

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 22-0418.01 Jacob Baus x2173

HOUSE BILL 22-1088

HOUSE SPONSORSHIP

Valdez D. and Will, Hooton

SENATE SPONSORSHIP

Liston and Lee,

House Committees

Transportation & Local Government

Senate Committees

Judiciary

A BILL FOR AN ACT

101 **CONCERNING PEACE OFFICER STATUS FOR CERTAIN DEPARTMENT OF**
102 **REVENUE EMPLOYEES.**

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 specifies that motor vehicle investigators and criminal tax enforcement special agents are peace officers and must be certified by the peace officers standards and training (P.O.S.T.) board.

Under current law, a group seeking peace officer status for a specific position prepares a proposal for the P.O.S.T. board's review, and, after performing an analysis and hearing, the P.O.S.T. board submits a

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.

SENATE
2nd Reading Unamended
March 15, 2022

HOUSE
3rd Reading Unamended
February 16, 2022

HOUSE
2nd Reading Unamended
February 14, 2022

report to the group seeking peace officer status and to the judiciary committees of the house of representatives and the senate. The group seeking peace officer status may request legislation during each of the 2 regular legislative sessions that immediately succeed the date of its proposal without having to comply again with certain procedural requirements.

The bill exempts the department of revenue from the requirement to present legislation seeking peace officer status for motor vehicle investigators and criminal tax enforcement special agents within the 2 regular legislative sessions that immediately succeed the date of its proposal without having to comply again with certain procedural requirements.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) On July 1, 2019, pursuant to section 16-2.5-201 (2), Colorado
5 Revised Statutes, the department of revenue submitted a proposal to the
6 P.O.S.T. board seeking peace officer status for the motor vehicle criminal
7 investigator and criminal tax enforcement special agent positions;

8 (b) On August 15, 2019, pursuant to section 16-2.5-201 (4),
9 Colorado Revised Statutes, the P.O.S.T. board conducted a hearing with
10 the department of revenue concerning peace officer status for the motor
11 vehicle criminal investigator and criminal tax enforcement special agent
12 positions;

13 (c) On October 19, 2019, pursuant to section 16-2.5-201 (5),
14 Colorado Revised Statutes, the P.O.S.T. board submitted a report to the
15 department of revenue and to the judiciary committees of the house of
16 representatives and the senate. The P.O.S.T. board's report recommended
17 peace officer status for the department of revenue's motor vehicle
18 criminal investigator and criminal tax enforcement special agent
19 positions; and

1 (d) The COVID-19 pandemic frustrated the department of
2 revenue's ability to successfully pursue legislation within the timing
3 required pursuant to section 16-2.5-201 (6), Colorado Revised Statutes;

4 (2) Therefore, the general assembly declares that due to the
5 department of revenue's substantial compliance with statutory obligations,
6 and limitations caused by the circumstances caused by the COVID-19
7 pandemic, it is necessary to exempt the department of revenue from the
8 requirement to present legislation to the general assembly during the two
9 regular legislative sessions that immediately succeed the date of its
10 proposal without having to submit another proposal and have another
11 hearing.

12 **SECTION 2.** In Colorado Revised Statutes, **add** 16-2.5-122.5 and
13 16-2.5-123.5 as follows:

14 **16-2.5-122.5. Motor vehicle criminal investigator.** A MOTOR
15 VEHICLE CRIMINAL INVESTIGATOR EMPLOYED BY THE DEPARTMENT OF
16 REVENUE IS A PEACE OFFICER WHILE ENGAGED IN THE PERFORMANCE OF
17 THE INVESTIGATOR'S DUTIES AND WHOSE PRIMARY AUTHORITY IS AS
18 STATED IN SECTION 42-1-222, AND WHOSE AUTHORITY ALSO INCLUDES
19 THE ENFORCEMENT OF ALL OF THE LAWS OF THE STATE OF COLORADO,
20 AND WHO SHALL BE CERTIFIED BY THE P.O.S.T. BOARD.

21 **16-2.5-123.5. Criminal tax enforcement special agent.** A
22 CRIMINAL TAX ENFORCEMENT SPECIAL AGENT EMPLOYED BY THE
23 DEPARTMENT OF REVENUE IS A PEACE OFFICER WHILE ENGAGED IN THE
24 PERFORMANCE OF THE INVESTIGATOR'S DUTIES AND WHILE ACTING UNDER
25 PROPER ORDERS OR RULES, WHOSE PRIMARY AUTHORITY IS THE
26 ENFORCEMENT OF SECTION 39-21-118, AND ALSO INCLUDES THE
27 ENFORCEMENT OF ALL OF THE LAWS OF THE STATE OF COLORADO, AND

1 WHO SHALL BE CERTIFIED BY THE P.O.S.T. BOARD.

2 **SECTION 3.** In Colorado Revised Statutes, 16-2.5-201, **add** (6.5)
3 as follows:

4 **16-2.5-201. General assembly sunrise review of groups seeking**
5 **statutory peace officer status.** (6.5) NOTWITHSTANDING SUBSECTION (6)
6 OF THIS SECTION, FOR THE PURPOSE OF SEEKING PEACE OFFICER STATUS
7 FOR A MOTOR VEHICLE CRIMINAL INVESTIGATOR AND A CRIMINAL TAX
8 ENFORCEMENT SPECIAL AGENT, THE DEPARTMENT OF REVENUE IS EXEMPT
9 FROM THE REQUIREMENT TO PRESENT APPROPRIATE LEGISLATION TO THE
10 GENERAL ASSEMBLY DURING THE TWO REGULAR LEGISLATIVE SESSIONS
11 THAT IMMEDIATELY SUCCEED THE DATE OF THE PROPOSAL REQUIRED
12 PURSUANT TO SUBSECTION (2) OF THIS SECTION WITHOUT HAVING TO
13 COMPLY AGAIN WITH SUBSECTIONS (2) AND (4) OF THIS SECTION.

14 **SECTION 4.** In Colorado Revised Statutes, 24-35-119, **amend**
15 (1)(b) as follows:

16 **24-35-119. Law enforcement agencies of department to**
17 **provide identification cards to retired peace officers upon request -**
18 **definitions.** (1) As used in this section, unless the context otherwise
19 requires:

20 (b) "Peace officer" means a peace officer described in section
21 16-2.5-101, 16-2.5-121, 16-2.5-122, **16-2.5-122.5**, 16-2.5-123,
22 **16-2.5-123.5**, 16-2.5-124, 16-2.5-124.5, 16-2.5-125, or 16-2.5-126.
23 ~~C.R.S.~~

24 **SECTION 5. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly; except
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V

1 of the state constitution against this act or an item, section, or part of this
2 act within such period, then the act, item, section, or part will not take
3 effect unless approved by the people at the general election to be held in
4 November 2022 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.