

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0392.01 Ed DeCecco x4216

SENATE BILL 15-231

SENATE SPONSORSHIP

Marble, Grantham, Holbert, Hill, Woods, Aguilar, Crowder, Guzman, Hodge, Jahn, Lambert, Lundberg, Neville T., Scott, Sonnenberg, Steadman, Ulibarri

HOUSE SPONSORSHIP

Salazar and Everett, Humphrey, Neville P., Klingenschmitt, Ransom, Buck, Dore, Joshi, Lundeen, Melton, Navarro, Nordberg, Rankin, Saine, Singer

Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING A LIMITATION ON THE USE OF FORCE BY A REGULATORY**
102 **AGENCY, AND, IN CONNECTION THEREWITH, ENACTING THE**
103 **"REGULATORY AGENCY DEMILITARIZATION ACT".**

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/bills summaries>.)

The bill limits the activities of regulatory agencies in the following manner:

- ! Requires a federal regulatory agency to provide local law enforcement agencies with a notice of an impending operation of a special weapons and tactics team, a tactical

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 (e) THE UNITED STATES CAPITOL POLICE;
2 (f) THE BUREAU OF DIPLOMATIC SECURITY; AND
3 (g) THE MILITARY DEPARTMENTS, AS DEFINED IN 5 U.S.C. SEC.
4 102.

5 (2) "FIREARM" MEANS ANY HANDGUN, AUTOMATIC, REVOLVER,
6 PISTOL, RIFLE, SHOTGUN, OR OTHER INSTRUMENT OR DEVICE CAPABLE OR
7 INTENDED TO BE CAPABLE OF DISCHARGING BULLETS, CARTRIDGES, OR
8 OTHER EXPLOSIVE CHARGES.

9 (3) "SPECIALIZED UNIT" MEANS A UNIT THAT RECEIVES SPECIAL
10 TACTICAL OR MILITARY-STYLE TRAINING OR USES HARD-PLATED BODY
11 ARMOR, SHIELDS, OR HELMETS AND THAT RESPONDS TO HIGH-RISK
12 SITUATIONS THAT FALL OUTSIDE THE CAPABILITIES OF REGULAR LAW
13 ENFORCEMENT OFFICERS. A "SPECIALIZED UNIT" INCLUDES A SPECIAL
14 WEAPONS AND TACTICS TEAM, TACTICAL RESPONSE TEAM, SPECIAL EVENTS
15 TEAM, SPECIAL RESPONSE TEAM, OR AN ACTIVE SHOOTER TEAM.

16 (4) "STATE REGULATORY AGENCY" MEANS ANY DEPARTMENT,
17 BOARD, BUREAU, COMMISSION, DIVISION, INSTITUTION, OFFICE, OR OTHER
18 AGENCY OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCH OF THE
19 STATE GOVERNMENT, EXCLUDING THE FOLLOWING:

20 (a) THE COLORADO STATE PATROL CREATED IN SECTION
21 24-33.5-201;

22 (b) THE DEPARTMENT OF CORRECTIONS;

23 (c) THE COLORADO BUREAU OF INVESTIGATION CREATED IN
24 SECTION 24-33.5-401;

25 (d) THE DIVISION OF HOMELAND SECURITY AND EMERGENCY
26 MANAGEMENT IN THE DEPARTMENT OF PUBLIC SAFETY CREATED IN
27 SECTION 24-33.5-1603;

1 (e) INVESTIGATIVE UNITS WITHIN THE ATTORNEY GENERAL'S
2 OFFICE;

3 (f) A CAMPUS POLICE AGENCY AT A STATE INSTITUTION OF HIGHER
4 EDUCATION, INCLUDING THE AURARIA HIGHER EDUCATION CENTER
5 CREATED IN ARTICLE 70 OF TITLE 23, C.R.S.:

6 (g) THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS;

7 (h) INVESTIGATIVE UNITS WITHIN A DISTRICT ATTORNEY'S OFFICE;

8 AND

9 (i) THE DIVISION OF PARKS AND WILDLIFE CREATED PURSUANT TO
10 SECTION 33-9-104, C.R.S.

11 **24-116-103. Federal regulatory agency - specialized unit -**
12 **notice - ban.** (1) AT LEAST TWENTY-FOUR HOURS PRIOR TO USING A
13 SPECIALIZED UNIT TO CONDUCT ANY TYPE OF OPERATION WITHIN THIS
14 STATE, A FEDERAL REGULATORY AGENCY MUST PROVIDE NOTICE OF AN
15 IMPENDING OPERATION TO THE COUNTY SHERIFF OF THE COUNTY IN WHICH
16 THE OPERATION IS TO OCCUR, AND, IF IT IS TO OCCUR WITHIN AN
17 INCORPORATED AREA, TO THE POLICE DEPARTMENT, TOWN MARSHAL, OR
18 OTHER LOCAL LAW ENFORCEMENT AGENCY OF THE CITY OR TOWN. THE
19 NOTICE MUST INCLUDE A COPY OF THE COURT ORDER THAT AUTHORIZES
20 THE SPECIALIZED UNIT TO CONDUCT THE OPERATION.

21 (2) A FEDERAL REGULATORY AGENCY SHALL NOT USE A
22 SPECIALIZED UNIT TO CONDUCT ANY OPERATION WITHIN THIS STATE,
23 UNLESS THE AGENCY FIRST PROVIDES THE NOTICE REQUIRED BY
24 SUBSECTION (1) OF THIS SECTION.

25 **24-116-104. State regulatory agency - firearm prohibition -**
26 **specialized units report.** (1) BEGINNING THIRTY DAYS AFTER THE
27 EFFECTIVE DATE OF THIS SECTION, A STATE REGULATORY AGENCY SHALL

1 NOT PURCHASE A FIREARM AND NO PERSON FROM A STATE REGULATORY
2 AGENCY SHALL USE A FIREARM IN CONNECTION WITH THE EXERCISE OF HIS
3 OR HER DUTIES ON BEHALF OF THE AGENCY.

4 (2) ON OR BEFORE JANUARY 1, 2016, AND EACH JANUARY 1
5 THEREAFTER, THE OFFICE OF THE GOVERNOR SHALL SUBMIT A REPORT TO
6 THE GENERAL ASSEMBLY THAT:

7 (a) CERTIFIES NO STATE REGULATORY AGENCY HAS PURCHASED A
8 FIREARM OR, IF NOT TRUE, IDENTIFIES ANY STATE REGULATORY AGENCY
9 THAT HAS PURCHASED A FIREARM;

10 (b) IDENTIFIES EACH STATE REGULATORY AGENCY THAT HAS A
11 SPECIALIZED UNIT; AND

12 (c) DESCRIBES THE PURPOSE OF THE STATE REGULATORY AGENCY'S
13 SPECIALIZED UNIT AND IDENTIFIES THE STATE LAW THAT AUTHORIZES THE
14 UNIT.

15 (3) THE REPORT REQUIRED BY SUBSECTION (2) OF THIS SECTION IS
16 EXEMPT FROM THE AUTOMATIC EXPIRATION DESCRIBED IN SECTION
17 24-1-136 (11).

18 **SECTION 2. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2016 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.