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## Crimes and Law Enforcement

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During the 2020 legislative session, the General Assembly introduced several bills concerning crimes, criminal penalties, and law enforcement. Following is a recap of the major legislation considered in these subject areas.

### Crimes and Penalties

Several bills passed in 2020 created new crimes, or made changes to existing crimes and penalties.

**Death penalty.** The General Assembly has attempted to abolish the death penalty several times over recent years without passage, until the 2020 legislative session. By passing *Senate Bill 20-100*, Colorado joined 21 other states that have repealed the death penalty. The bill bans capital punishment for cases charged on or after July 1, 2020, but allows for pending capital cases to continue.

**Infertility fraud.** Lawmakers became aware that no laws existed to address infertility fraud after a doctor in Grand Junction artificially inseminated patients without permission. *House Bill 20-1014* specifically criminalizes future acts of infertility fraud such as this, and also makes it easier for offspring to sue medical professionals in similar cases.

**Abuse of a corpse.** A funeral home in Montrose secretly ran a body brokering business and did not tell families of plans to harvest their loved

one's bodies. When this came to light, lawmakers reviewed abuse of corpse laws in Colorado and other states and found Colorado to be in the minority of classifying this crime as a misdemeanor. *House Bill 20-1148* makes it a felony for offenses committed against a deceased human body and clarifies time-periods in which a prosecution must be commenced.

**Panic defense.** The gay or transgender panic defense asks a jury to find a victim's sexual orientation or gender identity as a reason for a defendant's violent reaction, including murder. Legislative members heard testimony about the over-representation of the LGBTQ community in hate crime statistics and how the panic defense excuses violent behavior against this population. *Senate Bill 20-221* made Colorado the 11<sup>th</sup> state to ban the panic defense.

### Law Enforcement

Two bills passed in 2020 that impact law enforcement.

**Police accountability and reform.** *Senate Bill 20-217* passed in the wake of George Floyd's death in Minneapolis and related protests across the country and in Colorado. The measure, otherwise known as the Enhance Law Enforcement Integrity bill, makes the following comprehensive changes to policing.

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## Crimes and Law Enforcement (cont'd)

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- **Body worn cameras.** Requires body-worn cameras for every officer in the state, with exceptions, by July 1, 2023; holds officers accountable if they fail to record or activate the cameras; and outlines timelines for the release of footage.
  - **Use of force.** Bans chokeholds and carotid holds; outlaws deadly force against someone fleeing the police who does not pose an immediate risk; prohibits use of force for minor and nonviolent offenses; and, requires officers to use nonviolent means before resorting to force.
  - **Failure to intervene.** Creates a duty for officers to intervene and stop excessive force; makes failure to do so a criminal offense; and, provides protections from retaliation.
  - **Fired officers.** Requires decertification by the Peace Officer Standards and Training (POST) board if an officer is found guilty of using inappropriate use of force, tampering with body camera footage, or failing to intervene to stop the unlawful use of force; and, creates a public database of officers who have been decertified or fired.
  - **Qualified immunity.** Removes the qualified immunity defense, allowing victims of police misconduct to file civil rights claims in Colorado courts.
  - **Attorney General prosecution.** Authorizes the Attorney General to prosecute persistently poor performing police departments and officers.
  - **Protestor protections.** Prohibits law enforcement officers from shooting rubber bullets indiscriminately into crowds as well as targeting someone's head, back, or torso, and prevents the use of tear gas without first warning a crowd.
  - **Data tracking.** Requires law enforcement agencies to track data regarding demographics, use of force, civilian searches, forced entries into homes, and use of firearms.
- POST scholarship.** Law enforcement agencies of all sizes in the state report struggles to recruit and retain qualified personnel, but these issues pose a particular challenge for rural agencies. As a hiring incentive, *House Bill 20-1229* allows POST to establish a scholarship program for law enforcement agencies in rural and small jurisdictions to assist with the tuition costs of peace officer candidates to attend basic law enforcement training academy.