

# STATE OF COLORADO

## Colorado General Assembly

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### MEMORANDUM

**TO:** Michael Fields and Suzanne Taheri  
**FROM:** Legislative Council Staff and Office of Legislative Legal Services  
**DATE:** January 31, 2024  
**SUBJECT:** Proposed initiative measure 2023-2024 #157, concerning Funding for Law Enforcement

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

An earlier version of this proposed initiative, proposed initiative 2023-2024 #113, was the subject of a memorandum dated December 20, 2023. Proposed initiative 2023-2024 #113 was discussed at a public meeting on December 22, 2023. The substantive and technical comments and questions raised in this memorandum will not include comments and questions that were addressed at the earlier meeting, except as necessary to fully understand the issues raised by the revised proposed initiative. However, the prior comments and questions that are not restated here continue to be relevant and are hereby incorporated by reference in this memorandum.

## **Purposes**

The major purposes of the proposed amendment to the Colorado Revised Statutes appear to be:

1. To create a peace officer training and support fund to assist in recruiting, training, and supporting peace officers and their families;
2. To provide a death benefit of one million dollars to the surviving family of a peace officer killed in the line of duty;
3. To appropriate 350 million dollars from the general fund to municipal and county law enforcement agencies to increase pay; provide hiring, retention, or merit bonuses to attract, retain, and reward exceptional law enforcement officials; and to hire additional police and law enforcement officials; and
4. To appropriate 20 million dollars from the general fund for initial and continuing education for law enforcement.

## **Substantive Comments and Questions**

The substance of the proposed initiative raises the following comments and questions:

1. Article V, section 1 (5.5) of the Colorado Constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
2. Section 2 of the proposed initiative creates a peace officer training and support fund in the Department of Public Safety. Generally, all funds are created in the Department of the Treasury. Would the proponents consider creating the fund in the department of the treasury?
3. Section 3 of the proposed initiative requires the surviving spouse, children, or estate of an officer killed in the line of duty be paid one million dollars in death benefits. What does "in the line of duty" mean? Would the proponents consider defining the phrase?
4. In section 3 of the proposed initiative, "THE" is in all capital letters. Was that intentional, and if so, what is the intent in using all capital letters?

## Technical Comments

The following comments address technical issues raised by the form of the proposed initiative. These comments will be read aloud at the public meeting only if the proponents so request. You will have the opportunity to ask questions about these comments at the review and comment meeting. Please consider revising the proposed initiative as suggested below.

1. The Colorado Revised Statutes are divided into sections, and each section may contain subsections, paragraphs, subparagraphs, and sub-subparagraphs as follows:
  - X-X-XXXX. Headnote.** (1) Subsection.
    - (a) Paragraph
      - (I) Subparagraph
        - (A) Sub-subparagraph
        - (B) Sub-subparagraph
      - (II) Subparagraph
    - (b) Paragraph
  - (2) Subsection
  - (3) Subsection
2. In section 2 of the proposed initiative, "Peace Officer Training and Support Fund" and "Fund" are capitalized; in section 3 of the proposed initiative, "Duty" is capitalized; and in section 4 of the proposed initiative, "General Assembly" is capitalized. Those terms should be in lowercase.
3. In section 3 of the proposed initiative, the headnote was changed from "**Duties of the division.**" to "**Death Benefit.**" It is standard drafting practice for the headnote to identify the provisions of the section. Would the proponents consider changing the headnote to "**Duties of the division – death benefit.**"?
4. In section 3 of the proposed initiative, the introductory portion of section 24-33.5-503 (1), C.R.S., is missing ("The division has the following duties:"). The introductory portion should be included in the proposed initiative, and the subsection that flows from it, proposed subsection (1)(ee), should form a complete sentence when the two parts are read together.

5. In section 3 of the proposed initiative, the internal reference should be stated as "section 24-33.5-535" rather than "C.R.S. 24-33.5-535."
6. In section 4 of the proposed initiative, the language "The General Assembly shall appropriate \$350 million to the peace officer training and support fund for the purpose of:" appears after the headnote but before subsection (1). Standard drafting practice would have the language be part of a subsection.
7. In section 4 of the proposed initiative, proposed section 22-33.5-535 (2) and (3) are incomplete sentences. If you mean for the appropriation of 20 million dollars in subsection (2) and the appropriation of money for a surviving spouse or child in subsection (3) to be in addition to the 350 million dollars appropriated after the headnote in this section, please provide a subject and verb indicating that the General Assembly is appropriating this 20 million dollars and money for a surviving spouse or child.
8. In section 4 of the proposed initiative, proposed section 22-33.5-535 (1)(c) begins with "TO," but there is already a "TO" in the introductory portion of this provision ("GRANTING FUNDS TO LAW ENFORCEMENT AGENCIES IN MUNICIPALITIES AND COUNTIES FOR OPERATING MONEY TO:"). Therefore, you should delete the "TO" at the beginning of proposed section 22-33.5-535 (1)(c).