

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0359.01 Nicole Myers x4326

SENATE BILL 22-133

SENATE SPONSORSHIP

Winter and Priola,

HOUSE SPONSORSHIP

Esgar,

Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROVISION OF SECURITY BY THE COLORADO STATE**
102 **PATROL FOR CERTAIN ELECTED OFFICIALS, AND, IN CONNECTION**
103 **THEREWITH, MAKING AN APPROPRIATION.**

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

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.

additional protection and security services to a member of the general 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.

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

1 requirements. _____

2 (c) IN ADDITION TO THE PROTECTION AND SECURITY SERVICES
3 PROVIDED PURSUANT TO SUBSECTIONS (3)(a) AND (3)(b) OF THIS SECTION,
4 THE COLORADO STATE PATROL MAY PROVIDE OTHER PROTECTION AND
5 SECURITY SERVICES TO A MEMBER OF THE GENERAL ASSEMBLY AS
6 REQUESTED BY THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL
7 AND AS DEEMED NECESSARY BY THE CHIEF OF THE COLORADO STATE
8 PATROL.

9 (4) THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL
10 SHALL ESTABLISH A PROCESS BY WHICH A MEMBER OF THE GENERAL
11 ASSEMBLY MAY REQUEST PROTECTION FROM THE COLORADO STATE
12 PATROL PURSUANT TO SUBSECTION (3) OF THIS SECTION.

13 (5) THE COLORADO STATE PATROL SHALL ENSURE THAT MEMBERS
14 OF THE GENERAL ASSEMBLY ARE AWARE OF THE PROTECTION AND
15 SECURITY SERVICES THAT MAY BE REQUESTED FROM THE COLORADO
16 STATE PATROL PURSUANT TO THIS SECTION.

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

19 **24-33.5-216.7. Patrol services furnished to statewide** _____
20 **constitutional officers - definition.** (1) AS USED IN THIS SECTION,
21 UNLESS THE CONTEXT OTHERWISE REQUIRES, "STATEWIDE
22 CONSTITUTIONAL OFFICER" MEANS THE SECRETARY OF STATE, THE
23 ATTORNEY GENERAL, AND THE STATE TREASURER.

24 (2) THE COLORADO STATE PATROL SHALL PROVIDE PROTECTION TO
25 EACH STATEWIDE CONSTITUTIONAL OFFICER IF SUCH PROTECTION IS
26 REQUESTED BY THE STATEWIDE CONSTITUTIONAL OFFICER.

27 (3) THE COLORADO STATE PATROL SHALL DESIGNATE STATE

1 PATROL OFFICERS TO BE AVAILABLE TO PROVIDE PROTECTION SERVICES
2 PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE CHIEF OF THE
3 COLORADO STATE PATROL SHALL DETERMINE THE PRIORITY IN ASSIGNING
4 STATE PATROL OFFICERS AMONG EACH STATEWIDE CONSTITUTIONAL
5 OFFICER. FACTORS TO BE CONSIDERED WHEN DETERMINING THE NEED AND
6 PRIORITY FOR PROVIDING PROTECTION SERVICES INCLUDE, BUT ARE NOT
7 LIMITED TO, THE LOCATION OF THE FUNCTION, THE ESTIMATED LEVEL OF
8 THREAT OR RISK ASSOCIATED WITH THE FUNCTION, AND STAFFING
9 REQUIREMENTS. IF EACH STATEWIDE CONSTITUTIONAL OFFICER REQUESTS
10 PROTECTION SERVICES IN EXCESS OF EIGHTY PERSONNEL HOURS A WEEK
11 FOR EACH INDIVIDUAL, PRIORITY WILL BE GIVEN FIRST TO PROTECT
12 AGAINST CREDIBLE THREATS, THEN AT A FUNCTION AT WHICH THE
13 STATEWIDE CONSTITUTIONAL OFFICER IS IN ATTENDANCE IN AN OFFICIAL
14 CAPACITY, AND FINALLY AGAINST GENERALIZED THREATS.

15 (4) NOTHING IN THIS SECTION IS INTENDED TO PROVIDE
16 AROUND-THE-CLOCK PROTECTION FOR A STATEWIDE CONSTITUTIONAL
17 OFFICER UNLESS THERE IS A CREDIBLE THREAT AS DETERMINED IN THE
18 DISCRETION OF THE CHIEF OF THE COLORADO STATE PATROL.

19 (5) NOTHING IN THIS SECTION PROHIBITS A STATEWIDE
20 CONSTITUTIONAL OFFICER FROM OBTAINING ADDITIONAL PROTECTION,
21 WHICH MUST BE DONE IN COORDINATION WITH THE COLORADO STATE
22 PATROL.

23 **SECTION 3. Appropriation.** (1) For the 2022-23 state fiscal
24 year, \$1,115,090 is appropriated to the department of public safety. This
25 appropriation is from the general fund. To implement this act, the
26 department may use this appropriation as follows:

27 (a) \$73,752 for use by the executive director's office for vehicle

1 lease payments;

2 (b) \$887,043 for use by the Colorado state patrol for the executive
3 and capitol complex security program, which amount is based on an
4 assumption that the division will require an additional 6.4 FTE;

5 (c) \$54,295 for use by the office of prevention and security for
6 personal services, which amount is based on an assumption that the office
7 will require an additional 0.9 FTE; and

8 (d) \$100,000 for the office of prevention and security for
9 operating expenses.

10 (2) For the 2022-23 state fiscal year, \$73,752 is appropriated to
11 the department of personnel. This appropriation is from reappropriated
12 funds received from the department of public safety under subsection
13 (1)(a) of this section. To implement this act, the department of personnel
14 may use this appropriation to provide vehicles to the department of public
15 safety.

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