

**Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 26-0518.01 Ken Fowler x2372

**HOUSE BILL 26-1123**

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**HOUSE SPONSORSHIP**

**Stewart K. and Mabrey, Duran**

**SENATE SPONSORSHIP**

**Amabile and Weissman,**

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**House Committees**  
Judiciary

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**A BILL FOR AN ACT**

101 **CONCERNING MEASURES TO PREVENT SEXUAL ABUSE IN JAILS.**

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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://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.

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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~~  
23 ~~not apply when, following arraignment and pursuant to a court order, the~~  
24 ~~person is taken into custody by or remanded to a sheriff or a correctional~~  
25 ~~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 CALENDER 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 9 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.**

1           (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
2     REQUIRES:

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.

13          (2) EACH LOCAL DETENTION FACILITY SHALL DEVELOP POLICIES  
14    AND PROCEDURES TO:

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 AGGRIEVED 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.

1           (II) IF A LOCAL DETENTION FACILITY DOES NOT ADOPT AN  
2 INTERNAL ADMINISTRATIVE PROCEDURE OR DOES NOT COMPLETE THE  
3 INTERNAL ADMINISTRATIVE PROCEDURE WITHIN ONE HUNDRED EIGHTY  
4 DAYS AFTER A REPORT OR DISCLOSURE, THIS SUBSECTION (9) IS DEEMED  
5 COMPLIED WITH AND THE STAFF MEMBER MAY FILE A PRIVATE RIGHT OF  
6 ACTION IN A COURT OF COMPETENT JURISDICTION PURSUANT TO  
7 SUBSECTION (2) OF THIS SECTION. IF THE LOCAL DETENTION FACILITY'S  
8 INTERNAL ADMINISTRATIVE PROCEDURE HAS NOT BEEN COMPLETED WHEN  
9 THE STAFF MEMBER INITIATES A PRIVATE RIGHT OF ACTION PURSUANT TO  
10 SUBSECTION (2) OF THIS SECTION FOR REASONS BEYOND THE CONTROL OF  
11 THE LOCAL DETENTION FACILITY, INCLUDING, BUT NOT LIMITED TO, THE  
12 EXISTENCE OF AN OPEN CRIMINAL PROCEEDING OR AN OPEN CRITICAL  
13 INCIDENT RESPONSE TEAM INVESTIGATION, THE LOCAL DETENTION  
14 FACILITY MAY SEEK A STAY OF THE PRIVATE RIGHT OF ACTION PENDING  
15 RESOLUTION OF THE SOURCE OF THE DELAY.

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.

20           (b) "PROPER SUPERVISING AUTHORITY" MEANS THE PERSON OR  
21 DEPARTMENT DESIGNATED IN THE LOCAL DETENTION FACILITY TO  
22 INVESTIGATE ALLEGATIONS OF INTERNAL MISCONDUCT. IF THE LOCAL  
23 DETENTION FACILITY DOES NOT HAVE A POLICY DESIGNATING A PERSON OR  
24 DEPARTMENT TO INVESTIGATE ALLEGATIONS OF MISCONDUCT, THE PROPER  
25 SUPERVISING AUTHORITY IS THE HIGHEST-RANKING STAFF MEMBER IN THE  
26 LOCAL 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.