

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0775.01 Michael Dohr x4347

**HOUSE BILL 21-1250**

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**HOUSE SPONSORSHIP**

**Herod and Gonzales-Gutierrez,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING MEASURES TO ADDRESS LAW ENFORCEMENT**  
102              **ACCOUNTABILITY, AND, IN CONNECTION THEREWITH, MAKING**  
103              **AN APPROPRIATION.**

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**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 makes changes to the provisions of Senate Bill 20-217, enacted in 2020, (SB 217) to provide clarity and address issues discovered since the passage of the bill. SB 217 used the term "exonerated", but never defined it; the bill defines "exonerated". The bill clarifies some of the circumstances when a body-worn camera must be

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.

operating and provisions related to the release of the footage. The bill requires an officer to comply with the body-worn camera requirements if the officer is wearing a body camera, even though the requirement for all officers to wear a body camera does not take effect until July 1, 2023.

SB 217 required law enforcement to report certain information related to each contact an officer has with a person beginning January 1, 2023. The bill changes the start date of the reporting requirement to January 1, 2022. The bill expands the definition of "contact" to include welfare checks. The bill clarifies and adds to some of the information that must be reported.

SB 217 required the peace officers standards and training (P.O.S.T.) board to permanently decertify a peace officer if the officer failed to intervene and serious bodily injury or death occurred. The bill changes the penalty to a suspension of the officer's certification for one year.

Under current law, there is a civil action that permits suit against employers of local law enforcement officers for misconduct. The bill permits the Colorado state patrol to also be sued via that civil action. The bill also requires the employer to conduct an investigation of an officer prior to determining if the officer acted in good faith.

If a person believes that a law enforcement agency has violated the investigation requirement, the person must submit a complaint to the P.O.S.T. board, which shall refer the complaint to an administrative law judge to determine whether a violation occurred. The administrative law judge shall notify the P.O.S.T. board chair of a finding that a violation occurred. If a violation is found, the P.O.S.T. board shall not provide P.O.S.T. cash fund money to the employer for one full year from the date of the finding.

The bill requires a peace officer to use de-escalation techniques prior to the use of physical force and requires the use of physical force to be objectively reasonable.

The bill requires that prior to hiring a new employee, appointing a new employee, or transferring an existing employee to a position requiring P.O.S.T. certification, a law enforcement agency shall determine if the person has a record contained in the P.O.S.T. misconduct database. If the person is listed in the database and the law enforcement agency proceeds to employ the person in a position requiring P.O.S.T. certification, the agency shall notify the P.O.S.T. board of the hire, appointment, or transfer.

The bill clarifies and adds to some of the information required to be included in the P.O.S.T. board database related to peace officer misconduct.

1           **SECTION 1.** In Colorado Revised Statutes, 24-31-901, **amend**  
2 (1); and **add** (2.5), (4.5), and (7) as follows:

3           **24-31-901. Definitions.** As used in this part 9, unless the context  
4 otherwise requires:

5           (1) ~~"Contacts"~~ "CONTACT" means an IN-PERSON interaction with  
6 an individual, whether or not the person is in a motor vehicle, initiated by  
7 a peace officer, whether consensual or nonconsensual, for the purpose of  
8 enforcing the law, ~~or~~ investigating possible violations of the law,  
9 ~~"Contacts" do~~ OR CONDUCTING WELFARE CHECKS. "CONTACT" DOES not  
10 include routine interactions with the public at the point of entry or exit  
11 from a controlled area.

12           (2.5) "EXONERATED" MEANS A NOT GUILTY VERDICT IN A  
13 CRIMINAL PROSECUTION, A FINDING OF NO LIABILITY IN A CIVIL ACTION, A  
14 FINDING OF NO CULPABILITY OR NO LIABILITY IN AN ADMINISTRATIVE  
15 PROCEEDING, OR BEING CLEARED BY AN INTERNAL INVESTIGATION;  
16 EXCEPT THAT A FINDING OF NO CULPABILITY OR NO LIABILITY IN AN  
17 ADMINISTRATIVE PROCEEDING OR BEING CLEARED BY AN INTERNAL  
18 INVESTIGATION DOES NOT MEAN "EXONERATED" IF THE OFFICER IS FOUND  
19 GUILTY IN A SUBSEQUENT CRIMINAL PROSECUTION FOR THE SAME  
20 CONDUCT OR FOUND LIABLE FOR THE SAME CONDUCT IN A CIVIL ACTION.

21           (4.5) "P.O.S.T. BOARD" MEANS THE PEACE OFFICERS STANDARDS  
22 AND TRAINING BOARD CREATED IN SECTION 24-31-302.

23           (7) "WEAPON" MEANS A FIREARM, LONG GUN, TASER, BATON, NUN  
24 CHUCKS, OR PROJECTILE.

25           **SECTION 2.** In Colorado Revised Statutes, 24-31-902, **amend**  
26 **as they will become effective July 1, 2023**, (1)(a)(II)(A), (1)(a)(II)(B),  
27 (1)(a)(II)(D), (1)(a)(III), (1)(a)(IV)(B), (1)(a)(IV)(C), (2)(a), (2)(b)(II)(A),

1 (2)(b)(II)(B), (2)(b)(II)(C), and (2)(c); and **add** (3) as follows:

2 **24-31-902. Incident recordings - release - tampering - fine.**

3 (1) (a) (II) (A) Except as provided in subsection (1)(a)(II)(B) or  
4 (1)(a)(II)(C) of this section, a peace officer shall wear and activate a  
5 body-worn camera or dash camera, if the peace officer's vehicle is  
6 equipped with a dash camera, when responding to a call for service,  
7 ENTERING INTO A PREMISES FOR THE PURPOSES OF ENFORCING THE LAW OR  
8 IN RESPONSE TO A CALL FOR SERVICE, or during any interaction with the  
9 public initiated by the peace officer, whether consensual or  
10 nonconsensual, for the purpose of enforcing the law or investigating  
11 possible violations of the law. THE BODY-WORN CAMERA OR DASH  
12 CAMERA DOES NOT NEED TO BE ON WHEN EN ROUTE TO A CALL FOR  
13 SERVICE, BUT SHOULD BE TURNED ON SHORTLY BEFORE THE VEHICLE  
14 APPROACHES THE SCENE.

15 (B) A peace officer may turn off a body-worn camera to avoid  
16 recording personal information that is not case related; when working on  
17 an unrelated assignment; when there is a long break in the incident; ~~or~~  
18 ~~contact that is not related to the initial incident;~~ and in administrative,  
19 tactical, and management discussions WHEN CIVILIANS ARE NOT PRESENT.

20 (D) The provisions of this subsection (1)(a)(II) do not apply to jail  
21 peace officers or staff of a local law enforcement agency ~~if the~~ WORKING  
22 IN ANY PLACE IN THE jail THAT has FUNCTIONING video cameras; except  
23 that this subsection (1)(a)(II) applies to jail peace officers when  
24 performing a task that requires an anticipated use of force, including cell  
25 extractions and restraint chairs. The provisions of this subsection  
26 (1)(a)(II) also do not apply to the civilian or administrative staff of the  
27 Colorado state patrol or a local law enforcement agency, the executive

1 detail of the Colorado state patrol, and peace officers working in a  
2 courtroom.

3 (III) If a peace officer fails to activate a body-worn camera or  
4 dash camera as required by this section or tampers with body-worn- or  
5 dash-camera footage or operation when required to activate the camera,  
6 there is a permissive inference in any investigation or legal proceeding,  
7 excluding criminal proceedings against the peace officer, that the missing  
8 footage would have reflected misconduct by the peace officer. If a peace  
9 officer fails to activate or reactivate his or her body-worn camera as  
10 required by this section or tampers with body-worn- or dash-camera  
11 footage or operation when required to activate the camera, any statements  
12 OR CONDUCT sought to be introduced in a prosecution through the peace  
13 officer related to the incident that were not recorded due to the peace  
14 officer's failure to activate or reactivate the body-worn camera as required  
15 by this section or if the statement OR CONDUCT was not recorded by other  
16 means creates a rebuttable presumption of inadmissibility.  
17 Notwithstanding any other provision of law, this subsection (1)(a)(III)  
18 does not apply if the body-worn camera was not activated due to a  
19 malfunction of the body-worn camera and the peace officer was not  
20 aware of the malfunction, or was unable to rectify it, prior to the incident,  
21 provided that the law enforcement agency's documentation shows the  
22 peace officer checked the functionality of the body-worn camera at the  
23 beginning of his or her shift.

24 (IV) (B) In addition to any criminal liability and penalty under the  
25 law, if a court, administrative law judge, hearing officer, or a final  
26 decision in an internal investigation finds that a peace officer intentionally  
27 failed to activate a body-worn camera or dash camera or tampered with

1 any body-worn or dash camera, except as permitted in this section, with  
2 the intent to conceal unlawful or inappropriate actions or obstruct justice,  
3 the P.O.S.T. board shall suspend the peace officer's certification for a  
4 period of not less than one year and the suspension may only be lifted  
5 within the period of the suspension if the peace officer is exonerated by  
6 a court, ADMINISTRATIVE LAW JUDGE, OR INTERNAL AFFAIRS  
7 INVESTIGATION.

8 (C) In addition to any criminal liability and penalty under the law,  
9 if a court, administrative law judge, hearing officer, or a final decision in  
10 an internal investigation finds that a peace officer intentionally failed to  
11 activate a body-worn camera or dash camera or tampered with any  
12 body-worn or dash camera, except as permitted in this section, with the  
13 intent to conceal unlawful or inappropriate actions, or obstruct justice, in  
14 an incident resulting in a civilian death OR SERIOUS BODILY INJURY, the  
15 P.O.S.T. board shall permanently revoke the peace officer's certification  
16 and the revocation may only be overturned if the peace officer is  
17 exonerated by a court, ADMINISTRATIVE LAW JUDGE, OR INTERNAL  
18 AFFAIRS INVESTIGATION.

19 (2) (a) For all incidents in which there is a complaint of peace  
20 officer misconduct by another peace officer, a civilian, or nonprofit  
21 organization, through notice to the law enforcement agency involved in  
22 the alleged misconduct, the local law enforcement agency or the Colorado  
23 state patrol shall release, UPON REQUEST, all unedited video and audio  
24 recordings of the incident, including those from body-worn cameras, dash  
25 cameras, or otherwise collected through investigation, to the public within  
26 twenty-one days after the local law enforcement agency or the Colorado  
27 state patrol received the complaint of misconduct.

1 (b) (II) (A) Notwithstanding any other provision of this section,  
2 any video that raises substantial privacy concerns for criminal defendants,  
3 victims, witnesses, juveniles, or informants, including video depicting  
4 nudity; a sexual assault; a medical emergency; private medical  
5 information; a mental health crisis; a victim interview; a minor, including  
6 any images or information that might undermine the requirement to keep  
7 certain juvenile records confidential; any personal information other than  
8 the name of any person not arrested, cited, charged, or issued a written  
9 warning, including a government-issued identification number, date of  
10 birth, address, or financial information; significantly explicit and  
11 gruesome bodily injury, unless the injury was caused by a peace officer;  
12 or the interior of a home or treatment facility, shall be ~~redacted~~ or blurred  
13 to protect the substantial privacy interest while still allowing public  
14 release. ~~Unredacted~~ UNBLURRED footage shall not be released without the  
15 written authorization of the victim or, if the victim is deceased or  
16 incapacitated, the written authorization of the victim's next of kin. A  
17 person seventeen years of age and under is considered incapacitated,  
18 unless legally emancipated. THIS SUBSECTION (2)(b)(II)(A) DOES NOT  
19 PERMIT THE REMOVAL OF ANY PORTION OF THE VIDEO.

20 (B) If ~~redaction~~ or blurring is insufficient to protect the substantial  
21 privacy interest, the local law enforcement agency or the Colorado state  
22 patrol shall, upon request, release the video to the victim or, if the victim  
23 is deceased or incapacitated, to the victim's spouse, parent, legal guardian,  
24 child, sibling, grandparent, grandchild, significant other, or other lawful  
25 representative within twenty days after receipt of the complaint of  
26 misconduct. In cases in which the recording is not released to the public  
27 pursuant to this subsection (2)(b)(II)(B), the local law enforcement

1 agency shall notify the person whose privacy interest is implicated, if  
2 contact information is known, within twenty days after receipt of the  
3 complaint of misconduct, and inform the person of his or her right to  
4 waive the privacy interest.

5 (C) A witness, victim, or criminal defendant may waive in writing  
6 the individual privacy interest that may be implicated by public release.  
7 Upon receipt of a written waiver of the applicable privacy interest,  
8 accompanied by a request for release, the law enforcement agency may  
9 not redact or withhold release to protect that privacy interest. ~~The hearing~~  
10 ~~shall be considered a critical stage pursuant to section 24-4.1-302 and~~  
11 ~~gives victims the right to be heard pursuant to 24-4.1-302.5.~~

12 (c) If criminal charges have been filed against any party to the  
13 incident, that party must file any constitutional objection to release of the  
14 recording in the pending criminal case before the twenty-one-day period  
15 expires. Only in cases in which there is a pending criminal investigation  
16 or prosecution of a party to the incident, the twenty-one-day period shall  
17 begin from the date of appointment of counsel, the filing of an entry of  
18 appearance by counsel, or the election to proceed pro se by the defendant,  
19 RECEIPT OF THE CRIMINAL COMPLAINT, AND THE DEFENDANT'S RECEIPT OF  
20 THE VIDEO IN DISCOVERY in the criminal prosecution made on the record  
21 before a judge. If the defendant elects to proceed pro se in the criminal  
22 case, the court shall advise the defendant of the twenty-one-day deadline  
23 for the defendant to file any constitutional objection to release of the  
24 recording in the pending criminal case as part of the court's advisement.  
25 The court shall hold a hearing on any objection no later than seven days  
26 after it is filed and issue a ruling no later than three days after the hearing.  
27 THE HEARING IS CONSIDERED A CRITICAL STAGE AS DEFINED IN SECTION



1 24-4.1-302 AND GIVES VICTIMS THE RIGHT TO BE HEARD PURSUANT TO  
2 SECTION 24-4.1-302.5.

3 (3) THIS SECTION APPLIES ON AND AFTER THE EFFECTIVE DATE OF  
4 THIS SUBSECTION (3) WHEN A PEACE OFFICER IS WEARING A BODY-WORN  
5 CAMERA OR THE OFFICER'S VEHICLE IS EQUIPPED WITH A DASH CAMERA.  
6 THIS SECTION DOES NOT REQUIRE A LAW ENFORCEMENT AGENCY TO  
7 PROVIDE ITS LAW ENFORCEMENT OFFICERS BODY-WORN CAMERAS PRIOR  
8 TO JULY 1, 2023.

9 **SECTION 3.** In Colorado Revised Statutes, 24-31-903, **amend**  
10 (2) introductory portion, (2)(a) introductory portion, (2)(a)(VI),  
11 (2)(a)(VII), (2)(a)(VIII), (2)(a)(IX), (2)(c) introductory portion,  
12 (2)(c)(VIII)(B), (2)(c)(VIII)(D), (2)(c)(VIII)(E), (2)(d)(III), and  
13 (2)(d)(IV); and **add** (2)(a)(X), (2)(a)(XI), and (2)(e) as follows:

14 **24-31-903. Division of criminal justice report.** (2) Beginning  
15 ~~January 1, 2023~~ JANUARY 1, 2022, the Colorado state patrol and each  
16 local law enforcement agency that employs peace officers shall report to  
17 the division of criminal justice THE FOLLOWING USING DATA-COLLECTION  
18 METHODS DEVELOPED FOR THIS PURPOSE BY THE DIVISION OF CRIMINAL  
19 JUSTICE IN CONJUNCTION WITH THE COLORADO BUREAU OF INVESTIGATION  
20 AND LOCAL LAW ENFORCEMENT AGENCIES:

21 (a) All use of force by its peace officers that results in death or  
22 serious bodily injury OR THAT INVOLVES THE USE OF A WEAPON, including:

23 (VI) Whether a peace officer unholstered OR BRANDISHED a  
24 weapon during the incident, AND, IF SO, THE TYPE OF WEAPON;

25 (VII) Whether a peace officer discharged a ~~firearm~~ WEAPON  
26 during the incident;

27 (VIII) Whether the use of force resulted in a law enforcement

1 agency investigation and the result of the investigation; and  
2 (IX) Whether the use of force resulted in a ~~citizen~~ CIVILIAN  
3 complaint and the resolution of that complaint;  
4 (X) WHETHER AN AMBULANCE WAS CALLED TO THE SCENE AND  
5 WHETHER A PERSON WAS TRANSPORTED TO A HOSPITAL FROM THE SCENE  
6 WHETHER IN AN AMBULANCE OR OTHER TRANSPORTATION; AND  
7 (XI) WHETHER THE PERSON CONTACTED EXHIBITED A WEAPON  
8 DURING THE INTERACTION LEADING UP TO THE INJURY OR DEATH, AND, IF  
9 SO, THE TYPE OF WEAPON AND WHETHER IT WAS DISCOVERED BEFORE OR  
10 AFTER THE USE OF FORCE;  
11 (c) All data relating to contacts AND ENTRIES INTO A RESIDENCE,  
12 INCLUDING A FORCIBLE ENTRY, conducted by its peace officers, including:  
13 (VIII) The actions taken by the peace officer during the contact,  
14 including but not limited to whether:  
15 (B) The peace officer searched the person, A VEHICLE, or any  
16 property, and, if so, the basis for the search and the type of contraband or  
17 evidence discovered, if any;  
18 (D) A peace officer unholstered OR BRANDISHED a weapon during  
19 the contact, AND, IF SO, THE TYPE OF WEAPON; and  
20 (E) A peace officer discharged a ~~firearm~~ WEAPON during the  
21 contact;  
22 (d) All instances of unannounced entry into a residence, with or  
23 without a warrant, including:  
24 (III) Whether a peace officer unholstered OR BRANDISHED a  
25 weapon during the unannounced entry, AND, IF SO, THE TYPE OF WEAPON;  
26 and  
27 (IV) Whether a peace officer discharged a ~~firearm~~ WEAPON during

1 the unannounced entry.

2 (e) THE NUMBER OF OFFICER-INVOLVED CIVILIAN DEATHS.

3 **SECTION 4.** In Colorado Revised Statutes, **amend** 24-31-904 as  
4 follows:

5 **24-31-904. Peace officer certification discipline.**

6 (1)(a) Notwithstanding any provision of law, THE P.O.S.T. BOARD SHALL  
7 PERMANENTLY REVOKE A PEACE OFFICER'S CERTIFICATION if: ~~any peace~~  
8 ~~officer is~~

9 (I) THE P.O.S.T. CERTIFIED PEACE OFFICER IS convicted of or  
10 pleads guilty or nolo contendere to a crime involving the unlawful use ~~or~~  
11 ~~threatened use~~ of physical force OR a crime involving the failure to  
12 intervene in the use of unlawful force ~~or~~ AND THE INCIDENT RESULTED IN  
13 SERIOUS BODILY INJURY OR DEATH TO ANOTHER PERSON:

14 (II) THE P.O.S.T. CERTIFIED PEACE OFFICER is found civilly liable  
15 for the use of unlawful physical force, or is found civilly liable for failure  
16 to intervene in the use of unlawful force ~~the P.O.S.T. board shall~~  
17 ~~permanently revoke the peace officer's certification~~ AND THE INCIDENT  
18 RESULTED IN SERIOUS BODILY INJURY OR DEATH TO ANOTHER PERSON; OR

19 (III) AN ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR  
20 INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER USED UNLAWFUL  
21 PHYSICAL FORCE, FAILED TO INTERVENE, OR VIOLATED SECTION 18-1-707,  
22 AND THE INCIDENT RESULTED IN SERIOUS BODILY INJURY OR DEATH TO  
23 ANOTHER PERSON.

24 (b) The P.O.S.T. board shall not, under any circumstances,  
25 reinstate the peace officer's certification or grant new certification to the  
26 peace officer unless the peace officer is exonerated by a AN  
27 ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR court. The P.O.S.T.

1 board shall record each ~~decertified~~ peace officer WHOSE CERTIFICATION  
2 IS REVOKED PURSUANT TO THIS SECTION in the database created pursuant  
3 to section 24-31-303 (1)(r).

4 (2) (a) NOTWITHSTANDING ANY PROVISION OF LAW, THE P.O.S.T.  
5 BOARD SHALL SUSPEND A PEACE OFFICER'S CERTIFICATION FOR AT LEAST  
6 A YEAR IF:

7 (I) THE P.O.S.T. CERTIFIED PEACE OFFICER IS CONVICTED OF OR  
8 PLEADS GUILTY OR NOLO CONTENDERE TO A CRIME INVOLVING THE  
9 UNLAWFUL USE OR THREATENED USE OF PHYSICAL FORCE OR A CRIME  
10 INVOLVING THE FAILURE TO INTERVENE IN THE USE OF UNLAWFUL FORCE  
11 AND THE INCIDENT DID NOT RESULT IN SERIOUS BODILY INJURY OR DEATH  
12 TO ANOTHER PERSON;

13 (II) THE P.O.S.T. CERTIFIED PEACE OFFICER IS FOUND CIVILLY  
14 LIABLE FOR THE USE OR THREATENED USE OF UNLAWFUL PHYSICAL FORCE,  
15 OR IS FOUND CIVILLY LIABLE FOR FAILURE TO INTERVENE IN THE USE OF  
16 UNLAWFUL FORCE AND THE INCIDENT DID NOT RESULT IN SERIOUS BODILY  
17 INJURY OR DEATH TO ANOTHER PERSON; OR

18 (III) AN ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR  
19 INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER USED OR  
20 THREATENED TO USE UNLAWFUL PHYSICAL FORCE, FAILED TO INTERVENE,  
21 OR VIOLATED SECTION 18-1-707, AND THE INCIDENT DID NOT RESULT IN  
22 SERIOUS BODILY INJURY OR DEATH TO ANOTHER PERSON.

23 (b) THE P.O.S.T. BOARD SHALL REINSTATE THE PEACE OFFICER'S  
24 CERTIFICATION IF THE PEACE OFFICER IS EXONERATED BY AN  
25 ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR COURT.

26 (3) NOTWITHSTANDING THIS SECTION, THE P.O.S.T. BOARD SHALL  
27 NOT SUSPEND OR REVOKE THE PEACE OFFICER'S CERTIFICATION BASED ON

1 A FINAL DECISION OF AN INTERNAL INVESTIGATION UNLESS AND UNTIL AN  
2 ADMINISTRATIVE LAW JUDGE HAS PERFORMED A DE NOVO REVIEW  
3 UPHOLDING THE INTERNAL INVESTIGATION DECISION. THE  
4 ADMINISTRATIVE LAW JUDGE SHALL COMPLETE THE DE NOVO REVIEW  
5 WITHIN NINETY DAYS FROM THE FINAL DETERMINATION FROM THE  
6 INTERNAL INVESTIGATION.

7 (4) THE P.O.S.T. BOARD HAS THE AUTHORITY TO PERMANENTLY  
8 REVOKE OR SUSPEND THE CERTIFICATION OF ANY PEACE OFFICER WHO  
9 ENTERS INTO A DEFERRED JUDGEMENT, DEFERRED PROSECUTION, OR  
10 DIVERSION AGREEMENT FOR A CRIME INVOLVING THE UNLAWFUL USE OF  
11 PHYSICAL FORCE OR A CRIME INVOLVING THE FAILURE TO INTERVENE IN  
12 THE UNLAWFUL USE OF FORCE.

13 **SECTION 5.** In Colorado Revised Statutes, **add 24-31-906** as  
14 follows:

15 **24-31-906. Retaliation against whistleblower officers**  
16 **prohibited.** (1) A PEACE OFFICER'S EMPLOYER SHALL NOT DISCHARGE;  
17 DISCIPLINE; DEMOTE; DENY A PROMOTION, TRANSFER, OR REASSIGNMENT;  
18 DISCRIMINATE AGAINST; OR THREATEN A PEACE OFFICER'S EMPLOYMENT  
19 BECAUSE THE PEACE OFFICER:

- 20 (a) DISCLOSED INFORMATION THAT SHOWS:  
21 (I) MISMANAGEMENT;  
22 (II) A WASTE OF GOVERNMENT RESOURCES;  
23 (III) A DANGER TO PUBLIC HEALTH OR SAFETY; OR  
24 (IV) A VIOLATION OF LAW OR POLICY COMMITTED BY ANOTHER  
25 PEACE OFFICER; OR  
26 (b) LAWFULLY EXERCISED A CONSTITUTIONAL RIGHT.  
27 (2) A PEACE OFFICER HAS THE RIGHT TO BRING A CIVIL ACTION

1 ARISING OUT OF THE PEACE OFFICER'S OFFICIAL DUTIES.

2 **SECTION 6.** In Colorado Revised Statutes, 13-21-131, **amend**  
3 (1) and (4) as follows:

4 **13-21-131. Civil action for deprivation of rights.** (1) A peace  
5 officer, as defined in section 24-31-901 (3), ~~employed by a local~~  
6 ~~government~~ who, under color of law, subjects or causes to be subjected,  
7 including failing to intervene, any other person to the deprivation of any  
8 individual rights that create binding obligations on government actors  
9 secured by the bill of rights, article II of the state constitution, is liable to  
10 the injured party for legal or equitable relief or any other appropriate  
11 relief.

12 (4) (a) Notwithstanding any other provision of law, a peace  
13 officer's employer shall indemnify its peace officers for any liability  
14 incurred by the peace officer and for any judgment or settlement entered  
15 against the peace officer for claims arising pursuant to this section; except  
16 that, if the peace officer's employer determines ON A CASE-BY-CASE BASIS  
17 that the officer did not act upon a good faith and reasonable belief that the  
18 action was lawful, then the peace officer is personally liable and shall not  
19 be indemnified by the peace officer's employer for five percent of the  
20 judgment or settlement or twenty-five thousand dollars, whichever is less.  
21 Notwithstanding any provision of this section to the contrary, if the peace  
22 officer's portion of the judgment is uncollectible from the peace officer,  
23 the peace officer's employer or insurance shall satisfy the full amount of  
24 the judgment or settlement. A public entity does not have to indemnify a  
25 peace officer if the peace officer was convicted of a criminal violation for  
26 the conduct from which the claim arises UNLESS THE PEACE OFFICER'S  
27 EMPLOYER WAS A CASUAL FACTOR IN THE VIOLATION, THROUGH ITS

1 ACTION OR INACTION.

2 (b) (I) AN EMPLOYER SHALL NOT:

3 (A) PREEMPTIVELY DETERMINE WHETHER A PEACE OFFICER ACTED  
4 IN GOOD FAITH BEFORE SUCH ACTION IN QUESTION HAS OCCURRED; OR

5 (B) PROVIDE A DETERMINATION PROVIDING THAT ANY PEACE  
6 OFFICER OR PEACE OFFICERS ARE DEEMED TO HAVE ACTED IN GOOD FAITH  
7 UNTIL COMPLETION OF A DOCUMENTED INVESTIGATION CONDUCTED BY  
8 THE EMPLOYER.

9 (II) IF A PERSON BELIEVES THAT AN EMPLOYER HAS VIOLATED THE  
10 PROVISIONS OF SUBSECTION (4)(b)(I) OF THIS SECTION, THE PERSON SHALL  
11 SUBMIT A COMPLAINT TO THE P.O.S.T. BOARD, CREATED IN SECTION  
12 24-31-302, WHICH SHALL REFER THE COMPLAINT TO AN ADMINISTRATIVE  
13 LAW JUDGE TO DETERMINE WHETHER A VIOLATION OCCURRED. THE  
14 ADMINISTRATIVE LAW JUDGE SHALL NOTIFY THE P.O.S.T. BOARD CHAIR  
15 OF A FINDING THAT A VIOLATION OF SUBSECTION (4)(b)(I) OF THIS SECTION  
16 OCCURRED. IF A VIOLATION IS FOUND, THE P.O.S.T. BOARD SHALL NOT  
17 PROVIDE P.O.S.T. CASH FUND MONEY TO THE EMPLOYER FOR ONE FULL  
18 YEAR FROM THE DATE OF THE FINDING.

19 (III) FOR THE PURPOSES OF THIS SUBSECTION (4)(b), AN EMPLOYER  
20 INCLUDES THE ELECTED SHERIFF, CHIEF OF POLICE, CITY OR TOWN  
21 ADMINISTRATOR, COUNTY ADMINISTRATOR, MAYOR, CITY OR TOWN  
22 COUNCIL, COUNTY COMMISSION, OR ANY OTHER PUBLIC BODY WITH  
23 FORMAL SUPERVISION AND OVERSIGHT OF A LAW ENFORCEMENT AGENCY.

24 **SECTION 7.** In Colorado Revised Statutes, 16-2.5-301, **amend**  
25 (1) as follows:

26 **16-2.5-301. Peace officer actions leading to injury or death**  
27 **investigations - protocol.** (1) Each police department, sheriff's office,

1 and district attorney within the state shall develop protocols for  
2 participating in a multi-agency team, which shall include at least one  
3 other police department or sheriff's office, or the Colorado bureau of  
4 investigation, in conducting any investigation, evaluation, and review of  
5 an incident involving the discharge of a **firearm** by a peace officer that  
6 resulted in injury or **death, OR THE USE OF FORCE OR OTHER WEAPON BY**  
7 **A PEACE OFFICER THAT RESULTED IN SERIOUS BODILY INJURY OR DEATH.**

8 The law enforcement agencies participating need not be from the same  
9 judicial district.

10 **SECTION 8.** In Colorado Revised Statutes, 18-1-707, **amend** (1),  
11 (2)(b), (2.5), (3)(b), and (8)(a); **repeal** (2)(a) and (9); and **add** (2)(b.5),  
12 (2.3), and (11) as follows:

13 **18-1-707. Use of force by peace officers - definitions - repeal.**

14 ~~(1) Peace officers, in carrying out their duties, shall apply nonviolent~~  
15 ~~means, when possible, before resorting to the use of physical force. A~~  
16 ~~peace officer may use physical force only if nonviolent means would be~~  
17 ~~ineffective in effecting an arrest, preventing an escape, or preventing an~~  
18 ~~imminent threat of serious bodily injury or death to the peace officer or~~  
19 ~~another person. PEACE OFFICERS SHALL AVOID THE USE OF PHYSICAL~~  
20 ~~FORCE WHEN POSSIBLE. A LAW ENFORCEMENT OFFICER SHALL NOT USE~~  
21 ~~PHYSICAL FORCE UPON ANOTHER PERSON UNLESS THE OFFICER HAS~~  
22 ~~EXHAUSTED ALL REASONABLE DE-ESCALATION TACTICS AND TECHNIQUES~~  
23 ~~AND, BASED ON THE TOTALITY OF THE CIRCUMSTANCES, SUCH FORCE IS~~  
24 ~~PROPORTIONATE AND NECESSARY TO EFFECT AN ARREST, PREVENT AN~~  
25 ~~ESCAPE, OR PREVENT AN IMMINENT THREAT OF HARM TO THE PEACE~~  
26 ~~OFFICER OR ANOTHER PERSON AND ONLY FOR AS LONG AS NECESSARY TO~~  
27 ~~ACCOMPLISH THE OFFICER'S LEGITIMATE LAW ENFORCEMENT OBJECTIVE.~~



1 (2) When physical force is used, a peace officer shall:

2 (a) ~~Not use deadly physical force to apprehend a person who is~~  
3 ~~suspected of only a minor or nonviolent offense;~~

4 (b) Use only a degree of force consistent with the minimization of  
5 injury to ~~others~~ A PERSON SUBJECT TO THE USE OF FORCE;

6 (b.5) IMMEDIATELY MODULATE THE USE OF PHYSICAL FORCE AS  
7 THE THREAT DIMINISHES AND SHALL CEASE THE USE OF PHYSICAL FORCE:

8 (I) AS SOON AS THE PERSON ON WHOM THE FORCE IS USED IS  
9 UNDER THE OFFICER'S CONTROL;

10 (II) AS SOON AS THE PERSON ON WHOM THE FORCE IS USED IS NO  
11 LONGER AN IMMINENT THREAT OF SERIOUS PHYSICAL INJURY OR DEATH TO  
12 THE OFFICER OR ANOTHER PERSON; OR

13 (III) WHEN THE OFFICER DETERMINES THAT THE FORCE WILL NO  
14 LONGER ACCOMPLISH, OR IS NO LONGER REASONABLE AND PROPORTIONAL  
15 TO ACCOMPLISH, THE OFFICER'S LEGITIMATE LAW ENFORCEMENT  
16 OBJECTIVE.

17 (2.3) A PEACE OFFICER SHALL NOT USE DEADLY PHYSICAL FORCE  
18 UPON ANOTHER PERSON UNLESS IT IS USED AS A LAST RESORT, AFTER THE  
19 OFFICER HAS EXHAUSTED ALL REASONABLE DE-ESCALATION TACTICS AND  
20 TECHNIQUES AND, BASED ON THE TOTALITY OF THE CIRCUMSTANCES, SUCH  
21 FORCE IS NECESSARY TO PREVENT IMMINENT DEATH OR SERIOUS BODILY  
22 INJURY TO ANOTHER AND THE AMOUNT OF FORCE USED IS PROPORTIONAL  
23 TO THE THREAT OF IMMINENT HARM POSED BY THE SUBJECT OF THE USE OF  
24 FORCE. THE USE OF DEADLY FORCE AGAINST A PERSON WHO POSES A  
25 DANGER ONLY TO THE PERSON'S SELF IS NOT JUSTIFIED. A PEACE OFFICER  
26 MAY NOT USE DEADLY PHYSICAL FORCE TO APPREHEND A PERSON WHO IS  
27 SUSPECTED OF ONLY A MINOR OR NONVIOLENT OFFENSE.

1           (2.5) (a) A peace officer is prohibited from using a chokehold  
2 upon another person.

3           (b) (I) ~~As used in this subsection (2.5), "chokehold" means a~~  
4 ~~method by which a person applies sufficient pressure to a person to make~~  
5 ~~breathing difficult or impossible and includes but is not limited to any~~  
6 ~~pressure to the neck, throat, or windpipe that may prevent or hinder~~  
7 ~~breathing or reduce intake of air.~~

8           (H) ~~"Chokehold" also means applying pressure to a person's neck~~  
9 ~~on either side of the windpipe, but not to the windpipe itself, to stop the~~  
10 ~~flow of blood to the brain via the carotid arteries.~~

11           (3) A peace officer is justified in using deadly physical force to  
12 make an arrest only when all other means of apprehension are  
13 unreasonable given the circumstances and:

14           (b) The suspect poses an ~~immediate~~ IMMIDENT threat OF DEATH OR  
15 SERIOUS BODILY INJURY to the peace officer or another person;

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

18           (a) In using deadly physical force when he reasonably believes it  
19 necessary to prevent the escape of a prisoner convicted of, charged with,  
20 or held for a felony or confined under the maximum security rules of any  
21 detention facility as such facility is defined in ~~subsection (9) of this~~  
22 ~~section~~ SUBSECTION (11)(c) OF THIS SECTION;

23           (9) ~~"Detention facility" as used in subsection (8) of this section~~  
24 ~~means any place maintained for the confinement, pursuant to law, of~~  
25 ~~persons charged with or convicted of an offense, held pursuant to the~~  
26 ~~"Colorado Children's Code", held for extradition, or otherwise confined~~  
27 ~~pursuant to an order of a court.~~

1 (11) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
2 REQUIRES:

3 (a) (I) "CHOKEHOLD" MEANS A METHOD BY WHICH A PERSON  
4 APPLIES SUFFICIENT PRESSURE TO A PERSON TO MAKE BREATHING  
5 DIFFICULT OR IMPOSSIBLE AND INCLUDES BUT IS NOT LIMITED TO ANY  
6 PRESSURE TO THE NECK, THROAT, OR WINDPIPE THAT MAY PREVENT OR  
7 HINDER BREATHING OR REDUCE INTAKE OF AIR.

8 (II) "CHOKEHOLD" ALSO MEANS APPLYING PRESSURE TO A  
9 PERSON'S NECK ON EITHER SIDE OF THE WINDPIPE, BUT NOT TO THE  
10 WINDPIPE ITSELF, TO STOP THE FLOW OF BLOOD TO THE BRAIN VIA THE  
11 CAROTID ARTERIES.

12 (b) "DE-ESCALATION TACTICS AND TECHNIQUES" MEANS  
13 PROACTIVE ACTIONS AND APPROACHES USED BY A LAW ENFORCEMENT  
14 OFFICER TO STABILIZE A LAW ENFORCEMENT SITUATION SO THAT MORE  
15 TIME, OPTIONS, AND RESOURCES ARE AVAILABLE TO GAIN A PERSON'S  
16 VOLUNTARY COMPLIANCE AND TO REDUCE OR ELIMINATE THE NEED TO  
17 USE PHYSICAL FORCE, INCLUDING VERBAL PERSUASION, WARNINGS,  
18 SLOWING DOWN THE PACE OF AN INCIDENT, WAITING OUT A PERSON,  
19 CREATING DISTANCE BETWEEN THE LAW ENFORCEMENT OFFICER AND A  
20 THREAT, AND REQUESTING ADDITIONAL RESOURCES TO RESOLVE THE  
21 INCIDENT, INCLUDING BUT NOT LIMITED TO CALLING IN MEDICAL OR  
22 MENTAL HEALTH PROFESSIONALS TO ADDRESS A POTENTIAL MEDICAL OR  
23 MENTAL HEALTH CRISIS.

24 (c) "DETENTION FACILITY" MEANS ANY PLACE MAINTAINED FOR  
25 THE CONFINEMENT, PURSUANT TO LAW, OF PERSONS CHARGED WITH OR  
26 CONVICTED OF AN OFFENSE, HELD PURSUANT TO THE "COLORADO  
27 CHILDREN'S CODE", HELD FOR EXTRADITION, OR OTHERWISE CONFINED

1 PURSUANT TO AN ORDER OF A COURT.

2 (d) (I) "IMMINENT THREAT" MEANS, WHEN BASED ON THE  
3 TOTALITY OF THE CIRCUMSTANCES, A REASONABLE LAW ENFORCEMENT  
4 OFFICER WITH EXPERIENCE AND TRAINING IN THE USE OF FORCE OR  
5 DEADLY FORCE IN THE SAME SITUATION WOULD BELIEVE THAT A PERSON  
6 HAS THE PRESENT ABILITY, OPPORTUNITY, AND APPARENT INTENT TO  
7 CAUSE IMMEDIATE DEATH OR PHYSICAL INJURY TO THE OFFICER OR  
8 ANOTHER PERSON, AND FROM APPEARANCES, THE THREAT MUST BE  
9 INSTANTLY CONFRONTED AND ADDRESSED TO PREVENT THE DEATH OF OR  
10 PHYSICAL INJURY TO THE OFFICER OR ANOTHER PERSON.

11 (II) "IMMINENT THREAT" DOES NOT MEAN THE MERE FEAR OF  
12 FUTURE HARM, NO MATTER HOW GREAT THE FEAR AND NO MATTER HOW  
13 GREAT THE LIKELIHOOD OF THE THREAT.

14 (e) "NECESSARY" MEANS WHEN, AFTER ALL REASONABLE  
15 ALTERNATIVES HAVE BEEN EXHAUSTED, NO REASONABLE ALTERNATIVE  
16 WAS KNOWN OR SHOULD HAVE BEEN KNOWN TO A REASONABLE PERSON  
17 IN THE CIRCUMSTANCES.

18 (f) "PROPORTIONAL" MEANS NOT EXCESSIVE IN RELATION TO A  
19 DIRECT AND LEGITIMATE LAW ENFORCEMENT OBJECTIVE.

20 (g) "TOTALITY OF THE CIRCUMSTANCES" MEANS ALL CREDIBLE  
21 FACTS KNOWN TO A PEACE OFFICER OR THAT COULD HAVE BEEN  
22 ASCERTAINED BY THE OFFICER THROUGH VISUAL OBSERVATION, TOUCH,  
23 OR AUDIBLE MECHANISMS UNDER THE CIRCUMSTANCES CONFRONTING THE  
24 OFFICER LEADING UP TO AND AT THE TIME OF THE USE OF FORCE,  
25 INCLUDING:

26 (I) ACTIONS OF AND RISK TO A PERSON AGAINST WHOM A LAW  
27 ENFORCEMENT OFFICER USES FORCE;

1 (II) ACTIONS OF A LAW ENFORCEMENT OFFICER; AND

2 (III) RISK TO OTHER PERSONS.

3 SECTION 9. In Colorado Revised Statutes, 18-8-802, amend  
4 (1.5) as follows:

5 **18-8-802. Duty to report use of force by peace officers - duty**  
6 **to intervene.** (1.5) (a) A peace officer, AS DEFINED IN SECTION 24-31-901  
7 (3), shall intervene to prevent or stop another peace officer from using  
8 physical force that exceeds the degree of force permitted, if any, by  
9 section 18-1-707 in pursuance of the other peace officer's law  
10 enforcement duties in carrying out an arrest of any person, placing any  
11 person under detention, taking any person into custody, booking any  
12 person, or in the process of crowd control or riot control, without regard  
13 for chain of command.

14 (b) (I) A peace officer, AS DEFINED IN SECTION 24-31-901 (3), who  
15 intervenes as required by subsection (1.5)(a) of this section shall report  
16 the intervention to his or her immediate supervisor.

17 (II) At a minimum, the report required by this subsection (1.5)(b)  
18 must include the date, time, and place of the occurrence; the identity, if  
19 known, and description of the participants; and a description of the  
20 intervention actions taken. This report ~~shall be made~~ MUST BE in writing  
21 within ten days of the occurrence of the use of such force and ~~shall be~~  
22 ~~appended to~~ MUST BE INCLUDED WITH all other reports of the incident.

23 (c) A member of a law enforcement agency shall not discipline or  
24 retaliate in any way against a peace officer, AS DEFINED IN SECTION  
25 24-31-901 (3), for intervening as required by subsection (1.5)(a) of this  
26 section, or for reporting unconstitutional conduct, or for failing to follow  
27 what the officer reasonably believes is an unconstitutional directive.

1 (d) Any peace officer, AS DEFINED IN SECTION 24-31-901 (3), who  
2 fails to intervene to prevent the use of unlawful force as prescribed in this  
3 subsection (1.5) commits a class 1 misdemeanor. ~~Nothing in this~~  
4 ~~subsection (1.5) shall prohibit or discourage prosecution of any other~~  
5 ~~criminal offense related to failure to intervene, including a higher charge,~~  
6 ~~if supported by the evidence.~~

7 (e) When an administrative law judge or internal investigation  
8 finds that a peace officer, AS DEFINED IN SECTION 24-31-901 (3), failed to  
9 intervene to prevent the use of unlawful physical force as prescribed in  
10 this subsection (1.5), this finding must be presented to the district attorney  
11 so that ~~he or she~~ THE DISTRICT ATTORNEY can determine whether charges  
12 should be filed pursuant to subsection (1.5)(d) of this section. However,  
13 nothing in this subsection (1.5)(e) prohibits OR IS INTENDED TO  
14 DISCOURAGE the district attorney from charging an officer with failure to  
15 intervene before the conclusion of any internal investigation.

16 (f) ~~In addition to any criminal liability and penalty under the law,~~  
17 ~~when an administrative law judge, hearing officer, or internal~~  
18 ~~investigation finds that a peace officer, failed to intervene as required by~~  
19 ~~subsection (1.5)(a) of this section in an incident resulting in serious bodily~~  
20 ~~injury or death to any person, the peace officer's employer shall subject~~  
21 ~~the peace officer to discipline, up to and including termination, to the~~  
22 ~~extent permitted by applicable constitutional and statutory personnel laws~~  
23 ~~and case law, and the P.O.S.T. board shall permanently decertify the~~  
24 ~~peace officer upon receipt of notice of the peace officer's discipline. The~~  
25 ~~revocation may only be overturned if the peace officer is exonerated by~~  
26 ~~a court.~~

27 (g) In a case in which the prosecution charges a peace officer, AS

1 DEFINED IN SECTION 24-31-901 (3), with offenses related to and based  
2 upon the use of excessive force but does not file charges against any other  
3 peace officer or officers who were at the scene during the use of force,  
4 the district attorney shall prepare a written report explaining the district  
5 attorney's basis for the decision not to charge any other peace officer with  
6 any criminal conduct and shall publicly disclose the report to the public;  
7 except that if disclosure of the report would substantially interfere with  
8 or jeopardize an ongoing criminal investigation, the district attorney may  
9 delay public disclosure for up to forty-five days. The district attorney  
10 shall post the written report on its website or, if it does not have a  
11 website, make it publicly available upon request. ~~Nothing in this section~~  
12 ~~is intended to prohibit or discourage criminal prosecution of an officer~~  
13 ~~who failed to intervene for conduct in which the facts support a criminal~~  
14 ~~charge, including under a complicity theory, or for an inchoate offense.~~  
15 NOTHING IN THIS SUBSECTION (1.5) PROHIBITS OR DISCOURAGES  
16 PROSECUTION OF ANY OTHER CRIMINAL OFFENSE RELATED TO FAILURE TO  
17 INTERVENE, INCLUDING A HIGHER CHARGE, IF SUPPORTED BY THE  
18 EVIDENCE.

19 **SECTION 10.** In Colorado Revised Statutes, 24-31-101, **amend**  
20 **(1)(n); repeal (3) and (4); and add (1)(p) and (1)(q) as follows:**

21 **24-31-101. Powers and duties of attorney general.** (1) The  
22 attorney general:

23 (n) Shall, pursuant to section 24-30-1507, represent expert  
24 witnesses and consultants described in section 24-30-1510 (3)(h); **and**

25 (p) MAY BRING A CIVIL ACTION TO ENFORCE THE PROVISIONS OF  
26 SECTION 24-31-113; AND

27 (q) MAY BRING A CIVIL ACTION TO ENFORCE THE PROVISIONS OF

1 SECTION 24-31-307 (2) OR A CRIMINAL ACTION TO ENFORCE THE  
2 PROVISIONS OF SECTION 24-31-307 (3).

3 ~~(3) The attorney general may bring a civil action to enforce the~~  
4 ~~provisions of section 24-31-113.~~

5 ~~(4) The attorney general may bring a civil action to enforce the~~  
6 ~~provisions of section 24-31-307 (2) or a criminal action to enforce the~~  
7 ~~provisions of section 24-31-307 (3).~~

8 **SECTION 11.** In Colorado Revised Statutes, 24-31-305, **add** (5)  
9 as follows:

10 **24-31-305. Certification - issuance - renewal - revocation -**  
11 **rules - definition.** (5) IF A LAW ENFORCEMENT AGENCY HIRES A NEW  
12 EMPLOYEE, APPOINTS A NEW EMPLOYEE, OR TRANSFERS AN EXISTING  
13 EMPLOYEE TO A POSITION REQUIRING P.O.S.T. CERTIFICATION, PRIOR TO  
14 SUCH HIRE, APPOINTMENT, OR TRANSFER THE LAW ENFORCEMENT AGENCY  
15 SHALL DETERMINE IF THE PERSON HAS A RECORD CONTAINED IN THE  
16 DATABASE CREATED IN SECTION 24-31-303 (1)(r). IF THE PERSON IS LISTED  
17 IN THE DATABASE AND THE LAW ENFORCEMENT AGENCY PROCEEDS TO  
18 EMPLOY THE PERSON IN A POSITION REQUIRING P.O.S.T. CERTIFICATION,  
19 THE AGENCY SHALL NOTIFY THE P.O.S.T. BOARD OF THE HIRE,  
20 APPOINTMENT, OR TRANSFER IN A FORMAT DETERMINED BY THE P.O.S.T.  
21 BOARD.

22 **SECTION 12.** In Colorado Revised Statutes, **amend** 24-31-113  
23 as follows:

24 **24-31-113. Public integrity - patterns and practices.** It is  
25 unlawful for any governmental authority, or any agent thereof, or any  
26 person acting on behalf of a governmental authority, to engage in a  
27 pattern or practice of conduct by peace officers or by officials or



1 employees of any governmental agency that deprives persons of rights,  
2 privileges, or immunities secured or protected by the constitution or laws  
3 of the United States or the state of Colorado. Whenever the attorney  
4 general has reasonable cause to believe that a violation of this section has  
5 occurred, the attorney general, for or in the name of the state of Colorado,  
6 may in a civil action obtain any and all appropriate relief to eliminate the  
7 pattern or practice. Before filing suit, the attorney general shall notify the  
8 government authority or any agent thereof, and provide it with the factual  
9 basis that supports his or her reasonable cause to believe a violation  
10 occurred. Upon receipt of the factual basis, the government authority, or  
11 any agent thereof, has sixty days to change or eliminate the identified  
12 pattern or practice. If the identified pattern or practice is not changed ~~or~~  
13 AND PERMANENTLY eliminated after sixty days, the attorney general may  
14 file a civil lawsuit. THE ATTORNEY GENERAL MAY ISSUE SUBPOENAS FOR  
15 ANY PURPOSE IN CONDUCTING AN INVESTIGATION UNDER THIS SECTION.

16 **SECTION 13.** In Colorado Revised Statutes, 24-31-303, **amend**  
17 **(1)(r); and add (1)(s)** as follows:

18 **24-31-303. Duties - powers of the P.O.S.T. board - definition.**

19 (1) The P.O.S.T. board has the following duties:

20 (r) (I) Beginning on January 1, 2022, to create and maintain a  
21 database containing information related to a peace officer's:

22 ~~(H)~~ (A) Untruthfulness;

23 ~~(H)~~ (B) ~~Repeated failure~~ THREE OR MORE FAILURES to follow  
24 P.O.S.T. board training requirements WITHIN TEN CONSECUTIVE YEARS;

25 ~~(H)~~ (C) ~~Decertification~~ REVOCATION OF THE CERTIFICATION by  
26 the P.O.S.T. board, ~~and~~ INCLUDING THE BASIS FOR THE REVOCATION;

27 ~~(H)~~ (D) Termination for cause BY THE PEACE OFFICER'S

1 EMPLOYER UNLESS THE TERMINATION IS OVERTURNED OR REVERSED BY  
2 AN APPELLATE PROCESS. A NOTATION MUST BE PLACED NEXT TO THE  
3 OFFICER'S NAME DURING THE PENDENCY OF ANY APPELLATE PROCESS.

4 (E) RESIGNATION OR RETIREMENT WHILE UNDER INVESTIGATION.

5 (II) LAW ENFORCEMENT AGENCIES SHALL REPORT TO THE P.O.S.T.  
6 BOARD THE INFORMATION REQUIRED IN THIS SUBSECTION (1)(r) IN A  
7 FORMAT DETERMINED BY THE P.O.S.T. BOARD. FAILURE TO SUBMIT SUCH  
8 INFORMATION IS SUBJECT TO A FINE SET IN RULE BY THE P.O.S.T. BOARD.

9 (III) FOR PURPOSES OF THIS SUBSECTION (1)(r),  
10 "UNTRUTHFULNESS" MEANS A PEACE OFFICER KNOWINGLY MADE AN  
11 UNTRUTHFUL STATEMENT CONCERNING A MATERIAL FACT OR KNOWINGLY  
12 OMITTED A MATERIAL FACT ON AN OFFICIAL CRIMINAL JUSTICE RECORD,  
13 WHILE TESTIFYING UNDER OATH, OR DURING AN INTERNAL AFFAIRS  
14 INVESTIGATION OR ADMINISTRATIVE INVESTIGATION AND DISCIPLINARY  
15 PROCESS.

16 (s) BY JANUARY 1, 2022, TO ADOPT PROCEDURES TO ALLOW A  
17 PEACE OFFICER TO SEEK REVIEW OF THE PEACE OFFICER'S STATUS IN THE  
18 DATABASE CREATED PURSUANT TO SUBSECTION (1)(r) OF THIS SECTION  
19 BASED ON THE PEACE OFFICER'S PRESENTATION OF NEW EVIDENCE OR  
20 CIRCUMSTANCES NOT PREVIOUSLY PROVIDED TO SHOW THE PEACE  
21 OFFICER'S RECORD MAY BE REMOVED FROM THE DATABASE.

22 **SECTION 14.** In Colorado Revised Statutes, 24-31-305, **amend**  
23 (1.7)(a) and (1.7)(b) as follows:

24 **24-31-305. Certification - issuance - renewal - revocation -**  
25 **rules - definition.** (1.7) (a) Unless revoked OR VOLUNTARILY  
26 SURRENDERED, a basic certification or reserve certification issued  
27 pursuant to this part 3 is valid as long as the certificate holder is

1 continuously serving as a peace officer or reserve peace officer.

2 (b) If a basic or reserve certificate holder has not served as a peace  
3 officer or reserve peace officer for a total of at least six months during  
4 any consecutive three-year period, the certification automatically expires  
5 at the end of such three-year period, unless the certificate holder is then  
6 serving as a peace officer or reserve peace officer OR HAD PREVIOUSLY  
7 VOLUNTARILY SURRENDERED HIS OR HER CERTIFICATE.

8 **SECTION 15.** In Colorado Revised Statutes, 24-31-307, **amend**  
9 (3); and **add** (3.5) as follows:

10 **24-31-307. Enforcement.** (3) The attorney general may bring  
11 criminal charges for violations of this part 3 if THE violation is ~~willful or~~  
12 ~~wanton~~ KNOWINGLY OR INTENTIONAL, or impose fines, as set in P.O.S.T.  
13 board rule, upon any individual officer or agency for failure to comply  
14 with this part 3 or any rule promulgated under this part 3.

15 (3.5) ANY PERSON OR LAW ENFORCEMENT AGENCY THAT  
16 KNOWINGLY OR INTENTIONALLY PROVIDES INACCURATE DATA FOR THE  
17 DATABASE CREATED PURSUANT TO SECTION 24-31-303 (1)(r) IS SUBJECT  
18 TO A FINE SET IN RULE BY THE P.O.S.T. BOARD, AND, IF THE PERSON IS A  
19 P.O.S.T. CERTIFIED PEACE OFFICER, THE OFFICER IS SUBJECT TO  
20 REVOCATION OR SUSPENSION OF THE OFFICER'S P.O.S.T. CERTIFICATION BY  
21 THE P.O.S.T. BOARD. A PERSON OR LAW ENFORCEMENT AGENCY THAT  
22 TRUTHFULLY AND ACCURATELY REPORTS INFORMATION PURSUANT TO  
23 SECTION 24-31-303 (1)(r) IN GOOD FAITH IS NOT LIABLE UNDER THIS  
24 SUBSECTION (3.5).

25 **SECTION 16.** In Colorado Revised Statutes, 24-31-309, **amend**  
26 (2), (3.5) introductory portion, (3.5)(h)(II), (3.5)(h)(IV), and (3.5)(h)(V)  
27 as follows:

1           **24-31-309. Profiling - officer identification - training.**

2           **(2) Definitions.** For purposes of this section:

3           (a) "LEGAL BASIS" MEANS ANY BASIS AUTHORIZED BY STATUTE OR  
4           THAT THE COLORADO SUPREME COURT OR UNITED STATES SUPREME  
5           COURT HAS DETERMINED IS LAWFUL PURSUANT TO SECTION 7 OF ARTICLE  
6           II OF THE STATE CONSTITUTION OR THE FOURTH AMENDMENT TO THE  
7           UNITED STATES CONSTITUTION.

8           (b) "Profiling" means the practice of relying solely on race,  
9           ethnicity, gender, national origin, language, religion, sexual orientation,  
10          gender identity, age, or disability in:

11          (a) (I) Determining the existence of probable cause to place in  
12          custody or arrest an individual or in constituting a reasonable and  
13          articulable suspicion that an offense has been or is being committed so as  
14          to justify the detention of an individual or the investigatory stop of a  
15          vehicle; or

16          (b) (II) Determining the scope, substance, or duration of an  
17          investigation or law enforcement activity to which a person will be  
18          subjected.

19          (3.5) A peace officer, AS DEFINED IN SECTION 24-31-901 (3), shall  
20          have a legal basis for making a contact, ~~whether consensual or~~  
21          ~~nonconsensual, for the purpose of enforcing the law or investigating~~  
22          ~~possible violations of the law. After making a contact, a peace officer, as~~  
23          ~~defined in section 24-31-901 (3),~~ AS DEFINED IN SECTION 24-31-901 (1),  
24          AND shall report to the peace officer's employing agency:

25          (h) The actions taken by the peace officer during the contact,  
26          including but not limited to whether:

27          (II) The peace officer searched the person, A VEHICLE, or any

1 property, and, if so, the basis for the search and the type of contraband or  
2 evidence discovered, if any;

3 (IV) A peace officer unholstered OR BRANDISHED a weapon during  
4 the contact, AND, IF SO, THE TYPE OF WEAPON; and

5 (V) A peace officer discharged a ~~firearm~~ WEAPON during the  
6 contact.

7 **SECTION 17.** In Colorado Revised Statutes, **add** 24-31-317 as  
8 follows:

9 **24-31-317. Administrative law judge appointment.** THE  
10 P.O.S.T. BOARD CHAIRPERSON MAY APPOINT AN ADMINISTRATIVE LAW  
11 JUDGE OR HEARING OFFICER PURSUANT TO ARTICLE 4 OF TITLE 24 TO  
12 CONDUCT HEARINGS, ADMINISTER OATHS, TAKE AFFIRMATIONS OF  
13 WITNESSES, ISSUE SUBPOENAS COMPELLING THE ATTENDANCE OF  
14 WITNESSES AND PRODUCTION OF RECORDS, RULE ON EVIDENCE, MAKE  
15 FINDINGS, AND REPORT THE FINDINGS TO THE P.O.S.T. BOARD FOR ANY  
16 PROCEEDINGS OR ACTIONS AUTHORIZED UNDER THIS PART 3.

17 **SECTION 18.** In Session Laws of Colorado 2020, **amend** section  
18 of chapter 110 as follows:

19 Section 18. **Effective date.** This act takes effect upon passage;  
20 except that:

21 (1) Section 24-31-902, Colorado Revised Statutes, as enacted in  
22 section 2 of this act, takes effect ~~July 1, 2023~~ on the effective date of  
23 House Bill 21-\_\_\_\_;

24 (2) Section 4 of this act takes effect September 1, 2020; and

25 (3) Section 5 of this act takes effect September 1, 2020; except  
26 that section 18-1-707 (2.5) and (3), Colorado Revised Statutes, as enacted  
27 in section 5 of this act, takes effect upon passage.

1           **SECTION 19. Appropriation.** (1) For the 2021-22 state fiscal  
2 year, \$907,175 is appropriated to the department of public safety for use  
3 by the Colorado state patrol. This appropriation is from the highway users  
4 tax fund created in section 43-4-201 (1)(a), C.R.S., and appropriated  
5 pursuant to section 43-4-201 (3)(a)(I)(C), C.R.S. To implement this act,  
6 the division may use this appropriation as follows:

7           (a) \$602,148 for sergeants, technicians, and troopers, which  
8 amount is based on an assumption that the department will require an  
9 additional 7.0 FTE;

10           (b) \$48,543 for civilians;

11           (c) \$125,492 for operating expenses;

12           (d) \$34,380 for vehicle lease payments; and

13           (e) \$96,612 for state patrol training academy.

14           (2) For the 2021-22 state fiscal year, \$582,742 is appropriated to  
15 the department of law. This appropriation is from reappropriated funds  
16 received from the department of personnel from the risk management  
17 fund created in section 24-30-1510 (1)(a), C.R.S., and is based on an  
18 assumption that the department of law will require an additional 3.0 FTE.  
19 To implement this act, the department of law may use this appropriation  
20 to provide legal services for the department of public safety.

21           **SECTION 20. Safety clause.** The general assembly hereby finds,  
22 determines, and declares that this act is necessary for the immediate  
23 preservation of the public peace, health, or safety.