

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0518.01 Ken Fowler x2372

HOUSE BILL 26-1123

HOUSE SPONSORSHIP

Stewart K. and Mabrey, Duran

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Amabile and Weissman,

House Committees
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A BILL FOR AN ACT

101 CONCERNING MEASURES TO PREVENT SEXUAL ABUSE IN JAILS.

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://leg.colorado.gov>.)

The bill requires that the reasonable belief standard to conduct a strip search apply to all arrests, not just the arrest of an individual for a traffic or petty offense. The bill requires 2 peace officers to make a determination that there is reasonable belief to conduct a strip search and requires that the reason and results of a strip search be documented in a report. The bill prohibits the use of body-worn cameras to capture videos during strip searches when other forms of recording or surveillance are available. The bill limits access to video recordings that depict prisoner

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

nudity. The bill requires courts to deny requests by a defendant in a criminal proceeding to copy, photograph, duplicate, or otherwise reproduce a video recording of a strip search.

The bill requires local detention facilities to have a policy detailing staff protocol for responding to suspected, alleged, or witnessed sexual abuse and requires jail staff to report suspected, alleged, or witnessed sexual abuse. The bill creates whistleblower protection policies for jail staff.

The bill requires local detention facilities to inform prisoners of their rights and the resources available to them if they are a victim of sexual abuse while in jail and allow sexual assault advocates to access prisoners who request advocacy services. The bill requires local detention facilities to designate a "Prison Rape Elimination Act of 2003" (PREA) coordinator and requires jails to provide the coordinator's contact information to prisoners and the public.

The bill requires the legislative oversight committee concerning Colorado jail standards (committee) to develop guidelines for identifying, and creating a process for, qualified third parties or certified PREA auditors to audit local detention facilities and their sexual abuse prevention policies upon request of the committee.

The bill requires the removal of P.O.S.T. certification from any peace officer who is found by an administrative law judge, hearing officer, or internal investigation to have sexually abused a prisoner in a local detention facility.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-3-405, **amend** (1)
3 and (2); **repeal** (8); and **add** (1.5), (1.7), (3.5), and (9) as follows:

4 **16-3-405. Strip searches - when authorized or prohibited -**
5 **definitions.**

6 (1) ~~No~~ A person WHO IS arrested ~~for a traffic or a petty offense~~
7 shall NOT be strip searched, prior to arraignment, unless there is
8 reasonable belief that the individual is concealing a weapon or a
9 controlled substance or that the individual, upon identification, is a
10 parolee or an offender serving a sentence in any correctional facility in
11 the state or that the individual is arrested for driving while under the

1 influence of drugs.

2 (1.5) TWO PEACE OFFICERS MUST MAKE A DETERMINATION THAT
3 THERE IS THE REASONABLE BELIEF DESCRIBED IN SUBSECTION (1) OF THIS
4 SECTION IN ORDER FOR A PERSON TO BE STRIP SEARCHED, AS DESCRIBED
5 IN SUBSECTION (1) OF THIS SECTION.

6 (1.7) THE PEACE OFFICER OR EMPLOYEE OF A POLICE DEPARTMENT
7 OR SHERIFF'S DEPARTMENT CONDUCTING A STRIP SEARCH SHALL
8 DOCUMENT IN A REPORT THE REASON FOR THE STRIP SEARCH AND THE
9 RESULTS OF THE STRIP SEARCH.

10 (2) As used in this section, UNLESS THE CONTEXT OTHERWISE
11 REQUIRES:

12 (a) "LOCAL DETENTION FACILITY" MEANS A COUNTY, MUNICIPAL,
13 OR CITY JAIL OR DETENTION FACILITY.

14 (b) "Strip search" means having an arrested person remove or
15 arrange some or all of ~~his or her~~ THE PERSON'S clothing so as to permit a
16 visual inspection of the genitals, buttocks, anus, or female breasts of such
17 person.

18 (3.5) NOTWITHSTANDING SECTION 24-31-902, A PEACE OFFICER
19 SHALL NOT CONDUCT A STRIP SEARCH WITH THEIR BODY-WORN CAMERA
20 ACTIVATED WHEN OTHER FORMS OF RECORDING OR SURVEILLANCE ARE
21 AVAILABLE.

22 (8) ~~The provisions of subsections (1) to (6) of this section shall
not apply when, following arraignment and pursuant to a court order, the
person is taken into custody by or remanded to a sheriff or a correctional
facility.~~

26 (9) EACH LOCAL DETENTION FACILITY SHALL SUBMIT AN ANNUAL
27 REPORT TO THE LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING

1 COLORADO JAIL STANDARDS CREATED IN SECTION 2-3-1901 AND THE
2 COLORADO ATTORNEY GENERAL STATING THE NUMBER OF STRIP
3 SEARCHES THAT OCCURRED IN THE FACILITY IN THE LAST CALENDAR YEAR
4 AND THE REASON FOR EACH STRIP SEARCH. NOTWITHSTANDING THE
5 REQUIREMENT IN SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO
6 SUBMIT THE REPORT REQUIRED IN THIS SECTION CONTINUES INDEFINITELY.

7 **SECTION 2.** In Colorado Revised Statutes, **add** part 9 to article
8 of title 16 as follows:

9 **PART 9**

10 **PROHIBITION ON REPRODUCTION OF STRIP SEARCH
11 VIDEO RECORDINGS**

12 **16-9-901. Prohibition on reproduction of strip search material
13 - definitions.**

14 (1) AS USED IN THIS PART 9, UNLESS THE CONTEXT OTHERWISE
15 REQUIRES:

16 (a) "STRIP SEARCH" HAS THE SAME MEANING AS PROVIDED IN
17 SECTION 16-3-405 (2)(b).

18 (b) "STRIP SEARCH VIDEO RECORDING" MEANS THE VIDEO
19 RECORDING OF A STRIP SEARCH.

20 (2) A STRIP SEARCH VIDEO RECORDING SHALL REMAIN IN THE
21 CARE, CUSTODY, AND CONTROL OF THE PROSECUTION, A LAW
22 ENFORCEMENT AGENCY, OR THE COURT.

23 (3) NOTWITHSTANDING ANY PROVISION OF THE COLORADO RULES
24 OF CRIMINAL PROCEDURE, A COURT SHALL DENY A REQUEST BY THE
25 DEFENDANT IN A CRIMINAL PROCEEDING TO COPY, PHOTOGRAPH,
26 DUPLICATE, OR OTHERWISE REPRODUCE A STRIP SEARCH VIDEO RECORDING
27 SO LONG AS THE PROSECUTING ATTORNEY MAKES THE MATERIAL

1 REASONABLY AVAILABLE TO THE DEFENDANT; EXCEPT THAT, IF AFTER A
2 HEARING THE DEFENDANT SHOWS THAT FOR REASONS SPECIFIC TO THE
3 CASE THE ACCESS PROVIDED BY THE PROSECUTING ATTORNEY DOES NOT
4 PROVIDE AMPLE OPPORTUNITY FOR INSPECTION, VIEWING, AND
5 EXAMINATION BY A DEFENSE EXPERT, THE COURT MAY ORDER
6 REPRODUCTION OF THE MATERIAL WITH A PROTECTIVE ORDER.

7 **SECTION 3.** In Colorado Revised Statutes, **add 17-26-141** as
8 follows:

9 **17-26-141. Access to jail video recordings showing prisoner
10 nudity - when authorized.**

11 (1) VIDEO RECORDINGS FROM BODY-WORN CAMERAS OR JAIL
12 SURVEILLANCE CAMERAS OF AREAS OF A JAIL WHERE PRISONERS BATHE,
13 CHANGE CLOTHES, UNDERGO STRIP SEARCHES, OR ARE OTHERWISE NUDE:

14 (a) MUST REMAIN IN A SECURE LOCATION WITH RESTRICTED
15 ACCESS AND IN THE CARE, CUSTODY, AND CONTROL OF THE LAW
16 ENFORCEMENT AGENCY THAT RECORDED THE VIDEO;

17 (b) MUST NOT BE UPLOADED TO A CLOUD-BASED ELECTRONIC
18 SERVICE;

19 (c) MUST NOT BE VIEWED REMOTELY;

20 (d) MUST ONLY BE ACCESSED AT THE LAW ENFORCEMENT AGENCY
21 LOCATION WHERE THE VIDEO RECORDING WAS CAPTURED; AND

22 (e) MUST NOT BE COPIED OR REDISTRIBUTED WITHOUT A COURT
23 ORDER.

24 **SECTION 4.** In Colorado Revised Statutes, **add 17-26-142** as
25 follows:

26 **17-26-142. Sexual assault prevention program - required
27 policies and procedures - audit required - definitions.**

3 (a) "LEGISLATIVE OVERSIGHT COMMITTEE" MEANS THE
4 LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING COLORADO JAIL
5 STANDARDS CREATED IN SECTION 2-3-1901.

6 (b) "LOCAL DETENTION FACILITY" MEANS A COUNTY, MUNICIPAL,
7 OR CITY JAIL OR DETENTION FACILITY.

8 (c) "PRISON RAPE ELIMINATION ACT" OR "PREA" MEANS THE
9 FEDERAL "PRISON RAPE ELIMINATION ACT OF 2003", 42 U.S.C. SEC.
10 15601 ET SEQ.

11 (d) "SEXUAL ABUSE" HAS THE SAME MEANING AS "SEXUAL
12 VIOLENCE" AS DEFINED IN SECTION 13-14-101.

15 (a) REQUIRE STAFF MEMBERS TO REPORT SUSPECTED, ALLEGED, OR
16 WITNESSED SEXUAL ABUSE:

17 (b) ESTABLISH PROTOCOLS FOR STAFF MEMBERS TO RESPOND TO
18 SUSPECTED, ALLEGED, OR WITNESSED SEXUAL ABUSE, WHICH PROTOCOLS
19 MUST INCLUDE PROTECTING THE VICTIM FROM IMMEDIATE HARM;
20 CONNECTING THE VICTIM WITH MEDICAL CARE; PRESERVING EVIDENCE OF
21 THE SUSPECTED, ALLEGED, OR WITNESSED OFFENSE; AND REPORTING THE
22 ALLEGED SEXUAL ABUSE;

23 (c) INFORM PRISONERS OF THEIR RIGHTS ESTABLISHED PURSUANT
24 TO THE FEDERAL "PRISON RAPE ELIMINATION ACT";

25 (d) INFORM PRISONERS UPON BOOKING, IN WRITING AND IN AN
26 ACCESSIBLE LANGUAGE, OF RESOURCES FOR VICTIMS OF SEXUAL ABUSE,
27 INCLUDING THE TELEPHONE NUMBER FOR A SEXUAL ASSAULT CRISIS LINE

1 AND THE MAILING ADDRESS OF THE NEAREST CONFIDENTIAL SEXUAL
2 ASSAULT ADVOCACY PROGRAM; AND

3 (e) ALLOW CONFIDENTIAL SEXUAL ASSAULT ADVOCATES TIMELY
4 ACCESS TO PRISONERS WHO HAVE REACHED OUT TO A CONFIDENTIAL
5 SEXUAL ASSAULT ADVOCACY PROGRAM FOR ADVOCACY SERVICES.

6 (3) (a) EACH LOCAL DETENTION FACILITY SHALL DESIGNATE A
7 STAFF MEMBER AS THE JAIL'S PREA COORDINATOR. THE PREA
8 COORDINATOR SHALL IMPLEMENT FEDERAL PREA STANDARDS AND
9 FACILITATE ACCESS TO CONFIDENTIAL SEXUAL ASSAULT ADVOCACY
10 SERVICES FOR INMATES SEEKING CONFIDENTIAL SEXUAL ASSAULT
11 ADVOCACY SERVICES.

12 (b) THE JAIL SHALL INFORM STAFF MEMBERS AND PRISONERS OF
13 THE NAME AND CONTACT INFORMATION FOR THE PREA COORDINATOR
14 AND MAKE THE NAME AND CONTACT INFORMATION OF THE PREA
15 COORDINATOR AVAILABLE TO THE PUBLIC.

16 (4) THE LEGISLATIVE OVERSIGHT COMMITTEE SHALL, DURING THE
17 2026 LEGISLATIVE INTERIM:

18 (a) DEVELOP GUIDELINES FOR IDENTIFYING QUALIFIED THIRD
19 PARTIES TO AUDIT LOCAL DETENTION FACILITIES TO REVIEW JAIL POLICIES
20 AND PRACTICES RELATED TO SEXUAL ABUSE AND JAIL CONDITIONS
21 REGARDING SEXUAL ABUSE; AND

22 (b) ESTABLISH A PROCESS FOR QUALIFIED THIRD PARTIES OR
23 CERTIFIED PREA AUDITORS, ESTABLISHED PURSUANT TO 28 CFR 115.402,
24 TO AUDIT LOCAL DETENTION FACILITIES UPON REQUEST OF THE
25 LEGISLATIVE OVERSIGHT COMMITTEE.

26 (5) UPON THE REQUEST OF THE LEGISLATIVE OVERSIGHT
27 COMMITTEE, A CERTIFIED PREA AUDITOR OR AN AUDITOR APPROVED BY

1 THE LEGISLATIVE OVERSIGHT COMMITTEE SHALL ENTER AND ASSESS
2 LOCAL DETENTION FACILITIES TO REVIEW JAIL POLICIES AND PRACTICES
3 RELATED TO SEXUAL ABUSE AND JAIL CONDITIONS REGARDING SEXUAL
4 ABUSE.

5 **SECTION 5.** In Colorado Revised Statutes, **add 17-26-143** as
6 follows:

7 **17-26-143. Retaliation against whistleblower jail staff
8 prohibited - private right of action - exemptions - procedures -
9 definitions.**

10 (1) (a) A LOCAL DETENTION FACILITY SHALL NOT DISCHARGE,
11 DISCIPLINE, DEMOTE, DENY A PROMOTION TO, TRANSFER OR REASSIGN,
12 DISCRIMINATE AGAINST, HARASS, SUSPEND, CREATE A HOSTILE WORK
13 ENVIRONMENT FOR, SUBJECT TO CORRECTIVE ACTION OR REPRIMAND,
14 ISSUE AN EMPLOYMENT RATING THAT RESULTS IN THE LOSS OF PAY OR
15 ADVERSELY AFFECTS ELIGIBILITY FOR PROMOTION OR FOR AN ASSIGNMENT
16 FOR, LAY OFF, REDUCE WORK HOURS FOR, KNOWINGLY PROVIDE FALSE
17 INFORMATION FOR THE PURPOSE OF NEGATIVELY AFFECTING FUTURE
18 EMPLOYMENT OPPORTUNITIES FOR, OR THREATEN ANY ACTIONS AGAINST
19 OR OTHERWISE DISCRIMINATE AGAINST A STAFF MEMBER IN TERMS,
20 CONDITIONS, OR PRIVILEGES OF EMPLOYMENT BECAUSE THE STAFF
21 MEMBER DISCLOSES INFORMATION IN GOOD FAITH TO THE PROPER
22 SUPERVISING AUTHORITY THAT THE STAFF MEMBER REASONABLY
23 BELIEVES SHOWS SUSPECTED, ALLEGED, OR WITNESSED SEXUAL ABUSE OR
24 SEX-BASED HARASSMENT IN THE LOCAL DETENTION FACILITY.

25 (b) ADMINISTRATIVE PROCEDURES, INCLUDING SUSPENSION
26 DURING AN INVESTIGATION OR DEPARTMENTAL PROCEDURES USED TO
27 DISTRIBUTE ASSIGNMENTS OR DUTIES OR MEET THE OPERATIONAL NEEDS

1 OF THE LOCAL DETENTION FACILITY, DO NOT VIOLATE SUBSECTION (1)(a)
2 OF THIS SECTION.

3 (c) A STAFF MEMBER WHO IN GOOD FAITH DISCLOSES INFORMATION
4 THAT THE STAFF MEMBER REASONABLY BELIEVES SHOWS SUSPECTED,
5 ALLEGED, OR WITNESSED SEXUAL ABUSE OR SEX-BASED HARASSMENT IN
6 THE LOCAL DETENTION FACILITY IS ENGAGING IN A PROTECTED ACTIVITY.

7 (d) THIS SUBSECTION (1) DOES NOT PREVENT A LOCAL DETENTION
8 FACILITY FROM COMPLYING WITH ANY DISCLOSURE REQUIREMENTS
9 REQUIRED BY LAW OR BY COURT RULE OR PROCEDURE.

10 (2) A STAFF MEMBER AGRIEVED BY A VIOLATION OF SUBSECTION
11 (1) OF THIS SECTION HAS A PRIVATE RIGHT OF ACTION AGAINST THE LOCAL
12 DETENTION FACILITY THAT VIOLATED SUBSECTION (1) OF THIS SECTION
13 AFTER THE STAFF MEMBER EXHAUSTS THE INTERNAL ADMINISTRATIVE
14 PROCEDURES PURSUANT TO SUBSECTION (9) OF THIS SECTION.

15 (3) A STAFF MEMBER WHOSE PROTECTED ACTIVITY DESCRIBED
16 PURSUANT TO SUBSECTION (1) OF THIS SECTION WAS A CONTRIBUTING
17 FACTOR IN THE LOCAL DETENTION FACILITY'S ACTION DESCRIBED IN
18 SUBSECTION (1) OF THIS SECTION MAY BE AWARDED ALL RELIEF
19 NECESSARY TO MAKE THE STAFF MEMBER WHOLE, INCLUDING, BUT NOT
20 LIMITED TO:

21 (a) (I) REINSTATEMENT, WITH THE SAME SENIORITY STATUS THAT
22 THE STAFF MEMBER WOULD HAVE HAD BUT FOR THE VIOLATION OF
23 SUBSECTION (1) OF THIS SECTION; AND

24 (II) THE AMOUNT OF BACK PAY WITH INTEREST AT AN INTEREST
25 RATE SET BY THE SECRETARY OF STATE PURSUANT TO SECTION 13-21-101
26 (3) FOR THE YEARS BACK PAY IS AWARDED;

27 (b) ANY OTHER EQUITABLE RELIEF THE COURT DEEMS

1 APPROPRIATE;

2 (c) COMPENSATORY DAMAGES FOR OTHER PECUNIARY LOSSES,
3 EMOTIONAL PAIN AND SUFFERING, INCONVENIENCE, MENTAL ANGUISH,
4 LOSS OF ENJOYMENT OF LIFE, AND OTHER NONPECUNIARY LOSSES; AND
5 (d) REASONABLE ATTORNEY FEES AND COSTS.

6 (4) ANY REQUEST FOR REINSTATEMENT OR FOR AN AWARD OF
7 REASONABLE ATTORNEY FEES MUST BE MADE TO THE COURT AFTER A
8 JUDGMENT IS ENTERED IN FAVOR OF THE STAFF MEMBER. THE PARTIES ARE
9 ENTITLED TO A HEARING ON THE REQUEST PRIOR TO THE COURT'S
10 DETERMINATION.

11 (5) IT IS AN AFFIRMATIVE DEFENSE TO AN ACTION BROUGHT
12 PURSUANT TO THIS SECTION IF THE LOCAL DETENTION FACILITY SHOWS BY
13 A PREPONDERANCE OF THE EVIDENCE THAT THE LOCAL DETENTION
14 FACILITY WOULD HAVE TAKEN THE ACTION THAT FORMS THE BASIS OF THE
15 SUIT AGAINST THE STAFF MEMBER BASED ON A LEGITIMATE
16 NONRETALIATORY BASIS.

17 (6) IF A LOCAL DETENTION FACILITY ASSERTS THE AFFIRMATIVE
18 DEFENSE CREATED IN SUBSECTION (5) OF THIS SECTION, THE STAFF
19 MEMBER MUST HAVE THE OPPORTUNITY TO ESTABLISH IN RESPONSE, BY A
20 PREPONDERANCE OF THE EVIDENCE, THAT THE LEGITIMATE
21 NONRETALIATORY BASIS WAS PRETEXTUAL.

22 (7) AN ACTION BROUGHT PURSUANT TO THIS SECTION MUST BE
23 BROUGHT WITHIN TWO YEARS AFTER THE DATE OF THE MOST RECENT
24 ADVERSE EMPLOYMENT ACTION DESCRIBED IN SUBSECTION (1) OF THIS
25 SECTION.

26 (8) (a) THIS SECTION DOES NOT APPLY TO A STAFF MEMBER WHO
27 DISCLOSES INFORMATION THAT THE STAFF MEMBER KNOWS TO BE FALSE,

1 WHO DISCLOSES INFORMATION WITH DISREGARD FOR THE TRUTH, OR WHO
2 DISCLOSES INFORMATION WITHOUT FULLY COMPLYING WITH SUBSECTION
3 (9) OF THIS SECTION.

4 (b) A STAFF MEMBER'S DISCLOSURE OF THE STAFF MEMBER'S OWN
5 ACT OF NEGLIGENCE, UNPROFESSIONAL CONDUCT, OR VIOLATION OF ANY
6 LOCAL, STATE, OR FEDERAL LAW IS NOT AN ACTIVITY PROTECTED
7 PURSUANT TO THIS SECTION AND DOES NOT PROVIDE THE STAFF MEMBER
8 WITH IMMUNITY RELATED TO THE ACTIVITY SUBJECT TO THE DISCLOSURE.

9 (c) THIS SECTION DOES NOT PREVENT A LOCAL DETENTION
10 FACILITY FROM TAKING DISCIPLINARY ACTION AGAINST A STAFF MEMBER
11 FOR REASONS OTHER THAN THOSE SPECIFIED IN SUBSECTION (1) OF THIS
12 SECTION.

13 (9) (a) WHEN MAKING A GOOD FAITH REPORT OR DISCLOSURE
14 PROTECTED BY THIS SECTION, A STAFF MEMBER SHALL FOLLOW THE
15 INTERNAL REPORTING AND INTERNAL ADMINISTRATIVE PROCEDURES OF
16 THE LOCAL DETENTION FACILITY AND SHALL EXHAUST THE PROCEDURES
17 PRIOR TO INITIATING A PRIVATE RIGHT OF ACTION PURSUANT TO
18 SUBSECTION (2) OF THIS SECTION. IF THE INTERNAL REPORTING
19 PROCEDURE REQUIRES A STAFF MEMBER TO REPORT TO THE INDIVIDUAL
20 WHO ALLEGEDLY COMMITTED THE ACT DESCRIBED IN SUBSECTION (1)(a)
21 OF THIS SECTION, THE PROCEDURE MUST PROVIDE AN ALTERNATIVE
22 REPORTING PROCEDURE. THE LIMITATIONS PERIOD DESCRIBED IN
23 SUBSECTION (7) OF THIS SECTION IS TOLLED UNTIL THE INTERNAL
24 ADMINISTRATIVE PROCESS IS COMPLETE.

25 (b) (I) A LOCAL DETENTION FACILITY SHALL COMPLETE THE
26 INTERNAL ADMINISTRATIVE PROCEDURE WITHIN ONE HUNDRED EIGHTY
27 DAYS AFTER A REPORT OR DISCLOSURE.

16 (10) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
17 REQUIRES:

18 (a) "LOCAL DETENTION FACILITY" MEANS A COUNTY, MUNICIPAL,
19 OR CITY JAIL OR DETENTION FACILITY.

27 (c) "STAFF MEMBER" MEANS A PERSON EMPLOYED AT A LOCAL

1 DETENTION FACILITY.

2 **SECTION 6.** In Colorado Revised Statutes, 24-31-902, **add**
3 (1)(a)(II)(F) as follows:

4 **24-31-902. Incident recordings - release - tampering - fine.**

5 (1) (a) (II) (F) A PEACE OFFICER SHALL NOT WEAR OR ACTIVATE A
6 BODY-WORN CAMERA IF THE PEACE OFFICER IS CONDUCTING A STRIP
7 SEARCH AND OTHER METHODS OF VIDEO RECORDING OR SURVEILLANCE
8 ARE AVAILABLE.

9 **SECTION 7.** In Colorado Revised Statutes, 24-31-904, **amend**
10 (1)(a)(IV) and (1)(a)(V); and **add** (1)(a)(VI) and (7) as follows:

11 **24-31-904. Peace officer certification discipline - definition.**

12 (1) (a) Notwithstanding any provision of law, the P.O.S.T. board
13 shall permanently revoke a peace officer's certification if:

14 (IV) An administrative law judge, hearing officer, or internal
15 investigation finds that a peace officer failed to intervene pursuant to
16 section 18-8-805 (5) and the incident resulted in death to another person;
17 **or**

18 (V) An administrative law judge, hearing officer, or internal
19 investigation finds that a peace officer violated section 18-8-805 (1) or
20 (2)(a)(I) and the incident resulted in death to another person; **OR**

21 (VI) AN ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR
22 INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER PERPETRATED AN
23 ACT THAT CONSTITUTES SEXUAL ASSAULT, AS DESCRIBED IN SECTION
24 18-3-402, OR UNLAWFUL SEXUAL CONTACT, AS DESCRIBED IN SECTION
25 18-3-404, AND THE ACT INVOLVED A PRISONER IN A LOCAL DETENTION
26 FACILITY.

27 (7) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

1 REQUIRES, "LOCAL DETENTION FACILITY" MEANS A COUNTY, MUNICIPAL,
2 OR CITY JAIL OR DETENTION FACILITY.

3 **SECTION 8.** In Colorado Revised Statutes, 2-3-1901, **add** (2)(g)
4 as follows:

5 **2-3-1901. Legislative oversight committee for Colorado jail
6 standards - creation - duties - repeal.**

7 **(2) Duties.**

8 (g) PURSUANT TO SECTION 17-26-142 (4)(a), DURING THE 2026
9 LEGISLATIVE INTERIM, THE COMMITTEE SHALL DEVELOP GUIDELINES FOR
10 IDENTIFYING QUALIFIED THIRD PARTIES TO AUDIT LOCAL DETENTION
11 FACILITIES TO REVIEW JAIL POLICIES AND PRACTICES RELATED TO SEXUAL
12 ABUSE AND JAIL CONDITIONS REGARDING SEXUAL ABUSE AND SHALL
13 ESTABLISH A PROCESS FOR QUALIFIED THIRD PARTIES OR CERTIFIED PREA
14 AUDITORS, ESTABLISHED PURSUANT TO 28 CFR 115.402, TO AUDIT LOCAL
15 DETENTION FACILITIES UPON REQUEST OF THE COMMITTEE; EXCEPT THAT
16 THE COMMITTEE IS NOT REQUIRED TO DEVELOP THE GUIDELINES AND
17 ESTABLISH PROCESSES PURSUANT TO SECTION 17-26-142 (4) IF IT IS NOT
18 AUTHORIZED TO MEET IN THE 2026 INTERIM.

19 **SECTION 9. Safety clause.** The general assembly finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, or safety or for appropriations for
22 the support and maintenance of the departments of the state and state
23 institutions.