

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0966.01 Richard Sweetman x4333

SENATE BILL 15-218

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SENATE SPONSORSHIP

Roberts and Cooke,

HOUSE SPONSORSHIP

Williams,

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Senate Committees  
Judiciary

House Committees

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A BILL FOR AN ACT

101 CONCERNING REQUIRING A LAW ENFORCEMENT AGENCY TO DISCLOSE  
102 WHETHER A PEACE OFFICER HAS MADE A KNOWING  
103 MISREPRESENTATION IN CERTAIN SETTINGS.

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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/billsummaries>.)*

A state or local law enforcement agency that employs, employed, or deputized a peace officer who applies for employment by another Colorado law enforcement agency shall disclose to the hiring agency information indicating whether the peace officer's employment history included any instances in which the peace officer made a knowing

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.*

misrepresentation:

- ! In any testimony or affidavit relating to the arrest or prosecution of a person or to a civil case pertaining to the peace officer or to the peace officer's employment history; or
- ! During the course of any internal investigation by a law enforcement agency, which investigation is related to the peace officer's alleged criminal conduct, official misconduct, or use of excessive force.

The disclosure is required only upon the presentation of a written waiver to the state or local law enforcement agency, which waiver explicitly authorizes the agency to disclose the information, has been signed by the applicant peace officer, and identifies the Colorado law enforcement agency that is considering the applicant peace officer for employment. A state or local law enforcement agency that receives such a waiver shall provide the disclosure to the Colorado law enforcement agency that is considering the applicant peace officer for employment not more than 7 days after such receipt.

A state or local law enforcement agency shall notify the local district attorney within 7 days whenever the agency learns that any peace officer of the agency has made a knowing misrepresentation in such a described setting.

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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 that:

4 (a) Colorado is committed to ensuring that local police  
5 departments and sheriffs' offices are empowered with the tools they need  
6 to protect citizens equitably and fairly;

7 (b) Colorado respects all peace officers and recognizes the high  
8 stress level and high risks of the profession; and

9 (c) The overwhelming majority of Colorado peace officers are  
10 competent, caring professionals who risk their lives in the service of their  
11 communities.

12 (2) However, the general assembly also finds that:

13 (a) For any peace officer, being a credible witness is an essential

1 part of the profession;

2 (b) Credibility is also a critical basis for the great responsibility  
3 with which each community entrusts its peace officers;

4 (c) When a peace officer makes a knowing misrepresentation in  
5 certain formal settings, the act not only diminishes the credibility of that  
6 peace officer but also threatens to diminish the credibility of other peace  
7 officers and law enforcement agencies; and

8 (d) Police chiefs, county sheriffs, town marshals, and other  
9 supervising law enforcement officers must possess tools to ensure that  
10 peace officers are qualified for their positions, are highly trained, and  
11 have the highest character and integrity.

12 (3) Therefore, the general assembly declares that, subject to  
13 certain limitations, a law enforcement agency that employs, employed, or  
14 deputized a peace officer shall disclose to an agency that is considering  
15 hiring the peace officer information indicating whether the peace officer's  
16 employment history included any instances in which the peace officer  
17 made a knowing misrepresentation in certain formal settings.

18 **SECTION 2.** In Colorado Revised Statutes, **add** 24-33.5-114 as  
19 follows:

20 **24-33.5-114. Disclosure of knowing misrepresentation by a**  
21 **peace officer required - disclosure waivers - reports - definitions.**

22 (1) SUBJECT TO THE LIMITATIONS OF THIS SECTION, ANY STATE OR LOCAL  
23 LAW ENFORCEMENT AGENCY THAT EMPLOYS, EMPLOYED, OR DEPUTIZED  
24 A PEACE OFFICER WHO APPLIES FOR EMPLOYMENT WITH ANOTHER  
25 COLORADO LAW ENFORCEMENT AGENCY SHALL DISCLOSE TO THE HIRING  
26 AGENCY INFORMATION INDICATING WHETHER THE PEACE OFFICER'S  
27 EMPLOYMENT HISTORY INCLUDED ANY INSTANCES IN WHICH THE PEACE

1 OFFICER MADE A KNOWING MISREPRESENTATION:

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

5 (b) DURING THE COURSE OF ANY INTERNAL INVESTIGATION BY A  
6 LAW ENFORCEMENT AGENCY, WHICH INVESTIGATION IS RELATED TO THE  
7 PEACE OFFICER'S ALLEGED CRIMINAL CONDUCT; OFFICIAL MISCONDUCT, AS  
8 DESCRIBED IN SECTION 18-8-404 OR 18-8-405, C.R.S.; OR USE OF  
9 EXCESSIVE FORCE.

10 (2) THE DISCLOSURE DESCRIBED IN SUBSECTION (1) OF THIS  
11 SECTION IS REQUIRED ONLY UPON THE PRESENTATION OF A WRITTEN  
12 WAIVER TO A STATE OR LOCAL LAW ENFORCEMENT AGENCY, WHICH  
13 WAIVER EXPLICITLY AUTHORIZES THE AGENCY TO DISCLOSE THE  
14 INFORMATION DESCRIBED IN SAID SUBSECTION (1), HAS BEEN SIGNED BY  
15 THE APPLICANT PEACE OFFICER, AND IDENTIFIES THE COLORADO LAW  
16 ENFORCEMENT AGENCY THAT IS CONSIDERING THE APPLICANT PEACE  
17 OFFICER FOR EMPLOYMENT. A STATE OR LOCAL LAW ENFORCEMENT  
18 AGENCY THAT RECEIVES SUCH A WAIVER SHALL PROVIDE THE DISCLOSURE  
19 TO THE COLORADO LAW ENFORCEMENT AGENCY THAT IS CONSIDERING  
20 THE APPLICANT PEACE OFFICER FOR EMPLOYMENT NOT MORE THAN SEVEN  
21 DAYS AFTER SUCH RECEIPT.

22 (3) (a) A STATE OR LOCAL LAW ENFORCEMENT AGENCY SHALL  
23 NOTIFY THE LOCAL DISTRICT ATTORNEY WHENEVER THE AGENCY LEARNS  
24 THAT ANY PEACE OFFICER OF THE AGENCY HAS MADE A KNOWING  
25 MISREPRESENTATION:

26 (I) IN ANY TESTIMONY OR AFFIDAVIT RELATING TO THE ARREST OR  
27 PROSECUTION OF A PERSON OR TO A CIVIL CASE PERTAINING TO THE PEACE

1 OFFICER OR TO THE PEACE OFFICER'S EMPLOYMENT HISTORY; OR

2 (II) DURING THE COURSE OF ANY INTERNAL INVESTIGATION BY A  
3 LAW ENFORCEMENT AGENCY, WHICH INVESTIGATION IS RELATED TO THE  
4 PEACE OFFICER'S ALLEGED CRIMINAL CONDUCT; OFFICIAL MISCONDUCT, AS  
5 DESCRIBED IN SECTION 18-8-404 OR 18-8-405, C.R.S.; OR USE OF  
6 EXCESSIVE FORCE.

7 (b) A LAW ENFORCEMENT AGENCY OF THE DEPARTMENT SHALL  
8 PROVIDE THE NOTICE DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION  
9 (3) NOT MORE THAN SEVEN DAYS AFTER THE AGENCY LEARNS THAT A  
10 PEACE OFFICER OF THE AGENCY HAS MADE A KNOWING  
11 MISREPRESENTATION, AS DESCRIBED IN SAID PARAGRAPH (a).

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

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

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

18 (c) A COUNTY SHERIFF'S OFFICE;

19 (d) A MUNICIPAL POLICE DEPARTMENT;

20 (e) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE  
21 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION  
22 24-1-124; OR

23 (f) A TOWN MARSHAL'S OFFICE.

24 **SECTION 3.** In Colorado Revised Statutes, **add** 30-10-525 as  
25 follows:

26 **30-10-525. Disclosure of knowing misrepresentation by a**  
27 **peace officer required - disclosure waivers - reports - definitions.**

1 (1) SUBJECT TO THE LIMITATIONS OF THIS SECTION, A SHERIFF'S OFFICE  
2 THAT EMPLOYS, EMPLOYED, OR DEPUTIZED A PEACE OFFICER WHO APPLIES  
3 FOR EMPLOYMENT WITH ANOTHER COLORADO LAW ENFORCEMENT  
4 AGENCY SHALL DISCLOSE TO THE HIRING AGENCY INFORMATION  
5 INDICATING WHETHER THE PEACE OFFICER'S EMPLOYMENT HISTORY  
6 INCLUDED ANY INSTANCES IN WHICH THE PEACE OFFICER MADE A  
7 KNOWING MISREPRESENTATION:

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

11 (b) DURING THE COURSE OF ANY INTERNAL INVESTIGATION BY A  
12 LAW ENFORCEMENT AGENCY, WHICH INVESTIGATION IS RELATED TO THE  
13 PEACE OFFICER'S ALLEGED CRIMINAL CONDUCT; OFFICIAL MISCONDUCT, AS  
14 DESCRIBED IN SECTION 18-8-404 OR 18-8-405, C.R.S.; OR USE OF  
15 EXCESSIVE FORCE.

16 (2) THE DISCLOSURE DESCRIBED IN SUBSECTION (1) OF THIS  
17 SECTION IS REQUIRED ONLY UPON THE PRESENTATION OF A WRITTEN  
18 WAIVER TO A SHERIFF'S OFFICE, WHICH WAIVER EXPLICITLY AUTHORIZES  
19 THE SHERIFF'S OFFICE TO DISCLOSE THE INFORMATION DESCRIBED IN SAID  
20 SUBSECTION (1), HAS BEEN SIGNED BY THE APPLICANT PEACE OFFICER, AND  
21 IDENTIFIES THE COLORADO LAW ENFORCEMENT AGENCY THAT IS  
22 CONSIDERING THE APPLICANT PEACE OFFICER FOR EMPLOYMENT. A  
23 SHERIFF'S OFFICE THAT RECEIVES SUCH A WAIVER SHALL PROVIDE THE  
24 DISCLOSURE TO THE COLORADO LAW ENFORCEMENT AGENCY THAT IS  
25 CONSIDERING THE APPLICANT PEACE OFFICER FOR EMPLOYMENT NOT MORE  
26 THAN SEVEN DAYS AFTER SUCH RECEIPT.

27 (3) (a) A SHERIFF'S OFFICE SHALL NOTIFY THE LOCAL DISTRICT

1 ATTORNEY WHENEVER THE SHERIFF'S OFFICE LEARNS THAT ANY PEACE  
2 OFFICER OF THE AGENCY HAS MADE A KNOWING MISREPRESENTATION:

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

6 (II) DURING THE COURSE OF ANY INTERNAL INVESTIGATION BY A  
7 LAW ENFORCEMENT AGENCY, WHICH INVESTIGATION IS RELATED TO THE  
8 PEACE OFFICER'S ALLEGED CRIMINAL CONDUCT; OFFICIAL MISCONDUCT, AS  
9 DESCRIBED IN SECTION 18-8-404 OR 18-8-405, C.R.S.; OR USE OF  
10 EXCESSIVE FORCE.

11 (b) A SHERIFF'S OFFICE SHALL PROVIDE THE NOTICE DESCRIBED IN  
12 PARAGRAPH (a) OF THIS SUBSECTION (3) NOT MORE THAN SEVEN DAYS  
13 AFTER THE SHERIFF'S OFFICE LEARNS THAT A PEACE OFFICER OF THE  
14 SHERIFF'S OFFICE HAS MADE A KNOWING MISREPRESENTATION, AS  
15 DESCRIBED IN SAID PARAGRAPH (a).

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

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

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

22 (c) A COUNTY SHERIFF'S OFFICE;

23 (d) A MUNICIPAL POLICE DEPARTMENT;

24 (e) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE  
25 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION  
26 24-1-124, C.R.S.; OR

27 (f) A TOWN MARSHAL'S OFFICE.

1           **SECTION 4.** In Colorado Revised Statutes, **add** 31-30-107 as  
2 follows:

3           **31-30-107. Disclosure of knowing misrepresentation by a**  
4 **peace officer required - disclosure waivers - reports - definitions.**

5 (1) SUBJECT TO THE LIMITATIONS OF THIS SECTION, A MUNICIPAL POLICE  
6 DEPARTMENT THAT EMPLOYS, EMPLOYED, OR DEPUTIZED A PEACE OFFICER  
7 WHO APPLIES FOR EMPLOYMENT WITH ANOTHER COLORADO LAW  
8 ENFORCEMENT AGENCY SHALL DISCLOSE TO THE HIRING AGENCY  
9 INFORMATION INDICATING WHETHER THE PEACE OFFICER'S EMPLOYMENT  
10 HISTORY INCLUDED ANY INSTANCES IN WHICH THE PEACE OFFICER MADE  
11 A KNOWING MISREPRESENTATION:

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

15           (b) DURING THE COURSE OF ANY INTERNAL INVESTIGATION BY A  
16 LAW ENFORCEMENT AGENCY, WHICH INVESTIGATION IS RELATED TO THE  
17 PEACE OFFICER'S ALLEGED CRIMINAL CONDUCT; OFFICIAL MISCONDUCT, AS  
18 DESCRIBED IN SECTION 18-8-404 OR 18-8-405, C.R.S.; OR USE OF  
19 EXCESSIVE FORCE.

20           (2) THE DISCLOSURE DESCRIBED IN SUBSECTION (1) OF THIS  
21 SECTION IS REQUIRED ONLY UPON THE PRESENTATION OF A WRITTEN  
22 WAIVER TO A MUNICIPAL POLICE DEPARTMENT, WHICH WAIVER EXPLICITLY  
23 AUTHORIZES THE MUNICIPAL POLICE DEPARTMENT TO DISCLOSE THE  
24 INFORMATION DESCRIBED IN SAID SUBSECTION (1), HAS BEEN SIGNED BY  
25 THE APPLICANT PEACE OFFICER, AND IDENTIFIES THE COLORADO LAW  
26 ENFORCEMENT AGENCY THAT IS CONSIDERING THE APPLICANT PEACE  
27 OFFICER FOR EMPLOYMENT. A MUNICIPAL POLICE DEPARTMENT THAT



1 RECEIVES SUCH A WAIVER SHALL PROVIDE THE DISCLOSURE TO THE  
2 COLORADO LAW ENFORCEMENT AGENCY THAT IS CONSIDERING THE  
3 APPLICANT PEACE OFFICER FOR EMPLOYMENT NOT MORE THAN SEVEN  
4 DAYS AFTER SUCH RECEIPT.

5 (3) (a) A MUNICIPAL POLICE DEPARTMENT SHALL NOTIFY THE  
6 LOCAL DISTRICT ATTORNEY WHENEVER THE MUNICIPAL POLICE  
7 DEPARTMENT LEARNS THAT ANY PEACE OFFICER OF THE MUNICIPAL POLICE  
8 DEPARTMENT HAS MADE A KNOWING MISREPRESENTATION:

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

12 (II) DURING THE COURSE OF ANY INTERNAL INVESTIGATION BY A  
13 LAW ENFORCEMENT AGENCY, WHICH INVESTIGATION IS RELATED TO THE  
14 PEACE OFFICER'S ALLEGED CRIMINAL CONDUCT; OFFICIAL MISCONDUCT, AS  
15 DESCRIBED IN SECTION 18-8-404 OR 18-8-405, C.R.S.; OR USE OF  
16 EXCESSIVE FORCE.

17 (b) A MUNICIPAL POLICE DEPARTMENT SHALL PROVIDE THE NOTICE  
18 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3) NOT MORE THAN  
19 SEVEN DAYS AFTER THE MUNICIPAL POLICE DEPARTMENT LEARNS THAT A  
20 PEACE OFFICER OF THE MUNICIPAL POLICE DEPARTMENT HAS MADE A  
21 KNOWING MISREPRESENTATION, AS DESCRIBED IN SAID PARAGRAPH (a).

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

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

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

- 1 (c) A COUNTY SHERIFF'S OFFICE;
- 2 (d) A MUNICIPAL POLICE DEPARTMENT;
- 3 (e) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE
- 4 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION
- 5 24-1-124, C.R.S.; OR
- 6 (f) A TOWN MARSHAL'S OFFICE.

7 **SECTION 5. Act subject to petition - effective date.** This act  
8 takes effect at 12:01 a.m. on the day following the expiration of the  
9 ninety-day period after final adjournment of the general assembly (August  
10 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a  
11 referendum petition is filed pursuant to section 1 (3) of article V of the  
12 state constitution against this act or an item, section, or part of this act  
13 within such period, then the act, item, section, or part will not take effect  
14 unless approved by the people at the general election to be held in  
15 November 2016 and, in such case, will take effect on the date of the  
16 official declaration of the vote thereon by the governor.