

HB1262 L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB16-1262 be amended as follows:

- 1 Amend printed bill, page 2, line 8, strike "PRIVATE SECURITY COMPANY"
2 and substitute "GOVERNMENTAL AGENCY".
- 3 Page 2, line 10, strike "PRIVATE SECURITY COMPANY" and substitute
4 "GOVERNMENTAL AGENCY".
- 5 Page 3, line 1, strike "ALL FILES PERTAINING TO THE APPLICANT," and
6 substitute "THE APPLICANT'S FILES,".
- 7 Page 3, line 4, strike "PRIVATE SECURITY COMPANY" and substitute
8 "GOVERNMENTAL AGENCY".
- 9 Page 3, line 8, strike "SHALL" and substitute "SHALL, AT LEAST
10 TWENTY-THREE DAYS PRIOR TO MAKING THE HIRING DECISION,".
- 11 Page 3, lines 9 and 10, strike "PRIVATE SECURITY COMPANY" and
12 substitute "GOVERNMENTAL AGENCY".
- 13 Page 3, line 10, strike "CANDIDATE AT LEAST TEN DAYS" and substitute
14 "CANDIDATE.".
- 15 Page 3, line 11, strike "PRIOR TO MAKING THE HIRING DECISION.".
- 16 Page 3, line 12, strike "PRIVATE SECURITY COMPANY" and substitute
17 "GOVERNMENTAL AGENCY".
- 18 Page 3, line 14, strike "SEVEN" and substitute "TWENTY".
- 19 Page 3, after line 15 insert:
20 "(2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT
21 REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF
22 THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE
23 DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO
24 WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED
25 BEFORE THE EFFECTIVE DATE OF THIS SECTION.".
- 26 Renumber succeeding subsections accordingly.

- 1 Page 3, lines 16 and 17, strike "PRIVATE SECURITY COMPANY" and
2 substitute "GOVERNMENTAL AGENCY".
- 3 Page 3, line 18, strike "SECTION." and substitute "SECTION OR
4 PARTICIPATING IN AN OFFICIAL ORAL INTERVIEW WITH AN INVESTIGATOR
5 REGARDING THE CANDIDATE."
- 6 Page 3, strike line 20 and substitute "REQUIRES:
7 (a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES
8 RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES,
9 PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL RELATED CLAIMS,
10 DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND
11 CONDEMNATIONS.
12 (b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:".
- 13 Page 3, line 21, strike "(a)" and substitute "(I)".
- 14 Page 3, line 23, strike "(b)" and substitute "(II)".
- 15 Page 3, line 25, strike "(c)" and substitute "(III)".
- 16 Page 3, line 26, strike "(d)" and substitute "(IV)".
- 17 Page 3, line 27, strike "(e)" and substitute "(V)".
- 18 Page 4, line 3, strike "(f)" and substitute "(VI)".
- 19 Page 4, after line 3 insert:
20 "SECTION 2. In Colorado Revised Statutes, add 24-35-120 as
21 follows:
22 **24-35-120. Peace officer hiring - required use of waiver -**
23 **definitions.** (1) THE DEPARTMENT OF REVENUE SHALL REQUIRE EACH
24 CANDIDATE THAT IT INTERVIEWS FOR A PEACE OFFICER POSITION WHO HAS
25 BEEN EMPLOYED BY ANOTHER LAW ENFORCEMENT AGENCY OR
26 GOVERNMENTAL AGENCY TO EXECUTE A WRITTEN WAIVER THAT
27 EXPLICITLY AUTHORIZES EACH LAW ENFORCEMENT AGENCY OR
28 GOVERNMENTAL AGENCY THAT HAS EMPLOYED THE CANDIDATE TO
29 DISCLOSE THE APPLICANT'S FILES, INCLUDING INTERNAL AFFAIRS FILES, TO
30 THE DEPARTMENT AND RELEASES THE DEPARTMENT AND EACH LAW
31 ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT EMPLOYED THE
32 CANDIDATE FROM ANY LIABILITY RELATED TO THE USE AND DISCLOSURE

1 OF THE FILES. A CANDIDATE WHO REFUSES TO EXECUTE THE WAIVER
2 SHALL NOT BE CONSIDERED FOR EMPLOYMENT BY THE DEPARTMENT OF
3 REVENUE. THE DEPARTMENT OF REVENUE SHALL, AT LEAST
4 TWENTY-THREE DAYS PRIOR TO MAKING THE HIRING DECISION, SUBMIT
5 THE WAIVER TO EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL
6 AGENCY THAT HAS EMPLOYED THE CANDIDATE. A STATE OR LOCAL LAW
7 ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT RECEIVES SUCH
8 A WAIVER SHALL PROVIDE THE DISCLOSURE TO THE DEPARTMENT OF
9 REVENUE NOT MORE THAN TWENTY DAYS AFTER SUCH RECEIPT.

10 (2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT
11 REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF
12 THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE
13 DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO
14 WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED
15 BEFORE THE EFFECTIVE DATE OF THIS SECTION, OR PARTICIPATING IN AN
16 OFFICIAL ORAL INTERVIEW WITH AN INVESTIGATOR REGARDING THE
17 CANDIDATE.

18 (3) A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR
19 GOVERNMENTAL ENTITY IS NOT LIABLE FOR COMPLYING WITH THE
20 PROVISIONS OF THIS SECTION.

21 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
22 REQUIRES:

23 (a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES
24 RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES,
25 PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL-RELATED CLAIMS,
26 DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND
27 CONDEMNATIONS.

28 (b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:

29 (I) THE COLORADO STATE PATROL CREATED PURSUANT TO
30 SECTION 24-33.5-201;

31 (II) THE COLORADO BUREAU OF INVESTIGATION CREATED
32 PURSUANT TO SECTION 24-33.5-401;

33 (III) A COUNTY SHERIFF'S OFFICE;

34 (IV) A MUNICIPAL POLICE DEPARTMENT;

35 (V) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE
36 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION
37 24-1-124; OR

38 (VI) A TOWN MARSHAL'S OFFICE."

39 Renumber succeeding sections accordingly.



- 1 Page 4, lines 9 and 10, strike "PRIVATE SECURITY COMPANY" and
2 substitute "GOVERNMENTAL AGENCY".
- 3 Page 4, lines 11 and 12, strike "PRIVATE SECURITY COMPANY" and
4 substitute "GOVERNMENTAL AGENCY".
- 5 Page 4, lines 12 and 13, strike "ALL FILES PERTAINING TO THE APPLICANT,"
6 and substitute "THE APPLICANT'S FILES,".
- 7 Page 4, lines 15 and 16, strike "PRIVATE SECURITY COMPANY" and
8 substitute "GOVERNMENTAL AGENCY".
- 9 Page 4, line 20, strike "SHALL" and substitute "SHALL, AT LEAST
10 TWENTY-THREE DAYS PRIOR TO MAKING THE HIRING DECISION,".
- 11 Page 4, line 21, strike "PRIVATE SECURITY COMPANY" and substitute
12 "GOVERNMENTAL AGENCY".
- 13 Page 4, line 22, strike "CANDIDATE AT LEAST TEN DAYS PRIOR TO MAKING"
14 and substitute "CANDIDATE.".
- 15 Page 4, line 23, strike "THE HIRING DECISION.".
- 16 Page 4, line 24, strike "PRIVATE SECURITY COMPANY" and substitute
17 "GOVERNMENTAL AGENCY".
- 18 Page 4, line 26, strike "SEVEN" and substitute "TWENTY".
- 19 Page 4, after line 26 insert:
20 "(2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT
21 REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF
22 THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE
23 DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO
24 WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED
25 BEFORE THE EFFECTIVE DATE OF THIS SECTION."
- 26 Renumber succeeding subsections accordingly.
- 27 Page 4, line 27, strike "PRIVATE" and substitute "GOVERNMENTAL
28 AGENCY".

- 1 Page 5, line 1, strike "SECURITY COMPANY".
- 2 Page 5, line 2, strike "SECTION." and substitute "SECTION OR
3 PARTICIPATING IN AN OFFICIAL ORAL INTERVIEW WITH AN INVESTIGATOR
4 REGARDING THE CANDIDATE.".
- 5 Page 5, strike line 4 and substitute "REQUIRES:
6 (a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES
7 RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES,
8 PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL RELATED CLAIMS,
9 DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND
10 CONDEMNATIONS.
11 (b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:".
- 12 Page 5, line 5, strike "(a)" and substitute "(I)".
- 13 Page 5, line 7, strike "(b)" and substitute "(II)".
- 14 Page 5, line 9, strike "(c)" and substitute "(III)".
- 15 Page 5, line 10, strike "(d)" and substitute "(IV)".
- 16 Page 5, line 11, strike "(e)" and substitute "(V)".
- 17 Page 5, line 14, strike "(f)" and substitute "(VI)".
- 18 Page 5, line 21, strike "PRIVATE SECURITY COMPANY" and substitute
19 "GOVERNMENTAL AGENCY".
- 20 Page 5, line 23, strike "PRIVATE SECURITY COMPANY" and substitute
21 "GOVERNMENTAL AGENCY".
- 22 Page 5, line 24, strike "ALL FILES PERTAINING TO THE APPLICANT," and
23 substitute "THE APPLICANT'S FILES,".
- 24 Page 6, line 1, strike "PRIVATE SECURITY COMPANY" and substitute
25 "GOVERNMENTAL AGENCY".
- 26 Page 6, line 6, strike "SHALL" and substitute "SHALL, AT LEAST
27 TWENTY-THREE DAYS PRIOR TO MAKING THE HIRING DECISION,".
- 28 Page 6, line 7, strike "PRIVATE SECURITY COMPANY" and substitute



- 1 "GOVERNMENTAL AGENCY" and strike "CANDIDATE AT" and substitute
2 "CANDIDATE."
- 3 Page 6, line 8, strike "LEAST TEN DAYS PRIOR TO MAKING THE HIRING
4 DECISION."
- 5 Page 6, line 9, strike "PRIVATE SECURITY COMPANY" and substitute
6 "GOVERNMENTAL AGENCY".
- 7 Page 6, line 12, strike "SEVEN" and substitute "TWENTY".
- 8 Page 6, after line 13 insert:
9 "(2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT
10 REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF
11 THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE
12 DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO
13 WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED
14 BEFORE THE EFFECTIVE DATE OF THIS SECTION."
- 15 Renumber succeeding subsections accordingly.
- 16 Page 6, line 14 and 15, strike "PRIVATE SECURITY COMPANY" and
17 substitute "GOVERNMENTAL AGENCY".
- 18 Page 6, line 16, strike "SECTION." and substitute "SECTION OR
19 PARTICIPATING IN AN OFFICIAL ORAL INTERVIEW WITH AN INVESTIGATOR
20 REGARDING THE CANDIDATE."
- 21 Page 6, strike line 18, and substitute "REQUIRES:
22 (a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES
23 RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES,
24 PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL RELATED CLAIMS,
25 DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND
26 CONDEMNATIONS.
27 (b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:"
- 28 Page 6, line 19, strike "(a)" and substitute "(I)".
- 29 Page 6, line 21, strike "(b)" and substitute "(II)".
- 30 Page 6, line 23, strike "(c)" and substitute "(III)".

- 1 Page 6, line 24, strike "(d)" and substitute "(IV)".
- 2 Page 6, line 25, strike "(e)" and substitute "(V)".
- 3 Page 7, line 1, strike "(f)" and substitute "(VI)".
- 4 Page 7, line 7, strike "PRIVATE SECURITY COMPANY" and substitute
5 "GOVERNMENTAL AGENCY".
- 6 Page 7, line 9, strike "PRIVATE SECURITY COMPANY" and substitute
7 "GOVERNMENTAL AGENCY".
- 8 Page 7, line 10 and 11, strike "ALL FILES PERTAINING TO THE APPLICANT,"
9 and substitute "THE APPLICANT'S FILES,".
- 10 Page 7, line 13, strike "PRIVATE SECURITY COMPANY" and substitute
11 "GOVERNMENTAL AGENCY".
- 12 Page 7, line 16, strike "SHALL" and substitute "SHALL, AT LEAST
13 TWENTY-THREE DAYS PRIOR TO MAKING THE HIRING DECISION,".
- 14 Page 7, line 17 and 18, strike "PRIVATE SECURITY COMPANY" and
15 substitute "GOVERNMENTAL AGENCY".
- 16 Page 7, line 18, strike "CANDIDATE AT LEAST TEN" and substitute
17 "CANDIDATE.".
- 18 Page 7, line 19, strike "DAYS PRIOR TO MAKING THE HIRING DECISION.".
- 19 Page 7, line 20, strike "PRIVATE SECURITY COMPANY" and substitute
20 "GOVERNMENTAL AGENCY".
- 21 Page 7, line 22, strike "SEVEN" and substitute "TWENTY".
- 22 Page 7, after line 22 insert:
23 "(2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT
24 REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF
25 THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE
26 DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO
27 WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED
28 BEFORE THE EFFECTIVE DATE OF THIS SECTION.".

- 1 Renumber succeeding subsections accordingly.
- 2 Page 7, lines 23 and 24, strike "PRIVATE SECURITY COMPANY" and
3 substitute "GOVERNMENTAL AGENCY".
- 4 Page 7, line 25, strike "SECTION." and substitute "SECTION OR
5 PARTICIPATING IN AN OFFICIAL ORAL INTERVIEW WITH AN INVESTIGATOR
6 REGARDING THE CANDIDATE."
- 7 Page 7, strike line 27 and substitute "REQUIRES:
8 (a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES
9 RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES,
10 PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL RELATED CLAIMS,
11 DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND
12 CONDEMNATIONS.
13 (b) "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:".
- 14 Page 8, line 1, strike "(a)" and substitute "(I)".
- 15 Page 8, line 3, strike "(b)" and substitute "(II)".
- 16 Page 8, line 5, strike "(c)" and substitute "(III)".
- 17 Page 8, line 6, strike "(d)" and substitute "(IV)".
- 18 Page 8, line 7, strike "(e)" and substitute "(V)".
- 19 Page 8, line 10, strike "(f)" and substitute "(VI)".
- 20 Page 8, lines 15 and 16, strike "PRIVATE SECURITY COMPANY" and
21 substitute "GOVERNMENTAL AGENCY".
- 22 Page 8, lines 17 and 18, strike "PRIVATE SECURITY COMPANY" and
23 substitute "GOVERNMENTAL AGENCY".
- 24 Page 8, line 18 and 19, strike "ALL FILES PERTAINING TO THE APPLICANT,"
25 and substitute "THE APPLICANT'S FILES,".
- 26 Page 8, line 21, strike "PRIVATE SECURITY COMPANY" and substitute
27 "GOVERNMENTAL AGENCY".

- 1 Page 8, after line 24 insert:
2 "(b) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT
3 REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF
4 THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE
5 DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO
6 WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED
7 BEFORE THE EFFECTIVE DATE OF THIS SECTION."
- 8 Reletter succeeding paragraph accordingly.
- 9 Page 8, line 26, strike "PRIVATE SECURITY COMPANY" and substitute
10 "GOVERNMENTAL AGENCY".
- 11 Page 8, line 27, strike "SECTION." and substitute "SECTION OR
12 PARTICIPATING IN AN OFFICIAL ORAL INTERVIEW WITH AN INVESTIGATOR
13 REGARDING THE CANDIDATE."
- 14 Page 9, line 22, strike "MAY" and substitute "SHALL".
- 15 Page 10, line 3, after the semi-colon, add "OR".
- 16 Page 10, line 5, strike "COMPLETED;" and substitute "COMPLETED".
- 17 Page 10, strike lines 6 through 9.

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