

HB1076_L.002

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.HB18-1076 be amended as follows:

- 1 Amend printed bill, page 2, strike lines 9 through 22 and substitute:
2 (I) THE LAW ENFORCEMENT AGENCY THAT EMPLOYS OR
3 EMPLOYED THE CERTIFICATE HOLDER NOTIFIES THE P.O.S.T. BOARD THAT
4 ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (2.5), THE
5 CERTIFICATE HOLDER KNOWINGLY MADE AN UNTRUTHFUL STATEMENT OR
6 KNOWINGLY OMITTED A MATERIAL FACT ON A CRIMINAL JUSTICE RECORD
7 WHILE TESTIFYING UNDER OATH OR DURING AN INTERNAL AFFAIRS
8 INVESTIGATION OR OTHER ADMINISTRATIVE INVESTIGATION; AND
9 (II) THE LAW ENFORCEMENT AGENCY CERTIFIES THAT:
10 (A) IT COMPLETED AN ADMINISTRATIVE PROCESS DEFINED BY A
11 PUBLISHED POLICY OF THE LAW ENFORCEMENT AGENCY, WHICH POLICY
12 WAS IN EFFECT AT THE TIME THAT THE ALLEGED UNTRUTHFUL STATEMENT
13 OR KNOWING OMISSION OF MATERIAL FACT OCCURRED; AND
14 (B) THROUGH THAT PROCESS, THE LAW ENFORCEMENT AGENCY
15 DETERMINED BY A CLEAR AND CONVINCING STANDARD OF THE EVIDENCE
16 THAT ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (2.5), THE
17 OFFICER KNOWINGLY MADE AN UNTRUTHFUL STATEMENT OR KNOWINGLY
18 OMITTED A MATERIAL FACT ON AN OFFICIAL CRIMINAL JUSTICE RECORD,
19 WHILE TESTIFYING UNDER OATH, OR DURING AN INTERNAL AFFAIRS
20 INVESTIGATION OR OTHER ADMINISTRATIVE INVESTIGATION.
21 (b) A LAW ENFORCEMENT AGENCY THAT MAKES A DETERMINATION
22 DESCRIBED IN SUBSECTION (2.5)(a)(II) OF THIS SECTION SHALL REPORT
23 SUCH FACT TO THE P.O.S.T. BOARD ON A FORM THAT IS PRESCRIBED BY
24 THE P.O.S.T. BOARD.
25 (c) IF A CERTIFICATE HOLDER WHO IS THE SUBJECT OF AN
26 INVESTIGATION DESCRIBED IN SUBSECTION (2.5)(a)(II) OF THIS SECTION
27 RESIGNS OR REFUSES TO COOPERATE IN THE INVESTIGATION, THE
28 INVESTIGATING LAW ENFORCEMENT AGENCY SHALL COMPLETE THE
29 INVESTIGATION WITH OR WITHOUT THE SUBJECT'S PARTICIPATION. IF THE
30 RESULTS OF THE INVESTIGATION DEMONSTRATE BY A CLEAR AND
31 CONVINCING STANDARD THAT ON OR AFTER THE EFFECTIVE DATE OF THIS
32 SUBSECTION (2.5), THE CERTIFICATE HOLDER KNOWINGLY MADE AN
33 UNTRUTHFUL STATEMENT OR KNOWINGLY OMITTED A MATERIAL FACT ON
34 AN OFFICIAL CRIMINAL JUSTICE RECORD WHILE TESTIFYING UNDER OATH
35 OR DURING AN INTERNAL AFFAIRS INVESTIGATION OR OTHER
36 ADMINISTRATIVE INVESTIGATION, THE LAW ENFORCEMENT AGENCY SHALL
37 NOTIFY THE P.O.S.T. BOARD AND REQUEST REVOCATION OF THE
38 CERTIFICATE HOLDER'S CERTIFICATION ON A FORM PRESCRIBED BY THE
39 P.O.S.T. BOARD.
40 (d) A PERSON WHOSE P.O.S.T. CERTIFICATION IS REVOKED
41 PURSUANT TO THIS SUBSECTION (2.5) MAY APPEAL THE REVOCATION IN

1 ACCORDANCE WITH RULES OF THE P.O.S.T. BOARD.
2 (e) THE RECORDS OF ANY LAW ENFORCEMENT AGENCY THAT ARE
3 SUBMITTED FOR REVIEW BY THE P.O.S.T. BOARD FOR THE PURPOSES OF
4 THIS SUBSECTION (2.5) REMAIN THE PROPERTY OF THE REPORTING LAW
5 ENFORCEMENT AGENCY AND ARE NOT SUBJECT TO PUBLIC RELEASE BY THE
6 P.O.S.T. BOARD.
7 (f) IF A CERTIFICATE HOLDER'S CERTIFICATE IS REVOKED
8 PURSUANT TO THIS SECTION AND A COURT OF RECORD SUBSEQUENTLY
9 REVERSES OR VACATES THE FINDING THAT ON OR AFTER THE EFFECTIVE
10 DATE OF THIS SUBSECTION (2.5) THE CERTIFICATE HOLDER KNOWINGLY
11 MADE AN UNTRUTHFUL STATEMENT OR KNOWINGLY OMITTED A MATERIAL
12 FACT ON AN OFFICIAL CRIMINAL JUSTICE RECORD WHILE TESTIFYING
13 UNDER OATH OR DURING AN INTERNAL AFFAIRS INVESTIGATION OR OTHER
14 ADMINISTRATIVE INVESTIGATION, THE CERTIFICATE HOLDER MAY REQUEST
15 REINSTATEMENT OF HIS OR HER CERTIFICATE BY PROVIDING
16 DOCUMENTATION OF THE COURT'S RULING TO THE P.O.S.T. BOARD WITHIN
17 FORTY-FIVE DAYS AFTER THE COURT'S RULING.
18 (g) NOTHING IN THIS SECTION REQUIRES A LAW ENFORCEMENT
19 AGENCY TO CONDUCT AN ADMINISTRATIVE REVIEW OR TAKE ANY
20 ADMINISTRATIVE ACTION.
21 (h) NOTHING IN THIS SECTION PROHIBITS THE LAWFUL USE OF
22 DECEPTION OR OMISSION OF FACTS BY A PEACE OFFICER WHILE HE OR SHE
23 IS CONDUCTING AN INVESTIGATION OF CRIMINAL ACTIVITY."

24 Page 3, strike lines 1 through 6.

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