

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 11-0531.01 Richard Sweetman

HOUSE BILL 11-1036

HOUSE SPONSORSHIP

Gardner D.,

SENATE SPONSORSHIP

King, S.

House Committees
Judiciary

Senate Committees
Judiciary

SENATE
3rd Reading Unam ended
March 7, 2011

SENATE
2nd Reading Unam ended
March 4, 2011

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.**

HOUSE
3rd Reading Unam ended
February 9, 2011

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

HOUSE
Am ended 2nd Reading
February 8, 2011

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.

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 A BROADCASTER THAT
4 IS DESIGNATED BY RULES PROMULGATED PURSUANT TO PARAGRAPH (e) OF
5 SUBSECTION (4) OF THIS SECTION TO RECEIVE AND BROADCAST A BLUE
6 ALERT.

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

12 (d) "PEACE OFFICER" MEANS:

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

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

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

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

27 (b) USING PROCEDURES ESTABLISHED BY RULES PROMULGATED

1 PURSUANT TO SUBSECTION (4) OF THIS SECTION, A LAW ENFORCEMENT
2 AGENCY MAY NOTIFY THE BUREAU AFTER VERIFYING THAT A PEACE
3 OFFICER HAS BEEN KILLED OR HAS RECEIVED A LIFE-THREATENING INJURY
4 AND THE SUSPECT OR SUSPECTS HAVE FLED THE SCENE OF THE OFFENSE.

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

12 (d) THE BUREAU SHALL SEND THE BLUE ALERT, INCLUDING THE
13 NOTIFICATION PERIOD ASSOCIATED WITH THE BLUE ALERT, TO EACH
14 DESIGNATED BROADCASTER TO BE BROADCAST AT DESIGNATED INTERVALS
15 AS SPECIFIED IN RULES PROMULGATED PURSUANT TO SUBSECTION (4) OF
16 THIS 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 EACH DESIGNATED BROADCASTER;

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

21 (d) THE INTERVALS AT WHICH ■ DESIGNATED BROADCASTERS
22 SHALL ISSUE A BLUE ALERT; AND

23 (e) A LIST OF DESIGNATED BROADCASTERS WHO HAVE
24 VOLUNTEERED TO PARTICIPATE IN THE BROADCASTING OF BLUE ALERTS.

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