

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0775.01 Michael Dohr x4347

HOUSE BILL 21-1250

HOUSE SPONSORSHIP

Herod and Gonzales-Gutierrez,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO ADDRESS LAW ENFORCEMENT
102 ACCOUNTABILITY.

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 makes changes to the provisions of Senate Bill 20-217, enacted in 2020, (SB 217) to provide clarity and address issues discovered since the passage of the bill. SB 217 used the term "exonerated", but never defined it; the bill defines "exonerated". The bill clarifies some of the circumstances when a body-worn camera must be operating and provisions related to the release of the footage. The bill

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.

requires an officer to comply with the body-worn camera requirements if the officer is wearing a body camera, even though the requirement for all officers to wear a body camera does not take effect until July 1, 2023.

SB 217 required law enforcement to report certain information related to each contact an officer has with a person beginning January 1, 2023. The bill changes the start date of the reporting requirement to January 1, 2022. The bill expands the definition of "contact" to include welfare checks. The bill clarifies and adds to some of the information that must be reported.

SB 217 required the peace officers standards and training (P.O.S.T.) board to permanently decertify a peace officer if the officer failed to intervene and serious bodily injury or death occurred. The bill changes the penalty to a suspension of the officer's certification for one year.

Under current law, there is a civil action that permits suit against employers of local law enforcement officers for misconduct. The bill permits the Colorado state patrol to also be sued via that civil action. The bill also requires the employer to conduct an investigation of an officer prior to determining if the officer acted in good faith.

If a person believes that a law enforcement agency has violated the investigation requirement, the person must submit a complaint to the P.O.S.T. board, which shall refer the complaint to an administrative law judge to determine whether a violation occurred. The administrative law judge shall notify the P.O.S.T. board chair of a finding that a violation occurred. If a violation is found, the P.O.S.T. board shall not provide P.O.S.T. cash fund money to the employer for one full year from the date of the finding.

The bill requires a peace officer to use de-escalation techniques prior to the use of physical force and requires the use of physical force to be objectively reasonable.

The bill requires that prior to hiring a new employee, appointing a new employee, or transferring an existing employee to a position requiring P.O.S.T. certification, a law enforcement agency shall determine if the person has a record contained in the P.O.S.T. misconduct database. If the person is listed in the database and the law enforcement agency proceeds to employ the person in a position requiring P.O.S.T. certification, the agency shall notify the P.O.S.T. board of the hire, appointment, or transfer.

The bill clarifies and adds to some of the information required to be included in the P.O.S.T. board database related to peace officer misconduct.

1 **SECTION 1.** In Colorado Revised Statutes, 24-31-901, **amend**
2 (1); and **add** (2.5), (4.5), and (7) as follows:

3 **24-31-901. Definitions.** As used in this part 9, unless the context
4 otherwise requires:

5 (1) ~~"Contacts"~~ "CONTACT" means an IN-PERSON interaction with
6 an individual, whether or not the person is in a motor vehicle, initiated by
7 a peace officer, whether consensual or nonconsensual, for the purpose of
8 enforcing the law, ~~or~~ investigating possible violations of the law,
9 ~~"Contacts" do~~ OR CONDUCTING WELFARE CHECKS. "CONTACT" DOES not
10 include routine interactions with the public at the point of entry or exit
11 from a controlled area.

12 (2.5) "EXONERATED" MEANS A NOT GUILTY VERDICT IN A
13 CRIMINAL PROSECUTION, A FINDING OF NO LIABILITY IN A CIVIL ACTION, A
14 FINDING OF NO CULPABILITY OR NO LIABILITY IN AN ADMINISTRATIVE
15 PROCEEDING, OR BEING CLEARED BY AN INTERNAL INVESTIGATION;
16 EXCEPT THAT A FINDING OF NO CULPABILITY OR NO LIABILITY IN AN
17 ADMINISTRATIVE PROCEEDING OR BEING CLEARED BY AN INTERNAL
18 INVESTIGATION DOES NOT MEAN "EXONERATED" IF THE OFFICER IS FOUND
19 GUILTY IN A SUBSEQUENT CRIMINAL PROSECUTION FOR THE SAME
20 CONDUCT OR FOUND LIABLE FOR THE SAME CONDUCT IN A CIVIL ACTION.

21 (4.5) "P.O.S.T. BOARD" MEANS THE PEACE OFFICERS STANDARDS
22 AND TRAINING BOARD CREATED IN SECTION 24-31-302.

23 (7) "WEAPON" MEANS A FIREARM, LONG GUN, TASER, BATON, NUN
24 CHUCKS, OR PROJECTILE.

25 **SECTION 2.** In Colorado Revised Statutes, 24-31-902, **amend**
26 **as they will become effective July 1, 2023**, (1)(a)(II)(A), (1)(a)(II)(B),
27 (1)(a)(II)(D), (1)(a)(III), (1)(a)(IV)(B), (1)(a)(IV)(C), (2)(a), (2)(b)(II)(A),

1 (2)(b)(II)(B), (2)(b)(II)(C), and (2)(c); and **add** (3) as follows:

2 **24-31-902. Incident recordings - release - tampering - fine.**

3 (1) (a) (II) (A) Except as provided in subsection (1)(a)(II)(B) or
4 (1)(a)(II)(C) of this section, a peace officer shall wear and activate a
5 body-worn camera or dash camera, if the peace officer's vehicle is
6 equipped with a dash camera, when responding to a call for service,
7 ENTERING INTO A PREMISES FOR THE PURPOSES OF ENFORCING THE LAW OR
8 IN RESPONSE TO A CALL FOR SERVICE, or during any interaction with the
9 public initiated by the peace officer, whether consensual or
10 nonconsensual, for the purpose of enforcing the law or investigating
11 possible violations of the law. THE BODY-WORN CAMERA OR DASH
12 CAMERA DOES NOT NEED TO BE ON WHEN EN ROUTE TO A CALL FOR
13 SERVICE, BUT SHOULD BE TURNED ON SHORTLY BEFORE THE VEHICLE
14 APPROACHES THE SCENE.

15 (B) A peace officer may turn off a body-worn camera to avoid
16 recording personal information that is not case related; when working on
17 an unrelated assignment; when there is a long break in the incident; ~~or~~
18 ~~contact that is not related to the initial incident;~~ and in administrative,
19 tactical, and management discussions WHEN CIVILIANS ARE NOT PRESENT.

20 (D) The provisions of this subsection (1)(a)(II) do not apply to jail
21 peace officers or staff of a local law enforcement agency ~~if the~~ WORKING
22 IN ANY PLACE IN THE jail THAT has FUNCTIONING video cameras; except
23 that this subsection (1)(a)(II) applies to jail peace officers when
24 performing a task that requires an anticipated use of force, including cell
25 extractions and restraint chairs. The provisions of this subsection
26 (1)(a)(II) also do not apply to the civilian or administrative staff of the
27 Colorado state patrol or a local law enforcement agency, the executive

1 detail of the Colorado state patrol, and peace officers working in a
2 courtroom.

3 (III) If a peace officer fails to activate a body-worn camera or
4 dash camera as required by this section or tampers with body-worn- or
5 dash-camera footage or operation when required to activate the camera,
6 there is a permissive inference in any investigation or legal proceeding,
7 excluding criminal proceedings against the peace officer, that the missing
8 footage would have reflected misconduct by the peace officer. If a peace
9 officer fails to activate or reactivate his or her body-worn camera as
10 required by this section or tampers with body-worn- or dash-camera
11 footage or operation when required to activate the camera, any statements
12 OR CONDUCT sought to be introduced in a prosecution through the peace
13 officer related to the incident that were not recorded due to the peace
14 officer's failure to activate or reactivate the body-worn camera as required
15 by this section or if the statement OR CONDUCT was not recorded by other
16 means creates a rebuttable presumption of inadmissibility.
17 Notwithstanding any other provision of law, this subsection (1)(a)(III)
18 does not apply if the body-worn camera was not activated due to a
19 malfunction of the body-worn camera and the peace officer was not
20 aware of the malfunction, or was unable to rectify it, prior to the incident,
21 provided that the law enforcement agency's documentation shows the
22 peace officer checked the functionality of the body-worn camera at the
23 beginning of his or her shift.

24 (IV) (B) In addition to any criminal liability and penalty under the
25 law, if a court, administrative law judge, hearing officer, or a final
26 decision in an internal investigation finds that a peace officer intentionally
27 failed to activate a body-worn camera or dash camera or tampered with

1 any body-worn or dash camera, except as permitted in this section, with
2 the intent to conceal unlawful or inappropriate actions or obstruct justice,
3 the P.O.S.T. board shall suspend the peace officer's certification for a
4 period of not less than one year and the suspension may only be lifted
5 within the period of the suspension if the peace officer is exonerated by
6 a court, ADMINISTRATIVE LAW JUDGE, OR INTERNAL AFFAIRS
7 INVESTIGATION.

8 (C) In addition to any criminal liability and penalty under the law,
9 if a court, administrative law judge, hearing officer, or a final decision in
10 an internal investigation finds that a peace officer intentionally failed to
11 activate a body-worn camera or dash camera or tampered with any
12 body-worn or dash camera, except as permitted in this section, with the
13 intent to conceal unlawful or inappropriate actions, or obstruct justice, in
14 an incident resulting in a civilian death OR SERIOUS BODILY INJURY, the
15 P.O.S.T. board shall permanently revoke the peace officer's certification
16 and the revocation may only be overturned if the peace officer is
17 exonerated by a court, ADMINISTRATIVE LAW JUDGE, OR INTERNAL
18 AFFAIRS INVESTIGATION.

19 (2) (a) For all incidents in which there is a complaint of peace
20 officer misconduct by another peace officer, a civilian, or nonprofit
21 organization, through notice to the law enforcement agency involved in
22 the alleged misconduct, the local law enforcement agency or the Colorado
23 state patrol shall release, UPON REQUEST, all unedited video and audio
24 recordings of the incident, including those from body-worn cameras, dash
25 cameras, or otherwise collected through investigation, to the public within
26 twenty-one days after the local law enforcement agency or the Colorado
27 state patrol received the complaint of misconduct.

1 (b) (II) (A) Notwithstanding any other provision of this section,
2 any video that raises substantial privacy concerns for criminal defendants,
3 victims, witnesses, juveniles, or informants, including video depicting
4 nudity; a sexual assault; a medical emergency; private medical
5 information; a mental health crisis; a victim interview; a minor, including
6 any images or information that might undermine the requirement to keep
7 certain juvenile records confidential; any personal information other than
8 the name of any person not arrested, cited, charged, or issued a written
9 warning, including a government-issued identification number, date of
10 birth, address, or financial information; significantly explicit and
11 gruesome bodily injury, unless the injury was caused by a peace officer;
12 or the interior of a home or treatment facility, shall be ~~redacted~~ or blurred
13 to protect the substantial privacy interest while still allowing public
14 release. ~~Unredacted~~ UNBLURRED footage shall not be released without the
15 written authorization of the victim or, if the victim is deceased or
16 incapacitated, the written authorization of the victim's next of kin. A
17 person seventeen years of age and under is considered incapacitated,
18 unless legally emancipated. THIS SUBSECTION (2)(b)(II)(A) DOES NOT
19 PERMIT THE REMOVAL OF ANY PORTION OF THE VIDEO.

20 (B) If ~~redaction~~ or blurring is insufficient to protect the substantial
21 privacy interest, the local law enforcement agency or the Colorado state
22 patrol shall, upon request, release the video to the victim or, if the victim
23 is deceased or incapacitated, to the victim's spouse, parent, legal guardian,
24 child, sibling, grandparent, grandchild, significant other, or other lawful
25 representative within twenty days after receipt of the complaint of
26 misconduct. In cases in which the recording is not released to the public
27 pursuant to this subsection (2)(b)(II)(B), the local law enforcement

1 agency shall notify the person whose privacy interest is implicated, if
2 contact information is known, within twenty days after receipt of the
3 complaint of misconduct, and inform the person of his or her right to
4 waive the privacy interest.

5 (C) A witness, victim, or criminal defendant may waive in writing
6 the individual privacy interest that may be implicated by public release.
7 Upon receipt of a written waiver of the applicable privacy interest,
8 accompanied by a request for release, the law enforcement agency may
9 not redact or withhold release to protect that privacy interest. ~~The hearing~~
10 ~~shall be considered a critical stage pursuant to section 24-4.1-302 and~~
11 ~~gives victims the right to be heard pursuant to 24-4.1-302.5.~~

12 (c) If criminal charges have been filed against any party to the
13 incident, that party must file any constitutional objection to release of the
14 recording in the pending criminal case before the twenty-one-day period
15 expires. Only in cases in which there is a pending criminal investigation
16 or prosecution of a party to the incident, the twenty-one-day period shall
17 begin from the date of appointment of counsel, the filing of an entry of
18 appearance by counsel, or the election to proceed pro se by the defendant,
19 RECEIPT OF THE CRIMINAL COMPLAINT, AND THE DEFENDANT'S RECEIPT OF
20 THE VIDEO IN DISCOVERY in the criminal prosecution made on the record
21 before a judge. If the defendant elects to proceed pro se in the criminal
22 case, the court shall advise the defendant of the twenty-one-day deadline
23 for the defendant to file any constitutional objection to release of the
24 recording in the pending criminal case as part of the court's advisement.
25 The court shall hold a hearing on any objection no later than seven days
26 after it is filed and issue a ruling no later than three days after the hearing.
27 THE HEARING IS CONSIDERED A CRITICAL STAGE AS DEFINED IN SECTION

1 24-4.1-302 AND GIVES VICTIMS THE RIGHT TO BE HEARD PURSUANT TO
2 SECTION 24-4.1-302.5.

3 (3) THIS SECTION APPLIES ON AND AFTER THE EFFECTIVE DATE OF
4 THIS SUBSECTION (3) WHEN A PEACE OFFICER IS WEARING A BODY-WORN
5 CAMERA OR THE OFFICER'S VEHICLE IS EQUIPPED WITH A DASH CAMERA.
6 THIS SECTION DOES NOT REQUIRE A LAW ENFORCEMENT AGENCY TO
7 PROVIDE ITS LAW ENFORCEMENT OFFICERS BODY-WORN CAMERAS PRIOR
8 TO JULY 1, 2023.

9 **SECTION 3.** In Colorado Revised Statutes, 24-31-903, **amend**
10 (2) introductory portion, (2)(a) introductory portion, (2)(a)(VI),
11 (2)(a)(VII), (2)(a)(VIII), (2)(a)(IX), (2)(c) introductory portion,
12 (2)(c)(VIII)(B), (2)(c)(VIII)(D), (2)(c)(VIII)(E), (2)(d)(III), and
13 (2)(d)(IV); and **add** (2)(a)(X), (2)(a)(XI), and (2)(e) as follows:

14 **24-31-903. Division of criminal justice report.** (2) Beginning
15 ~~January 1, 2023~~ JANUARY 1, 2022, the Colorado state patrol and each
16 local law enforcement agency that employs peace officers shall report to
17 the division of criminal justice THE FOLLOWING USING DATA-COLLECTION
18 METHODS DEVELOPED FOR THIS PURPOSE BY THE DIVISION OF CRIMINAL
19 JUSTICE IN CONJUNCTION WITH THE COLORADO BUREAU OF INVESTIGATION
20 AND LOCAL LAW ENFORCEMENT AGENCIES:

21 (a) All use of force by its peace officers that results in death or
22 serious bodily injury OR THAT INVOLVES THE USE OF A WEAPON, including:

23 (VI) Whether a peace officer unholstered OR BRANDISHED a
24 weapon during the incident, AND, IF SO, THE TYPE OF WEAPON;

25 (VII) Whether a peace officer discharged a ~~firearm~~ WEAPON
26 during the incident;

27 (VIII) Whether the use of force resulted in a law enforcement

1 agency investigation and the result of the investigation; and
2 (IX) Whether the use of force resulted in a ~~citizen~~ CIVILIAN
3 complaint and the resolution of that complaint;
4 (X) WHETHER AN AMBULANCE WAS CALLED TO THE SCENE AND
5 WHETHER A PERSON WAS TRANSPORTED TO A HOSPITAL FROM THE SCENE
6 WHETHER IN AN AMBULANCE OR OTHER TRANSPORTATION; AND
7 (XI) WHETHER THE PERSON CONTACTED EXHIBITED A WEAPON
8 DURING THE INTERACTION LEADING UP TO THE INJURY OR DEATH, AND, IF
9 SO, THE TYPE OF WEAPON AND WHETHER IT WAS DISCOVERED BEFORE OR
10 AFTER THE USE OF FORCE;
11 (c) All data relating to contacts AND ENTRIES INTO A RESIDENCE,
12 INCLUDING A FORCIBLE ENTRY, conducted by its peace officers, including:
13 (VIII) The actions taken by the peace officer during the contact,
14 including but not limited to whether:
15 (B) The peace officer searched the person, A VEHICLE, or any
16 property, and, if so, the basis for the search and the type of contraband or
17 evidence discovered, if any;
18 (D) A peace officer unholstered OR BRANDISHED a weapon during
19 the contact, AND, IF SO, THE TYPE OF WEAPON; and
20 (E) A peace officer discharged a ~~firearm~~ WEAPON during the
21 contact;
22 (d) All instances of unannounced entry into a residence, with or
23 without a warrant, including:
24 (III) Whether a peace officer unholstered OR BRANDISHED a
25 weapon during the unannounced entry, AND, IF SO, THE TYPE OF WEAPON;
26 and
27 (IV) Whether a peace officer discharged a ~~firearm~~ WEAPON during

1 the unannounced entry.

2 (e) THE NUMBER OF OFFICER-INVOLVED CIVILIAN DEATHS.

3 **SECTION 4.** In Colorado Revised Statutes, **amend** 24-31-904 as
4 follows:

5 **24-31-904. Peace officer certification discipline.**

6 (1)(a) Notwithstanding any provision of law, THE P.O.S.T. BOARD SHALL
7 PERMANENTLY REVOKE A PEACE OFFICER'S CERTIFICATION if: ~~any peace~~
8 ~~officer is~~

9 (I) THE P.O.S.T. CERTIFIED PEACE OFFICER IS convicted of or
10 pleads guilty or nolo contendere to a crime involving the unlawful use ~~or~~
11 ~~threatened use~~ of physical force OR a crime involving the failure to
12 intervene in the use of unlawful force ~~or~~ AND THE INCIDENT RESULTED IN
13 SERIOUS BODILY INJURY OR DEATH TO ANOTHER PERSON:

14 (II) THE P.O.S.T. CERTIFIED PEACE OFFICER is found civilly liable
15 for the use of unlawful physical force, or is found civilly liable for failure
16 to intervene in the use of unlawful force ~~the P.O.S.T. board shall~~
17 ~~permanently revoke the peace officer's certification~~ AND THE INCIDENT
18 RESULTED IN SERIOUS BODILY INJURY OR DEATH TO ANOTHER PERSON; OR

19 (III) AN ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR
20 INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER USED UNLAWFUL
21 PHYSICAL FORCE, FAILED TO INTERVENE, OR VIOLATED SECTION 18-1-707,
22 AND THE INCIDENT RESULTED IN SERIOUS BODILY INJURY OR DEATH TO
23 ANOTHER PERSON.

24 (b) The P.O.S.T. board shall not, under any circumstances,
25 reinstate the peace officer's certification or grant new certification to the
26 peace officer unless the peace officer is exonerated by a AN
27 ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR court. The P.O.S.T.

1 board shall record each ~~decertified~~ peace officer WHOSE CERTIFICATION
2 IS REVOKED PURSUANT TO THIS SECTION in the database created pursuant
3 to section 24-31-303 (1)(r).

4 (2) (a) NOTWITHSTANDING ANY PROVISION OF LAW, THE P.O.S.T.
5 BOARD SHALL SUSPEND A PEACE OFFICER'S CERTIFICATION FOR AT LEAST
6 A YEAR IF:

7 (I) THE P.O.S.T. CERTIFIED PEACE OFFICER IS CONVICTED OF OR
8 PLEADS GUILTY OR NOLO CONTENDERE TO A CRIME INVOLVING THE
9 UNLAWFUL USE OR THREATENED USE OF PHYSICAL FORCE OR A CRIME
10 INVOLVING THE FAILURE TO INTERVENE IN THE USE OF UNLAWFUL FORCE
11 AND THE INCIDENT DID NOT RESULT IN SERIOUS BODILY INJURY OR DEATH
12 TO ANOTHER PERSON;

13 (II) THE P.O.S.T. CERTIFIED PEACE OFFICER IS FOUND CIVILLY
14 LIABLE FOR THE USE OR THREATENED USE OF UNLAWFUL PHYSICAL FORCE,
15 OR IS FOUND CIVILLY LIABLE FOR FAILURE TO INTERVENE IN THE USE OF
16 UNLAWFUL FORCE AND THE INCIDENT DID NOT RESULT IN SERIOUS BODILY
17 INJURY OR DEATH TO ANOTHER PERSON; OR

18 (III) AN ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR
19 INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER USED OR
20 THREATENED TO USE UNLAWFUL PHYSICAL FORCE, FAILED TO INTERVENE,
21 OR VIOLATED SECTION 18-1-707, AND THE INCIDENT DID NOT RESULT IN
22 SERIOUS BODILY INJURY OR DEATH TO ANOTHER PERSON.

23 (b) THE P.O.S.T. BOARD SHALL REINSTATE THE PEACE OFFICER'S
24 CERTIFICATION IF THE PEACE OFFICER IS EXONERATED BY AN
25 ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR COURT.

26 (3) NOTWITHSTANDING THIS SECTION, THE P.O.S.T. BOARD SHALL
27 NOT SUSPEND OR REVOKE THE PEACE OFFICER'S CERTIFICATION BASED ON

1 A FINAL DECISION OF AN INTERNAL INVESTIGATION UNLESS AND UNTIL AN
2 ADMINISTRATIVE LAW JUDGE HAS PERFORMED A DE NOVO REVIEW
3 UPHOLDING THE INTERNAL INVESTIGATION DECISION. THE
4 ADMINISTRATIVE LAW JUDGE SHALL COMPLETE THE DE NOVO REVIEW
5 WITHIN NINETY DAYS FROM THE FINAL DETERMINATION FROM THE
6 INTERNAL INVESTIGATION.

7 **SECTION 5.** In Colorado Revised Statutes, 13-21-131, **amend**
8 (1) and (4) as follows:

9 **13-21-131. Civil action for deprivation of rights.** (1) A peace
10 officer, as defined in section 24-31-901 (3), ~~employed by a local~~
11 ~~government~~ who, under color of law, subjects or causes to be subjected,
12 including failing to intervene, any other person to the deprivation of any
13 individual rights that create binding obligations on government actors
14 secured by the bill of rights, article II of the state constitution, is liable to
15 the injured party for legal or equitable relief or any other appropriate
16 relief.

17 (4) (a) Notwithstanding any other provision of law, a peace
18 officer's employer shall indemnify its peace officers for any liability
19 incurred by the peace officer and for any judgment or settlement entered
20 against the peace officer for claims arising pursuant to this section; except
21 that, if the peace officer's employer determines ON A CASE-BY-CASE BASIS
22 that the officer did not act upon a good faith and reasonable belief that the
23 action was lawful, then the peace officer is personally liable and shall not
24 be indemnified by the peace officer's employer for five percent of the
25 judgment or settlement or twenty-five thousand dollars, whichever is less.
26 Notwithstanding any provision of this section to the contrary, if the peace
27 officer's portion of the judgment is uncollectible from the peace officer,

1 the peace officer's employer or insurance shall satisfy the full amount of
2 the judgment or settlement. A public entity does not have to indemnify a
3 peace officer if the peace officer was convicted of a criminal violation for
4 the conduct from which the claim arises UNLESS THE PEACE OFFICER'S
5 EMPLOYER WAS A CASUAL FACTOR IN THE VIOLATION, THROUGH ITS
6 ACTION OR INACTION.

7 (b) (I) AN EMPLOYER SHALL NOT:

8 (A) PREEMPTIVELY DETERMINE WHETHER A PEACE OFFICER ACTED
9 IN GOOD FAITH BEFORE SUCH ACTION IN QUESTION HAS OCCURRED; OR

10 (B) PROVIDE A DETERMINATION PROVIDING THAT ANY PEACE
11 OFFICER OR PEACE OFFICERS ARE DEEMED TO HAVE ACTED IN GOOD FAITH
12 UNTIL COMPLETION OF A DOCUMENTED INVESTIGATION CONDUCTED BY
13 THE EMPLOYER.

14 (II) IF A PERSON BELIEVES THAT AN EMPLOYER HAS VIOLATED THE
15 PROVISIONS OF SUBSECTION (4)(b)(I) OF THIS SECTION, THE PERSON SHALL
16 SUBMIT A COMPLAINT TO THE P.O.S.T. BOARD, CREATED IN SECTION
17 24-31-302, WHICH SHALL REFER THE COMPLAINT TO AN ADMINISTRATIVE
18 LAW JUDGE TO DETERMINE WHETHER A VIOLATION OCCURRED. THE
19 ADMINISTRATIVE LAW JUDGE SHALL NOTIFY THE P.O.S.T. BOARD CHAIR
20 OF A FINDING THAT A VIOLATION OF SUBSECTION (4)(b)(I) OF THIS SECTION
21 OCCURRED. IF A VIOLATION IS FOUND, THE P.O.S.T. BOARD SHALL NOT
22 PROVIDE P.O.S.T. CASH FUND MONEY TO THE EMPLOYER FOR ONE FULL
23 YEAR FROM THE DATE OF THE FINDING.

24 (III) FOR THE PURPOSES OF THIS SUBSECTION (4)(b), AN EMPLOYER
25 INCLUDES THE ELECTED SHERIFF, CHIEF OF POLICE, CITY OR TOWN
26 ADMINISTRATOR, COUNTY ADMINISTRATOR, MAYOR, CITY OR TOWN
27 COUNCIL, COUNTY COMMISSION, OR ANY OTHER PUBLIC BODY WITH

1 FORMAL SUPERVISION AND OVERSIGHT OF A LAW ENFORCEMENT AGENCY.

2 **SECTION 6.** In Colorado Revised Statutes, 16-2.5-301, **amend**
3 (1) as follows:

4 **16-2.5-301. Peace officer actions leading to injury or death**
5 **investigations - protocol.** (1) Each police department, sheriff's office,
6 and district attorney within the state shall develop protocols for
7 participating in a multi-agency team, which shall include at least one
8 other police department or sheriff's office, or the Colorado bureau of
9 investigation, in conducting any investigation, evaluation, and review of
10 an incident involving the discharge of a firearm, USE OF FORCE OR OTHER
11 ACTION, by a peace officer that resulted in injury or death. The law
12 enforcement agencies participating need not be from the same judicial
13 district.

14 **SECTION 7.** In Colorado Revised Statutes, 18-1-707, **amend** (1),
15 (2)(b), (2.5), (3)(b), and (8)(a); **repeal** (2)(a) and (9); and **add** (2)(b.5),
16 (2.3), and (11) as follows:

17 **18-1-707. Use of force by peace officers - definitions - repeal.**
18 ~~(1) Peace officers, in carrying out their duties, shall apply nonviolent~~
19 ~~means, when possible, before resorting to the use of physical force. A~~
20 ~~peace officer may use physical force only if nonviolent means would be~~
21 ~~ineffective in effecting an arrest, preventing an escape, or preventing an~~
22 ~~imminent threat of serious bodily injury or death to the peace officer or~~
23 ~~another person. PEACE OFFICERS SHALL AVOID THE USE OF PHYSICAL~~
24 ~~FORCE WHEN POSSIBLE. A LAW ENFORCEMENT OFFICER SHALL NOT USE~~
25 ~~PHYSICAL FORCE UPON ANOTHER PERSON UNLESS THE OFFICER HAS~~
26 ~~EXHAUSTED ALL REASONABLE DE-ESCALATION TACTICS AND TECHNIQUES~~
27 ~~AND, BASED ON THE TOTALITY OF THE CIRCUMSTANCES, SUCH FORCE IS~~

1 PROPORTIONATE AND NECESSARY TO EFFECT AN ARREST, PREVENT AN
2 ESCAPE, OR PREVENT AN IMMINENT THREAT OF HARM TO THE PEACE
3 OFFICER OR ANOTHER PERSON.

4 (2) When physical force is used, a peace officer shall:

5 (a) ~~Not use deadly physical force to apprehend a person who is~~
6 ~~suspected of only a minor or nonviolent offense;~~

7 (b) Use only a degree of force consistent with the minimization of
8 injury to ~~others~~ A PERSON SUBJECT TO THE USE OF FORCE;

9 (b.5) IMMEDIATELY MODULATE THE USE OF PHYSICAL FORCE AS
10 THE THREAT DIMINISHES AND SHALL CEASE THE USE OF PHYSICAL FORCE
11 AS SOON AS THE JUSTIFICATION FOR USE OF FORCE HAS DISSIPATED.

12 (2.3) A PEACE OFFICER SHALL NOT USE DEADLY PHYSICAL FORCE
13 UPON ANOTHER PERSON UNLESS IT IS USED AS A LAST RESORT, AFTER THE
14 OFFICER HAS EXHAUSTED ALL REASONABLE DE-ESCALATION TACTICS AND
15 TECHNIQUES AND, BASED ON THE TOTALITY OF THE CIRCUMSTANCES, SUCH
16 FORCE IS NECESSARY TO PREVENT IMMINENT DEATH OR SERIOUS BODILY
17 INJURY TO ANOTHER AND THE AMOUNT OF FORCE USED IS PROPORTIONAL
18 TO THE THREAT OF IMMINENT HARM POSED BY THE SUBJECT OF THE USE OF
19 FORCE. THE USE OF DEADLY FORCE AGAINST A PERSON WHO POSES A
20 DANGER ONLY TO THE PERSON'S SELF IS NOT JUSTIFIED. A PEACE OFFICER
21 MAY NOT USE DEADLY PHYSICAL FORCE TO APPREHEND A PERSON WHO IS
22 SUSPECTED OF ONLY A MINOR OR NONVIOLENT OFFENSE.

23 (2.5) ~~(a)~~ A peace officer is prohibited from using a chokehold
24 upon another person.

25 ~~(b) (1) As used in this subsection (2.5), "chokehold" means a~~
26 ~~method by which a person applies sufficient pressure to a person to make~~
27 ~~breathing difficult or impossible and includes but is not limited to any~~

1 ~~pressure to the neck, throat, or windpipe that may prevent or hinder~~
2 ~~breathing or reduce intake of air.~~

3 ~~(H) "Chokehold" also means applying pressure to a person's neck~~
4 ~~on either side of the windpipe, but not to the windpipe itself, to stop the~~
5 ~~flow of blood to the brain via the carotid arteries.~~

6 (3) A peace officer is justified in using deadly physical force to
7 make an arrest only when all other means of apprehension are
8 unreasonable given the circumstances and:

9 (b) The suspect poses an ~~immediate~~ IMMIDENT threat OF DEATH OR
10 SERIOUS BODILY INJURY to the peace officer or another person;

11 (8) A guard or peace officer employed in a detention facility is
12 justified:

13 (a) In using deadly physical force when he reasonably believes it
14 necessary to prevent the escape of a prisoner convicted of, charged with,
15 or held for a felony or confined under the maximum security rules of any
16 detention facility as such facility is defined in ~~subsection (9) of this~~
17 ~~section~~ SUBSECTION (11)(c) OF THIS SECTION;

18 (9) ~~"Detention facility" as used in subsection (8) of this section~~
19 ~~means any place maintained for the confinement, pursuant to law, of~~
20 ~~persons charged with or convicted of an offense, held pursuant to the~~
21 ~~"Colorado Children's Code", held for extradition, or otherwise confined~~
22 ~~pursuant to an order of a court.~~

23 (11) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
24 REQUIRES:

25 (a) (I) "CHOKEHOLD" MEANS A METHOD BY WHICH A PERSON
26 APPLIES SUFFICIENT PRESSURE TO A PERSON TO MAKE BREATHING
27 DIFFICULT OR IMPOSSIBLE AND INCLUDES BUT IS NOT LIMITED TO ANY

1 PRESSURE TO THE NECK, THROAT, OR WINDPIPE THAT MAY PREVENT OR
2 HINDER BREATHING OR REDUCE INTAKE OF AIR.

3 (II) "CHOKEHOLD" ALSO MEANS APPLYING PRESSURE TO A
4 PERSON'S NECK ON EITHER SIDE OF THE WINDPIPE, BUT NOT TO THE
5 WINDPIPE ITSELF, TO STOP THE FLOW OF BLOOD TO THE BRAIN VIA THE
6 CAROTID ARTERIES.

7 (b) "DE-ESCALATION TACTICS AND TECHNIQUES" MEANS
8 PROACTIVE ACTIONS AND APPROACHES USED BY A LAW ENFORCEMENT
9 OFFICER TO STABILIZE A LAW ENFORCEMENT SITUATION SO THAT MORE
10 TIME, OPTIONS, AND RESOURCES ARE AVAILABLE TO GAIN A PERSON'S
11 VOLUNTARY COMPLIANCE AND TO REDUCE OR ELIMINATE THE NEED TO
12 USE PHYSICAL FORCE, INCLUDING VERBAL PERSUASION, WARNINGS,
13 SLOWING DOWN THE PACE OF AN INCIDENT, WAITING OUT A PERSON,
14 CREATING DISTANCE BETWEEN THE LAW ENFORCEMENT OFFICER AND A
15 THREAT, AND REQUESTING ADDITIONAL RESOURCES TO RESOLVE THE
16 INCIDENT, INCLUDING BUT NOT LIMITED TO CALLING IN MEDICAL OR
17 MENTAL HEALTH PROFESSIONALS TO ADDRESS A POTENTIAL MEDICAL OR
18 MENTAL HEALTH CRISIS.

19 (c) "DETENTION FACILITY" MEANS ANY PLACE MAINTAINED FOR
20 THE CONFINEMENT, PURSUANT TO LAW, OF PERSONS CHARGED WITH OR
21 CONVICTED OF AN OFFENSE, HELD PURSUANT TO THE "COLORADO
22 CHILDREN'S CODE", HELD FOR EXTRADITION, OR OTHERWISE CONFINED
23 PURSUANT TO AN ORDER OF A COURT.

24 (d) "NECESSARY" MEANS WHEN, AFTER ALL REASONABLE
25 ALTERNATIVES HAVE BEEN EXHAUSTED, NO REASONABLE ALTERNATIVE
26 WAS KNOWN OR SHOULD HAVE BEEN KNOWN TO A REASONABLE PERSON
27 IN THE CIRCUMSTANCES.

1 (e) "PROPORTIONAL" MEANS NOT EXCESSIVE IN RELATION TO A
2 DIRECT AND LEGITIMATE LAW ENFORCEMENT OBJECTIVE.

3 **SECTION 8.** In Colorado Revised Statutes, 18-8-802, **amend**
4 (1.5) as follows:

5 **18-8-802. Duty to report use of force by peace officers - duty**
6 **to intervene.** (1.5) (a) A peace officer, AS DEFINED IN SECTION 24-31-901
7 (3), shall intervene to prevent or stop another peace officer from using
8 physical force that exceeds the degree of force permitted, if any, by
9 section 18-1-707 in pursuance of the other peace officer's law
10 enforcement duties in carrying out an arrest of any person, placing any
11 person under detention, taking any person into custody, booking any
12 person, or in the process of crowd control or riot control, without regard
13 for chain of command.

14 (b) (I) A peace officer, AS DEFINED IN SECTION 24-31-901 (3), who
15 intervenes as required by subsection (1.5)(a) of this section shall report
16 the intervention to his or her immediate supervisor.

17 (II) At a minimum, the report required by this subsection (1.5)(b)
18 must include the date, time, and place of the occurrence; the identity, if
19 known, and description of the participants; and a description of the
20 intervention actions taken. This report ~~shall be made~~ MUST BE in writing
21 within ten days of the occurrence of the use of such force and ~~shall be~~
22 ~~appended to~~ MUST BE INCLUDED WITH all other reports of the incident.

23 (c) A member of a law enforcement agency shall not discipline or
24 retaliate in any way against a peace officer, AS DEFINED IN SECTION
25 24-31-901 (3), for intervening as required by subsection (1.5)(a) of this
26 section, or for reporting unconstitutional conduct, or for failing to follow
27 what the officer reasonably believes is an unconstitutional directive.

1 (d) Any peace officer, AS DEFINED IN SECTION 24-31-901 (3), who
2 fails to intervene to prevent the use of unlawful force as prescribed in this
3 subsection (1.5) commits a class 1 misdemeanor. ~~Nothing in this~~
4 ~~subsection (1.5) shall prohibit or discourage prosecution of any other~~
5 ~~criminal offense related to failure to intervene, including a higher charge,~~
6 ~~if supported by the evidence.~~

7 (e) When an administrative law judge or internal investigation
8 finds that a peace officer, AS DEFINED IN SECTION 24-31-901 (3), failed to
9 intervene to prevent the use of unlawful physical force as prescribed in
10 this subsection (1.5), this finding must be presented to the district attorney
11 so that ~~he or she~~ THE DISTRICT ATTORNEY can determine whether charges
12 should be filed pursuant to subsection (1.5)(d) of this section. However,
13 nothing in this subsection (1.5)(e) prohibits OR IS INTENDED TO
14 DISCOURAGE the district attorney from charging an officer with failure to
15 intervene before the conclusion of any internal investigation.

16 (f) ~~In addition to any criminal liability and penalty under the law,~~
17 ~~when an administrative law judge, hearing officer, or internal~~
18 ~~investigation finds that a peace officer, failed to intervene as required by~~
19 ~~subsection (1.5)(a) of this section in an incident resulting in serious bodily~~
20 ~~injury or death to any person, the peace officer's employer shall subject~~
21 ~~the peace officer to discipline, up to and including termination, to the~~
22 ~~extent permitted by applicable constitutional and statutory personnel laws~~
23 ~~and case law, and the P.O.S.T. board shall permanently decertify the~~
24 ~~peace officer upon receipt of notice of the peace officer's discipline. The~~
25 ~~revocation may only be overturned if the peace officer is exonerated by~~
26 ~~a court.~~

27 (g) In a case in which the prosecution charges a peace officer, AS

1 DEFINED IN SECTION 24-31-901 (3), with offenses related to and based
2 upon the use of excessive force but does not file charges against any other
3 peace officer or officers who were at the scene during the use of force,
4 the district attorney shall prepare a written report explaining the district
5 attorney's basis for the decision not to charge any other peace officer with
6 any criminal conduct and shall publicly disclose the report to the public;
7 except that if disclosure of the report would substantially interfere with
8 or jeopardize an ongoing criminal investigation, the district attorney may
9 delay public disclosure for up to forty-five days. The district attorney
10 shall post the written report on its website or, if it does not have a
11 website, make it publicly available upon request. ~~Nothing in this section~~
12 ~~is intended to prohibit or discourage criminal prosecution of an officer~~
13 ~~who failed to intervene for conduct in which the facts support a criminal~~
14 ~~charge, including under a complicity theory, or for an inchoate offense.~~
15 NOTHING IN THIS SUBSECTION (1.5) PROHIBITS OR DISCOURAGES
16 PROSECUTION OF ANY OTHER CRIMINAL OFFENSE RELATED TO FAILURE TO
17 INTERVENE, INCLUDING A HIGHER CHARGE, IF SUPPORTED BY THE
18 EVIDENCE.

19 **SECTION 9.** In Colorado Revised Statutes, 24-31-101, **amend**
20 **(1)(n); repeal (3) and (4); and add (1)(p) and (1)(q) as follows:**

21 **24-31-101. Powers and duties of attorney general.** (1) The
22 attorney general:

23 (n) Shall, pursuant to section 24-30-1507, represent expert
24 witnesses and consultants described in section 24-30-1510 (3)(h); **and**

25 (p) MAY BRING A CIVIL ACTION TO ENFORCE THE PROVISIONS OF
26 SECTION 24-31-113; AND

27 (q) MAY BRING A CIVIL ACTION TO ENFORCE THE PROVISIONS OF

1 SECTION 24-31-307 (2) OR A CRIMINAL ACTION TO ENFORCE THE
2 PROVISIONS OF SECTION 24-31-307 (3).

3 ~~(3) The attorney general may bring a civil action to enforce the~~
4 ~~provisions of section 24-31-113.~~

5 ~~(4) The attorney general may bring a civil action to enforce the~~
6 ~~provisions of section 24-31-307 (2) or a criminal action to enforce the~~
7 ~~provisions of section 24-31-307 (3).~~

8 **SECTION 10.** In Colorado Revised Statutes, 24-31-305, **add** (5)
9 as follows:

10 **24-31-305. Certification - issuance - renewal - revocation -**
11 **rules - definition.** (5) IF A LAW ENFORCEMENT AGENCY HIRES A NEW
12 EMPLOYEE, APPOINTS A NEW EMPLOYEE, OR TRANSFERS AN EXISTING
13 EMPLOYEE TO A POSITION REQUIRING P.O.S.T. CERTIFICATION, PRIOR TO
14 SUCH HIRE, APPOINTMENT, OR TRANSFER THE LAW ENFORCEMENT AGENCY
15 SHALL DETERMINE IF THE PERSON HAS A RECORD CONTAINED IN THE
16 DATABASE CREATED IN SECTION 24-31-303 (1)(r). IF THE PERSON IS LISTED
17 IN THE DATABASE AND THE LAW ENFORCEMENT AGENCY PROCEEDS TO
18 EMPLOY THE PERSON IN A POSITION REQUIRING P.O.S.T. CERTIFICATION,
19 THE AGENCY SHALL NOTIFY THE P.O.S.T. BOARD OF THE HIRE,
20 APPOINTMENT, OR TRANSFER IN A FORMAT DETERMINED BY THE P.O.S.T.
21 BOARD.

22 **SECTION 11.** In Colorado Revised Statutes, **amend** 24-31-113
23 as follows:

24 **24-31-113. Public integrity - patterns and practices.** It is
25 unlawful for any governmental authority, or any agent thereof, or any
26 person acting on behalf of a governmental authority, to engage in a
27 pattern or practice of conduct by peace officers or by officials or

1 employees of any governmental agency that deprives persons of rights,
2 privileges, or immunities secured or protected by the constitution or laws
3 of the United States or the state of Colorado. Whenever the attorney
4 general has reasonable cause to believe that a violation of this section has
5 occurred, the attorney general, for or in the name of the state of Colorado,
6 may in a civil action obtain any and all appropriate relief to eliminate the
7 pattern or practice. Before filing suit, the attorney general shall notify the
8 government authority or any agent thereof, and provide it with the factual
9 basis that supports his or her reasonable cause to believe a violation
10 occurred. Upon receipt of the factual basis, the government authority, or
11 any agent thereof, has sixty days to change or eliminate the identified
12 pattern or practice. If the identified pattern or practice is not changed ~~or~~
13 AND PERMANENTLY eliminated after sixty days, the attorney general may
14 file a civil lawsuit. THE ATTORNEY GENERAL MAY ISSUE SUBPOENAS FOR
15 ANY PURPOSE IN CONDUCTING AN INVESTIGATION UNDER THIS SECTION.

16 **SECTION 12.** In Colorado Revised Statutes, 24-31-303, **amend**
17 (1)(r) as follows:

18 **24-31-303. Duties - powers of the P.O.S.T. board - definition.**

19 (1) The P.O.S.T. board has the following duties:

20 (r) (I) Beginning on January 1, 2022, to create and maintain a
21 database containing information related to a peace officer's:

22 ~~(H)~~ (A) Untruthfulness;

23 ~~(H)~~ (B) ~~Repeated failure~~ THREE OR MORE FAILURES to follow
24 P.O.S.T. board training requirements WITHIN TEN CONSECUTIVE YEARS;

25 ~~(H)~~ (C) ~~Decertification~~ REVOCATION OF THE CERTIFICATION by
26 the P.O.S.T. board, ~~and~~ INCLUDING THE BASIS FOR THE REVOCATION;

27 ~~(H)~~ (D) Termination for cause BY THE PEACE OFFICER'S

1 EMPLOYER UNLESS THE TERMINATION IS OVERTURNED OR REVERSED BY
2 AN APPELLATE PROCESS. A NOTATION MUST BE PLACED NEXT TO THE
3 OFFICER'S NAME DURING THE PENDENCY OF ANY APPELLATE PROCESS.

4 (E) RESIGNATION OR RETIREMENT WHILE UNDER INVESTIGATION.

5 (II) LAW ENFORCEMENT AGENCIES SHALL REPORT TO THE P.O.S.T.
6 BOARD THE INFORMATION REQUIRED IN THIS SUBSECTION (1)(r) IN A
7 FORMAT DETERMINED BY THE P.O.S.T. BOARD. FAILURE TO SUBMIT SUCH
8 INFORMATION IS SUBJECT TO A FINE SET IN RULE BY THE P.O.S.T. BOARD.

9 (III) FOR PURPOSES OF THIS SUBSECTION (1)(r),
10 "UNTRUTHFULNESS" MEANS A PEACE OFFICER KNOWINGLY MADE AN
11 UNTRUTHFUL STATEMENT CONCERNING A MATERIAL FACT OR KNOWINGLY
12 OMITTED A MATERIAL FACT ON AN OFFICIAL CRIMINAL JUSTICE RECORD,
13 WHILE TESTIFYING UNDER OATH, OR DURING AN INTERNAL AFFAIRS
14 INVESTIGATION OR ADMINISTRATIVE INVESTIGATION AND DISCIPLINARY
15 PROCESS.

16 **SECTION 13.** In Colorado Revised Statutes, 24-31-305, **amend**
17 (1.7)(a) and (1.7)(b) as follows:

18 **24-31-305. Certification - issuance - renewal - revocation -**
19 **rules - definition.** (1.7) (a) Unless revoked OR VOLUNTARILY
20 SURRENDERED, a basic certification or reserve certification issued
21 pursuant to this part 3 is valid as long as the certificate holder is
22 continuously serving as a peace officer or reserve peace officer.

23 (b) If a basic or reserve certificate holder has not served as a peace
24 officer or reserve peace officer for a total of at least six months during
25 any consecutive three-year period, the certification automatically expires
26 at the end of such three-year period, unless the certificate holder is then
27 serving as a peace officer or reserve peace officer OR HAD PREVIOUSLY

1 VOLUNTARILY SURRENDERED HIS OR HER CERTIFICATE.

2 **SECTION 14.** In Colorado Revised Statutes, 24-31-307, **amend**
3 (3); and **add** (3.5) as follows:

4 **24-31-307. Enforcement.** (3) The attorney general may bring
5 criminal charges for violations of this part 3 if THE violation is ~~willful or~~
6 ~~wanton~~ KNOWINGLY OR INTENTIONAL, or impose fines, as set in P.O.S.T.
7 board rule, upon any individual officer or agency for failure to comply
8 with this part 3 or any rule promulgated under this part 3.

9 (3.5) ANY PERSON OR LAW ENFORCEMENT AGENCY THAT
10 KNOWINGLY OR INTENTIONALLY PROVIDES INACCURATE DATA FOR THE
11 DATABASE CREATED PURSUANT TO SECTION 24-31-303 (1)(r) IS SUBJECT
12 TO A FINE SET IN RULE BY THE P.O.S.T. BOARD, AND, IF THE PERSON IS A
13 P.O.S.T. CERTIFIED PEACE OFFICER, THE OFFICER IS SUBJECT TO
14 REVOCATION OR SUSPENSION OF THE OFFICER'S P.O.S.T. CERTIFICATION BY
15 THE P.O.S.T. BOARD. A PERSON OR LAW ENFORCEMENT AGENCY THAT
16 TRUTHFULLY AND ACCURATELY REPORTS INFORMATION PURSUANT TO
17 SECTION 24-31-303 (1)(r) IN GOOD FAITH IS NOT LIABLE UNDER THIS
18 SUBSECTION (3.5).

19 **SECTION 15.** In Colorado Revised Statutes, 24-31-309, **amend**
20 (3.5)(h)(II), (3.5)(h)(IV), and (3.5)(h)(V) as follows:

21 **24-31-309. Profiling - officer identification - training.** (3.5) A
22 peace officer shall have a legal basis for making a contact, whether
23 consensual or nonconsensual, for the purpose of enforcing the law or
24 investigating possible violations of the law. After making a contact, a
25 peace officer, as defined in section 24-31-901 (3), shall report to the
26 peace officer's employing agency:

27 (h) The actions taken by the peace officer during the contact,

1 including but not limited to whether:

2 (II) The peace officer searched the person, A VEHICLE, or any
3 property, and, if so, the basis for the search and the type of contraband or
4 evidence discovered, if any;

5 (IV) A peace officer unholstered OR BRANDISHED a weapon during
6 the contact, AND, IF SO, THE TYPE OF WEAPON; and

7 (V) A peace officer discharged a ~~firearm~~ WEAPON during the
8 contact.

9 **SECTION 16.** In Colorado Revised Statutes, **add** 24-31-317 as
10 follows:

11 **24-31-317. Administrative law judge appointment.** THE
12 P.O.S.T. BOARD CHAIRPERSON MAY APPOINT AN ADMINISTRATIVE LAW
13 JUDGE OR HEARING OFFICER PURSUANT TO ARTICLE 4 OF TITLE 24 TO
14 CONDUCT HEARINGS, ADMINISTER OATHS, TAKE AFFIRMATIONS OF
15 WITNESSES, ISSUE SUBPOENAS COMPELLING THE ATTENDANCE OF
16 WITNESSES AND PRODUCTION OF RECORDS, RULE ON EVIDENCE, MAKE
17 FINDINGS, AND REPORT THE FINDINGS TO THE P.O.S.T. BOARD FOR ANY
18 PROCEEDINGS OR ACTIONS AUTHORIZED UNDER THIS PART 3.

19 **SECTION 17.** In Session Laws of Colorado 2020, **amend** section
20 18 of chapter 110 as follows:

21 Section 18. **Effective date.** This act takes effect upon passage;
22 except that:

23 (1) Section 24-31-902, Colorado Revised Statutes, as enacted in
24 section 2 of this act, takes effect ~~July 1, 2023~~ on the effective date of
25 House Bill 21-____;

26 (2) Section 4 of this act takes effect September 1, 2020; and

27 (3) Section 5 of this act takes effect September 1, 2020; except

1 that section 18-1-707 (2.5) and (3), Colorado Revised Statutes, as enacted
2 in section 5 of this act, takes effect upon passage.

3 **SECTION 18. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety.