SENATE BILL 15-217

SENATE SPONSORSHIP
Roberts and Cooke,

HOUSE SPONSORSHIP
Williams,

Senate Committees
Judiciary
Appropriations

House Committees
Local Government
Appropriations

A BILL FOR AN ACT
CONCERNING DATA COLLECTION RELATED TO PEACE
OFFICER-INVOLVED SHOOTINGS OF A PERSON, AND, IN
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/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

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 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.

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.

(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.