

**Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0514.01 Michael Dohr x4347

HOUSE BILL 12-1026

HOUSE SPONSORSHIP

Coram,

SENATE SPONSORSHIP

Roberts,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

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

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.*

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

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.