

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 12-0514.01 Michael Dohr x4347

**HOUSE BILL 12-1026**

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**HOUSE SPONSORSHIP**

**Coram,**

**SENATE SPONSORSHIP**

**Roberts,**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING PEACE OFFICER STATUS FOR CERTAIN MUNICIPALITY**  
102 **PROSECUTING ATTORNEYS.**

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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 confers peace officer status on 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,

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.*

HOUSE  
3rd Reading Unamended  
March 5, 2012

HOUSE  
Amended 2nd Reading  
March 2, 2012

statutory city or town, or city and county. The attorney may be certified by the peace officers standards and training board.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 16-2.5-149 as  
3 follows:

4 **16-2.5-149. City attorney - town attorney - senior assistant city**  
5 **attorney - assistant city attorney - chief deputy city attorney - deputy**  
6 **city attorney - special deputy city attorney - prosecuting attorney -**  
7 **senior prosecuting attorney - senior prosecutor - special prosecutor.**

8 (1) A CITY ATTORNEY, TOWN ATTORNEY, SENIOR ASSISTANT CITY  
9 ATTORNEY, ASSISTANT CITY ATTORNEY, CHIEF DEPUTY CITY ATTORNEY,  
10 DEPUTY CITY ATTORNEY, SPECIAL DEPUTY CITY ATTORNEY, PROSECUTING  
11 ATTORNEY, SENIOR PROSECUTING ATTORNEY, SENIOR PROSECUTOR, OR  
12 SPECIAL PROSECUTOR EMPLOYED OR CONTRACTED BY A MUNICIPALITY,  
13 CITY, TOWN, STATUTORY CITY OR TOWN, OR CITY AND COUNTY IS A PEACE  
14 OFFICER **ONLY** WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER  
15 DUTIES AS A PROSECUTOR. SUCH PEACE OFFICER'S AUTHORITY SHALL  
16 INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE MUNICIPALITY, CITY,  
17 TOWN, STATUTORY CITY OR TOWN, OR CITY AND COUNTY AND THE STATE  
18 OF COLORADO, AND THE PEACE OFFICER MAY BE CERTIFIED BY THE  
19 P.O.S.T. BOARD.

20 (2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF  
21 THIS SECTION, THE PEACE OFFICER STATUS CONFERRED BY SUBSECTION (1)  
22 OF THIS SECTION SHALL NOT BE AVAILABLE TO AN ATTORNEY SPECIFIED IN  
23 SUBSECTION (1) OF THIS SECTION WHO CHOOSES TO PRACTICE AS A  
24 CRIMINAL DEFENSE ATTORNEY IN THE STATE OF COLORADO WHILE ALSO  
25 WORKING AS A PROSECUTING **ATTORNEY OR AN ATTORNEY WHO**

1 CONTRACTS WITH A MUNICIPALITY, CITY, TOWN, STATUTORY CITY OR  
2 TOWN, OR CITY AND COUNTY, LOCAL GOVERNMENT TO SERVE AS A CITY  
3 ATTORNEY, TOWN ATTORNEY, SENIOR ASSISTANT CITY ATTORNEY,  
4 ASSISTANT CITY ATTORNEY, CHIEF DEPUTY CITY ATTORNEY, DEPUTY CITY  
5 ATTORNEY, SPECIAL DEPUTY CITY ATTORNEY, PROSECUTING ATTORNEY,  
6 SENIOR PROSECUTING ATTORNEY, SENIOR PROSECUTOR, OR SPECIAL  
7 PROSECUTOR ON A LESS THAN A FULL-TIME BASIS.

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