

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 15-0965.01 Michael Dohr x4347

SENATE BILL 15-217

SENATE SPONSORSHIP

Roberts and Cooke,

HOUSE SPONSORSHIP

Williams,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING DATA COLLECTION RELATED TO PEACE**
102 **OFFICER-INVOLVED SHOOTINGS OF A PERSON, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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/bills summaries>.)

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

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.*

shootings that occurred between January 1, 2010, and June 30, 2015, by September 1, 2015, and the information for each successive fiscal year 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, IN A FORMAT SPECIFIED BY THE DIVISION:

11 (a) IF KNOWN, THE AGE, GENDER, SEXUAL ORIENTATION, RACE,
12 ETHNICITY, AND MEDICALLY-DOCUMENTED PHYSICAL OR MENTAL
13 DISABILITY OF THE SUSPECT;

14 (b) IF KNOWN, THE AGE, GENDER, RACE, AND ETHNICITY OF THE
15 PEACE OFFICER;

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

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

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

25 (f) WHETHER THE OFFICER OR ANY OTHER OFFICER RESPONDING TO
26 THE SCENE ISSUED A VERBAL WARNING BEFORE SHOOTING; AND

27 (g) WHETHER THE OFFICER OR ANY OTHER OFFICER RESPONDING

1 TO THE SCENE ARRESTED OR ISSUED A CITATION TO ANYONE AND, IF SO,
2 THE CRIMES CHARGED AS A RESULT OF THE ARREST OR CITATION.

3

4 (2) (a) (I) IF A STATE OR LOCAL LAW ENFORCEMENT AGENCY
5 EMPLOYED OR EMPLOYS A PEACE OFFICER AS DESCRIBED IN SECTION
6 16-2.5-101, C.R.S., WHO IS INVOLVED IN AN OFFICER-INVOLVED SHOOTING
7 FROM JANUARY 1, 2010, THROUGH JUNE 30, 2015, IT SHALL REPORT, IF
8 AVAILABLE, THE INFORMATION REQUIRED BY SUBSECTION (1) OF THIS
9 SECTION TO THE DIVISION BY SEPTEMBER 1, 2015.

10 (II) THE DIVISION SHALL COMPILE AND REPORT THE DATA
11 RECEIVED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) BY
12 MARCH 1, 2016. THE REPORT SHALL BE PROVIDED TO THE JUDICIARY
13 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY
14 SUCCESSOR COMMITTEES, AND SHALL BE POSTED ON THE DIVISION'S WEB
15 SITE.

16 (b) (I) IF A STATE OR LOCAL LAW ENFORCEMENT AGENCY EMPLOYS
17 A PEACE OFFICER AS DESCRIBED IN SECTION 16-2.5-101, C.R.S., WHO IS
18 INVOLVED IN AN OFFICER-INVOLVED SHOOTING DURING FISCAL YEAR
19 2015-16, OR ANY SUCCESSIVE FISCAL YEAR THROUGH FISCAL YEAR
20 2019-20, IT SHALL REPORT THE INFORMATION REQUIRED BY SUBSECTION
21 (1) OF THIS SECTION TO THE DIVISION BY SEPTEMBER 1 OF THE FOLLOWING
22 FISCAL YEAR.

23 (II) THE DIVISION SHALL COMPILE AND REPORT THE DATA
24 RECEIVED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) BY
25 MARCH 1 OF THE FOLLOWING YEAR. THE REPORT SHALL BE PROVIDED TO
26 THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND
27 SENATE, OR ANY SUCCESSOR COMMITTEES, AND SHALL BE POSTED ON THE

1 DIVISION'S WEB SITE.

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

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

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

8 (c) A COUNTY SHERIFF'S OFFICE;

9 (d) A MUNICIPAL POLICE DEPARTMENT;

10 (e) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE
11 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION
12 24-1-124; OR

13 (f) A TOWN MARSHAL'S OFFICE.

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

15 **SECTION 3. Appropriation.** For the 2015-16 state fiscal year,
16 \$30,851 is appropriated to the department of public safety for use by the
17 division of criminal justice. This appropriation is from the general fund
18 and is based on an assumption that the division will require an additional
19 0.5 FTE. To implement this act, the division may use this appropriation
20 for DCJ administrative services.

21 **SECTION 4. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.