

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 10, 2016
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB16-1262 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, line 8, strike "PRIVATE SECURITY COMPANY"
- 2 and substitute "GOVERNMENTAL AGENCY".

- 3 Page 2, line 10, strike "PRIVATE SECURITY COMPANY" and substitute
- 4 "GOVERNMENTAL AGENCY".

- 5 Page 3, line 1, strike "ALL FILES PERTAINING TO THE APPLICANT," and
- 6 substitute "THE APPLICANT'S FILES,".

- 7 Page 3, line 4, strike "PRIVATE SECURITY COMPANY" and substitute
- 8 "GOVERNMENTAL AGENCY".

- 9 Page 3, line 8, strike "SHALL" and substitute "SHALL, AT LEAST
- 10 TWENTY-ONE DAYS PRIOR TO MAKING THE HIRING DECISION,".

- 11 Page 3, lines 9 and 10, strike "PRIVATE SECURITY COMPANY" and
- 12 substitute "GOVERNMENTAL AGENCY".

- 13 Page 3, line 10, strike "CANDIDATE AT LEAST TEN DAYS" and substitute
- 14 "CANDIDATE.".

- 15 Page 3, line 11, strike "PRIOR TO MAKING THE HIRING DECISION.".

- 16 Page 3, line 12, strike "PRIVATE SECURITY COMPANY" and substitute

- 1 "GOVERNMENTAL AGENCY".
2 Page 3, line 14, strike "SEVEN" and substitute "TWENTY-ONE".
- 3 Page 3, after line 15 insert:
4 "(2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT
5 REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF
6 THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE
7 DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO
8 WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED
9 BEFORE THE EFFECTIVE DATE OF THIS SECTION."
- 10 Renumber succeeding subsections accordingly.
- 11 Page 3, lines 16 and 17, strike "PRIVATE SECURITY COMPANY" and
12 substitute "GOVERNMENTAL AGENCY".
- 13 Page 3, line 18, strike "SECTION." and substitute "SECTION OR
14 PARTICIPATING IN AN OFFICIAL ORAL INTERVIEW WITH AN INVESTIGATOR
15 REGARDING THE CANDIDATE."
- 16 Page 3, strike line 20 and substitute "REQUIRES:
17 (a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES
18 RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES,
19 PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL RELATED CLAIMS,
20 DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND
21 CONDEMNATIONS.
22 (b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:"
- 23 Page 3, line 21, strike "(a)" and substitute "(I)".
- 24 Page 3, line 23, strike "(b)" and substitute "(II)".
- 25 Page 3, line 25, strike "(c)" and substitute "(III)".
- 26 Page 3, line 26, strike "(d)" and substitute "(IV)".
- 27 Page 3, line 27, strike "(e)" and substitute "(V)".
- 28 Page 4, line 3, strike "(f)" and substitute "(VI)".
- 29 Page 4, after line 3 insert:

1 **"SECTION 2.** In Colorado Revised Statutes, **add 24-35-120** as
2 follows:

3 **24-35-120. Peace officer hiring - required use of waiver -**
4 **definitions.** (1) THE DEPARTMENT OF REVENUE SHALL REQUIRE EACH
5 CANDIDATE THAT IT INTERVIEWS FOR A PEACE OFFICER POSITION WHO HAS
6 BEEN EMPLOYED BY ANOTHER LAW ENFORCEMENT AGENCY OR
7 GOVERNMENTAL AGENCY TO EXECUTE A WRITTEN WAIVER THAT
8 EXPLICITLY AUTHORIZES EACH LAW ENFORCEMENT AGENCY OR
9 GOVERNMENTAL AGENCY THAT HAS EMPLOYED THE CANDIDATE TO
10 DISCLOSE THE APPLICANT'S FILES, INCLUDING INTERNAL AFFAIRS FILES, TO
11 THE DEPARTMENT AND RELEASES THE DEPARTMENT AND EACH LAW
12 ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT EMPLOYED THE
13 CANDIDATE FROM ANY LIABILITY RELATED TO THE USE AND DISCLOSURE
14 OF THE FILES. A CANDIDATE WHO REFUSES TO EXECUTE THE WAIVER
15 SHALL NOT BE CONSIDERED FOR EMPLOYMENT BY THE DEPARTMENT OF
16 REVENUE. THE DEPARTMENT OF REVENUE SHALL, AT LEAST TWENTY-ONE
17 DAYS PRIOR TO MAKING THE HIRING DECISION, SUBMIT THE WAIVER TO
18 EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT HAS
19 EMPLOYED THE CANDIDATE. A STATE OR LOCAL LAW ENFORCEMENT
20 AGENCY OR GOVERNMENTAL AGENCY THAT RECEIVES SUCH A WAIVER
21 SHALL PROVIDE THE DISCLOSURE TO THE DEPARTMENT OF REVENUE NOT
22 MORE THAN TWENTY-ONE DAYS AFTER SUCH RECEIPT.

23 (2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT
24 REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF
25 THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE
26 DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO
27 WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED
28 BEFORE THE EFFECTIVE DATE OF THIS SECTION, OR PARTICIPATING IN AN
29 OFFICIAL ORAL INTERVIEW WITH AN INVESTIGATOR REGARDING THE
30 CANDIDATE.

31 (3) A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR
32 GOVERNMENTAL ENTITY IS NOT LIABLE FOR COMPLYING WITH THE
33 PROVISIONS OF THIS SECTION.

34 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
35 REQUIRES:

36 (a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES
37 RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES,
38 PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL-RELATED CLAIMS,
39 DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND
40 CONDEMNATIONS.

1 (b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:
2 (I) THE COLORADO STATE PATROL CREATED PURSUANT TO
3 SECTION 24-33.5-201;
4 (II) THE COLORADO BUREAU OF INVESTIGATION CREATED
5 PURSUANT TO SECTION 24-33.5-401;
6 (III) A COUNTY SHERIFF'S OFFICE;
7 (IV) A MUNICIPAL POLICE DEPARTMENT;
8 (V) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE
9 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION
10 24-1-124; OR
11 (VI) A TOWN MARSHAL'S OFFICE."

12 Renumber succeeding sections accordingly.

13 Page 4, lines 9 and 10, strike "PRIVATE SECURITY COMPANY" and
14 substitute "GOVERNMENTAL AGENCY".

15 Page 4, lines 11 and 12, strike "PRIVATE SECURITY COMPANY" and
16 substitute "GOVERNMENTAL AGENCY".

17 Page 4, lines 12 and 13, strike "ALL FILES PERTAINING TO THE APPLICANT,"
18 and substitute "THE APPLICANT'S FILES,".

19 Page 4, lines 15 and 16, strike "PRIVATE SECURITY COMPANY" and
20 substitute "GOVERNMENTAL AGENCY".

21 Page 4, line 20, strike "SHALL" and substitute "SHALL, AT LEAST
22 TWENTY-ONE DAYS PRIOR TO MAKING THE HIRING DECISION,".

23 Page 4, line 21, strike "PRIVATE SECURITY COMPANY" and substitute
24 "GOVERNMENTAL AGENCY".

25 Page 4, line 22, strike "CANDIDATE AT LEAST TEN DAYS PRIOR TO MAKING"
26 and substitute "CANDIDATE.".

27 Page 4, line 23, strike "THE HIRING DECISION.".

28 Page 4, line 24, strike "PRIVATE SECURITY COMPANY" and substitute
29 "GOVERNMENTAL AGENCY".

30 Page 4, line 26, strike "SEVEN" and substitute "TWENTY-ONE".

1 Page 4, after line 26 insert:
2 "(2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT
3 REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF
4 THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE
5 DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO
6 WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED
7 BEFORE THE EFFECTIVE DATE OF THIS SECTION."

8 Renumber succeeding subsections accordingly.

9 Page 4, line 27, strike "PRIVATE" and substitute "GOVERNMENTAL
10 AGENCY".

11 Page 5, line 1, strike "SECURITY COMPANY".

12 Page 5, line 2, strike "SECTION." and substitute "SECTION OR
13 PARTICIPATING IN AN OFFICIAL ORAL INTERVIEW WITH AN INVESTIGATOR
14 REGARDING THE CANDIDATE."

15 Page 5, strike line 4 and substitute "REQUIRES:
16 (a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES
17 RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES,
18 PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL RELATED CLAIMS,
19 DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND
20 CONDEMNATIONS.
21 (b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:".

22 Page 5, line 5, strike "(a)" and substitute "(I)".

23 Page 5, line 7, strike "(b)" and substitute "(II)".

24 Page 5, line 9, strike "(c)" and substitute "(III)".

25 Page 5, line 10, strike "(d)" and substitute "(IV)".

26 Page 5, line 11, strike "(e)" and substitute "(V)".

27 Page 5, line 14, strike "(f)" and substitute "(VI)".

28 Page 5, line 21, strike "PRIVATE SECURITY COMPANY" and substitute
29 "GOVERNMENTAL AGENCY".

1 Page 5, line 23, strike "PRIVATE SECURITY COMPANY" and substitute
2 "GOVERNMENTAL AGENCY".

3 Page 5, line 24, strike "ALL FILES PERTAINING TO THE APPLICANT," and
4 substitute "THE APPLICANT'S FILES,".

5 Page 6, line 1, strike "PRIVATE SECURITY COMPANY" and substitute
6 "GOVERNMENTAL AGENCY".

7 Page 6, line 6, strike "SHALL" and substitute "SHALL, AT LEAST
8 TWENTY-ONE DAYS PRIOR TO MAKING THE HIRING DECISION,".

9 Page 6, line 7, strike "PRIVATE SECURITY COMPANY" and substitute
10 "GOVERNMENTAL AGENCY" and strike "CANDIDATE AT" and substitute
11 "CANDIDATE.".

12 Page 6, line 8, strike "LEAST TEN DAYS PRIOR TO MAKING THE HIRING
13 DECISION.".

14 Page 6, line 9, strike "PRIVATE SECURITY COMPANY" and substitute
15 "GOVERNMENTAL AGENCY".

16 Page 6, line 12, strike "SEVEN" and substitute "TWENTY-ONE".

17 Page 6, after line 13 insert:
18 "(2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT
19 REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF
20 THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE
21 DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO
22 WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED
23 BEFORE THE EFFECTIVE DATE OF THIS SECTION.".

24 Renumber succeeding subsections accordingly.

25 Page 6, line 14 and 15, strike "PRIVATE SECURITY COMPANY" and
26 substitute "GOVERNMENTAL AGENCY".

27 Page 6, line 16, strike "SECTION." and substitute "SECTION OR
28 PARTICIPATING IN AN OFFICIAL ORAL INTERVIEW WITH AN INVESTIGATOR
29 REGARDING THE CANDIDATE.".

- 1 Page 6, strike line 18, and substitute "REQUIRES:
2 (a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES
3 RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES,
4 PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL RELATED CLAIMS,
5 DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND
6 CONDEMNATIONS.
7 (b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:".
- 8 Page 6, line 19, strike "(a)" and substitute "(I)".
- 9 Page 6, line 21, strike "(b)" and substitute "(II)".
- 10 Page 6, line 23, strike "(c)" and substitute "(III)".
- 11 Page 6, line 24, strike "(d)" and substitute "(IV)".
- 12 Page 6, line 25, strike "(e)" and substitute "(V)".
- 13 Page 7, line 1, strike "(f)" and substitute "(VI)".
- 14 Page 7, line 7, strike "PRIVATE SECURITY COMPANY" and substitute
15 "GOVERNMENTAL AGENCY".
- 16 Page 7, line 9, strike "PRIVATE SECURITY COMPANY" and substitute
17 "GOVERNMENTAL AGENCY".
- 18 Page 7, line 10 and 11, strike "ALL FILES PERTAINING TO THE APPLICANT,"
19 and substitute "THE APPLICANT'S FILES,".
- 20 Page 7, line 13, strike "PRIVATE SECURITY COMPANY" and substitute
21 "GOVERNMENTAL AGENCY".
- 22 Page 7, line 16, strike "SHALL" and substitute "SHALL, AT LEAST
23 TWENTY-ONE DAYS PRIOR TO MAKING THE HIRING DECISION,".
- 24 Page 7, line 17 and 18, strike "PRIVATE SECURITY COMPANY" and
25 substitute "GOVERNMENTAL AGENCY".
- 26 Page 7, line 18, strike "CANDIDATE AT LEAST TEN" and substitute
27 "CANDIDATE.".

- 1 Page 7, line 19, strike "DAYS PRIOR TO MAKING THE HIRING DECISION."
- 2 Page 7, line 20, strike "PRIVATE SECURITY COMPANY" and substitute
3 "GOVERNMENTAL AGENCY".
- 4 Page 7, line 22, strike "SEVEN" and substitute "TWENTY-ONE".
- 5 Page 7, after line 22 insert:
6 "(2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT
7 REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF
8 THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE
9 DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO
10 WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED
11 BEFORE THE EFFECTIVE DATE OF THIS SECTION."
- 12 Renumber succeeding subsections accordingly.
- 13 Page 7, lines 23 and 24, strike "PRIVATE SECURITY COMPANY" and
14 substitute "GOVERNMENTAL AGENCY".
- 15 Page 7, line 25, strike "SECTION." and substitute "SECTION OR
16 PARTICIPATING IN AN OFFICIAL ORAL INTERVIEW WITH AN INVESTIGATOR
17 REGARDING THE CANDIDATE."
- 18 Page 7, strike line 27 and substitute "REQUIRES:
19 (a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES
20 RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES,
21 PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL RELATED CLAIMS,
22 DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND
23 CONDEMNATIONS.
24 (b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:".
- 25 Page 8, line 1, strike "(a)" and substitute "(I)".
- 26 Page 8, line 3, strike "(b)" and substitute "(II)".
- 27 Page 8, line 5, strike "(c)" and substitute "(III)".
- 28 Page 8, line 6, strike "(d)" and substitute "(IV)".
- 29 Page 8, line 7, strike "(e)" and substitute "(V)".

- 1 Page 8, line 10, strike "(f)" and substitute "(VI)".
- 2 Page 8, strike line 12 and substitute "(1.5) as follows:".
- 3 Page 8, strike lines 14 through 27.
- 4 Page 9, line 22, strike "MAY" and substitute "MUST".
- 5 Page 10, line 3, after the semi-colon, add "OR".
- 6 Page 10, line 5, strike "COMPLETED;" and substitute "COMPLETED.".
- 7 Page 10, strike lines 6 through 9.

** ** ** ** **