

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0965.01 Michael Dohr x4347

SENATE BILL 15-217

SENATE SPONSORSHIP

Roberts and Cooke,

HOUSE SPONSORSHIP

Williams,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING DATA COLLECTION RELATED TO PEACE
102 OFFICER-INVOLVED SHOOTINGS OF A PERSON.

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>.)

After an officer-involved shooting occurs, the peace officer's law enforcement agency shall provide the division of criminal justice (division) with demographic information on the officer and individual shot and search, citation, and arrest information related to the incident. Each law enforcement agency shall provide the information for all shootings that occurred between January 1, 2010, and June 30, 2015, by

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.

September 1, 2015, and the information for each successive fiscal years until 2019-20 by September 1 of the following fiscal year. The division shall compile and report the data to the house and senate judiciary committees.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) A founding principle and fundamental purpose of government
5 as established by the founding fathers is to provide for public safety. This
6 purpose is the linchpin element of civilized society that sets the United
7 States apart from the majority of countries that do not believe in the rights
8 and freedoms guaranteed to all Americans under the U.S. Constitution.

9 (b) Integral to this fundamental role of government is the need for
10 the state and federal legislatures to continually and carefully examine and
11 balance the authority granted to our thousands of peace officers across the
12 country with these freedoms and rights in a manner that protects and
13 serves the best interests of our communities while simultaneously
14 respecting and protecting the rights of those accused of crimes;

15 (c) In light of recent national events and local concerns related to
16 violent incidents occurring between citizens, suspects, and law
17 enforcement officers, it is imperative that better data collection occur in
18 these matters in order to responsibly and effectively consider and propose
19 future legislation related to criminal procedure and law enforcement
20 standards and policies;

21 (d) Across the United States, 2014 resulted in a twenty-four
22 percent increase in the number of law enforcement officers dying in the
23 line of duty, including sixty-two deaths resulting from felonious incidents

1 involving suspects. This number represents a forty-one percent increase
2 in felonious killing of peace officers from 2012. Most disturbing is the
3 fact that ambushes were the leading cause of officer fatalities in 2014,
4 with fifteen officers around the country being shot and killed in
5 ambush-style attacks.

6 (e) In Colorado, there are more than nineteen thousand active
7 peace officers working for more than three hundred law enforcement
8 agencies around the state. In 2013, more than five hundred seventy-five
9 individuals were charged with felony-level assaults against these
10 Colorado peace officers in the performance of their duties. In Colorado,
11 one peace officer was killed in the line of duty in 2013, and one was
12 killed in 2014.

13 (f) Of equal concern is the fact that, in 2013, there were twenty
14 fatal shootings of suspects by Colorado peace officers. In these twenty
15 encounters, fifteen suspects threatened officers with either a real or
16 simulated firearms, three brandished a knife, one assaulted an officer with
17 a car, and one reached for an officer's gun.

18 (g) As violence against officers increases, it is likely that increases
19 in deaths or injuries to suspects will rise also;

20 (h) Currently, information related to these types of incidents in
21 Colorado is both inconsistent and difficult to find. Gathering and
22 analyzing data related to officer-involved shootings is the first requisite
23 step toward seeking solutions to minimize the number of violent
24 encounters between Colorado's law enforcement officers and those
25 suspected of criminal activity.

26 (2) Accordingly, the general assembly determines that it is in the
27 interest of public safety and responsible government that the general

1 assembly act to assist the state in better accessing and recoding data
2 related to officer-involved shootings.

3 **SECTION 2.** In Colorado Revised Statutes, **add** 24-33.5-517 as
4 follows:

5 **24-33.5-517. Criminal justice data collection - definitions -**
6 **repeal.** (1) ANY STATE OR LOCAL LAW ENFORCEMENT AGENCY THAT
7 EMPLOYS A PEACE OFFICER WHO IS INVOLVED IN AN OFFICER-INVOLVED
8 SHOOTING THAT RESULTS IN A PERSON SUSPECTED OF CRIMINAL ACTIVITY
9 BEING SHOT AT BY THE OFFICER SHALL REPORT THE FOLLOWING
10 INFORMATION TO THE DIVISION:

11 (a) THE AGE, GENDER, SEXUAL ORIENTATION, RACE, AND
12 ETHNICITY OF THE SUSPECT;

13 (b) THE GENDER, RACE, AND ETHNICITY OF THE PEACE OFFICER;

14 (c) THE OFFICER'S BASIS FOR THE CONTACT OR STOP THAT LED TO
15 THE OFFICER-INVOLVED SHOOTING;

16 (d) THE OFFICER'S BASIS FOR THE SHOOTING;

17 (e) WHETHER THE OFFICER OR ANY OTHER OFFICER RESPONDING
18 TO THE SCENE CONDUCTED A SEARCH AND, IF SO, WHETHER THE SEARCH
19 WAS CONDUCTED PURSUANT TO PROBABLE CAUSE, WITH CONSENT, OR
20 PURSUANT TO ANY OTHER LAWFUL EXCEPTION TO THE WARRANT
21 REQUIREMENT, AND WHETHER CONTRABAND WAS FOUND AND, IF SO, THE
22 NATURE OF THE CONTRABAND;

23 (f) WHETHER THE OFFICER OR ANY OTHER OFFICER RESPONDING TO
24 THE SCENE ISSUED A WARNING OR CITATION AND, IF SO, THE NATURE OF
25 THE WARNING OR THE OFFENSES CITED;

26 (g) WHETHER THE OFFICER OR ANY OTHER OFFICER RESPONDING
27 TO THE SCENE ARRESTED ANYONE AND, IF SO, THE CRIMES CHARGED AS A

1 RESULT OF THE ARREST; AND

2 (h) THE APPROXIMATE DURATION OF THE STOP OR CONTACT.

3 (2) (a) (I) IF A LAW ENFORCEMENT AGENCY EMPLOYED OR
4 EMPLOYS A PEACE OFFICER WHO IS INVOLVED IN AN OFFICER-INVOLVED
5 SHOOTING FROM JANUARY 1, 2010, THROUGH JUNE 30, 2015, IT SHALL
6 REPORT, IF AVAILABLE, THE INFORMATION REQUIRED BY SUBSECTION (1)
7 OF THIS SECTION TO THE DIVISION BY SEPTEMBER 1, 2015.

8 (II) THE DIVISION SHALL COMPILE AND REPORT THE DATA
9 RECEIVED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) BY
10 JANUARY 31, 2016. THE REPORT SHALL BE PROVIDED TO THE JUDICIARY
11 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY
12 SUCCESSOR COMMITTEES, AND SHALL BE POSTED ON THE DIVISION'S WEB
13 SITE.

14 (b) (I) IF A LAW ENFORCEMENT AGENCY EMPLOYS A PEACE OFFICER
15 WHO IS INVOLVED IN AN OFFICER-INVOLVED SHOOTING DURING FISCAL
16 YEAR 2015-16, OR ANY SUCCESSIVE FISCAL YEAR THROUGH FISCAL YEAR
17 2019-20, IT SHALL REPORT THE INFORMATION REQUIRED BY SUBSECTION
18 (1) OF THIS SECTION TO THE DIVISION BY SEPTEMBER 1 OF THE FOLLOWING
19 FISCAL YEAR.

20 (II) THE DIVISION SHALL COMPILE AND REPORT THE DATA
21 RECEIVED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) BY
22 JANUARY 31 OF THE FOLLOWING YEAR. THE REPORT SHALL BE PROVIDED
23 TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND
24 SENATE, OR ANY SUCCESSOR COMMITTEES, AND SHALL BE POSTED ON THE
25 DIVISION'S WEB SITE.

26 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT REQUIRES
27 OTHERWISE, "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:

1 (a) THE COLORADO STATE PATROL CREATED PURSUANT TO
2 SECTION 24-33.5-201;

3 (b) THE COLORADO BUREAU OF INVESTIGATION CREATED
4 PURSUANT TO SECTION 24-33.5-401;

5 (c) A COUNTY SHERIFF'S OFFICE;

6 (d) A MUNICIPAL POLICE DEPARTMENT;

7 (e) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE
8 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION
9 24-1-124; OR

10 (f) A TOWN MARSHAL'S OFFICE.

11 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2021.

12 **SECTION 3. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.