

CHAPTER 465

GOVERNMENT - STATE

SENATE BILL 22-133

BY SENATOR(S) Winter and Priola, Buckner, Gonzales, Hansen, Jaquez Lewis, Pettersen, Fenberg;
 also REPRESENTATIVE(S) Esgar and Woodrow, Bacon, Bennett, Boesenecker, Caraveo, Cutter, Duran, Exum, Froelich,
 Gonzales-Gutierrez, Gray, Herod, Kipp, Lindsay, Lontine, Michaelson Jenet, Ricks, Sirota, Tipper, Titone, Weissman.

AN ACT

CONCERNING THE PROVISION OF SECURITY BY THE COLORADO STATE PATROL FOR CERTAIN ELECTED OFFICIALS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 24-33.5-216.5, **amend** (1) and (3); and **add** (4) and (5) as follows:

24-33.5-216.5. Patrol services furnished to the general assembly - definition.

(1) The Colorado state patrol shall provide protection for the members of the general assembly when they are present in the state capitol buildings group and shall respond to all complaints relating to criminal activity ~~AGAINST~~ or security threats ~~against~~ OR RISKS TO a member of the general assembly. ~~For purposes of AS USED IN~~ this subsection (1), "state capitol buildings group" ~~shall have~~ HAS the same meaning as set forth in section 24-82-105 (1)(a).

(3) (a) In addition to the requirements of subsections (1) and (2) of this section, the COLORADO state patrol may render other protection and security services as may be requested by the president of the senate, the minority leader of the senate, the speaker of the house of representatives, or the minority leader of the house of representatives ON BEHALF OF ANY MEMBER OF THE GENERAL ASSEMBLY.

(b) The COLORADO state patrol may provide protection and security services as described in ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a) OF THIS SECTION for any function held in Colorado at which a member of the general assembly is in attendance in an official capacity with appropriate coordination with local law enforcement. Factors to be considered when determining the need for providing these services include, but are not limited to, the location of the function, the

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estimated level of threat OR RISK associated with the function, and staffing requirements.

(c) IN ADDITION TO THE PROTECTION AND SECURITY SERVICES PROVIDED PURSUANT TO SUBSECTIONS (3)(a) AND (3)(b) OF THIS SECTION, THE COLORADO STATE PATROL MAY PROVIDE OTHER PROTECTION AND SECURITY SERVICES TO A MEMBER OF THE GENERAL ASSEMBLY AS REQUESTED BY THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL AND AS DEEMED NECESSARY BY THE CHIEF OF THE COLORADO STATE PATROL.

(4) THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL SHALL ESTABLISH A PROCESS BY WHICH A MEMBER OF THE GENERAL ASSEMBLY MAY REQUEST PROTECTION FROM THE COLORADO STATE PATROL PURSUANT TO SUBSECTION (3) OF THIS SECTION.

(5) THE COLORADO STATE PATROL SHALL ENSURE THAT MEMBERS OF THE GENERAL ASSEMBLY ARE AWARE OF THE PROTECTION AND SECURITY SERVICES THAT MAY BE REQUESTED FROM THE COLORADO STATE PATROL PURSUANT TO THIS SECTION.

SECTION 2. In Colorado Revised Statutes, **add** 24-33.5-216.7 as follows:

24-33.5-216.7. Patrol services furnished to statewide constitutional officers - definition. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "STATEWIDE CONSTITUTIONAL OFFICER" MEANS THE SECRETARY OF STATE, THE ATTORNEY GENERAL, AND THE STATE TREASURER.

(2) THE COLORADO STATE PATROL SHALL PROVIDE PROTECTION TO EACH STATEWIDE CONSTITUTIONAL OFFICER IF SUCH PROTECTION IS REQUESTED BY THE STATEWIDE CONSTITUTIONAL OFFICER.

(3) THE COLORADO STATE PATROL SHALL DESIGNATE STATE PATROL OFFICERS TO BE AVAILABLE TO PROVIDE PROTECTION SERVICES PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE CHIEF OF THE COLORADO STATE PATROL SHALL DETERMINE THE PRIORITY IN ASSIGNING STATE PATROL OFFICERS AMONG EACH STATEWIDE CONSTITUTIONAL OFFICER. FACTORS TO BE CONSIDERED WHEN DETERMINING THE NEED AND PRIORITY FOR PROVIDING PROTECTION SERVICES INCLUDE, BUT ARE NOT LIMITED TO, THE LOCATION OF THE FUNCTION, THE ESTIMATED LEVEL OF THREAT OR RISK ASSOCIATED WITH THE FUNCTION, AND STAFFING REQUIREMENTS. IF EACH STATEWIDE CONSTITUTIONAL OFFICER REQUESTS PROTECTION SERVICES IN EXCESS OF EIGHTY PERSONNEL HOURS A WEEK FOR EACH INDIVIDUAL, PRIORITY WILL BE GIVEN FIRST TO PROTECT AGAINST CREDIBLE THREATS, THEN AT A FUNCTION AT WHICH THE STATEWIDE CONSTITUTIONAL OFFICER IS IN ATTENDANCE IN AN OFFICIAL CAPACITY, AND FINALLY AGAINST GENERALIZED THREATS.

(4) NOTHING IN THIS SECTION IS INTENDED TO PROVIDE AROUND-THE-CLOCK PROTECTION FOR A STATEWIDE CONSTITUTIONAL OFFICER UNLESS THERE IS A CREDIBLE THREAT AS DETERMINED IN THE DISCRETION OF THE CHIEF OF THE COLORADO STATE PATROL.

(5) NOTHING IN THIS SECTION PROHIBITS A STATEWIDE CONSTITUTIONAL OFFICER

FROM OBTAINING ADDITIONAL PROTECTION, WHICH MUST BE DONE IN COORDINATION WITH THE COLORADO STATE PATROL.

SECTION 3. Appropriation. (1) For the 2022-23 state fiscal year, \$1,115,090 is appropriated to the department of public safety. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$73,752 for use by the executive director's office for vehicle lease payments;

(b) \$887,043 for use by the Colorado state patrol for the executive and capitol complex security program, which amount is based on an assumption that the division will require an additional 6.4 FTE;

(c) \$54,295 for use by the office of prevention and security for personal services, which amount is based on an assumption that the office will require an additional 0.9 FTE; and

(d) \$100,000 for the office of prevention and security for operating expenses.

(2) For the 2022-23 state fiscal year, \$73,752 is appropriated to the department of personnel. This appropriation is from reappropriated funds received from the department of public safety under subsection (1)(a) of this section. To implement this act, the department of personnel may use this appropriation to provide vehicles to the department of public safety.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 8, 2022