

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 20-1309.01 Michael Dohr x4347

SENATE BILL 20-217

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Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ENHANCE LAW ENFORCEMENT INTEGRITY.**

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 all local law enforcement agencies to issue body-worn cameras to their officers and requires all recordings of an incident be released to the public within 14 days after the incident. Peace officers shall wear and activate a body-worn camera at any time when interacting with the public.

The bill requires the division of criminal justice in the department of public safety to create an annual report of the information that is reported to the attorney general, aggregated and broken down by state or

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.

local agency that employs peace officers, along with the underlying data. Each state and local agency that employs peace officers shall report to the attorney general:

- ! All use of force by its officers that results in death or serious bodily injury;
- ! All instances when an officer resigned while under investigation for violating department policy;
- ! All data relating to stops conducted by its peace officers; and
- ! All data related to the use of an unannounced entry by a peace officer.

The division of criminal justice shall maintain a statewide database with data collected in a searchable format and publish the database on its website. Any state and local law enforcement agency that fails to meet its reporting requirements is subject to suspension of its funding by its appropriating authority.

If any peace officer is convicted of or pleads guilty or nolo contendere to any inappropriate use of physical force or a crime involving the unlawful use or threatened use of physical force, or for failing to intervene to prevent inappropriate use of physical force, the peace officer's employing agency shall immediately terminate the peace officer's employment and the P.O.S.T. board shall permanently revoke the peace officer's certification. The P.O.S.T. board shall not, under any circumstances, reinstate the peace officer's certification or grant new certification to the peace officer.

The bill allows a person who has a constitutional right secured by the bill of rights of the Colorado constitution that is infringed upon by a peace officer to bring a civil action for the violation. A plaintiff who prevails in the lawsuit is entitled to reasonable attorney fees, and a defendant in an individual suit is entitled to reasonable attorney fees for defending any frivolous claims. Qualified immunity and a defendant's good faith but erroneous belief in the lawfulness of his or her conduct are not defenses to the civil action. The bill requires a political subdivision of the state to indemnify its employees for such a claim.

The bill allows a peace officer or detention facility guard to use deadly physical force only when necessary to effect an arrest or prevent escape from custody when the person is using a deadly weapon or likely to imminently cause danger to life or serious bodily injury. The bill repeals a peace officer's authority to use a chokehold.

The bill requires the P.O.S.T. board to create and maintain a database containing information related to a peace officer's:

- ! Untruthfulness;
- ! Repeated failure to follow P.O.S.T. board training requirements;
- ! Decertification; and

! Termination for cause.

The bill allows the P.O.S.T. board to revoke peace officer certification for a peace officer who has failed to complete required peace officer training.

The bill requires a peace officer to have an objective justification for making a stop. After making a stop, a peace officer shall report to the peace officer's employing agency that information that the agency is required to report to the attorney general's office.

The bill requires the division of criminal justice in the department of public safety to conduct, in coordination with the P.O.S.T. board, a post-investigation evaluation of all officer-involved deaths to determine and propose improvements and alterations to training of peace officers to guide future officer behavior.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 9 to article
3 31 of title 24 as follows:

4 **PART 9**

5 **LAW ENFORCEMENT INTEGRITY**

6 **24-31-901. Definitions.** AS USED IN THIS SECTION, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "DEMOGRAPHIC INFORMATION" MEANS RACE, NATIONAL
9 ORIGIN, SEX, AGE, SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY
10 STATUS, MENTAL HEALTH STATUS, HOUSING STATUS, AND VETERAN
11 STATUS.

12 (2) "PEACE OFFICER" MEANS A PERSON INCLUDED IN THE
13 PROVISIONS OF ARTICLE 2.5 OF TITLE 16.

14 (3) "SERIOUS BODILY INJURY" HAS THE SAME MEANING AS IN
15 SECTION 18-1-901 (3)(p).

16 **24-31-902. Incident recordings - release - tampering - fine.**

17 (1) (a) (I) BY JULY 1, 2021, ALL LOCAL LAW ENFORCEMENT AGENCIES IN
18 THE STATE SHALL PROVIDE BODY-WORN CAMERAS FOR EACH MEMBER OF

1 THE LAW ENFORCEMENT AGENCY WHO INTERACTS WITH MEMBERS OF THE
2 PUBLIC. LAW ENFORCEMENT AGENCIES MAY SEEK FUNDING PURSUANT TO
3 SECTION 24-33.5-519.

4 (II) A PEACE OFFICER SHALL WEAR AND ACTIVATE A BODY-WORN
5 CAMERA AT ANY TIME WHEN INTERACTING WITH A MEMBER OF THE
6 PUBLIC.

7 (III) IF A PEACE OFFICER FAILS TO ACTIVATE OR TAMPERS WITH
8 BODY-WORN- OR DASH-CAMERA FOOTAGE OR OPERATION, THERE IS A
9 REBUTTABLE PRESUMPTION IN ANY INVESTIGATION AND LEGAL
10 PROCEEDING, WHETHER CRIMINAL OR CIVIL, THAT THE MISSING FOOTAGE
11 WOULD HAVE REFLECTED MISCONDUCT BY THE PEACE OFFICER.

12 (b) ANY DEPARTMENT THAT IS UNABLE TO COMPLY WITH THE
13 PROVISIONS OF SUBSECTION (1)(a) OF THIS SECTION MAY APPLY TO THE
14 ATTORNEY GENERAL FOR A SINGLE ONE-YEAR WAIVER TO COMPLY WITH
15 SUBSECTION (1)(a) OF THIS SECTION. THE ATTORNEY GENERAL SHALL NOT
16 GRANT A WAIVER IF THE DEPARTMENT HAS NOT COMPLIED WITH ANY
17 PROVISION OF SENATE BILL 20-___, ENACTED IN 2020.

18 (2) ALL UNEDITED VIDEO AND AUDIO RECORDINGS OF THE
19 INCIDENT, INCLUDING THOSE FROM BODY-WORN CAMERAS, DASH
20 CAMERAS, OR OTHERWISE COLLECTED THROUGH INVESTIGATION, MUST BE
21 RELEASED TO THE PUBLIC WITHIN FOURTEEN DAYS AFTER THE INCIDENT.

22 **24-31-903. Division of criminal justice report.** (1) BEGINNING
23 JULY 1, 2021, THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
24 PUBLIC SAFETY SHALL CREATE AN ANNUAL REPORT INCLUDING ALL OF THE
25 INFORMATION THAT IS REPORTED TO THE ATTORNEY GENERAL PURSUANT
26 TO SUBSECTION (2) OF THIS SECTION, AGGREGATED AND BROKEN DOWN BY
27 THE STATE OR LOCAL LAW ENFORCEMENT AGENCY THAT EMPLOYS PEACE

1 OFFICERS, ALONG WITH THE UNDERLYING DATA.

2 (2) EACH STATE AND LOCAL LAW ENFORCEMENT AGENCY THAT
3 EMPLOYS PEACE OFFICERS SHALL REPORT TO THE ATTORNEY GENERAL:

4 (a) ALL USE OF FORCE BY ITS PEACE OFFICERS THAT RESULTS IN
5 DEATH OR SERIOUS BODILY INJURY, INCLUDING:

6 (I) THE DATE, TIME, AND LOCATION OF THE USE OF FORCE;

7 (II) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE SUBJECT
8 BASED ON THE OBSERVATION AND PERCEPTION OF THE PEACE OFFICER;

9 (III) THE NAMES OF ALL PEACE OFFICERS WHO WERE AT THE
10 SCENE, IDENTIFIED BY WHETHER THE PEACE OFFICER WAS INVOLVED IN
11 THE USE OF FORCE OR NOT;

12 (IV) THE TYPE OF FORCE USED, THE SEVERITY AND NATURE OF THE
13 INJURY, WHETHER THE PEACE OFFICER SUFFERED PHYSICAL INJURY, AND
14 THE SEVERITY OF THE PEACE OFFICER'S INJURY;

15 (V) WHETHER THE PEACE OFFICER WAS ON DUTY AT THE TIME OF
16 THE USE OF FORCE;

17 (VI) WHETHER THE USE OF FORCE RESULTED IN A LAW
18 ENFORCEMENT AGENCY INVESTIGATION AND THE RESULT OF THE
19 INVESTIGATION; AND

20 (VII) WHETHER THE USE OF FORCE RESULTED IN A CITIZEN
21 COMPLAINT AND THE RESOLUTION OF THAT COMPLAINT.

22 (b) ALL INSTANCES WHEN A PEACE OFFICER RESIGNED WHILE
23 UNDER INVESTIGATION FOR VIOLATING DEPARTMENT POLICY;

24 (c) ALL DATA RELATING TO STOPS CONDUCTED BY ITS PEACE
25 OFFICERS, INCLUDING:

26 (I) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE PERSON
27 STOPPED BASED ON THE OBSERVATION AND PERCEPTION OF THE PEACE

- 1 OFFICER MAKING THE STOP;
- 2 (II) WHETHER THE STOP WAS A TRAFFIC STOP;
- 3 (III) THE TIME, DATE, AND LOCATION OF THE STOP;
- 4 (IV) THE DURATION OF THE STOP;
- 5 (V) THE REASON FOR THE STOP;
- 6 (VI) THE SUSPECTED CRIME;
- 7 (VII) THE RESULT OF THE STOP, SUCH AS:
- 8 (A) NO ACTION, WARNING, CITATION, PROPERTY SEIZURE, OR
- 9 ARREST;
- 10 (B) IF A WARNING OR CITATION WAS ISSUED, THE WARNING
- 11 PROVIDED OR VIOLATION CITED;
- 12 (C) IF AN ARREST WAS MADE, THE OFFENSE CHARGED;
- 13 (D) IF THE STOP WAS A TRAFFIC STOP, THE INFORMATION
- 14 COLLECTED, WHICH IS LIMITED TO THE DRIVER;
- 15 (VIII) THE ACTIONS TAKEN BY THE PEACE OFFICER DURING THE
- 16 STOP, INCLUDING BUT NOT LIMITED TO WHETHER:
- 17 (A) THE PEACE OFFICER ASKED FOR CONSENT TO SEARCH THE
- 18 PERSON, AND, IF SO, WHETHER CONSENT WAS PROVIDED;
- 19 (B) THE PEACE OFFICER SEARCHED THE PERSON OR ANY PROPERTY,
- 20 AND, IF SO, THE BASIS FOR THE SEARCH AND THE TYPE OF CONTRABAND OR
- 21 EVIDENCE DISCOVERED, IF ANY; AND
- 22 (C) THE PEACE OFFICER SEIZED ANY PROPERTY AND, IF SO, THE
- 23 TYPE OF PROPERTY THAT WAS SEIZED AND THE BASIS FOR SEIZING THE
- 24 PROPERTY;
- 25 (d) ALL INSTANCES OF UNANNOUNCED ENTRY AS DESCRIBED IN
- 26 SECTION 16-3-313, INCLUDING:
- 27 (I) THE DATE, TIME, AND LOCATION OF THE USE OF UNANNOUNCED

1 ENTRY; AND

2 (II) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE SUBJECT
3 OF THE UNANNOUNCED ENTRY BASED ON THE OBSERVATION AND
4 PERCEPTION OF THE PEACE OFFICER AND THE NAME OF THE PEACE OFFICER.

5 (3) STATE AND LOCAL LAW ENFORCEMENT AGENCIES SHALL NOT
6 REPORT THE NAME, ADDRESS, SOCIAL SECURITY NUMBER, OR OTHER
7 UNIQUE PERSONAL IDENTIFYING INFORMATION OF THE SUBJECT OF THE USE
8 OF FORCE, VICTIM OF THE OFFICIAL MISCONDUCT, OR PERSONS STOPPED,
9 SEARCHED, OR SUBJECTED TO A PROPERTY SEIZURE. NOTWITHSTANDING
10 ANY PROVISION OF LAW TO THE CONTRARY, THE DATA REPORTED
11 PURSUANT TO THIS SECTION IS AVAILABLE TO THE PUBLIC PURSUANT TO
12 SUBSECTION (4) OF THIS SECTION.

13 (4) THE DIVISION OF CRIMINAL JUSTICE SHALL MAINTAIN A
14 STATEWIDE DATABASE WITH DATA COLLECTED PURSUANT TO THIS
15 SECTION, IN A SEARCHABLE FORMAT, AND PUBLISH THE DATABASE ON ITS
16 WEBSITE.

17 (5) ANY STATE AND LOCAL LAW ENFORCEMENT AGENCY THAT
18 FAILS TO MEET ITS REPORTING REQUIREMENTS PURSUANT TO THIS SECTION
19 IS SUBJECT TO THE SUSPENSION OF ITS FUNDING BY ITS APPROPRIATING
20 AUTHORITY.

21 **24-31-904. Terminate peace officer employment after**
22 **conviction.** NOTWITHSTANDING ANY PROVISION OF LAW, IF ANY PEACE
23 OFFICER IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO
24 ANY INAPPROPRIATE USE OF PHYSICAL FORCE, OR A CRIME INVOLVING THE
25 UNLAWFUL USE OR THREATENED USE OF PHYSICAL FORCE, OR FOR FAILING
26 TO INTERVENE TO PREVENT INAPPROPRIATE USE OF PHYSICAL FORCE, OR
27 IS FOUND CIVILLY LIABLE FOR USING EXCESSIVE FORCE FOR ANY CONDUCT

1 DESCRIBED IN THIS SECTION, THE PEACE OFFICER'S EMPLOYING AGENCY
2 SHALL IMMEDIATELY TERMINATE THE PEACE OFFICER'S EMPLOYMENT AND
3 THE P.O.S.T. BOARD SHALL PERMANENTLY REVOKE THE PEACE OFFICER'S
4 CERTIFICATION. THE P.O.S.T. BOARD SHALL NOT, UNDER ANY
5 CIRCUMSTANCES, REINSTATE THE PEACE OFFICER'S CERTIFICATION OR
6 GRANT NEW CERTIFICATION TO THE PEACE OFFICER. THE P.O.S.T. BOARD
7 SHALL RECORD EACH DECERTIFIED PEACE OFFICER IN THE DATABASE
8 CREATED PURSUANT TO SECTION 24-31-303 (1)(r).

9 **SECTION 2.** In Colorado Revised Statutes, **add** 13-21-131 as
10 follows:

11 **13-21-131. Civil action for deprivation of rights - definition.**

12 (1) A PEACE OFFICER EMPLOYED BY A LOCAL GOVERNMENT WHO, UNDER
13 COLOR OF LAW, SUBJECTS OR CAUSES TO BE SUBJECTED, INCLUDING
14 FAILING TO INTERVENE, ANY OTHER PERSON TO THE DEPRIVATION OF ANY
15 INDIVIDUAL RIGHTS THAT CREATE BINDING OBLIGATIONS ON GOVERNMENT
16 ACTORS SECURED BY THE BILL OF RIGHTS, ARTICLE II OF THE STATE
17 CONSTITUTION, IS LIABLE TO THE INJURED PARTY FOR LEGAL OR
18 EQUITABLE RELIEF OR ANY OTHER APPROPRIATE RELIEF.

19 (2) (a) STATUTORY IMMUNITIES AND STATUTORY LIMITATIONS ON
20 LIABILITY, DAMAGES, OR ATTORNEY FEES DO NOT APPLY TO CLAIMS
21 BROUGHT PURSUANT TO THIS SECTION.

22 (b) NEITHER QUALIFIED IMMUNITY, NOR A DEFENDANT'S GOOD
23 FAITH BUT ERRONEOUS BELIEF IN THE LAWFULNESS OF HIS OR HER
24 CONDUCT, IS A DEFENSE TO LIABILITY PURSUANT TO THIS SECTION.

25 (3) IN ANY ACTION BROUGHT PURSUANT TO THIS SECTION, A COURT
26 SHALL AWARD REASONABLE ATTORNEY FEES AND COSTS TO A PREVAILING
27 PLAINTIFF. IN ACTIONS FOR INJUNCTIVE RELIEF, A COURT SHALL DEEM A

1 PLAINTIFF TO HAVE PREVAILED IF THE PLAINTIFF'S SUIT WAS A
2 SUBSTANTIAL FACTOR OR SIGNIFICANT CATALYST IN OBTAINING THE
3 RESULTS SOUGHT BY THE LITIGATION. WHEN A JUDGMENT IS ENTERED IN
4 FAVOR OF A DEFENDANT, THE COURT MAY AWARD REASONABLE COSTS
5 AND ATTORNEY FEES TO THE DEFENDANT FOR DEFENDING ANY CLAIMS THE
6 COURT FINDS FRIVOLOUS.

7 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A
8 POLITICAL SUBDIVISION OF THE STATE SHALL INDEMNIFY ITS PEACE
9 OFFICERS FOR ANY LIABILITY INCURRED BY THE EMPLOYEE AND FOR ANY
10 JUDGMENT OR SETTLEMENT ENTERED AGAINST THE EMPLOYEE FOR CLAIMS
11 ARISING PURSUANT TO THIS SECTION; EXCEPT THAT THE PEACE OFFICER IS
12 PERSONALLY LIABLE AND SHALL NOT BE INDEMNIFIED BY A PUBLIC ENTITY,
13 INSURANCE CARRIER, OR OTHERWISE FOR FIVE PERCENT OR ONE HUNDRED
14 THOUSAND DOLLARS OF THE JUDGMENT OR SETTLEMENT, WHICHEVER IS
15 LESS. THE POLITICAL SUBDIVISION OF THE STATE SHALL APPROPRIATE THE
16 FIRST TWO HUNDRED THOUSAND DOLLARS OF THE INDEMNIFICATION FROM
17 THE POLITICAL SUBDIVISION'S PUBLIC SAFETY BUDGET, UNLESS THE PUBLIC
18 SAFETY BUDGET IS LESS THAN TWO HUNDRED THOUSAND DOLLARS, IN
19 WHICH CASE AT LEAST TWENTY-FIVE PERCENT OF THE PUBLIC SAFETY
20 BUDGET SHALL BE USED TO INDEMNIFY.

21 **SECTION 3.** In Colorado Revised Statutes, 18-1-707, **amend** (1)
22 introductory portion, (2), (4), and (8)(a); and **repeal** (2.5) and (3) as
23 follows:

24 **18-1-707. Use of physical force in making an arrest or in**
25 **preventing an escape - definitions.** (1) Except as provided in
26 ~~subsections (2) and (2.5)~~ SUBSECTION (2) of this section, a peace officer
27 is justified in using reasonable and appropriate physical force upon

1 another person when and to the extent that ~~he~~ THE PEACE OFFICER
2 reasonably believes it necessary:

3 (2) A peace officer is justified in using deadly physical force upon
4 another person for a purpose specified in subsection (1) of this section
5 only when ~~he~~ THE PEACE OFFICER reasonably believes that it is necessary:

6 (a) To defend himself OR HERSELF or a third person from what ~~he~~
7 THE PEACE OFFICER reasonably believes to be the use or imminent use of
8 deadly physical force; or

9 (b) To effect an arrest, or to prevent the escape from custody, of
10 a person whom ~~he~~ THE PEACE OFFICER reasonably believes:

11 ~~(I) Has committed or attempted to commit a felony involving the~~
12 ~~use or threatened use of a deadly weapon; or~~

13 ~~(H) (I) Is attempting to escape by the use, NOT SIMPLY THE~~
14 ~~POSSESSION, of a deadly weapon; or~~

15 ~~(HH) (II) Otherwise indicates, except through a motor vehicle~~
16 ~~violation, that he~~ Is IMMINENTLY likely to endanger human life or to
17 inflict serious bodily injury to another unless apprehended without delay.

18 (2.5) ~~(a) A peace officer is justified in using a chokehold upon~~
19 ~~another person for the purposes specified in subsection (1) of this section~~
20 ~~only when he or she reasonably believes that it is necessary:~~

21 ~~(I) To defend himself or herself or a third person from what he or~~
22 ~~she reasonably believes to be the use or imminent use of deadly physical~~
23 ~~force or infliction of bodily injury; or~~

24 ~~(H) To effect an arrest, or to prevent the escape from custody, of~~
25 ~~a person whom he or she reasonably believes:~~

26 ~~(A) Has committed or attempted to commit a felony involving or~~
27 ~~threatening the use of a deadly weapon; or~~

1 ~~(B) Is attempting to escape by the use of physical force; or~~

2 ~~(C) Indicates, except through a motor vehicle, that he or she is~~
3 ~~likely to endanger human life or to inflict serious bodily injury to another~~
4 ~~unless he or she is apprehended without delay.~~

5 ~~(b) For the purposes of this subsection (2.5), "chokehold" means~~
6 ~~a method by which a person holds another person by putting his or her~~
7 ~~arm around the other person's neck with sufficient pressure to make~~
8 ~~breathing difficult or impossible and includes, but is not limited to, any~~
9 ~~pressure to the throat or windpipe, which may prevent or hinder breathing~~
10 ~~or reduce intake of air.~~

11 ~~(3) Nothing in subsection (2)(b) or subsection (2.5) of this section~~
12 ~~shall be deemed to constitute justification for reckless or criminally~~
13 ~~negligent conduct by a peace officer amounting to an offense against or~~
14 ~~with respect to innocent persons whom he is not seeking to arrest or retain~~
15 ~~in custody.~~

16 (4) For purposes of this section, a reasonable belief that a person
17 has committed an offense means a reasonable belief in facts or
18 circumstances that if true would in law constitute an offense. If the
19 believed facts or circumstances would not in law constitute an offense, an
20 erroneous though not unreasonable belief that the law is otherwise does
21 not render justifiable the use of force to make an arrest or to prevent an
22 escape from custody. A peace officer who is effecting an arrest pursuant
23 to a warrant is justified in using the physical force prescribed in
24 subsections (1) ~~(2), and (2.5)~~ OR (2) of this section unless the warrant is
25 invalid and is known by the officer to be invalid.

26 (8) A guard or peace officer employed in a detention facility is
27 justified:

1 (a) In using deadly physical force when he OR SHE reasonably
2 believes it ~~necessary to prevent the escape of a prisoner convicted of,~~
3 ~~charged with, or held for a felony or confined under the maximum~~
4 ~~security rules of any detention facility as such facility is defined in~~
5 ~~subsection (9) of this section~~ IS NECESSARY TO PREVENT IMMINENTLY
6 LIKELY ENDANGERMENT OF HUMAN LIFE OR INFLICTION OF SERIOUS
7 BODILY INJURY TO ANOTHER;

8 **SECTION 4.** In Colorado Revised Statutes, 24-31-303, **amend**
9 (1)(l), (1)(p), and (1)(q); and **add** (1)(r) as follows:

10 **24-31-303. Duties - powers of the P.O.S.T. board.** (1) The
11 P.O.S.T. board has the following duties:

12 (l) To promulgate rules deemed necessary by the board concerning
13 annual in-service training requirements for certified peace officers,
14 including but not limited to evaluation of the training program and
15 processes to ensure substantial compliance by law enforcement agencies,
16 ~~and~~ departments, AND INDIVIDUAL PEACE OFFICERS;

17 (p) To develop a community outreach program that informs the
18 public of the role and duties of the P.O.S.T. board; ~~and~~

19 (q) To develop a recruitment program that creates a diversified
20 applicant pool for appointments to the P.O.S.T. board and the subject
21 matter expertise committees; AND

22 (r) TO CREATE AND MAINTAIN A DATABASE CONTAINING
23 INFORMATION RELATED TO A PEACE OFFICER'S:

24 (I) UNTRUTHFULNESS;

25 (II) REPEATED FAILURE TO FOLLOW P.O.S.T. BOARD TRAINING
26 REQUIREMENTS;

27 (III) DECERTIFICATION BY THE P.O.S.T. BOARD; AND

1 (IV) TERMINATION FOR CAUSE.

2 **SECTION 5.** In Colorado Revised Statutes, **add** 24-31-111 as
3 follows:

4 **24-31-111. Public integrity - patterns and practices.** IT IS
5 UNLAWFUL FOR ANY GOVERNMENTAL AUTHORITY, OR ANY AGENT
6 THEREOF, OR ANY PERSON ACTING ON BEHALF OF A GOVERNMENTAL
7 AUTHORITY, TO ENGAGE IN A PATTERN OR PRACTICE OF CONDUCT BY
8 PEACE OFFICERS OR BY OFFICIALS OR EMPLOYEES OF ANY GOVERNMENTAL
9 AGENCY THAT DEPRIVES PERSONS OF RIGHTS, PRIVILEGES, OR IMMUNITIES
10 SECURED OR PROTECTED BY THE CONSTITUTION OR LAWS OF THE UNITED
11 STATES OR THE STATE OF COLORADO. WHENEVER THE ATTORNEY
12 GENERAL HAS REASONABLE CAUSE TO BELIEVE THAT A VIOLATION OF THIS
13 SECTION HAS OCCURRED, THE ATTORNEY GENERAL, FOR OR IN THE NAME
14 OF THE STATE OF COLORADO, MAY IN A CIVIL ACTION OBTAIN ANY AND
15 ALL APPROPRIATE RELIEF TO ELIMINATE THE PATTERN OR PRACTICE.

16 **SECTION 6.** In Colorado Revised Statutes, 24-31-305, **add** (2.7)
17 as follows:

18 **24-31-305. Certification - issuance - renewal - revocation -**
19 **rules - definition.** (2.7) THE P.O.S.T. BOARD MAY REVOKE THE
20 CERTIFICATION OF A PEACE OFFICER WHO FAILS TO SATISFACTORILY
21 COMPLETE PEACE OFFICER TRAINING REQUIRED BY THE P.O.S.T. BOARD.

22 **SECTION 7.** In Colorado Revised Statutes, 24-31-309, **amend**
23 (4)(a); and **add** (3.5) as follows:

24 **24-31-309. Profiling - officer identification - training.** (3.5) A
25 PEACE OFFICER SHALL HAVE AN OBJECTIVE JUSTIFICATION FOR MAKING A
26 STOP. AFTER MAKING A STOP, A PEACE OFFICER SHALL REPORT TO THE
27 PEACE OFFICER'S EMPLOYING AGENCY:

- 1 (a) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE PERSON
2 STOPPED BASED ON THE OBSERVATION AND PERCEPTION OF THE PEACE
3 OFFICER MAKING THE STOP;
- 4 (b) WHETHER THE STOP WAS A TRAFFIC STOP;
- 5 (c) THE TIME, DATE, AND LOCATION OF THE STOP;
- 6 (d) THE DURATION OF THE STOP;
- 7 (e) THE REASON FOR THE STOP;
- 8 (f) THE SUSPECTED CRIME;
- 9 (g) THE RESULT OF THE STOP, SUCH AS:
- 10 (I) NO ACTION, WARNING, CITATION, PROPERTY SEIZURE, OR
11 ARREST;
- 12 (II) IF A WARNING OR CITATION WAS ISSUED, THE WARNING
13 PROVIDED OR VIOLATION CITED;
- 14 (III) IF AN ARREST WAS MADE, THE OFFENSE CHARGED;
- 15 (IV) IF THE STOP WAS A TRAFFIC STOP, THE INFORMATION
16 COLLECTED, WHICH IS LIMITED TO THE DRIVER;
- 17 (h) THE ACTIONS TAKEN BY THE PEACE OFFICER DURING THE STOP,
18 INCLUDING BUT NOT LIMITED TO WHETHER:
- 19 (I) THE PEACE OFFICER ASKED FOR CONSENT TO SEARCH THE
20 PERSON, AND, IF SO, WHETHER CONSENT WAS PROVIDED;
- 21 (II) THE PEACE OFFICER SEARCHED THE PERSON OR ANY PROPERTY,
22 AND, IF SO, THE BASIS FOR THE SEARCH AND THE TYPE OF CONTRABAND OR
23 EVIDENCE DISCOVERED, IF ANY; AND
- 24 (III) THE PEACE OFFICER SEIZED ANY PROPERTY, AND, IF SO, THE
25 TYPE OF PROPERTY THAT WAS SEIZED AND THE BASIS FOR SEIZING THE
26 PROPERTY.
- 27 (4) (a) A peace officer certified pursuant to this part 3 shall

1 provide, without being asked, ~~his or her~~ THE PEACE OFFICER'S business
2 card to any person whom the peace officer has detained in a traffic stop
3 but has not cited or arrested. The business card ~~shall~~ MUST include
4 identifying information about the peace officer, including but not limited
5 to the peace officer's name, division, precinct, and badge or other
6 identification number; ~~and~~ a telephone number that may be used, if
7 necessary, to report any comments, positive or negative, regarding the
8 traffic stop; AND INFORMATION ABOUT HOW TO FILE A COMPLAINT
9 RELATED TO THE STOP. The identity of the reporting person and the report
10 of any such comments that ~~constitutes~~ CONSTITUTE a complaint ~~shall~~
11 MUST initially be kept confidential by the receiving law enforcement
12 agency, to the extent permitted by law. The receiving law enforcement
13 agency shall be permitted to obtain some identifying information
14 regarding the complaint to allow initial processing of the complaint. If it
15 becomes necessary for the further processing of the complaint for the
16 complainant to disclose ~~his or her~~ THE COMPLAINANT'S identity, the
17 complainant shall do so or, at the option of the receiving law enforcement
18 agency, the complaint may be dismissed.

19 **SECTION 8.** In Colorado Revised Statutes, 24-33.5-503, **amend**
20 (1)(z) and (1)(aa); and **add** (1)(bb) as follows:

21 **24-33.5-503. Duties of division.** (1) The division has the
22 following duties:

23 (z) To provide training on the Colorado risk assessment scale and
24 the administrative release guideline instrument as required by section
25 17-22.5-404 (2)(c); ~~C.R.S.~~; and

26 (aa) To receive the information reported to the division by law
27 enforcement agencies pursuant to section 22-32-146, ~~C.R.S.~~; and by

1 district attorneys pursuant to section 20-1-113, ~~C.R.S.~~, and provide the
2 information, as submitted to the division, to any member of the public
3 upon request, in a manner that does not include any identifying
4 information regarding any student. If the division provides the
5 information to a member of the public upon request pursuant to this
6 ~~paragraph (aa)~~ SUBSECTION (1)(aa), the division may charge a fee to the
7 person, which fee shall not exceed the direct and indirect costs incurred
8 by the division in providing the information; AND

9 (bb) TO CONDUCT, IN COORDINATION WITH THE P.O.S.T. BOARD,
10 A POST-INVESTIGATION EVALUATION OF ALL PEACE-OFFICER-INVOLVED
11 DEATHS TO DETERMINE AND PROPOSE IMPROVEMENTS AND ALTERATIONS
12 TO TRAINING OF PEACE OFFICERS TO GUIDE FUTURE OFFICER BEHAVIOR.

13 **SECTION 9. Effective date.** This act takes effect upon passage;
14 except that section 24-31-902, Colorado Revised Statutes, as enacted in
15 section 1 of this act, takes effect July 1, 2021.

16 **SECTION 10. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, or safety.