

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0723.01 Michael Dohr x4347

HOUSE BILL 15-1290

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**A BILL FOR AN ACT**

101 **CONCERNING PROHIBITING A PEACE OFFICER FROM INTERFERING**  
102 **WITH A PERSON LAWFULLY RECORDING A PEACE**  
103 **OFFICER-INVOLVED INCIDENT.**

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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/bills summaries>.)*

The bill creates a private right of action against a peace officer's employing law enforcement agency if a person records an incident involving a peace officer and a peace officer destroys the recording or seizes the recording without receiving consent or obtaining a warrant or if the peace officer intentionally interferes with the recording or retaliates

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.*

against the person making the recording. The person who recorded the peace officer incident is entitled to actual damages, a civil penalty of \$15,000, and attorney fees and costs.

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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** 13-21-128 as  
3 follows:

4           **13-21-128. Civil liability for destruction or unlawful seizure**  
5 **of recordings by a law enforcement officer - definitions.**

6 (1) (a) NOTWITHSTANDING ANY OTHER REMEDIES PROVIDED UNDER THIS  
7 SECTION, A PERSON WHO LAWFULLY RECORDS AN INCIDENT INVOLVING A  
8 PEACE OFFICER AND HAS THAT RECORDING DESTROYED BY A PEACE  
9 OFFICER OR A PEACE OFFICER SEIZES THE RECORDING WITHOUT RECEIVING  
10 PERMISSION FROM THE PERSON TO SEIZE IT OR WITHOUT FIRST OBTAINING  
11 A WARRANT HAS A PRIVATE CIVIL RIGHT OF ACTION AGAINST THE PEACE  
12 OFFICER'S EMPLOYING LAW ENFORCEMENT AGENCY. IN THE ACTION, THE  
13 PERSON WHO RECORDED THE PEACE OFFICER INCIDENT IS ENTITLED TO  
14 ACTUAL DAMAGES, A CIVIL PENALTY OF FIFTEEN THOUSAND DOLLARS, AND  
15 ATTORNEY FEES AND COSTS.

16 (b) NOTWITHSTANDING ANY OTHER REMEDIES PROVIDED UNDER  
17 THIS SECTION, A PERSON WHO LAWFULLY RECORDS AN INCIDENT  
18 INVOLVING A PEACE OFFICER AND A PEACE OFFICER EITHER  
19 INTENTIONALLY INTERFERES WITH THE PERSON'S ABILITY TO RECORD THE  
20 INCIDENT OR RETALIATES AGAINST THE PERSON MAKING THE RECORDING  
21 HAS A PRIVATE CIVIL RIGHT OF ACTION AGAINST THE PEACE OFFICER'S  
22 EMPLOYING LAW ENFORCEMENT AGENCY. IN THE ACTION, THE PERSON  
23 WHO RECORDED THE PEACE OFFICER INCIDENT IS ENTITLED TO ACTUAL  
24 DAMAGES, A CIVIL PENALTY OF FIFTEEN THOUSAND DOLLARS, AND

1 ATTORNEY FEES AND COSTS.

2 (2) AN ACTION BROUGHT PURSUANT TO THIS SECTION DOES NOT  
3 PRECLUDE OR LIMIT THE AUTHORITY FOR A DISTRICT ATTORNEY TO  
4 CHARGE A PEACE OFFICER WITH TAMPERING WITH PHYSICAL EVIDENCE IN  
5 VIOLATION OF SECTION 18-8-610, C.R.S., OR ANY OTHER CRIME.

6 (3) FOR PURPOSES OF THIS SECTION, "RETALIATION" MEANS A  
7 THREAT, ACT OF HARASSMENT AS DEFINED IN SECTION 18-9-111, C.R.S.,  
8 OR ACT OF HARM OR INJURY UPON ANY PERSON OR PROPERTY, WHICH  
9 ACTION IS DIRECTED TO OR COMMITTED UPON A PERSON RECORDING THE  
10 PEACE OFFICER-INVOLVED INCIDENT, AS RETALIATION OR RETRIBUTION  
11 AGAINST SUCH WITNESS OR VICTIM.

12 **SECTION 2.** In Colorado Revised Statutes, **add** 16-3-311 as  
13 follows:

14 **16-3-311. Unlawful destruction or seizure of recordings.** A  
15 PEACE OFFICER SHALL NOT DESTROY A LAWFUL RECORDING OF A PEACE  
16 OFFICER-INVOLVED INCIDENT OR SEIZE A LAWFUL RECORDING OF A PEACE  
17 OFFICER-INVOLVED INCIDENT WITHOUT RECEIVING PERMISSION FROM THE  
18 PERSON TO SEIZE IT OR WITHOUT FIRST OBTAINING A WARRANT.

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