

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 15-0966.01 Richard Sweetman x4333

SENATE BILL 15-218

SENATE SPONSORSHIP

Roberts and Cooke,

HOUSE SPONSORSHIP

Williams,

Senate Committees

Judiciary

House Committees

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.**

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>.)

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.

SENATE
Amended 2nd Reading
March 30, 2015

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.

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 ON OR AFTER JANUARY 1, 2010, A PEACE OFFICER WHO APPLIES FOR
25 EMPLOYMENT WITH ANOTHER COLORADO LAW ENFORCEMENT AGENCY
26 SHALL DISCLOSE TO THE HIRING AGENCY INFORMATION, IF AVAILABLE,
27 INDICATING WHETHER THE PEACE OFFICER'S EMPLOYMENT HISTORY

1 INCLUDED ANY INSTANCES IN WHICH THE PEACE OFFICER HAD A
2 SUSTAINED VIOLATION FOR MAKING A KNOWING MISREPRESENTATION:

3 (a) 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 (b) 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, REGARDLESS OF WHETHER THE ALLEGED CRIMINAL
11 CONDUCT, OFFICIAL MISCONDUCT, OR USE OF EXCESSIVE FORCE OCCURRED
12 WHILE THE PEACE OFFICER WAS ON DUTY, OFF DUTY, OR ACTING PURSUANT
13 TO A SERVICE CONTRACT TO WHICH THE PEACE OFFICER'S EMPLOYING
14 AGENCY IS A PARTY.

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

27 (3) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT

1 REQUIRED TO PROVIDE THE DISCLOSURE DESCRIBED IN SUBSECTION (1) OF
2 THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING SUCH
3 DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO
4 WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED
5 BEFORE THE EFFECTIVE DATE OF THIS ACT.

6 (4) (a) A STATE OR LOCAL LAW ENFORCEMENT AGENCY SHALL
7 NOTIFY THE LOCAL DISTRICT ATTORNEY WHENEVER THE AGENCY
8 DETERMINES THERE IS A SUSTAINED FINDING THAT ANY PEACE OFFICER OF
9 THE AGENCY HAS MADE A KNOWING MISREPRESENTATION:

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

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

22 (b) A LAW ENFORCEMENT AGENCY OF THE DEPARTMENT SHALL
23 PROVIDE THE NOTICE DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION
24 (3) NOT MORE THAN SEVEN DAYS AFTER THE AGENCY DETERMINES THERE
25 IS A SUSTAINED FINDING THAT A PEACE OFFICER OF THE AGENCY HAS MADE
26 A KNOWING MISREPRESENTATION, AS DESCRIBED IN SAID PARAGRAPH (a).

27 (5) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT LIABLE

1 FOR COMPLYING WITH THE PROVISIONS OF THIS SECTION.

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

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

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

8 (c) A COUNTY SHERIFF'S OFFICE;

9 (d) A MUNICIPAL POLICE DEPARTMENT;

10 (e) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE
11 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION
12 24-1-124; OR

13 (f) A TOWN MARSHAL'S OFFICE.

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

16 **30-10-525. Disclosure of knowing misrepresentation by a**
17 **peace officer required - disclosure waivers - reports - definitions.**

18 (1) SUBJECT TO THE LIMITATIONS OF THIS SECTION, A SHERIFF'S OFFICE
19 THAT EMPLOYS, EMPLOYED, OR DEPUTIZED ON OR AFTER JANUARY 1,
20 2010, A PEACE OFFICER WHO APPLIES FOR EMPLOYMENT WITH ANOTHER
21 COLORADO LAW ENFORCEMENT AGENCY SHALL DISCLOSE TO THE HIRING
22 AGENCY INFORMATION, IF AVAILABLE, INDICATING WHETHER THE PEACE
23 OFFICER'S EMPLOYMENT HISTORY INCLUDED ANY INSTANCES IN WHICH THE
24 PEACE OFFICER HAD A SUSTAINED VIOLATION FOR MAKING A KNOWING
25 MISREPRESENTATION:

26 (a) 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 (b) 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, REGARDLESS OF WHETHER THE ALLEGED CRIMINAL
7 CONDUCT, OFFICIAL MISCONDUCT, OR USE OF EXCESSIVE FORCE OCCURRED
8 WHILE THE PEACE OFFICER WAS ON DUTY, OFF DUTY, OR ACTING PURSUANT
9 TO A SERVICE CONTRACT TO WHICH THE PEACE OFFICER'S EMPLOYING
10 AGENCY IS A PARTY.

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

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

1 (4) (a) A SHERIFF'S OFFICE SHALL NOTIFY THE LOCAL DISTRICT
2 ATTORNEY WHENEVER THE SHERIFF'S OFFICE DETERMINES THERE IS A
3 SUSTAINED FINDING THAT ANY PEACE OFFICER OF THE SHERIFF'S OFFICE
4 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 PEACE OFFICER'S EMPLOYING
16 AGENCY IS A PARTY.

17 (b) A SHERIFF'S OFFICE SHALL PROVIDE THE NOTICE DESCRIBED IN
18 PARAGRAPH (a) OF THIS SUBSECTION (3) NOT MORE THAN SEVEN DAYS
19 AFTER THE SHERIFF'S OFFICE DETERMINES THERE IS A SUSTAINED FINDING
20 THAT A PEACE OFFICER OF THE SHERIFF'S OFFICE HAS MADE A KNOWING
21 MISREPRESENTATION, AS DESCRIBED IN SAID PARAGRAPH (a).

22 (5) A SHERIFF'S OFFICE IS NOT LIABLE FOR COMPLYING WITH THE
23 PROVISIONS OF THIS SECTION.

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

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

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

3 (c) A COUNTY SHERIFF'S OFFICE;

4 (d) A MUNICIPAL POLICE DEPARTMENT;

5 (e) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE
6 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION
7 24-1-124, C.R.S.; OR

8 (f) A TOWN MARSHAL'S OFFICE.

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

11 **31-30-107. Disclosure of knowing misrepresentation by a**
12 **peace officer required - disclosure waivers - reports - definitions.**

13 (1) SUBJECT TO THE LIMITATIONS OF THIS SECTION, A MUNICIPAL POLICE
14 DEPARTMENT OR TOWN MARSHAL'S OFFICE THAT EMPLOYS, EMPLOYED, OR
15 DEPUTIZED ON OR AFTER JANUARY 1, 2010, A PEACE OFFICER WHO APPLIES
16 FOR EMPLOYMENT WITH ANOTHER COLORADO LAW ENFORCEMENT
17 AGENCY SHALL DISCLOSE TO THE HIRING AGENCY INFORMATION, IF
18 AVAILABLE, INDICATING WHETHER THE PEACE OFFICER'S EMPLOYMENT
19 HISTORY INCLUDED ANY INSTANCES IN WHICH THE PEACE OFFICER HAD A
20 SUSTAINED VIOLATION FOR MAKING A KNOWING MISREPRESENTATION:

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

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

1 EXCESSIVE FORCE, REGARDLESS OF WHETHER THE ALLEGED CRIMINAL
2 CONDUCT, OFFICIAL MISCONDUCT, OR USE OF EXCESSIVE FORCE OCCURRED
3 WHILE THE PEACE OFFICER WAS ON DUTY, OFF DUTY, OR ACTING PURSUANT
4 TO A SERVICE CONTRACT TO WHICH THE PEACE OFFICER'S EMPLOYING
5 AGENCY IS A PARTY.

6 (2) THE DISCLOSURE DESCRIBED IN SUBSECTION (1) OF THIS
7 SECTION IS REQUIRED ONLY UPON THE PRESENTATION OF A WRITTEN
8 WAIVER TO A MUNICIPAL POLICE DEPARTMENT OR TOWN MARSHAL'S
9 OFFICE, WHICH WAIVER EXPLICITLY AUTHORIZES THE MUNICIPAL POLICE
10 DEPARTMENT OR TOWN MARSHAL'S OFFICE TO DISCLOSE THE INFORMATION
11 DESCRIBED IN SAID SUBSECTION (1), HAS BEEN SIGNED BY THE APPLICANT
12 PEACE OFFICER, AND IDENTIFIES THE COLORADO LAW ENFORCEMENT
13 AGENCY THAT IS CONSIDERING THE APPLICANT PEACE OFFICER FOR
14 EMPLOYMENT. A MUNICIPAL POLICE DEPARTMENT OR TOWN MARSHAL'S
15 OFFICE THAT RECEIVES SUCH A WAIVER SHALL PROVIDE THE DISCLOSURE
16 TO THE COLORADO LAW ENFORCEMENT AGENCY THAT IS CONSIDERING
17 THE APPLICANT PEACE OFFICER FOR EMPLOYMENT NOT MORE THAN SEVEN
18 DAYS AFTER SUCH RECEIPT.

19 (3) A MUNICIPAL POLICE DEPARTMENT OR TOWN MARSHAL'S
20 OFFICE IS NOT REQUIRED TO PROVIDE THE DISCLOSURE DESCRIBED IN
21 SUBSECTION (1) OF THIS SECTION IF THE POLICE DEPARTMENT OR TOWN
22 MARSHAL'S OFFICE IS PROHIBITED FROM PROVIDING SUCH DISCLOSURE
23 PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO WHICH THE
24 POLICE DEPARTMENT OR TOWN MARSHAL'S OFFICE IS A PARTY, WHICH
25 AGREEMENT WAS EXECUTED BEFORE THE EFFECTIVE DATE OF THIS ACT.

26 (4) (a) A MUNICIPAL POLICE DEPARTMENT OR TOWN MARSHAL'S
27 OFFICE SHALL NOTIFY THE LOCAL DISTRICT ATTORNEY WHENEVER THE

1 MUNICIPAL POLICE DEPARTMENT OR TOWN MARSHAL'S OFFICE LEARNS
2 THAT ANY PEACE OFFICER OF THE MUNICIPAL POLICE DEPARTMENT OR
3 TOWN MARSHAL'S OFFICE HAS MADE A KNOWING MISREPRESENTATION:

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

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

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

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

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

27 (a) THE COLORADO STATE PATROL CREATED PURSUANT TO

1 SECTION 24-33.5-201, C.R.S.;

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

4 (c) A COUNTY SHERIFF'S OFFICE;

5 (d) A MUNICIPAL POLICE DEPARTMENT;

6 (e) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE
7 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION
8 24-1-124, C.R.S.; OR

9 (f) A TOWN MARSHAL'S OFFICE.

10 **SECTION 5.** In Colorado Revised Statutes, **add 33-9-110 as**
11 **follows:**

12 **33-9-110. Disclosure of knowing misrepresentation by a peace**
13 **officer required - disclosure waivers - reports - definitions.**

14 **(1) SUBJECT TO THE LIMITATIONS OF THIS SECTION, IF THE DIVISION**
15 **EMPLOYS, EMPLOYED, OR DEPUTIZED ON OR AFTER JANUARY 1, 2010, A**
16 **PEACE OFFICER WHO APPLIES FOR EMPLOYMENT WITH ANOTHER**
17 **COLORADO LAW ENFORCEMENT AGENCY, THE DIVISION SHALL DISCLOSE**
18 **TO THE HIRING AGENCY INFORMATION, IF AVAILABLE, INDICATING**
19 **WHETHER THE PEACE OFFICER'S EMPLOYMENT HISTORY INCLUDED ANY**
20 **INSTANCES IN WHICH THE PEACE OFFICER HAD A SUSTAINED VIOLATION**
21 **FOR MAKING A KNOWING MISREPRESENTATION:**

22 **(a) IN ANY TESTIMONY OR AFFIDAVIT RELATING TO THE ARREST OR**
23 **PROSECUTION OF A PERSON OR TO A CIVIL CASE PERTAINING TO THE PEACE**
24 **OFFICER OR TO THE PEACE OFFICER'S EMPLOYMENT HISTORY; OR**

25 **(b) DURING THE COURSE OF ANY INTERNAL INVESTIGATION BY A**
26 **LAW ENFORCEMENT AGENCY, WHICH INVESTIGATION IS RELATED TO THE**
27 **PEACE OFFICER'S ALLEGED CRIMINAL CONDUCT; OFFICIAL MISCONDUCT, AS**

1 DESCRIBED IN SECTION 18-8-404 OR 18-8-405, C.R.S.; OR USE OF
2 EXCESSIVE FORCE, REGARDLESS OF WHETHER THE ALLEGED CRIMINAL
3 CONDUCT, OFFICIAL MISCONDUCT, OR USE OF EXCESSIVE FORCE OCCURRED
4 WHILE THE PEACE OFFICER WAS ON DUTY, OFF DUTY, OR ACTING PURSUANT
5 TO A SERVICE CONTRACT TO WHICH THE DIVISION IS A PARTY.

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

17 (3) THE DIVISION IS NOT REQUIRED TO PROVIDE THE DISCLOSURE
18 DESCRIBED IN SUBSECTION (1) OF THIS SECTION IF THE DIVISION IS
19 PROHIBITED FROM PROVIDING SUCH DISCLOSURE PURSUANT TO A BINDING
20 NONDISCLOSURE AGREEMENT TO WHICH THE DIVISION IS A PARTY, WHICH
21 AGREEMENT WAS EXECUTED BEFORE THE EFFECTIVE DATE OF THIS ACT.

22 (4) (a) THE DIVISION SHALL NOTIFY THE LOCAL DISTRICT
23 ATTORNEY WHENEVER THE DIVISION DETERMINES THERE IS A SUSTAINED
24 FINDING THAT ANY PEACE OFFICER OF THE DIVISION 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, REGARDLESS OF WHETHER THE ALLEGED CRIMINAL
7 CONDUCT, OFFICIAL MISCONDUCT, OR USE OF EXCESSIVE FORCE OCCURRED
8 WHILE THE PEACE OFFICER WAS ON DUTY, OFF DUTY, OR ACTING PURSUANT
9 TO A SERVICE CONTRACT TO WHICH THE DIVISION IS A PARTY.
10 (b) THE DIVISION SHALL PROVIDE THE NOTICE DESCRIBED IN
11 PARAGRAPH (a) OF THIS SUBSECTION (3) NOT MORE THAN SEVEN DAYS
12 AFTER THE DIVISION DETERMINES THERE IS A SUSTAINED FINDING THAT A
13 PEACE OFFICER OF THE DIVISION HAS MADE A KNOWING
14 MISREPRESENTATION, AS DESCRIBED IN SAID PARAGRAPH (a).
15 (5) THE DIVISION IS NOT LIABLE FOR COMPLYING WITH THE
16 PROVISIONS OF THIS SECTION.
17 (6) AS USED IN THIS SECTION, UNLESS THE CONTEXT REQUIRES
18 OTHERWISE, "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:
19 (a) THE COLORADO STATE PATROL CREATED PURSUANT TO
20 SECTION 24-33.5-201, C.R.S.;
21 (b) THE COLORADO BUREAU OF INVESTIGATION CREATED
22 PURSUANT TO SECTION 24-33.5-401, C.R.S.;
23 (c) A COUNTY SHERIFF'S OFFICE;
24 (d) A MUNICIPAL POLICE DEPARTMENT;
25 (e) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE
26 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION
27 24-1-124, C.R.S.; OR

1 (f) A TOWN MARSHAL'S OFFICE.

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