

NOTE: The governor signed this measure on 6/10/2016.

An Act

HOUSE BILL 16-1262

BY REPRESENTATIVE(S) Williams, Esgar, Melton, Salazar, Becker K., Buckner, Court, Duran, Fields, Ginal, Kagan, Kraft-Tharp, Lee, Lontine, McCann, Mitsch Bush, Pabon, Rosenthal, Ryden, Singer, Winter, Young, Hullinghorst, Moreno, Vigil;
also SENATOR(S) Cooke, Aguilar, Baumgardner, Carroll, Crowder, Guzman, Heath, Hodge, Jahn, Johnston, Jones, Kefalas, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Neville T., Newell, Roberts, Scheffel, Scott, Steadman, Tate, Todd, Ulibarri, Woods, Cadman.

CONCERNING MEASURES TO IMPROVE PEACE OFFICER HIRING, AND, IN CONNECTION THEREWITH, REQUIRING EMPLOYMENT WAIVERS AS PART OF THE BACKGROUND CHECK PROCESS FOR A PERSON APPLYING FOR A POSITION AS A PEACE OFFICER WHO HAS WORKED AS AN OFFICER AND GIVING THE P.O.S.T. BOARD THE AUTHORITY TO DENY CERTIFICATION TO AN APPLICANT WHO ENTERED INTO A DEFERRED AGREEMENT.

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

SECTION 1. In Colorado Revised Statutes, **add** 24-33.5-115 as follows:

24-33.5-115. Peace officer hiring - required use of waiver -

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

definitions. (1) A STATE OR LOCAL LAW ENFORCEMENT AGENCY, INCLUDING HIGHER EDUCATION LAW ENFORCEMENT AGENCIES AND PUBLIC TRANSIT LAW ENFORCEMENT AGENCIES, SHALL REQUIRE EACH CANDIDATE THAT IT INTERVIEWS FOR A PEACE OFFICER POSITION WHO HAS BEEN EMPLOYED BY ANOTHER LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY TO EXECUTE A WRITTEN WAIVER THAT EXPLICITLY AUTHORIZES EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT HAS EMPLOYED THE CANDIDATE TO DISCLOSE THE APPLICANT'S FILES, INCLUDING INTERNAL AFFAIRS FILES, TO THE STATE OR LOCAL LAW ENFORCEMENT AGENCY AND RELEASES THE INTERVIEWING AGENCY AND EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT EMPLOYED THE CANDIDATE FROM ANY LIABILITY RELATED TO THE USE AND DISCLOSURE OF THE FILES. A LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY MAY DISCLOSE THE APPLICANT'S FILES BY EITHER PROVIDING COPIES OR ALLOWING THE INTERVIEWING AGENCY TO REVIEW THE FILES AT THE LAW ENFORCEMENT AGENCY'S OFFICE OR GOVERNMENTAL AGENCY'S OFFICE. A CANDIDATE WHO REFUSES TO EXECUTE THE WAIVER SHALL NOT BE CONSIDERED FOR EMPLOYMENT BY THE INTERVIEWING AGENCY. THE AGENCY INTERVIEWING THE CANDIDATE SHALL, AT LEAST TWENTY-ONE DAYS PRIOR TO MAKING THE HIRING DECISION, SUBMIT THE WAIVER TO EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT HAS EMPLOYED THE CANDIDATE. A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT RECEIVES SUCH A WAIVER SHALL PROVIDE THE DISCLOSURE TO THE AGENCY THAT IS CONSIDERING THE CANDIDATE FOR EMPLOYMENT NOT MORE THAN TWENTY-ONE DAYS AFTER SUCH RECEIPT.

(2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED BEFORE THE EFFECTIVE DATE OF THIS SECTION.

(3) A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY IS NOT LIABLE FOR COMPLYING WITH THE PROVISIONS OF THIS SECTION OR PARTICIPATING IN AN OFFICIAL ORAL INTERVIEW WITH AN INVESTIGATOR REGARDING THE CANDIDATE.

(4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

REQUIRES:

(a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES, PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL RELATED CLAIMS, DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND COMMENDATIONS, BUT DOES NOT INCLUDE NONPERFORMANCE OR CONDUCT-RELATED DATA, INCLUDING MEDICAL FILES, SCHEDULES, PAY AND BENEFIT INFORMATION, OR SIMILAR ADMINISTRATIVE DATA OR INFORMATION.

(b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:

(I) THE COLORADO STATE PATROL CREATED PURSUANT TO SECTION 24-33.5-201;

(II) THE COLORADO BUREAU OF INVESTIGATION CREATED PURSUANT TO SECTION 24-33.5-401;

(III) A COUNTY SHERIFF'S OFFICE;

(IV) A MUNICIPAL POLICE DEPARTMENT;

(V) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION 24-1-124; OR

(VI) A TOWN MARSHAL'S OFFICE.

SECTION 2. In Colorado Revised Statutes, **add** 24-35-120 as follows:

24-35-120. Peace officer hiring - required use of waiver - definitions. (1) THE DEPARTMENT OF REVENUE SHALL REQUIRE EACH CANDIDATE THAT IT INTERVIEWS FOR A PEACE OFFICER POSITION WHO HAS BEEN EMPLOYED BY ANOTHER LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY TO EXECUTE A WRITTEN WAIVER THAT EXPLICITLY AUTHORIZES EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT HAS EMPLOYED THE CANDIDATE TO DISCLOSE THE APPLICANT'S FILES, INCLUDING INTERNAL AFFAIRS FILES, TO THE DEPARTMENT AND RELEASES THE DEPARTMENT AND EACH LAW

ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT EMPLOYED THE CANDIDATE FROM ANY LIABILITY RELATED TO THE USE AND DISCLOSURE OF THE FILES. A LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY MAY DISCLOSE THE APPLICANT'S FILES BY EITHER PROVIDING COPIES OR ALLOWING THE DEPARTMENT OF REVENUE TO REVIEW THE FILES AT THE LAW ENFORCEMENT AGENCY'S OFFICE OR GOVERNMENTAL AGENCY'S OFFICE. A CANDIDATE WHO REFUSES TO EXECUTE THE WAIVER SHALL NOT BE CONSIDERED FOR EMPLOYMENT BY THE DEPARTMENT OF REVENUE. THE DEPARTMENT OF REVENUE SHALL, AT LEAST TWENTY-ONE DAYS PRIOR TO MAKING THE HIRING DECISION, SUBMIT THE WAIVER TO EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT HAS EMPLOYED THE CANDIDATE. A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT RECEIVES SUCH A WAIVER SHALL PROVIDE THE DISCLOSURE TO THE DEPARTMENT OF REVENUE NOT MORE THAN TWENTY-ONE DAYS AFTER SUCH RECEIPT.

(2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED BEFORE THE EFFECTIVE DATE OF THIS SECTION, OR PARTICIPATING IN AN OFFICIAL ORAL INTERVIEW WITH AN INVESTIGATOR REGARDING THE CANDIDATE.

(3) A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR GOVERNMENTAL ENTITY IS NOT LIABLE FOR COMPLYING WITH THE PROVISIONS OF THIS SECTION.

(4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES, PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL-RELATED CLAIMS, DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND COMMENDATIONS, BUT DOES NOT INCLUDE NONPERFORMANCE OR CONDUCT-RELATED DATA, INCLUDING MEDICAL FILES, SCHEDULES, PAY AND BENEFIT INFORMATION, OR SIMILAR ADMINISTRATIVE DATA OR INFORMATION.

(b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:

(I) THE COLORADO STATE PATROL CREATED PURSUANT TO SECTION 24-33.5-201;

(II) THE COLORADO BUREAU OF INVESTIGATION CREATED PURSUANT TO SECTION 24-33.5-401;

(III) A COUNTY SHERIFF'S OFFICE;

(IV) A MUNICIPAL POLICE DEPARTMENT;

(V) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION 24-1-124; OR

(VI) A TOWN MARSHAL'S OFFICE.

SECTION 3. In Colorado Revised Statutes, **add** 30-10-526 as follows:

30-10-526. Sheriff office hiring - required use of waiver - definitions. (1) A SHERIFF'S OFFICE SHALL REQUIRE EACH CANDIDATE THAT IT INTERVIEWS FOR A PEACE OFFICER POSITION WHO HAS BEEN EMPLOYED BY ANOTHER LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY TO EXECUTE A WRITTEN WAIVER THAT EXPLICITLY AUTHORIZES EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT HAS EMPLOYED THE CANDIDATE TO DISCLOSE THE APPLICANT'S FILES, INCLUDING INTERNAL AFFAIRS FILES, TO THE INTERVIEWING SHERIFF'S AGENCY AND RELEASES THE INTERVIEWING SHERIFF'S OFFICE AND EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT EMPLOYED THE CANDIDATE FROM ANY LIABILITY RELATED TO THE USE AND DISCLOSURE OF THE FILES. A LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY MAY DISCLOSE THE APPLICANT'S FILES BY EITHER PROVIDING COPIES OR ALLOWING THE SHERIFF'S OFFICE TO REVIEW THE FILES AT THE LAW ENFORCEMENT AGENCY'S OFFICE OR GOVERNMENTAL AGENCY'S OFFICE. A CANDIDATE WHO REFUSES TO EXECUTE THE WAIVER SHALL NOT BE CONSIDERED FOR EMPLOYMENT BY THE SHERIFF'S OFFICE. THE SHERIFF'S OFFICE INTERVIEWING THE CANDIDATE SHALL, AT LEAST TWENTY-ONE DAYS PRIOR TO MAKING THE HIRING DECISION, SUBMIT THE WAIVER TO EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT HAS EMPLOYED

THE CANDIDATE. A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT RECEIVES SUCH A WAIVER SHALL PROVIDE THE DISCLOSURE TO THE SHERIFF'S OFFICE THAT IS INTERVIEWING THE CANDIDATE NOT MORE THAN TWENTY-ONE DAYS AFTER SUCH RECEIPT.

(2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED BEFORE THE EFFECTIVE DATE OF THIS SECTION.

(3) A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY IS NOT LIABLE FOR COMPLYING WITH THE PROVISIONS OF THIS SECTION OR PARTICIPATING IN AN OFFICIAL ORAL INTERVIEW WITH AN INVESTIGATOR REGARDING THE CANDIDATE.

(4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES, PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL RELATED CLAIMS, DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND COMMENDATIONS, BUT DOES NOT INCLUDE NONPERFORMANCE OR CONDUCT-RELATED DATA, INCLUDING MEDICAL FILES, SCHEDULES, PAY AND BENEFIT INFORMATION, OR SIMILAR ADMINISTRATIVE DATA OR INFORMATION.

(b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:

(I) THE COLORADO STATE PATROL CREATED PURSUANT TO SECTION 24-33.5-201, C.R.S.;

(II) THE COLORADO BUREAU OF INVESTIGATION CREATED PURSUANT TO SECTION 24-33.5-401, C.R.S.;

(III) A COUNTY SHERIFF'S OFFICE;

(IV) A MUNICIPAL POLICE DEPARTMENT;

(V) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION 24-1-124, C.R.S.; OR

(VI) A TOWN MARSHAL'S OFFICE.

SECTION 4. In Colorado Revised Statutes, **add** 31-30-108 as follows:

31-30-108. Peace officer hiring - required use of waiver - definitions. (1) A MUNICIPAL POLICE DEPARTMENT OR TOWN MARSHAL'S OFFICE SHALL REQUIRE EACH CANDIDATE THAT IT INTERVIEWS FOR A PEACE OFFICER POSITION WHO HAS BEEN EMPLOYED BY ANOTHER LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY TO EXECUTE A WRITTEN WAIVER THAT EXPLICITLY AUTHORIZES EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT HAS EMPLOYED THE CANDIDATE TO DISCLOSE THE APPLICANT'S FILES, INCLUDING INTERNAL AFFAIRS FILES, TO THE MUNICIPAL POLICE DEPARTMENT OR TOWN MARSHAL'S OFFICE INTERVIEWING THE CANDIDATE AND RELEASES THE INTERVIEWING AGENCY AND EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT EMPLOYED THE CANDIDATE FROM ANY LIABILITY RELATED TO THE USE AND DISCLOSURE OF THE FILES. A LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY MAY DISCLOSE THE APPLICANT'S FILES BY EITHER PROVIDING COPIES OR ALLOWING THE MUNICIPAL POLICE DEPARTMENT OR TOWN MARSHAL'S OFFICE TO REVIEW THE FILES AT THE LAW ENFORCEMENT AGENCY'S OFFICE OR GOVERNMENTAL AGENCY'S OFFICE. A CANDIDATE WHO REFUSES TO EXECUTE THE WAIVER SHALL NOT BE CONSIDERED FOR EMPLOYMENT BY THE DEPARTMENT OR OFFICE. THE DEPARTMENT OR OFFICE INTERVIEWING THE CANDIDATE SHALL, AT LEAST TWENTY-ONE DAYS PRIOR TO MAKING THE HIRING DECISION, SUBMIT THE WAIVER TO EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT HAS EMPLOYED THE CANDIDATE. A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT RECEIVES SUCH A WAIVER SHALL PROVIDE THE DISCLOSURE TO THE MUNICIPAL POLICE DEPARTMENT OR TOWN MARSHAL'S OFFICE THAT IS INTERVIEWING THE CANDIDATE NOT MORE THAN TWENTY-ONE DAYS AFTER SUCH RECEIPT.

(2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE

DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED BEFORE THE EFFECTIVE DATE OF THIS SECTION.

(3) A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY IS NOT LIABLE FOR COMPLYING WITH THE PROVISIONS OF THIS SECTION OR PARTICIPATING IN AN OFFICIAL ORAL INTERVIEW WITH AN INVESTIGATOR REGARDING THE CANDIDATE.

(4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES, PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL RELATED CLAIMS, DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND COMMENDATIONS, BUT DOES NOT INCLUDE NONPERFORMANCE OR CONDUCT-RELATED DATA, INCLUDING MEDICAL FILES, SCHEDULES, PAY AND BENEFIT INFORMATION, OR SIMILAR ADMINISTRATIVE DATA OR INFORMATION.

(b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:

(I) THE COLORADO STATE PATROL CREATED PURSUANT TO SECTION 24-33.5-201, C.R.S.;

(II) THE COLORADO BUREAU OF INVESTIGATION CREATED PURSUANT TO SECTION 24-33.5-401, C.R.S.;

(III) A COUNTY SHERIFF'S OFFICE;

(IV) A MUNICIPAL POLICE DEPARTMENT;

(V) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION 24-1-124, C.R.S.; OR

(VI) A TOWN MARSHAL'S OFFICE.

SECTION 5. In Colorado Revised Statutes, **add** 33-9-112 as

follows:

33-9-112. Peace officer hiring - required use of waiver - definitions. (1) THE DIVISION SHALL REQUIRE EACH CANDIDATE THAT IT INTERVIEWS FOR A PEACE OFFICER POSITION WHO HAS BEEN EMPLOYED BY ANOTHER LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY TO EXECUTE A WRITTEN WAIVER THAT EXPLICITLY AUTHORIZES EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT HAS EMPLOYED THE CANDIDATE TO DISCLOSE THE APPLICANT'S FILES, INCLUDING INTERNAL AFFAIRS FILES, TO THE DIVISION AND RELEASES THE DIVISION AND EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT EMPLOYED THE CANDIDATE FROM ANY LIABILITY RELATED TO THE USE AND DISCLOSURE OF THE FILES. A LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY MAY DISCLOSE THE APPLICANT'S FILES BY EITHER PROVIDING COPIES OR ALLOWING THE DIVISION TO REVIEW THE FILES AT THE LAW ENFORCEMENT AGENCY'S OFFICE OR GOVERNMENTAL AGENCY'S OFFICE. A CANDIDATE WHO REFUSES TO EXECUTE THE WAIVER SHALL NOT BE CONSIDERED FOR EMPLOYMENT BY THE DIVISION. THE DIVISION SHALL, AT LEAST TWENTY-ONE DAYS PRIOR TO MAKING THE HIRING DECISION, SUBMIT THE WAIVER TO EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT HAS EMPLOYED THE CANDIDATE. A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT RECEIVES SUCH A WAIVER SHALL PROVIDE THE DISCLOSURE TO THE DIVISION NOT MORE THAN TWENTY-ONE DAYS AFTER SUCH RECEIPT.

(2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED BEFORE THE EFFECTIVE DATE OF THIS SECTION.

(3) A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY IS NOT LIABLE FOR COMPLYING WITH THE PROVISIONS OF THIS SECTION OR PARTICIPATING IN AN OFFICIAL ORAL INTERVIEW WITH AN INVESTIGATOR REGARDING THE CANDIDATE.

(4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES, PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL RELATED CLAIMS, DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND COMMENDATIONS, BUT DOES NOT INCLUDE NONPERFORMANCE OR CONDUCT-RELATED DATA, INCLUDING MEDICAL FILES, SCHEDULES, PAY AND BENEFIT INFORMATION, OR SIMILAR ADMINISTRATIVE DATA OR INFORMATION.

(b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:

(I) THE COLORADO STATE PATROL CREATED PURSUANT TO SECTION 24-33.5-201, C.R.S.;

(II) THE COLORADO BUREAU OF INVESTIGATION CREATED PURSUANT TO SECTION 24-33.5-401, C.R.S.;

(III) A COUNTY SHERIFF'S OFFICE;

(IV) A MUNICIPAL POLICE DEPARTMENT;

(V) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION 24-1-124, C.R.S.;
OR

(VI) A TOWN MARSHAL'S OFFICE.

SECTION 6. In Colorado Revised Statutes, 24-31-305, **amend** (1.5) as follows:

24-31-305. Certification - issuance - renewal - revocation.
(1.5) (a) The P.O.S.T. board shall deny certification to any person who has been convicted of:

(a) (I) A felony;

(b) (II) Any misdemeanor in violation of sections 18-3-204, 18-3-402, 18-3-404, 18-3-405.5, and 18-3-412.5, C.R.S.;

(c) (III) Any misdemeanor in violation of sections 18-7-201,

18-7-202, 18-7-203, 18-7-204, 18-7-302, and 18-7-601, C.R.S.;

(d) (IV) Any misdemeanor in violation of any section of article 8 of title 18, C.R.S.;

(e) (V) Any misdemeanor in violation of sections 18-9-111 and 18-9-121, C.R.S.;

(f) (VI) Any misdemeanor in violation of sections 18-18-404, 18-18-405, 18-18-406, and 18-18-411, C.R.S.;

(g) (VII) Any misdemeanor in violation of section 18-6-403 (3) (b.5), C.R.S., as it existed prior to July 1, 2006;

(h) (VIII) Any misdemeanor in violation of federal law or the law of any state that is the equivalent of any of the offenses specified in paragraphs (a) to (g) of this subsection (1.5); or

(i) (IX) Any local municipal ordinance that is the equivalent of any of the offenses specified in paragraphs (a) to (g) of this subsection (1.5).

(b) THE P.O.S.T. BOARD MUST DENY CERTIFICATION TO ANY PERSON WHO ENTERED INTO ONE OF THE FOLLOWING FOR A CRIME LISTED IN PARAGRAPH (a) OF THIS SUBSECTION (1.5) IF THE P.O.S.T. BOARD DETERMINES THAT CERTIFICATION IS NOT IN THE PUBLIC INTEREST:

(I) A DEFERRED JUDGMENT AND SENTENCING AGREEMENT OR DEFERRED SENTENCING AGREEMENT, WHETHER PENDING OR SUCCESSFULLY COMPLETED;

(II) A DEFERRED PROSECUTION AGREEMENT, WHETHER PENDING OR SUCCESSFULLY COMPLETED; OR

(III) A PRETRIAL DIVERSION AGREEMENT, WHETHER PENDING OR SUCCESSFULLY COMPLETED.

SECTION 7. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Bill L. Cadman
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO