

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0531.01 Richard Sweetman

HOUSE BILL 11-1036

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HOUSE SPONSORSHIP

Gardner D.,

SENATE SPONSORSHIP

King, S.

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE CREATION OF AN EMERGENCY ALERT SYSTEM TO  
102 NOTIFY THE PUBLIC IMMEDIATELY OF THE IMMINENT DANGER  
103 POSED BY A SUSPECT WHO HAS KILLED OR SERIOUSLY INJURED  
104 A PEACE OFFICER.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill creates the blue alert program (program) within the Colorado bureau of investigation (bureau) to facilitate the immediate

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.*

apprehension of persons who kill or seriously injure peace officers. Upon receipt of a notice from a law enforcement agency that a peace officer has been killed or suffered a life-threatening injury and the suspect or suspects have fled the scene of the offense, the bureau, using procedures established by rule, shall confirm the accuracy of the information, issue an alert via the state emergency alert system, and establish a notification period for the alert.

The bureau shall send the alert, including the notification period associated with the alert, to the federal communications commission's designated state emergency alert system broadcaster in Colorado. Participating radio and television stations shall issue the alert at designated intervals as specified by rule.

The executive director of the department of public safety shall promulgate rules for the implementation of the program.

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

2 **SECTION 1.** Part 4 of article 33.5 of title 24, Colorado Revised  
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
4 read:

5 **24-33.5-416.5. Blue alert program - definitions - rules.**

6 (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

7 (a) A PERSON WHO KILLS OR INFLECTS A LIFE-THREATENING INJURY  
8 UPON A PEACE OFFICER POSES A SERIOUS AND IMMINENT THREAT TO THE  
9 SAFETY OF THE PUBLIC;

10 (b) WHEN A PERSON KILLS OR INFLECTS A LIFE-THREATENING  
11 INJURY UPON PEACE OFFICER, THE FIRST FEW HOURS AFTER THE ACT ARE  
12 CRITICALLY IMPORTANT TO APPREHENDING THE PERSON; AND

13 (c) IT IS THEREFORE NECESSARY TO CREATE AN ALERT SYSTEM TO  
14 FACILITATE THE IMMEDIATE APPREHENSION OF SUCH PERSONS BY LAW  
15 ENFORCEMENT AGENCIES OF THE STATE.

16 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
17 REQUIRES:

1 (a) "BLUE ALERT" MEANS AN ALERT ISSUED BY THE BUREAU  
2 PURSUANT TO THE PROVISIONS OF THIS SECTION.

3 (b) "DESIGNATED BROADCASTER" MEANS THE BROADCASTER  
4 DESIGNATED BY THE FEDERAL COMMUNICATIONS COMMISSION TO BE THE  
5 PRIMARY EMERGENCY ALERT SYSTEM BROADCASTER IN COLORADO.

6 (c) "NOTIFICATION PERIOD" MEANS THE PERIOD OF TIME  
7 ESTABLISHED BY RULES PROMULGATED PURSUANT TO PARAGRAPH (c) OF  
8 SUBSECTION (4) OF THIS SECTION, DURING WHICH TIME A BLUE ALERT  
9 SHALL REMAIN EFFECTIVE UNLESS IT IS CANCELLED BY THE BUREAU AS  
10 DESCRIBED IN PARAGRAPH (g) OF SUBSECTION (3) OF THIS SECTION.

11 (d) "PEACE OFFICER" MEANS:

12 (I) ANY PEACE OFFICER DESCRIBED BY THE PROVISIONS OF PART 1  
13 OF ARTICLE 2.5 OF TITLE 16, C.R.S.; AND

14 (II) A FEDERAL LAW ENFORCEMENT OFFICER WHO IS AUTHORIZED  
15 TO CARRY A FIREARM AND MAKE ARRESTS FOR VIOLATIONS OF FEDERAL  
16 LAW.

17 (e) "PROGRAM" MEANS THE BLUE ALERT PROGRAM CREATED  
18 PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION.

19 (3) (a) TO FACILITATE THE IMMEDIATE APPREHENSION OF PERSONS  
20 WHO KILL OR INFLICT LIFE-THREATENING INJURIES UPON PEACE OFFICERS,  
21 THERE IS HEREBY CREATED THE BLUE ALERT PROGRAM TO BE  
22 IMPLEMENTED BY THE BUREAU ON AND AFTER JANUARY 1, 2012. THE  
23 PROGRAM SHALL BE A COORDINATED EFFORT AMONG THE BUREAU, LAW  
24 ENFORCEMENT AGENCIES, AND THE STATE'S PUBLIC AND COMMERCIAL  
25 TELEVISION AND RADIO BROADCASTERS.

26 (b) USING PROCEDURES ESTABLISHED BY RULES PROMULGATED  
27 PURSUANT TO SUBSECTION (4) OF THIS SECTION, A LAW ENFORCEMENT

1 AGENCY MAY NOTIFY THE BUREAU AFTER VERIFYING THAT A PEACE  
2 OFFICER HAS BEEN KILLED OR HAS RECEIVED A LIFE-THREATENING INJURY  
3 AND THE SUSPECT OR SUSPECTS HAVE FLED THE SCENE OF THE OFFENSE.

4 (c) UPON RECEIPT OF A NOTICE FROM A LAW ENFORCEMENT  
5 AGENCY THAT A PEACE OFFICER HAS BEEN KILLED OR HAS RECEIVED A  
6 LIFE-THREATENING INJURY AND THE SUSPECT OR SUSPECTS HAVE FLED THE  
7 SCENE OF THE OFFENSE, THE BUREAU, USING PROCEDURES ESTABLISHED  
8 BY RULES PROMULGATED PURSUANT TO SUBSECTION (4) OF THIS SECTION,  
9 SHALL CONFIRM THE ACCURACY OF THE INFORMATION AND ISSUE A BLUE  
10 ALERT VIA THE STATE EMERGENCY ALERT SYSTEM.

11 (d) THE BUREAU SHALL SEND THE BLUE ALERT, INCLUDING THE  
12 NOTIFICATION PERIOD ASSOCIATED WITH THE BLUE ALERT, TO THE  
13 DESIGNATED BROADCASTER. PARTICIPATING RADIO AND TELEVISION  
14 STATIONS SHALL ISSUE THE BLUE ALERT AT DESIGNATED INTERVALS AS  
15 SPECIFIED IN RULES PROMULGATED PURSUANT TO SUBSECTION (4) OF THIS  
16 SECTION.

17 (e) A BLUE ALERT SHALL INCLUDE:

18 (I) ALL APPROPRIATE INFORMATION THAT THE REPORTING LAW  
19 ENFORCEMENT AGENCY HAS THAT MAY ASSIST IN THE APPREHENSION OF  
20 THE SUSPECT OR SUSPECTS;

21 (II) A STATEMENT INSTRUCTING ANYONE WITH INFORMATION  
22 RELATED TO THE KILLING OR INJURING OF THE PEACE OFFICER TO CONTACT  
23 HIS OR HER LOCAL LAW ENFORCEMENT AGENCY; AND

24 (III) A WARNING THAT THE SUSPECT OR SUSPECTS ARE DANGEROUS  
25 AND THAT MEMBERS OF THE PUBLIC SHOULD NOT ATTEMPT TO APPREHEND  
26 THE SUSPECT OR SUSPECTS THEMSELVES.

27 (f) A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY

1 THAT LOCATES OR APPREHENDS THE SUSPECT OR SUSPECTS SHALL NOTIFY  
2 THE BUREAU AS SOON AS PRACTICABLE OF SUCH FACT.

3 (g) A BLUE ALERT SHALL BE CANCELLED WHEN THE BUREAU  
4 NOTIFIES THE DESIGNATED BROADCASTER THAT THE SUSPECT OR SUSPECTS  
5 HAVE BEEN APPREHENDED OR AT THE END OF THE NOTIFICATION PERIOD,  
6 WHICHEVER OCCURS FIRST.

7 (4) ON OR BEFORE NOVEMBER 1, 2011, THE EXECUTIVE DIRECTOR  
8 OF THE DEPARTMENT OF PUBLIC SAFETY SHALL PROMULGATE RULES IN  
9 ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT",  
10 ARTICLE 4 OF THIS TITLE, FOR THE IMPLEMENTATION OF THE PROGRAM.  
11 THE RULES SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

12 (a) PROCEDURES FOR A LAW ENFORCEMENT AGENCY TO USE TO  
13 NOTIFY THE BUREAU THAT A PEACE OFFICER HAS BEEN KILLED OR HAS  
14 RECEIVED A LIFE-THREATENING INJURY AND THE SUSPECT OR SUSPECTS  
15 HAVE FLED THE SCENE OF THE OFFENSE;

16 (b) PROCEDURES FOR THE BUREAU TO FOLLOW IN CONFIRMING THE  
17 REPORTING LAW ENFORCEMENT AGENCY'S INFORMATION AND REPORTING  
18 THE INFORMATION TO THE DESIGNATED BROADCASTER;

19 (c) THE ESTABLISHMENT OF A NOTIFICATION PERIOD TO BE USED  
20 FOR EACH BLUE ALERT; AND

21 (d) THE INTERVALS AT WHICH PARTICIPATING RADIO AND  
22 TELEVISION STATIONS SHALL ISSUE A BLUE ALERT.

23 **SECTION 2. Safety clause.** The general assembly hereby finds,  
24 determines, and declares that this act is necessary for the immediate  
25 preservation of the public peace, health, and safety.