

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB25-1136 be amended as follows:

- 1 Amend printed bill, page 6, line 3, strike "BEING THE SUBJECT OF A
2 CRIMINAL INVESTIGATION FOR A" and substitute "BEING CHARGED WITH
3 A".
- 4 Page 6, lines 5 and 6, strike "24-31-904 OR THE FILING OF CRIMINAL
5 CHARGES FOR SUCH A CRIME." and substitute "24-31-904.".
- 6 Page 6, line 8, strike "INVESTIGATION OR".
- 7 Page 6, line 9, strike "RULE, SO" and substitute "RULE.".
- 8 Page 6, strike lines 10 and 11.
- 9 Page 6, lines 21 through 25, strike "INFORMATION; EXCEPT THAT IF THE
10 PERSON IS CERTIFIED BY THE P.O.S.T. BOARD BUT NOT EMPLOYED AND
11 COMMITS A CRIME, THE DISTRICT ATTORNEY SHALL REPORT THE
12 CONVICTION TO THE P.O.S.T BOARD AND THE P.O.S.T. BOARD SHALL
13 INCLUDE THAT INFORMATION IN THE DATABASE." and substitute
14 "INFORMATION.".
- 15 Page 6, lines 25 and 26, strike "OR DISTRICT ATTORNEY".
- 16 Page 7, strike lines 6 and 7 and substitute "SHALL REFER THE MATTER TO
17 THE APPROPRIATE DISTRICT ATTORNEY AND REQUEST THE DISTRICT
18 ATTORNEY CONDUCT A CRIMINAL INVESTIGATION.".
- 19 Page 7, line 15, after "SUBPEONA," insert "AND SUBSEQUENTLY DOES NOT
20 GRANT A MOTION TO QUASH THE SUBPEONA,".
- 21 Page 7, line 26, after "SUBPEONA," insert "AND SUBSEQUENTLY DOES NOT
22 GRANT A MOTION TO QUASH THE SUBPEONA," and strike "SHALL" and
23 substitute "MAY".
- 24 Page 8, line 14, strike "ACTION." and substitute "ACTION ON ITS WEBSITE.".
- 25 Page 8, line 22, after "SUBPEONA," insert "AND SUBSEQUENTLY DOES NOT
26 GRANT A MOTION TO QUASH THE SUBPEONA,".
- 27 Page 9, lines 16 and 17, strike "**add** (1.5), (5), and (6); and **repeal**
28 (1)(a)(II)" and substitute "**repeal** (1)(a)(II) and (2)(a)(II); and **add** (1.5),
29 (2.5), (5), and (6)".

1 Page 10, after line 3 insert:
2 "(2) (a) Notwithstanding any provision of law, the P.O.S.T. board
3 shall suspend a peace officer's certification for at least a year if:
4 (II) ~~The P.O.S.T. certified peace officer is found civilly liable for~~
5 ~~the use or threatened use of unlawful physical force, or is found civilly~~
6 ~~liable for failure to intervene in the use of unlawful force and the incident~~
7 ~~did not result in serious bodily injury or death to another person;~~
8 (2.5) THE P.O.S.T. BOARD MAY SUSPEND A PEACE OFFICER'S
9 CERTIFICATION FOR AT LEAST ONE YEAR IF THE P.O.S.T.-CERTIFIED PEACE
10 OFFICER IS FOUND CIVILLY LIABLE FOR THE USE OF UNLAWFUL PHYSICAL
11 FORCE OR IS FOUND CIVILLY LIABLE FOR FAILURE TO INTERVENE IN THE
12 USE OF UNLAWFUL FORCE, AND THE INCIDENT DID NOT RESULT IN SERIOUS
13 BODILY INJURY OR DEATH TO ANOTHER PERSON."

14 Page 11, line 15, strike "SHALL" and substitute "MAY".

15 Page 13, after line 5 insert:
16 "SECTION 7. In Colorado Revised Statutes, **amend** 16-2.5-102
17 as follows:

18 **16-2.5-102. Certified peace officer - P.O.S.T. certification**
19 **required.** The following peace officers shall meet all the standards
20 imposed by law on a peace officer and shall be certified by the peace
21 officers standards and training board, referred to in this article as the
22 "P.O.S.T. board": A chief of police; a police officer; a sheriff; an
23 undersheriff; a deputy sheriff; a Colorado state patrol officer; a town
24 marshal; a deputy town marshal; a reserve police officer; a reserve deputy
25 sheriff; a reserve deputy town marshal; a police officer or reserve police
26 officer employed by a state institution of higher education; a Colorado
27 wildlife officer; a Colorado parks and recreation officer; a Colorado
28 police administrator or police officer employed by the Colorado mental
29 health institute at Pueblo; an attorney general criminal investigator; a
30 community parole officer; a public transit officer; a municipal court
31 marshal; ADMINISTRATORS OF JUDICIAL SECURITY; and the department of
32 corrections inspector general.

33 **SECTION 8.** In Colorado Revised Statutes, **amend** 16-2.5-130
34 as follows:

35 **16-2.5-130. P.O.S.T. director - P.O.S.T. board investigator.**
36 The director of the P.O.S.T. board, DEPUTY DIRECTOR, and a P.O.S.T.
37 board investigator are peace officers while engaged in the performance
38 of their duties whose primary authority shall include the enforcement of
39 laws and rules pertaining to the training and certification of peace officers
40 and shall include the enforcement of all laws of the state of Colorado and

- 1 who may be certified by the P.O.S.T. board."
- 2 Renumber succeeding section accordingly.

** *** ** *** **