

Second Regular Session

Sixty-second General Assembly

LLS NO. 00-0530.01 Stephen Miller

SENATE BILL 00-077

STATE OF COLORADO

BY SENATOR Reeves;  
also REPRESENTATIVE Larson.

**PREAMENDED**

A BILL FOR AN ACT

101 CONCERNING THE COLORADO PEACE OFFICERS STANDARDS AND TRAINING  
102 BOARD.

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Expands the definition of "peace officer, level Ia" to include the peace officers standards and training (P.O.S.T.) board staff director and investigators. Reduces the out-of-service window from 10 to 7 years for purposes of determining whether a certification may be renewed. Allows the P.O.S.T. board to permit out-of-state peace officers and federal agents to participate in the provisional certificate process so long as they have been certified in the other jurisdiction for at least the preceding 3 years and have served in good standing for more than one year. Enables the P.O.S.T. board to recognize out-of-state peace officers who work in Colorado through the mutual aid process. Provides that agreements between Colorado counties and municipalities and bordering states' counties and municipalities include a requirement that any person assigned to duty in Colorado pursuant to such agreement apply to the P.O.S.T. board for recognition.

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

2 **SECTION 1.** 18-1-901 (3) (1) (II) (A), Colorado Revised Statutes,  
3 is amended to read:

4 **18-1-901. Definitions.** (3) (1) (II) (A) "Peace officer, level Ia,"

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

*Capital letters indicate new material to be added to existing statute.*

*Dashes through the words indicate deletions from existing statute.*

1 means any sheriff; district attorney; assistant district attorney; deputy  
2 district attorney; special deputy district attorney; the attorney general of  
3 the state, the deputy attorney general, ~~and~~ any deputy or assistant attorney  
4 general assigned to a criminal enforcement function in the office of the  
5 attorney general, AND THE DIRECTOR AND INVESTIGATORS OF THE PEACE  
6 OFFICERS STANDARDS AND TRAINING BOARD STAFF WITHIN THE OFFICE OF  
7 THE ATTORNEY GENERAL WHO CURRENTLY HOLD A PEACE OFFICER  
8 CERTIFICATION; authorized investigator of a county or district attorney,  
9 the attorney general, or the executive director of the department of public  
10 safety; agent of the Colorado bureau of investigation pursuant to section  
11 24-33.5-409, C.R.S.; parole officers or community program agents  
12 pursuant to article 2 of title 17, C.R.S.; the inspector general and any  
13 investigators appointed pursuant to section 17-1-103.8, C.R.S., employed  
14 by the department of corrections; or any officer of the Southern Ute  
15 Indian police force or Ute Mountain Ute Indian police force who is  
16 certified pursuant to part 3 of article 31 of title 24, C.R.S., or otherwise  
17 qualified under section 24-31-305 (2), C.R.S. "Peace officer, level Ia,"  
18 has the authority to enforce all the laws of the state of Colorado while  
19 acting within the scope of the officer's authority and in the performance  
20 of the officer's duties.

21 **SECTION 2.** 24-31-305 (1.7) (c), Colorado Revised Statutes, is  
22 amended to read:

23 **24-31-305. Certification - issuance - renewal - revocation.**  
24 (1.7) (c) The P.O.S.T. board may promulgate rules ~~and regulations~~ for  
25 the renewal of certification that expired pursuant to paragraph (b). of this  
26 subsection (1.7); except that no expired certification shall be renewed if

1 the certificate holder has not served as a peace officer or reserve peace  
2 officer within the previous ten years.

3 **SECTION 3.** 24-31-308 (1) (a) and (2), Colorado Revised  
4 Statutes, are amended to read:

5 **24-31-308. Reciprocity - provisional certificate.** (1) The  
6 P.O.S.T. board is authorized to grant a provisional certificate to any  
7 person who:

8 (a) ~~Is currently~~ HAS BEEN authorized to act as a peace officer in  
9 another state or federal jurisdiction, excluding the armed forces, FOR AT  
10 LEAST THE PRECEDING THREE YEARS AND HAS SERVED AS A CERTIFIED LAW  
11 ENFORCEMENT OFFICER IN GOOD STANDING IN SUCH OTHER STATE OR  
12 FEDERAL JURISDICTION FOR MORE THAN ONE YEAR;

13 (2) The P.O.S.T. board is authorized to grant a basic certification  
14 to a person who MEETS THE CRITERIA ESTABLISHED FOR BASIC  
15 CERTIFICATION BY RULE OF THE P.O.S.T. BOARD.

16 (a) ~~Holds a valid provisional certificate; and~~

17 (b) ~~(I) Successfully completed approved training in each skills~~  
18 ~~area;~~

19 ~~(II) Passes a skills examination in each area;~~

20 ~~(III) Demonstrates to the P.O.S.T. board that he or she has met~~  
21 ~~comparable standards in each skills area in another state or federal~~  
22 ~~jurisdiction; or~~

23 ~~(IV) Demonstrates to the P.O.S.T. board proficiency in each skills~~  
24 ~~area through any combination of the methods established in~~  
25 ~~subparagraphs (I) to (III) of this paragraph (b).~~

26 **SECTION 4.** 29-1-206, Colorado Revised Statutes, is amended

1 to read:

2 **29-1-206. Law enforcement agreements.** Any county in this  
3 state ~~which~~ THAT shares a common border with a county in another state,  
4 AND ANY MUNICIPALITY LOCATED IN SUCH A BORDERING COUNTY OF THIS  
5 STATE, may enter into an agreement with ~~such~~ THE bordering county OF  
6 THE OTHER STATE OR WITH A MUNICIPALITY LOCATED IN THE BORDERING  
7 COUNTY OF THE OTHER STATE to provide for reciprocal law enforcement  
8 between such ~~counties~~ ENTITIES. Such agreement shall meet the  
9 requirements of section 29-1-203 and shall include, but shall not be  
10 limited to, an additional requirement that any person who is assigned to  
11 law enforcement duty in this state pursuant to such intergovernmental  
12 agreement and section 29-5-104 (2) shall be certified as a peace officer  
13 in ~~Colorado as provided for in section 24-31-305, C.R.S.,~~ THE OTHER  
14 STATE AND SHALL APPLY TO THE PEACE OFFICER STANDARDS AND  
15 TRAINING BOARD FOR RECOGNITION prior to such assignment.

16 **SECTION 5.** 29-5-104 (2), Colorado Revised Statutes, is  
17 amended to read:

18 **29-5-104. Request for temporary assignment of police officers**  
19 **or deputy sheriffs - authority.** (2) Where, under the provisions of  
20 section 29-1-206, a county OR MUNICIPALITY in this state enters into an  
21 intergovernmental agreement for reciprocal law enforcement with a  
22 bordering county OR WITH A MUNICIPALITY WITHIN A BORDERING COUNTY  
23 ~~which~~ THAT is located in another state, the ~~sheriff~~ LAW ENFORCEMENT  
24 AGENCY HEAD of either county OR MUNICIPALITY may, pursuant to the  
25 provisions of such intergovernmental agreement, request the ~~sheriff~~ LAW  
26 ENFORCEMENT AGENCY HEAD of the other county OR MUNICIPALITY to

1 assign deputy sheriffs or other peace officers to perform law enforcement  
2 duties within the jurisdiction of such requesting ~~sheriff~~ LAW  
3 ENFORCEMENT AGENCY HEAD and under such terms and conditions as are  
4 stated in the intergovernmental agreement. Prior to such assignment,  
5 such deputy sheriffs or other peace officers shall obtain ~~certification~~  
6 RECOGNITION as peace officers in this state as provided for in section  
7 ~~24-31-305~~, 29-1-206, C.R.S. Such deputy sheriffs or other peace officers  
8 shall, while so assigned and performing duties subject to the direction and  
9 control of the requesting ~~sheriff~~ LAW ENFORCEMENT AGENCY HEAD, have  
10 the same power within the jurisdiction of the requesting ~~sheriff~~ LAW  
11 ENFORCEMENT AGENCY HEAD as do regular deputies OR OTHER PEACE  
12 OFFICERS of such requesting ~~sheriff~~ LAW ENFORCEMENT AGENCY HEAD.

13 **SECTION 6. Safety clause.** The general assembly hereby finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, and safety.