Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0864.01 Michael Dohr x4347 **SENATE BILL 16-111**

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A BILL FOR AN ACT

101 **CONCERNING AUTHORIZING THE COLORADO MOUNTED RANGERS AS**
102 **CERTIFIED RESERVE PEACE OFFICERS.**

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.)

The Colorado mounted rangers (rangers) are an all-volunteer, self-funded auxiliary, full-time, nonprofit law enforcement governmental unit organized to provide support and assistance to municipal governments and local, county, and state law enforcement agencies in the state. The rangers are created within the division of homeland security and emergency management (division) in the department of public safety.

The division shall employ a person to act as the interface between the division and the rangers, to exercise control over the peace officers, to maintain standards and training, and to evaluate the rangers' suitability for duty. The salary and benefits costs for the employee shall be paid by gifts, grants, and donations to the division. The rangers are supervised by a board of directors. The board of directors is comprised of 3 elected individuals and shall provide oversight and management of the rangers subject to the division.

The bill creates reserve peace officer category II status and confers that status to the Colorado mounted rangers.

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

SECTION 1. In Colorado Revised Statutes, **amend** 16-2.5-102 as follows:

16-2.5-102. Certified peace officer - P.O.S.T. certification required. The following peace officers shall meet all the standards imposed by law on a peace officer and shall be certified by the peace officers standards and training board, referred to in this article as the "P.O.S.T. board": A chief of police; a police officer; a sheriff; an undersheriff; a deputy sheriff; a Colorado state patrol officer; a town marshal; a deputy town marshal; a reserve police officer; a reserve deputy sheriff; a reserve deputy town marshal; the director of the Colorado bureau of investigation; a police officer or reserve police officer employed by a state institution of higher education; a Colorado wildlife officer; a Colorado parks and recreation officer; a Colorado police administrator or police officer employed by the Colorado mental health institute at Pueblo; an attorney general criminal investigator; a community parole officer; a public transit officer; a municipal court marshal; ~~and~~ the department of corrections inspector general; AND A COLORADO MOUNTED RANGER RESERVE PEACE OFFICER CATEGORY II.

SECTION 2. In Colorado Revised Statutes, **add** 16-2.5-152 as

follows:

16-2.5-152. Colorado mounted rangers. A COLORADO MOUNTED RANGER IS A RESERVE PEACE OFFICER CATEGORY II AND SHALL OBTAIN RESERVE PEACE OFFICER CATEGORY II CERTIFICATION FROM THE P.O.S.T. BOARD. A COLORADO MOUNTED RANGER IS AUTHORIZED BY A CITY, CITY AND COUNTY, TOWN, COUNTY, STATE INSTITUTION OF HIGHER EDUCATION WITHIN THE STATE, OR THE STATE OF COLORADO TO ACT FOR CERTAIN SPECIFIC AND LIMITED PERIODS OF TIME WHILE THE COLORADO MOUNTED RANGER IS AUTHORIZED TO BE ON DUTY AND ACTING AT THE EXPRESS DIRECTION OR UNDER THE DIRECT SUPERVISION OF A FULLY P.O.S.T.-CERTIFIED PEACE OFFICER PURSUANT TO THIS ARTICLE. A COLORADO MOUNTED RANGER IS A PEACE OFFICER WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER DUTIES WHOSE AUTHORITY SHALL BE LIMITED TO THE AUTHORITY GRANTED BY THE AUTHORIZING AGENCY.

SECTION 3. In Colorado Revised Statutes, 24-31-301, **amend** (1), (2), (6), and (7) as follows:

24-31-301. Definitions. As used in this part 3, unless the context otherwise requires:

(1) "Applicant" means any person seeking certification to serve as a peace officer, ~~or~~ a reserve peace officer, OR A RESERVE PEACE OFFICER CATEGORY II.

(2) "Certification" means the issuance to an applicant of a signed instrument evidencing that such applicant has met the requirements imposed by this part 3 and the P.O.S.T. board. Certification includes "basic certification" and "provisional certification" that ~~shall~~ MUST be issued to peace officers, "reserve certification" that ~~shall~~ MUST be issued to reserve peace officers, "RESERVE PEACE OFFICER CATEGORY II

CERTIFICATION" THAT MUST BE ISSUED TO VOLUNTEER RESERVE PEACE OFFICERS, and such additional certifications as the board may approve for peace officers.

(6) "Training academy" means any school approved by the P.O.S.T. board where peace officers, ~~and~~ reserve peace officers, AND RESERVE PEACE OFFICERS CATEGORY II receive instruction and training.

(7) "Training program" means a course of instruction approved by the P.O.S.T. board for peace officer or reserve peace officer certification, RESERVE PEACE OFFICER CATEGORY II CERTIFICATION, and other peace officer training programs.

SECTION 4. In Colorado Revised Statutes, 24-31-303, **amend** (1) (g), (5) introductory portion, and (5) (b) as follows:

24-31-303. Duties - powers of the P.O.S.T. board. (1) The P.O.S.T. board has the following duties:

(g) To promulgate rules and regulations deemed necessary by such board for the certification of applicants to serve as peace officers, ~~or~~ reserve peace officers, OR RESERVE PEACE OFFICERS CATEGORY II in the state pursuant to the provisions of article 4 of this title;

(5) It is unlawful for any person to serve as a peace officer, as described in section 16-2.5-102, C.R.S., ~~or~~ a reserve peace officer as defined in section 16-2.5-110, C.R.S., OR A RESERVE PEACE OFFICER CATEGORY II in this state unless such person:

(b) Has undergone both a physical and a psychological evaluation to determine such person's fitness to serve as a peace officer, ~~or~~ a reserve peace officer, OR A RESERVE PEACE OFFICER CATEGORY II. Such evaluations shall have been performed within one year prior to the date of appointment by a physician and either a psychologist or psychiatrist

licensed by the state of Colorado.

SECTION 5. In Colorado Revised Statutes, 24-31-304, **amend** (1) as follows:

24-31-304. Applicant for training - fingerprint-based criminal history record check. (1) For purposes of this section, "training academy" means a basic, ~~or~~ reserve peace officer, OR RESERVE PEACE OFFICER CATEGORY II training program approved by the P.O.S.T. board that is offered by a training academy, community college, college, or university.

SECTION 6. In Colorado Revised Statutes, 24-31-305, **amend** (1.7) (a) and (1.7) (b); and **add** (1.4) as follows:

24-31-305. Certification - issuance - renewal - revocation. (1.4) RESERVE PEACE OFFICER CERTIFICATION CATEGORY II REQUIREMENTS SHALL INCLUDE:

(a) SUCCESSFUL COMPLETION OF A HIGH SCHOOL EDUCATION OR ITS EQUIVALENT;

(b) SUCCESSFUL COMPLETION OF ONE HUNDRED TWENTY HOURS RESERVE TRAINING APPROVED BY THE P.O.S.T. BOARD; AND

(c) CURRENT FIRST AID AND CARDIOPULMONARY RESUSCITATION CERTIFICATES OR THEIR EQUIVALENTS.

(1.7) (a) Unless revoked, a basic certification, ~~or~~ reserve certification, OR RESERVE PEACE OFFICER CATEGORY II CERTIFICATION issued pursuant to this part 3 is valid as long as the certificate holder is continuously serving as a peace officer or reserve peace officer.

(b) If a basic or reserve certificate OR RESERVE PEACE OFFICER CATEGORY II CERTIFICATE holder has not served as a peace officer or reserve peace officer for a total of at least six months during any

consecutive three-year period, the certification automatically expires at the end of such three-year period, unless the certificate holder is then serving as a peace officer, ~~or~~ reserve peace officer, OR RESERVE PEACE OFFICER CATEGORY II.

SECTION 7. In Colorado Revised Statutes, 24-31-307, **amend** (1) as follows:

24-31-307. Enforcement. (1) The P.O.S.T. board shall have the power to direct the attorney general to enforce the provisions of this part 3 through an action in district court for injunctive or other appropriate relief against:

(a) Any individual undertaking or attempting to undertake any duties as a peace officer, ~~or~~ a reserve peace officer, OR A RESERVE PEACE OFFICER CATEGORY II in this state in violation of this part 3; and

(b) Any agency permitting any individual to undertake or attempt to undertake any duties as a peace officer, ~~or~~ a reserve peace officer, OR A RESERVE PEACE OFFICER CATEGORY II in this state under the auspices of such agency in violation of this part 3.

SECTION 8. In Colorado Revised Statutes, **add** 24-33.5-1616 as follows:

24-33.5-1616. Colorado mounted rangers. (1) (a) THERE IS HEREBY CREATED AND ESTABLISHED WITHIN THE DIVISION THE COLORADO MOUNTED RANGERS, REFERRED TO HEREIN AS "RANGERS". THE RANGERS ARE AN ALL-VOLUNTEER, SELF-FUNDED AUXILIARY, FULL-TIME, NONPROFIT LAW ENFORCEMENT GOVERNMENTAL UNIT ORGANIZED TO PROVIDE SUPPORT AND ASSISTANCE TO MUNICIPAL GOVERNMENTS AND LOCAL, COUNTY, AND STATE LAW ENFORCEMENT AGENCIES IN THE STATE.

(b) THE DIVISION SHALL EMPLOY A PERSON TO ACT AS THE

INTERFACE BETWEEN THE DIVISION AND THE RANGERS TO EXERCISE CONTROL OVER THE RESERVE PEACE OFFICERS CATEGORY II IN CONJUNCTION WITH THE RANGER'S BOARD OF DIRECTORS, TO MAINTAIN STANDARDS AND TRAINING, AND TO EVALUATE THE RANGERS' SUITABILITY FOR DUTY. THE SALARY AND BENEFITS COSTS FOR THE EMPLOYEE SHALL BE PAID BY THE GIFTS, GRANTS, OR DONATIONS TO THE DIVISION.

(c) THE RANGERS ARE AN INSTRUMENT OF A MUNICIPALITY FOR INSURANCE PURPOSES.

(2) THE RANGERS ARE SUPERVISED BY A BOARD OF DIRECTORS. THE BOARD OF DIRECTORS IS COMPRISED OF THREE ELECTED OFFICIALS. THE BOARD SHALL PROVIDE OVERSIGHT AND MANAGEMENT OF THE RANGERS SUBJECT TO THE DIVISION.

(3) THE RANGERS ARE A RESERVE PEACE OFFICER CATEGORY II AGENCY. THE RANGERS SHALL MAINTAIN THEIR OWN PEACE OFFICERS STANDARDS AND TRAINING BOARD COMPLIANT POLICIES AND PROCEDURES, INCLUDING A CHAIN OF COMMAND AND A REVIEW POLICY FOR INDIVIDUAL RANGER CONDUCT.

(4) THE DIVISION SHALL ISSUE IDENTIFICATION CARDS FOR ALL CERTIFIED RESERVE PEACE OFFICER CATEGORY II RANGERS.

SECTION 9. 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.