

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0079.01 Richard Sweetman x4333

HOUSE BILL 18-1076

HOUSE SPONSORSHIP

Salazar,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE P.O.S.T. BOARD REVOKING THE CERTIFICATION OF
102 A PEACE OFFICER WHO IS FOUND TO HAVE MADE AN
103 UNTRUTHFUL STATEMENT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires the peace officers standards and training board (P.O.S.T. board), which certifies peace officers, to revoke the certification of a peace officer if:

! The P.O.S.T. board receives notification from a law enforcement agency that employs or employed the peace

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

officer that the peace officer made an untruthful statement or omitted a material fact on an official law enforcement document or while testifying at an official judicial proceeding or during an internal affairs investigation; and
! Either the law enforcement agency or a panel of the P.O.S.T. board reached a determination on the matter after completing an administrative process.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-31-305, **add** (2.5)
3 as follows:

4 **24-31-305. Certification - issuance - renewal - revocation -**
5 **report.** (2.5) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2)
6 OF THIS SECTION, THE P.O.S.T. BOARD SHALL REVOKE A CERTIFICATION
7 ISSUED TO A PERSON PURSUANT TO SUBSECTION (1) OR (1.3) OF THIS
8 SECTION OR SECTION 24-31-308 IF:

9 (I) THE P.O.S.T. BOARD RECEIVES NOTIFICATION FROM A LAW
10 ENFORCEMENT AGENCY THAT EMPLOYS OR EMPLOYED THE PERSON THAT
11 THE PERSON MADE AN UNTRUTHFUL STATEMENT OR OMITTED A MATERIAL
12 FACT ON AN OFFICIAL LAW ENFORCEMENT DOCUMENT OR WHILE
13 TESTIFYING AT AN OFFICIAL JUDICIAL PROCEEDING OR DURING AN
14 INTERNAL AFFAIRS INVESTIGATION; AND

15 (II) EITHER THE LAW ENFORCEMENT AGENCY OR A PANEL OF THE
16 P.O.S.T. BOARD DETERMINED THAT THE PERSON MADE SUCH A
17 STATEMENT OR OMISSION AFTER COMPLETING AN ADMINISTRATIVE
18 PROCESS THAT IS DEFINED BY A POLICY OF THE LAW ENFORCEMENT
19 AGENCY OR P.O.S.T. BOARD.

20 (b) FOR THE PURPOSES OF SUBSECTION (2.5)(a) OF THIS SECTION,
21 THE ATTORNEY GENERAL, AS MAY BE REQUIRED, MAY APPOINT A
22 THREE-MEMBER PANEL FROM AMONG THE MEMBERS OF THE P.O.S.T.

1 BOARD TO MAKE THE DETERMINATION REQUIRED BY SUBSECTION
2 (2.5)(a)(II) OF THIS SECTION.

3 (c) A PERSON WHOSE P.O.S.T. CERTIFICATION IS REVOKED
4 PURSUANT TO THIS SUBSECTION (2.5) MAY APPEAL THE REVOCATION IN
5 ACCORDANCE WITH RULES OF THE P.O.S.T. BOARD CONCERNING APPEALS
6 OF BOARD RULINGS.

7 **SECTION 2. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2018 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.