

NOTE: The governor signed this measure on 5/20/2015.

An Act

SENATE BILL 15-217

BY SENATOR(S) Roberts and Cooke, Aguilar, Balmer, Baumgardner, Carroll, Crowder, Garcia, Grantham, Guzman, Heath, Hill, Johnston, Kefalas, Kerr, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Neville T., Newell, Scheffel, Scott, Steadman, Todd, Ulibarri, Woods, Cadman;
also REPRESENTATIVE(S) Williams, Fields, McCann, Melton, Moreno, Pettersen, Young, Hullinghorst.

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

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

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

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

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

(d) Across the United States, 2014 resulted in a twenty-four percent increase in the number of law enforcement officers dying in the line of duty, including sixty-two deaths resulting from felonious incidents involving suspects. This number represents a forty-one percent increase in felonious killing of peace officers from 2012. Most disturbing is the fact that ambushes were the leading cause of officer fatalities in 2014, with fifteen officers around the country being shot and killed in ambush-style attacks.

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

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

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

(h) Currently, information related to these types of incidents in Colorado is both inconsistent and difficult to find. Gathering and analyzing

data related to officer-involved shootings is the first requisite step toward seeking solutions to minimize the number of violent encounters between Colorado's law enforcement officers and those suspected of criminal activity.

(2) Accordingly, the general assembly determines that it is in the interest of public safety and responsible government that the general assembly act to assist the state in better accessing and recoding data related to officer-involved shootings.

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

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

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

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

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

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

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

(f) WHETHER THE OFFICER OR ANY OTHER OFFICER RESPONDING TO

THE SCENE ISSUED A VERBAL WARNING BEFORE SHOOTING; AND

(g) WHETHER THE OFFICER OR ANY OTHER OFFICER RESPONDING TO THE SCENE ARRESTED OR ISSUED A CITATION TO ANYONE AND, IF SO, THE CRIMES CHARGED AS A RESULT OF THE ARREST OR CITATION.

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

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

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

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

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

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

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

(c) A COUNTY SHERIFF'S OFFICE;

(d) A MUNICIPAL POLICE DEPARTMENT;

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

(f) A TOWN MARSHAL'S OFFICE.

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

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

SECTION 4. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Bill L. Cadman
PRESIDENT OF
THE SENATE

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO