

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 13-0537.01 Richard Sweetman x4333

HOUSE BILL 13-1118

HOUSE SPONSORSHIP

Rosenthal,

SENATE SPONSORSHIP

King,

House Committees
Local Government

Senate Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING REQUIRING LAW ENFORCEMENT AGENCIES TO ISSUE**
102 **PHOTOGRAPHIC IDENTIFICATION TO CERTAIN RETIRED PEACE**
103 **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>.)

On and after the effective date of the bill, if a law enforcement agency of the state has a policy, on the effective date of this act, of issuing photographic identification to peace officers who have retired from the agency, and the agency discontinues said policy after the

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.

SENATE
2nd Reading Unamended
March 18, 2013

HOUSE
3rd Reading Unamended
February 26, 2013

HOUSE
Amended 2nd Reading
February 22, 2013

effective date of this act, the agency shall continue to provide such photographic identification to peace officers who have retired from the agency if:

- ! The peace officer requests the identification;
- ! The peace officer retired from the law enforcement agency before the date upon which the agency discontinued the policy; and
- ! The peace officer is a qualified retired law enforcement officer, as defined in 18 U.S.C. sec. 926C (c).

The photographic identification shall satisfy certain provisions of federal law for the purpose of exempting the retired peace officer from state laws concerning the carrying of concealed firearms.

A law enforcement agency may charge a fee for issuing a photographic identification to a retired peace officer, which fee shall not exceed the direct and indirect costs assumed by the law enforcement agency in issuing the photographic identification.

A law enforcement agency of the state is not required to issue a photographic identification if the chief administrative officer of the agency elects not to do so.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-33.5-112 as
3 follows:

4 **24-33.5-112. State law enforcement agencies to provide**
5 **identification cards to retired peace officers upon request -**
6 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
7 OTHERWISE REQUIRES:

8 (a) "LAW ENFORCEMENT AGENCY OF THE STATE" MEANS THE
9 DEPARTMENT AND ANY AGENCY THAT EXISTS WITHIN THE DEPARTMENT
10 ANDEMPLOYS AT LEAST ONE PEACE OFFICER, INCLUDING BUT NOT LIMITED
11 TO THE COLORADO STATE PATROL CREATED IN PART 2 OF THIS ARTICLE,
12 THE COLORADO BUREAU OF INVESTIGATION CREATED IN PART 4 OF THIS
13 ARTICLE, AND THE DIVISION OF CRIMINAL JUSTICE CREATED IN PART 5 OF
14 THIS ARTICLE.

1 (b) "PEACE OFFICER" MEANS A CERTIFIED PEACE OFFICER
2 DESCRIBED IN SECTION 16-2.5-102, C.R.S.

3 (c) "PHOTOGRAPHIC IDENTIFICATION" MEANS A PHOTOGRAPHIC
4 IDENTIFICATION THAT SATISFIES THE DESCRIPTION AT 18 U.S.C. SEC. 926C
5 (d).

6 (2) EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, ON
7 AND AFTER THE EFFECTIVE DATE OF THIS ACT, IF A LAW ENFORCEMENT
8 AGENCY OF THE STATE HAS A POLICY, ON THE EFFECTIVE DATE OF THIS
9 ACT, OF ISSUING PHOTOGRAPHIC IDENTIFICATION TO PEACE OFFICERS WHO
10 HAVE RETIRED FROM THE AGENCY, AND THE AGENCY DISCONTINUES SAID
11 POLICY AFTER THE EFFECTIVE DATE OF THIS ACT, THE AGENCY SHALL
12 CONTINUE TO PROVIDE SUCH PHOTOGRAPHIC IDENTIFICATION TO PEACE
13 OFFICERS WHO HAVE RETIRED FROM THE AGENCY IF:

14 (a) THE PEACE OFFICER REQUESTS THE IDENTIFICATION;

15 (b) THE PEACE OFFICER RETIRED FROM THE LAW ENFORCEMENT
16 AGENCY BEFORE THE DATE UPON WHICH THE AGENCY DISCONTINUED THE
17 POLICY; AND

18 (c) THE PEACE OFFICER IS A QUALIFIED RETIRED LAW
19 ENFORCEMENT OFFICER, AS DEFINED IN 18 U.S.C. SEC. 926C (c).

20 (3) BEFORE ISSUING OR RENEWING A PHOTOGRAPHIC
21 IDENTIFICATION TO A RETIRED LAW ENFORCEMENT OFFICER PURSUANT TO
22 THIS SECTION, A LAW ENFORCEMENT AGENCY OF THE STATE SHALL
23 COMPLETE A CRIMINAL BACKGROUND CHECK OF THE OFFICER THROUGH
24 A SEARCH OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK
25 SYSTEM CREATED BY THE FEDERAL "BRADY HANDGUN VIOLENCE
26 PREVENTION ACT" (PUB.L. 103-159), THE RELEVANT PORTION OF WHICH
27 IS CODIFIED AT 18 U.S.C. SEC. 922 (t), AND A SEARCH OF THE STATE

1 INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM. IF THE
2 BACKGROUND CHECK INDICATES THAT THE OFFICER IS PROHIBITED FROM
3 POSSESSING A FIREARM BY STATE OR FEDERAL LAW, THE LAW
4 ENFORCEMENT AGENCY SHALL NOT ISSUE THE PHOTOGRAPHIC
5 IDENTIFICATION.

6 (4) A LAW ENFORCEMENT AGENCY OF THE STATE MAY CHARGE A
7 FEE FOR ISSUING A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED PEACE
8 OFFICER PURSUANT TO SUBSECTION (2) OF THIS SECTION, WHICH FEE SHALL
9 NOT EXCEED THE DIRECT AND INDIRECT COSTS ASSUMED BY THE AGENCY
10 IN ISSUING THE PHOTOGRAPHIC IDENTIFICATION.

11 (5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
12 CONTRARY, A LAW ENFORCEMENT AGENCY OF THE STATE SHALL NOT BE
13 REQUIRED TO ISSUE A PHOTOGRAPHIC IDENTIFICATION TO A PARTICULAR
14 PEACE OFFICER IF THE CHIEF ADMINISTRATIVE OFFICER OF THE AGENCY
15 ELECTS NOT TO DO SO.

16 (6) IF A LAW ENFORCEMENT AGENCY OF THE STATE DENIES A
17 PHOTOGRAPHIC IDENTIFICATION TO A RETIRED PEACE OFFICER WHO
18 REQUESTS A PHOTOGRAPHIC IDENTIFICATION PURSUANT TO THIS SECTION,
19 THE LAW ENFORCEMENT AGENCY SHALL PROVIDE THE RETIRED PEACE
20 OFFICER A WRITTEN STATEMENT SETTING FORTH THE REASON FOR THE
21 DENIAL.

22 **SECTION 2.** In Colorado Revised Statutes, **add** 24-31-109 as
23 follows:

24 **24-31-109. Attorney general to provide identification cards to**
25 **retired peace officers upon request - definitions.** (1) AS USED IN THIS
26 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

27 (a) "PEACE OFFICER" MEANS A CERTIFIED PEACE OFFICER

1 DESCRIBED IN SECTION 16-2.5-102, C.R.S.

2 (b) "PHOTOGRAPHIC IDENTIFICATION" MEANS A PHOTOGRAPHIC
3 IDENTIFICATION THAT SATISFIES THE DESCRIPTION AT 18 U.S.C. SEC. 926C
4 (d).

5 (2) EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, ON
6 AND AFTER THE EFFECTIVE DATE OF THIS ACT, IF THE DEPARTMENT OF LAW
7 HAS A POLICY, ON THE EFFECTIVE DATE OF THIS ACT, OF ISSUING
8 PHOTOGRAPHIC IDENTIFICATION TO PEACE OFFICERS WHO HAVE RETIRED
9 FROM THE DEPARTMENT, AND THE DEPARTMENT DISCONTINUES SAID
10 POLICY AFTER THE EFFECTIVE DATE OF THIS ACT, THE DEPARTMENT SHALL
11 CONTINUE TO PROVIDE SUCH PHOTOGRAPHIC IDENTIFICATION TO PEACE
12 OFFICERS WHO HAVE RETIRED FROM THE DEPARTMENT IF:

13 (a) THE PEACE OFFICER REQUESTS THE IDENTIFICATION;

14 (b) THE PEACE OFFICER RETIRED FROM THE DEPARTMENT OF LAW
15 BEFORE THE DATE UPON WHICH THE DEPARTMENT DISCONTINUED THE
16 POLICY; AND

17 (c) THE PEACE OFFICER IS A QUALIFIED RETIRED LAW
18 ENFORCEMENT OFFICER, AS DEFINED IN 18 U.S.C. SEC. 926C (c).

19 (3) BEFORE ISSUING OR RENEWING A PHOTOGRAPHIC
20 IDENTIFICATION TO A RETIRED LAW ENFORCEMENT OFFICER PURSUANT TO
21 THIS SECTION, A LAW ENFORCEMENT AGENCY OF THE STATE SHALL
22 COMPLETE A CRIMINAL BACKGROUND CHECK OF THE OFFICER THROUGH
23 A SEARCH OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK
24 SYSTEM CREATED BY THE FEDERAL "BRADY HANDGUN VIOLENCE
25 PREVENTION ACT" (PUB.L. 103-159), THE RELEVANT PORTION OF WHICH
26 IS CODIFIED AT 18 U.S.C. SEC. 922 (t), AND A SEARCH OF THE STATE
27 INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM. IF THE

1 BACKGROUND CHECK INDICATES THAT THE OFFICER IS PROHIBITED FROM
2 POSSESSING A FIREARM BY STATE OR FEDERAL LAW, THE LAW
3 ENFORCEMENT AGENCY SHALL NOT ISSUE THE PHOTOGRAPHIC
4 IDENTIFICATION.

5 (4) THE DEPARTMENT OF LAW MAY CHARGE A FEE FOR ISSUING A
6 PHOTOGRAPHIC IDENTIFICATION TO A RETIRED PEACE OFFICER PURSUANT
7 TO SUBSECTION (2) OF THIS SECTION , WHICH FEE SHALL NOT EXCEED THE
8 DIRECT AND INDIRECT COSTS ASSUMED BY THE DEPARTMENT IN ISSUING
9 THE PHOTOGRAPHIC IDENTIFICATION.

10 (5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
11 CONTRARY, THE DEPARTMENT OF LAW SHALL NOT BE REQUIRED TO ISSUE
12 A PHOTOGRAPHIC IDENTIFICATION TO A PARTICULAR PEACE OFFICER IF THE
13 ATTORNEY GENERAL ELECTS NOT TO DO SO.

14 (6) IF THE DEPARTMENT OF LAW DENIES A PHOTOGRAPHIC
15 IDENTIFICATION TO A RETIRED PEACE OFFICER WHO REQUESTS A
16 PHOTOGRAPHIC IDENTIFICATION PURSUANT TO THIS SECTION, THE
17 DEPARTMENT OF LAW SHALL PROVIDE THE RETIRED PEACE OFFICER A
18 WRITTEN STATEMENT SETTING FORTH THE REASON FOR THE DENIAL.

19 **SECTION 3.** In Colorado Revised Statutes, **add** 30-10-524 as
20 follows:

21 **30-10-524. Sheriff to provide identification cards to retired**
22 **peace officers upon request - definitions.** (1) AS USED IN THIS SECTION,
23 UNLESS THE CONTEXT OTHERWISE REQUIRES:

24 (a) "PEACE OFFICER" MEANS A CERTIFIED PEACE OFFICER
25 DESCRIBED IN SECTION 16-2.5-102, C.R.S.

26 (b) "PHOTOGRAPHIC IDENTIFICATION" MEANS A PHOTOGRAPHIC
27 IDENTIFICATION THAT SATISFIES THE DESCRIPTION AT 18 U.S.C. SEC. 926C

1 (d).

2 (2) EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, ON
3 AND AFTER THE EFFECTIVE DATE OF THIS ACT, IF A SHERIFF'S OFFICE HAS
4 A POLICY, ON THE EFFECTIVE DATE OF THIS ACT, OF ISSUING
5 PHOTOGRAPHIC IDENTIFICATION TO PEACE OFFICERS WHO HAVE RETIRED
6 FROM THE SHERIFF'S OFFICE, AND THE SHERIFF'S OFFICE DISCONTINUES
7 SAID POLICY AFTER THE EFFECTIVE DATE OF THIS ACT, THE SHERIFF'S
8 OFFICE SHALL CONTINUE TO PROVIDE SUCH PHOTOGRAPHIC
9 IDENTIFICATION TO PEACE OFFICERS WHO HAVE RETIRED FROM THE
10 SHERIFF'S OFFICE IF:

11 (a) THE PEACE OFFICER REQUESTS THE IDENTIFICATION;

12 (b) THE PEACE OFFICER RETIRED FROM THE SHERIFF'S OFFICE
13 BEFORE THE DATE UPON WHICH THE SHERIFF'S OFFICE DISCONTINUED THE
14 POLICY; AND

15 (c) THE PEACE OFFICER IS A QUALIFIED RETIRED LAW
16 ENFORCEMENT OFFICER, AS DEFINED IN 18 U.S.C. SEC. 926C (c).

17 (3) BEFORE ISSUING OR RENEWING A PHOTOGRAPHIC
18 IDENTIFICATION TO A RETIRED LAW ENFORCEMENT OFFICER PURSUANT TO
19 THIS SECTION, A LAW ENFORCEMENT AGENCY OF THE STATE SHALL
20 COMPLETE A CRIMINAL BACKGROUND CHECK OF THE OFFICER THROUGH
21 A SEARCH OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK
22 SYSTEM CREATED BY THE FEDERAL "BRADY HANDGUN VIOLENCE
23 PREVENTION ACT" (PUB.L. 103-159), THE RELEVANT PORTION OF WHICH
24 IS CODIFIED AT 18 U.S.C. SEC. 922 (t), AND A SEARCH OF THE STATE
25 INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM. IF THE
26 BACKGROUND CHECK INDICATES THAT THE OFFICER IS PROHIBITED FROM
27 POSSESSING A FIREARM BY STATE OR FEDERAL LAW, THE LAW

1 ENFORCEMENT AGENCY SHALL NOT ISSUE THE PHOTOGRAPHIC
2 IDENTIFICATION.

3 (4) THE SHERIFF'S OFFICE MAY CHARGE A FEE FOR ISSUING A
4 PHOTOGRAPHIC IDENTIFICATION TO A RETIRED PEACE OFFICER PURSUANT
5 TO SUBSECTION (2) OF THIS SECTION, WHICH FEE SHALL NOT EXCEED THE
6 DIRECT AND INDIRECT COSTS ASSUMED BY THE SHERIFF'S OFFICE IN
7 ISSUING THE PHOTOGRAPHIC IDENTIFICATION.

8 (5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
9 CONTRARY, A SHERIFF'S OFFICE SHALL NOT BE REQUIRED TO ISSUE A
10 PHOTOGRAPHIC IDENTIFICATION TO A PARTICULAR PEACE OFFICER IF THE
11 SHERIFF ELECTS NOT TO DO SO.

12 (6) IF A SHERIFF'S OFFICE DENIES A PHOTOGRAPHIC IDENTIFICATION
13 TO A RETIRED PEACE OFFICER WHO REQUESTS A PHOTOGRAPHIC
14 IDENTIFICATION PURSUANT TO THIS SECTION, THE SHERIFF'S OFFICE SHALL
15 PROVIDE THE RETIRED PEACE OFFICER A WRITTEN STATEMENT SETTING
16 FORTH THE REASON FOR THE DENIAL.

17 **SECTION 4.** In Colorado Revised Statutes, **add** 31-30-106 as
18 follows:

19 **31-30-106. Police to provide identification cards to retired**
20 **peace officers upon request - definitions.** (1) AS USED IN THIS SECTION,
21 UNLESS THE CONTEXT OTHERWISE REQUIRES:

22 (a) "PEACE OFFICER" MEANS A CERTIFIED PEACE OFFICER
23 DESCRIBED IN SECTION 16-2.5-102, C.R.S.

24 (b) "PHOTOGRAPHIC IDENTIFICATION" MEANS A PHOTOGRAPHIC
25 IDENTIFICATION THAT SATISFIES THE DESCRIPTION AT 18 U.S.C. SEC. 926C

26 (d).

27 (2) EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, ON

1 AND AFTER THE EFFECTIVE DATE OF THIS ACT, IF A POLICE DEPARTMENT
2 OF A CITY OR TOWN HAS A POLICY, ON THE EFFECTIVE DATE OF THIS ACT,
3 OF ISSUING PHOTOGRAPHIC IDENTIFICATION TO PEACE OFFICERS WHO HAVE
4 RETIRED FROM THE POLICE DEPARTMENT, AND THE POLICE DEPARTMENT
5 DISCONTINUES SAID POLICY AFTER THE EFFECTIVE DATE OF THIS ACT, THE
6 POLICE DEPARTMENT SHALL CONTINUE TO PROVIDE SUCH PHOTOGRAPHIC
7 IDENTIFICATION TO PEACE OFFICERS WHO HAVE RETIRED FROM THE POLICE
8 DEPARTMENT IF:

9 (a) THE PEACE OFFICER REQUESTS THE IDENTIFICATION;

10 (b) THE PEACE OFFICER RETIRED FROM THE POLICE DEPARTMENT
11 BEFORE THE DATE UPON WHICH THE POLICE DEPARTMENT DISCONTINUED
12 THE POLICY; AND

13 (c) THE PEACE OFFICER IS A QUALIFIED RETIRED LAW
14 ENFORCEMENT OFFICER, AS DEFINED IN 18 U.S.C. SEC. 926C (c).

15 (3) BEFORE ISSUING OR RENEWING A PHOTOGRAPHIC
16 IDENTIFICATION TO A RETIRED LAW ENFORCEMENT OFFICER PURSUANT TO
17 THIS SECTION, A LAW ENFORCEMENT AGENCY OF THE STATE SHALL
18 COMPLETE A CRIMINAL BACKGROUND CHECK OF THE OFFICER THROUGH
19 A SEARCH OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK
20 SYSTEM CREATED BY THE FEDERAL "BRADY HANDGUN VIOLENCE
21 PREVENTION ACT" (PUB.L. 103-159), THE RELEVANT PORTION OF WHICH
22 IS CODIFIED AT 18 U.S.C. SEC. 922 (t), AND A SEARCH OF THE STATE
23 INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM. IF THE
24 BACKGROUND CHECK INDICATES THAT THE OFFICER IS PROHIBITED FROM
25 POSSESSING A FIREARM BY STATE OR FEDERAL LAW, THE LAW
26 ENFORCEMENT AGENCY SHALL NOT ISSUE THE PHOTOGRAPHIC
27 IDENTIFICATION.

1 (4) THE POLICE DEPARTMENT MAY CHARGE A FEE FOR ISSUING A
2 PHOTOGRAPHIC IDENTIFICATION TO A RETIRED PEACE OFFICER PURSUANT
3 TO SUBSECTION (2) OF THIS SECTION , WHICH FEE SHALL NOT EXCEED THE
4 DIRECT AND INDIRECT COSTS ASSUMED BY THE POLICE DEPARTMENT IN
5 ISSUING THE PHOTOGRAPHIC IDENTIFICATION.

6 (5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
7 CONTRARY, A POLICE DEPARTMENT SHALL NOT BE REQUIRED TO ISSUE A
8 PHOTOGRAPHIC IDENTIFICATION TO A PARTICULAR PEACE OFFICER IF THE
9 CHIEF ADMINISTRATIVE OFFICER OF THE POLICE DEPARTMENT ELECTS NOT
10 TO DO SO.

11 (6) IF A POLICE DEPARTMENT DENIES A PHOTOGRAPHIC
12 IDENTIFICATION TO A RETIRED PEACE OFFICER WHO REQUESTS A
13 PHOTOGRAPHIC IDENTIFICATION PURSUANT TO THIS SECTION, THE POLICE
14 DEPARTMENT SHALL PROVIDE THE RETIRED PEACE OFFICER A WRITTEN
15 STATEMENT SETTING FORTH THE REASON FOR THE DENIAL.

16 **SECTION 5.** In Colorado Revised Statutes, **add** 23-5-142 as
17 follows:

18 **23-5-142. Institution law enforcement agencies to provide**
19 **identification cards to retired peace officers upon request -**
20 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
21 OTHERWISE REQUIRES:

22 (a) "LAW ENFORCEMENT AGENCY OF AN INSTITUTION OF HIGHER
23 EDUCATION" MEANS AN AGENCY WITHIN AN INSTITUTION OF HIGHER
24 EDUCATION DESCRIBED IN THIS TITLE THAT EMPLOYS AT LEAST ONE PEACE
25 OFFICER.

26 (b) "PEACE OFFICER" MEANS A CERTIFIED PEACE OFFICER
27 DESCRIBED IN SECTION 16-2.5-102, C.R.S.

1 (c) "PHOTOGRAPHIC IDENTIFICATION" MEANS A PHOTOGRAPHIC
2 IDENTIFICATION THAT SATISFIES THE DESCRIPTION AT 18 U.S.C. SEC. 926C
3 (d).

4 (2) EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, ON
5 AND AFTER THE EFFECTIVE DATE OF THIS ACT, IF A LAW ENFORCEMENT
6 AGENCY OF AN INSTITUTION OF HIGHER EDUCATION HAS A POLICY, ON THE
7 EFFECTIVE DATE OF THIS ACT, OF ISSUING PHOTOGRAPHIC IDENTIFICATION
8 TO PEACE OFFICERS WHO HAVE RETIRED FROM THE AGENCY, AND THE
9 AGENCY DISCONTINUES SAID POLICY AFTER THE EFFECTIVE DATE OF THIS
10 ACT, THE AGENCY SHALL CONTINUE TO PROVIDE SUCH PHOTOGRAPHIC
11 IDENTIFICATION TO PEACE OFFICERS WHO HAVE RETIRED FROM THE
12 AGENCY IF:

- 13 (a) THE PEACE OFFICER REQUESTS THE IDENTIFICATION;
- 14 (b) THE PEACE OFFICER RETIRED FROM THE LAW ENFORCEMENT
15 AGENCY BEFORE THE DATE UPON WHICH THE AGENCY DISCONTINUED THE
16 POLICY; AND
- 17 (c) THE PEACE OFFICER IS A QUALIFIED RETIRED LAW
18 ENFORCEMENT OFFICER, AS DEFINED IN 18 U.S.C. SEC. 926C (c).

19 (3) BEFORE ISSUING OR RENEWING A PHOTOGRAPHIC
20 IDENTIFICATION TO A RETIRED LAW ENFORCEMENT OFFICER PURSUANT TO
21 THIS SECTION, A LAW ENFORCEMENT AGENCY OF THE STATE SHALL
22 COMPLETE A CRIMINAL BACKGROUND CHECK OF THE OFFICER THROUGH
23 A SEARCH OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK
24 SYSTEM CREATED BY THE FEDERAL "BRADY HANDGUN VIOLENCE
25 PREVENTION ACT" (PUB.L. 103-159), THE RELEVANT PORTION OF WHICH
26 IS CODIFIED AT 18 U.S.C. SEC. 922 (t), AND A SEARCH OF THE STATE
27 INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM. IF THE

1 BACKGROUND CHECK INDICATES THAT THE OFFICER IS PROHIBITED FROM
2 POSSESSING A FIREARM BY STATE OR FEDERAL LAW, THE LAW
3 ENFORCEMENT AGENCY SHALL NOT ISSUE THE PHOTOGRAPHIC
4 IDENTIFICATION.

5 (4) A LAW ENFORCEMENT AGENCY OF AN INSTITUTION OF HIGHER
6 EDUCATION MAY CHARGE A FEE FOR ISSUING A PHOTOGRAPHIC
7 IDENTIFICATION TO A RETIRED PEACE OFFICER PURSUANT TO SUBSECTION
8 (2) OF THIS SECTION, WHICH FEE SHALL NOT EXCEED THE DIRECT AND
9 INDIRECT COSTS ASSUMED BY THE AGENCY IN ISSUING THE PHOTOGRAPHIC
10 IDENTIFICATION.

11 (5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
12 CONTRARY, A LAW ENFORCEMENT AGENCY OF AN INSTITUTION OF HIGHER
13 EDUCATION SHALL NOT BE REQUIRED TO ISSUE A PHOTOGRAPHIC
14 IDENTIFICATION TO A PARTICULAR PEACE OFFICER IF THE CHIEF
15 ADMINISTRATIVE OFFICER OF THE AGENCY ELECTS NOT TO DO SO.

16 (6) IF A LAW ENFORCEMENT AGENCY OF AN INSTITUTION OF HIGHER
17 EDUCATION DENIES A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED PEACE
18 OFFICER WHO REQUESTS A PHOTOGRAPHIC IDENTIFICATION PURSUANT TO
19 THIS SECTION, THE LAW ENFORCEMENT AGENCY SHALL PROVIDE THE
20 RETIRED PEACE OFFICER A WRITTEN STATEMENT SETTING FORTH THE
21 REASON FOR THE DENIAL.

22 **SECTION 6.** In Colorado Revised Statutes, **add** 17-1-115.2 as
23 follows:

24 **17-1-115.2. Correctional law enforcement agencies to provide**
25 **identification cards to retired peace officers upon request -**
26 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
27 OTHERWISE REQUIRES:

1 (a) "LAW ENFORCEMENT AGENCY OF THE DEPARTMENT" MEANS
2 THE DEPARTMENT AND ANY AGENCY WITHIN THE DEPARTMENT THAT
3 EMPLOYS AT LEAST ONE PEACE OFFICER.

4 (b) "PEACE OFFICER" MEANS A CERTIFIED PEACE OFFICER
5 DESCRIBED IN SECTION 16-2.5-102, C.R.S.

6 (c) "PHOTOGRAPHIC IDENTIFICATION" MEANS A PHOTOGRAPHIC
7 IDENTIFICATION THAT SATISFIES THE DESCRIPTION AT 18 U.S.C. SEC. 926C
8 (d).

9 (2) EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, ON
10 AND AFTER THE EFFECTIVE DATE OF THIS ACT, IF A LAW ENFORCEMENT
11 AGENCY OF THE DEPARTMENT HAS A POLICY, ON THE EFFECTIVE DATE OF
12 THIS ACT, OF ISSUING PHOTOGRAPHIC IDENTIFICATION TO PEACE OFFICERS
13 WHO HAVE RETIRED FROM THE AGENCY, AND THE AGENCY DISCONTINUES
14 SAID POLICY AFTER THE EFFECTIVE DATE OF THIS ACT, THE AGENCY SHALL
15 CONTINUE TO PROVIDE SUCH PHOTOGRAPHIC IDENTIFICATION TO PEACE
16 OFFICERS WHO HAVE RETIRED FROM THE AGENCY IF:

17 (a) THE PEACE OFFICER REQUESTS THE IDENTIFICATION;

18 (b) THE PEACE OFFICER RETIRED FROM THE LAW ENFORCEMENT
19 AGENCY BEFORE THE DATE UPON WHICH THE AGENCY DISCONTINUED THE
20 POLICY; AND

21 (c) THE PEACE OFFICER IS A QUALIFIED RETIRED LAW
22 ENFORCEMENT OFFICER, AS DEFINED IN 18 U.S.C. SEC. 926C (c).

23 (3) BEFORE ISSUING OR RENEWING A PHOTOGRAPHIC
24 IDENTIFICATION TO A RETIRED LAW ENFORCEMENT OFFICER PURSUANT TO
25 THIS SECTION, A LAW ENFORCEMENT AGENCY OF THE STATE SHALL
26 COMPLETE A CRIMINAL BACKGROUND CHECK OF THE OFFICER THROUGH
27 A SEARCH OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK

1 SYSTEM CREATED BY THE FEDERAL "BRADY HANDGUN VIOLENCE
2 PREVENTION ACT" (PUB.L. 103-159), THE RELEVANT PORTION OF WHICH
3 IS CODIFIED AT 18 U.S.C. SEC. 922 (t), AND A SEARCH OF THE STATE
4 INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM. IF THE
5 BACKGROUND CHECK INDICATES THAT THE OFFICER IS PROHIBITED FROM
6 POSSESSING A FIREARM BY STATE OR FEDERAL LAW, THE LAW
7 ENFORCEMENT AGENCY SHALL NOT ISSUE THE PHOTOGRAPHIC
8 IDENTIFICATION.

9 (4) A LAW ENFORCEMENT AGENCY OF THE DEPARTMENT MAY
10 CHARGE A FEE FOR ISSUING A PHOTOGRAPHIC IDENTIFICATION TO A
11 RETIRED PEACE OFFICER PURSUANT TO SUBSECTION (2) OF THIS SECTION,
12 WHICH FEE SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS ASSUMED
13 BY THE AGENCY IN ISSUING THE PHOTOGRAPHIC IDENTIFICATION.

14 (5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
15 CONTRARY, A LAW ENFORCEMENT AGENCY OF THE DEPARTMENT SHALL
16 NOT BE REQUIRED TO ISSUE A PHOTOGRAPHIC IDENTIFICATION TO A
17 PARTICULAR PEACE OFFICER IF THE CHIEF ADMINISTRATIVE OFFICER OF
18 THE AGENCY ELECTS NOT TO DO SO.

19 (6) IF A LAW ENFORCEMENT AGENCY OF THE DEPARTMENT DENIES
20 A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED PEACE OFFICER WHO
21 REQUESTS A PHOTOGRAPHIC IDENTIFICATION PURSUANT TO THIS SECTION,
22 THE LAW ENFORCEMENT AGENCY SHALL PROVIDE THE RETIRED PEACE
23 OFFICER A WRITTEN STATEMENT SETTING FORTH THE REASON FOR THE
24 DENIAL.

25 **SECTION 7.** In Colorado Revised Statutes, **add** 24-35-119 as
26 follows:

27 **24-35-119. Law enforcement agencies of department to**

1 **provide identification cards to retired peace officers upon request -**

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

4 (a) "LAW ENFORCEMENT AGENCY OF THE DEPARTMENT" MEANS
5 THE DEPARTMENT OF REVENUE AND ANY AGENCY WITHIN THE
6 DEPARTMENT OF REVENUE THAT EMPLOYS AT LEAST ONE PEACE OFFICER.

7 (b) "PEACE OFFICER" MEANS A [REDACTED] PEACE OFFICER DESCRIBED IN
8 SECTION 16-2.5-101, 16-2.5-121, 16-2.5-122, 16-2.5-123, 16-2.5-124,
9 16-2.5-124.5, 16-2.5-125, OR 16-2.5-126.

10 (c) "PHOTOGRAPHIC IDENTIFICATION" MEANS A PHOTOGRAPHIC
11 IDENTIFICATION THAT SATISFIES THE DESCRIPTION AT 18 U.S.C. SEC. 926C
12 (d).

13 (2) EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, ON
14 AND AFTER THE EFFECTIVE DATE OF THIS ACT, IF A LAW ENFORCEMENT
15 AGENCY OF THE DEPARTMENT HAS A POLICY, ON THE EFFECTIVE DATE OF
16 THIS ACT, OF ISSUING PHOTOGRAPHIC IDENTIFICATION TO PEACE OFFICERS
17 WHO HAVE RETIRED FROM THE AGENCY, AND THE AGENCY DISCONTINUES
18 SAID POLICY AFTER THE EFFECTIVE DATE OF THIS ACT, THE AGENCY SHALL
19 CONTINUE TO PROVIDE SUCH PHOTOGRAPHIC IDENTIFICATION TO PEACE
20 OFFICERS WHO HAVE RETIRED FROM THE AGENCY IF:

21 (a) THE PEACE OFFICER REQUESTS THE IDENTIFICATION;

22 (b) THE PEACE OFFICER RETIRED FROM THE LAW ENFORCEMENT
23 AGENCY BEFORE THE DATE UPON WHICH THE AGENCY DISCONTINUED THE
24 POLICY; AND

25 (c) THE PEACE OFFICER IS A QUALIFIED RETIRED LAW
26 ENFORCEMENT OFFICER, AS DEFINED IN 18 U.S.C. SEC. 926C (c).

27 (3) BEFORE ISSUING OR RENEWING A PHOTOGRAPHIC

1 IDENTIFICATION TO A RETIRED LAW ENFORCEMENT OFFICER PURSUANT TO
2 THIS SECTION, A LAW ENFORCEMENT AGENCY OF THE STATE SHALL
3 COMPLETE A CRIMINAL BACKGROUND CHECK OF THE OFFICER THROUGH
4 A SEARCH OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK
5 SYSTEM CREATED BY THE FEDERAL "BRADY HANDGUN VIOLENCE
6 PREVENTION ACT" (PUB.L. 103-159), THE RELEVANT PORTION OF WHICH
7 IS CODIFIED AT 18 U.S.C. SEC. 922 (t), AND A SEARCH OF THE STATE
8 INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM. IF THE
9 BACKGROUND CHECK INDICATES THAT THE OFFICER IS PROHIBITED FROM
10 POSSESSING A FIREARM BY STATE OR FEDERAL LAW, THE LAW
11 ENFORCEMENT AGENCY SHALL NOT ISSUE THE PHOTOGRAPHIC
12 IDENTIFICATION.

13 (4) A LAW ENFORCEMENT AGENCY OF THE DEPARTMENT MAY
14 CHARGE A FEE FOR ISSUING A PHOTOGRAPHIC IDENTIFICATION TO A
15 RETIRED PEACE OFFICER PURSUANT TO SUBSECTION (2) OF THIS SECTION,
16 WHICH FEE SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS ASSUMED
17 BY THE AGENCY IN ISSUING THE PHOTOGRAPHIC IDENTIFICATION.

18 (5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
19 CONTRARY, A LAW ENFORCEMENT AGENCY OF THE DEPARTMENT SHALL
20 NOT BE REQUIRED TO ISSUE A PHOTOGRAPHIC IDENTIFICATION TO A
21 PARTICULAR PEACE OFFICER IF THE CHIEF ADMINISTRATIVE OFFICER OF
22 THE AGENCY ELECTS NOT TO DO SO.

23 (6) IF A LAW ENFORCEMENT AGENCY OF THE DEPARTMENT DENIES
24 A PHOTOGRAPHIC IDENTIFICATION TO A RETIRED PEACE OFFICER WHO
25 REQUESTS A PHOTOGRAPHIC IDENTIFICATION PURSUANT TO THIS SECTION,
26 THE LAW ENFORCEMENT AGENCY SHALL PROVIDE THE RETIRED PEACE
27 OFFICER A WRITTEN STATEMENT SETTING FORTH THE REASON FOR THE

1 DENIAL.

2 **SECTION 8. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly (August
5 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
6 referendum petition is filed pursuant to section 1 (3) of article V of the
7 state constitution against this act or an item, section, or part of this act
8 within such period, then the act, item, section, or part will not take effect
9 unless approved by the people at the general election to be held in
10 November 2014 and, in such case, will take effect on the date of the
11 official declaration of the vote thereon by the governor.