabon, Singer;  
also SENATOR(S) Cooke, Carroll, Grantham, Guzman, Heath, Kefalas, Kerr, Martinez Humenik, Merrifield, Newell, Roberts, Steadman, Todd, Ulibarri.

**AN ACT****CONCERNING MEASURES TO IMPROVE PEACE OFFICER TRAINING.**

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

**SECTION 1.** In Colorado Revised Statutes, 24-31-302, **amend** (3) as follows:

**24-31-302. Creation of board.** (3) The P.O.S.T. board shall consist of ~~twenty~~ TWENTY-FOUR members. The chairperson of the P.O.S.T. board shall be the attorney general, and the board shall annually elect from its members a vice-chairperson. The other members shall be the special agent in charge of the Denver division of the federal bureau of investigation, the executive director of the department of public safety, one local government representative, six active chiefs of police from municipalities of this state or state institutions of higher education, six active sheriffs from counties of this state, three active peace officers with a rank of sergeant or below, and ~~one lay member~~ FIVE NON-LAW ENFORCEMENT MEMBERS. THE NON-LAW ENFORCEMENT MEMBERS SHALL COMPLETE A CITIZENS' LAW ENFORCEMENT ACADEMY PRIOR TO APPOINTMENT OR WITHIN ONE YEAR AFTER APPOINTMENT. The governor shall appoint the chiefs of police, sheriffs, peace officers, the lay ~~member~~ MEMBERS, and the local government representative as members of the board for terms of three years per appointment. If any chief of police, sheriff, peace officer, lay member, or local government representative vacates such office during the term for which appointed to the P.O.S.T. board, a vacancy on the board shall exist. Any vacancy shall be filled by appointment by the governor for the unexpired term. IN ORDER TO CREATE A DIVERSIFIED BOARD, THE GOVERNOR SHALL CONSIDER AN APPLICANT'S AGE, GENDER, RACE, PROFESSIONAL EXPERIENCE, AND GEOGRAPHIC LOCATION WHEN MAKING APPOINTMENTS TO THE BOARD. IN ORDER TO CREATE DIVERSIFIED SUBJECT MATTER EXPERTISE

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

COMMITTEES, THE CHAIR OF THE P.O.S.T. BOARD SHALL CONSIDER AN APPLICANT'S AGE, GENDER, RACE, PROFESSIONAL EXPERIENCE, AND GEOGRAPHIC LOCATION WHEN MAKING APPOINTMENTS TO THE COMMITTEES.

**SECTION 2.** In Colorado Revised Statutes, 24-31-303, **amend** (1) (l); and **add** (1) (n), (1) (o), (1) (p), and (1) (q) as follows:

**24-31-303. Duties - powers of the P.O.S.T. board.** (1) The P.O.S.T. board has the following duties:

(l) To promulgate rules deemed necessary by the board concerning annual in-service training requirements for certified peace officers, including but not limited to evaluation of the training program and processes to ensure substantial compliance by law enforcement agencies and departments; ~~and~~

(n) TO COMPLETE A REVIEW AND EVALUATION OF THE BASIC ACADEMY CURRICULUM, INCLUDING USING COMMUNITY OUTREACH AS A REVIEW AND EVALUATION COMPONENT, BY JULY 1, 2016, AND EVERY FIVE YEARS THEREAFTER;

(o) (I) TO ESTABLISH, ADD, AND REMOVE, AS NECESSARY, SUBJECT MATTER EXPERTISE COMMITTEES TO:

(A) DEVELOP SKILLS TRAINING PROGRAMS, ACADEMIC CURRICULUMS, AND P.O.S.T. BOARD RULES;

(B) REVIEW DOCUMENTS FOR AND APPROVE OR DENY ACADEMY PROGRAMS, LESSON PLANS, TRAINING SITES, AND SKILLS INSTRUCTORS; AND

(C) ASSIST P.O.S.T. BOARD STAFF WITH ACADEMY INSPECTIONS AND SKILLS TEST-OUTS;

(II) (A) IN ORDER TO CREATE DIVERSIFIED SUBJECT MATTER EXPERTISE COMMITTEES, THE CHAIR OF THE P.O.S.T. BOARD SHALL CONSIDER AN APPLICANT'S AGE, GENDER, RACE, PROFESSIONAL EXPERIENCE, AND GEOGRAPHIC LOCATION WHEN MAKING APPOINTMENTS TO THE COMMITTEES.

(B) IF AVAILABLE, EACH SUBJECT MATTER COMMITTEE SHALL INCLUDE AT LEAST TWO NON-LAW ENFORCEMENT MEMBERS WHO HAVE LAW ENFORCEMENT EXPERTISE OR EXPERTISE IN PROVIDING EFFECTIVE TRAINING THROUGH PROFESSIONAL EXPERIENCE OR SUBJECT MATTER TRAINING.

(p) TO DEVELOP A COMMUNITY OUTREACH PROGRAM THAT INFORMS THE PUBLIC OF THE ROLE AND DUTIES OF THE P.O.S.T. BOARD; AND

(q) TO DEVELOP A RECRUITMENT PROGRAM THAT CREATES A DIVERSIFIED APPLICANT POOL FOR APPOINTMENTS TO THE P.O.S.T. BOARD AND THE SUBJECT MATTER EXPERTISE COMMITTEES.

**SECTION 3.** In Colorado Revised Statutes, **add** 24-31-315 as follows:

**24-31-315. Annual in-service training requirements.** (1) THE ANNUAL

IN-SERVICE TRAINING PROGRAMS SHALL INCLUDE PROPER RESTRAINT AND HOLDS TRAINING, A TWO-HOUR ANTI-BIAS TRAINING PROGRAM AND, IN ALTERNATING YEARS, EITHER A TWO-HOUR COMMUNITY POLICING AND COMMUNITY PARTNERSHIPS TRAINING PROGRAM OR A TWO-HOUR SITUATION DE-ESCALATION TRAINING PROGRAM. THE PROGRAMS AND CURRICULUM SHALL BE AVAILABLE BY JULY 1, 2016, AND MAY INCLUDE INTERACTIVE WEB-BASED TRAINING. EACH CERTIFIED PEACE OFFICER SHALL SATISFACTORILY COMPLETE THE TRAINING BY JULY 1, 2017, AND SHALL SATISFACTORILY COMPLETE THE TRAINING AT LEAST ONCE EVERY FIVE YEARS THEREAFTER.

(2) (a) THE P.O.S.T. BOARD SHALL SUSPEND A PEACE OFFICER'S CERTIFICATION IF THE PEACE OFFICER FAILS TO COMPLY WITH THE TRAINING REQUIREMENTS IN SUBSECTION (1) OF THIS SECTION. THE P.O.S.T. BOARD SHALL REINSTATE A PEACE OFFICER'S CERTIFICATION THAT WAS SUSPENDED PURSUANT TO THIS PARAGRAPH (a) UPON COMPLETION OF THE TRAINING REQUIREMENTS IN SUBSECTION (1) OF THIS SECTION.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (2), THE P.O.S.T. BOARD SHALL NOT SUSPEND A PEACE OFFICER'S CERTIFICATION IF THE PEACE OFFICER HAS NOT COMPLIED WITH THE TRAINING REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION BECAUSE THE OFFICER IS NOT SERVING AS A FULL-TIME PEACE OFFICER. WHEN THE OFFICER RETURNS TO HIS OR HER FULL-TIME PEACE-OFFICER DUTIES, HE OR SHE SHALL HAVE SIX MONTHS TO COMPLETE THE TRAINING REQUIRED BY SUBSECTION (1) OF THIS SECTION.

(c) PRIOR TO SUSPENSION OF A PEACE OFFICER'S CERTIFICATION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), THE PEACE OFFICER MUST BE AFFORDED DUE PROCESS TO THE EXTENT REQUIRED BY LAW.

**SECTION 4. 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 20, 2015