

SB218 L.001

## SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.SB15-218 be amended as follows:

- 1 Amend printed bill, page 4, line 1, strike "MADE" and substitute "HAD A  
2 SUSTAINED VIOLATION FOR MAKING".
- 3 Page 4, line 23, strike "LEARNS" and substitute "DETERMINES THERE IS A  
4 SUSTAINED FINDING".
- 5 Page 5, line 9, strike "LEARNS" and substitute "DETERMINES THERE IS A  
6 SUSTAINED FINDING".
- 7 Page 6, line 6, strike "MADE" and substitute "HAD A SUSTAINED VIOLATION  
8 FOR MAKING".
- 9 Page 7, line 1, strike "LEARNS" and substitute "DETERMINES THERE IS A  
10 SUSTAINED FINDING".
- 11 Page 7, line 2, strike "AGENCY" and substitute "SHERIFF'S OFFICE".
- 12 Page 7, line 13, strike "LEARNS" and substitute "DETERMINES THERE IS A  
13 SUSTAINED FINDING".
- 14 Page 8, line 6, after "DEPARTMENT" insert "OR TOWN MARSHAL'S OFFICE".
- 15 Page 8, line 10, strike "MADE" and substitute "HAD A SUSTAINED  
16 VIOLATION FOR MAKING".
- 17 Page 8, line 22, strike "DEPARTMENT," and substitute "DEPARTMENT OR  
18 TOWN MARSHAL'S OFFICE,".
- 19 Page 8, line 23, after "DEPARTMENT" insert "OR TOWN MARSHAL'S  
20 OFFICE".
- 21 Page 8, line 27, after "DEPARTMENT" insert "OR TOWN MARSHAL'S  
22 OFFICE".
- 23 Page 9, line 5, after "DEPARTMENT" insert "OR TOWN MARSHAL'S OFFICE".
- 24 Page 9, line 7, after "DEPARTMENT" insert "OR TOWN MARSHAL'S OFFICE".

1 Page 9, line 8, after "DEPARTMENT" insert "OR TOWN MARSHAL'S OFFICE".

2 Page 9, line 17, after "DEPARTMENT" insert "OR TOWN MARSHAL'S  
3 OFFICE".

4 Page 9, line 19, after "DEPARTMENT" insert "OR TOWN MARSHAL'S  
5 OFFICE".

6 Page 9, line 20, after "DEPARTMENT" insert "OR TOWN MARSHAL'S  
7 OFFICE".

8 Page 10, after line 6 insert:

9 "SECTION 5. In Colorado Revised Statutes, add 33-9-110 as  
10 follows:

11 **33-9-110. Disclosure of knowing misrepresentation by a peace  
12 officer required - disclosure waivers - reports - definitions.**

13 (1) SUBJECT TO THE LIMITATIONS OF THIS SECTION, IF THE DIVISION  
14 EMPLOYS, EMPLOYED, OR DEPUTIZED A PEACE OFFICER WHO APPLIES FOR  
15 EMPLOYMENT WITH ANOTHER COLORADO LAW ENFORCEMENT AGENCY,  
16 THE DIVISION SHALL DISCLOSE TO THE HIRING AGENCY INFORMATION  
17 INDICATING WHETHER THE PEACE OFFICER'S EMPLOYMENT HISTORY  
18 INCLUDED ANY INSTANCES IN WHICH THE PEACE OFFICER HAD A  
19 SUSTAINED VIOLATION FOR MAKING A KNOWING MISREPRESENTATION:

20 (a) IN ANY TESTIMONY OR AFFIDAVIT RELATING TO THE ARREST OR  
21 PROSECUTION OF A PERSON OR TO A CIVIL CASE PERTAINING TO THE PEACE  
22 OFFICER OR TO THE PEACE OFFICER'S EMPLOYMENT HISTORY; OR

23 (b) DURING THE COURSE OF ANY INTERNAL INVESTIGATION BY A  
24 LAW ENFORCEMENT AGENCY, WHICH INVESTIGATION IS RELATED TO THE  
25 PEACE OFFICER'S ALLEGED CRIMINAL CONDUCT; OFFICIAL MISCONDUCT, AS  
26 DESCRIBED IN SECTION 18-8-404 OR 18-8-405, C.R.S.; OR USE OF  
27 EXCESSIVE FORCE.

28 (2) THE DISCLOSURE DESCRIBED IN SUBSECTION (1) OF THIS  
29 SECTION IS REQUIRED ONLY UPON THE PRESENTATION OF A WRITTEN  
30 WAIVER TO THE DIVISION, WHICH WAIVER EXPLICITLY AUTHORIZES THE  
31 DIVISION TO DISCLOSE THE INFORMATION DESCRIBED IN SAID SUBSECTION  
32 (1), HAS BEEN SIGNED BY THE APPLICANT PEACE OFFICER, AND IDENTIFIES  
33 THE COLORADO LAW ENFORCEMENT AGENCY THAT IS CONSIDERING THE  
34 APPLICANT PEACE OFFICER FOR EMPLOYMENT. IF THE DIVISION RECEIVES  
35 SUCH A WAIVER, THE DIVISION SHALL PROVIDE THE DISCLOSURE TO THE  
36 COLORADO LAW ENFORCEMENT AGENCY THAT IS CONSIDERING THE



1 APPLICANT PEACE OFFICER FOR EMPLOYMENT NOT MORE THAN SEVEN  
2 DAYS AFTER SUCH RECEIPT.

3 (3) (a) THE DIVISION SHALL NOTIFY THE LOCAL DISTRICT  
4 ATTORNEY WHENEVER THE DIVISION DETERMINES THERE IS A SUSTAINED  
5 FINDING THAT ANY PEACE OFFICER OF THE DIVISION HAS MADE A KNOWING  
6 MISREPRESENTATION:

7 (I) IN ANY TESTIMONY OR AFFIDAVIT RELATING TO THE ARREST OR  
8 PROSECUTION OF A PERSON OR TO A CIVIL CASE PERTAINING TO THE PEACE  
9 OFFICER OR TO THE PEACE OFFICER'S EMPLOYMENT HISTORY; OR

10 (II) DURING THE COURSE OF ANY INTERNAL INVESTIGATION BY A  
11 LAW ENFORCEMENT AGENCY, WHICH INVESTIGATION IS RELATED TO THE  
12 PEACE OFFICER'S ALLEGED CRIMINAL CONDUCT; OFFICIAL MISCONDUCT, AS  
13 DESCRIBED IN SECTION 18-8-404 OR 18-8-405, C.R.S.; OR USE OF  
14 EXCESSIVE FORCE.

15 (b) THE DIVISION SHALL PROVIDE THE NOTICE DESCRIBED IN  
16 PARAGRAPH (a) OF THIS SUBSECTION (3) NOT MORE THAN SEVEN DAYS  
17 AFTER THE DIVISION DETERMINES THERE IS A SUSTAINED FINDING THAT A  
18 PEACE OFFICER OF THE DIVISION HAS MADE A KNOWING  
19 MISREPRESENTATION, AS DESCRIBED IN SAID PARAGRAPH (a).

20 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT REQUIRES  
21 OTHERWISE, "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:

22 (a) THE COLORADO STATE PATROL CREATED PURSUANT TO  
23 SECTION 24-33.5-201, C.R.S.;

24 (b) THE COLORADO BUREAU OF INVESTIGATION CREATED  
25 PURSUANT TO SECTION 24-33.5-401, C.R.S.;

26 (c) A COUNTY SHERIFF'S OFFICE;

27 (d) A MUNICIPAL POLICE DEPARTMENT;

28 (e) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE  
29 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION  
30 24-1-124, C.R.S.; OR

31 (f) A TOWN MARSHAL'S OFFICE."

32 Renumber succeeding section accordingly.

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