

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0359.01 Nicole Myers x4326

SENATE BILL 22-133

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SENATE SPONSORSHIP

Winter and Priola,

HOUSE SPONSORSHIP

Esgar,

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Senate Committees

State, Veterans, & Military Affairs

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE PROVISION OF SECURITY BY THE COLORADO STATE  
102 PATROL FOR CERTAIN ELECTED OFFICIALS.

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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>.)*

Current law requires the Colorado state patrol to provide protection for members of the general assembly when they are present in the state capitol buildings group and to respond to complaints relating to criminal activity or security threats against a member of the general assembly. Current law also authorizes the Colorado state patrol to provide additional protection and security services to a member of the general

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.

assembly in certain circumstances as requested by legislative leadership. After considering several factors, the Colorado state patrol determines whether the protection and security services are needed.

The bill requires the executive committee of the legislative council (executive committee) to establish a process that allows a member of the general assembly to appeal to the executive committee if the member requests protection and security services from the Colorado state patrol and the Colorado state patrol determines that the services are not needed. The bill requires the executive committee to review the reasons for the request for protection and security services and the reasons for the Colorado state patrol's determination that the services are not needed.

If the executive committee determines that the protection and security services requested by the member of the general assembly are needed, the executive committee is required to coordinate with the Colorado state patrol to provide the protection and security services requested by the member of the general assembly. The executive committee is required to reimburse the Colorado state patrol for any costs incurred by the Colorado state patrol in providing protection and security services to a member of the general assembly when the Colorado state patrol or the executive committee determines that the protection and security services are needed. The executive committee is required to authorize the reimbursement from the legislative department cash fund.

In addition, the bill specifies that the Colorado state patrol is required to provide the same protection and security services to the secretary of state, attorney general, and state treasurer (statewide constitutional officers) when they are present in the state capitol buildings group as it provides to members of the general assembly and that statewide constitutional officers may also request that the Colorado state patrol provide additional protection and security services to a statewide constitutional officer upon request of the officer.

The bill establishes an appeal process for statewide constitutional officers that is similar to the process for members of the general assembly; except that the bill requires the executive director of the department of public safety (director) to establish a process that allows a statewide constitutional officer to appeal to the director. If the director determines that the protection and security services requested by the statewide constitutional officer are needed, the director is required to coordinate with the Colorado state patrol to provide the services and the Colorado state patrol bears the cost of providing the services.

If the director determines that the protection and security services requested by a statewide constitutional officer are not needed but the statewide constitutional officer requests that the Colorado state patrol still provide the services, the statewide constitutional officer is required to reimburse the Colorado state patrol for the cost of providing the protection and security services.

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

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

4           **24-33.5-216.5. Patrol services furnished to the general**  
5 **assembly - definition.** (1) The Colorado state patrol shall provide  
6 protection for the members of the general assembly when they are present  
7 in the state capitol buildings group and shall respond to all complaints  
8 relating to criminal activity AGAINST or security threats ~~against~~ OR RISKS  
9 TO a member of the general assembly. ~~For purposes of AS USED IN~~ this  
10 subsection (1), "state capitol buildings group" ~~shall have~~ HAS the same  
11 meaning as set forth in section 24-82-105 (1)(a).

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

18           (b) The COLORADO state patrol may provide protection and  
19 security services as described in ~~paragraph (a) of this subsection (3)~~  
20 SUBSECTION (3)(a) OF THIS SECTION for any function held in Colorado at  
21 which a member of the general assembly is in attendance in an official  
22 capacity with appropriate coordination with local law enforcement.  
23 Factors to be considered when determining the need for providing these  
24 services include, but are not limited to, the location of the function, the  
25 estimated level of threat OR RISK associated with the function, and staffing  
26 requirements. IF, AFTER CONSIDERING THE FACTORS SPECIFIED IN THIS

1 SUBSECTION (3)(b), THE COLORADO STATE PATROL DETERMINES THAT  
2 THERE IS NOT A NEED FOR THE PROTECTION AND SECURITY SERVICES  
3 REQUESTED, THE MEMBER OF THE GENERAL ASSEMBLY ON WHOSE BEHALF  
4 THE SERVICES WERE REQUESTED MAY APPEAL TO THE EXECUTIVE  
5 COMMITTEE OF THE LEGISLATIVE COUNCIL PURSUANT TO SUBSECTION (4)  
6 OF THIS SECTION.

7 (4) (a) THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL  
8 SHALL ESTABLISH A PROCESS BY WHICH A MEMBER OF THE GENERAL  
9 ASSEMBLY WHO REQUESTS PROTECTION AND SECURITY SERVICES  
10 PURSUANT TO SUBSECTION (3) OF THIS SECTION MAY APPEAL TO THE  
11 EXECUTIVE COMMITTEE IF THE COLORADO STATE PATROL DETERMINES  
12 THAT THERE IS NOT A NEED FOR THE REQUESTED PROTECTION AND  
13 SECURITY SERVICES. AS PART OF THE APPEALS PROCESS ESTABLISHED  
14 PURSUANT TO THIS SUBSECTION (4), THE EXECUTIVE COMMITTEE SHALL  
15 REVIEW THE REASONS THE MEMBER OF THE GENERAL ASSEMBLY  
16 REQUESTED PROTECTION AND SECURITY SERVICES AND THE REASONS THE  
17 COLORADO STATE PATROL DETERMINED THAT THE PROTECTION AND  
18 SECURITY SERVICES ARE NOT NEEDED. THE EXECUTIVE COMMITTEE SHALL  
19 REVIEW AN APPEAL IN A TIMELY MANNER WHEN THE MEMBER OF THE  
20 GENERAL ASSEMBLY'S REQUEST FOR PROTECTION AND SECURITY SERVICES  
21 IS TIME-SENSITIVE.

22 (b) IF, AFTER REVIEWING THE INFORMATION SPECIFIED IN  
23 SUBSECTION (4)(a) OF THIS SECTION, THE EXECUTIVE COMMITTEE OF THE  
24 LEGISLATIVE COUNCIL DETERMINES THAT THE PROTECTION AND SECURITY  
25 SERVICES REQUESTED BY THE MEMBER OF THE GENERAL ASSEMBLY ARE  
26 NEEDED, THE EXECUTIVE COMMITTEE SHALL COORDINATE WITH THE  
27 COLORADO STATE PATROL TO PROVIDE THE REQUESTED PROTECTION AND

1 SECURITY SERVICES.

2 (c) THE COLORADO STATE PATROL AND ANY MEMBER OF THE  
3 GENERAL ASSEMBLY WHO APPEALS PURSUANT TO THIS SUBSECTION (4)  
4 SHALL PROVIDE ANY INFORMATION REQUESTED BY THE EXECUTIVE  
5 COMMITTEE OF THE LEGISLATIVE COUNCIL TO ASSIST THE EXECUTIVE  
6 COMMITTEE IN ITS REVIEW OF THE REQUEST FOR PROTECTION AND  
7 SECURITY SERVICES PURSUANT TO THIS SUBSECTION (4).

8 (5) THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL  
9 SHALL REIMBURSE THE COLORADO STATE PATROL FOR ANY COSTS  
10 INCURRED BY THE COLORADO STATE PATROL IN PROVIDING PROTECTION  
11 AND SECURITY SERVICES TO A MEMBER OF THE GENERAL ASSEMBLY  
12 PURSUANT TO SUBSECTIONS (3) AND (4) OF THIS SECTION. THE EXECUTIVE  
13 COMMITTEE SHALL AUTHORIZE THE REIMBURSEMENT FROM THE  
14 LEGISLATIVE DEPARTMENT CASH FUND.

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

17 **24-33.5-216.7. Patrol services furnished to statewide**  
18 **constitutional officers - definitions.** (1) AS USED IN THIS SECTION,  
19 UNLESS THE CONTEXT OTHERWISE REQUIRES:

20 (a) "STATE CAPITOL BUILDINGS GROUP" HAS THE SAME MEANING  
21 AS SET FORTH IN SECTION 24-82-105 (1)(a).

22 (b) "STATEWIDE CONSTITUTIONAL OFFICER" MEANS THE  
23 SECRETARY OF STATE, THE ATTORNEY GENERAL, AND THE STATE  
24 TREASURER.

25 (2) THE COLORADO STATE PATROL SHALL PROVIDE PROTECTION  
26 FOR A STATEWIDE CONSTITUTIONAL OFFICER WHEN THE STATEWIDE  
27 CONSTITUTIONAL OFFICER IS PRESENT IN THE STATE CAPITOL BUILDINGS

1 GROUP AND SHALL RESPOND TO ALL COMPLAINTS RELATING TO CRIMINAL  
2 ACTIVITY AGAINST OR SECURITY THREATS OR RISKS TO A STATEWIDE  
3 CONSTITUTIONAL OFFICER.

4 (3) (a) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (2) OF  
5 THIS SECTION, THE COLORADO STATE PATROL MAY RENDER OTHER  
6 PROTECTION AND SECURITY SERVICES AS MAY BE REQUESTED BY A  
7 STATEWIDE CONSTITUTIONAL OFFICER.

8 (b) THE COLORADO STATE PATROL MAY PROVIDE PROTECTION AND  
9 SECURITY SERVICES AS DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION  
10 FOR ANY FUNCTION HELD IN COLORADO AT WHICH A STATEWIDE  
11 CONSTITUTIONAL OFFICER IS IN ATTENDANCE IN AN OFFICIAL CAPACITY  
12 WITH APPROPRIATE COORDINATION WITH LOCAL LAW ENFORCEMENT.  
13 FACTORS TO BE CONSIDERED WHEN DETERMINING THE NEED FOR  
14 PROVIDING THESE SERVICES INCLUDE, BUT ARE NOT LIMITED TO, THE  
15 LOCATION OF THE FUNCTION, THE ESTIMATED LEVEL OF THREAT OR RISK  
16 ASSOCIATED WITH THE FUNCTION, AND STAFFING REQUIREMENTS. IF,  
17 AFTER CONSIDERING THE FACTORS SPECIFIED IN THIS SUBSECTION (3)(b),  
18 THE COLORADO STATE PATROL DETERMINES THAT THERE IS NOT A NEED  
19 FOR THE REQUESTED PROTECTION AND SECURITY SERVICES, THE  
20 STATEWIDE CONSTITUTIONAL OFFICER WHO MADE THE REQUEST MAY  
21 APPEAL TO THE EXECUTIVE DIRECTOR PURSUANT TO SUBSECTION (4) OF  
22 THIS SECTION.

23 (4) (a) THE EXECUTIVE DIRECTOR SHALL ESTABLISH A PROCESS BY  
24 WHICH A STATEWIDE CONSTITUTIONAL OFFICER MAY APPEAL TO THE  
25 EXECUTIVE DIRECTOR IF THE STATEWIDE CONSTITUTIONAL OFFICER  
26 REQUESTS PROTECTION AND SECURITY SERVICES PURSUANT TO  
27 SUBSECTION (3) OF THIS SECTION AND THE COLORADO STATE PATROL

1 DETERMINES THAT THERE IS NOT A NEED FOR THE REQUESTED PROTECTION  
2 AND SECURITY SERVICES. AS PART OF THE APPEALS PROCESS ESTABLISHED  
3 PURSUANT TO THIS SUBSECTION (4), THE EXECUTIVE DIRECTOR SHALL  
4 REVIEW THE REASONS THE STATEWIDE CONSTITUTIONAL OFFICER  
5 REQUESTED PROTECTION AND SECURITY SERVICES AND THE REASONS THE  
6 COLORADO STATE PATROL DETERMINED THAT THE PROTECTION AND  
7 SECURITY SERVICES ARE NOT NEEDED. THE EXECUTIVE DIRECTOR SHALL  
8 REVIEW AN APPEAL IN A TIMELY MANNER WHEN THE REQUEST FOR  
9 PROTECTION AND SECURITY SERVICES IS TIME-SENSITIVE.

10 (b) (I) IF, AFTER REVIEWING THE INFORMATION SPECIFIED IN  
11 SUBSECTION (4)(a) OF THIS SECTION, THE EXECUTIVE DIRECTOR  
12 DETERMINES THAT THE PROTECTION AND SECURITY SERVICES REQUESTED  
13 BY THE STATEWIDE CONSTITUTIONAL OFFICER ARE NEEDED, THE  
14 EXECUTIVE DIRECTOR SHALL COORDINATE WITH THE COLORADO STATE  
15 PATROL TO PROVIDE THE PROTECTION AND SECURITY SERVICES  
16 REQUESTED.

17 (II) IF, AFTER REVIEWING THE INFORMATION SPECIFIED IN  
18 SUBSECTION (4)(a) OF THIS SECTION, THE EXECUTIVE DIRECTOR  
19 DETERMINES THAT THE PROTECTION AND SECURITY SERVICES REQUESTED  
20 BY THE STATEWIDE CONSTITUTIONAL OFFICER ARE NOT NEEDED, THE  
21 STATEWIDE CONSTITUTIONAL OFFICER MAY REQUEST THAT THE  
22 COLORADO STATE PATROL STILL PROVIDE THE PROTECTION AND SECURITY  
23 SERVICES. THE COLORADO STATE PATROL SHALL PROVIDE THE  
24 PROTECTION AND SECURITY SERVICES UPON SUCH REQUEST, SUBJECT TO  
25 THE PROVISIONS OF SUBSECTION (5)(b) OF THIS SECTION.

26 (c) THE COLORADO STATE PATROL AND A STATEWIDE  
27 CONSTITUTIONAL OFFICER WHO REQUESTS AN APPEAL PURSUANT TO THIS

1 SUBSECTION (4) SHALL PROVIDE ANY INFORMATION REQUESTED BY THE  
2 EXECUTIVE DIRECTOR TO ASSIST THE EXECUTIVE DIRECTOR IN THE REVIEW  
3 OF THE REQUEST FOR PROTECTION AND SECURITY SERVICES PURSUANT TO  
4 THIS SUBSECTION (4).

5 (5) (a) THE COLORADO STATE PATROL SHALL BEAR THE COST OF  
6 PROVIDING THE PROTECTION AND SECURITY SERVICES TO A STATEWIDE  
7 CONSTITUTIONAL OFFICER PURSUANT TO SUBSECTION (3) OF THIS SECTION  
8 WHEN THE EXECUTIVE DIRECTOR DETERMINES PURSUANT TO SUBSECTION  
9 (4)(b)(I) OF THIS SECTION THAT PROTECTION AND SECURITY SERVICES  
10 REQUESTED BY A STATEWIDE CONSTITUTIONAL OFFICER ARE NEEDED.

11 (b) IF THE EXECUTIVE DIRECTOR DETERMINES THAT THE  
12 PROTECTION AND SECURITY SERVICES REQUESTED BY A STATEWIDE  
13 CONSTITUTIONAL OFFICER ARE NOT NEEDED BUT THE STATEWIDE  
14 CONSTITUTIONAL OFFICER REQUESTS THAT THE COLORADO STATE PATROL  
15 STILL PROVIDE THE PROTECTION AND SECURITY SERVICES PURSUANT TO  
16 SUBSECTION (4)(b)(II) OF THIS SECTION, THE STATEWIDE CONSTITUTIONAL  
17 OFFICER IS REQUIRED TO REIMBURSE THE COLORADO STATE PATROL FOR  
18 THE COST OF PROVIDING THE PROTECTION AND SECURITY SERVICES.

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