



POST MANUAL



**Colorado Department of Law
Criminal Justice Section, POST Board
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 9th Floor
Denver CO 80203
720-508-6721
E-Mail: post@coag.gov
POST Website: <http://www.coloradopost.gov>**

MISSION

The mission of Colorado POST is to establish and maintain standards for peace officer training and certification that are relevant, realistic and responsive to our ever-changing world.

Law Enforcement Code of Ethics

As a Certified Peace Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and, to respect the Constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life. I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided in me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force of violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith and I accept it as a public trust to be held so long as I am true to the ethics of law enforcement service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

TABLE OF CONTENTS

COLORADO REVISED STATUTES	C-1
TITLE 6 — Consumer and Commercial Affairs.....	C-2
ARTICLE 17 — Uniform Records Retention Act	C-2
6-17-101. Short title	C-2
6-17-102. Legislative Declaration.....	C-2
6-17-103. Definitions	C-2
6-17-104. Records retention period.....	C-3
6-17-105. Form of record	C-3
6-17-106. Scope of Article	C-3
TITLE 16 — Criminal Proceedings	C-4
ARTICLE 1 — General Provisions.....	C-4
16-1-109. Eyewitness identification procedures	C-4
ARTICLE 2.5 — Peace Officers.....	C-8
PART 1 — Peace Officers	C-8
16-2.5-101. Peace officer - description - general authority.....	C-8
16-2.5-102. Certified peace officer - P.O.S.T. certification required.....	C-9
16-2.5-103. Sheriff - undersheriff - certified deputy sheriff - noncertified deputy sheriff	C-9
16-2.5-104. Coroner	C-10
16-2.5-105. Police Officer.....	C-10
16-2.5-106. Southern Ute Indian police officer.....	C-10
16-2.5-107. Ute Mountain Ute Indian police officer.....	C-10
16-2.5-108. Town marshal - deputy	C-10
16-2.5-109. Fire arson investigator.....	C-11
16-2.5-110. Reserve police officer - reserve deputy sheriff - reserve deputy town marshal - definitions	C-11
16-2.5-111. Executive director of the department of public safety - deputy executive director of the department of public safety - director of the division of criminal justice in the department of public safety	C-13
16-2.5-112. Director of the division of homeland security and emergency management	C-13
16-2.5-112.5. Manager of the office of prevention and security within the division of homeland security and emergency management.....	C-13
16-2.5-113. Colorado bureau of investigation director - agent	C-13
16-2.5-114. Colorado state patrol officer	C-14

16-2.5-115. Port of entry officer.....	C-14
16-2.5-116. Colorado wildlife officer - special wildlife officer	C-14
16-2.5-117. Colorado parks and recreation officer - special parks and recreation officer	C-14
16-2.5-118. Commissioner of agriculture	C-15
16-2.5-119. State brand inspector.....	C-15
16-2.5-120. Colorado state higher education security officer	C-15
16-2.5-121. Executive director of the department of revenue - senior director of enforcement for the department of revenue	C-15
16-2.5-122. Auto industry investigator.....	C-16
16-2.5-123. Director of the division of gaming - gaming investigator.....	C-16
16-2.5-124. Liquor enforcement investigator.....	C-16
16-2.5-124.5. Director of marijuana enforcement and marijuana enforcement investigator	C-17
16-2.5-125. State lottery investigator	C-17
16-2.5-126. Director of racing events - racing events supervisor - racing events investigator	C-17
16-2.5-127. State student loan investigator	C-17
16-2.5-128. Colorado attorney general - chief deputy attorney general - solicitor general - assistant solicitor general - deputy attorney general - assistant attorney general of criminal enforcement - assistant attorney general and employee as designated	C-18
16-2.5-129. Attorney general criminal investigator	C-18
16-2.5-130. POST director - POST board investigator	C-18
16-2.5-131. Chief security officer for the general assembly	C-18
16-2.5-132. District attorney - assistant district attorney - chief deputy district attorney - deputy district attorney - special deputy district attorney - special prosecutor.....	C-18
16-2.5-133. District attorney chief investigator - district attorney investigator	C-19
16-2.5-134. Department of corrections inspector general - department of corrections investigator	C-19
16-2.5-135. Executive director of the department of corrections - warden - corrections investigator	C-19
16-2.5-136. Community parole officer.....	C-19
16-2.5-137. Adult probation officer	C-20
16-2.5-138. Juvenile probation officer - juvenile parole officer	C-20
16-2.5-139. Police administrator - police officer employed by the Colorado mental health institute at Pueblo.....	C-20

16-2.5-140. Correctional security officer employed by the Colorado mental health institute at Pueblo	C-20
16-2.5-141. Colorado state security guard.....	C-21
16-2.5-142. Railroad peace officer.....	C-21
16-2.5-143. Public utilities commission member.....	C-21
16-2.5-144. Colorado National Guardsman	C-21
16-2.5-145. Municipal court marshal	C-22
16-2.5-146. Public transit officer - definitions	C-22
16-2.5-147. Federal special agents	C-22
16-2.5-148. Colorado state higher education police officer	C-24
16-2.5-149. City attorney - town attorney - senior assistant city attorney - assistant city attorney - chief deputy city attorney - deputy city attorney - special deputy city attorney - prosecuting attorney - senior prosecuting attorney - senior prosecutor - special prosecutor	C-24
16-2.5-150. Fort Carson police officers	C-25
16-2.5-151. Federal secret service agents.....	C-25
16-2.5-152. Administrator of judicial security	C-26
PART 2 — Sunrise Review of Peace Officer Status	C-27
16-2.5-201. General assembly sunrise review of groups seeking statutory peace officer status	C-27
16-2.5-202. POST board review of peace officer status	C-28
16-2.5-203. Rules	C-29
TITLE 18 — Criminal Code	C-30
ARTICLE 1 — Provisions Applicable to Offenses Generally	C-30
PART 7 — Justification and Exemptions from Criminal Responsibility.....	C-30
18-1-707. Use of physical force by peace officers – definitions.....	C-30
ARTICLE 5 — Offenses Involving Fraud	C-35
PART 1 — Forgery, Simulation, Impersonation, and Related Offenses.....	C-35
18-5-114. Offering a false instrument for recording	C-35
ARTICLE 8 — Offenses - Governmental Operations	C-37
PART 1 — Obstruction of Public Justice.....	C-37
18-8-112. Impersonating a peace officer.....	C-37
TITLE 24 — Government – State - Administration.....	C-38
ARTICLE 3.7 — Statutory Requirements for Creation of Boards and Commissions	C-38
24-3.7-102. Best practices for state boards and commissions	C-38
ARTICLE 7 — State Security Officers.....	C-40

24-7-100.2. Legislative declaration.....	C-40
24-7-101. State institutions authorized to employ security officers.....	C-40
24-7-102. Supervision and control	C-41
24-7-103. Powers conferred	C-41
24-7-104. State property not exempt from local law enforcement	C-41
24-7-105. Officers' qualifications	C-42
24-7-106. Peace officers standards and training board evaluation and recommendation - legislative authorization of peace officer status required	C-42
ARTICLE 7.5 — Colorado Higher Education Police Officers	C-43
24-7.5-101. State institutions of higher education authorized to employ police officers.....	C-43
24-7.5-102. Supervision and control	C-43
24-7.5-103. Powers conferred	C-43
24-7.5-104. State institution of higher education property not exempt from local law enforcement.....	C-44
24-7.5-105. Officers' qualifications	C-44
24-7.5-106. Peace officers standards and training board evaluation and recommendation - legislative authorization of peace officer status required	C-44
ARTICLE 31 — Department of Law	C-45
PART 1 — Attorney General	C-45
24-31-105. Criminal enforcement section.....	C-45
24-31-107. Applications for licenses - authority to suspend licenses - rules.....	C-45
PART 3 — Peace Officer Standards and Training.....	C-47
24-31-301. Definitions	C-47
24-31-302. Creation of Board.....	C-48
24-31-303. Duties - powers of the P.O.S.T. board	C-50
24-31-304. Applicant for training - fingerprint-based criminal history record check	C-55
24-31-305. Certification - issuance - renewal - revocation	C-57
24-31-306. Qualifications for peace officers (repealed).....	C-64
24-31-307. Enforcement.....	C-64
24-31-308. Reciprocity - provisional certificate.....	C-65
24-31-309. Profiling - officer identification - training	C-66
24-31-310. Resources for the training of peace officers - peace officers in rural jurisdictions - legislative declaration	C-69

24-31-311. DNA evidence - collection - retention	C-71
24-31-312. School resource officer training.....	C-71
24-31-313. Training concerning abuse and exploitation of at-risk elders.....	C-72
24-31-313.5. Training concerning abuse and exploitation of at-risk adults with intellectual and developmental disabilities	C-73
24-31-314. Advanced roadside impaired driving enforcement training	C-73
24-31-315. Annual in-service training requirements.....	C-74
24-31-316. Attorney general to provide identification cards to retired peace officers upon request – definitions.....	C-75
24-31-317. Training requirements concerning peace officer interactions with persons with disabilities.....	C-76
24-31-319. Training related to missing indigenous persons – development basic and in-service training required.....	C-76
ARTICLE 33.5 — Public Safety.....	C-77
PART 1 — Department of Public Safety	C-77
24-33.5-112. State law enforcement agencies to provide identification cards to retired peace officers upon request - definitions	C-77
24-33.5-115. Peace officer hiring - required use of waiver - definitions.....	C-78
24-33.5-116. Peace officer authority - Colorado mounted rangers study task force - repeal	C-79
PART 5 — Division of Criminal Justice.....	C-80
24-33.5-519. Body-worn cameras for law enforcement officers – grant program - study group - fund – repeal.....	C-80
PART 8 — Compensation Benefits to Volunteer Civil Defense Workers.....	C-82
24-33.5-822. County sheriff - local government - local emergency planning committee - memorandum of understanding with volunteer organizations	C-82
PART 16 — Division of Homeland Security and Emergency Management	C-85
24-33.5-1606. Office of prevention and security - creation - duties	C-85
24-33.5-1616. Reserve academy grant program - created - rules - repeal	C-85
ARTICLE 35 — Department of Revenue	C-86
PART 1 — Organization.....	C-86
24-35-120. Peace officer hiring - required use of waiver - definition	C-86
ARTICLE 76.5 — Restrictions on Public Benefits.....	C-88
24-76.5-101. Legislative Declaration	C-88
24-76.5-102. Definitions	C-90
24-76.5-103. Lawful presence consideration prohibited	C-90
ARTICLE 76.6 — Prioritizing State Enforcement of Civil Immigration Law	C-91
24-76.6-101. Definitions.....	C-91
24-76.6-102. Civil immigration detainees - legislation declaration.....	C-92
24-76.6-103. Limitations on providing personal information	

by probation offices.....	C-93
TITLE 26 — Human Services Code	C-94
ARTICLE 13 — Child Support Enforcement Act.....	C-94
24-13-126. Authority to deny, suspend, or revoke professional, occupational, and recreational licenses	C-94
TITLE 29 — Government - Local	C-97
ARTICLE 1 — Budget and Services	C-97
PART 2 — Intergovernmental Relationships.....	C-97
29-1-206. Law enforcement agreements	C-97
29-1-206.5. Emergency services - agreements - immunity from liability - definitions	C-97
ARTICLE 5 — Peace Officers and Firefighters	C-99
29-5-101. Peace officers must be residents - exception	C-99
29-5-102. Impersonating an officer - penalty (repealed).....	C-99
29-5-103. Assignment of police officers or deputy sheriffs for temporary duty	C-99
29-5-104. Request for temporary assignment of police officers or deputy sheriffs - authority	C-100
29-5-106. Temporary assignment to labor dispute area	C-102
29-5-108. Liability of requesting jurisdiction.....	C-102
29-5-112. Dog interactions with local law enforcement officers - training to be provided by local law enforcement agencies - policies and procedures - scope - task force - creation - composition - immunity - short title - legislation declaration - definitions.....	C-103
TITLE 30 — Government - County	C-111
ARTICLE 10 — County Officers	C-111
PART 5 — Sheriff.....	C-111
30-10-501.5. Qualifications.....	C-111
30-10-501.6. Training.....	C-112
30-10-501.7. Enforcement.....	C-113
30-10-526. Sheriff office hiring - required use of waiver - definitions	C-113
PART 6 — Coroner.....	C-115
30-10-601. Coroner - election - bond - insurance - authority.....	C-115
30-10-602. Coroner and deputy coroner - duties - oath or affirmation -bond - insurance.....	C-116
30-10-603. Deputy coroner - appointment	C-116
TITLE 31 — Government - Municipal	C-117
ARTICLE 4 — Organizational Structure and Officers	C-117
PART 1 — Organizational Structure and Officers of Statutory Cities.....	C-117
31-4-112. Marshal or chief of police - duties	C-117
31-4-306. Marshal or chief of police - powers and duties.....	C-117

ARTICLE 15 — Exercise of Municipal Powers	C-119
PART 4 — Police Regulations.....	C-119
31-15-401. General police powers	C-119
ARTICLE 30 — Fire - Police - Sanitation	C-130
31-30-108. Peace officer hiring - required use of waiver - definitions	C-130
TITLE 33 — Parks and Wildlife.....	C-132
ARTICLE 9 — Administration of Parks and Wildlife.....	C-132
33-9-112. Peace officer hiring - required use of waiver - definitions.....	C-132
TITLE 39 — Taxation - Specific Taxes	C-134
ARTICLE 28.8 — Taxes on Marijuana and Marijuana Products	C-134
PART 5 — Marijuana Tax Cash Fund	C-134
39-28.8-501. Marijuana tax cash fund - creation - distribution - repeal.....	C-134
TITLE 42 — Vehicles and Traffic	C-143
ARTICLE 1 — General and Administrative	C-143
PART 1 — Definitions and Citation	C-143
42-1-102. Definitions	C-143
ARTICLE 3 — Registration, Taxation, and License Plates.....	C-144
PART 3 — Fees and Cash Funds	C-144
42-3-304. Registration fees - passenger and passenger-mile taxes - clean screen fund - repeal	C-144
ARTICLE 5 — Automobile Theft Law - Inspection of Motor Vehicle Identification Numbers	C-147
PART 2 — Vehicle Identification Number Inspection	C-147
42-5-201. Definitions	C-147
42-5-206. Certification of inspectors.....	C-149

COLORADO REVISED STATUTES

This portion of Colorado Revised Statutes, reprinted with the permission of the committee on Legal Services in accordance with Section 2-5-118, C.R.S., is an unofficial publication of Colorado Revised Statutes

Title 6 – Consumer and Commercial Affairs

Article 17 – Uniform Records Retention Act

6-17-101. Short title

This article shall be known and may be cited as the "Uniform Records Retention Act".

Source: L. 90: Entire article added, p. 384, § 1, effective July 1.

6-17-102. Legislative declaration

The general assembly hereby finds that there is a need to minimize the paperwork burden associated with the retention of business records for individuals, small businesses, state and local agencies, corporations, and other persons, and there is a need to minimize the costs of collecting, maintaining, using, storing, and disseminating information and business records. The general assembly therefore finds that the provisions of this article are necessary to promote efficiency and economy.

Source: L. 90: Entire article added, p. 384, § 1, effective July 1.

6-17-103. Definitions

As used in this article, unless the context otherwise requires:

(1) "Business record" means books of account; vouchers; documents; cancelled checks; payrolls; correspondence; records of sales, personnel, equipment, and production; reports relating to any or all of such records; and other business papers.

(2) "Record" means any letter, word, sound, number, or its equivalent, set down by handwriting, typewriting, printing, photostating, photographing, magnetic impulse, mechanical, or electronic recording of other forms of data compilation. Unless otherwise specified, reproductions are records for purposes of this article.

(3) "Reproduction" means any counterpart produced by the same impression as the original or from the same matrix, or by means of photography, including enlargements and miniatures, or by mechanical or electronic rerecording or by chemical reproduction or by any equivalent technique which accurately reproduces the original.

Source: L. 90: Entire article added, p. 384, § 1, effective July 1.

6-17-104. Records retention period

Any record required to be created or kept by any state or local law or regulation may be destroyed after three years from the date of creation unless such law or regulation establishes a specified records retention period or a specific procedure to be followed prior to destruction.

Source: L. 90: Entire article added, p. 385, § 1, effective July 1.

6-17-105. Form of record

Retention of reproductions produced pursuant to this article shall constitute compliance with any state or local law requiring that any record be created or kept.

Source: L. 90: Entire article added, p. 385, § 1, effective July 1.

6-17-106. Scope of article

This article shall apply to all records prepared by private individuals, partnerships, corporations, or any other association, whether carried on for profit or not, and to any government entity operating under the laws of this state and shall apply to all records created before and after July 1, 1990.

Source: L. 90: Entire article added, p. 385, § 1, effective July 1.

TITLE 16 – Criminal Proceedings

ARTICLE 1 – General Provisions

16-1-109. Eyewitness identification procedures - legislative declaration - definitions - policies and procedures - training - admissibility

- (1) The general assembly finds and declares that:
 - (a) Over the past forty years, a large body of peer-reviewed scientific research and practice has demonstrated that simple systematic changes in the administration of eyewitness identification procedures by all law enforcement agencies can greatly improve the accuracy of those identifications and strengthen public safety while protecting the innocent;
 - (b) The integrity of Colorado's criminal justice system benefits from adherence to peer-reviewed research-based practices in the investigation of criminal activity; and
 - (c) Colorado will benefit from the development and use of written law enforcement policies that are derived from peer-reviewed scientific research and research-based practices, which will ultimately improve the accuracy of eyewitness identification and strengthen the criminal justice system in Colorado.
- (2) As used in this section, unless the context otherwise requires:
 - (a) "Blind" means the administrator of a live lineup, photo array, or showup does not know the identity of the suspect.
 - (b) "Blinded" means the administrator of a live lineup, photo array, or showup may know who the suspect is but does not know in which position the suspect is placed in the photo array when it is viewed by the eyewitness.
 - (c) "Eyewitness" means a person who observed another person at or near the scene of an offense.
 - (d) "Filler" means either a person or a photograph of a person who is not suspected of the offense in question and is included in an identification procedure.
 - (e) "Live lineup" means an identification procedure in which a group of persons, including the suspected perpetrator of an offense and other persons who are not suspected of the offense, is displayed to an eyewitness for

the purpose of determining whether the eyewitness identifies the suspect as the perpetrator.

(f) "Peace officers standards and training board" or "P.O.S.T. board" means the board created in section 24-31-302, C.R.S., for the certification of peace officers in Colorado.

(g) "Photo array" means an identification procedure in which an array of photographs, including a photograph of the suspected perpetrator of an offense and additional photographs of other persons who are not suspected of the offense, is displayed to an eyewitness either in hard copy form or via electronic means for the purpose of determining whether the eyewitness identifies the suspect as the perpetrator.

(h) "Showup" means an identification procedure in which an eyewitness is presented with a single suspect in person for the purpose of determining whether the eyewitness identifies the individual as the perpetrator.

- (3) (a) On or before November 15, 2021, any Colorado law enforcement agency that employs a peace officer required to be P.O.S.T.-certified pursuant to section 16-2.5-102, that is charged with enforcing the criminal laws of Colorado, and that, as part of any criminal investigation, uses or might use any eyewitness identification procedure shall adopt written policies and procedures concerning law-enforcement-conducted eyewitness identifications. The policies and procedures adopted and implemented by a law enforcement agency must be consistent with eyewitness identification procedures of nationally recognized peer-reviewed research and must be consistent with the requirements of section 16-1-110 for admissibility of evidence of eyewitness identification. The attorney general, the Colorado district attorneys' council, representatives of law enforcement, and representatives of the state public defender office, in consultation with an organization that is familiar with the research regarding eyewitness identification and supports the exoneration of persons who have been wrongfully convicted, shall develop and recommend a set of model policies and procedures that are consistent with the requirements of this section and section 16-1-110 and update the policies and procedures as necessary. The policies and procedures must include, but need not be limited to, the following:

(I) Protocols guiding the use of a showup;

(II) Protocols guiding the recommended use of a blind administration of both photo arrays and live lineups or the recommended use of a blinded administration of the identification

process when circumstances prevent the use of a blind administration;

(III) The development of a set of easily understood instructions for eyewitnesses that, at a minimum, advise the eyewitness that the alleged perpetrator may or may not be present in the photo array or live lineup and that the investigation will continue whether or not the eyewitness identifies anyone as the alleged perpetrator in the photo array or live lineup;

(IV) Instructions to the law enforcement agency regarding the appropriate choice and use of fillers in compiling a live lineup or photo array, including ensuring that fillers match the original description of the perpetrator; and

(V) Protocols regarding the documentation of the eyewitness' level of confidence as elicited at the time he or she first identifies an alleged perpetrator or other person and memorialized verbatim in writing.

(b) Repealed by Laws 2021, Ch. 312 (H.B. 21-1142), § 2, eff. Sept. 7, 2021.

(c) Local law enforcement policies and procedures relating to eyewitness identification are public documents. All such policies and procedures must be available, without cost, to the public upon request pursuant to the provisions of this section.

(d) Subject to available resources, law enforcement shall create, conduct, or facilitate professional training programs for law enforcement officers and other relevant personnel on methods and technical aspects of eyewitness identification policies and procedures. While these training programs shall be approved by the P.O.S.T. board, any programs may be created, provided, and conducted by any law enforcement agency, the office of the attorney general, the Colorado district attorneys' council, or any other P.O.S.T.-approved training entity.

(4) Policies and procedures adopted and implemented by a law enforcement agency pursuant to this section shall be reviewed by the agency at least every five years to ensure consistency with nationally recognized peer-reviewed research.

(5) Compliance or failure to comply with any of the requirements of this section is considered relevant evidence in any case involving eyewitness identification, as long as such evidence is otherwise admissible.

(6) Beginning January 1, 2022, each law enforcement agency that uses a showup shall collect the following data related to those identification techniques:

- (a) The date, time, and location of the showup;
- (b) The gender, age, and race of the subject and eyewitness in the showup, as determined by the law enforcement officer's perception or the subject's identification or retrieved from a database accessible by law enforcement;
- (c) The alleged crime; and
- (d) The outcome of the showup.”

HISTORY: Source: L. 2015: Entire section added, (SB 15-058), ch. 110, p. 321, § 1, effective July 1. L. 2021:(2)(h), IP(3)(a), (4), and (5) amended, (3)(b) repealed, and (6) added,(HB 21-1142), ch. 312, p. 1902, § 2, effective September 7.

Editor’s Note: Section 5(2) of chapter 312 (HB 21-1142), Session Laws of Colorado 2021, provides that the act changing this section applies to showups conducted on or after January 1, 2022.

Cross References: For the legislative declaration in HB 21-1142, see section 1 of chapter 312, Session Laws of Colorado 2021

TITLE 16 – Criminal Proceedings

ARTICLE 2.5 – Peace Officers

PART 1 – Peace Officers

16-2.5-101. Peace officer – description – general authority

(1) A person who is included within the provisions of this article and who meets all standards imposed by law on a peace officer is a peace officer, and, notwithstanding any other provision of law, no person other than a person designated in this article is a peace officer. A peace officer may be certified by the peace officers standards and training board pursuant to part 3 of article 31 of title 24, C.R.S., and, at a minimum, has the authority to enforce all laws of the state of Colorado while acting within the scope of his or her authority and in the performance of his or her duties, unless otherwise limited within this part 1.

(2) A peace officer certified by the peace officers standards and training board shall have the authority to carry firearms at all times, concealed or otherwise, subject to the written firearms policy created by the agency employing the peace officer. All other peace officers shall have the authority to carry firearms, concealed or otherwise, while engaged in the performance of their duties or as otherwise authorized by the written policy of the agency employing the officer.

(3) As used in every statute, unless the context otherwise requires, "law enforcement officer" means a peace officer.

Source: L. 2003: Entire article added, p. 1605, § 2, effective August 6. L. 2006: (1) amended, p. 27, § 1, effective July 1, 2007.

ANNOTATION

Annotator's note. Since § 16-2.5-101 is similar to repealed § 18-1-901 (3)(l), relevant cases construing that provision have been included in the annotations to this section.

Jailer included as peace officer. The jailer is a deputy sheriff and as such is a peace officer within the definition of subsection (3)(l). *People v. Shockley*, 41 Colo. App. 515, 591 P.2d 589 (1978).

Fellow officer doctrine applicable to parole officer. By definition in the "Colorado Criminal Code", the parole officer is a "peace officer", and there is no persuasive reason why a parole officer should not come within the fellow officer doctrine. *People v. Bergstrom*, 190 Colo. 105, 544 P.2d 396 (1975).

Under the "fellow officer rule", a sheriff's deputies were entitled to rely upon and accept the information supplied by the parole officer. *People v. Bergstrom*, 190 Colo. 105, 544 P.2d 396 (1975).

For purposes of the reference to subsection (3)(l)(I) made in § 24-31-302 (5), the certification requirement does not constitute a part of that the referenced definition. *Fraternal Order, No. 27 v. Denver*, 914 P.2d 483 (Colo. App. 1995). The phrase "has the authority to enforce all the laws of the state of Colorado while acting within the scope of his authority and in the performance of his duties", does not constitute a part of the definition of peace officer, level I. *Fraternal Order, No. 27 v. Denver*, 914 P.2d 483 (Colo. App. 1995).

Applied in *People v. Roberts*, 43 Colo. App. 100, 601 P.2d 654 (1979); *People v. Herrera*, 633 P.2d 1091 (Colo. App. 1981).

16-2.5-102. Certified peace officer - P.O.S.T. certification required

The following peace officers shall meet all the standards imposed by law on a peace officer and shall be certified by the peace officers standards and training board, referred to in this article as the "P.O.S.T. board": A chief of police; a police officer; a sheriff; an undersheriff; a deputy sheriff; a Colorado state patrol officer; a town marshal; a deputy town marshal; a reserve police officer; a reserve deputy sheriff; a reserve deputy town marshal; a police officer or reserve police officer employed by a state institution of higher education; a Colorado wildlife officer; a Colorado parks and recreation officer; a Colorado police administrator or police officer employed by the Colorado mental health institute at Pueblo; an attorney general criminal investigator; a community parole officer; a public transit officer; a municipal court marshal; and the department of corrections inspector general.

Source: L. 2003: Entire article added, p. 1606, § 2, effective August 6. L. 2004: Entire section amended, p. 1162, § 2, effective May 27. L. 2008: Entire section amended, p. 85, § 1, effective March 18. L. 2010: Entire section amended, (HB 10-1422), ch. 419, p. 2069, § 26, effective August 11. L. 2016: Entire section amended, (SB 16-189), ch. 210, p. 759, § 25, effective June 6.

16-2.5-103. Sheriff – undersheriff – certified deputy sheriff – noncertified deputy sheriff

(1) A sheriff, an undersheriff, and a deputy sheriff are peace officers whose authority shall include the enforcement of all laws of the state of Colorado. A sheriff shall be certified by the POST board pursuant to section 30-10-501.6, C.R.S. An undersheriff and a deputy sheriff shall be certified by the POST board.

(2) A noncertified deputy sheriff or detention officer is a peace officer employed by a county or city and county whose authority is limited to the duties assigned by

and while working under the direction of the chief of police, sheriff, an official who has the duties of a sheriff in a city and county, or chief executive of the employing law enforcement agency.

Source: L. 2003: Entire article added, p. 1606, § 2, effective August 6.

16-2.5-104. Coroner

A coroner is a peace officer while engaged in the performance of his or her duties whose authority shall be limited pursuant to part 6 of article 10 of title 30, C.R.S.

Source: L. 2003: Entire article added, p. 1606, § 2, effective August 6.

16-2.5-105. Police officer

A police officer, including a chief of police employed by a municipality, is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado and who shall be certified by the POST board.

Source: L. 2003: Entire article added, p. 1606, § 2, effective August 6.

16-2.5-106. Southern Ute Indian police officer

A Southern Ute Indian police officer is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado and who may be certified by the POST board.

Source: L. 2003: Entire article added, p. 1606, § 2, effective August 6.

16-2.5-107. Ute Mountain Ute Indian police officer

A Ute Mountain Ute Indian police officer is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado and who may be certified by the POST board.

Source: L. 2003: Entire article added, p. 1606, § 2, effective August 6.

16-2.5-108. Town marshal – deputy

A town marshal or deputy town marshal is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado and who shall be certified by the POST board.

Source: L. 2003: Entire article added, p. 1607, § 2, effective August 6.

16-2.5-109. Fire arson investigator

A fire arson investigator authorized by a unit of local government is a peace officer while engaged in the performance of his or her duties whose authority shall be limited to the enforcement of arson and related laws and who may be certified by the POST board.

Source: L. 2003: Entire article added, p. 1607, § 2, effective August 6. L. 2008: Entire section amended, p. 703, § 1, effective May 1.

16-2.5-110. Reserve police officer – reserve deputy sheriff – reserve deputy town marshal – definitions

- (1)
 - (a) A reserve police officer, a reserve deputy sheriff, and a reserve deputy town marshal are reserve officers.
 - (b) "Reserve officer" means a person authorized by a city, city and county, town, county, or state institution of higher education within this state to act as a reserve police officer, reserve deputy sheriff, or reserve town marshal for certain specific and limited periods of time while the person is authorized to be on duty and acting at the express direction or under the direct supervision of a fully POST-certified peace officer pursuant to section 16-2.5-103, 16-2.5-105, 16-2.5-108, or 16-2.5-120. A reserve officer is a peace officer while engaged in the performance of his or her duties whose authority shall be limited to the authority granted by his or her authorizing agency.
 - (c) A reserve officer:
 - (I) Shall obtain reserve certification by the POST board as a reserve officer; or
 - (II) May be a fully POST-certified peace officer serving as a volunteer and may be granted full peace officer status and authority at the discretion of the appointing authority.
- (2) A city, city and county, town, county, or state institution of higher education assigning duties to a reserve officer beyond those duties included in the POST board training shall assume the responsibility for ensuring that the reserve officer is adequately trained for the duties. Any expenses associated with the additional training shall be authorized by the city, city and county, town, county, or state institution of higher education. If the jurisdiction allows or requires the reserve officer to carry or use a firearm while on duty, the reserve officer shall be certified for firearms proficiency with the same frequency and subject to the same requirements as a POST-certified peace officer in the jurisdiction. A reserve officer

who does not comply with the training requirements set forth in this subsection (2) is not authorized to enforce the laws of the state of Colorado.

(3) (Deleted by amendment, L. 2007, p. 121, § 1, effective August 3, 2007.)

(3.5) If a police chief, sheriff, or town marshal determines that a reserve officer has been adequately trained to perform a law-enforcement function that the police chief, sheriff, or town marshal is required to perform, the police chief, sheriff, or town marshal may allow the reserve officer to perform the function either in uniform or in civilian clothes, whichever is appropriate.

(4) When performing extradition duties, the reserve officer shall be accompanied by a POST-certified officer.

(5) A reserve officer may be compensated for his or her time during a declared emergency or during a time of special need. In all other circumstances, a reserve officer shall serve without compensation, but may be reimbursed at the discretion of the city, city and county, town, county, or state institution of higher education benefitting from the services of the reserve officer for any authorized out-of-pocket expenses incurred in the course of his or her duties. The city, city and county, town, county, or state institution of higher education shall pay the cost of workers' compensation benefits for injuries incurred by a reserve officer while on duty and while acting within the scope of his or her assigned duties. A reserve officer is an authorized volunteer for purposes of article 10 of title 24, C.R.S.

(6) For the purposes of this section:

(a) "Direct supervision" means an assignment given by a fully POST-certified peace officer to a reserve officer, which assignment is carried out in the personal presence of, or in direct radio or telephone contact with, and under the immediate control of, the fully POST-certified peace officer.

(b) "Express direction" means a defined, task-specific assignment given by a fully POST-certified peace officer to a reserve officer. The fully POST-certified peace officer need not be present while the reserve officer carries out the assignment.

(7) For the purposes of this section, a person serving as a citizen auxiliary is not a peace officer and the POST board shall not require the person to be certified.

Source: L. 2003: Entire article added, p. 1607, § 2, effective August 6. L. 2004: (3), (4), and (6) amended and (3.5) added, p. 678, § 1, effective August 4. L. 2007: (1), (3), and (6) amended, p. 121, § 1, effective August 3. L. 2008: (1)(b), (2), and (5) amended, p. 85, § 2, effective March 18.

16-2.5-111. Executive director of the department of public safety - deputy executive director of the department of public safety - director of the division of criminal justice in the department of public safety

The executive director and deputy executive director of the department of public safety and the director of the division of criminal justice in the department of public safety are peace officers whose authority shall include the enforcement of all laws of the state of Colorado and who may be certified by the POST board.

Source: L. 2003: Entire article added, p. 1608, § 2, effective August 6. L. 2012: Entire section amended, (HB12-1079), ch. 21, p. 56, § 1, effective March 16.

16-2.5-112. Director of the division of homeland security and emergency management

The director of the division of homeland security and emergency management in the department of public safety is a peace officer whose authority includes the enforcement of all laws of the state of Colorado and who may be certified by the POST board.

Source: L. 2003: Entire article added, p. 1608, § 2, effective August 6. L. 2012: Entire section amended, (HB 12-1283), ch. 240, p. 1132, § 39, effective July 1.

16-2.5-112.5. Manager of the office of prevention and security within the division of homeland security and emergency management

The manager of the office of prevention and security within the division of homeland security and emergency management in the department of public safety is a peace officer whose authority includes the enforcement of all laws of the state of Colorado and who may be certified by the P.O.S.T. board.

HISTORY: Source: L. 2017: Entire section added, ([HB 17-1209](#)), [ch. 247](#), [p. 1043](#), [§ 1](#), effective August 9.

16-2.5-113. Colorado bureau of investigation director – agent

A director of the Colorado bureau of investigation is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado and who may be certified by the P.O.S.T. board. A Colorado bureau of investigation agent is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado pursuant to [section 24-33.5-409, C.R.S.](#), and who may be certified by the P.O.S.T. board.

Source: L. 2003: Entire article added, p. 1608, § 2, effective August 6. L. 2013: Entire section amended, ([HB 13-1076](#)), [ch. 6, p. 16, § 1](#), effective February 27.

16-2.5-114. Colorado state patrol officer

A Colorado state patrol officer is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado pursuant to section 24-33.5-212, C.R.S., and who shall be certified by the POST board.

Source: L. 2003: Entire article added, p. 1609, § 2, effective August 6.

16-2.5-115. Port of entry officer

A port of entry officer is a peace officer while engaged in the performance of his or her duties whose authority shall be limited pursuant to section 42-8-104, C.R.S.

Source: L. 2003: Entire article added, p. 1609, § 2, effective August 6.

16-2.5-116. Colorado wildlife officer – special wildlife officer

(1) A Colorado wildlife officer employed by the Colorado division of parks and wildlife in the department of natural resources is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado pursuant to section 33-1-102 (4.3), C.R.S., and who shall be certified by the POST board. Each Colorado wildlife officer shall be required to complete a minimum of forty hours of continuing law enforcement education per calendar year, or such number of hours as may otherwise be required by law.

(2) A special wildlife officer is a peace officer whose authority is limited as defined by the director of the division of parks and wildlife pursuant to section 33-1-110 (5), C.R.S.

Source: L. 2003: Entire article added p. 1609, § 2, effective August 6; (2) amended, p. 1954, § 50, effective August 6.

16-2.5-117. Colorado parks and recreation officer – special parks and recreation officer

(1) A Colorado parks and recreation officer employed by the Colorado division of parks and wildlife in the department of natural resources is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado pursuant to section 33-10-102 (17), C.R.S., and who shall be certified by the POST board. Each Colorado parks and recreation officer shall be required to complete a

minimum of forty hours of continuing law enforcement education per calendar year, or such number of hours as may otherwise be required by law.

(2) A special parks and recreation officer is a peace officer whose authority is limited as defined by the director of the division of parks and wildlife pursuant to section 33-10-109 (1) (f), C.R.S.

Source: L. 2003: Entire article added, p. 1609, § 2, effective August 6; (2) amended, p. 1954, § 51, effective August 6.

16-2.5-118. Commissioner of agriculture

The commissioner of agriculture or his or her designee is a peace officer while engaged in the performance of his or her duties whose authority shall be limited pursuant to sections 35-36-103 and 35-36-312 of the “Commodity Handler and Farm Products Act”; the “Animal Protection Act”, section 35-42-107(4); and the “Pet Animal Care and Facilities Act”, section 35-80-109(6).

Source: L. 2003: Entire article added, p. 1609, § 2, effective August 6. L. 2017: Entire section amended, (SB 17-225), ch. 262, p. 1246, § 4, effective August 9. L. 2020: Entire section amended, (HB 20-1213), ch. 160, p. 753, § 5, effective June 29.

16-2.5-119. State brand inspector

A state brand inspector is a peace officer while engaged in the performance of his or her duties whose authority shall be limited pursuant to section 35-53-128, C.R.S.

Source: L. 2003: Entire article added, p. 1609, § 2, effective August 6.

16-2.5-120. Colorado state higher education security officer

A Colorado state higher education security officer employed by a state institution of higher education pursuant to sections 24-7-101 to 24-7-106, C.R.S., is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado and who may be certified by the POST board.

Source: L. 2003: Entire article added, p. 1610, § 2, effective August 6. L. 2008: Entire section amended, p. 86, § 3, effective March 18.

16-2.5-121. Executive director of the department of revenue – senior director of enforcement for the department of revenue

The executive director and the senior director of enforcement of the department of revenue are peace officers while engaged in the performance of their duties whose authority includes the enforcement of laws and rules regarding automobile dealers

pursuant to section 44-20-105(3), the lottery pursuant to sections 44-40-106(3) and 44-40-107(8), medical marijuana pursuant to article 10 of title 44, limited gaming pursuant to article 30 of title 44, liquor pursuant to section 44-3-905(1), and racing events pursuant to section 44-32-203(1), and the enforcement of all laws of the state of Colorado and who may be certified by the P.O.S.T. board.

Source: L. 2003: Entire article added, p. 1610, § 2, effective August 6. L. 2010: Entire section amended, (HB 10-1284), ch. 355, p. 1685, § 4, effective July 1. L. 2017: Entire section amended, (SB 17-240), ch. 395, p. 2063, § 44, effective July 1. L. 2018: Entire section amended, (SB 18-030), ch. 7, p. 139, § 7, effective October 1; entire section amended, (SB 18-034), ch. 14, p. 238, § 9, effective October 1; entire section amended, (HB 18-1023), ch. 55, p. 586, § 10, effective October 1; entire section amended, (HB 18-1024), ch. 26, p. 322, § 10, effective October 1; entire section amended, (HB 18-1025), ch. 152, p. 1078, § 6, effective October 1; entire section amended, (HB 18-1027), ch. 31, p. 362, § 6, effective October 1; entire section amended, (HB 18-1375), ch. 274, p. 1699, § 15, effective October 1. L. 2019: Entire section amended, (SB 19-224), ch. 315, p. 2936, § 14, effective January 1, 2020.

16-2.5-122. Auto industry investigator

The director of the auto industry division or an auto industry investigator is a peace officer while engaged in the performance of his or her duties whose authority is limited to the enforcement of section 44-20-105(3).

Source: L. 2003: Entire article added, p. 1610, § 2, effective August 6. L. 2017: Entire section amended, (SB 17-240), ch. 395, p. 2064, § 46, effective July 1. L. 2018: Entire section amended, (SB 18-030), ch. 7, p. 139, § 8, effective October 1.

16-2.5-123. Director of the division of gaming – gaming investigator

The director of the division of gaming in the department of revenue or a gaming investigator in the department of revenue is a peace officer while engaged in the performance of his or her duties whose primary authority shall be as stated in section 44-30-204 and shall also include the enforcement of all laws of the state of Colorado and who may be certified by the P.O.S.T. board.

Source: L. 2003: Entire article added, p. 1610, § 2, effective August 6. L. 2018: Entire section amended, (SB 18-034), ch. 14, p. 238, § 10, effective October 1.

16-2.5-124. Liquor enforcement investigator

A liquor enforcement investigator is a peace officer while engaged in the performance of his or her duties and while acting under proper orders or regulations whose primary authority shall be as stated in sections 44-3-905(1) and 44-7-104 and shall also include the enforcement of all laws of the state of Colorado and who may be certified by the P.O.S.T. board.

Source: L. 2003: Entire article added, p. 1610, § 2, effective August 6. L. 2018: Entire section amended, (SB 18-036), ch. 34, p. 377, § 5, effective October 1; entire section amended, (HB 18-1025), ch. 152, p. 1078, § 7, effective October 1.

16-2.5-124.5. Director of marijuana enforcement and marijuana enforcement investigator

The director of the marijuana enforcement division or a marijuana enforcement investigator is a peace officer while engaged in the performance of his or her duties and while acting under proper orders or rules pursuant to article 10 of title 44 and shall also include the enforcement of all laws of the state of Colorado and who may be certified by the P.O.S.T. board.

Source: L. 2010: Entire section added, (HB 10-1284), ch. 355, p. 1685, § 5, effective July 1. L. 2013: Entire section amended, (HB 13-1317), ch. 329, p. 1864, § 6, effective May 28. L. 2018: Entire section amended, (HB 18-1023), ch. 55, p. 586, § 11, effective October 1. L. 2019: Entire section amended, (SB 19-224), ch. 315, p. 2937, § 15, effective January 1, 2020.

16-2.5-125. State lottery investigator

A state lottery investigator is a peace officer while engaged in the performance of his or her duties whose primary authority shall be as stated in sections 44-40-106(3) and 44-40-107(8) and shall also include the enforcement of all laws of the state of Colorado and who may be certified by the P.O.S.T. board.

Source: L. 2003: Entire article added, p. 1610, § 2, effective August 6. L. 2018: Entire section amended, (HB 18-1027), ch. 31, p. 363, § 7, effective October 1.

16-2.5-126. Director of racing events – racing events supervisor – racing events investigator

The director of racing events, a racing events supervisor, and a racing events investigator are peace officers while engaged in the performance of their duties whose primary authority shall be as stated in section 44-32-203(1) and shall also include the enforcement of all laws of the state of Colorado and who may be certified by the P.O.S.T. board.

Source: L. 2003: Entire article added, p. 1610, § 2, effective August 6. L. 2018: Entire section amended, (HB 18-1024), ch. 26, p. 322, § 11, effective October 1.

16-2.5-127. State student loan investigator

A state student loan investigator is a peace officer while engaged in the performance of his or her duties whose authority shall be limited pursuant to

section 23-3.1-104 (2) (q), C.R.S.

Source: L. 2003: Entire article added, p. 1611, § 2, effective August 6.

16-2.5-128. Colorado attorney general - chief deputy attorney general - solicitor general - assistant solicitor general - deputy attorney general - assistant attorney general of criminal enforcement - assistant attorney general and employee as designated

The attorney general, chief deputy attorney general, solicitor general, assistant solicitors general, deputy attorneys general, assistant attorneys general of criminal enforcement, and certain other assistant attorneys general and employees of the department of law who are designated by the attorney general are peace officers whose authority shall include the enforcement of all laws of the state of Colorado and who may be certified by the POST board.

Source: L. 2003: Entire article added, p. 1611, § 2, effective August 6. L. 2011: Entire section amended, (SB 11-020), ch. 39, p. 105, § 1, effective March 21.

16-2.5-129. Attorney general criminal investigator

An attorney general criminal investigator is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado and who shall be certified by the POST board.

Source: L. 2003: Entire article added, p. 1611, § 2, effective August 6.

16-2.5-130. POST director – POST board investigator

The director of the POST board and a POST board investigator are peace officers while engaged in the performance of their duties whose primary authority shall include the enforcement of laws and rules pertaining to the training and certification of peace officers and shall include the enforcement of all laws of the state of Colorado and who may be certified by the POST board.

Source: L. 2003: Entire article added, p. 1611, § 2, effective August 6.

16-2.5-131. Chief security officer for the general assembly

The chief security officer for the general assembly is a peace officer while engaged in the performance of his or her duties whose authority shall be limited pursuant to section 2-2-402, C.R.S.

Source: L. 2003: Entire article added, p. 1611, § 2, effective August 6.

16-2.5-132. District attorney - assistant district attorney - chief deputy

district attorney - deputy district attorney - special deputy district attorney - special prosecutor

A district attorney, an assistant district attorney, a chief deputy district attorney, a deputy district attorney, a special deputy district attorney, and a special prosecutor are peace officers whose authority shall include the enforcement of all laws of the state of Colorado and who may be certified by the POST board.

Source: L. 2003: Entire article added, p. 1611, § 2, effective August 6.

16-2.5-133. District attorney chief investigator – district attorney investigator

A district attorney chief investigator and a district attorney investigator are peace officers whose authority shall include the enforcement of all laws of the state of Colorado and who may be certified by the POST board.

Source: L. 2003: Entire article added, p. 1611, § 2, effective August 6.

16-2.5-134. Department of corrections inspector general – department of corrections investigator

The department of corrections inspector general and a department of corrections investigator are peace officers whose authority shall be pursuant to section 17-1-103.8, C.R.S., and whose authority shall include the enforcement of all the laws of the state of Colorado. A department of corrections investigator may be certified by the POST board. The inspector general shall be certified by the POST board.

Source: L. 2003: Entire article added, p. 1612, § 2, effective August 6.

16-2.5-135. Executive director of the department of corrections – warden – corrections officer

The executive director of the department of corrections, a warden, a corrections officer employed by the department of corrections, or other department of corrections employee assigned by the executive director, is a peace officer while engaged in the performance of his or her duties pursuant to title 17, C.R.S., whose primary authority is the supervision of persons in the custody or confinement of the department of corrections and who may be certified by the POST board.

Source: L. 2003: Entire article added, p. 1612, § 2, effective August 6.

16-2.5-136. Community parole officer

A community parole officer employed by the department of corrections is

responsible for supervising offenders in the community and supporting the division of adult parole in providing assistance to parolees to secure employment, housing, and other services to support their successful reintegration into the community while recognizing the need for public safety. A community parole officer is a peace officer whose authority shall be pursuant to section 17-27-105.5, C.R.S., and whose authority shall include the enforcement of all laws of the state of Colorado, and who shall be certified by the POST board.

Source: L. 2003: Entire article added, p. 1612, § 2, effective August 6. L. 2010: Entire section amended, (HB 10-1360), ch. 263, p. 1193, § 1, effective May 25.

16-2.5-137. Adult probation officer

An adult probation officer is a peace officer while engaged in the performance of his or her duties whose authority shall be limited pursuant to part 2 of article 11 of this title.

Source: L. 2003: Entire article added, p. 1612, § 2, effective August 6.

16-2.5-138. Juvenile probation officer – juvenile parole officer

A juvenile probation officer and a juvenile parole officer are peace officers while engaged in the performance of their duties. The authority of a juvenile probation officer and a juvenile parole officer is limited pursuant to sections 19-2.5-1107 and 19-2.5-1204.

Source: L. 2003: Entire article added, p. 1612, § 2, effective August 6. L. 2021: Entire section amended, (SB 21-059), ch. 136, p. 712, § 20, effective October 1.

16-2.5-139. Police administrator – police officer employed by the Colorado mental health institute at Pueblo

A police administrator and a police officer employed by the Colorado mental health institute at Pueblo are peace officers whose authority shall include the enforcement of all laws of the state of Colorado pursuant to article 7 or title 24, C.R.S., and who shall be certified by the POST board. Each police administrator or police officer employed by the Colorado mental health institute at Pueblo shall complete a minimum of forty hours of continuing law enforcement education per calendar year, or such number of hours as may otherwise be required by law.

Source: L. 2003: Entire article added, p. 1612, § 2, effective August 6. L. 2009: Entire section amended, (SB 09-097), ch. 110, p. 456, § 1, effective August 5.

16-2.5-140. Correctional security officer employed by the Colorado mental health institute at Pueblo

A correctional security officer employed by the Colorado mental health institute at Pueblo is a peace officer while engaged in the performance of his or her duties as provided in article 7 of title 24, C.R.S., and whose authority shall include the enforcement of all laws of the state of Colorado, and who may be certified by the P.O.S.T. board.

Source: L. 2003: Entire article added, p. 1612, 2, effective August 6. L. 2009: Entire section amended, (SB 09-097), ch. 110, p. 456, 2, effective August 5.

16-2.5-141. Colorado state security guard

A Colorado state security guard is a peace officer while engaged in the performance of his or her duties pursuant to article 7 of title 24, C.R.S., whose authority shall be limited to the scope and authority of his or her assigned duties and who may be certified by the POST board.

Source: L. 2003: Entire article added, p. 1613, § 2, effective August 6. L. 2009: Entire section amended, (SB 09-097), ch. 110, p. 456, § 3, effective August 5.

16-2.5-142. Railroad peace officer

A railroad peace officer is a peace officer while engaged in the performance of his or her duties whose authority shall be limited pursuant to section 40-32-104.5, C.R.S., and who may be certified by the POST board.

Source: L. 2003: Entire article added, p. 1613, § 2, effective August 6.

16-2.5-143. Public utilities commission member

A public utilities commission member is a peace officer while engaged in the performance of his or her duties whose authority shall be limited pursuant to articles 1 to 17 of title 40, C.R.S.

Source: L. 2003: Entire article added, p. 1613, § 2, effective August 6.

16-2.5-144. Colorado National Guardsman

A Colorado National Guardsman is a peace officer while acting under call of the governor in cases of emergency or civil disorder. His or her authority shall be limited to the period of call-up specified by the governor and shall be exercised only if the executive order of the governor calling the National Guard to state duty specifies that enforcement of the laws of the state of Colorado is a purpose for the call-up.

Source: L. 2003: Entire article added, p. 1613, § 2, effective August 6.

16-2.5-145. Municipal court marshal

A municipal court marshal who is employed by a municipality and is specifically designated a peace officer by the municipality is a peace officer while engaged in the performance of his or her duties. The authority of such a municipal court marshal shall be limited to providing security for the municipal court, transporting, detaining, and maintaining control over prisoners, executing all arrest warrants within the municipal court and its grounds, executing municipal court arrest warrants within the municipal limits, and serving legal process issued by the municipal court within the municipal limits. A municipal court marshal shall be certified by the POST board.

Source: L. 2004: Entire section added, p. 414, § 1, effective April 12. L. 2006: Entire section amended, p. 27, § 2, effective July 1, 2007.

16-2.5-146. Public transit officer – definitions

(1) A public transit officer who is employed by a public transportation entity and is specifically designated a peace officer by the public transportation entity is a peace officer while engaged in the performance of his or her duties in accordance with any policies and procedures adopted by the public transportation entity. A public transit officer's authority includes the enforcement of all laws of the state of Colorado. A public transit officer shall be certified by the P.O.S.T. board.

(2) As used in this section, "public transportation entity" means a mass transit district, a mass transit authority, or any public entity authorized under the laws of this state to provide mass transportation services to the general public.

HISTORY: Source: L. 2004: Entire section added, p. 1162, § 1, effective May 27. L. 2006: (1) amended, p. 28, § 3, effective July 1, 2007. L. 2012: (1) amended, [\(SB 12-044\), ch. 274, p. 1449, § 5](#), effective June 8. L. 2015: Entire section amended, [\(SB 15-221\), ch. 268, p. 1044, § 1](#), effective August 5.

16.2.5-147. Federal special agents

(1) A special agent of the federal bureau of investigation or the United States bureau of alcohol, tobacco, firearms, and explosives, a deputy or special deputy United States marshal, or an officer of the federal protective service of the United States department of homeland security immigration and customs enforcement, in any jurisdiction within the state of Colorado, is a peace officer whose authority is limited as provided in this section. The special agent, deputy or special deputy, or officer is authorized to act in the following circumstances:

(a) The special agent, deputy or special deputy, or officer is:

(I) Responding to a nonfederal felony or misdemeanor that has

been committed in the presence of the special agent, deputy or special deputy, or officer;

(II) Responding to an emergency situation in which the special agent, deputy or officer has probable cause to believe that a nonfederal felony or misdemeanor involving injury or threat of injury to a person or property has been, or is being, committed and immediate action is required to prevent escape, serious bodily injury, or destruction of property;

(III) Rendering assistance at the request of a Colorado peace officer;
or

(IV) Effecting an arrest or providing assistance as part of a bona fide task force or joint investigation with Colorado peace officers; and

(b) The agent, deputy or special deputy, or officer acts in accordance with the rules and regulations of his or her employing agency.

(2) A special agent of the federal bureau of investigation or the United States bureau of alcohol, tobacco, firearms, and explosives, a deputy or special deputy United States marshal, or an officer of the federal protective service of the United States department of homeland security immigration and customs enforcement is a person who is employed by the United States government, assigned to the federal bureau of investigation, the United States bureau of alcohol, tobacco, firearms, and explosives, the United States marshal service, or the federal protective service of the United States department of homeland security immigration and customs enforcement, empowered to effect an arrest with or without a warrant for violations of the United States code, and authorized to carry a firearm and use deadly force in the performance of the special agent's, deputy's or special deputy's, or officer's official duties as a federal law enforcement officer.

(3) Upon effecting an arrest under the authority of this section, a special agent of the federal bureau of investigation or the United States bureau of alcohol, tobacco, firearms, and explosives, a deputy or special deputy United States marshal, or an officer of the federal protective service of the United States department of homeland security immigration and customs enforcement shall immediately surrender custody of the arrested individual to a Colorado peace officer.

(4) This section does not impose liability on or require indemnification or create a waiver of sovereign immunity by the state of Colorado for any action performed under this section by a special agent of the federal bureau of investigation or the United States bureau of alcohol, tobacco, firearms, and explosives, a deputy or special deputy United States marshal, or an officer of the federal protective service of the United States department of homeland security immigration and customs enforcement.

(5) Nothing in this section shall be construed to expand the authority of federal law enforcement officers to initiate or conduct an independent investigation into violations of Colorado law.

Source: L. 2006: Entire section added, p. 126, § 1, effective March 27. L. 2008: Entire section amended, p. 701, § 1, effective August 5. L. 2011: Entire section amended, (HB 11-1073), ch. 32, p. 90, § 1, effective August 10.

16-2.5-148. Colorado state higher education police officer

A Colorado state higher education police officer employed by a state institution of higher education pursuant to article 7.5 of title 24, C.R.S., is a peace officer whose authority shall include the enforcement of all laws of the state of Colorado and who shall be certified by the POST board.

Source: L. 2008: Entire section added, p. 86, § 4, effective March 18. L. 2009: Entire section amended, (SB 09-097), ch. 110, p. 457, § 4, effective August 5.

16-2.5-149. City attorney - town attorney - senior assistant city attorney - assistant city attorney - chief deputy city attorney - deputy city attorney - special deputy city attorney - prosecuting attorney - senior prosecuting attorney - senior prosecutor - special prosecutor

(1) A city attorney, town attorney, senior assistant city attorney, assistant city attorney, chief deputy city attorney, deputy city attorney, special deputy city attorney, prosecuting attorney, senior prosecuting attorney, senior prosecutor, or special prosecutor employed or contracted by a municipality, city, town, statutory city or town, or city and county is a peace officer only while engaged in the performance of his or her duties as a prosecutor. Such peace officer's authority shall include the enforcement of all laws of the municipality, city, town, statutory city or town, or city and county and the state of Colorado, and the peace officer may be certified by the POST board.

(2) Notwithstanding the provisions of subsection (1) of this section, the peace officer status conferred by subsection (1) of this section shall not be available to an attorney specified in subsection (1) of this section who chooses to practice as a criminal defense attorney in the state of Colorado while also working as a prosecuting attorney or an attorney who contracts with a municipality, city, town, statutory city or town, or city and county, local government to serve as a city attorney, town attorney, senior assistant city attorney, assistant city attorney, chief deputy city attorney, deputy city attorney, special deputy city attorney, prosecuting attorney, senior prosecuting attorney, senior prosecutor, or special prosecutor on a less than a full-time basis.

Source: L. 2012: Entire section added, (HB 12-1026), ch. 76, p. 256, § 1, effective April 6.

16-2.5-150. Fort Carson police officers

A Fort Carson police officer is a peace officer while engaged in the performance of his or her duties. Fort Carson police officers are employed by the Fort Carson police, a federal civilian law enforcement agency within the state of Colorado. A Fort Carson police officer's authority includes enforcing all the laws of the constitution of the United States, the United States code, the "Uniform Code of Military Justice", 10 U.S.C. chapter 47, and the laws of the state of Colorado within the jurisdiction and properties of Fort Carson and the Piñon Canyon maneuver site, including all fixed and mobile properties of Fort Carson and the Piñon Canyon maneuver site. A Fort Carson police officer may be P.O.S.T. certified.

Source: L. 2013: Entire section added, ([SB 13-005](#)), [ch. 109](#), [p. 377](#), [§ 1](#), effective August 7.

16-2.5-151. Federal secret service agents

(1) A special agent, uniform division officer, physical security technician, physical security specialist, or special officer of the United States secret service, referred to in this section as a "secret service agent", in any jurisdiction within the state of Colorado, is a peace officer whose authority is limited as provided in this section. The secret service agent is a peace officer in the following circumstances:

- (a)
 - (I) Responding to a nonfederal felony or misdemeanor that has been committed in his or her presence;
 - (II) Responding to an emergency situation in which he or she has probable cause to believe that a nonfederal felony or misdemeanor involving injury or threat of injury to a person or property has been, or is being, committed and immediate action is required to prevent escape, serious bodily injury, or destruction of property;
 - (III) Rendering assistance at the request of a Colorado peace officer;
or
 - (IV) Effecting an arrest or providing assistance as part of a bona fide task force or joint investigation with Colorado peace officers; and
- (b) The secret service agent acts in accordance with the rules and regulations of his or her employing agency.

(2) A secret service agent is a person who is employed by the United States government, assigned to the United States secret service, empowered to effect an arrest with or without a warrant for violations of the United States code, and authorized to carry a firearm and use deadly force in the performance of his or her duties as a federal law enforcement officer.

(3) Upon effecting an arrest under the authority of this section, a secret service agent shall immediately surrender custody of the arrested individual to a Colorado peace officer.

(4) This section does not impose liability on or require indemnification or create a waiver of sovereign immunity by the state of Colorado for any action performed under this section by a secret service agent.

(5) Nothing in this section shall be construed to expand the authority of federal law enforcement officers to initiate or conduct an independent investigation into violations of Colorado law.

Source: L. 2013: Entire section added, [\(SB 13-013\), ch. 126, p. 424, § 1](#), effective April 19.

16-2.5-152. Administrator of judicial security

An administrator of judicial security employed by the judicial department is a peace officer whose authority includes the enforcement of all laws of the state of Colorado, and such administrator of judicial security must be certified by the P.O.S.T. board.

Source: L. 2018: Entire section added, (HB 18-1210), ch. 69, p. 629, § 1, effective March 22.

TITLE 16 – Criminal Proceedings

ARTICLE 2.5 – Peace Officers

Part 2 – Sunrise Review of Peace Officer Status

16-2.5-201. General assembly sunrise review of groups seeking statutory peace officer status

(1) The general assembly finds that it is necessary to ensure that clear standards exist for obtaining peace officer status in the state of Colorado. The general assembly further finds it made statutory changes in 2003 to end the stratification of peace officers and ensure all peace officers receive a consistent level of statutory protection. The general assembly therefore declares, in order to maintain clear standards and consistent statutory protections for peace officers, it is necessary for the POST board to review a group that seeks peace officer status either for the group or for a specific position, prior to the group seeking authorization from the general assembly for the status.

(2) No later than July 1 of any year, a group, or political subdivision of the state that seeks peace officer status either for the group or for a specific position, shall submit to the POST board, for its review, a proposal containing the following information:

(a) A complete description of the position or a description of the group proposed for peace officer status and an estimate of the number of persons who hold the position or are in the group;

(b) A description of the specific need for the authority and protections required for the position or group;

(c) The benefit to the public that would result from granting the status;

(d) The costs associated with granting the status; and

(e) A resolution or letter of support for proposed change in status from the chief executive officer of the unit of government or political subdivision employing the group or overseeing the proposed position.

(3) After receiving the information specified in subsection (2) of this section, the POST board shall prepare an analysis, evaluation, and recommendation of the proposed status. The analysis, evaluation, and recommendation shall be based upon criteria established by the POST board in rules adopted pursuant to section 16-2.5-203.

(4) (a) The POST board shall conduct a hearing with the group seeking peace officer status for the group or for a specific position.

(b) At the hearing, the determination as to whether peace officer status is needed shall be based upon the criteria contained in the POST board rules.

(5) After the hearing, the POST board shall submit a report to the group seeking peace officer status for the group or specific position and to the judiciary committees of the house of representatives and the senate no later than October 15 of the year following the year in which the proposal was submitted.

(6) The group seeking peace officer status for the group or specific position may request members of the general assembly to present appropriate legislation to the general assembly during each of the two regular sessions that immediately succeed the date of the report required pursuant to subsection (2) of this section without having to comply again with the provisions of subsections (2) and (4) of this section. Bills introduced pursuant to this subsection (6) shall count against the number of bills to which members of the general assembly are limited by joint rule of the senate and the house of representatives. The general assembly shall not consider peace officer status of more than five positions or groups in any one session of the general assembly.

(6.5) Notwithstanding subsection (6) of this section, for the purpose of seeking peace officer status for a motor vehicle criminal investigator and a criminal tax enforcement special agent, the department of revenue is exempt from the requirement to present appropriate legislation to the general assembly during the two regular legislative sessions that immediately succeed the date of the proposal required pursuant to subsection (2) of this section without having to comply again with subsections (2) and (4) of this section.

(7) This section is exempt from the provisions of section 24-1-136 (11), C.R.S., and the periodic reporting requirement of that section shall remain in effect until changed by the general assembly acting by bill.

Source: L. 2004: Entire part added, p. 1896, § 1, effective June 4. L. 2022: (HB1088), ch. 55, § 3, effective August 10, 2022.

16-2.5-202. POST board review of peace officer status

(1) For a position, group, or political subdivision that received peace officer status after July 1, 2003 and did not go through the process described in section 16-2.5-201, the POST board shall review the peace officer authority of the position, group, or political subdivision.

(2) The POST board shall require the group that received the peace officer status or the group or political subdivision that oversees a position that received peace officer status to submit to the POST board the information required in section 16-2.5-201 (2).

(3) After receiving the information, the POST board shall prepare an analysis, evaluation, and recommendation of the peace officer status. The analysis, evaluation, and recommendation shall be based upon the criteria established in POST board rule.

(4) The POST board shall conduct a hearing concerning peace officer status for the group or the specific position, pursuant to the provisions of section 16-2.5-201

(5) The POST board shall submit a report to the group or political subdivision seeking to retain peace officer status, either for the group or for a specific position, and to the judiciary committees of the house of representatives and the senate no later than October 15 of the year following the year in which the POST board began the review. The report may include legislative recommendations.

Source: L. 2004: Entire part added, p. 1898, § 1, effective June 4.

16-2.5-203. Rules

Pursuant to article 4 of title 24, C.R.S., the POST board shall promulgate rules establishing the criteria that shall be applied in determining whether to recommend peace officer status for a group or specific position as provided in section 16-2.5-201 (4).

Source: L. 2004: Entire part added, p. 1898, § 1, effective June 4.

TITLE 18 – Criminal Code

ARTICLE 1 - Provisions Applicable to Offenses Generally

PART 7 - Justification and Exemptions from Criminal Responsibility

18-1-707. Use of force by peace officers - definitions

(1) Peace officers, in carrying out their duties, shall apply nonviolent means, when possible, before resorting to the use of physical force. A peace officer may use physical force only if nonviolent means would be ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of injury to the peace officer or another person.

(1.5)

(a) Pursuant to section 18-8-805(1) and (2)(a)(I), peace officers shall not use, direct, or unduly influence the use of ketamine upon another person nor compel, direct, or unduly influence an emergency medical service provider to administer ketamine. If a peace officer violates this prohibition, the district attorney may charge the officer with any crime based on the facts of the case.

(b) As used in this subsection (1.5), unless the context otherwise requires, “unduly influence” means the improper use of power or trust in a way that deprives a person of free will and substitutes another's objective.

(c) Notwithstanding subsection (1.5)(a) of this section, a peace officer who is also certified as an emergency medical service provider may administer ketamine pursuant to the restrictions set forth in section 25-3.5-209 and when the decision to administer ketamine is based on the emergency medical service provider's training and expertise.

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

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

(b) Use only a degree of force consistent with the minimization of injury to others;

(c) Ensure that assistance and medical aid are rendered to any injured or affected persons as soon as practicable; and

(d) Ensure that any identified relatives or next of kin of persons who have sustained serious bodily injury or death are notified as soon as practicable.

(2.5)

(a) A peace officer is prohibited from using a chokehold upon another person.

(b)

(I) As used in this subsection (2.5), “chokehold” means a method by which a person applies sufficient pressure to a person to make breathing difficult or impossible and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing or reduce intake of air.

(II) “Chokehold” also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

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

(a) The arrest is for a felony involving conduct including the use or threatened use of deadly physical force;

(b) The suspect poses an immediate threat of death or serious bodily injury to the peace officer or another person;

(c) The force employed does not create a substantial risk of injury to other persons.

(4) A peace officer shall identify himself or herself as a peace officer and give a clear verbal warning of his or her intent to use firearms or other deadly physical force, with sufficient time for the warning to be observed, unless to do so would unduly place peace officers at risk of injury or would create a risk of death or injury to other persons.

(4.5) Notwithstanding any other provision in this section, a peace officer is justified in using deadly force if the peace officer has an objectively reasonable belief that a lesser degree of force is inadequate and the peace officer has objectively reasonable grounds to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving serious bodily injury.

(5) Except as provided in subsection (6) of this section, a person who has been directed by a peace officer to assist him to effect an arrest or to prevent an escape from custody is justified in using reasonable and appropriate physical force when and to the extent that he reasonably believes that force to be necessary to carry out the peace officer's direction, unless he knows that the arrest or prospective arrest is not authorized.

(6) A person who has been directed to assist a peace officer under circumstances specified in subsection (5) of this section may use deadly physical force to effect an arrest or to prevent an escape only when:

(a) He reasonably believes that force to be necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or

(b) He is directed or authorized by the peace officer to use deadly physical force and does not know, if that happens to be the case, that the peace officer himself is not authorized to use deadly physical force under the circumstances.

(7) A private person acting on his own account is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary to effect an arrest, or to prevent the escape from custody of an arrested person who has committed an offense in his presence; but he is justified in using deadly physical force for the purpose only when he reasonably believes it necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force.

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

(a) In using deadly physical force when he reasonably believes it necessary to prevent the escape of a prisoner convicted of, charged with, or held for a felony or confined under the maximum security rules of any detention facility as such facility is defined in subsection (9) of this section;

(b) In using reasonable and appropriate physical force, but not deadly physical force, in all other circumstances when and to the extent that he reasonably believes it necessary to prevent what he reasonably believes to be the escape of a prisoner from a detention facility.

(9) "Detention facility" as used in subsection (8) of this section means any place maintained for the confinement, pursuant to law, of persons charged with or convicted of an offense, held pursuant to the "Colorado Children's Code",¹ held for

extradition, or otherwise confined pursuant to an order of a court.

(10) Repealed by Laws 2020, Ch. 110 (S.B. 20-217), § 7, eff. Jan. 1, 2021.

Source: L. 71:R&RE, p. 410, § 1.C.R.S. 1963:§ 40-1-807. L. 75:(2)(b) R&RE, p. 616, § 2, effective July 21. L. 2016:IP(1), (3), and (4) amended and (2.5) added,(HB 16-1264), ch. 341, p. 1390, § 1, effective July 1. L. 2020:(2.5) and (3) R&RE and (10) added,(SB 20-217), ch. 110, pp. 454, 456, §§ 5, 7, effective June 19; (1), (2), and (4) R&RE and (4.5) added,(SB 20-217), ch. 110, p. 454, § 5, effective September 1. L. 2021:(1) and (3)(b) amended,(HB 21-1250), ch. 458, p. 3063, § 8, effective July 6; (1.5) added,(HB 21-1251), ch. 450, p. 2959, § 3, effective July 6.

Editor's note: Subsection (10)(b) provided for the repeal of subsection (10), effective January 1, 2021. (See L. 2020, p. 456.)

Cross references: For the "Colorado Children's Code", see title 19.

ANNOTATION

Law reviews. For article, "Self-Defense in Colorado", see 24 Colo. Law. 2717 (1995). For article, "Constitutional Issues in the Criminal Prosecution of Law Enforcement Officers", see 33 Colo. Law. 55 (March 2004). For article, "Police Use of Force Standards Under Colorado and Federal Law", see 36 Colo. Law. 47 (May 2007).

Annotator's note. Since § 18-1-707 is similar to former § 40-2-16, C.R.S. 1963, and laws antecedent thereto, relevant cases construing those provisions have been included in the annotations to this section.

Officer may use reasonable force to protect himself or detain offender. An officer who is making a lawful arrest, or has made an arrest, is justified in using such force as is reasonably necessary to secure and detain the offender, overcome his resistance, prevent his escape, recapture him if he escapes, and to protect himself from bodily harm; but he is never justified in using unnecessary force or treating his prisoner with wanton violence, or in resorting to dangerous means when the arrest could be effected otherwise. *People ex rel. Little v. Hutchinson*, 9 F.2d 275 (8th Cir. 1925).

Officer cannot use excessive force in making an arrest or bringing one into submission. *McDaniel v. People*, 179 Colo. 153, 499 P.2d 613, cert. denied, 409 U.S. 1060, 93 S. Ct. 558, 34 L. Ed. 2d 512 (1972).

Officer is not required to retreat. A police officer who is assaulted by one whom he is lawfully attempting to arrest is not required to retreat to the wall before resorting to such defensive measures as may reasonably seem necessary to protect himself against loss of life or great bodily injury. *Boykin v. People*, 22 Colo. 496, 45 P. 419 (1896).

Authority to take life based on apparent necessity. This section does not clothe an officer with authority to judge arbitrarily that it is necessary to take life in order to prevent the rescue of his prisoner. He is not warranted in taking life unless there is an apparent necessity for it and if he does so he is not permitted to take shelter behind his official character. *Campbell v. People*, 55 Colo. 302, 133 P. 1043 (1913).

Use of force is ordinarily a question for jury. An officer who intentionally uses more force than is reasonably necessary in making an arrest is oppressively discharging the duties of his office. What amounts to reasonable force depends upon the facts of each particular case and is ordinarily a question of fact for the jury. *People ex rel. Little v. Hutchinson*, 9 F.2d 275 (8th Cir. 1925); *People v. Fuller*, 756 P.2d 390 (Colo. App. 1987), *aff'd in part and rev'd in part on other grounds*, 781 P.2d 647 (Colo. 1989).

The question of the absence or existence of the necessity to take the life of a prisoner is finally for the jury. *Campbell v. People*, 55 Colo. 302, 133 P. 1043 (1913).

Police officer's actions were not within section. Where complaining witness remarked that the police officer was "some kind of a pig" when the officer twice refused to tell the complaining witness why he was being arrested and the officer reacted by pulling his revolver on the complaining witness, the officer's actions were not within the statute authorizing the use of deadly physical force. *Johns v. District Court*, 192 Colo. 462, 561 P.2d 1 (1977).

Before a private person can use physical force to effect an arrest pursuant to subsection (7), the arrest must first be authorized under § 16-3-201. *People v. Joyce*, 68 P.3d 521 (Colo. App. 2002).

In addition, the person on whom physical force is used under subsection (7) must have either committed a crime in the presence of or attempted escape from custody in the presence of the person using the physical force. *People v. Joyce*, 68 P.3d 521 (Colo. App. 2002).

TITLE 18 – Criminal Code

ARTICLE 5 – Offenses Involving Fraud

PART 1 – Forgery, Simulation, Impersonation, and Related Offenses

18-5-114. Offering a false instrument for recording

(1) A person commits offering a false instrument for recording in the first degree if, knowing that a written instrument relating to or affecting real or personal property or directly affecting contractual relationships contains a material false statement or material false information, and with intent to defraud, he presents or offers it to a public office or a public employee, with the knowledge or belief that it will be registered, filed, or recorded or become a part of the records of that public office or public employee.

(2) Offering a false instrument for recording in the first degree is a class 5 felony.

(3) A person commits offering a false instrument for recording in the second degree if, knowing that a written instrument relating to or affecting real or personal property or directly affecting contractual relationships contains a material false statement or material false information, he presents or offers it to a public office or a public employee, with the knowledge or belief that it will be registered, filed, or recorded or become a part of the records of that public office or public employee.

(4) Offering a false instrument for recording in the second degree is a class 2 misdemeanor.

Source: L. 71: R&RE, p. 437, § 1. C.R.S. 1963: § 40-5-114. L. 80: Entire section amended, p. 536, § 1, effective April 13. L. 2021:(4) amended,(SB 21-271), ch. 462, p. 3183, § 234, effective March 1, 2022.

Editor's Note: Section 803(2) of chapter 462 (SB 21-271), Session Laws of Colorado 2021, provides that the act changing this section applies to offenses committed on or after March 1, 2022.

ANNOTATION

Comparison with section 18-8-114. Abuse of public records under § 18-8-114 was not meant to cover the offense of offering a false instrument for recording under this section. *People v. Trujillo*, 189 Colo. 23, 536 P.2d 46 (1975).

Information charging this offense must set forth alleged false statements, either

verbatim or in substance. *People v. Fueston*, 717 P.2d 978 (Colo. App. 1985), *aff'd in part and rev'd in part on other grounds*, 749 P.2d 952 (Colo. 1988).

Offering a false instrument for recording in the second degree is a lesser included offense of offering a false instrument for recording in the first degree. *People v. Freda*, 817 P.2d 588 (Colo. App. 1991).

The use of an intermediary to file a false statement with a public office will not insulate a person from liability. Because there was evidence that defendant directed that medicaid billings be prepared with false information and that the defendant had knowledge that these forms would be submitted to the medicaid office, the trial court did not err in finding that there was sufficient evidence that the defendant "offered or presented" the billings. *People v. Freda*, 817 P.2d 588 (Colo. App. 1991).

Applied in *People v. Swearingen*, 649 P.2d 1102 (Colo. 1982), *People v. Norman*, 703 P.2d 1261 (Colo. 1985).

TITLE 18 – Criminal Code

ARTICLE 8 – Offenses – Governmental Operations

PART 1 – Obstruction of Public Justice

18-8-112. Impersonating a peace officer

- (1) A person who falsely pretends to be a peace officer and performs an act in that pretended capacity commits impersonating a peace officer.
- (2) Impersonating a peace officer is a class 6 felony.

Source: L. 71: R&RE, p. 456, § 1. C.R.S. 1963: § 40-8-112. L. 2003: Entire section amended, p. 1383, § 1, effective May 1. L. 2004: Entire section amended, p. 1080, § 1, effective July 1.

ANNOTATION

Law reviews. For article, "Mens Rea and the Colorado Criminal Code", see 52 U. Colo. L. Rev. 167 (1981).

TITLE 24 - Government – State – Administration

ARTICLE 3.7. Statutory Requirements for Creation of Boards and Commissions

24-3.7-102. Best practices for state boards and commissions

- (1) Notwithstanding any law to the contrary, commencing January 1, 2019, each statutorily created board or commission in state government, not including a special purpose authority as defined in section 24-77-102 (15), shall implement written policies or bylaws and obtain annual training on:
 - (a) Understanding and operating within the limits of statutory directives, legislative intent, and any specific directions or laws related to the board or commission's establishment and its powers and duties;
 - (b) Defining the board or commission's mission or role in the oversight of projects or entities approved to receive public funding, if applicable;
 - (c) Understanding the goals of the programs the board or commission oversees, and aligning the board or commission's processes with those goals;
 - (d) Identifying and managing conflicts of interest;
 - (e) Understanding the requirements of the "Colorado Open Records Act", part 2 of article 72 of this title 24, and the open meetings law, part 4 of article 6 of this title 24;
 - (f) Setting parameters regarding board or commission staff's duties relative to the board or commission's mission or role;
 - (g) Identifying and securing sufficient data in order for the board or commission to make informed decisions;
 - (h) Ensuring the appropriate involvement of members in the review of key communications and in any policy-making activities;
 - (i) Ensuring members act in accordance with their roles as public representatives;
 - (j) Coordinating with other boards or commissions, industry, educational institutions, and state agencies where responsibilities and interests overlap; and

(k) Annually reviewing management practices to ensure best practices are utilized.

(2) Each state agency responsible for a statutorily created board or commission shall ensure that the state board or commission obtains the annual training and implements the written policies specified in subsection (1) of this section.

Source: L. 2018: Entire section added, (HB 18-1198), ch. 145, p. 930, § 1, effective August 8.

TITLE 24 – Government – State

ARTICLE 7 – State Security Officers

24-7-100.2. Legislative declaration

(1) The general assembly hereby finds that the efforts of security officers employed by institutions of higher education to protect the persons and property of their environments are important elements of effective public safety management.

(2) The general assembly acknowledges the operational and environmental acumen of security officers of institutions of higher education regarding their facilities and the importance of including representatives of the institutions in emergency preparedness planning and training efforts conducted by local law enforcement agencies and emergency planning agencies intended to reduce the likelihood of, and develop effective responses to, emergency situations occurring at their facilities.

(3) The general assembly hereby encourages ongoing cooperation efforts among local law enforcement agencies, emergency planning agencies, and the security officers of institutions of higher education regarding emergency preparedness and response planning and training and development of communication capabilities supporting effective coordination among these groups during emergencies.

Source: L. 2008: Entire section added, p. 87, § 5, effective March 18.

Cross references: For elections, see title 1; for peace officers and firefighters, see article 5 of title 29; for state engineer, see article 80 of title 37; for state chemist, see part 4 of article 1 of title 25; for offenses against government, see article 8 of title 18; for the "Uniform Records Retention Act", see article 17 of title 6.

24-7-101. State Institutions authorized to employ security officers

The institutions, agencies, and departments of state government, including any institution of higher education, are hereby authorized to employ security officers to protect the property of the institution, agency, or department employing the officer and to perform other police, security, and administrative functions as may be deemed necessary.

Source: L. 71: p. 120, § 1. C.R.S. 1963: § 3-32-1. L. 2008: Entire section amended, p. 87, § 6, effective March 18.

24-7-102. Supervision and control

The security officers employed pursuant to this article shall be under the control and supervision of the governing authority or head of the employing state institution. The governing authorities or heads of the state institutions, agencies, and departments shall provide appropriate credentials for the officers. The employing institution, department, or agency may permit its security officers that have been designated as peace officers pursuant to section 16-2.5-101, C.R.S., to hold and receive such other law enforcement commissions or appointments as are appropriate to carry out their duties.

Source: L. 71: p. 120, § 1. C.R.S. 1963: § 3-32-2. L. 2008: Entire section amended, p. 87, § 7, effective March 18.

24-7-103. Powers conferred

(1) Security officers employed and commissioned pursuant to this article that have been designated as peace officers pursuant to section 16-2.5-101, C.R.S., when operating on state owned or leased property, are hereby granted all the powers conferred by law upon peace officers to carry weapons and to make arrests.

(2) When not on state owned or leased property, security officers employed and commissioned pursuant to this article shall not have any authority not possessed by private citizens to arrest, investigate, or carry weapons. This subsection (2) shall not apply to peace officers as described in section 16-2.5-101, C.R.S.

Source: L. 71: p. 120, § 1. C.R.S. 1963: § 3-32-3. L. 2002: Entire section amended, p. 840, § 2, effective May 30. L. 2003: (2) amended, p. 1622, § 38, effective August 6. L. 2008: (1) amended, p. 87, § 8, effective March 18.

24-7-104. State property not exempt from local law enforcement

Nothing in this article shall be construed to exempt state property from the authority of law enforcement agencies within whose jurisdiction the state property is located; except that representatives of the law enforcement agencies shall coordinate their official actions on state property with the appropriate security officers or police officers, except when emergency circumstances preclude such coordination.

Source: L. 71: p. 121, § 1. C.R.S. 1963: § 3-32-4. L. 2008: Entire section amended, p. 88, § 9, effective March 18.

24-7-105. Officers' qualifications

Security officers shall be at least twenty-one years of age and shall possess such other qualifications as may be specified by the state personnel director, including continuing training as may be prescribed by the said director.

Source: L. 71: p. 121, § 1. C.R.S. 1963: § 3-32-5. L. 94: Entire section amended, p. 1731, § 10, effective May 31.

Cross references: For provisions concerning the Colorado law enforcement training academy, see part 3 of article 33.5 of this title.

24-7-106. Peace officers standards and training board evaluation and recommendation – legislative authorization of peace officer status required

Notwithstanding other provisions of this article, a person or group of persons employed as security officers or guards by any institution, agency, or department of state government, including any institution of higher education, shall not be designated as peace officers, after June 3, 2004, without completing the peace officer standards and training board processes described in sections 16-2.5-201 and 16-2.5-202, C.R.S., and obtaining the legislative authorization described in section 16-2.5-101, C.R.S.

Source: L. 2008: Entire section added, p. 88, § 10, effective March 18.

TITLE 24 – Government – State
ARTICLE 7.5 – Colorado Higher Education Police Officers

24-7.5-101. State institutions of higher education authorized to employ police officers

The state institutions of higher education are authorized to employ police officers to provide law enforcement and property protection for the institution employing the officers and to perform other police, emergency planning, community safety, and administrative functions as may be deemed necessary.

Source: L. 2008: Entire article added, p. 88, § 11, effective March 18.

Cross references: For elections, see title 1; for peace officers and firefighters, see article 5 of title 29; for state engineer, see article 80 of title 37; for state chemist, see part 4 of article 1 of title 25; for offenses against government, see article 8 of title 18; for the "Uniform Records Retention Act", see article 17 of title 6.

24-7.5-102. Supervision and control

State higher education police officers employed pursuant to this article shall be under the supervision and control of the governing board of the employing state institution of higher education or its designee. The governing board or head of the state institution of higher education shall provide institutional police commissions and other appropriate credentials for the police officers. The employing institution may permit its police officers to hold and receive other law enforcement commissions or appointments as are appropriate to carry out their duties.

Source: L. 2008: Entire article added, p. 88, § 11, effective March 18.

24-7.5-103. Powers conferred

(1) State higher education police officers employed and commissioned pursuant to this article, when operating on property owned or leased by the state institution of higher education, are granted all the powers conferred by law upon peace officers to carry weapons and make arrests.

(2) When not on property owned or leased by the state institution of higher education, state higher education police officers shall not have any greater authority than that conferred upon peace officers by section 16-3-110, C.R.S.

Source: L. 2008: Entire article added, p. 88, § 11, effective March 18.

24-7.5-104. State institution of higher education property not exempt from local law enforcement

Nothing in this article shall be construed to exempt the property of a state institution of higher education from the authority of law enforcement agencies within whose jurisdiction the property is located; except that representatives of the law enforcement agencies shall coordinate their official actions on the property with the appropriate higher education police officers, except when emergency circumstances preclude such coordination.

Source: L. 2008: Entire article added, p. 89, § 11, effective March 18.

24-7.5-105. Officers' qualifications

State higher education police officers shall be at least twenty-one years of age and shall possess other qualifications as may be specified by the state personnel director, including continuing training as may be prescribed by the director. State higher education police officers shall be certified by the peace officers standards and training board.

Source: L. 2008: Entire article added, p. 89, § 11, effective March 18.

24-7.5-106. Peace officers standards and training board evaluation and recommendation – legislative authorization of peace officer status required

Notwithstanding any other provision of this article, a person or group of persons employed by any institution of higher education shall not be designated as police officers after June 3, 2004, without completing the peace officers standards and training board processes described in sections 16-2.5-201 and 16-2.5-202, C.R.S., and obtaining the certification described in section 16-2.5-102, C.R.S.

Source: L. 2009: Entire section added, (SB 09-097), ch. 110, p. 457, § 5, effective August 5.

TITLE 24 – Government – State

ARTICLE 31 – Department of Law

PART 1 – Attorney General

24-31-105. Criminal enforcement section. (Repealed)

24-31-107. Applications for licenses – authority to suspend licenses – rules

(1) Every application by an individual for a license issued by the department of law or any authorized agent of such department shall require the applicant's name, address, and social security number.

(2) The department of law or any authorized agent of the department shall deny, suspend, or revoke any license pursuant to the provisions of section 26-13-126, C.R.S., and any rules promulgated in furtherance thereof, if the department or agent thereof receives a notice to deny, suspend, or revoke from the state child support enforcement agency because the licensee or applicant is out of compliance with a court or administrative order for current child support, child support debt, retroactive child support, child support arrearages, or child support when combined with maintenance or because the licensee or applicant has failed to comply with a properly issued subpoena or warrant relating to a paternity or child support proceeding. Any such denial, suspension, or revocation shall be in accordance with the procedures specified by rule of the department of law, rules promulgated by the state board of human services, and any memorandum of understanding entered into between the department of law or an authorized agent thereof and the state child support enforcement agency for the implementation of this section and section 26-13-126, C.R.S.

(3)

(a) The department of law shall enter into a memorandum of understanding with the state child support enforcement agency, which memorandum shall identify the relative responsibilities of the department of law and the state child support enforcement agency in the department of human services with respect to the implementation of this section and section 26-13-126, C.R.S.

(b) The appropriate rule-making body of the department of law is authorized to promulgate rules to implement the provisions of this section.

(4) For purposes of this section, "license" means any recognition, authority, or permission that the department of law or any authorized agent of such department is authorized by law to issue for an individual to practice a profession or occupation or for an individual to participate in any recreational activity. "License" may include, but is not necessarily limited to, any license, certificate, certification, letter of authorization, or registration issued for an individual to practice a profession or occupation or for an individual to participate in any recreational activity.

Source: L. 97: Entire section added, p. 1279, § 21, effective July 1.

Editor's note: Section 51(2) of chapter 236, Session Laws of Colorado 1997, provides that the act enacting this section applies to all orders whether entered on, before, or after July 1, 1997.

TITLE 24 – Government – State

ARTICLE 31 – Department of Law

PART 3 – Peace Officer Standards and Training

Cross references: For the legislative declaration contained in the 1992 act enacting this part 3, see section 12 of chapter 167, Session Laws of Colorado 1992.

24-31-301. Definitions

As used in this part 3, unless the context otherwise requires:

(1) "Applicant" means any person seeking certification to serve as a peace officer or a reserve peace officer.

(1.5) "Basic training" means the basic law enforcement training received by a peace officer at any approved law enforcement training academy.

(2) "Certification" means the issuance to an applicant of a signed instrument evidencing that such applicant has met the requirements imposed by this part 3 and the POST board. Certification includes "basic certification" and "provisional certification" that shall be issued to peace officers, "reserve certification" that shall be issued to reserve peace officers, and such additional certifications as the board may approve for peace officers.

(3) (Deleted by amendment, L. 94, p. 1725, § 3, effective May 31, 1994.)

(3.5) Repealed.

(4) "Local government representative" means a member of a board of county commissioners, member of a city or town council or board of trustees, or mayor of a city or town or city and county.

(5) "Peace officer" means any person described in section 16-2.5-101, C.R.S., and who has not been convicted of a felony or convicted on or after July 1, 2001, of any misdemeanor as described in section 24-31-305 (1.5), or released or discharged from the armed forces of the United States under dishonorable conditions.

(5.5) "Reserve peace officer" means any person described in section 16-2.5-110, C.R.S., and who has not been convicted of a felony or convicted on or after July 1, 2001, of any misdemeanor as described in section 24-31-305 (1.5), or released or discharged from the armed forces of the United States under dishonorable conditions.

(6) "Training academy" means any school approved by the POST board where peace officers and reserve peace officers receive instruction and training.

(7) "Training program" means a course of instruction approved by the POST board for peace officer or reserve peace officer certification and other peace officer training programs.

Source: L. 92: Entire part added, p. 1091, § 3, effective March 6. L. 94: Entire section amended, p. 1725, § 3, effective May 31. L. 96: (5) amended, pp. 1349, 1477, § § 1, 42, effective June 1. L. 98: (2) and (5) amended, p. 749, § 1, effective May 22. L. 2003: (5) and (5.5) amended, p. 1619, § 29, effective August 6. L. 2005: (2), (5), (5.5), and (7) amended and (3.5) added, p. 112, § 1, effective August 8. L. 2012: (2) amended and (3.5) repealed, (HB 12-1163), ch. 50, p. 182, § 1, effective August 8.

Cross references: For elections, see title 1; for peace officers and firefighters, see article 5 of title 29; for state engineer, see article 80 of title 37; for state chemist, see part 4 of article 1 of title 25; for offenses against government, see article 8 of title 18; for the "Uniform Records Retention Act", see article 17 of title 6.

Cross references: For statutory provisions relating to the other principal departments of state government, see article 1 of title 8 (department of labor and employment); article 1 of title 17 (department of corrections); part 1 of article 2 of title 22 (department of education); article 1 of title 23 (department of higher education); article 21 of this title (department of state); part 1 of article 50 of this title (department of personnel); part 1 of article 1 of title 25 (department of public health and environment); article 1 of title 25.5 (department of health care policy and financing); article 1 of title 26 (department of human services); part 1 of article 1 of title 27 (department of human services); title 28 (department of military and veterans affairs); article 1 of title 35 (department of agriculture); and part 1 of article 1 of title 43 (department of transportation).

Cross references: For the legislative declaration contained in the 1992 act enacting this part 3, see section 12 of chapter 167, Session Laws of Colorado 1992.

24-31-302. Creation of board

(1) There is hereby created, within the department of law, the peace officers standards and training board, referred to in this part 3 as the "P.O.S.T. board".

(2) The P.O.S.T. board is a type 2 entity, as defined in section 24-1-105, and exercises its powers and performs its duties and functions under the department of law.

(3) The P.O.S.T. board shall consist of twenty-four members. The chairperson of the P.O.S.T. board shall be the attorney general, and the board shall annually elect from its members a vice-chairperson. The other members shall be the special agent in charge of the Denver division of the federal bureau of investigation, the executive director of the department of public safety, one local government representative, six active chiefs of police from municipalities of this state or state institutions of higher education, six active sheriffs from counties of this state, three active peace officers with a rank of sergeant or below, and five non-law enforcement members. The non-law enforcement members shall complete a citizens' law enforcement academy prior to appointment or within one year after appointment. The governor shall appoint the chiefs of police, sheriffs, peace officers, the lay members, and the local government representative as members of the board for terms of three years per appointment. If any chief of police, sheriff, peace officer, lay member, or local government representative vacates such office during the term for which appointed to the P.O.S.T. board, a vacancy on the board shall exist. Any vacancy shall be filled by appointment by the governor for the unexpired term. In order to create a diversified board, the governor shall consider an applicant's age, gender, race, professional experience, and geographic location when making appointments to the board. In order to create diversified subject matter expertise committees, the chair of the P.O.S.T. board shall consider an applicant's age, gender, race, professional experience, and geographic location when making appointments to the committees.

(4) The members of the P.O.S.T. board shall receive no compensation for their services but may be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

HISTORY: Source: L. 92:Entire part added, p. 1093, § 3, effective March 6. L. 94:(1) and (3) amended and (4) added, p. 1727, § 4, effective May 31. L. 2003:(3) amended, p. 1715, § 1, effective May 14. L. 2008:(3) amended, p. 89, § 12, effective March 18. L. 2015:(3) amended, (HB 15-1287), ch. 213, p. 777, § 1, effective May 20.; L. 2022: (SB162), ch. 469, § 9, effective August 10, 2022.

ANNOTATION

Denver deputy sheriffs are peace officers within definition of "peace officer, level I", in [§ 18-1-901](#). Fraternal Order, No. 27 v. Denver, 914 P.2d 483 (Colo. App. 1995).

For purposes of the reference to [§ 18-1-901\(3\)\(1\)\(I\)](#) made in subsection (5) of this section, the certification requirement does not constitute a part of that definition. Fraternal Order, No. 27 v. Denver, 914 P.2d 483 (Colo. App. 1995).

Because the constitution grants Denver the power to control the qualifications, as well as the powers, duties, and terms or tenure, of its deputy sheriffs, it necessarily follows that the P.O.S.T. Act is in conflict with the constitution to the extent that it

purports to require Denver deputy sheriffs to be certified by the P.O.S.T. board. Fraternal Order, No. 27 v. Denver, 914 P.2d 483 (Colo. App. 1995).

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

- (1) The P.O.S.T. board has the following duties:
 - (a) To approve and to revoke the approval of training programs and training academies, and to establish reasonable standards pertaining to such approval and revocation;
 - (b) To conduct periodic evaluations of training programs and inspections of training academies;
 - (c) To establish procedures for determining whether or not an applicant has met the standards which have been set;
 - (d) To certify qualified applicants and withhold, suspend, or revoke certification;
 - (e) To certify inspectors of vehicle identification numbers, promulgate rules deemed necessary by the board for certification of inspectors of vehicle identification numbers, and approve related training courses;
 - (f) To require a background investigation of each applicant by means of fingerprint checks through the Colorado bureau of investigation and the federal bureau of investigation or such other means as the P.O.S.T. board deems necessary for such investigation;
 - (g) To promulgate rules and regulations deemed necessary by such board for the certification of applicants to serve as peace officers or reserve peace officers in the state pursuant to the provisions of article 4 of this title;
 - (h) To establish standards for training in bail recovery practices;
 - (i) To promulgate rules and regulations that establish the criteria that shall be applied in determining whether to recommend peace officer status for a group or specific position as provided in [section 16-2.5-201 \(4\), C.R.S.](#);
 - (j) To establish standards for training of school resource officers, as described in [section 24-31-312](#);
 - (k) To establish training standards to prepare law enforcement officers to recognize and address incidents of abuse and exploitation of at-risk elders, as

described in [sections 18-6.5-102 \(1\)](#) and (10), C.R.S.;

(l) To promulgate rules deemed necessary by the board concerning annual in-service training requirements for certified peace officers, including but not limited to evaluation of the training program and processes to ensure substantial compliance by law enforcement agencies, departments, and individual officers;

(m) In addition to all other powers conferred and imposed upon the board in this article, the board has the power and duty to adopt and promulgate, under the provisions of [section 24-4-103](#), rules as the board may deem necessary or proper to carry out the provisions and purposes of this article, which rules must be fair, impartial, and nondiscriminatory;

(n) To complete a review and evaluation of the basic academy curriculum, including using community outreach as a review and evaluation component, by July 1, 2016, and every five years thereafter;

(o) (I) To establish, add, and remove, as necessary, subject matter expertise committees to:

(A) Develop skills training programs, academic curriculums, and P.O.S.T. board rules;

(B) Review documents for and approve or deny academy programs, lesson plans, training sites, and skills instructors; and

(C) Assist P.O.S.T. board staff with academy inspections and skills test-outs;

(II) (A) In order to create diversified subject matter expertise committees, the chair of the P.O.S.T. board shall consider an applicant's age, gender, race, professional experience, and geographic location when making appointments to the committees.

(B) If available, each subject matter committee shall include at least two non-law enforcement members who have law enforcement expertise or expertise in providing effective training through professional experience or subject matter training.

(p) To develop a community outreach program that informs the public of the role and duties of the P.O.S.T. board; and

(q) To develop a recruitment program that creates a diversified applicant pool for appointments to the P.O.S.T. board and the subject matter expertise committees; and

(r) (I) Subject to available appropriations, beginning on January 1, 2022, to create and maintain a database, in a searchable format to be published on its website, containing information related to a peace officer's:

- (A) Untruthfulness;
- (B) Three or more failures to follow P.O.S.T. board training requirements within ten consecutive years;
- (C) Revocation of the certification by the P.O.S.T. board, including the basis for the revocation;
- (D) Termination for cause by the peace officer's employer unless the termination is overturned or reversed by an appellate process. A notation must be placed next to the officer's name during the pendency of any appellate process.
- (E) Resignation or retirement while under investigation by the peace officer's employing law enforcement agency, a district attorney, or the attorney general that could result in being entered into the database in this subsection (1)(r);
- (F) Resignation or retirement following an incident that leads to the opening of an investigation within six months following the peace officer's resignation or retirement that could result in being entered into the database in this subsection (1)(r);
- (G) Being the subject of a criminal investigation for a crime that could result in revocation or suspension of certification pursuant to section 24-31-305 or 24-31-904 or the filing of criminal charges for such a crime. The investigating law enforcement agency shall notify the P.O.S.T. board of the investigation or filing of criminal charges as soon as practicable, in a manner prescribed in P.O.S.T. board rule, so long as such notification is unlikely to disrupt or impede an investigation.
- (H) Actions as described by the applicable statutory provision identifying the basis for the credibility disclosure notification as set forth in section 16-2.5-502(2)(c)(I).

(II) Law enforcement agencies shall report to the P.O.S.T. board the information required in this subsection (1)(r) in a format determined by the P.O.S.T. board. Failure to submit such information is subject to a fine set in rule by the P.O.S.T. board.

(III) For purposes of this subsection (1)(r), “untruthfulness” means a peace officer knowingly made an untruthful statement concerning a material fact or knowingly omitted a material fact on an official criminal justice record, while testifying under oath, or during an internal affairs investigation or administrative investigation and disciplinary process.

(IV) Termination for cause.

(s) To collaborate with the commission on improving first responder interactions with persons with disabilities, in the manner described in part 10 of this article 31.

(t) By January 1, 2022, to adopt procedures to allow a peace officer to seek review of the peace officer's status in the database created pursuant to subsection (1)(r) of this section based on the peace officer's presentation of new evidence to show the peace officer's record may be removed from the database.

(2) (a) The P.O.S.T. board may charge the following fees, the proceeds of which may be used to support the certification of applicants pursuant to this part 3:

(I) For the manuals or other materials that the board may publish in connection with its functions, an amount not to exceed twenty dollars per publication; and

(II) For the administration of certification and skills examinations, an amount not to exceed one hundred fifty dollars per examination per applicant.

(b) There is hereby created in the state treasury a P.O.S.T. board cash fund. The fees collected pursuant to paragraph (a) of this subsection (2) and pursuant to [section 42-3-304 \(24\), C.R.S.](#), shall be transmitted to the state treasurer who shall credit such revenue to the P.O.S.T. board cash fund. It is the intent of the general assembly that the fees collected shall cover all direct and indirect costs incurred pursuant to this section. In accordance with [section 24-36-114](#), all interest derived from the deposit and investment of moneys in the P.O.S.T. board cash fund shall be credited to the general fund. All moneys in the P.O.S.T. board cash fund shall be subject to annual

appropriation by the general assembly and shall be used for the purposes set forth in this subsection (2) and in [section 24-31-310](#). At the end of any fiscal year, all unexpended and unencumbered moneys in the P.O.S.T. board cash fund shall remain in the fund and shall not revert to the general fund or any other fund.

(3) The P.O.S.T. board may make grants to local governments, any college or university, or any nonprofit for the purpose of funding the training programs required by this section.

(4) (Deleted by Laws 1998, Ch.214 § 2, effective May 22, 1998.)

(5) It is unlawful for any person to serve as a peace officer, as described in [section 16-2.5-102, C.R.S.](#), or a reserve peace officer as defined in [section 16-2.5-110, C.R.S.](#), in this state unless such person:

(a) Is certified pursuant to this part 3; and

(b) Has undergone both a physical and a psychological evaluation to determine such person's fitness to serve as a peace officer or a reserve peace officer. Such evaluations shall have been performed within one year prior to the date of appointment by a physician and either a psychologist or psychiatrist licensed by the state of Colorado.

(6) Repealed.

HISTORY: Source: L. 92: Entire part added, p. 1093, § 3, effective March 6. L. 94: (1) and (2) amended, p. 1727, § 5, effective May 31. L. 96: (2)(a) and (3) amended and (4) and (5) added, p. 1571, § 1, effective June 3. L. 98: (4) and IP(5) amended, p. 749, § 2, effective May 22; (1)(h) added, p. 962, § 6, effective May 27. L. 2001: (2)(a)(II) amended, p. 1449, § 1, effective July 1. L. 2002: (6) added, p. 840, § 3, effective May 30. L. 2003: (2)(b) amended, p. 2114, § 1, effective May 22; (1)(f) amended, p. 2184, § 2, effective June 3; IP(5) amended, p. 1622, § 39, effective August 6. L. 2004: (1)(i) added, p. 1898, § 2, effective June 4. L. 2006: (2)(b) amended, p. 1500, § 34, effective June 1. L. 2012: (1)(i) amended and (1)(j) added, [\(HB 12-1345\), ch. 188, p. 746, § 31](#), effective May 19; (1)(h) amended, [\(HB 12-1266\), ch. 280, p. 1530, § 49](#), effective July 1. L. 2013: (1)(i) and (1)(j) amended and (1)(k) added, [\(SB 13-111\), ch. 233, p. 1125, § 8](#), effective May 16. L. 2014: (1)(e), (1)(j), (2)(a)(II), and (3) amended and (1)(l) and (1)(m) added, [\(SB 14-123\), ch. 246, p. 945, § 1](#), effective August 6. L. 2015: (1)(l) amended and (1)(n), (1)(o), (1)(p), and (1)(q) added, [\(HB 15-1287\), ch. 213, p. 778, § 2](#), effective May 20. L. 2020:(1)(l), (1)(p), and (1)(q) amended and (1)(r) added, (SB 20-217), ch. 110, p. 457, § 10, effective June 19. L. 2021:(1)(s) added, (HB 21-1122), ch. 405, p. 2690, § 2, effective June 30; (1)(r) amended and (1)(t) added, (HB 21-1250), ch. 458, p. 3066, § 13, effective July 6; IP(1)(r), (1)(r)(III), and (1)(r)(IV) amended and (1)(r)(V) added, (SB

21-174), ch. 420, p. 2787, § 2, effective September 7.

Editor's note:

- (1) Subsection (6)(b) provided for the repeal of subsection (6), effective July 1, 2003. (See L. 2002, p. 840.)
- (2) Amendments to subsection (1)(r) by HB 21-1250 and SB-174 were harmonized. In connection, subsection (1)(r)(I)(H) was numbered as subsection (1)(r)(V) in SB 21-174 but was renumbered on revision for ease of location. Subsections (1)(r)(III) and (1)(r)(IV) were amended in SB 21-174, but those amendments were superseded by the amendment of subsection (1)(r) in HB 21-1250.

Cross references:

- (1) For the legislative declaration in the 2013 act amending subsections (1)(i) and (1)(j) and adding subsection (1)(k), see section 1 of chapter 233, Session Laws of Colorado 2013.
- (2) For the legislative declaration in SB 20-217, see section 1 of chapter 110, Session Laws of Colorado 2020.

24-31-304. Applicant for training – fingerprint-based criminal history record check

- (1) For purposes of this section, "training academy" means a basic or reserve peace officer training program approved by the P.O.S.T. board that is offered by a training academy, community college, college, or university.
- (2) A training academy shall not enroll as a student a person who has been convicted of an offense that would result in the denial of certification pursuant to section 24-31-305 (1.5).
- (3)
 - (a) A person seeking to enroll in a training academy shall submit a set of fingerprints to the training academy prior to enrolling in the academy. The training academy shall forward the fingerprints to the Colorado bureau of investigation for the purpose of obtaining a fingerprint-based criminal history record check. Upon receipt of fingerprints and payment for the costs, the Colorado bureau of investigation shall conduct a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation.

The P.O.S.T. board is the authorized agency to receive information regarding the result of a national criminal history record check. The P.O.S.T. board shall notify the training academy if the fingerprint-based criminal history record check indicates that the person is prohibited from enrolling in the training academy pursuant to subsection (2) of this section. The person seeking to enroll in the training academy shall bear only the actual costs of the state and national fingerprint-based criminal history record check.

(b) When the results of a fingerprint-based criminal history record check of a person seeking to enroll in a training academy performed pursuant to this section reveal a record of arrest without a disposition, the P.O.S.T. board shall require that person to submit to a name-based judicial record check, as defined in section 22-2-119.3(6)(d).

(4) (a) Notwithstanding the provisions of subsection (2) of this section and section 24-31-305 (1.5) to the contrary, if the person anticipates that he or she will be prohibited from enrolling in the training academy on the grounds that the person has been convicted on or after July 1, 2001, of one or more of the misdemeanors described in section 24-31-305 (1.5), the person may, at the time of applying for admission to the training academy, notify the POST board of the conviction or convictions and request the P.O.S.T. board to grant the person permission to enroll in the training academy.

(b) The P.O.S.T. board shall promulgate rules deemed necessary by the board concerning the procedures for the granting of permission to enroll in a training academy pursuant to this subsection (4). The P.O.S.T. board, in promulgating the rules, shall take into consideration the procedures for the granting of exemptions to denials of certification and the withdrawal of denials of certification described in section 24-31-305 (1.6). The P.O.S.T. board, in promulgating the rules, may specify that an applicant for certification pursuant to section 24-31-305 need not submit a set of fingerprints at the time of applying for the certification if the applicant has already submitted a set of fingerprints pursuant to this section.

Source: L. 92: Entire part added, p. 1094, § 3, effective March 6. L. 94: Entire section amended, p. 1729, § 6, effective May 31. L. 96: Entire section amended, p. 1572, § 2, effective June 3. L. 2003: Entire section R&RE, p. 2183, § 1, effective June 3. L. 2019:(3) amended, (HB 19-1166), ch. 125, p. 550, § 30, effective April 18.; L. 2022: (HB1270), ch. 114, § 32, effective April 21, 2022.

24-31-305. Certification - issuance - renewal - revocation

- (1) (a) Basic peace officer certification requirements shall include:
 - (I) Successful completion of a high school education or its equivalent;
 - (II) Successful completion of basic training approved by the P.O.S.T. board;
 - (III) Passage of examinations administered by the P.O.S.T. board; and
 - (IV) Current first aid and cardiopulmonary resuscitation certificates or their equivalents.
 - (b) The training required for basic certification may be obtained through a training program conducted by a training academy approved by the P.O.S.T. board or completion of requirements of another state, federal, or tribal jurisdiction having standards deemed at least equivalent to those established pursuant to this part 3.
 - (c) Repealed.
- (1.3) Reserve peace officer certification requirements shall include:
- (a) Successful completion of a high school education or its equivalent;
 - (b) Successful completion of reserve training approved by the P.O.S.T. board; and
 - (c) Current first aid and cardiopulmonary resuscitation certificates or their equivalents.
- (1.5) (a) The P.O.S.T. board shall deny certification to any person who has been convicted of:
- (I) A felony;
 - (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.](#);
 - (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.](#);

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

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

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

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

(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 (I) to (VII) of this subsection (1.5)(a); or

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

(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.

(1.6) (a) Notwithstanding the provisions of subsection (1.5) of this section, if an applicant anticipates prior to the denial of certification that he or she will be denied certification on the ground that the applicant has been convicted on or after July 1, 2001, of any misdemeanor or misdemeanors described in subsection (1.5) of this section, the applicant or the chief law enforcement officer of the agency, if any, employing such applicant may, at the time of the application for certification, notify the P.O.S.T. board of such conviction or convictions and request the board to grant the applicant an exemption from denial of certification.

(b) Notwithstanding the provisions of subsection (1.5) of this section, if an

applicant is denied certification on the ground that the applicant has been convicted on or after July 1, 2001, of any misdemeanor or misdemeanors described in subsection (1.5) of this section, the applicant or the chief law enforcement officer of the agency, if any, employing such applicant may, within thirty days after the effective date of denial, request that the P.O.S.T. board withdraw the denial of certification.

(c) The P.O.S.T. board shall promulgate rules and regulations deemed necessary by the board concerning the procedures for the granting of exemptions to denials of certification and the withdrawal of denials of certification under this subsection (1.6).

(1.7) (a) Unless revoked or voluntarily surrendered, a basic certification or reserve certification issued pursuant to this part 3 is valid as long as the certificate holder is continuously serving as a peace officer or reserve peace officer.

(b) If a basic or reserve certificate holder has not served as a peace officer or reserve peace officer for a total of at least six months during any consecutive three-year period, the certification automatically expires at the end of such three-year period, unless the certificate holder is then serving as a peace officer or reserve peace officer or had previously voluntarily surrendered his or her certificate.

(c) The P.O.S.T. board may promulgate rules for the renewal of certification that expired pursuant to paragraph (b) of this subsection (1.7).

(2) (a) A certification issued pursuant to subsection (1) or (1.3) of this section or [section 24-31-308](#) shall be suspended or revoked by the P.O.S.T. board if the certificate holder has been convicted of a felony at any time, or has been convicted on or after July 1, 2001, of any misdemeanor or misdemeanors described in subsection (1.5) of this section, or has otherwise failed to meet the certification requirements established by the board.

(b) (I) Notwithstanding the provisions of paragraph (a) of this subsection (2), if the certification of a certificate holder is revoked pursuant to paragraph (a) of this subsection (2) on the ground that the certificate holder has been convicted on or after July 1, 2001, of any misdemeanor or misdemeanors described in subsection (1.5) of this section, the certificate holder or the chief law enforcement officer of the agency, if any, employing such certificate holder may, within thirty days after the effective date of the revocation, request the P.O.S.T. board to reinstate the certification.

(II) The P.O.S.T. board shall promulgate rules and regulations deemed necessary by the board concerning the procedures for the reinstatement of revocations of certification.

(2.5)

(a) Notwithstanding the provisions of subsection (2) of this section, the P.O.S.T. board shall revoke a certification issued to a person pursuant to subsection (1) or (1.3) of this section or section 24-31-308 if:

(I) The law enforcement agency that employs or employed the certificate holder notifies the P.O.S.T. board that, on or after August 2, 2019, the certificate holder knowingly made an untruthful statement concerning a material fact or knowingly omitted a material fact on an official criminal justice record, while testifying under oath, or during an internal affairs investigation or administrative investigation and disciplinary process; and

(II) The law enforcement agency certifies that:

(A) It completed an administrative process defined by a published policy of the law enforcement agency, which policy was in effect at the time that the alleged untruthful statement concerning a material fact or knowing omission of material fact occurred;

(B) Through that administrative investigation and disciplinary process, the law enforcement agency determined by a clear and convincing standard of the evidence that, on or after August 2, 2019, the certificate holder knowingly made an untruthful statement concerning a material fact or knowingly omitted a material fact on an official criminal justice record, while testifying under oath, or during an internal affairs investigation or comparable administrative investigation; and

(C) The certificate holder has elected not to exercise, or has exhausted, the internal disciplinary appeal rights provided by the officer's employer; and

(III) The certificate holder, after receiving the notice from the P.O.S.T. board described in subsection (2.5)(e) of this section, either does not request a hearing, or requests a hearing and the hearing officer has determined, after conducting the hearing pursuant to the rules of the P.O.S.T. board and in compliance with sections 24-4-104 and 24-4-105, that the certificate holder knowingly made an untruthful statement

concerning a material fact or knowingly omitted a material fact on an official criminal justice record, while testifying under oath, or during an internal affairs investigation or administrative investigation and disciplinary process.

- (b) A law enforcement agency that makes a determination described in subsection (2.5)(a)(II) of this section shall report such fact to the P.O.S.T. board on a form that is prescribed by the P.O.S.T. board. The form must require the official submitting the form to attest, under penalty of perjury, that, to the best of the official's knowledge and belief, the statements on the form are true, correct, and complete, and that any false statement, misstatement, or inaccuracy may result in revocation of the official's certification as well as criminal prosecution.

- (c) If a certificate holder who is the subject of an investigation described in subsection (2.5)(a)(II) of this section resigns or refuses to cooperate in the investigation, the investigating law enforcement agency shall complete the investigation with or without the subject's participation. If the results of the investigation demonstrate by a clear and convincing standard of the evidence that, on or after August 2, 2019, the certificate holder knowingly made an untruthful statement concerning a material fact or knowingly omitted a material fact on an official criminal justice record, while testifying under oath, or during an internal affairs investigation or administrative investigation and disciplinary process, the law enforcement agency shall notify the P.O.S.T. board and request revocation of the certificate holder's certification on a form prescribed by the P.O.S.T. board.

- (d) The records of any law enforcement agency that are submitted for review by the P.O.S.T. board for the purposes of this subsection (2.5) remain the property of the reporting law enforcement agency and are not subject to public release by the P.O.S.T. board.

- (e) Upon receipt of the form from a law enforcement agency pursuant to subsection (2.5)(b) of this section, the P.O.S.T. board shall notify the certificate holder of the certificate holder's right to request a show cause hearing pursuant to the rules of the P.O.S.T. board and in compliance with sections 24-4-104 and 24-4-105.

- (f) A person who has had his or her P.O.S.T. certification revoked pursuant to this subsection (2.5) may appeal the decision to the full P.O.S.T. board pursuant to the rules of the P.O.S.T. board and section 24-4-105, and may seek judicial review pursuant to the provisions of section 24-4-106.

- (g) If a certificate holder's certificate is revoked pursuant to this section and a court of record subsequently reverses or vacates the finding that, on or

after August 2, 2019, the certificate holder knowingly made an untruthful statement concerning a material fact or knowingly omitted a material fact on an official criminal justice record, while testifying under oath, or during an internal affairs investigation or administrative investigation and disciplinary process, the certificate holder may request reinstatement of his or her certificate by providing documentation of the court's ruling to the P.O.S.T. board within forty-five days after the court's ruling.

(h) If a law enforcement agency is notified that a peace officer who is employed or who was employed by the agency is alleged to have knowingly made an untruthful statement concerning a material fact or knowingly omitted a material fact on an official criminal justice record, while testifying under oath, or during an internal affairs investigation or administrative investigation and disciplinary process, on or after August 2, 2019, the agency employing the peace officer, or the last law enforcement agency to employ the peace officer, shall investigate the allegation unless the accused peace officer has not been employed by the agency for at least six months preceding the date upon which the agency is notified of the allegation, in which case the agency may investigate the allegation.

(i) Nothing in this section prohibits the lawful use of deception or omission of facts by a peace officer while he or she is conducting an investigation of criminal activity.

(j) For the purposes of this subsection (2.5), “administrative investigation and disciplinary process” means an employer's formal process of internal control that assures that an allegation of violation of employer rules, policy, procedure, or other misconduct or improper actions by an employee are subject to a complete and objective investigation resulting in findings of fact and disciplinary action for any substantiated violation.

(k) The P.O.S.T. board may promulgate rules for the implementation of this subsection (2.5).

(2.7) The P.O.S.T. board may revoke the certification of a peace officer who fails to satisfactorily complete peace officer training required by the P.O.S.T. board. Prior to revoking the peace officer's certification, the P.O.S.T. board shall notify the peace officer of his or her failure to complete the training required by the P.O.S.T. board and give the peace officer thirty calendar days to satisfactorily complete the peace officer training required by the P.O.S.T. board.

(3) Certification shall not vest tenure or related rights. The policies, if any, of the employing agency shall govern such rights. Additional certification reflecting higher levels of proficiency may, at the discretion of the employing agency, be required in

hiring, retaining, or promoting peace officers.

(4) The P.O.S.T. board may grant variances from the requirements of this section to any individual, including any individual called to active duty by the armed forces of the United States, if strict application thereof would result in practical difficulty or unnecessary hardship and where the variance would not conflict with the basic purposes and policies of this part 3. The P.O.S.T. board shall promulgate rules regarding the procedure for applying for and granting variances pursuant to this subsection (4).

(5) If a law enforcement agency hires a new employee, appoints a new employee, or transfers an existing employee to a position requiring P.O.S.T. certification, prior to such hire, appointment, or transfer the law enforcement agency shall determine if the person has a record contained in the database created in section 24-31-303 (1)(r). 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 in a format determined by the P.O.S.T. board.

HISTORY: Source: L. 92:Entire part added, p. 1094, § 3, effective March 6. L. 94:Entire section amended, p. 1729, § 7, effective May 31. L. 96:Entire section amended, p. 1572, § 3, effective June 3. L. 98:(1.7)(a), (1.7)(b), and (2) amended and (4) added, p. 750, § 3, effective May 22. L. 2000:(1.7)(c) amended, p. 42, § 2, effective March 10. L. 2001:(1.5) and (2) amended and (1.6) added, p. 1449, § 2, effective July 1. L. 2005:(1)(b), (1.5)(g), and (4) amended and (1)(c) and (1.5)(h) added, p. 113, §§ 2, 3, effective August 8. L. 2006:(1.5)(g) amended, p. 2044, § 5, effective July 1. L. 2012:(1)(c) repealed,(HB 12-1163), ch. 50, p. 182, § 2, effective August 8. L. 2013:(1.5)(g) amended,(HB 13-1166), ch. 59, p. 196, § 4, effective August 7. L. 2014:(1.5)(g) and (1.5)(h) amended and (1.5)(i) added,(SB 14-123), ch. 246, p. 946, § 2, effective August 6. L. 2016:(1.5) amended,(HB 16-1262), ch. 339, p. 1386, § 6, effective June 10. L. 2019:(1.5)(a)(VIII) and (1.5)(a)(IX) amended,(SB 19-241), ch. 390, p. 3469, § 27, effective August 2; (2.5) added,(SB 19-166), ch. 249, p. 2422, § 1, effective August 2. L. 2020:(2.7) added,(SB 20-217), ch. 110, p. 458, § 14, effective June 19. L. 2021:(1.7)(a) and (1.7)(b) amended and (5) added,(HB 21-1250), ch. 458, pp. 3067, 3065, §§ 14, 11, effective July 6.

ANNOTATION

Because the constitution grants Denver the power to control the qualifications, as well as the powers, duties, and terms or tenure, of its deputy sheriffs, it necessarily follows that the P.O.S.T Act is in conflict with the constitution to the extent that it purports to require Denver deputy sheriffs to be certified by the P.O.S.T. board. Fraternal Order, No. 27 v. Denver, 914 P.2d 483 (Colo. App. 1995).

Because the state's interest under the Peace Officers Standards and Training Act

was not sufficient to outweigh Denver's home rule authority, the provisions of this section supersede the conflicting provisions of the P.O.S.T. Act. Fraternal Order of Police, Lodge 27 v. Denver, 926 P.2d 582 (Colo. 1996).

The qualification and certification of Denver deputy sheriffs is a local concern, specifically, where it was shown that there was no need for statewide uniformity of training that would include Denver deputy sheriffs; that the extraterritorial impact of Denver deputy sheriffs is, at best, de minimis; that Denver deputy sheriffs do not substantially impact public safety beyond the boundaries of Denver; and Denver's interest in the training and certification of its deputy sheriffs is substantial and has direct textual support in the Colorado Constitution and in case law precedent. Fraternal Order of Police, Lodge 27 v. Denver, 926 P.2d 582 (Colo. 1996).

The holding regarding the training and certification under the P.O.S.T. Act is limited to Denver deputy sheriffs since Colorado Constitution article XX, § 2, pertains only to the City and County of Denver. Fraternal Order of Police, Lodge 27 v. Denver, 926 P.2d 582 (Colo. 1996).

24-31-306. Qualifications for peace officers (Repealed)

24-31-307. Enforcement

(1) The P.O.S.T. board shall have the power to promulgate rules for enforcement of this part 3.

(2) The attorney general may enforce the provisions of this part 3 through an action in district court for injunctive or other appropriate relief against:

(a) Any individual undertaking or attempting to undertake any duties as a peace officer or a reserve peace officer in this state in violation of this part 3; and

(b) Any agency permitting any individual to undertake or attempt to undertake any duties as a peace officer or a reserve peace officer in this state under the auspices of such agency in violation of this part 3.

(3) The attorney general may bring criminal charges for violations of this part 3 if the violation is knowingly or intentional, or impose fines, as set in P.O.S.T. board rule, upon any individual officer or agency for failure to comply with this part 3 or any rule promulgated under this part 3.

(3.5) Any person or law enforcement agency that knowingly or intentionally provides inaccurate data for the database created pursuant to section 24-31-303 (1)(r) is subject to a fine set in rule by the P.O.S.T. board, and, if the person is a P.O.S.T. certified peace officer, the officer is subject to revocation or suspension of

the officer's P.O.S.T. certification by the P.O.S.T. board. A person or law enforcement agency that truthfully and accurately reports information pursuant to section 24-31-303 (1)(r) in good faith is not liable under this subsection (3.5).

(4) The attorney general shall be entitled to recover reasonable attorney fees and costs against the defendant in any enforcement action under this part 3, if the attorney general prevails.

Source: L. 94:Entire section added, p. 1731, § 9, effective May 31. L. 2020:Entire section amended,(SB 20-217), ch. 110, p. 459, § 15, effective June 19. L. 2021:(3) amended and (3.5) added,(HB 21-1250), ch. 458, p. 3067, § 15, effective July 6.

24-31-308. Reciprocity – provisional certificate

(1) The POST board is authorized to grant a provisional certificate to any person who:

(a) Has been authorized to act as a peace officer in another state or federal jurisdiction, excluding the armed forces, within the preceding three years and has served as a certified law enforcement officer in good standing in such other state or federal jurisdiction for more than one year;

(b) Passes the certification examination required pursuant to this part 3; and

(c) Possesses current first aid and cardiopulmonary resuscitation certificates or their equivalent.

(2) (a) The POST board is authorized to grant a basic certification to a person who meets the criteria established for basic certification by rule of the POST board.

(b) Any rule of the POST board establishing the criteria for basic certification shall provide that a basic certification will be issued only after an applicant has successfully demonstrated to the POST board a proficiency in all skill areas as required by section 24-31-305.

(3) (a) A provisional certificate shall be valid for six months.

(b) Upon a showing of good cause, the POST board may renew a provisional certificate once for a period not to exceed an additional six months.

Source: L. 98: Entire section added, p. 751, § 7, effective May 22. L. 2000: (1)(a) and (2) amended, p. 43, § 3, effective March 10. L. 2012: (1)(a) amended, (HB 12-

1163), ch. 50, p. 182, § 3, effective August 8.

24-31-309. Profiling – officer identification – training

- (1)
 - (a) The general assembly finds, determines, and declares that profiling is a practice that presents a great danger to the fundamental principles of our constitutional republic and is abhorrent and cannot be tolerated.
 - (b) The general assembly further finds and declares that motorists who have been stopped by peace officers for no reason other than the color of their skin or their apparent race, ethnicity, age, or gender are the victims of discriminatory practices.
 - (c) The general assembly further finds and declares that Colorado peace officers risk their lives every day. The people of Colorado greatly appreciate the hard work and dedication of peace officers in protecting public safety. The good name of these peace officers should not be tarnished by the actions of those who commit discriminatory practices.
 - (d) It is therefore the intent of the general assembly in adopting this section to provide a means of identification of peace officers who are engaging in profiling, to underscore the accountability of those peace officers for their actions, and to provide training to those peace officers on how to avoid profiling.
- (2) Definitions. For purposes of this section:
 - (a) “Legal basis” means any basis authorized by statute or that the Colorado supreme court or United States supreme court has determined is lawful pursuant to section 7 of article II of the state constitution or the fourth amendment to the United States constitution.
 - (b) “Profiling” means the practice of relying solely on race, ethnicity, gender, national origin, language, religion, sexual orientation, gender identity, gender expression, age, or disability in:
 - (I) Determining the existence of probable cause to place in custody or arrest an individual or in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a vehicle; or
 - (II) Determining the scope, substance, or duration of an investigation or law enforcement activity to which a person will be subjected.
- (3) Profiling practices prohibited. Profiling as defined in subsection (2) of this

section is prohibited; except that a peace officer may use age when making law enforcement decisions if the peace officer is investigating a juvenile status offense.

(3.5) A peace officer, as defined in section 24-31-901 (3), shall have a legal basis for making a contact, as defined in section 24-31-901(1), whether consensual or nonconsensual, with a member of the public for purposes of enforcing the law or investigating possible violations of the law. After making a contact, a peace officer, as defined in section 24-31-901(3), shall report to the peace officer's employing agency:

- (a) The perceived demographic information of the person contacted, provided that the identification of these characteristics is based on the observation and perception of the peace officer making the contact and other available data;
- (b) Whether the contact was a traffic stop;
- (c) The time, date, and location of the contact;
- (d) The duration of the contact;
- (e) The reason for the contact;
- (f) The suspected crime;
- (g) The result of the contact, such as:
 - (I) No action, warning, citation, property seizure, or arrest;
 - (II) If a warning or citation was issued, the warning provided or violation cited;
 - (III) If an arrest was made, the offense charged;
 - (IV) If the contact was a traffic stop, the information collected, which is limited to the driver;
- (h) The actions taken by the peace officer during the contact, including but not limited to whether:
 - (I) The peace officer asked for consent to search the person, vehicle, or other property, and, if so, whether consent was provided;
 - (II) The peace officer searched the person, a vehicle, or any property, and, if so, the basis for the search and the type of contraband or evidence discovered, if any;

(III) The peace officer seized any property, and, if so, the type of property that was seized and the basis for seizing the property;

(IV) A peace officer unholstered or brandished a weapon during the contact, and, if so, the type of weapon; and

(V) A peace officer discharged a weapon during the contact.

(4) (a) A peace officer certified pursuant to this part 3 shall provide, without being asked, his or her business card to any person whom the peace officer has detained in a traffic stop but has not cited or arrested. The business card shall include identifying information about the peace officer including, but not limited to, the peace officer's name, division, precinct, and badge or other identification number and a telephone number that may be used, if necessary, to report any comments, positive or negative, regarding the traffic stop; and information about how to file a complaint related to the contact. The identity of the reporting person and the report of any such comments that constitutes a complaint shall initially be kept confidential by the receiving law enforcement agency, to the extent permitted by law. The receiving law enforcement agency shall be permitted to obtain some identifying information regarding the complaint to allow initial processing of the complaint. If it becomes necessary for the further processing of the complaint for the complainant to disclose the complainant's identity, the complainant shall do so or, at the option of the receiving law enforcement agency, the complaint may be dismissed.

(b) The provisions of paragraph (a) of this subsection (4) shall not apply to authorized undercover operations conducted by any law enforcement agency.

(c) Each law enforcement agency in the state shall compile on at least an annual basis any information derived from telephone calls received due to the distribution of business cards as described in paragraph (a) of this subsection (4) and that allege profiling. The agency shall make such information available to the public but shall not include the names of peace officers or the names of persons alleging profiling in such information. The agency may also include in such information the costs to the agency of complying with the provisions of this subsection (4).

(5) The training provided for peace officers shall include an examination of the patterns, practices, and protocols that result in profiling and prescribe patterns, practices, and protocols that prevent profiling. On or before August 1, 2001, the P.O.S.T. board shall certify the curriculum for such training.

(6) No later than six months after June 5, 2001, each law enforcement agency in the state shall have written policies, procedures, and training in place that are specifically designed to address profiling. Each peace officer employed by such law enforcement agency shall receive such training. The written policies and procedures shall be made available to the public for inspection during regular business hours.

Source: L. 2001:Entire section added, p. 934, § 2, effective June 5. L. 2016:(2) and (3) amended,(HB 16-1263), ch. 340, p. 1388, § 2, effective June 10. L. 2020:(3.5) added and (4)(a) amended,(SB 20-217), ch. 110, p. 459, § 16, effective June 19. L. 2021:(2), IP(3.5), (3.5)(h)(II), (3.5)(h)(IV), and (3.5)(h)(V) amended,(HB 21-1250), ch. 458, p. 3067, § 16, effective July 6; IP(2) amended,(HB 21-1108), ch. 156, p. 894, § 31, effective September 7.

Editor's note: Amendments to subsection IP(2) by HB 21-1108 and HB 21-1250 were harmonized and amendments made to subsection IP(2) by HB 21-1108 were relocated to subsection IP(2)(b) on revision.

Cross references:

- (1) For the legislative declaration in HB 16-1263, see section 1 of chapter 340, Session Laws of Colorado 2016.
- (2) For the legislative declaration in SB 20-217, see section 1 of chapter 110, Session Laws of Colorado 2020.

ANNOTATION

Law reviews. For article, "House Bill 1114: Eliminating Biased Policing", see 31 Colo. Law. 127 (July 2002).

24-31-310. Resources for the training of peace officers – peace officers in rural jurisdictions – legislative declaration

(1) The general assembly hereby finds and declares that Colorado peace officers risk their lives every day in the normal course of their duties. On the roads and highways and throughout the state, peace officers are expected to make quick and difficult decisions that concern both public and officer safety. The general assembly further finds and declares that good training is crucial for peace officers to make decisions that are in the best interests of the health and safety of the citizens of Colorado. The general assembly recognizes that the P.O.S.T. board oversees peace officer training programs and that in the past the state has provided funding for such training programs. The general assembly further recognizes that the state has not provided funding for peace officer training programs since 1992, and that the lack of state funding has had a significant impact on the training of peace officers in the state. Therefore, it is the intent of this section to reimplement state funding

for peace officer training programs and to enable the P.O.S.T. board to provide substantial training for peace officers who serve the citizens of Colorado.

(2) The money collected and transferred to the P.O.S.T. board cash fund pursuant to section 42-3-304(24) must be used to provide training programs for peace officers, especially peace officers in rural and smaller jurisdictions that have limited resources due to the size or location of such jurisdictions. The money must be used and distributed pursuant to subsection (3) or (4) of this section.

(3) The money collected and transferred to the P.O.S.T. board cash fund pursuant to section 42-3-304(24) must be used and distributed as determined by the P.O.S.T. board. The money in the fund must be used to pay the salary and benefits of any employee hired by the department of law in order to administer the peace officer training programs and to cover any other costs incurred by the P.O.S.T. board in connection with such programs. Under no circumstance shall general fund money be used to cover such costs incurred by the department of law or the P.O.S.T. board.

(4)

(a) Subject to the available money collected, transferred to, and remaining in the P.O.S.T. board cash fund, the P.O.S.T. board may establish a scholarship program for law enforcement agencies in rural and smaller jurisdictions with limited resources due to their size or location to assist the agencies with the payment of tuition costs for peace officer candidates to attend an approved basic law enforcement training academy. A person whose tuition costs to attend an approved basic law enforcement training academy were paid for pursuant to this subsection (4) must be employed for at least three years by a law enforcement agency in a rural and small jurisdiction after attending the approved basic law enforcement training academy or the person shall reimburse the cost of attending the basic law enforcement training academy to the P.O.S.T. board.

(b) The P.O.S.T. board shall promulgate rules as may be necessary to implement and administer the scholarship program.

(c) As used in this subsection (4), unless the context otherwise requires, “rural” means an area defined or designated as rural by the federal office of management and budget.

Source: L. 2003:Entire section added, p. 2114, § 2, effective May 22. L. 2006:(2) and (3) amended, p. 1500, § 35, effective June 1. L. 2020:(2) and (3) amended and (4) added, (HB 20-1229), ch. 147, p. 635, § 1, effective September 14.

24-31-311. DNA evidence – collection – retention

(1) The training provided for peace officers shall include proper collection and retention techniques, practices, and protocols for evidence that may contain biological or DNA evidence. On or before August 1, 2009, the POST board shall certify the curriculum for the training. After August 1, 2009, the training shall be provided to persons who enroll in a training academy for basic peace officer training and to all peace officers described in section 16-2.5-101, C.R.S., who are certified by the POST board pursuant to this part 3 prior to August 1, 2009.

(2) The POST board may develop a specialized certification program that concentrates on the proper techniques, practices, and protocols for evidence collection with emphasis on evidence that may contain biological or DNA evidence.

Source: L. 2008: Entire section added, p. 848, § 4, effective May 14.

Cross references: For the legislative declaration contained in the 2008 act enacting this section, see section 1 of chapter 223, Session Laws of Colorado 2008.

24-31-312. School resource officer training

(1) On or before January 1, 2014, the P.O.S.T. board shall identify a school resource officer training curriculum to prepare peace officers.

(2) To the extent practicable, the training curriculum described in subsection (1) of this section shall incorporate the suggestions of relevant stakeholders and advocates.

(3) (a) In assigning peace officers to serve as school resource officers pursuant to section 22-32-146, C.R.S., each law enforcement agency is encouraged to ensure that such peace officers have successfully completed the school resource officer training curriculum described in subsection (1) of this section or will complete said training within six months after beginning the assignment.

(b) On and after January 1, 2015, each county sheriff and each municipal law enforcement agency of the state shall employ at least one peace officer who has successfully completed the training curriculum described in subsection (1) of this section.

(4) For the purposes of section 22-32-146, C.R.S., the training curriculum provided pursuant to subsection (1) of this section shall include a means of recognizing and identifying peace officers who successfully complete the training curriculum.

(5) In providing the training curriculum described in subsection (1) of this section, the P.O.S.T. board may include provisions to allow for the awarding of credit to a peace officer who has successfully completed a school resource officer certification curriculum offered by one or more public or private entities, which entities shall be identified by the P.O.S.T. board.

(6) The P.O.S.T. board may charge a fee to each peace officer who enrolls in the training curriculum described in subsection (1) of this section. The amount of the fee shall not exceed the direct and indirect costs incurred by the P.O.S.T. board in providing the curriculum.

(7) The P.O.S.T. board, with respect to the hiring, training, and evaluation of school resource officers and professionalizing a school-police partnership, shall create a model policy for selecting school resource officers pursuant to the general duties and responsibilities granted to the P.O.S.T. board pursuant to section 24-31-303. The P.O.S.T. board shall consult with school board members, school resource officers, K-12 advocates, and other relevant stakeholders, including student groups, in the development of the model policy. The department of education shall post the model policy on its website and distribute the policy to school districts, charter schools, and institute charter schools for consideration and possible adoption. The model policy may be used by school districts, charter schools, institute charter schools, and police departments. The model policy must, at a minimum, require that:

(a) Once selected, school resource officers must be fully trained in standard best practices, as set forth by a national association of school resource officers;

(b) A candidate demonstrate, whenever possible, a record of experience developing positive relationships with youth, which may include participation in youth or community policing programs;

(c) A candidate voluntarily apply to serve as a school resource officer; and

(d) The employing law enforcement agency and school district jointly create an evaluation process to evaluate school resource officers

HISTORY: Source: L. 2012: Entire section added, (HB 12-1345), ch. 188, p. 746, § 32, effective May 19.; L. 2022: (HB1376), ch. 243, § 7, effective May 26, 2022.

24-31-313. Training concerning abuse and exploitation of at-risk elders

(1) On or before January 1, 2014, the P.O.S.T. board shall create and implement a training curriculum to prepare peace officers to recognize and address incidents of abuse and exploitation of at-risk elders, as described in [sections 18-6.5-102 \(1\)](#) and (10), C.R.S.

(2) On and after January 1, 2015, each county sheriff and each municipal law enforcement agency of the state shall employ at least one peace officer who has successfully completed the training curriculum described in subsection (1) of this section.

(3) The training curriculum provided pursuant to subsection (1) of this section shall include a means of recognizing and identifying peace officers who successfully complete the training curriculum.

(4) In providing the training curriculum described in subsection (1) of this section, the P.O.S.T. board may include provisions to allow for the awarding of credit to a peace officer who has successfully completed a similar training curriculum offered by one or more public or private entities, which entities shall be identified by the P.O.S.T. board.

(5) The P.O.S.T. board may charge a fee to each peace officer who enrolls in the training curriculum described in subsection (1) of this section. The amount of the fee shall not exceed the direct and indirect costs incurred by the P.O.S.T. board in providing the curriculum.

Source: L. 2013: Entire section added, [\(SB 13-111\)](#), ch. 233, p. 1126, § 9, effective May 16.

Cross references: For the legislative declaration in the 2013 act adding this section, see section 1 of chapter 233, Session Laws of Colorado 2013.

24-31-313.5. Training concerning abuse and exploitation of at-risk adults with intellectual and developmental disabilities

On or before June 30, 2016, the P.O.S.T. board shall create and implement a training curriculum to prepare peace officers to recognize and address incidents of abuse and exploitation of at-risk adults with intellectual and developmental disabilities, as described in [section 18-6.5-102 \(2.5\)](#) and (10), C.R.S.

HISTORY: Source: L. 2016: Entire section added, [\(HB 16-1254\)](#), ch. 6, p. 12, § 1, effective March 9.

24-31-314. Advanced roadside impaired driving enforcement training

(1) On and after October 1, 2013, the P.O.S.T. board is encouraged to include advanced roadside impaired driving enforcement training in the curriculum for persons who enroll in a training academy for basic peace officer training.

(2) Subject to the availability of sufficient moneys, the P.O.S.T. board shall

arrange to provide training in advanced roadside impaired driving enforcement to drug recognition experts who will act as trainers in advanced roadside impaired driving enforcement for all peace officers described in section 16-2.5-101, C.R.S.

Source: L. 2013: Entire section added, (SB 13-283), ch. 332, p. 1892, § 8, effective May 28.

24-31-315. Annual in-service training requirements

(1)

(a) The annual in-service training programs must include proper restraint and holds training, a two-hour anti-bias training program, and, in alternating years, either a two-hour community policing and community partnerships training program or a two-hour situation de-escalation training program. The programs and curriculum may include interactive web-based training. Each certified peace officer shall satisfactorily complete the training by July 1, 2017 and shall satisfactorily complete the training at least once every five years thereafter.

(b) Subject to available appropriations, beginning July 1, 2022, the annual in-service training programs must include the in-service curriculum for training concerning interactions with persons with disabilities recommended by the commission on improving first responder interactions with persons with disabilities pursuant to section 24-31-1004.

(2)

(a) The P.O.S.T. board shall suspend a peace officer's certification if the peace officer fails to comply with the training requirements in subsection (1) of this section. The P.O.S.T. board shall reinstate a peace officer's certification that was suspended pursuant to this paragraph (a) upon completion of the training requirements in subsection (1) of this section.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (2), the P.O.S.T. board shall not suspend a peace officer's certification if the peace officer has not complied with the training requirements of subsection (1) of this section because the officer is not serving as a full-time peace officer. When the officer returns to his or her full-time peace-officer duties, he or she shall have six months to complete the training required by subsection (1) of this section.

(c) Prior to suspension of a peace officer's certification pursuant to paragraph (a) of this subsection (2), the peace officer must be afforded due process to the extent required by law.

HISTORY: Source: L. 2015:Entire section added, (HB 15-1287), ch. 213, p. 778, § 3, effective May 20. L. 2021:(1) amended, (HB 21-1122), ch. 405, p. 2691, § 3, effective June 30.

24-31-316. Attorney general to provide identification cards to retired peace officers upon request—definitions

- (1) As used in this section, unless the context otherwise requires:
 - (a) “Peace officer” means a certified peace officer described in section 16-2.5-102.
 - (b) “Photographic identification” means a photographic identification that satisfies the description at 18 U.S.C. sec. 926C (d).
- (2) Except as described in subsection (3) of this section, on and after August 7, 2013, if the department had a policy in effect as of August 7, 2013, of issuing photographic identification to peace officers who have retired from the department, and the department discontinues said policy after August 7, 2013, the department shall continue to provide such photographic identification to peace officers who have retired from the department if:
 - (a) The peace officer requests the identification;
 - (b) The peace officer retired from the department before the date upon which the department discontinued the policy; and
 - (c) The peace officer is a qualified retired law enforcement officer, as defined in 18 U.S.C. sec. 926C (c).
- (3) Before issuing or renewing a photographic identification to a retired law enforcement officer pursuant to this section, a law enforcement agency of the state shall complete a criminal background check of the officer through a search of the national instant criminal background check system created by the federal “Brady Handgun Violence Prevention Act” , Pub. L. 103-159, the relevant portion of which is codified at 18 U.S.C. sec. 922 (t), and a search of the state integrated criminal justice information system. If the background check indicates that the officer is prohibited from possessing a firearm by state or federal law, the law enforcement agency shall not issue the photographic identification.
- (4) The department may charge a fee for issuing a photographic identification to a retired peace officer pursuant to subsection (2) of this section, which fee shall not exceed the direct and indirect costs assumed by the department in issuing the photographic identification.

(5) Notwithstanding any other provision of this section, the department shall not be required to issue a photographic identification to a particular peace officer if the attorney general elects not to do so.

(6) If the department denies a photographic identification to a retired peace officer who requests a photographic identification pursuant to this section, the department shall provide the retired peace officer a written statement setting forth the reason for the denial.

HISTORY: Source: L. 2020:Entire section added, (SB 20-063), ch. 12, p. 55, § 10, effective September 14.

24-31-317. Training requirements concerning peace officer interactions with persons with disabilities

(1) Subject to available appropriations, beginning July 1, 2022, the basic academy curriculum must include the curriculum for training concerning interactions with persons with disabilities recommended by the commission on improving first responder interactions with persons with disabilities pursuant to section 24-31-1004.

(2) The annual in-service training programs must include the in-service curriculum for training concerning interactions with persons with disabilities, as described in section 24-31-315 (1)(b).

HISTORY: Source: L. 2021:Entire section added, (HB 21-1122), ch. 405, p. 2691, § 4, effective June 30.

24-31-319. Training related to missing indigenous persons--development--basic and in-service training required

(1) The P.O.S.T. board shall work with the office of liaison for missing and murdered indigenous relatives created in section 24-33.5-2603 to develop and facilitate training for peace officers on issues relating to missing or murdered indigenous persons investigations.

(2) Beginning January 1, 2023, the basic academy curriculum and annual in-service training programs must include training concerning issues relating to missing or murdered indigenous persons.

HISTORY: Source: Added by 2022 Ch. 466, § 3, eff. June 8, 2022.

TITLE 24 – Government – State – Principal Departments

ARTICLE 33.5 - Public Safety

PART 1 – Department of Public Safety

24-33.5-112. State law enforcement agencies to provide identification cards to retired peace officers upon request – definitions

- (1) As used in this section, unless the context otherwise requires:
 - (a) "Law enforcement agency of the state" means the department and any agency that exists within the department and employs at least one peace officer, including but not limited to the Colorado state patrol created in part 2 of this article, the Colorado bureau of investigation created in part 4 of this article, and the division of criminal justice created in part 5 of this article.
 - (b) "Peace officer" means a certified peace officer described in section 16- 2.5-102, C.R.S.
 - (c) "Photographic identification" means a photographic identification that satisfies the description at 18 U.S.C. sec. 926C (d).
- (2) Except as described in subsection (3) of this section, on and after August 7, 2013, if a law enforcement agency of the state has a policy, on August 7, 2013, of issuing photographic identification to peace officers who have retired from the agency, and the agency discontinues said policy after August 7, 2013, the agency shall continue to provide such photographic identification to peace officers who have retired from the agency if:
 - (a) The peace officer requests the identification;
 - (b) The peace officer retired from the law enforcement agency before the date upon which the agency discontinued the policy; and
 - (c) The peace officer is a qualified retired law enforcement officer, as defined in 18 U.S.C. sec. 926C (c).
- (3) Before issuing or renewing a photographic identification to a retired law enforcement officer pursuant to this section, a law enforcement agency of the state shall complete a criminal background check of the officer through a search of the national instant criminal background check system created by the federal "Brady Handgun Violence Prevention Act" (Pub.L. 103-159), the relevant portion of which is codified at 18 U.S.C. sec. 922 (t), and a search of the state integrated criminal

justice information system. If the background check indicates that the officer is prohibited from possessing a firearm by state or federal law, the law enforcement agency shall not issue the photographic identification.

(4) A law enforcement agency of the state may charge a fee for issuing a photographic identification to a retired peace officer pursuant to subsection (2) of this section, which fee shall not exceed the direct and indirect costs assumed by the agency in issuing the photographic identification.

(5) Notwithstanding any provision of this section to the contrary, a law enforcement agency of the state shall not be required to issue a photographic identification to a particular peace officer if the chief administrative officer of the agency elects not to do so.

(6) If a law enforcement agency of the state denies a photographic identification to a retired peace officer who requests a photographic identification pursuant to this section, the law enforcement agency shall provide the retired peace officer a written statement setting forth the reason for the denial.

Source: L. 2013: Entire section added, (HB 13-1118), ch. 81, p. 256, § 1, effective August 7.

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

HISTORY: Source: L. 2016: Entire section added, [\(HB 16-1262\), ch. 339, p. 1380, § 1](#), effective June 10.

24-33.5-116. Peace officer authority Colorado mounted rangers study task force – repeal (Repealed)

HISTORY: Source: L. 2016: Entire section added, [\(SB 16-111\), ch. 291, p. 1177, § 1](#), effective June 10.

TITLE 24 – Government – State – Principal Departments

ARTICLE 33.5 - Public Safety

PART 5 – Division of Criminal Justice

24-33.5-519. Body-worn cameras for law enforcement officers – grant program - study group - fund – repeal

- (1) (a) There is created in the division the body-worn camera grant program, referred to in this section as the "grant program", to award grants to law enforcement agencies to purchase body-worn cameras, for associated data retention and management costs, and to train law enforcement officers on the use of body-worn cameras. The division shall administer the grant program pursuant to this section. The division may apply for gifts, grants, or donations from the federal government and any public or private source. The division shall transmit any moneys received to the state treasurer for deposit in the fund created pursuant to subsection (2) of this section. The division shall make grant payments from general fund moneys appropriated to the division by the general assembly for the program and moneys appropriated from the fund.
- (b) The division shall:
 - (I) Solicit and review applications for grants from law enforcement agencies; and
 - (II) Select law enforcement agencies to receive grants from agencies that have adopted policies, giving preference to agencies that otherwise lack moneys to pay for body-worn cameras, for associated data retention and management costs, and to train law enforcement officers on the use of body-worn cameras, and determine the amount of each grant.
- (2) (a) There is created in the state treasury the body-worn camera fund, referred to in this section as the "fund", consisting of any moneys received by the division from gifts, grants, or donations for the grant program. The moneys in the fund are subject to annual appropriation by the general assembly to the division for the direct and indirect costs associated with implementing the grant program.
- (b) The state treasurer may invest any moneys in the fund not expended for the purpose of this section as provided by law. The state treasurer shall

credit all interest and income derived from the investment and deposit of moneys in the fund to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year remain in the fund and shall not be credited or transferred to the general fund or another fund.

(c)

(I) The general assembly shall appropriate two million dollars in fiscal year 2021-22 for the grant program.

(II) This subsection (2)(c) is repealed, effective July 1, 2022.

HISTORY: Source: L. 2015: Entire section added, ([HB 15-1285](#)), ch. 214, p. 781, § 2, effective May 20. L. 2021:(2)(c) added,([HB 21-1250](#)), ch. 458, p. 3068, § 18, effective July 6.

Editor's Note: L. 2021:(2)(c) added,([HB 21-1250](#)), ch. 458, p. 3068, § 18, effective July 6.

Cross references: For the legislative declaration in [HB 15-1285](#), see section 1 of chapter 214, Session Laws of Colorado 2015.

TITLE 24 – Government – State – Principal Departments

ARTICLE 33.5 - Public Safety

PART 8 - Compensation Benefits To Volunteer Civil Defense Workers

24-33.5-822. County sheriff - local government - local emergency planning committee - memorandum of understanding with volunteer organizations

- (1) Any county sheriff, the director of any local government, any local emergency planning committee, or any state agency may develop and enter into a memorandum of understanding with one or more volunteer organizations, including but not limited to the Colorado mounted rangers, to assist the county sheriff, local government, local emergency planning committee, or state agency in providing services as required.
- (2) A memorandum of understanding between a county sheriff, a local government, a local emergency planning committee, or a state agency and a volunteer organization may include the following information:
 - (a) The circumstances under which the county sheriff, local government, local emergency planning committee, or state agency may request the services of the volunteer organization;
 - (b) The circumstances under which the volunteer organization may accept or refuse the request for assistance by the county sheriff, local government, local emergency planning committee, or state agency;
 - (c) The party that will be responsible for any costs incurred by the volunteer organization in the course of assisting the county sheriff, local government, local emergency planning committee, or state agency;
 - (d) The specific training or certification required for volunteers who are members of the volunteer organization to be authorized to assist the county sheriff, local government, local emergency planning committee, or state agency;
 - (e) The duration of the memorandum of understanding;
 - (f) Provisions for amending the memorandum of understanding; and

(g) Any other information deemed necessary by the county sheriff, local government, local emergency planning committee, or state agency or by the volunteer organization.

(3) If national or statewide training and certification standards exist for a certain organization or certain type of volunteer, the existing standards shall be used in a memorandum of understanding created pursuant to this section.

(4) The most current version of the state of Colorado intergovernmental agreement for emergency management may be used as the memorandum of understanding pursuant to this section.

(5) A member of the Colorado mounted rangers and any other volunteer organization lending assistance to a county sheriff, local government, local emergency planning committee, or state agency pursuant to this section is an authorized volunteer for the purposes of article 10 of this title.

(6) The executive director of the department of public safety created in section 24-33.5-103, the director of the Colorado bureau of investigation created in section 24-33.5-401, the executive director of the department of corrections created in section 24-1-128.5, the division of emergency management created by part 21 of this article, the division of homeland security created in section 24-33.5-1603, and a county sheriff, police chief, town marshal, or any other law enforcement organization certified pursuant to the provisions of article 2.5 of title 16, C.R.S., who enters into a memorandum of understanding pursuant to this section with the Colorado mounted rangers or a member of the Colorado mounted rangers is solely responsible for, and in direct control of, the performance of any Colorado mounted ranger, including incurring any and all liabilities for misconduct, and is responsible for addressing any misconduct as if the Colorado mounted ranger was a full-time employee of the organization.

Source: L. 2012: Entire part RC&RE with relocations, (HB 12-1283), ch. 240, p. 1095, § 10, effective July 1; (1), (2)(a), (2)(b), (2)(c), and (2)(d) amended and (5) and (6) added, (SB 12-072), ch. 57, pp. 207, 208, § § 2, 4, effective August 8.

Editor's note: (1) This section is similar to former § 24-32-2222 as it existed prior to 2012.

(2) Amendments to section 24-32-2222 (1), (2)(a), (2)(b), (2)(c), (2)(d), (5), and (6) by Senate Bill 12-072 were harmonized with House Bill 12-1283 and relocated to this section.

(3) Section 5 of chapter 57, Session Laws of Colorado 2012, provides that the

enactment of subsection (6) is effective August 8, 2012, only if House Bill 12-1283 is enacted and becomes law. Said bill was signed by the governor on June 4, 2012.

Cross references: For the legislative declaration in the 2012 act amending subsections (1), (2)(a), (2)(b), (2)(c), and (2)(d) and adding subsections (5) and (6), see section 1 of chapter 57, Session Laws of Colorado 2012.

TITLE 24 – Government – State – Principal Departments

ARTICLE 33.5 - Public Safety

PART 16 – Division of Homeland Security and Emergency Management

24-33.5-1606. Office of prevention and security - creation - duties

- (1)
 - (a) There is hereby created within the division an office of prevention and security, the head of which is the manager of the office of prevention and security. The director shall appoint the manager of the office of prevention and security pursuant to [section 13 of article XII of the state constitution](#).
 - (b) The manager of the office of prevention and security is hereby designated to be a peace officer and has jurisdiction to act as such in the performance of his or her duties anywhere within the state and is entitled to all protections, defenses, and immunities provided by statute to safeguard a peace officer in the performance of official acts.
- (2) The duties of the office of prevention and security include:
 - (a) Enhancing interagency cooperation through information sharing;
 - (b) Operating the state's fusion center; and
 - (c) Developing and maintaining, through cooperation with other tribal, state, local, regional, and federal agencies, a standardized crisis communication and information-sharing process.

HISTORY: Source: L. 2002: Entire part added, p. 1209, § 6, effective June 3. L. 2012: Entire section amended, [\(HB 12-1283\), ch. 240, p. 1123, § 23](#), effective July 1. L. 2017: (1) amended, [\(HB 17-1209\), ch. 247, p. 1043, § 2](#), effective August 9.

Cross references: For the legislative declaration in the 2012 act amending this section, see section 1 of chapter 240, Session Laws of Colorado 2012.

24-33.5-1616. Reserve academy grant program - created - rules – repeal (Repealed)

TITLE 24 - Government - State Principal Departments

ARTICLE 35 - Department of Revenue

PART 1 – Organization

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 June 10, 2016, 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.

HISTORY: Source: L. 2016: Entire section added, [\(HB 16-1262\)](#), ch. 339, p. 1381, [§ 2](#), effective June 10.

TITLE 24 – Government – State

ARTICLE 76.5 – Restrictions on Public Benefits

24-76.5-101. Legislative declaration

- (1) The general assembly finds and declares that:
 - (a) People who immigrated to the United States and live in Colorado are essential members of our communities;
 - (b) Every day, the state benefits from the contributions of undocumented immigrants to our society. Immigrants hold jobs that are critical to our economy and communities, and in some industries comprise more than one-third of the workforce. Immigrants make our tourism industry run; build our buildings; lay our roads; provide in-home care to our seniors, children, and people with disabilities; bring food to our tables; and bring food to our doorsteps.
 - (c) Immigrants comprise over nine percent of Colorado's population and contribute to the economy through the labor force and as consumers and taxpayers. In 2019, immigrants in Colorado paid almost six billion dollars in local, state, and federal taxes. In Colorado, undocumented immigrants pay nearly two hundred seventy-five million dollars in federal taxes and more than one hundred fifty million dollars in state and local taxes annually.
 - (d) These hardworking Coloradans are diverse and are often a part of a mixed-status family. In Colorado:
 - (I) The estimated population of undocumented immigrants is one hundred sixty-two thousand, and this number represents approximately eight percent of children under sixteen years of age;
 - (II) Additionally, an estimated two hundred seventy-six thousand five hundred eighty-nine Coloradans live with a family member who is an undocumented immigrant, including one hundred thirty thousand nine hundred fifty-eight children; and
 - (III) Children from immigrant families are disproportionately more likely to be from a low-income household.
 - (e) The 2006 special legislative session facilitated the passage of anti-immigrant legislation that left behind immigrant families, citizen families experiencing homelessness, and persons fleeing from domestic violence without the necessary public benefits, including professional and occupational licenses.

Because of these policies, state and local agencies believed that they were required to verify the lawful presence of applicants for public benefits, including professional, occupational, and commercial licenses, above and beyond what is required in federal law.

(f) Undocumented immigrants who do not have the required documents to establish lawful presence are prevented in many circumstances from applying for such licenses, which, in turn, prevents these persons from fully participating in Colorado's economy and accessing state and local public benefits, including loans; grants; contracts; programs that address food, housing, and energy; and other benefits.

(g) Undocumented immigrants are ineligible for most federal benefits and were excluded from receiving federal stimulus money provided in the federal "CARES Act" Pub.L. 116-136, 134 Stat. 281 (2020), as amended. Local communities were restricted from providing their residents with crucial relief during the COVID-19 pandemic because of these anti-immigrant laws.

(h) In 2018, various industries including child care, agriculture, health care, K-12 education, and transportation averaged between one and two and one-half job openings per every unemployed worker, demonstrating a high need for a larger labor pool and workforce that can fill these gaps through contracting and small business development; and

(i) Protecting the well-being of these members of our communities and facilitating their access to important public benefits and opportunities, particularly during a global health crisis, makes our communities healthier, stronger, and more prosperous.

(2) Therefore, the general assembly declares it is the public policy of the state of Colorado that we ensure that our state-funded programs are not denied to people based on their immigration status.

(3) This article 76.5 does not affect federal public benefits. In the event a provision of this article 76.5 conflicts with federal law, federal law controls. Furthermore, while article 76.5 does not require lawful presence for local public benefits, it does not diminish any authority a local government may have to budget to meet the needs of its residents.

Source: Entire article repealed and reenacted with amendments by 2021 Ch. 351, § 2, eff. July 1, 2022.L. 2006, 1st Ex. Sess.: Entire article added, p. 40, § 1, effective July 31.

24-76.5-102. Definitions

As used in this article 76.5, unless the context otherwise requires, “state or local public benefits” shall have the same meaning as provided in 8 U.S.C. sec. 1621.

Source: Entire article repealed and reenacted with amendments by 2021 Ch. 351, § 2, eff. 7/1/2022. Amended by 2021 Ch. 186, § 3, eff. 9/7/2021. L. 2006, 1st Ex. Sess.: Entire article added, p. 40, § 1, effective July 31.

24-76.5-103. Lawful presence consideration prohibited

Notwithstanding any law to the contrary, pursuant to 8 U.S.C. sec. 1621 (d), on or after July 1, 2022, lawful presence is not a requirement of eligibility for state or local public benefits, as those state or local public benefits are distributed by any state agency, political subdivision as defined by section 29-1-202 (2), or home rule municipality.

HISTORY: Source: Entire article repealed and reenacted with amendments by 2021 Ch. 351, § 2, eff. July 1, 2022.

TITLE 24 – Government – State

ARTICLE 76.6 – Prioritizing State Enforcement of Civil Immigration Law

24-76.6-101. Definitions

As used in this article 76.6, unless the context otherwise requires:

(1) "Civil immigration detainer" means a written request issued by federal immigration enforcement authorities pursuant to 8 CFR 287.7 to law enforcement officers to maintain custody of an individual beyond the time when the individual is eligible for release from custody, including any request for law enforcement agency action, warrant for arrest of alien, order to detain or release alien, or warrant of removal/deportation on any form promulgated by federal immigration enforcement authorities.

(2) "Eligible for release from custody" means that an individual may be released from custody because one of the following conditions has occurred:

(a) All criminal charges against the individual have been dropped or dismissed;

(b) The individual has been acquitted of all criminal charges filed against him or her;

(c) The individual has served all the time required for his or her sentence;

(d) The individual has posted a bond or has been released on his or her own recognizance;

(e) The individual has been referred to pretrial diversion services; or

(f) The individual is otherwise eligible for release under state or municipal law.

(3) "Law enforcement officer" means a peace officer employed by the Colorado state patrol, a municipal police department, a town marshal's office, or a county sheriff's office.

(4) "Personal information" means any confidential identifying information about an individual, including but not limited to home or work contact information; family or emergency contact information; probation meeting date and time; community corrections locations; community corrections meeting date and time; or the meeting date and time for criminal court-ordered classes, treatment, and appointments.

Source: L. 2019: Entire article added, (HB 19-1124), ch. 299, p. 2760, Section 2, effective May 28.

24-76.6-102. Civil immigration detainers – legislative declaration

- (1) The general assembly finds and declares that:
 - (a) Federal immigration authorities at times submit requests to state and local law enforcement agencies to detain an inmate after the inmate is eligible for release from custody. Continued detention of an inmate under a federal civil immigration detainer constitutes a new arrest under state law and a seizure under the fourth amendment of the United States constitution.
 - (b) Requests for civil immigration detainers are not warrants under Colorado law. A warrant is a written order by a judge directed to a law enforcement officer commanding the arrest of the person named, as defined in section 16-1-104 (18). None of the civil immigration detainer requests received from the federal immigration authorities are reviewed, approved, or signed by a judge as required by Colorado law. The continued detention of an inmate at the request of federal immigration authorities beyond when he or she would otherwise be released constitutes a warrantless arrest, which is unconstitutional, *People v. Burns*, 615 P.2d 686, 688 (Colo. 1980).
- (2) A law enforcement officer shall not arrest or detain an individual on the basis of a civil immigration detainer request.
- (3) The authority of law enforcement is limited to the express authority granted in state law.
- (4) Nothing in this section precludes any law enforcement officer or employee from cooperating or assisting federal immigration enforcement authorities in the execution of a warrant issued by a federal judge or magistrate or honoring any writ issued by any state or federal judge concerning the transfer of a prisoner to or from federal custody.
- (5) Nothing in this section precludes any law enforcement officer from investigating or enforcing any criminal law or from participating in coordinated law enforcement actions with federal law enforcement agencies in the enforcement of local, state, or federal criminal laws.

Source: L. 2019: Entire article added, (HB 19-1124), ch. 299, p. 2761, Section 2, effective May 28.

24-76.6-103. Limitations on providing personal information by probation offices

- (1) A probation officer or probation department employee shall not provide personal information about an individual to federal immigration authorities.
- (2) Nothing in section 24-76.6-102 prevents law enforcement officers from coordinating telephone or video interviews between federal immigration authorities and individuals incarcerated in any county or local jail or other custodial facility, to the same extent as telephone or video contact with such individuals is allowed by the general public, if the individual has been advised, in the individual's language of choice, of certain information in writing, including but not limited to:
 - (a) The interview is being sought by federal immigration authorities;
 - (b) The individual has the right to decline the interview and remain silent;
 - (c) The individual has the right to speak to an attorney before submitting to the interview; and
 - (d) Anything the individual says may be used against him or her in subsequent proceedings, including in a federal immigration court.
- (3) The written advisement described in subsection (2) of this section must be provided to the inmate again when the inmate is released.

Source: L. 2019: Entire article added, (HB 19-1124), ch. 299, p. 2761, Section 2, effective May 28.

TITLE 26 – Human Services Code

ARTICLE 13 – Child Support Enforcement Act

26-13-126. Authority to deny, suspend, or revoke professional, occupational, and recreational licenses

- (1) The state board of human services is authorized, in coordination with any state agency, board, or commission that is authorized by law to issue, revoke, deny, terminate, or suspend a professional, occupational, or recreational license, to promulgate rules for the suspension, revocation, or denial of professional, occupational, and recreational licenses of individuals who owe more than six months' gross dollar amount of child support and who are paying less than fifty percent of their current monthly child support obligation each month, or those individuals who fail, after receiving proper notice, to comply with subpoenas or warrants relating to paternity or child support proceedings.
- (2)
 - (a) To effectuate the purposes of this section, the executive director of the state department may request the denial, suspension, or revocation of any professional, occupational, or recreational license issued by a state agency, board, or commission, referred to in this section as the "licensing agency". Upon such request, the state child support enforcement agency shall send a notice to the obligor by first class mail stating that the obligor has thirty days after the date of the notice within which to pay the past-due obligation, to negotiate a payment plan with the state child support enforcement agency, to request an administrative hearing with the delegate child support enforcement unit, or to comply with the warrant or subpoena. If the obligor fails to pay the past-due obligation, negotiate a payment plan, request an administrative hearing, or comply with the warrant or subpoena within thirty days after the date of the notice, the state child support enforcement agency shall send a notice to the licensing agency to deny, revoke, or suspend the professional, occupational, or recreational license of the individual identified as not in compliance with the court or administrative order for current child support, child support debt, retroactive child support, child support arrearages, or child support when combined with maintenance or of the individual who failed, after receiving appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings.
 - (b) The rules promulgated to implement this section shall provide that, if it is the first time the procedures authorized by this section have been employed to enforce support against the obligor, the state child support enforcement agency may only issue a notice to the licensing agency to suspend or to deny such obligor's license. However, the rules shall also provide that, in second and subsequent circumstances in which the provisions

of this section are utilized to enforce support against the obligor, the state child support enforcement agency shall be authorized to issue a notice to the licensing agency to revoke an obligor's license, subject to full reapplication procedures upon compliance as specified by the licensing agency.

(c) No later than thirty days after the date of the notice to the obligor, the obligor may request in writing that the delegate child support enforcement unit conduct an administrative review pursuant to the rules and regulations developed by the state board to implement the provisions of this article.

(d) No later than thirty days after the date of the delegate child support enforcement unit's decision, the obligor may request in writing an administrative review from the state child support enforcement agency.

(e) The sole issues to be determined at the administrative review by both the delegate child support enforcement unit and the state child support enforcement agency shall be whether there is: A mistake in the identity of the obligor; a disagreement concerning the amount of the child support debt, an arrearage balance, retroactive support due, or the amount of the past-due child support when combined with maintenance; a showing that all child support payments were made when due; a showing that the individual has complied with the subpoena or warrant; a showing that the individual was not properly served with the subpoena or warrant; or a showing that there was a technical defect with respect to the subpoena or warrant.

(f) The decision of the state child support enforcement agency shall be final agency action and may be reviewed pursuant to section 24-4-106, C.R.S.

(g) A notice to the licensing agency pursuant to paragraph (a) of this subsection (2) shall not be sent to the licensing agency unless the obligor has failed to request a review within the time specified or until a hearing has been concluded and all rights of review have been exhausted.

(h) Each licensing agency affected may promulgate rules, as necessary, and procedures to implement the requirements of this section. Such licensing agencies shall enter into memoranda of understanding, as necessary, with the state child support enforcement agency with respect to the implementation of this section. All due process hearings shall be conducted by the state department rather than the licensing agency.

(i) Nothing in this section shall limit the ability of each licensing agency to deny, suspend, or revoke a license on any other grounds provided by law.

(j) A licensing agency, or any person acting on its behalf, shall not be liable for any actions taken to deny, suspend, or revoke the obligor's license pursuant to this section.

(3) It is the intent of the general assembly that the same or similar conditions placed upon the issuance and renewal of a state license to practice a profession or occupation, as set forth in this section, should also be placed upon persons applying to or licensed to practice law. The general assembly, however, recognizes the practice of the Colorado Supreme Court in the licensure, registration, and discipline of persons practicing law in this state. Specifically, the general assembly acknowledges that in order to obtain a license to practice law in Colorado, a person must verify that he or she is not delinquent with respect to a court-ordered obligation to pay child support. In addition, the general assembly recognizes that pursuant to the "Colorado Rules of Professional Conduct" a lawyer may be disciplined, including by disbarment, for failing to pay child support.

(4) Subject to section 24-33-110 (1), C.R.S., for purposes of this section, "license" means any recognition, authority, or permission that the state or any principal department of the state or an agent of such department is authorized by law to issue for an individual to practice a profession or occupation or for an individual to participate in any recreational activity. "License" may include, but is not necessarily limited to, any license, certificate, certification, letter of authorization, or registration issued for an individual to practice a profession or occupation or for an individual to participate in any recreational activity.

Source: L. 97: Entire section added, p. 1300, § 43, effective July 1. L. 2004: (4) amended, p. 1076, § 1, effective May 21.

Cross references: (1) For the legislative declaration contained in the 1997 act enacting this section, see section 1 of chapter 236, Session Laws of Colorado 1997. (2) For the "Colorado Rules of Professional Conduct", see the appendix to chapters 18 to 20 of the Colorado Rules of Civil Procedure.

TITLE 29 – Government – Local

ARTICLE 1 – Budget and Services

PART 2 – Intergovernmental Relationships

29-1-206. Law enforcement agreements

(1) Any county in this state that shares a common border with a county in another state, and any municipality located in such a bordering county of this state, may enter into an agreement with the bordering county of the other state or with a municipality located in the bordering county of the other state to provide for reciprocal law enforcement between the entities. The agreement shall meet the requirements of section 29-1-203 and shall include, but shall not be limited to, an additional requirement that any person who is assigned to law enforcement duty in this state pursuant to such intergovernmental agreement and section 29-5-104 (2) shall be certified as a peace officer in the other state and shall apply to the peace officers standards and training board created pursuant to section 24-31-302, C.R.S., for recognition prior to an assignment in Colorado.

(2) Repealed.

Source: L. 93: Entire section added, p. 245, § 1, effective March 31. L. 96: Entire section amended, p. 1574, § 7, effective June 3. L. 2000: Entire section amended, p. 43, § 4, effective March 10. L. 2008: Entire section amended, p. 698, § 1, effective May 1.

Editor's note: Subsection (2)(b) provided for the repeal of subsection (2), effective September 15, 2008. (See L. 2008, p. 698.)

29-1-206.5. Emergency services - agreements - immunity from liability - definitions

(1) Any county, municipality, or designated special district in this state may enter into an agreement with a county, municipality, or special district from a state bordering this state to provide emergency services. The agreement must meet the requirements of section 29-1-203.

(2) If the governor declares an emergency and activates the "Emergency Management Assistance Compact", part 29 of article 60 of title 24, C.R.S., any provision of an agreement authorized under this section that conflicts with a provision of the compact or a procedural plan or program created in accordance with the compact is void and unenforceable.

- (3) (a) Any person from another state who is performing a function in this state under an agreement to provide emergency services authorized in this section has the same immunity from liability as a person from the county, municipality, or designated special district of this state performing the same function.
- (b) Any person from this state who is performing a function in another state under an agreement to provide emergency services authorized in this section has the same immunity from liability in the other state that he or she would have when performing the same function in this state.
- (4) As used in this section, "designated special district" means a fire protection district, fire protection authority, ambulance district, or health service district.

HISTORY: Source: L. 2016: Entire section added, (SB 16-063), ch. 51, p. 119, § 1, effective August 10.

TITLE 29 – Government – Local

ARTICLE 5 – Peace Officers and Firefighters

29-5-101. Peace officers must be residents – exception

No sheriff, mayor of a city, or other person authorized by law to appoint special deputy sheriffs, marshals, policemen, or other peace officers in the state to preserve the public peace and prevent or quell public disturbances shall hereafter appoint as such special deputy sheriff, marshal, policeman, or other peace officer any person who is not at the time of the appointment a bona fide resident of the state of Colorado, and no person shall assume or exercise the functions, powers, duties, or privileges incident and belonging to the office of special deputy sheriff, marshal, policeman, or other peace officer without having first received his appointment in writing from the lawfully constituted authorities of the state. Notwithstanding the residency requirement stated in this section, a person may be deputized or otherwise assigned to law enforcement duty pursuant to section 29-5-104 (2) although such person is not a bona fide resident of this state.

Source: L. 1891: p. 20, § 1.R.S. 08: § 4675.C. L. § 7954.CSA: C. 116, § 1.CRS 53: § 99-2-1. L. 64: p. 296, § 243. C.R.S. 1963: § 99-2-1. L. 93: Entire section amended, p. 245, § 2, effective March 31.

Cross references: For the description of peace officer in the criminal code, see § 16-2.5-101.

29-5-102. Impersonating an officer – penalty (Repealed)

Source: L. 1891: p. 21, § 3. R.S. 08: § 4677. C.L. § 7956. L. 29: p. 306, § 1. CSA: C. 116, § 3. CRS 53: § 99-2-3. L. 63: p. 339, § 55. C.R.S. 1963: § 99-2-3. L. 64: p. 297, § 245. L. 2004: Entire section repealed, p. 1081, § 3, effective July 1.

29-5-103. Assignment of police officers or deputy sheriffs for temporary duty

The chief of police or person performing the functions thereof of any town, city, or city and county or of any state institution of higher education employing peace officers in accordance with article 7.5 of title 24, C.R.S., or the sheriff of any county may in his or her discretion, upon request of the chief of police or person exercising the functions thereof in any other town, city, or city and county or any other state

institution of higher education employing a peace officer in accordance with article 7.5 of title 24, C.R.S., or the sheriff of any other county, assign police officers or deputies under his or her control, together with any equipment he or she deems proper, to perform temporary duty within the jurisdiction of the requesting chief of police or sheriff and under the direction and command of the requesting chief of police or sheriff; but the chief of police or sheriff assigning the officers or deputies may provide that the officers or deputies shall be under the immediate command of a superior officer designated by the assigning chief of police or sheriff, which superior officer shall be under the direct supervision and command of the requesting chief of police or sheriff. Nothing contained in this section or sections 29-5-104 to 29-5-110 shall be construed to limit the power of any town, city, city and county, or state institution of higher education employing peace officers in accordance with article 7.5 of title 24, C.R.S., to prohibit or limit by ordinance the exercise by a chief of police or sheriff of the discretion granted in sections 29-5-103 to 29-5-110.

Source: L. 63: p. 729, § 1. C.R.S. 1963: § 99-2-4. L. 2008: Entire section amended, p. 89, § 13, effective March 18. L. 2009: Entire section amended, (SB 09-097), ch. 110, p. 457, § 6, effective August 5.

ANNOTATION

When death of off-duty policeman within workmen's compensation coverage. The death of an off-duty city police officer killed outside the city limits while directing traffic in an emergency situation is compensable under the workmen's compensation act. *Conley v. Indus. Comm'n*, 43 Colo. App. 10, 601 P.2d 648 (1979).

29-5-104. Request for temporary assignment of police officers or deputy sheriffs – authority

(1) The chief of police, or person performing the functions thereof, of any town, city, or city and county or of a state institution of higher education employing a peace officer in accordance with article 7.5 of title 24, C.R.S., and the sheriff of any county may, when in his or her opinion the same is required to quell disturbances or riots or in any other situation wherein he or she deems that an emergency exists within his or her jurisdiction, request the chief of police or person performing the function thereof of any other city, town, or city and county or at another state institution of higher education employing peace officers in accordance with article 7.5 of title 24, C.R.S., or the sheriff of any other county to assign officers or deputy sheriffs under their respective commands to perform temporary duty within the jurisdiction of the requesting chief of police or sheriff and under the direction and control of the requesting chief of police or sheriff under the terms and conditions as shall be agreed upon between the requesting and assigning chiefs of police or

sheriffs. The officers or deputy sheriffs shall, while so assigned and performing duties subject to the direction and control of the requesting chief of police or sheriff, have the same power within the jurisdiction of the requesting chief of police or sheriff as do regular officers or deputies, as the case may be, of the requesting chief of police or sheriff.

(2) Where, under the provisions of section 29-1-206 (1), a county, municipality, or state institution of higher education, in this state enters into an intergovernmental agreement for reciprocal law enforcement with a bordering county or with a municipality within a bordering county that is located in another state, the law enforcement agency head of either county or municipality or of the state institution of higher education may, pursuant to the provisions of the intergovernmental agreement, request the law enforcement agency head of the other county or municipality or state institution of higher education to assign deputy sheriffs or other peace officers to perform law enforcement duties within the jurisdiction of the requesting law enforcement agency head and under the terms and conditions as are stated in the intergovernmental agreement. Prior to an assignment, the deputy sheriffs or other peace officers shall obtain recognition as peace officers in this state as provided for in section 29-1-206 (1). The deputy sheriffs or other peace officers shall, while so assigned and performing duties subject to the direction and control of the requesting law enforcement agency head, have the same power within the jurisdiction of the requesting law enforcement agency head as do regular deputies or other peace officers of the requesting law enforcement agency head.

(3) Repealed.

Source: L. 63: p. 730, § 2. C.R.S. 1963: § 99-2-5. L. 93: Entire section amended, p. 246, § 3, effective March 31. L. 96: (2) amended, p. 1574, § 8, effective June 3. L. 2000: (2) amended, p. 44, § 5, effective March 10. L. 2008: Entire section amended, p. 90, § 14, effective March 18; (2) amended and (3) added, p. 699, § 2, effective May 1. L. 2009: (1) amended, (SB 09-097), ch. 110, p. 457, § 7, effective August 5.

Editor's note: (1) Amendments to subsection (2) by House Bill 08-1106 and House Bill 08-1347 were harmonized.

(2) Subsection (3)(b) provided for the repeal of subsection (3), effective September 15, 2008. (See L. 2008, p. 699.)

ANNOTATION

When death of off-duty policeman within workmen's compensation coverage. The death of an off-duty city police officer killed outside the city limits while directing traffic in an emergency situation is compensable under the workmen's compensation act. *Conley v. Indus. Comm'n*, 43 Colo. App. 10, 601 P.2d 648 (1979)

29-5-106. Temporary assignment to labor dispute area

Police or sheriffs' officers may be assigned to any duties provided for in sections 29-5-103 and 29-5-104 in an area where there is a labor dispute so long as the situation or incident for which such temporary assignment has been requested is not directly the result of a labor dispute and does not involve those individuals participating in the labor dispute. In a case where the temporary assignment of police or sheriffs' officers is deemed necessary as the direct result of a labor dispute, such temporary assignment may be made only after authorization by the governor or his designee.

HISTORY: Source: L. 63: p. 730, § 4. C.R.S. 1963: § 99-2-7. L. 89: Entire section R&RE, p. 1267, § 1, effective April 23.

29-5-108. Liability of requesting jurisdiction

(1) During the time that a police officer or deputy sheriff, as applicable, of a town, city, city and county, county, or of a state institution of higher education employing a peace officer in accordance with article 7.5 of title 24 is assigned to temporary duty within the jurisdiction of another town, city, city and county, county, or of another state institution of higher education employing a peace officer in accordance with article 7.5 of title 24, as provided in sections 29-5-103, 29-5-104, and 29-5-106, any liability that accrues under the provisions of article 10 of title 24, on account of the negligent or otherwise tortious act of the police officer or deputy sheriff while performing the duty is imposed upon the requesting town, city, city and county, county, or state institution of higher education, and not upon the assigning jurisdiction.

(2) Repealed by Laws 2021, Ch. 287 (S.B. 21-166), § 3, eff. June 22, 2021.

HISTORY: Source: L. 63: p. 731, § 6. C.R.S. 1963: § 99-2-9. L. 71: p. 1215, § 11.L. 97: Entire section amended, p. 1025, § 52, effective August 6. L. 2008: Entire section amended, p. 91, § 15, effective March 18. L. 2009: Entire section amended, (SB 09-097), ch. 110, p. 458, § 8, effective August 5. L. 2016: Entire section amended, (SB 16-063), ch. 51, p. 120, § 2, effective August 10. L. 2021: Entire section amended, (SB 21-166), ch. 1698, p. 1698, § 3, effective June 2

29-5-112. Dog interactions with local law enforcement officers - training to be provided by local law enforcement agencies - policies and procedures - scope - task force - creation - composition - immunity - short title - legislative declaration – definitions

- (1) Short title. This section shall be known and may be cited as the "Dog Protection Act".
- (2) Legislative declaration. The general assembly finds, determines, and declares that it is the policy of this state to prevent, whenever possible, the shooting of dogs by local law enforcement officers in the course of performing their official duties. It is therefore the intent of the general assembly to:
 - (a) Require training for officers of local law enforcement agencies on differentiating between canine behaviors that indicate imminent danger of attack to persons and benign behaviors commonly exhibited by dogs, such as barking, that do not suggest or pose imminent danger of attack;
 - (b) Require local law enforcement agencies in the state to adopt policies and procedures for use of lethal and nonlethal force against dogs, which policies and procedures must:
 - (I) Emphasize alternative methods that may be employed when dogs are encountered; and
 - (II) Allow a dog owner or animal control officer, whenever the owner or an animal control officer is present and it is feasible, the opportunity to control or remove a dog from the immediate area in order to permit a local law enforcement officer to discharge his or her duties;
 - (c) Recognize the important work of the dog protection task force in developing the training and incorporating the specifics of the training into the statutes. The seventeen members appointed to the task force represented a victim of a dog shooting, veterinarians, animal welfare advocates, animal behaviorists, animal control officers, the sheriffs, the police, and legal professionals. The training includes instruction regarding a dog's body language and how to interpret it, scene assessment, tools to use in dog encounters, situations involving multiple dogs, how to interact with a dog, and responses to dog behavior. The dog encounters training required by this section was designed to protect law enforcement officers, animal control officers,

dog owners, innocent bystanders, and the dog. The training is not intended to provide dangerous dog training. Most importantly, the training was designed to limit, as much as feasible, the instances in which an officer would need to use deadly force against a dog, since the possibility of collateral damage, injury, or death from stray rounds is ever-present when a law enforcement officer uses deadly force.

(3) Definitions. As used in this section:

(a) "Dog" means any canine animal owned for domestic, companionship, service, therapeutic, assistance, sporting, working, ranching, or shepherding purposes.

(b) "Dog owner" means a person owning, possessing, harboring, keeping, having guardianship of, having financial or property interest in, or having control or custody of, a dog.

(c) "Licensed veterinarian" means a person who is licensed pursuant to article 312 of title 12, C.R.S., to practice veterinary medicine in this state.

(d) "Local law enforcement agency" means a municipal police department or a county sheriff's office.

(e) "Local law enforcement officer" means any officer in a local law enforcement agency. The term does not include an animal control officer, code enforcement officer, or a deputy sheriff who is assigned exclusively to work in jails, court security, or administration.

(4) Training required.

(a) (I) Each local law enforcement agency is required to provide to its officers training pertaining to encounters with dogs in the course of duty. At a minimum, the training must cover the policies and procedures adopted by the agency pursuant to subsection (6) of this section and assist officers in assessing what dog posture, barking and other vocalizations, and facial expressions typically signify, the options for distracting and escaping from a dog, options for safely capturing a dog, and defensive options in dealing with a dog.

(II) Each local law enforcement agency in the state shall:

(A) Develop, by September 1, 2014, a training program consistent with the requirements of this section and the minimum training curricula developed by the dog protection

task force pursuant to subsection (5) of this section;

(B) Require its current local law enforcement officers to complete the training program required by this subsection (4) by June 30, 2015; and

(C) Require all local law enforcement officers hired on or after June 30, 2015, to complete the training required by this subsection (4) within each officer's first year of employment.

(b) (I) In establishing the training program required by this subsection (4), a local law enforcement agency shall adopt or incorporate any minimum training curricula developed by the dog protection task force created in subsection (5) of this section.

(II) (A) The training program required by this subsection (4) must be wholly or principally provided or overseen by either a qualified animal behavior expert or licensed veterinarian. The qualified animal behavior expert or licensed veterinarian selected to provide the training must possess the minimum qualifications specified by the dog protection task force created in subsection (5) of this section.

(B) Nothing in sub-subparagraph (A) of this subparagraph (II) requires live, in-person training be provided to local law enforcement agencies by qualified animal behavior experts or licensed veterinarians.

(III) In order to reduce the costs of providing the training program required by this subsection (4), a local law enforcement agency may develop its own web- or video-based training or utilize such training developed by the dog protection task force under subparagraph (III) of paragraph (d) of subsection (5) of this section, and local law enforcement agencies are encouraged to seek qualified animal behavior experts or licensed veterinarians who will volunteer to provide or participate in the training.

(IV) A local law enforcement agency may collaborate with county sheriffs of Colorado, incorporated, the Colorado association of chiefs of police, the Colorado fraternal order of police, and the Colorado veterinary medical association, as well as nonprofit organizations engaged in animal welfare, to develop the training program required by this subsection (4).

(c) (I) The training program required by this subsection (4) must consist of a minimum of three hours of training for local law enforcement officers.

(II) Nothing in this section prevents a local law enforcement agency from implementing a training program or adopting policies and procedures that exceed the minimum number of hours or other requirements set forth in this section and by the dog protection task force pursuant to subsection (5) of this section.

(5) Task force.

(a) There is hereby created the dog protection task force.

(b) (I) The task force consists of the following nineteen members:

(A) Three licensed veterinarians appointed by the Colorado veterinary medical association or its successor entity;

(B) Two representatives of the Colorado federation of animal welfare agencies or its successor entity;

(C) One animal behaviorist or animal behavior expert appointed by the Colorado federation of dog clubs or its successor entity;

(D) Two representatives of the Colorado association of animal control officers or its successor entity;

(E) Three sheriffs or deputy sheriffs representing county sheriffs of Colorado, incorporated, or its successor entity, one of whom must have at least two years of experience working in a K-9 unit and one of whom must work in a county with a population of fewer than one hundred fifty thousand persons;

(F) Three representatives of the Colorado association of chiefs of police or its successor entity, one of whom must have at least two years of experience working in a K-9 unit and one of whom must work in a municipality with a population of fewer than twenty-five thousand persons;

(G) One representative of the Colorado fraternal order of police or its successor entity;

(H) Three persons appointed by the Colorado bar association or its successor entity, two of whom must be attorneys with expertise and experience in animal law and dog shooting cases, and one of whom must be a person, who need not be an attorney, who owns or owned a dog shot by a local law enforcement officer; and

(I) One member, appointed by the Colorado veterinary medical association, with expertise in canine behavior or other animal behavior. Licensed veterinarians and attorneys are ineligible for appointment under this sub-subparagraph (I).

(II) The entities responsible for appointing task force members shall notify the Colorado veterinary medical association in writing of the identity of their appointees prior to the first meeting of the task force and upon any change in their appointees.

(III) Members of the task force shall not be compensated for, or reimbursed for expenses incurred in, attending meetings of the task force.

(IV) The following two members are co-chairs of the task force:

(A) One of the veterinarians appointed pursuant to sub-subparagraph (A) of subparagraph (I) of this paragraph (b), which co-chair shall be named by the Colorado veterinary medical association; and

(B) One of the members appointed pursuant to either sub-subparagraph (E) or (F) of subparagraph (I) of this paragraph (b), as mutually agreed to by the appointing authorities.

(c) (I) The task force shall hold its first meeting no later than September 1, 2013.

(II) (A) The task force shall meet as often as necessary to complete the tasks described under paragraph (d) of this subsection (5) on or before July 1, 2014.

(B) After July 1, 2014, and prior to January 31, 2015, the task force shall meet as often as it deems necessary, but no less frequently than once, to ensure that the curriculum, guidelines, and web- or video-based training are implemented and effective.

(III) The task force shall hold its meetings and staff those meetings in a location offered for those purposes by one of the entities represented with task force membership, with preference accorded for the principal office of the Colorado veterinary medical association.

(d) By July 1, 2014, the task force shall:

(I) Develop minimum training curricula that a local law enforcement agency must use to fulfill the training requirement of subparagraph (I) of paragraph (a) of subsection (4) of this section;

(II) Specify the appropriate minimum qualifications, including education, experience, or skills, that an animal behavior expert or licensed veterinarian providing the training pursuant to subparagraph (I) of paragraph (b) of subsection (4) of this section must possess; and

(III) Develop, using volunteered and donated resources to the greatest extent possible, web- or video-based training that may be utilized by a local law enforcement agency to fulfill the training requirement of subsection (4) of this section.

(e) The task force shall not recommend that the training required under this section be conducted by the peace officers standards and training board created in part 3 of article 31 of title 24, C.R.S.

(f) The curricula, qualifications, and web- or video-based instruction described in paragraph (d) of this subsection (5) must be readily accessible by Colorado's local law enforcement agencies on one or more internet web sites designated by the task force.

(g) The task force created by paragraph (a) of this subsection (5) is dissolved, effective January 31, 2015.

(6) Policies and procedures.

(a) (I) In addition to the training program developed under subsection (4) of this section, not later than September 1, 2014, each local law enforcement agency in the state shall adopt written policies and procedures that are specifically designed to address encounters with dogs occurring in the course of duty and the use of force against such dogs.

(II) At a minimum, the policies and procedures must address the following:

(A) The identification and meaning of common canine behaviors, and differentiating between dogs that are exhibiting behavior that puts local law enforcement officers or other persons in imminent danger and dogs who are not engaging in such behavior;

(B) The alternatives to lethal use of force against dogs;

(C) The reasonable opportunity for a dog owner to control or remove his or her dog from the immediate area. The policies and procedures adopted in accordance with this sub-subparagraph (C) must allow a local law enforcement officer to take into account the officer's own safety and the safety of other persons in the area, the availability of nonlethal equipment, the feasibility of so allowing a dog owner to act considering the totality of the circumstances, including the presence of an animal control officer or whether the call is a location that is listed in the dangerous dog registry created in section 35-42-115, C.R.S., or is a location at which illegal narcotics are suspected to be manufactured or trafficked, or any exigencies that may be present, such as when the local law enforcement officer is responding to a call that asserts or suggests that a person has been bitten by a dog or is in physical danger.

(b) Each local law enforcement agency shall make the written policies and procedures available to the public for inspection in accordance with the "Colorado Open Records Act", part 2 of article 72 of title 24, C.R.S.

(7) Immunity. All task force members, as volunteers, are immune from civil actions and liabilities pursuant to [section 13-21-115.5, C.R.S.](#)

(8) Scope and effect.

(a) This section applies only to local law enforcement agencies and is not intended to affect, implicate, or abrogate the authority of the peace officers standards and training board created in part 3 of article 31 of title 24, C.R.S.

(b) This section is not intended to apply to situations in which a dog is shot accidentally, including when a local law enforcement officer intends to fire at a person but inadvertently shoots a dog.

(c) Nothing in this section affects or abrogates the ability of any duly authorized person to impound or euthanize a dog in accordance with section

18-9-202.5, C.R.S., or in accordance with any resolution adopted pursuant to [section 30-15-101, C.R.S.](#)

HISTORY: Source: L. 2013: Entire section added, [\(SB 13-226\), ch. 208, p. 858, § 2](#), effective May 13. L. 2015: IP(2), (4)(a)(II)(B), and (4)(a)(II)(C) amended and (2)(c) added, [\(SB 15-013\), ch. 68, p. 185, § 2](#), effective April 3. L. 2019: (3)(c) amended, (HB19-1172), ch. 1717, p. 1717, § 209, effective October 1.

Editor's note: The dog protection task force referenced in subsection (2)(c) was dissolved, effective January 31, 2015.

Cross references: (1) For the legislative declaration in the 2013 act adding this section, see section 1 of chapter 208, Session Laws of Colorado 2013.
(2) For the legislative declaration in SB 15-013, see section 1 of chapter 68, Session Laws of Colorado 2015.

TITLE 30 – Government – County

ARTICLE 10 – County Officers

PART 5 – Sheriff

30-10-501.5. Qualifications

- (1) No person shall be eligible for nomination, election, or appointment to the office of sheriff unless such person:
 - (a) Is a citizen of the United States, is a citizen of the state of Colorado, and is a resident of the county to which the person is to be appointed or elected;
 - (b) Possesses a high school diploma or its equivalent or a college degree;
 - (c) Has had a complete set of fingerprints taken by a qualified law enforcement agency and has submitted a receipt evidencing the fingerprinting at the time of filing his or her written acceptance pursuant to section 1-4-601(3), 1-4-906, or part 10 of article 4 of title 1, or at the time of filing an affidavit of intent pursuant to section 1-4-1101, as applicable. The law enforcement agency shall forward the fingerprints to the Colorado bureau of investigation. The bureau shall utilize the fingerprints, its files and records, and those of the federal bureau of investigation for the purpose of determining whether the person has ever been convicted of or pleaded guilty or entered a plea of nolo contendere to any felony charge under federal or state laws. The Colorado bureau of investigation shall notify the county clerk and recorder of the county for which the person is a candidate of the results of the fingerprint analysis. If a conviction or plea is disclosed, the person is unqualified for the office of sheriff, unless pardoned. The results of the fingerprint analysis are confidential; except that the county clerk and recorder may divulge whether the person is qualified or unqualified for the office of sheriff.

Source: L. 90: Entire section added, p. 1444, § 1, effective April 5; (1)(c) and IP(2) amended, p. 303, § 4, effective June 8. L. 95: (1)(c) amended, p. 1106, § 46, effective May 31. L. 97: Entire section R&RE, p. 925, § 1, effective May 21. L. 2017: IP(1) and (1)(c) amended, (SB 17-209), ch. 234, p. 963, § 11, effective August 9.

ANNOTATION

When the general assembly enacted the original sheriff training statute in 1990, §

30-10-101.5, it lacked authority to impose any qualifications on the constitutionally created office of county sheriff.

Jackson v. State, 966 P.2d 1046 (Colo. 1998).

Because the original sheriff training statute sought to impose qualifications for the job of sheriff in the form of certification requirements, it was unconstitutional.

Jackson v. State, 966 P.2d 1046 (Colo. 1998).

The training and certification requirements contained in the reenacted sheriff training statute passed by the general assembly in 1996 could not be applied to county sheriffs during a term of office that began before the effective date of the new requirements.

Jackson v. State, 966 P.2d 1046 (Colo. 1998).

30-10-501.6. Training

(1) Every person elected or appointed to the office of sheriff for the first time shall:

(a) Attend a minimum of eighty clock hours at a new sheriff training course developed and facilitated either by the county sheriffs of Colorado, incorporated, or any other training resource agency approved by the Colorado peace officers standards and training board, the first time such training course is given after the person's election or appointment. The Colorado peace officers standards and training board shall have discretion to allow the substitution of any combination of education, experience, and training deemed by the board to be equivalent to such new sheriff training course.

(b) Obtain basic peace officer certification within one year of taking office. An extension may be granted by the Colorado peace officers standards and training board of up to one year to obtain such certification upon just cause shown. The Colorado peace officers standards and training board shall issue written findings of fact supporting such an extension.

(2) Every sheriff must possess basic peace officer certification and shall undergo at least the number of clock hours of in-service training required for all certified peace officers by the Colorado peace officers standards and training board, but in no case less than twenty hours. Such training shall be provided either by the county sheriffs of Colorado, incorporated, or any other training resource agency approved by the Colorado peace officers standards and training board, every year during such sheriff's term. The Colorado peace officers standards and training board shall have discretion to waive in-service training upon presentation of evidence by the sheriff demonstrating just cause for noncompletion of such training. The Colorado peace officers standards and training board shall have discretion to allow the substitution of any combination of education, experience, and training deemed by the board to be

equivalent to such in-service training.

(3) The county shall only pay all reasonable costs and expenses of new sheriff and in-service training.

HISTORY: Source: L. 97: Entire section added, p. 926, § 2, effective May 21. L. 2017: (2) amended, ([HB 17-1050](#)), [ch. 30, p. 86, § 1](#), effective August 9.

30-10-501.7. Enforcement

(1) In the event a sheriff fails to comply with the requirements set forth in section 30-10-501.6, such sheriff's pay must be suspended by the board of county commissioners in accordance with subsection (2) of this section. Such sheriff's pay shall be reinstated with back pay by the board of county commissioners upon completion of said requirements in accordance with subsection (2) of this section.

(2) In any circumstances set forth in subsection (1) of this section, the Colorado peace officers standards and training board shall notify the board of county commissioners of the sheriff's failure to comply with the requirements of said subsection (1) and that state law requires the county commissioners to immediately suspend such sheriff's pay until the requirements of section 30-10-501.6 have been complied with. After the sheriff's compliance with the provisions of section 30-10-501.6, the Colorado peace officers standards and training board shall immediately notify the board of county commissioners of the sheriff's compliance and that state law requires the board of county commissioners to reinstate such sheriff's pay and provide him or her any back pay.

Source: L. 97: Entire section added, p. 926, § 2, effective May 21.

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 June 10, 2016.

(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.

HISTORY: Source: L. 2016: Entire section added, (HB 16-1262), ch. 339, p. 1383, § 3, effective June 10.

TITLE 30 – Government – County

ARTICLE 10 – County Officers

PART 6 – Coroner

30-10-601. Coroner - election - bond - insurance – authority

(1) (a) Repealed.

(b) A coroner shall be elected in each county for the term of four years, who, except as provided in subsection (1.5) of this section, before entering upon the duties of office, shall give bond to the people of the state of Colorado of not less than twenty-five thousand dollars, with sufficient sureties, to be approved by the board of county commissioners or, if the board is not in session, by the county clerk and recorder, subject to the approval of such board, the condition of which bond shall be in substance the same as that given by the sheriff. Such bond shall be filed with the county clerk and recorder of the proper county.

(1.5) In lieu of the bond required by subsection (1) of this section, a county may purchase crime insurance coverage in an amount not less than twenty-five thousand dollars on behalf of the coroner to protect the people of the county from any malfeasance on the part of the coroner while in office.

(2) The coroner may declare an individual dead if the coroner finds the individual has sustained irreversible cessation of circulatory and respiratory function.

HISTORY: Source: G.L. § 507. G.S. § 611. R.S. 08: § 1294. C.L. § 8769. CSA: C. 45, § 116. CRS 53: § 35-6-1. L. 56: p. 129, § 3. C.R.S. 1963: § 35-6-1. L. 81: Entire section amended, p. 1439, § 1, effective June 4. L. 89: (1) amended, p. 1275, § 2, effective April 18. L. 2003: (1)(a) repealed, p. 1834, § 4, effective August 6; (1)(a)(II) added by revision, pp. 1834, 1835, § 4, 5. L. 2010: Entire section amended, (HB 10-1062), ch. 161, p. 561, § 21, effective August 11.

Cross references: For election and terms of county officers, see § § 6 and 8 of art. XIV, Colo. Const., and § § 1-4-205 and 1-4-206; for prohibited appointments by outgoing officers, see § 24-50-402; for provisions regarding official bonds, see article 13 of title 24; for standards of conduct for county officials, see article 18 of title 24.

Cross references: For fees and compensation of coroners, see § 30-2-108.

Cross references: For the definition of death, see § 12-36-136.

30-10-602. Coroner and deputy coroner - duties - oath or affirmation-bond-insurance

(1) The coroner of each county is authorized to appoint a deputy. Any such appointment shall be in writing and shall be filed in the office of the coroner. The coroner of each county may delegate any of the coroner's powers to one or more deputies who shall then have the same duties with respect thereto as the coroner has. Any act of a deputy shall be done in the name of the coroner and signed by the deputy performing such act. A deputy coroner shall hold office during and subject to the pleasure of the coroner. Except as provided in subsection (2) of this section, each coroner and deputy coroner shall take an oath or affirmation in accordance with section 24-12-101 and file the bond required by law to be filed by the coroner.

(2) In lieu of the bond required by subsection (1) of this section, a county may purchase crime insurance coverage on behalf of the deputy coroner to protect the people of the county from any malfeasance on the part of the deputy coroner while in office.

HISTORY: Source: L. 07: p. 307, § 1. R.S. 08: § 1295. C.L. § 8770. CSA: C. 45, § 117. L. 53: p. 224, § 1. CRS 53: § 35-6-2. L. 57: p. 310, § 1. C.R.S. 1963: § 35-6-2. L. 2010: Entire section amended, (HB 10-1062), ch. 161, p. 562, § 22, effective August 11. L. 2018:(1) amended,(HB 18-1138), ch. 88, p. 697, § 24, effective August 8.

30-10-603. Deputy coroner - appointment

Every appointment of a deputy coroner and every revocation thereof shall be in writing, under the hand of the coroner, and shall be filed in the office of the county clerk and recorder of the county wherein such appointment or revocation is made.

HISTORY: Source: L. 07: p. 307, § 2. R.S. 08: § 1296. C.L. § 8771. CSA: C. 45, § 118. CRS 53: § 35-6-3. C.R.S. 1963: § 35-6-3.

**TITLE 31. Government - Municipal
Corporate Class - Organization and Territory**

ARTICLE 4. Organizational Structure and Officers

**PART 1. Organizational Structure and Officers of Statutory
Cities**

31-4-112. Marshal or chief of police - duties

The marshal or chief of police shall execute and return, by himself or herself or by any member of the police force, all writs and processes directed to him or her by the municipal judge in any case arising under a city ordinance. In criminal cases, quasi-criminal cases, or cases in violation of city ordinances, he or she may serve the same in any part of the county in which such city is situate. The marshal, chief of police, or any member of the police force shall suppress all riots, disturbances, and breaches of the peace, shall apprehend all disorderly persons in the city, and shall pursue and arrest any person fleeing from justice in any part of the state. He or she shall apprehend any person in the act of committing any offense against the laws of the state or ordinances of the city and, forthwith and without any warrant, bring such person before a municipal judge, county judge, or other competent authority for examination and trial pursuant to law. He or she has, in the discharge of his or her proper duties, powers and responsibilities similar to those that sheriffs have in like cases. The marshal or chief of police may employ certified peace officers to enforce all laws of the state of Colorado notwithstanding [section 16-2.5-201](#).

HISTORY: Source: L. 75: Entire title R&RE, p. 1027, § 1, effective July 1. L. 2017: Entire section amended, SB 17-066, ch. 105, p. 385, § 1, effective April 4.

Editor's note: (1) This section is similar to former § 31-3-105 as it existed prior to 1975.

(2) Section 4 of chapter 105 (SB 17-066), Session Laws of Colorado 2017, provides that the act changing this section applies before, on, and after April 4, 2017.

31-4-306. Marshal or chief of police - powers and duties

The marshal or chief of police has the same power that sheriffs have by law, coextensive with the county in cases of violation of town ordinances, for offenses committed within the limits of the town. He or she shall execute all writs and processes directed to him or her by the municipal judge in any case arising under a

town ordinance and receive the same fees for his or her services that sheriffs are allowed in similar cases. The marshal or chief of police may employ certified peace officers to enforce all laws of the state of Colorado notwithstanding [section 16-2.5-201](#).

HISTORY: Source: L. 75: Entire title R&RE, p. 1034, § 1, effective July 1. L. 77: Entire section amended, p. 795, § 7, effective June 3. L. 91: Entire section amended, p. 746, § 16, effective April 4. L. 2017: Entire section amended, [\(SB 17-066\), ch. 105, p. 385, § 2](#), effective April 4.

Editor's note: (1) This section is similar to former § 31-3-305 as it existed prior to 1975.

(2) Section 4 of chapter 105 (SB 17-066), Session Laws of Colorado 2017, provides that the act changing this section applies before, on, and after April 4, 2017.

TITLE 31. Government - Municipal Powers and Functions of Cities and Towns

ARTICLE 15. Exercise Of Municipal Powers

PART 4. Police Regulations

31-15-401. General police powers

(1) In relation to the general police power, the governing bodies of municipalities have the following powers:

(a) To regulate the police of the municipality, including employing certified peace officers to enforce all laws of the state of Colorado notwithstanding [section 16-2.5-201](#), and pass and enforce all necessary police ordinances;

(b) To do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease;

(c) To declare what is a nuisance and abate the same and to impose fines upon parties who may create or continue nuisances or suffer nuisances to exist; except that a municipal ordinance may impose liability on the owner of real property for a nuisance committed on the property by a tenant in lawful possession of the property only if the municipality notifies the property owner and tenant of the nuisance before a fine or other liability is imposed;

(d) (I) To provide for and compel the removal of weeds, brush, and rubbish of all kinds from lots and tracts of land within such municipalities and from the alleys behind and from the sidewalk areas in front of such property at such time, upon such notice, and in such manner as such municipalities prescribe by ordinance, and to assess the whole cost thereof, including five percent for inspection and other incidental costs in connection therewith, upon the lots and tracts of land from which the weeds, brush, and rubbish are removed. The assessment shall be a lien against each lot or tract of land until paid and shall have priority over all other liens except general taxes and prior special assessments.

(II) In case such assessment is not paid within a reasonable time specified by ordinance, it may be certified by the clerk to the county treasurer who shall collect the assessment, together with a ten percent penalty for cost of collection, in the same manner as other taxes are collected. The laws of this state for assessment and collection of

general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of such assessments.

- (e) To prevent and suppress riots, routs, affrays, noises, disturbances, and disorderly assemblies in any public or private place;
- (f) To prevent fighting, quarreling, dog fights, cock fights, and all disorderly conduct;
- (g) To suppress bawdy and disorderly houses and houses of ill fame or assignation within the limits of the municipality or within three miles beyond, except where the boundaries of two municipalities adjoin the outer boundaries of the municipality; to suppress gaming and gambling houses, lotteries, and fraudulent devices and practices for the purpose of gaining or obtaining money or property; and to regulate the promotion or wholesale promotion of obscene material and obscene performances, as defined in part 1 of article 7 of title 18, C.R.S.;
- (h) To restrain and punish loiterers, mendicants, and prostitutes;
- (i) To prohibit and punish for cruelty to animals;
- (j) To establish and erect jails, correction centers, and reform schools for the reformation and confinement of loiterers and disorderly persons and persons convicted of violating any municipal ordinance, to make rules and regulations for the government of the same, and to appoint necessary officers and assistants therefor;
- (k) To use the county jail for the confinement or punishment of offenders, subject to such conditions as are imposed by law, and with the consent of the board of county commissioners;
- (l) To authorize the acceptance of a bail bond when any person has been arrested for the violation of any ordinance and a continuance or postponement of trial is granted. When such bond is accepted, it shall have the same validity and effect as bail bonds provided for under the criminal statutes of this state.
- (m) (I) To regulate and to prohibit the running at large and keeping of animals, including fowl, within the municipality and to otherwise provide for the regulation and control of such animals including, but not limited to, licensing, impoundment, and disposition of impounded animals.

(II) In case any municipality neglects or refuses to pass an ordinance in conformity with this paragraph (m), anyone impounding an animal running at large within the limits of said municipality shall notify the state board of stock inspection commissioners, and said animal shall be disposed of by said board as provided in article 44 of title 35, C.R.S.

(n) To regulate and license pawnbrokers as provided in section 29-11.9-102;

(o) To enact and enforce ordinances prohibiting gambling and the use of any gambling device, as said terms are defined in [section 18-10-102, C.R.S.](#), in a park, on a public way, or on a street; except that in enacting and enforcing said ordinances, a municipality, notwithstanding any other provision of law to the contrary, may also prohibit social gambling in or on parks, public ways, or streets. Nothing in this subsection (1)(o) shall be construed as prohibiting pari-mutuel betting or wagering under article 32 of title 44.

(p) (I) To adopt reasonable regulations for the operation of establishments open to the public in which persons appear in a state of nudity for the purpose of entertaining the patrons of such establishment; except that such regulations shall not be tantamount to a complete prohibition of such operation. Such regulations may include the following:

(A) Minimum age requirements for admittance to such establishments;

(B) Limitations on the hours during which such establishments may be open for business; and

(C) Restrictions on the location of such establishments with regard to schools, churches, and residential areas.

(II) The governing body of the municipality may enact ordinances which provide that any establishment which engages in repeated or continuing violations of regulations adopted by the governing body shall constitute a public nuisance. In addition to the power provided for in paragraph (c) of this subsection (1) the governing body of the municipality may bring an action for an injunction against the operation of such establishment in a manner which violates such regulations.

(III) Nothing in the regulations adopted by the governing body of the

municipality pursuant to this paragraph (p) shall be construed to apply to the presentation, showing, or performance of any play, drama, ballet, or motion picture in any theater, concert hall, museum of fine arts, school, institution of higher education, or other similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purpose of advancing the economic welfare of a commercial or business enterprise.

- (q) (I) To control and limit fires, including but not limited to the prohibition, banning, restriction, or other regulation of fires and the designation of places where fires are permitted, restricted, or prohibited.
- (II) Nothing in this paragraph (q) shall be construed to preempt or supersede state, tribal, or federal law concerning the control, limitation, or other regulation of fires described in this paragraph (q).

HISTORY: Source: L. 75: Entire title R&RE, p. 1108, § 1, effective July 1. L. 76: (1)(g) amended, p. 559, § 3, effective July 1. L. 77: (1)(g) amended, p. 985, § 2, effective July 1. L. 82: (1)(g) amended, p. 627, § 34, effective April 2. L. 84: (1)(o) added, p. 838, § 1, effective April 2; (1)(n) added, p. 443, § 3, effective July 1. L. 85: (1)(p) added, p. 1060, § 2, effective May 10. L. 86: (1)(g) amended, p. 784, § 7, effective April 21. L. 2002, 3rd Ex. Sess.: (1)(q) added, p. 38, § 4, effective July 17. L. 2005: (1)(c) amended, p. 550, § 1, effective January 1, 2006. L. 2017: (1)(a) amended, [\(SB 17-066\), ch. 105, p. 386, § 3](#), effective April 4; (1)(n) amended, [\(SB 17-228\), ch. 246, p. 1042, § 8](#), effective August 9.

Editor's note: This title was primarily numbered as articles within chapter 139, C.R.S. 1963; however, a few sections were located in article 1 of chapter 140, C.R.S. 1963. The provisions of this title were repealed and reenacted in 1975, resulting in the addition, relocation, and elimination of sections as well as subject matter. For amendments to this title prior to 1975, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated. For a detailed comparison of this title, see the comparative tables located in the back of the index.

Cross references: For local government generally, see title 29; for special districts, see title 32; for garnishment of public servants, see article 61 of title 13; for cooperation with federal government in housing, see article 55 of title

24; for local boards of health, see part 6 of article 1 of title 25; for municipal employees' retirement system, see part 2 of article 51 of title 24; for eminent domain proceedings by a municipality, see article 6 of title 38; for municipal highways, see article 2 of title 43; for the power of a city council or the board of trustees of town to establish airports, see part 2 of article 4 of title 41; for municipal courts, see article 10 of title 13.

Law reviews: For article, "ADR: Important Options for Municipal Government", see 24 Colo. Law. 1279 (1995).

Editor's note: (1) The provisions of this section are similar to provisions of several former sections as they existed prior to 1975. For a detailed comparison, see the comparative tables located in the back of the index.

(2) Section 4 of chapter 105 (SB 17-066), Session Laws of Colorado 2017, provides that the act changing this section applies before, on, and after April 4, 2017.

Cross references: For requirement that a municipality be made a party in any proceeding involving the validity of an ordinance or franchise and that the attorney general be served with a copy in any proceeding involving the constitutionality of an ordinance or franchise, see [§ 13-51-115](#) and [C.R.C.P. 57\(j\)](#); for the authority of counties to adopt regulations pursuant to their police powers, see [§ 30-15-401](#); for the penalty for livestock grazing on roads and in municipalities, see [§ 35-46-105](#).

ANNOTATION

- I. General Consideration.
- II. Regulating Municipal Police.
- III. Public Health.
- IV. Declaring and Abating Nuisances.
 - A. In General.
 - B. What Constitutes a Nuisance.
 - C. Abatement.
- V. Estrays and Impounding.

I. GENERAL CONSIDERATION.

Law reviews. For note, "Colorado Municipal Government Authority to Regulate Obscene Materials", see 51 Den. L.J. 75 (1974). For article, "Civil Enforcement of Building and Zoning Codes in Municipal Court", see 19 Colo. Law. 469 (1990).

Annotator's note. Since [§ 31-15-401](#) is similar to provisions of former § § 31-12-101 and 31-12-701 through 31-12-706 prior to the 1975 repeal and reenactment of this title, and laws antecedent thereto, relevant cases construing those provisions have been included in the annotations to this section.

II. REGULATING MUNICIPAL POLICE.

No local regulation in areas preempted by state. No limitation is implied upon the traditional but statutory rights of municipalities to prevent disturbances of the peace and to maintain law and order by appropriate police action, but it is only when the city's acts or regulations attempt to interfere with or cover a field preempted by the state or which is of statewide concern that they must fail, and it makes no difference whether the attempted exercise of power by a city is reasonable, or is wholly prohibitory. *City of Golden v. Ford*, 141 Colo. 472, 348 P.2d 951 (1960).

No authority to pass ordinance regulating labor dispute. Express delegations of power to municipalities to pass and enforce all necessary police ordinances, to regulate streets, or to prevent and suppress riots, routs, affrays, noises, disturbances, disorderly assemblies in any public or private place are not express delegations to cities and town to adopt an ordinance regulating the conduct of parties to a labor dispute which on its face covers matters of statewide concern already treated by state statute, the labor peace act. *City of Golden v. Ford*, 141 Colo. 472, 348 P.2d 951 (1960).

Applied in *City of Colo. Springs v. Smith*, 19 Colo. 554, 36 P. 540 (1894).

III. PUBLIC HEALTH.

Due process requirements. Due process, as it applies to cases involving municipal trash ordinances, requires only that a municipal ordinance enacted under the police power shall not be unreasonable, arbitrary, or capricious, and that it bear a rational relation to a proper legislative object sought to be attained. *United States Disposal Sys. v. City of Northglenn*, 193 Colo. 277, 567 P.2d 365 (1977).

A municipal regulation having a fair relation to the protection of human life and the protection of public convenience and welfare constitutes a reasonable application of the police power. *United States Disposal Sys. v. City of Northglenn*, 193 Colo. 277, 567 P.2d 365 (1977).

A presumption of reasonableness attaches to ordinances promulgated for the health, safety, and welfare of the public. *United States Disposal Sys. v. City*

of Northglenn, 193 Colo. 277, 567 P.2d 365 (1977).

Authority for scavenger ordinance. Subsection (1)(b) gives to cities and towns ample power to pass an ordinance creating the office of city or town scavenger and providing that no other person shall do scavenger work for the citizens of the city or town without the payment of a license fee, fixed by the ordinance, and procuring a license, and fixing a penalty for the violation of the ordinance. *Ouray v. Corson*, 14 Colo. App. 345, 59 P. 876 (1900).

Authority to prevent sewer disconnections for nonpayment. Under subsection (1)(b) and [§ § 31-15-702 \(1\)\(a\)](#) and [31-15-709 \(1\)\(a\)](#), where there is no other sewer to connect with, the necessity for the protection of the public health certainly gives to the city the right, temporarily at least, to prevent the digging up of its streets and alleys to disconnect private users who refuse to pay during the pendency of the quo warranto suit, regardless of who is right in that action. *City of Leadville v. Leadville Sewer Co.*, 47 Colo. 118, 107 P. 801 (1909).

Basis for judicial interference limited. A court of equity should not interfere with the officials of a city in efforts directed to the preservation of the public health under this section, unless the right of the applicant is free from doubt, and then only in an extreme and exceptional case. *City of Leadville v. Leadville Sewer Co.*, 47 Colo. 118, 107 P. 801 (1909).

Determination binding on supreme court. Unless a city council acts arbitrarily or capriciously in adopting an ordinance and in finding it necessary for the preservation of health and safety, such a determination is binding on the state supreme court. *United States Disposal Sys. v. City of Northglenn*, 193 Colo. 277, 567 P.2d 365 (1977).

IV. DECLARING AND ABATING NUISANCES.

A. In General.

Constitutionality of conferring discretionary power of enforcement. The conferring of discretionary power upon administrative boards to grant or withhold permission to carry on a trade or business which is the proper subject of regulation within the police power of the state is not violative of rights secured by the fourteenth amendment of the federal constitution, and where the marshal was the agent of the city government when he issued the citation and impounded the steers, the ordinance is valid, and the execution thereof is strict compliance with its abatement provision is not within the ambit of the civil rights act. *Martin v. King*, 417 F.2d 458 (10th Cir. 1969).

Subsection (1)(c) is not self-executing. See *Wolfe v. Abbott*, 54 Colo. 531, 131 P. 386 (1912).

Ordinance pursuant to delegated police power. Where the title indicated that the ordinance defined nuisances and provided for the abatement, removal, or suppression of the same, and paragraph (c) authorizes municipalities under the police power section to declare what shall be a nuisance and to abate the same, accordingly, legislative authority existed for enacting the ordinance under the police power delegated by the state legislative body to the municipality. *Martin v. King*, 417 F.2d 458 (10th Cir. 1969).

Subsection (1)(c) requires an ordinance to make it effective. *R Houston v. Walton*, 23 Colo. App. 282, 129 P. 263 (1913).

But not outside boundaries. Assuming, under subsection (1)(c), a town has power to declare it a nuisance for one to sell or keep for sale intoxicating liquor inside the corporate limits, and, by ordinance regulating the procedure, to abate the nuisance, this does not confer power to declare what shall constitute a nuisance within a mile beyond the outer boundaries, and abate it. *Wolfe v. Abbott*, 54 Colo. 531, 131 P. 386 (1913).

Denoting nuisance insufficient unless city had power to punish conduct. The fact that a municipal ordinance which prohibits the solicitation of orders for merchandise from residents without invitation denominates such practice a nuisance, which it may not be in fact, is immaterial in a consideration of the validity of the ordinance, the real question being whether the city had power to punish the prescribed conduct, not whether it had the right to name it. *McCormick v. City of Montrose*, 105 Colo. 493, 99 P.2d 969 (1939).

City had authority to abate nuisance and to recoup its remediation expenses through liens if so provided in the nuisance ordinance. *Gold Vein LLC v. Cripple Creek*, 973 P.2d 1286 (Colo. App. 1999).

Municipality may not impose a priority lien for abatement expenses except as specifically authorized in subsection (1)(d) for weed, brush, and rubbish removal. *Gold Vein LLC v. Cripple Creek*, 973 P.2d 1286 (Colo. App. 1999).

Licensing ordinance repugnantly discriminatory. The attempt of a city council, by ordinance, to prevent the prosecution of lawful business avocations, not declared by any ordinance to be nuisances, within the

city limits without a permit or license from the city council is not authorized by subsection (1)(c), and such an ordinance is repugnant to fundamental rights in that it is susceptible of being used to unjustly discriminate between individuals equally worthy and respectable by permitting certain individuals to pursue the avocations mentioned while denying the privilege to other persons of the same class, or by making acts done by one person penal and imposing no penalty for the same act when done under like circumstances by another. *May v. People*, 1 Colo. App. 152, 27 P. 1010 (1891).

Applied in *Brophy v. Hyatt*, 10 Colo. 223, 15 P. 399 (1887).

B. What Constitutes a Nuisance.

Animals. Under subsection (1)(c), the city council of a city or the board of trustees of a town may declare horses, cattle, sheep, swine, goats, or other like animals running at large within the corporate limits, a nuisance, and impose a fine on any person permitting it. *Haldeman v. Colo. City*, 52 Colo. 233, 120 P. 1041 (1911).

An ordinance was a valid nuisance abatement ordinance which lawfully declared maintenance of cattle within the town limits a nuisance and provided for abatement thereof unless a permit allowing such maintenance had been granted. *Martin v. King*, 417 F.2d 458 (10th Cir. 1969).

Liquor. The mere sale of, or keeping for sale, intoxicating liquors is not a nuisance per se, but the town council may by ordinance declare it a nuisance. *Wolfe v. Abbott*, 54 Colo. 531, 131 P. 386 (1913).

An ordinance prohibiting the sale of intoxicating liquors within the limits of the city, and declaring that "a place kept for such sale, and the business, and the liquor kept" is a nuisance "to be abated as any other nuisance" is conclusive in its effect, and the provision that the nuisance shall be abated "as any other nuisance" can be held to mean only as any other nuisance may lawfully be abated. *Houston v. Walton*, 23 Colo. App. 282, 129 P. 263 (1913).

Privies. Cities may have the power to declare a privy in an established sewer district a nuisance per se, and to abate it, and fine the party suffering it to exist, but the proceeding would have to be under an ordinance based upon the power conferred by the statutes, and the ordinance must provide the manner of abatement. *Gault v. City of Ft. Collins*, 57 Colo. 324, 142 P. 171 (1914).

Nuisance per accidents. Even though zoning regulations permit an act to be done, and the act is being done with reasonable care and skill, the courts may grant relief where it is found that the acts complained of constitute a nuisance per accidents; to hold otherwise would be to state that the legislative body may license a nuisance. *Hobbs v. Smith*, 177 Colo. 299, 493 P.2d 1352 (1972).

C. Abatement.

The abatement procedure should be regulated by an ordinance, and the manner of abatement not left to the discretion of the officer executing the order. *Wolfe v. Abbott*, 54 Colo. 531, 131 P. 386 (1913).

Enjoining nuisance. Regardless of compliance with zoning ordinances or regulations, both business and residential uses may be enjoined if they constitute a nuisance to an adjoining property owner or resident. *Hobbs v. Smith*, 177 Colo. 299, 493 P.2d 1352 (1972).

Manner of arrest and destruction unwarranted. The arrest with unnecessary force of one found in possession of a stock of intoxicating liquors, the destruction of the liquors with other legitimate merchandise, all in a disorderly and tumultuous manner, in disturbance of the peace of the Sabbath day, was not justified by ordinance prohibiting the sale or keeping for sale of such liquors, and declaring that the sale or keeping for sale of such liquors was a nuisance; nor by a vote or resolution of the city council directing the city marshal to seize and bring before the police magistrate all such liquors, with the persons of those found upon the premises. *Houston v. Walton*, 23 Colo. App. 282, 129 P. 263 (1913).

As to nuisances which may at common law be summarily abated, e.g., the obstruction of the public highway, it may be that the municipal authorities may proceed without the aid or adjudication of any court, otherwise, in the absence of statute, as to other nuisances, or where the existence of the nuisance depends upon proof that the law has been violated. *Houston v. Walton*, 23 Colo. App. 282, 129 P. 263 (1913).

V. ESTRAYS AND IMPOUNDING.

Constitutional basis for power. A city organized under art. XX, Colo. Const., has the power to impound animals running at large, within its bounds, and to charge owner a reasonable amount for discharging this duty, and such an imposition is a matter of local concern. *City of Pueblo v. Kurtz*, 66 Colo. 447, 182 P. 884 (1919).

Denver municipal ordinance prohibiting pit bulls held constitutional. \$R Colo. Dog Fanciers v. Denver, 820 P.2d 644 (Colo. 1991).

Applied in Brophy v. Hyatt, 10 Colo. 223, 15 P. 399 (1887).

**TITLE 31. Government - Municipal
Powers and Functions of Cities and Towns**

ARTICLE 30. Fire - Police - Sanitation

PART 1. Fire, Police, or Street Department - Paid - Civil Service

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.

HISTORY: Source: L. 2016: Entire section added, (HB 16-1262), ch. 339, p. 1384, § 4, effective June 10.

TITLE 33. Parks and Wildlife Administration

ARTICLE 9. Administration of Parks and Wildlife

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 June 10, 2016.

(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.

HISTORY: Source: L. 2016: Entire section added, (HB 16-1262), ch. 339, p. 1385, § 5, effective June 10.

TITLE 39 – Taxation - Specific Taxes

ARTICLE 28.8 - Taxes on Marijuana and Marijuana Products

PART 5. Marijuana Tax Cash Fund

39-28.8-501. Marijuana tax cash fund - creation - distribution – repeal

- (1) The marijuana tax cash fund, referred to in this part 5 as the "fund", is created in the state treasury. The fund consists of any applicable retail marijuana sales tax transferred pursuant to [section 39-28.8-203 \(1\) \(b\)](#) on or after July 1, 2014, and any revenues transferred to the fund from any sales tax imposed pursuant to [section 39-26-106](#) on the retail sale of products under article 10 of title 44.
- (2) (a) The general assembly shall not appropriate the moneys in the fund for the fiscal year in which they were received by the state; except that:
 - (I) The general assembly may appropriate moneys in the fund to the department of revenue for the fiscal years in which they were received by the state for the direct and indirect costs associated with implementing this article and articles 43.3 and 43.4 of title 12, C.R.S.; and
 - (II) Repealed
- (b) (I) The general assembly hereby finds and declares that the retail marijuana excise tax and sales tax created a new revenue stream for the state, and the basis of these taxes is the legalization of marijuana, which presents unique issues and challenges for the state and local governments. Thus, there is a need to use some of the sales tax revenue for marijuana-related purposes. But, as this is revenue from a tax, the general assembly may appropriate this money for any purpose.
 - (II) The general assembly further declares that the new retail marijuana tax revenue presents an opportunity to invest in services, support, intervention, and treatment related to marijuana and other drugs.
 - (III) Therefore, the purposes identified in this subsection (2) prioritize appropriations related to legalized marijuana, such as drug use prevention and treatment, protecting the state's youth, and ensuring the public peace, health, and safety.

(IV) Subject to the limitation in subsection (5) of this section, the general assembly may annually appropriate any moneys in the fund for any fiscal year following the fiscal year in which they were received by the state for the following purposes:

(A) To educate people about marijuana to prevent its illegal use or legal abuse;

(B) To provide services for adolescents and school-aged children in school settings or through community-based organizations;

(C) To treat and provide related services to people with any type of substance use or mental health disorder, including those with co-occurring disorders, or to evaluate the effectiveness and sufficiency of behavioral health services;

(D) For jail-based and other behavioral health services for persons involved in the criminal justice system;

(E) For state regulatory enforcement, policy coordination, or litigation defense costs related to retail or medical marijuana;

(F) For law enforcement and law enforcement training, including any expenses for the police officers standards and training board training or certification;

(G) For the promotion of public health, including poison control, prescription drug take-back programs, the creation of a marijuana laboratory testing reference library, and other public health services related to controlled substances;

(H) To study the use of marijuana and other drugs, their health effects, and other social impacts related to them;

(I) To research, regulate, study, and test industrial hemp or hemp seeds;

(J) Repealed

(K) Repealed

(L) To treat and provide related services to people with any type of substance use or mental health disorder, including those

with co-occurring disorders, or to evaluate the effectiveness and sufficiency of behavioral health services;

(M) For the expenses of the department of education and the department of public health and environment in developing and maintaining the resource bank for educational materials on marijuana and providing technical assistance as required in section 22-2-127.7;

(N) For housing, rental assistance, and supportive services, including reentry services, pursuant to section 24-32-721;

(O) For the development of local dually identified crossover youth plans and services as described in section 19-2.5-302;

(P) For the development of local dually identified crossover youth plans and services as described in section 19-2.5-302;

(Q) Repealed

(R) Repealed

(S) For the program to support entrepreneurs in the marijuana industry created in section 24-48.5-128(3);

(T) For expenses relating to the reduction of collateral consequences experienced by people previously sentenced for drug offenses;

(U) For trial court programs administered by the judicial department.

(c) Subject to the limitations in subsection (5) of this section and in addition to the purposes for which the general assembly may appropriate moneys in the fund specified in paragraphs (2)(a) and (2)(b), the general assembly may also direct the state treasurer to transfer money in the fund to the general fund as specified in subsection (4) of this section and to the high-cost special education trust fund.

(3) Any moneys in the fund not expended for the purposes specified in subsection (2) of this section may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of moneys in

the fund shall be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year remain in the fund and shall not be credited or transferred to the general fund or another fund.

(4) Notwithstanding subsection (3) of this section, the state treasurer shall make the following transfers from the fund to the general fund:

(a) Repealed.

(b) On June 30, 2015, thirty million eight hundred eight thousand three hundred sixty-nine dollars;

(c) On August 15, 2015, one hundred thirty-eight thousand four hundred sixty-six dollars;

(d) On July 1, 2016, twenty-six million two hundred seventy-seven thousand six hundred sixty-one dollars;

(e) On June 30, 2018, thirty-seven thousand five hundred dollars for the purpose specified in section 25.5-4-214;

(f) On October 1, 2020, one hundred thirty-six million nine hundred eighty-nine thousand seven hundred fifty dollars.

(4.5) (a) On July 1, 2019, the state treasurer shall transfer from the fund to the high-cost special education trust fund, created in section 22-20-114.7, the amount specified in section 22-20-114.7(2)(b)(I).

(b) This subsection (4.5) is repealed, effective July 1, 2027.

(4.6) Repealed by Laws 2020, Ch. 197, § 29, eff. July 1, 2021.

(4.8) The state treasurer shall transfer from the fund to the public school capital construction assistance fund created in section 22-43.7-104:

(a) Fifty million dollars on June 1, 2022;

(b) Thirty million dollars on June 1, 2023; and

(c) Twenty million dollars on June 1, 2024

(4.9) (a) On August 1, 2021, and on August 1 of each year thereafter, the state treasurer shall make the following transfers from the fund:

(I) Thirteen thousand dollars to the restorative justice surcharge fund established in section 18-25-101;

(II) Three hundred eleven thousand dollars to the crime victim compensation fund established in section 24-4.1-117, distributed in accordance with subsection (4.9)(b) of this section; and

(III) Two hundred seventy-four thousand dollars to the victims and witnesses assistance and law enforcement fund established in section 24-4.2-103, distributed in accordance with subsection (4.9)(c) of this section.

(b) The state court administrator shall distribute the money transferred pursuant to subsection (4.9)(a)(II) of this section to the crime victim compensation fund in each judicial district in proportion to each district's percentage of total statewide surcharges collected pursuant to section 24-4.1-117(2) for the three-year fiscal year period beginning July 1, 2016. The state court administrator shall not retain any money transferred pursuant to subsection (4.9)(a)(II) of this section for its administrative costs associated with making the distribution.

(c) The state court administrator shall distribute the money transferred pursuant to subsection (4.9)(a)(III) of this section to the victims and witnesses assistance and law enforcement fund in each judicial district in proportion to each district's percentage of total statewide surcharges collected pursuant to section 24-4.2-103(1) for the three-year fiscal year period beginning July 1, 2016. The state court administrator shall not retain any money transferred pursuant to subsection (4.9)(a)(III) of this section for its administrative costs associated with making the distribution

(5) (a) In order to create a reserve within the fund that is available for expenditures if actual revenue is less than anticipated revenue, the total amount that the general assembly appropriates from the fund for a state fiscal year shall not exceed the amount that, based on the most recent estimate available, would cause the portion of the money in the fund that is not appropriated for the state fiscal year to be less than fifteen percent of the total amount appropriated from the fund for the state fiscal year.

(b) For purposes of calculating the reserve set forth in subsection (5)(a) of this section:

(I) The most recent estimate available is as of the date of the introduction of the bill that appropriates money from the fund; and

(II) Any portion of the fund that is designated to constitute part of the state emergency reserve for the state fiscal year is excluded from the reserve amount.

(6) To increase transparency, the marijuana enforcement division in the department shall include a link on its website that describes the disposition of the retail marijuana excise tax revenue and how the revenue from the fund was appropriated for the fiscal year 2015-16 and each fiscal year thereafter.

(7) (a) Repealed by Laws 2022, Ch. 134 (H.B. 22-1338), § 1, eff. April 25, 2022.

(b) (I) On July 31, 2021, the state treasurer shall transfer two hundred eleven thousand five hundred dollars from the fund to the licensing services cash fund created in section 42-2-114.5 for programming the Colorado DRIVES system.

(II) This subsection (7)(b) is repealed, effective June 30, 2022.

(c) (I) On January 1, 2022, the state treasurer shall make the following transfers from the fund:

(A) Three hundred seventy-six thousand five hundred dollars to the licensing services cash fund created in section 42-2-114.5 for use by the hearings division; and

(B) Three hundred twenty-four thousand dollars to the licensing services cash fund created in section 42-2-114.5 for use by the division of motor vehicles.

(II) This subsection (7)(c) is repealed, effective June 30, 2022.

(8) (a)

(I) The general assembly shall appropriate one million dollars from the fund in fiscal year 2021--22 to the Colorado school of public health to conduct the research required by section 23-20-141. Any money appropriated pursuant to this subsection (8)(a)(I) that remains at the end of the fiscal year may be retained by the Colorado school of public health to continue research in the next fiscal year.

(II) The general assembly shall appropriate one million dollars from the fund in fiscal year 2022--23 to the Colorado school of public health to conduct the research required by section 23-20-141. Any money

appropriated pursuant to this subsection (8)(a)(II) that remains at the end of the fiscal year may be retained by the Colorado school of public health to continue research in the next fiscal year.

(III) The general assembly shall appropriate one million dollars from the fund in fiscal year 2023--24 to the Colorado school of public health to conduct the research required by section 23-20-141. Any money appropriated pursuant to this subsection (8)(a) that remains at the end of the fiscal year shall be returned to the marijuana tax cash fund.

(b) This subsection (8) is repealed, effective January 1, 2025

(9) (a) On July 1, 2021, the state treasurer shall transfer two million dollars from the fund to the account created in section 42-2-132(4)(b)(II)(A) for enforcement pursuant to section 43-4-901, including enforcement of driving under the influence of drugs.

(b) This subsection (9) is repealed, effective July 1, 2022.

Source: L. 2014: L. 2014: (2)(b)(XI) and (2)(b)(XII) amended and (2)(b)(XIV) added, (SB 14-184), ch. 1370, p. 1370, § 10, effective May 31; entire part added, (SB 14-215), ch. 1600, p. 1600, § 2, effective July 1; (2)(b)(XI) and (2)(b)(XII) amended and (2)(b)(XV) added, (HB 14-1398), ch. 1646, p. 1646, § 5, effective July 1. L. 2015: (2)(a), IP(2)(b), and (4)(b) amended, (SB 15-167), ch. 37, p. 37, § 1, effective March 13; (4)(b) amended, (SB 15-249), ch. 416, p. 416, § 1, effective May 1; (1) amended, (2)(b) R&RE, and (6) added, (HB 15-1367), ch. 1069, p. 1069, § 7, effective June 4; (4)(c) added, (HB 15-1379), ch. 913, p. 913, § 5, effective August 5. L. 2016: (4)(d) added, (HB 16-1418), ch. 488, p. 488, § 1, effective May 4; IP(2)(b)(IV) and (2)(b)(IV)(C) amended, (SB 16-202), ch. 751, p. 751, § 2, effective June 1; IP(2)(b)(IV), (2)(b)(IV)(J), and (2)(b)(IV)(K) amended and (2)(b)(IV)(L) added, (HB 16-1267), ch. 187, p. 663, § 4, effective August 10. L. 2017: IP(2)(b)(IV), (2)(b)(IV)(K), and (2)(b)(IV)(L) amended and (2)(b)(IV)(M) added, (SB 17-025), ch. 306, p. 1662, § 2, effective June 2; (2)(b)(IV)(K) and (2)(b)(IV)(L) amended and (2)(b)(IV)(N) added, (SB 17-021), ch. 1660, p. 1660, § 4, effective June 2; (4)(e) added, (HB 17-1351), ch. 1602, p. 1602, § 3, effective June 2; IP(2)(b)(IV) and (2)(b)(IV)(D) amended, (SB 17-264), ch. 1839, p. 1839, § 1, effective June 5; (2)(b)(IV)(C) and (2)(b)(IV)(D) amended, (SB 17-207), ch. 769, p. 769, § 8, effective August 9. L. 2018: (2)(b)(IV)(M) and (2)(b)(IV)(N) amended and (2)(b)(IV)(O) added, (SB 18-154), ch. 161, p. 1126, § 4, effective April 25; (2)(b)(IV)(K) repealed, (HB 18-1336), ch. 1215, p. 1215, § 2, effective July 1; (2)(b)(IV)(L) amended, (HB 18-1343), ch. 1507, p. 1507, § 7, effective July 1; IP(2)(a) and (2)(a)(I) amended, (HB 18-1023), ch. 592, p. 592, § 27, effective October 1. L. 2019: (2)(b)(IV)(N) amended and (2)(b)(IV)(P) added, (SB 19-246), ch. 1801, p. 1801, § 11, effective May 10; (2)(b)(IV)(N) and (2)(b)(IV)(O) amended and (2)(b)(IV)(Q) added, (HB 19-1073), ch. 2768, p. 2768, § 3, effective May 28; (2)(c) amended and (4.5) added, (SB 19-066), ch. 3374, p. 3374, § 3, effective May 30; (1) amended, (SB 19-241), ch.

3478, p. 3478, § 57, effective August 2; (2)(b)(IV)(R) added, (HB 19-1223), ch. 3461, p. 3461, § 2, effective August 2; (1) and (2)(a)(I) amended, (SB 19-224), ch. 2943, p. 2943, § 35, effective January 1, 2020. L. 2020: (4.6) added, (HB 20-1418), ch. 949, p. 949, § 29, effective June 30; (2)(a), IP(2)(b)(IV), (2)(c), (3), IP(4), and (5) amended and (4)(f) added, (HB 20-1401), ch. 808, p. 808, § 1, effective July 1; (2)(b)(IV)(J) repealed, (HB 20-1217), ch. 370, p. 370, § 4, effective September 14. L. 2021: (2)(b)(IV)(S) added, (SB 21-111), ch. 101, p. 101, § 2, effective March 21; (4.8) added, (SB 21-207), ch. 300, p. 300, § 2, effective April 30; (8) and (9) added, (HB 21-1317), ch. 313, pp. 1915, 1920, §§ 5, 11, effective June 24; (2)(b)(IV)(U) and (7) added, (HB 21-1314), ch. 3103, p. 3103, § 19, effective July 6; (4.9) added, (HB 21-1315), ch. 3121, p. 3121, § 35, effective July 6; (2)(b)(IV)(T) added, (HB 21-1214), ch. 3038, p. 3038, §12, effective September 7; IP(2)(b)(IV) and (2)(b)(IV)(O) amended, (SB 21-059), ch. 752, p. 752, § 139, effective October 1.

Editor's note:

(1) Subsection (2)(b)(XV) was numbered as (2)(b)(XIII) in HB 14-1398 but has been renumbered on revision for ease of location.

(2) Subsection IP(2)(b) was amended in SB 15-167. Those amendments were superseded by the repeal and reenactment of subsection (2)(b) in HB 15-1367, effective June 4, 2015. For the amendments to subsection IP(2)(b) in SB 15-167 in effect from March 13, 2015, to June 4, 2015, see chapter 15, Session Laws of Colorado 2015. (L. 2015, p. 37.)

(3) Subsection (2)(a)(II) provided for the repeal of subsection (2)(a)(II), effective July 1, 2015. (See L. 2015, p. 37.)

(4) Subsection (4)(a)(II) provided for the repeal of subsection (4)(a), effective July 1, 2016. (See L. 2014, p. 1600.)

(5) Amendments to subsection (2)(b)(IV)(K) by SB 17-021 and SB 17-025 were harmonized.

(6) Subsection (1) was amended in SB 19-241. Those amendments were superseded by the amendment of subsection (1) in SB 19-224, effective January 1, 2020.

(7) Section 6(2) of chapter 93 (HB 20-1217), Session Laws of Colorado 2020, provides that the act changing this section applies to conduct occurring on or after September 14, 2020.

(8) Subsection (2)(b)(IV)(Q) provided for its own repeal, effective July 1, 2020. (See L. 2019, p. 2768.)

(9) Subsection (2)(b)(IV)(R) provided for its own repeal, effective July 1, 2020. (See L. 2019, p. 3461.)

Cross references:

(1) For the legislative declaration in HB 15-1367, see section 1 of chapter 271, Session Laws of Colorado 2015.

(2) For the legislative declaration in SB 17-021, see section 1 of chapter 305, Session Laws of Colorado 2017; for the legislative declaration in HB 17-1351, see section 1 of chapter 288, Session Laws of Colorado 2017; for the legislative declaration in SB 17-207, see section 1 of chapter 205, Session Laws of Colorado 2017.

(3) For the legislative declaration in HB 19-1073, see section 1 of chapter 300, Session Laws of Colorado 2019.

(4) For the legislative declaration in HB 20-1418, see section 1 of chapter 197, Session Laws of Colorado 2020.

TITLE 42 – Vehicles and Traffic

ARTICLE 1 – General and Administrative

PART 1 – Definitions and Citation

42-1-102. Definitions

(6) "Authorized emergency vehicle" means such vehicles of the fire department, police vehicles, ambulances, and other special-purpose vehicles as are publicly owned and operated by or for a governmental agency to protect and preserve life and property in accordance with state laws regulating emergency vehicles; said term also means the following if equipped and operated as emergency vehicles in the manner prescribed by state law:

- (a) Privately owned vehicles as are designated by the state motor vehicle licensing agency necessary to the preservation of life and property; or
- (b) Privately owned tow trucks approved by the public utilities commission to respond to vehicle emergencies.

TITLE 42 – Vehicles and Traffic

ARTICLE 3 – Registration, Taxation, and License Plates

PART 3 – Fees and Cash Funds

42-3-304. Registration fees – passenger and passenger-mile taxes – clean screen fund – repeal

(24) In addition to any other fee imposed by this section, at the time of registration, the owner shall pay a fee of one dollar on every item of Class A, B, or C personal property required to be registered pursuant to this article. Notwithstanding the requirements of [section 43-4-203, C.R.S.](#), the department shall transmit the fee to the state treasurer, who shall credit it to the peace officers standards and training board cash fund, created in section 24-31-303(2)(b); except that authorized agents may retain five percent of the fee collected to cover the agents' expenses in the collection and remittance of the fee. All of the money in the fund that is collected under this subsection (24) shall be used by the peace officers standards and training board for the purposes specified in section 24-31-310.

Source: L. 2005: (13) and (18)(d)(I) amended, p. 145, § 21, effective April 5; entire article amended with relocations, p. 1136, § 2, effective August 8; (18)(c) amended, p. 328, § 1, effective August 8. L. 2006: (10)(b) amended, p. 1511, § 71, effective June 1; (1)(c) amended, p. 1011, § 5, effective July 1; (19)(a)(I), (19)(a)(II), and (19)(d) amended and (19)(a)(IV) added, p. 1030, § 12, 11, effective July 1; (3)(g) and (3)(h) added, p. 921, § 4, effective January 1, 2007. L. 2009: (1)(c) and (18)(d) amended, [\(SB 09-274\), ch. 210, p. 955, § 8](#), effective May 1; (21) amended, [\(SB 09-002\), ch. 277, p. 1242, § 1](#), effective May 19; (24) amended, [\(HB 09-1036\), ch. 300, p. 1601, § 1](#), effective July 1; (4), (5), and (6)(a) amended, [\(HB 09-1026\), ch. 281, p. 1268, § 29](#), effective October 1; (18)(d) amended, [\(HB 09-1026\), ch. 281, p. 1268, § 30](#), effective July 1, 2010. L. 2010: (18)(d)(I) amended, [\(HB 10-1387\), ch. 205, p. 890, § 7](#), effective May 5; (18)(d)(I) amended, [\(HB 10-1341\), ch. 285, p. 1336, § 1](#), effective May 26; (2), IP(9), IP(10)(a), (10)(b), (10)(c), (11), (14), and (17)(a) amended and (23) repealed, (SB 10-212), ch. 412, pp. 2036, 2032, § 12, 1, effective July 1; (14) and (15) amended, [\(HB 10-1172\), ch. 320, p. 1491, § 11](#), effective October 1. L. 2011: IP(18)(d)(I) amended, [\(HB 11-1182\), ch. 124, p. 387, § 1](#), effective April 22; (1)(b)(II) repealed, [\(HB 11-1004\), ch. 136, p. 475, § 2](#), effective August 10; (12) amended, [\(HB 11-1198\), ch. 127, p. 425, § 24](#), effective August 10. L. 2012: (18)(d)(I) amended, [\(HB 12-1216\), ch. 80, p. 267, § 6](#), effective July 1; (19)(a)(I) amended and (19)(a)(IV) repealed, [\(SB 12-034\), ch. 107, p. 362, § 1](#), effective August 8. L. 2013: (25) added, [\(HB 13-1110\), ch. 225, p. 1064, § 12](#), effective January 1, 2014. L. 2014: (25)(c)(II) amended, [\(HB 14-1027\), ch. 6, p. 88, § 1](#), effective February 19; (18)(d)(I) amended, [\(SB 14-194\), ch. 346, p. 1551, § 19](#), effective June 5; (24) amended, [\(SB 14-](#)

[123](#), [ch. 246](#), [p. 946](#), [§ 3](#), effective August 6. L. 2017:(18)(d)(I), IP(19)(a), (19)(a)(I), (19)(a)(II), (24), (25)(a), and (25)(b) amended,(HB 17-1107), ch. 101, p. 369, § 17, effective August 9. L. 2018:(18)(d)(I) amended,(SB 18-253), ch. 293, p. 1799, § 3, effective May 29. L. 2019:(25)(c) repealed,(HB 19-1298), ch. 384, p. 3438, § 2, effective August 2. L. 2021:(25)(a) and (25)(b) amended and (25)(a.5), (25)(a.6), (25)(a.7), (25)(a.8), and (25)(a.9) added,(SB 21-260), ch. 250, p. 1407, § 26, effective June 17; (25)(b) amended,(HB 21-1141), ch. 339, p. 2198, § 5, effective September 7.; L. 2022: (SB108), ch. 63, § 1, effective August 10, 2022.

Editor's note: (1) This section is similar to former § 42-3-134 as it existed prior to 2005.(2) Subsection (13) was originally numbered as § 42-3-134 (21)(a), and the amendments to it in Senate Bill 05-041 were harmonized with [§ 42-3-304 \(13\)](#) as it appears in House Bill 05-1107. Subsection (18)(c) was originally numbered as § 42-3-134 (26)(c), and the amendments to it in House Bill 05-1268 were harmonized with and relocated to [§ 42-3-304 \(18\)\(c\)](#) as it appears in House Bill 05-1107. (3) Amendments to subsection (18)(d) by Senate Bill 09-074 and House Bill 09-1026 were harmonized. (4) Section 137 of Senate Bill 09-292 changed the effective date of subsections (4), (5), and (6)(a) from July 1, 2010, to October 1, 2009, and subsection (18)(d) from October 1, 2009, to July 1, 2010. (5) Amendments to subsection (18)(d)(I) by House Bill 10-1387 and House Bill 10-1341 were harmonized. (6) Amendments to subsection (14) by Senate Bill 10-212 and House Bill 10-1172 were harmonized. (7) Subsection (18)(d)(I) was originally numbered as § 42-3-134 (26)(d)(I), and the amendments to it in Senate Bill 05-041 were harmonized with and relocated to [§ 42-3-304 \(18\)\(d\)\(I\)](#) as it appears in House Bill 05-1107.(3) Amendments to subsection (18)(d) by Senate Bill 09-074 and House Bill 09-1026 were harmonized.(4) Section 137 of Senate Bill 09-292 changed the effective date of subsections (4), (5), and (6)(a) from July 1, 2010, to October 1, 2009, and subsection (18)(d) from October 1, 2009, to July 1, 2010.(5) Amendments to subsection (18)(d)(I) by House Bill 10-1387 and House Bill 10-1341 were harmonized.(6) Amendments to subsection (14) by Senate Bill 10-212 and House Bill 10-1172 were harmonized. (7) Subsection (18)(d)(I)(A) provided for the repeal of subsection (18)(d)(I)(A), effective July 1, 2019. (See L. 2018, p. 1799.) (8) Amendments to subsection (25)(b) by HB 21-1141 and SB 21-260 were harmonized. (9) Section 7(3) of chapter 339 (HB 21-1141), Session Laws of Colorado 2021, provides that the act amending subsection (25)(b) takes effect only if SB 21-260 (chapter 250) becomes law and takes effect either upon the effective date of HB 21-1141 or SB 21-260, whichever is later. SB 21-260 became law and took effect June 17, 2021, and HB 21-1141 became law and took effect September 7, 2021

Cross references: (1) For Public Law 663, 79th Congress, as amended, and Public Law 187, 82nd Congress, as amended, see 60 Stat. 915 and 65 Stat. 574, respectively, and 38 U.S.C. § § 3901 to 3905.(2) For the legislative declaration contained in the 2006 act amending subsections (19)(a)(I), (19)(a)(II), and (19)(d) and enacting subsection (19)(a)(IV), see section 1 of chapter 225, Session Laws of Colorado 2006. For the legislative declaration in the 2011 act repealing subsection (1)(b)(II), see section 1 of chapter 136, Session Laws of Colorado 2011. For the

legislative declaration in the 2013 act adding subsection (25), see section 1 of chapter 225, Session Laws of Colorado 2013. For the legislative declaration in SB 21-260, see section 1 of chapter 250, Session Laws of Colorado 2021. For the legislative declaration in HB 21-1141, see section 1 of chapter 339, Session Laws of Colorado 2021.

ANNOTATION

Annotator's note. Since [§ 42-3-304](#) is similar to § 42-3-134 as it existed prior to the 2005 amendment to article 3 of title 42, which resulted in the relocation of provisions, relevant cases construing former provisions similar to that section have been included in the annotations to this section.

The object and purpose of the ton-mile tax statute is to regulate the use of our public highways and provide funds for highway maintenance and construction by taxing those who are heavy, constant and continuous users of our highways in proportion to their use thereof. *Weed v. Monfort Feed Lots, Inc.*, 156 Colo. 577, 402 P.2d 177 (1965).

Political subdivisions as such are not exempt from the passenger-mile tax imposed by this section. *Reg'l Transp. Dist. v. Charnes*, 660 P.2d 24 (Colo. App. 1982).

TITLE 42 – Vehicles and Traffic

ARTICLE 5 – Automobile Theft Law – Inspection of Motor Vehicle Identification Numbers

PART 2 – Vehicle Identification Number Inspection

42-5-201. Definitions

As used in this part 2, unless the context otherwise requires:

- (1) "Bonded title vehicle" means a vehicle the owner of which has posted a bond for title pursuant to the provisions of section 42-6-115.
- (2) "Commercial vehicle" means any trailer as defined in section 42-1-102 (105), truck as defined in section 42-1-102 (108), or truck tractor as defined in section 42-1-102 (109).
- (3) (Deleted by amendment, L. 2000, p. 1647, § 36, effective June 1, 2000.)
- (4) "Homemade vehicle" means a vehicle which is constructed by a manufacturer not licensed by the state of Colorado and which is not recognizable as a commercially manufactured vehicle.
- (5) "Inspector" means a duly constituted peace officer of a law enforcement agency or other individual who has been certified pursuant to section 42-5-206 to inspect vehicle identification numbers.
- (6) "Law enforcement agency" means the Colorado state patrol or the agency of a local government authorized to enforce the laws of the state of Colorado.
- (7) "Local government" means a town, a city, a county, or a city and county.
- (8) "Rebuilt vehicle" means a vehicle which has been assembled from parts of two or more commercially manufactured vehicles or which has been altered in such a manner that it is not readily recognizable as a commercially manufactured vehicle of a given year. "Rebuilt vehicle" includes a street rod vehicle.
- (9) "Reconstructed vehicle" means a vehicle constructed from two or more commercially manufactured vehicles of the same type and year which has not been altered and which is recognizable as a commercially manufactured vehicle of a given year.

(10) "State" includes the territories and the federal districts of the United States.

(11) "Street rod vehicle" means a vehicle with a body design manufactured in 1948 or earlier or with a reproduction component that resembles a 1948 or earlier model which has been modified for safe road use, including, but not limited to, modifications of the drive train, suspension, and brake systems, modifications to the body through the use of materials such as steel or fiber glass, and other safety or comfort features.

(12) "Vehicle" means a motor vehicle subject to the certificate of title provisions of part 1 of article 6 of this title but does not include commercial vehicles as defined in subsection (2) of this section.

(13) "Vehicle identification number" means any identifying number, serial number, engine number, or other distinguishing number or mark, including letters, if any, that is unique to the identity of a given vehicle or commercial vehicle or component part thereof that was placed on a vehicle, commercial vehicle, or engine by its manufacturer or by authority of the department of revenue under section 42-12-202 or in accordance with the laws of another state or country.

Source: L. 94: Entire title amended with relocations, p. 2445, § 1, effective January 1, 1995. L. 2000: (3) and (13) amended, p. 1647, § 36, effective June 1. L. 2010: (5) amended, (HB 10-1096), ch. 240, p. 1051, § 1, effective August 11. L. 2011: (13) amended, (SB 11-031), ch. 86, p. 247, § 15, effective August 10.

Editor's note: This title was numbered as numerous articles within chapter 13, C.R.S. 1963. The provisions of this title were amended with relocations in 1994, effective January 1, 1995, resulting in the addition, relocation, and elimination of sections as well as subject matter. For amendments to this title prior to 1994, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated. For a detailed comparison of this title, see the comparative tables located in the back of the index.

Cross references: For registration and use of snowmobiles, see article 14 of title 33; for licensing and regulation of automobile dealers, see part 1 of article 6 of title 12; for the antimonopoly financing law, see part 2 of article 6 of title 12; for the Sunday closing law, see part 3 of article 6 of title 12; for the regulation of commercial driving schools, see article 15 of title 12; for the provisions providing for the manufacture of license plates and highway signs by state correctional facilities,

see article 24 of title 17; for provisions relating to highway safety, see article 5 of title 43.

Cross references: For enforcement by Colorado state patrol, see § § 24-33.5-203 (2) and 24-33.5-212.

42-5-206. Certification of inspectors

(1) Except as otherwise provided in subsection (2) of this section, no peace officer shall be an inspector of vehicle identification numbers unless the peace officer has been certified by the peace officers standards and training board pursuant to section 24-31-303 (1) (e), C.R.S. In order to be certified, the peace officer must satisfactorily complete a vehicle identification number inspection training course approved by said board and pay a certification fee to the board not to exceed twenty-five dollars. The cost of the training course shall include all necessary and actual expenses but shall not exceed fifty dollars per peace officer.

(2) In lieu of the requirement for certification in subsection (1) of this section, any peace officer shall be certified as an inspector of vehicle identification numbers if the peace officer is able to demonstrate to the peace officers standards and training board that the peace officer has had sixteen hours or more of vehicle identification number inspection training which is acceptable to the board and which was received between January 1, 1986, and January 1, 1988.

(3) The sheriff of any county and the police chief of any municipality may certify individuals in addition to peace officers to serve as inspectors in accordance with the provisions of this part 2. Such individuals shall be employees or bona fide representatives of a county or municipality and shall satisfactorily complete fingerprint and background checks. Such individuals must satisfactorily complete a vehicle identification number inspection training course approved by the peace officers standards and training board and pay a fee to the board for the cost of the certification not to exceed twenty-five dollars. The cost of the training course shall include all necessary and actual expenses but shall not exceed fifty dollars per individual.

Source: L. 94: Entire title amended with relocations, p. 2448, § 1, effective January 1, 1995. L. 95: (1) amended, p. 961, § 21, effective May 25. L. 2010: (3) added, (HB 10-1096), ch. 240, p. 1051, § 2, effective August 11.