

CHAPTER 322

GOVERNMENT - STATE

SENATE BILL 01-016

BY SENATOR(S) Reeves, Arnold, Dyer (Arapahoe), Epps, Fitz-Gerald, Hernandez, Linkhart, Takis, and Windels;
also REPRESENTATIVE(S) Larson and Miller.

AN ACT

CONCERNING CERTIFICATION BY THE COLORADO PEACE OFFICERS STANDARDS AND TRAINING BOARD.

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

SECTION 1. 24-31-303 (2) (a) (II), Colorado Revised Statutes, is amended to read:

24-31-303. Duties - powers of the P.O.S.T. board. (2) (a) The P.O.S.T. board may charge the following fees, the proceeds of which may be used to support the certification of applicants pursuant to this part 3:

(II) For the administration of certification and skills examinations, an amount not to exceed one hundred TWENTY-FIVE dollars per examination per applicant.

SECTION 2. 24-31-305 (1.5) and (2), Colorado Revised Statutes, are amended, and the said 24-31-305 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-31-305. Certification - issuance - renewal - revocation. (1.5) The P.O.S.T. board shall deny certification to any person who has been convicted of:

(a) A felony;

(b) ANY MISDEMEANOR IN VIOLATION OF SECTIONS 18-3-204, 18-3-402, 18-3-404, 18-3-405.5, AND 18-3-412.5, C.R.S.;

(c) ANY MISDEMEANOR IN VIOLATION OF SECTIONS 18-7-201, 18-7-202, 18-7-203, 18-7-204, 18-7-302, AND 18-7-601, C.R.S.;

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

(d) ANY MISDEMEANOR IN VIOLATION OF ANY SECTION OF ARTICLE 8 OF TITLE 18, C.R.S.;

(e) ANY MISDEMEANOR IN VIOLATION OF SECTIONS 18-9-111 AND 18-9-121, C.R.S.;

(f) ANY MISDEMEANOR IN VIOLATION OF SECTIONS 18-18-404, 18-18-405, 18-18-406, AND 18-18-411, C.R.S.; OR

(g) ANY MISDEMEANOR IN VIOLATION OF FEDERAL LAW OR THE LAW OF ANY STATE THAT IS THE EQUIVALENT OF ANY OF THE OFFENSES SPECIFIED IN PARAGRAPHS (a) THROUGH (f) OF THIS SUBSECTION (1.5).

(1.6) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1.5) OF THIS SECTION, IF AN APPLICANT ANTICIPATES PRIOR TO THE DENIAL OF CERTIFICATION THAT HE OR SHE WILL BE DENIED CERTIFICATION ON THE GROUND THAT THE APPLICANT HAS BEEN CONVICTED ON OR AFTER JULY 1, 2001, OF ANY MISDEMEANOR OR MISDEMEANORS DESCRIBED IN SUBSECTION (1.5) OF THIS SECTION, THE APPLICANT OR THE CHIEF LAW ENFORCEMENT OFFICER OF THE AGENCY, IF ANY, EMPLOYING SUCH APPLICANT MAY, AT THE TIME OF THE APPLICATION FOR CERTIFICATION, NOTIFY THE P.O.S.T. BOARD OF SUCH CONVICTION OR CONVICTIONS AND REQUEST THE BOARD TO GRANT THE APPLICANT AN EXEMPTION FROM DENIAL OF CERTIFICATION.

(b) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1.5) OF THIS SECTION, IF AN APPLICANT IS DENIED CERTIFICATION ON THE GROUND THAT THE APPLICANT HAS BEEN CONVICTED ON OR AFTER JULY 1, 2001, OF ANY MISDEMEANOR OR MISDEMEANORS DESCRIBED IN SUBSECTION (1.5) OF THIS SECTION, THE APPLICANT OR THE CHIEF LAW ENFORCEMENT OFFICER OF THE AGENCY, IF ANY, EMPLOYING SUCH APPLICANT MAY, WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF DENIAL, REQUEST THAT THE P.O.S.T. BOARD WITHDRAW THE DENIAL OF CERTIFICATION.

(c) THE P.O.S.T. BOARD SHALL PROMULGATE RULES AND REGULATIONS DEEMED NECESSARY BY THE BOARD CONCERNING THE PROCEDURES FOR THE GRANTING OF EXEMPTIONS TO DENIALS OF CERTIFICATION AND THE WITHDRAWAL OF DENIALS OF CERTIFICATION UNDER THIS SUBSECTION (1.6).

(2) (a) A certification issued pursuant to subsection (1) or (1.3) of this section or section 24-31-308 shall be suspended or revoked by the P.O.S.T. board if the certificate holder has been convicted of a felony AT ANY TIME, OR HAS BEEN CONVICTED ON OR AFTER JULY 1, 2001, OF ANY MISDEMEANOR OR MISDEMEANORS DESCRIBED IN SUBSECTION (1.5) OF THIS SECTION, or has otherwise failed to meet the certification requirements established by the board.

(b) (I) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (2), IF THE CERTIFICATION OF A CERTIFICATE HOLDER IS REVOKED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) ON THE GROUND THAT THE CERTIFICATE HOLDER HAS BEEN CONVICTED ON OR AFTER JULY 1, 2001, OF ANY MISDEMEANOR OR MISDEMEANORS DESCRIBED IN SUBSECTION (1.5) OF THIS SECTION, THE CERTIFICATE HOLDER OR THE CHIEF LAW ENFORCEMENT OFFICER OF THE AGENCY, IF ANY, EMPLOYING SUCH CERTIFICATE HOLDER MAY, WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THE REVOCATION, REQUEST THE P.O.S.T. BOARD TO REINSTATE

THE CERTIFICATION.

(II) THE P.O.S.T. BOARD SHALL PROMULGATE RULES AND REGULATIONS DEEMED NECESSARY BY THE BOARD CONCERNING THE PROCEDURES FOR THE REINSTATEMENT OF REVOCATIONS OF CERTIFICATION.

SECTION 3. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 4. Effective date. This act shall take effect July 1, 2001.

SECTION 5. 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.

Approved: June 5, 2001