

SB031_L.001

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.SB21-031 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1. Legislative declaration.** (1) The general assembly
4 declares that:

5 (a) The right of the people to peaceably assemble and to petition
6 the government for a redress of grievances is a cherished Constitutional
7 right;

8 (b) One of the fundamental responsibilities of government and
9 peace officers is to protect people's inalienable right to peaceably
10 assemble and petition for a redress of grievances;

11 (c) Not all government property is treated the same for First
12 Amendment purposes. The United States Supreme Court established the
13 public forum doctrine to examine whether certain types of public property
14 are open to First Amendment expressive activity. These categories
15 include traditional public forums, limited or designated public forums,
16 and nonpublic forums. Other government property is not considered a
17 forum at all.

18 (d) "Assembly" comes in many shapes and forms, such as planned
19 and spontaneous; political speech; ideological demonstration; celebration
20 of events and causes; demonstrations and counterdemonstrations;
21 grievance against government actions; business practices; prominent
22 individuals in decision-making positions; or plain group parties or
23 celebrations;

24 (e) Government and peace officers seek to protect life and
25 property, maintain continuity of government, and protect access to
26 healthcare, education, and commerce, as well as protect individual safety
27 and privacy; and

28 (f) Peace officers strive to protect those who are exercising their
29 Constitutional right to peaceably assemble, while at the same time
30 balancing the health, safety, and well-being of participants and the
31 surrounding area.

32 (2) The general assembly further declares that it is important to
33 study the critical interplay between preserving the Constitutional First
34 Amendment rights of citizens and law enforcement responses to different
35 types of demonstrations.

36 **SECTION 2.** In Colorado Revised Statutes, **add 24-33.5-229** as
37 follows:

38 **24-33.5-229. Law enforcement and governmental actions in**
39 **response to protests or demonstrations - study group - purpose and**
40 **goals - report - repeal.** (1) ON OR BEFORE JULY 1, 2021, THE COLORADO

1 STATE PATROL SHALL CONVENE A GROUP TO STUDY, EVALUATE, AND
2 ANALYZE VARIOUS TYPES OF DEMONSTRATIONS AND PROTESTS AND THE
3 CORRESPONDING RESPONSES BY LAW ENFORCEMENT, REFERRED TO IN THIS
4 SECTION AS THE "STUDY GROUP". THE COLORADO STATE PATROL MAY
5 PERFORM THE STUDY IN-HOUSE OR CONTRACT IT OUT.

6 (2) THE STUDY GROUP HAS THE FOLLOWING PURPOSES AND GOALS:

7 (a) TO EVALUATE THE VARIOUS DEMONSTRATIONS AND LAW
8 ENFORCEMENT RESPONSES THAT HAVE OCCURRED ACROSS COLORADO TO
9 IMPROVE THE MANAGEMENT OF PUBLIC EVENTS OR DEMONSTRATIONS BY
10 ORGANIZERS AND LAW ENFORCEMENT;

11 (b) TO REVIEW LOCAL GOVERNMENT PERMITTING PROCESSES TO
12 LEVERAGE ADMINISTRATIVE PROCEDURES TO IMPROVE THE
13 COMMUNICATION AND RELATIONSHIP BETWEEN ORGANIZERS AND LOCAL
14 AUTHORITIES;

15 (c) TO REVIEW LOCAL EXECUTIVE AUTHORITIES AND THEIR USAGE
16 OF CURFEWS, STAY-AT-HOME ORDERS, AND OTHER EMERGENCY POWERS
17 TO LIMIT VIOLENCE, PHYSICAL INJURIES TO LAW ENFORCEMENT AND
18 PROTESTORS, AND PROPERTY DAMAGE;

19 (d) TO EVALUATE AND STRENGTHEN TRAINING REQUIREMENTS FOR
20 LAW ENFORCEMENT RELATED TO FIRST AMENDMENT RIGHTS, CROWD
21 CONTROL TACTICS, STRESS MANAGEMENT, AND OTHER NECESSARY SKILLS
22 TO ENSURE PEACEFUL DEMONSTRATIONS;

23 (e) TO STUDY THE COST TO STATE AND LOCAL GOVERNMENT,
24 BUSINESSES, AND INSURANCE THAT HAS RESULTED FROM PROPERTY
25 DAMAGE AND PHYSICAL INJURIES SUSTAINED DURING DEMONSTRATIONS
26 TO BETTER UNDERSTAND HOW TO PROTECT BUILDINGS, PERSONAL
27 PROPERTY, AND PERSONS DURING EVENTS THROUGH THE USE OF BARRIERS,
28 TEMPORARY STRUCTURES, AND OTHER METHODS THAT SEEK TO LIMIT
29 COLLATERAL AND PHYSICAL INJURIES TO LAW ENFORCEMENT AND
30 PROTESTORS;

31 (f) TO GATHER STAKEHOLDER FEEDBACK ON THE VARIOUS TYPES,
32 SIZES, AND PURPOSES OF DEMONSTRATIONS TO BETTER UNDERSTAND HOW
33 TO PREPARE FOR AND MANAGE EVENTS WHILE KEEPING ALL PARTICIPANTS
34 SAFE;

35 (g) TO ESTABLISH PROCEDURES FOR CLEAR LINES OF
36 COMMUNICATION BETWEEN FRONT LINE LAW ENFORCEMENT AND
37 COMMAND TO ALLOW OFFICERS TO RECEIVE ORDERS AS DEMONSTRATIONS
38 PROGRESS TO MAINTAIN OFFICER AND PARTICIPANT SAFETY;

39 (h) TO ESTABLISH PROCEDURES FOR CLEAR LINES OF
40 COMMUNICATION BETWEEN LAW ENFORCEMENT AND ORGANIZERS
41 REGARDING WHICH GOVERNMENT PROPERTIES ARE CONSIDERED A PUBLIC
42 FORUM;

43 (i) TO EVALUATE METHODS TO BUILD TRUST BETWEEN LAW
44 ENFORCEMENT AND COMMUNITY LEADERS TO ESTABLISH CLEAR LINES OF

1 COMMUNICATION AS DEMONSTRATIONS PROGRESS AND PREVENT PHYSICAL
2 INJURY TO LAW ENFORCEMENT AND DEMONSTRATION PARTICIPANTS;
3 (j) TO ANALYZE COMMONALITIES IN DEMONSTRATIONS TO BETTER
4 UNDERSTAND WHAT CIRCUMSTANCES, EVENTS, OR ACTIONS MAY CAUSE
5 A DEMONSTRATION TO BECOME VIOLENT, IN WHOLE OR IN PART;
6 (k) TO DEVELOP STATEWIDE TRAINING AND IDENTIFY FUNDING TO
7 SUPPORT THE DEVELOPMENT AND USAGE OF TRAINING BASED ON THE
8 STUDY FINDINGS;
9 (l) TO EVALUATE HOW LAW ENFORCEMENT CAN BEST ADHERE TO
10 REASONABLE STANDARDS OF NOTICE TO THOSE ASSEMBLING WHEN
11 DECLARING AN ASSEMBLY TO BE UNLAWFUL;
12 (m) TO EVALUATE HOW TO USE METHODS AND TECHNIQUES
13 DESIGNED TO PROTECT LAWFUL DEMONSTRATORS WHILE DISPERSING THE
14 CROWD AND ATTEMPTING IDENTIFICATION OR ARREST OF THOSE
15 COMMITTING UNLAWFUL ACTS WHEN CALLED UPON TO DECLARE AN
16 ASSEMBLY TO BE UNLAWFUL;
17 (n) TO RESEARCH AND IDENTIFY METHODS TO DIFFERENTIATE
18 BETWEEN LAWFUL DEMONSTRATORS AND OUTSIDE AGITATORS ENGAGING
19 IN UNLAWFUL ACTIONS AND DAMAGE;
20 (o) TO DETERMINE WAYS TO INCREASE COMMUNITY POLICING AND
21 ACHIEVE BUY-IN FROM THE COMMUNITY; AND
22 (p) TO EVALUATE COLORADO LAW AND CASE LAW TO BETTER
23 DEFINE THE VARIOUS PUBLIC FORUMS IN WHICH PROTESTS OR OTHER
24 DEMONSTRATIONS MAY TAKE PLACE AND WHAT RIGHTS ARE PROVIDED TO
25 PARTICIPANTS AT EACH FORUM, AND THE DUTIES OF LAW ENFORCEMENT
26 TO PROTECT THOSE RIGHTS.
27 (3) THE STUDY GROUP SHALL PREPARE A REPORT OF ITS FINDINGS,
28 INCLUDING ANY RECOMMENDATIONS FOR LEGISLATION, AND SUBMIT IT TO
29 THE GENERAL ASSEMBLY ON OR BEFORE JANUARY 1, 2022.
30 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2022.
31 **SECTION 3. Safety clause.** The general assembly hereby finds,
32 determines, and declares that this act is necessary for the immediate
33 preservation of the public peace, health, or safety."

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