## SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 25, 2015 Date

Committee on <u>Judiciary</u>.

After consideration on the merits, the Committee recommends the following:

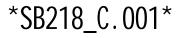
- <u>SB15-218</u> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:
- Amend printed bill, page 3, line 23, after "DEPUTIZED" add "ON OR AFTER
   JANUARY 1, 2010,".
- Page 3, line 26, strike "INFORMATION" and substitute "INFORMATION, IF
  AVAILABLE,".
- 5 Page 4, line 1, strike "MADE" and substitute "HAD A SUSTAINED VIOLATION
  6 FOR MAKING".
- Page 4, line 9, strike "FORCE." and substitute "FORCE, REGARDLESS OF
  WHETHER THE ALLEGED CRIMINAL CONDUCT, OFFICIAL MISCONDUCT, OR
  USE OF EXCESSIVE FORCE OCCURRED WHILE THE PEACE OFFICER WAS ON
  DUTY, OFF DUTY, OR ACTING PURSUANT TO A SERVICE CONTRACT TO
  WHICH THE PEACE OFFICER'S EMPLOYING AGENCY IS A PARTY.".
- 12 Page 4, after line 21 insert:

"(3) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT
REQUIRED TO PROVIDE THE DISCLOSURE DESCRIBED IN SUBSECTION (1) OF
THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING SUCH
DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO
WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED
BEFORE THE EFFECTIVE DATE OF THIS ACT.".

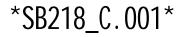
\*SB218\_C.001\*

- 1 Renumber succeeding subsections accordingly.
- Page 4, line 23, strike "LEARNS" and substitute "DETERMINES THERE IS A
  SUSTAINED FINDING".
- Page 5, line 6, strike "FORCE." and substitute "FORCE, REGARDLESS OF
  WHETHER THE ALLEGED CRIMINAL CONDUCT, OFFICIAL MISCONDUCT, OR
  USE OF EXCESSIVE FORCE OCCURRED WHILE THE PEACE OFFICER WAS ON
  DUTY, OFF DUTY, OR ACTING PURSUANT TO A SERVICE CONTRACT TO
  WHICH THE PEACE OFFICER'S EMPLOYING AGENCY IS A PARTY.".
- 9 Page 5, line 9, strike "LEARNS" and substitute "DETERMINES THERE IS A
  10 SUSTAINED FINDING".
- 11 Page 5, after line 11, insert:
- 12 "(5) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT LIABLE
  13 FOR COMPLYING WITH THE PROVISIONS OF THIS SECTION.".
- 14 Renumber succeeding subsection accordingly.
- 15 Page 6, line 2, after "DEPUTIZED" add "ON OR AFTER JANUARY 1, 2010,".
- Page 6, line 4, strike "INFORMATION" and substitute "INFORMATION, IFAVAILABLE,".
- Page 6, line 6, strike "MADE" and substitute "HAD A SUSTAINED VIOLATIONFOR MAKING".
- Page 6, line 15, strike "FORCE." and substitute "FORCE, REGARDLESS OF
  WHETHER THE ALLEGED CRIMINAL CONDUCT, OFFICIAL MISCONDUCT, OR
  USE OF EXCESSIVE FORCE OCCURRED WHILE THE PEACE OFFICER WAS ON
  DUTY, OFF DUTY, OR ACTING PURSUANT TO A SERVICE CONTRACT TO
  WHICH THE PEACE OFFICER'S EMPLOYING AGENCY IS A PARTY.".
- 25 Page 6, after line 26 insert:

"(3) A SHERIFF'S OFFICE IS NOT REQUIRED TO PROVIDE THE
DISCLOSURE DESCRIBED IN SUBSECTION (1) OF THIS SECTION IF THE
SHERIFF'S OFFICE IS PROHIBITED FROM PROVIDING SUCH DISCLOSURE
PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO WHICH THE
SHERIFF'S OFFICE IS A PARTY, WHICH AGREEMENT WAS EXECUTED BEFORE
THE EFFECTIVE DATE OF THIS ACT.".



- 1 Renumber succeeding subsections accordingly.
- Page 7, line 1, strike "LEARNS" and substitute "DETERMINES THERE IS A
  SUSTAINED FINDING".
- 4 Page 7, line 2, strike "AGENCY" and substitute "SHERIFF'S OFFICE".
- 5 Page 7, line 10, strike "FORCE." and substitute "FORCE, REGARDLESS OF
- 6 WHETHER THE ALLEGED CRIMINAL CONDUCT, OFFICIAL MISCONDUCT, OR
- 7 USE OF EXCESSIVE FORCE OCCURRED WHILE THE PEACE OFFICER WAS ON
- 8 DUTY, OFF DUTY, OR ACTING PURSUANT TO A SERVICE CONTRACT TO
- 9 WHICH THE PEACE OFFICER'S EMPLOYING AGENCY IS A PARTY.".
- Page 7, line 13, strike "LEARNS" and substitute "DETERMINES THERE IS A
  SUSTAINED FINDING".
- 12 Page 7, after line 15, insert:
- 13 "(5) A SHERIFF'S OFFICE IS NOT LIABLE FOR COMPLYING WITH THE
  14 PROVISIONS OF THIS SECTION.".
- 15 Renumber succeeding subsection accordingly.
- Page 8, line 6, after "DEPARTMENT" insert "OR TOWN MARSHAL'S OFFICE"
  and after "DEPUTIZED" add "ON OR AFTER JANUARY 1, 2010,".
- Page 8, line 9, strike "INFORMATION" and substitute "INFORMATION, IFAVAILABLE,".
- 20 Page 8, line 10, strike "MADE" and substitute "HAD A SUSTAINED21 VIOLATION FOR MAKING".
- Page 8, line 19, strike "FORCE." and substitute "FORCE, REGARDLESS OF
  WHETHER THE ALLEGED CRIMINAL CONDUCT, OFFICIAL MISCONDUCT, OR
  USE OF EXCESSIVE FORCE OCCURRED WHILE THE PEACE OFFICER WAS ON
  DUTY, OFF DUTY, OR ACTING PURSUANT TO A SERVICE CONTRACT TO
  WHICH THE PEACE OFFICER'S EMPLOYING AGENCY IS A PARTY.".
- Page 8, line 22, strike "DEPARTMENT," and substitute "DEPARTMENT OR
  TOWN MARSHAL'S OFFICE,".
- 29 Page 8, line 23, after "DEPARTMENT" insert "OR TOWN MARSHAL'S30 OFFICE".



Page 8, line 27, after "DEPARTMENT" insert "OR TOWN MARSHAL'S
 OFFICE".

3 Page 9, after line 4 insert:

4 "(3) A MUNICIPAL POLICE DEPARTMENT OR TOWN MARSHAL'S
5 OFFICE IS NOT REQUIRED TO PROVIDE THE DISCLOSURE DESCRIBED IN
6 SUBSECTION (1) OF THIS SECTION IF THE POLICE DEPARTMENT OR TOWN
7 MARSHAL'S OFFICE IS PROHIBITED FROM PROVIDING SUCH DISCLOSURE
8 PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO WHICH THE
9 POLICE DEPARTMENT OR TOWN MARSHAL'S OFFICE IS A PARTY, WHICH
10 AGREEMENT WAS EXECUTED BEFORE THE EFFECTIVE DATE OF THIS ACT.".

11 Renumber succeeding subsections accordingly.

12 Page 9, line 5, after "DEPARTMENT" insert "OR TOWN MARSHAL'S OFFICE".

13 Page 9, line 7, after "DEPARTMENT" insert "OR TOWN MARSHAL'S OFFICE".

14 Page 9, line 8, after "DEPARTMENT" insert "OR TOWN MARSHAL'S OFFICE".

Page 9, line 16, strike "FORCE." and substitute "FORCE, REGARDLESS OF
WHETHER THE ALLEGED CRIMINAL CONDUCT, OFFICIAL MISCONDUCT, OR
USE OF EXCESSIVE FORCE OCCURRED WHILE THE PEACE OFFICER WAS ON
DUTY, OFF DUTY, OR ACTING PURSUANT TO A SERVICE CONTRACT TO
WHICH THE PEACE OFFICER'S EMPLOYING AGENCY IS A PARTY.".

20 Page 9, line 17, after "DEPARTMENT" insert "OR TOWN MARSHAL'S OFFICE".

Page 9, line 19, after "DEPARTMENT" insert "OR TOWN MARSHAL'SOFFICE".

Page 9, line 20, after "DEPARTMENT" insert "OR TOWN MARSHAL'SOFFICE".

26 Page 9, after line 21, insert:

27 "(5) A MUNICIPAL POLICE DEPARTMENT OR TOWN MARSHAL'S
28 OFFICE IS NOT LIABLE FOR COMPLYING WITH THE PROVISIONS OF THIS
29 SECTION.".

30 Renumber succeeding subsection accordingly.

## \*SB218\_C.001\*

1 Page 10, after line 6 insert:

2 "SECTION 5. In Colorado Revised Statutes, add 33-9-110 as
3 follows:

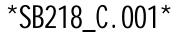
4 33-9-110. Disclosure of knowing misrepresentation by a peace 5 officer required - disclosure waivers - reports - definitions. 6 (1) SUBJECT TO THE LIMITATIONS OF THIS SECTION, IF THE DIVISION 7 EMPLOYS, EMPLOYED, OR DEPUTIZED ON OR AFTER JANUARY 1, 2010, A 8 PEACE OFFICER WHO APPLIES FOR EMPLOYMENT WITH ANOTHER 9 COLORADO LAW ENFORCEMENT AGENCY, THE DIVISION SHALL DISCLOSE 10 TO THE HIRING AGENCY INFORMATION, IF AVAILABLE, INDICATING 11 WHETHER THE PEACE OFFICER'S EMPLOYMENT HISTORY INCLUDED ANY 12 INSTANCES IN WHICH THE PEACE OFFICER HAD A SUSTAINED VIOLATION 13 FOR MAKING A KNOWING MISREPRESENTATION:

14 (a) IN ANY TESTIMONY OR AFFIDAVIT RELATING TO THE ARREST OR
15 PROSECUTION OF A PERSON OR TO A CIVIL CASE PERTAINING TO THE PEACE
16 OFFICER OR TO THE PEACE OFFICER'S EMPLOYMENT HISTORY; OR

17 (b) DURING THE COURSE OF ANY INTERNAL INVESTIGATION BY A 18 LAW ENFORCEMENT AGENCY, WHICH INVESTIGATION IS RELATED TO THE 19 PEACE OFFICER'S ALLEGED CRIMINAL CONDUCT; OFFICIAL MISCONDUCT, AS 20 DESCRIBED IN SECTION 18-8-404 OR 18-8-405, C.R.S.; OR USE OF 21 EXCESSIVE FORCE, REGARDLESS OF WHETHER THE ALLEGED CRIMINAL 22 CONDUCT, OFFICIAL MISCONDUCT, OR USE OF EXCESSIVE FORCE OCCURRED 23 WHILE THE PEACE OFFICER WAS ON DUTY, OFF DUTY, OR ACTING PURSUANT 24 TO A SERVICE CONTRACT TO WHICH THE DIVISION IS A PARTY.

25 (2) THE DISCLOSURE DESCRIBED IN SUBSECTION (1) OF THIS 26 SECTION IS REQUIRED ONLY UPON THE PRESENTATION OF A WRITTEN 27 WAIVER TO THE DIVISION, WHICH WAIVER EXPLICITLY AUTHORIZES THE 28 DIVISION TO DISCLOSE THE INFORMATION DESCRIBED IN SAID SUBSECTION 29 (1), HAS BEEN SIGNED BY THE APPLICANT PEACE OFFICER, AND IDENTIFIES 30 THE COLORADO LAW ENFORCEMENT AGENCY THAT IS CONSIDERING THE 31 APPLICANT PEACE OFFICER FOR EMPLOYMENT. IF THE DIVISION RECEIVES 32 SUCH A WAIVER, THE DIVISION SHALL PROVIDE THE DISCLOSURE TO THE 33 COLORADO LAW ENFORCEMENT AGENCY THAT IS CONSIDERING THE 34 APPLICANT PEACE OFFICER FOR EMPLOYMENT NOT MORE THAN SEVEN 35 DAYS AFTER SUCH RECEIPT.

36 (3) THE DIVISION IS NOT REQUIRED TO PROVIDE THE DISCLOSURE
37 DESCRIBED IN SUBSECTION (1) OF THIS SECTION IF THE DIVISION IS
38 PROHIBITED FROM PROVIDING SUCH DISCLOSURE PURSUANT TO A BINDING
39 NONDISCLOSURE AGREEMENT TO WHICH THE DIVISION IS A PARTY, WHICH
40 AGREEMENT WAS EXECUTED BEFORE THE EFFECTIVE DATE OF THIS ACT.



(4) (a) THE DIVISION SHALL NOTIFY THE LOCAL DISTRICT
 ATTORNEY WHENEVER THE DIVISION DETERMINES THERE IS A SUSTAINED
 FINDING THAT ANY PEACE OFFICER OF THE DIVISION HAS MADE A KNOWING
 MISREPRESENTATION:

5 (I) IN ANY TESTIMONY OR AFFIDAVIT RELATING TO THE ARREST OR
6 PROSECUTION OF A PERSON OR TO A CIVIL CASE PERTAINING TO THE PEACE
7 OFFICER OR TO THE PEACE OFFICER'S EMPLOYMENT HISTORY; OR

8 (II) DURING THE COURSE OF ANY INTERNAL INVESTIGATION BY A 9 LAW ENFORCEMENT AGENCY, WHICH INVESTIGATION IS RELATED TO THE 10 PEACE OFFICER'S ALLEGED CRIMINAL CONDUCT; OFFICIAL MISCONDUCT, AS 11 DESCRIBED IN SECTION 18-8-404 OR 18-8-405, C.R.S.; OR USE OF 12 EXCESSIVE FORCE, REGARDLESS OF WHETHER THE ALLEGED CRIMINAL 13 CONDUCT, OFFICIAL MISCONDUCT, OR USE OF EXCESSIVE FORCE OCCURRED 14 WHILE THE PEACE OFFICER WAS ON DUTY, OFF DUTY, OR ACTING PURSUANT 15 TO A SERVICE CONTRACT TO WHICH THE DIVISION IS A PARTY.

(b) THE DIVISION SHALL PROVIDE THE NOTICE DESCRIBED IN
PARAGRAPH (a) OF THIS SUBSECTION (3) NOT MORE THAN SEVEN DAYS
AFTER THE DIVISION DETERMINES THERE IS A SUSTAINED FINDING THAT A
PEACE OFFICER OF THE DIVISION HAS MADE A KNOWING
MISREPRESENTATION, AS DESCRIBED IN SAID PARAGRAPH (a).

(5) THE DIVISION IS NOT LIABLE FOR COMPLYING WITH THEPROVISIONS OF THIS SECTION.

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

25 (a) THE COLORADO STATE PATROL CREATED PURSUANT TO 26 SECTION 24-33.5-201, C.R.S.;

(b) THE COLORADO BUREAU OF INVESTIGATION CREATED
PURSUANT TO SECTION 24-33.5-401, C.R.S.;

(c) A COUNTY SHERIFF'S OFFICE;

(d) A MUNICIPAL POLICE DEPARTMENT;

31 (e) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE
32 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION
33 24-1-124, C.R.S.; OR

34 (f) A TOWN MARSHAL'S OFFICE.".

35 Renumber succeeding section accordingly.

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\*SB218\_C.001\*

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