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**Town of New Castle**  
450 W. Main Street  
PO Box 90  
New Castle, CO 81647

**Administration Department**  
**Phone:** (970) 984-2311  
**Fax:** (970) 984-2716  
[www.newcastlecolorado.org](http://www.newcastlecolorado.org)

## **Agenda**

### **New Castle Town Council Regular VIRTUAL Meeting Tuesday, June 16, 2020, 7:00 PM**

Starting times on the agenda are approximate and intended as a guide for Council. The starting times are subject to change by Council, as is the order of items on the agenda.

**Due to concerns related to COVID-19, this meeting will be held as a virtual meeting only. The public is invited to attend.**

**[To join by computer, smart phone or tablet click HERE](#)**

**If you prefer to telephone in:**

**Please call: 1-346-248-7799**

**Meeting ID: 709 658 8400**

**Follow the prompts as directed. Be sure to set your phone to mute until called on.**

**Call to Order**

**Pledge of Allegiance**

**Roll Call**

**Meeting Notice**

**Conflicts of Interest**

**Agenda Changes**

**Citizen Comments on Items not on the Agenda**

-Comments are limited to three minutes-

**Consultant Reports**

Consultant Attorney

Consultant Engineer

**Items for Consideration**

**A. Review and Discussion of Senate Bill 20-217 (7:05 p.m.)**

**B. Update & Discussion: Burning Mountain Festival (7:30 p.m.)**

**C. Consider Resolution TC 2020-18 - A Resolution of the Town Council of the Town of New Castle, Colorado Adopting a Directory of Fees and Charges (7:45 p.m.)**

**D. Consider Resolution TC 2020-19 - A Resolution of the New Castle Town Council Approving a Collaboration Agreement with Garfield County and Garfield County Municipalities (8:00 p.m.)**

**E. Report: Business Grants for Air BnB / VRBO (8:15 p.m.)**

**Consent Agenda (8:30 p.m.)**

Items on the consent agenda are routine and non-controversial and will be approved by one motion. There will be no separate discussion of these items unless a council member or citizen requests it, in which case the item will be removed from the consent agenda.

[EAT](#) Bistro & Drinks Hotel & Restaurant Liquor License Renewal

[CVR](#) Investors, Inc. Trails Agreement

**Staff Reports (8:35 p.m.)**

Town Administrator

Town Clerk

Town Planner

Public Works Director

**Commission Reports (8:45 p.m.)**

Planning & Zoning Commission

Historic Preservation Commission

Climate Action Advisory Committee

Senior Program

RFTA

AGNC

GCE

EAB

**Council Comments (8:55 p.m.)**

**Adjourn (9:15 p.m.)**



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## Memorandum

**To:** Mayor & Council  
**From:** David Reynolds  
**Re:** Agenda Item – Review and discussion of State Senate Bill 20-217  
**Date:** 6-16-20

### Purpose:

The purpose of this agenda item is to review and discuss Colorado State Senate Bill 20 – 217. Based on recent national protests and activities related to the death of an individual at the hands of a Minneapolis police officer, Colorado legislators have created a bill which seeks to change the accountability and integrity of state and municipal law enforcement agencies and officers. SB -217, also known as the *Law Enforcement Integrity Act*, proposes to modify the following:

- ❖ Mandatory use of officer body cameras during each contact
- ❖ Changes to the way that officers may apply force
- ❖ Changes to the recording, retention and distribution of recorded evidence
- ❖ Changes to the liability exposure to officers and the Town for actions taken by an officer
- ❖ Changes to the record keeping for officer actions
- ❖ Change related to mandatory discipline or expulsion actions when an officer is found to have violated a policy
- ❖ Etc.

The above list captures some of the bills highlights in a very general way, staff has been working with the Town Attorney to understand SB 217 as it is currently written. Staff wishes to present Council with the most recent rendition of this Bill and explain the possible consequences to the Town. It is widely recognized that this legislation, if approved, will have significant financial and operational consequences on all Colorado Cities and Towns.

Please see the attached latest version of SB 20-217

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

**REREVISED**

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

LLS NO. 20-1309.01 Michael Dohr x4347

**SENATE BILL 20-217**

**SENATE SPONSORSHIP**

**Garcia and Fields**, Fenberg, Williams A., Gonzales, Moreno, Rodriguez, Bridges, Danielson, Donovan, Foote, Ginal, Hansen, Lee, Pettersen, Story, Todd, Winter, Zenzinger, Crowder, Hill, Priola, Tate

**HOUSE SPONSORSHIP**

**Herod and Gonzales-Gutierrez**, Garnett, Buckner, Coleman, Exum, Jackson, Melton, Benavidez, Buentello, Caraveo, Duran, Jaquez Lewis, Tipper, Valdez A., Valdez D., Arndt, Becker, Bird, Cutter, Esgar, Froelich, Gray, Hooton, Kennedy, Kipp, Kraft-Tharp, Lontine, McCluskie, McLachlan, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Sullivan, Titone, Weissman, Woodrow, Young, Landgraf

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**Senate Committees**

State, Veterans, & Military Affairs  
Appropriations

**House Committees**

Finance  
Appropriations

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**A BILL FOR AN ACT**

101 **CONCERNING MEASURES TO ENHANCE LAW ENFORCEMENT INTEGRITY,**  
102 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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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 all local law enforcement agencies to issue body-worn cameras to their officers and requires all recordings of an incident be released to the public within 14 days after the incident. Peace officers shall wear and activate a body-worn camera at any time when interacting with the public.

The bill requires the division of criminal justice in the department

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

HOUSE  
3rd Reading Unamended  
June 12, 2020

HOUSE  
Amended 2nd Reading  
June 11, 2020

SENATE  
Amended 3rd Reading  
June 9, 2020

SENATE  
Amended 2nd Reading  
June 8, 2020

of public safety to create an annual report of the information that is reported to the attorney general, aggregated and broken down by state or local agency that employs peace officers, along with the underlying data. Each state and local agency that employs peace officers shall report to the attorney general:

- ! All use of force by its officers that results in death or serious bodily injury;
- ! All instances when an officer resigned while under investigation for violating department policy;
- ! All data relating to stops conducted by its peace officers; and
- ! All data related to the use of an unannounced entry by a peace officer.

The division of criminal justice shall maintain a statewide database with data collected in a searchable format and publish the database on its website. Any state and local law enforcement agency that fails to meet its reporting requirements is subject to suspension of its funding by its appropriating authority.

If any peace officer is convicted of or pleads guilty or nolo contendere to any inappropriate use of physical force or a crime involving the unlawful use or threatened use of physical force, or for failing to intervene to prevent inappropriate use of physical force, the peace officer's employing agency shall immediately terminate the peace officer's employment and the P.O.S.T. board shall permanently revoke the peace officer's certification. The P.O.S.T. board shall not, under any circumstances, reinstate the peace officer's certification or grant new certification to the peace officer.

The bill allows a person who has a constitutional right secured by the bill of rights of the Colorado constitution that is infringed upon by a peace officer to bring a civil action for the violation. A plaintiff who prevails in the lawsuit is entitled to reasonable attorney fees, and a defendant in an individual suit is entitled to reasonable attorney fees for defending any frivolous claims. Qualified immunity and a defendant's good faith but erroneous belief in the lawfulness of his or her conduct are not defenses to the civil action. The bill requires a political subdivision of the state to indemnify its employees for such a claim.

The bill allows a peace officer or detention facility guard to use deadly physical force only when necessary to effect an arrest or prevent escape from custody when the person is using a deadly weapon or likely to imminently cause danger to life or serious bodily injury. The bill repeals a peace officer's authority to use a chokehold.

The bill requires the P.O.S.T. board to create and maintain a database containing information related to a peace officer's:

- ! Untruthfulness;
- ! Repeated failure to follow P.O.S.T. board training



1 P.O.S.T. BOARD PURSUANT TO SECTION 16-2.5-102, A COLORADO STATE  
2 PATROL OFFICER AS DESCRIBED IN SECTION 16-2.5-114, AND ANY  
3 NONCERTIFIED DEPUTY SHERIFF AS DESCRIBED IN SECTION 16-2.5-103 (2).

4 (4) "PHYSICAL FORCE" MEANS THE APPLICATION OF PHYSICAL  
5 TECHNIQUES OR TACTICS, CHEMICAL AGENTS, OR WEAPONS TO ANOTHER  
6 PERSON.

7 (5) "SERIOUS BODILY INJURY" HAS THE SAME MEANING AS IN  
8 SECTION 18-1-901 (3)(p).

9 (6) "TAMPER" MEANS TO INTENTIONALLY DAMAGE, DISABLE,  
10 DISLodge, OR OBSTRUCT THE SIGHT OR SOUND OR OTHERWISE IMPAIR  
11 FUNCTIONALITY OF THE BODY-WORN CAMERA OR TO INTENTIONALLY  
12 DAMAGE, DELETE, OR FAIL TO UPLOAD SOME OR ALL PORTIONS OF THE  
13 VIDEO AND AUDIO.

14 **24-31-902. Incident recordings - release - tampering - fine.**

15 (1) (a) (I) BY JULY 1, 2023, ALL LOCAL LAW ENFORCEMENT AGENCIES IN  
16 THE STATE AND THE COLORADO STATE PATROL SHALL PROVIDE  
17 BODY-WORN CAMERAS FOR EACH PEACE OFFICER OF THE LAW  
18 ENFORCEMENT AGENCY WHO INTERACTS WITH MEMBERS OF THE PUBLIC.  
19 LAW ENFORCEMENT AGENCIES MAY SEEK FUNDING PURSUANT TO SECTION  
20 24-33.5-519.

21 (II) (A) EXCEPT AS PROVIDED IN SUBSECTION (1)(a)(II)(B) OR  
22 (1)(a)(II)(C) OF THIS SECTION, A PEACE OFFICER SHALL WEAR AND  
23 ACTIVATE A BODY-WORN CAMERA OR DASH CAMERA, IF THE PEACE  
24 OFFICER'S VEHICLE IS EQUIPPED WITH A DASH CAMERA, WHEN RESPONDING  
25 TO A CALL FOR SERVICE OR DURING ANY INTERACTION WITH THE PUBLIC  
26 INITIATED BY THE PEACE OFFICER, WHETHER CONSENSUAL OR  
27 NONCONSENSUAL, FOR THE PURPOSE OF ENFORCING THE LAW OR

1 INVESTIGATING POSSIBLE VIOLATIONS OF THE LAW.

2 (B) A PEACE OFFICER MAY TURN OFF A BODY-WORN CAMERA TO  
3 AVOID RECORDING PERSONAL INFORMATION THAT IS NOT CASE RELATED;  
4 WHEN WORKING ON AN UNRELATED ASSIGNMENT; WHEN THERE IS A LONG  
5 BREAK IN THE INCIDENT OR CONTACT THAT IS NOT RELATED TO THE  
6 INITIAL INCIDENT; AND IN ADMINISTRATIVE, TACTICAL, AND MANAGEMENT  
7 DISCUSSIONS.

8 (C) A PEACE OFFICER DOES NOT NEED TO WEAR OR ACTIVATE A  
9 BODY-WORN CAMERA IF THE PEACE OFFICER IS WORKING UNDERCOVER.

10 (D) THE PROVISIONS OF THIS SUBSECTION (1)(a)(II) DO NOT APPLY  
11 TO JAIL PEACE OFFICERS OR STAFF OF A LOCAL LAW ENFORCEMENT  
12 AGENCY IF THE JAIL HAS VIDEO CAMERAS; EXCEPT THIS SUBSECTION  
13 (1)(a)(II) APPLIES TO JAIL PEACE OFFICERS WHEN PERFORMING A TASK  
14 THAT REQUIRES AN ANTICIPATED USE OF FORCE, INCLUDING CELL  
15 EXTRACTIONS AND RESTRAINT CHAIRS. THE PROVISIONS OF THIS  
16 SUBSECTION (1)(a)(II) ALSO DO NOT APPLY TO THE CIVILIAN OR  
17 ADMINISTRATIVE STAFF OF THE COLORADO STATE PATROL OR A LOCAL  
18 LAW ENFORCEMENT AGENCY, THE EXECUTIVE DETAIL OF THE COLORADO  
19 STATE PATROL, AND PEACE OFFICERS WORKING IN A COURTROOM.

20 (III) IF A PEACE OFFICER FAILS TO ACTIVATE A BODY-WORN  
21 CAMERA OR DASH CAMERA AS REQUIRED BY THIS SECTION OR TAMPERS  
22 WITH BODY-WORN- OR DASH-CAMERA FOOTAGE OR OPERATION WHEN  
23 REQUIRED TO ACTIVATE THE CAMERA, THERE IS A PERMISSIVE INFERENCE  
24 IN ANY INVESTIGATION OR LEGAL PROCEEDING, EXCLUDING CRIMINAL  
25 PROCEEDINGS AGAINST THE PEACE OFFICER, THAT THE MISSING FOOTAGE  
26 WOULD HAVE REFLECTED MISCONDUCT BY THE PEACE OFFICER. IF A PEACE  
27 OFFICER FAILS TO ACTIVATE OR REACTIVATE HIS OR HER BODY-WORN

1 CAMERA AS REQUIRED BY THIS SECTION OR TAMPERS WITH BODY-WORN OR  
2 DASH CAMERA FOOTAGE OR OPERATION WHEN REQUIRED TO ACTIVATE THE  
3 CAMERA, ANY STATEMENTS SOUGHT TO BE INTRODUCED IN A  
4 PROSECUTION THROUGH THE PEACE OFFICER RELATED TO THE INCIDENT  
5 THAT WERE NOT RECORDED DUE TO THE PEACE OFFICER'S FAILURE TO  
6 ACTIVATE OR REACTIVATE THE BODY-WORN CAMERA AS REQUIRED BY  
7 THIS SECTION OR IF THE STATEMENT WAS NOT RECORDED BY OTHER MEANS  
8 CREATES A REBUTTABLE PRESUMPTION OF INADMISSIBILITY.  
9 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THIS SUBSECTION  
10 (1)(a)(III) DOES NOT APPLY IF THE BODY-WORN CAMERA WAS NOT  
11 ACTIVATED DUE TO A MALFUNCTION OF THE BODY-WORN CAMERA AND  
12 THE PEACE OFFICER WAS NOT AWARE OF THE MALFUNCTION, OR WAS  
13 UNABLE TO RECTIFY IT, PRIOR TO THE INCIDENT, PROVIDED THAT THE LAW  
14 ENFORCEMENT AGENCY'S DOCUMENTATION SHOWS THE PEACE OFFICER  
15 CHECKED THE FUNCTIONALITY OF THE BODY-WORN CAMERA AT THE  
16 BEGINNING OF HIS OR HER SHIFT.

17 (IV) (A) IN ADDITION TO ANY CRIMINAL LIABILITY AND PENALTY  
18 UNDER THE LAW, IF A COURT, ADMINISTRATIVE LAW JUDGE, HEARING  
19 OFFICER, OR A FINAL DECISION IN AN INTERNAL INVESTIGATION FINDS  
20 THAT A PEACE OFFICER INTENTIONALLY FAILED TO ACTIVATE A  
21 BODY-WORN CAMERA OR DASH CAMERA OR TAMPERS WITH ANY  
22 BODY-WORN OR DASH CAMERA, EXCEPT AS PERMITTED IN THIS SECTION,  
23 THE PEACE OFFICER'S EMPLOYER SHALL IMPOSE DISCIPLINE UP TO AND  
24 INCLUDING TERMINATION, TO THE EXTENT PERMITTED BY APPLICABLE  
25 CONSTITUTIONAL AND STATUTORY PERSONNEL LAWS AND CASE LAW.

26 (B) IN ADDITION TO ANY CRIMINAL LIABILITY AND PENALTY UNDER  
27 THE LAW, IF A COURT, ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR

1 IF A FINAL DECISION IN AN INTERNAL INVESTIGATION FINDS THAT A PEACE  
2 OFFICER INTENTIONALLY FAILED TO ACTIVATE A BODY-WORN CAMERA OR  
3 DASH CAMERA OR TAMPERED WITH ANY BODY-WORN OR DASH CAMERA,  
4 EXCEPT AS PERMITTED IN THIS SECTION, WITH THE INTENT TO CONCEAL  
5 UNLAWFUL OR INAPPROPRIATE ACTIONS OR OBSTRUCT JUSTICE, THE  
6 P.O.S.T. BOARD SHALL SUSPEND THE PEACE OFFICER'S CERTIFICATION FOR  
7 A PERIOD OF NOT LESS THAN ONE YEAR AND THE SUSPENSION MAY ONLY  
8 BE LIFTED WITHIN THE PERIOD OF THE SUSPENSION IF THE PEACE OFFICER  
9 IS EXONERATED BY A COURT.

10 (C) IN ADDITION TO ANY CRIMINAL LIABILITY AND PENALTY UNDER  
11 THE LAW, IF A COURT, ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR

12 IF A FINAL DECISION IN AN INTERNAL INVESTIGATION FINDS THAT A PEACE  
13 OFFICER INTENTIONALLY FAILED TO ACTIVATE A BODY-WORN CAMERA OR  
14 DASH CAMERA OR TAMPERED WITH ANY BODY-WORN OR DASH CAMERA,  
15 EXCEPT AS PERMITTED IN THIS SECTION, WITH THE INTENT TO CONCEAL  
16 UNLAWFUL OR INAPPROPRIATE ACTIONS, OR OBSTRUCT JUSTICE, IN AN  
17 INCIDENT RESULTING IN A CIVILIAN DEATH, THE P.O.S.T. BOARD SHALL  
18 PERMANENTLY REVOKE THE PEACE OFFICER'S CERTIFICATION AND THE  
19 REVOCAION MAY ONLY BE OVERTURNED IF THE PEACE OFFICER IS  
20 EXONERATED BY A COURT.

21 (b) A LOCAL LAW ENFORCEMENT AGENCY AND THE COLORADO  
22 STATE PATROL SHALL ESTABLISH AND FOLLOW A RETENTION SCHEDULE  
23 FOR BODY-WORN CAMERA RECORDINGS IN COMPLIANCE WITH COLORADO  
24 STATE ARCHIVES RULES AND DIRECTION.

25 (2) (a) FOR ALL INCIDENTS IN WHICH THERE IS A COMPLAINT OF  
26 PEACE OFFICER MISCONDUCT BY ANOTHER PEACE OFFICER, A CIVILIAN, OR  
27 NONPROFIT ORGANIZATION, THROUGH NOTICE TO THE LAW ENFORCEMENT

1 AGENCY INVOLVED IN THE ALLEGED MISCONDUCT, THE LOCAL LAW  
2 ENFORCEMENT AGENCY OR THE COLORADO STATE PATROL SHALL RELEASE  
3 ALL UNEDITED VIDEO AND AUDIO RECORDINGS OF THE INCIDENT,  
4 INCLUDING THOSE FROM BODY-WORN CAMERAS, DASH CAMERAS, OR  
5 OTHERWISE COLLECTED THROUGH INVESTIGATION, TO THE PUBLIC WITHIN  
6 TWENTY-ONE DAYS AFTER THE LOCAL LAW ENFORCEMENT AGENCY OR THE  
7 COLORADO STATE PATROL RECEIVED THE COMPLAINT OF MISCONDUCT.

8 (b) (I) ALL VIDEO AND AUDIO RECORDINGS DEPICTING A DEATH  
9 MUST BE PROVIDED UPON REQUEST TO THE VICTIM'S SPOUSE, PARENT,  
10 LEGAL GUARDIAN, CHILD, SIBLING, GRANDPARENT, GRANDCHILD,  
11 SIGNIFICANT OTHER, OR OTHER LAWFUL REPRESENTATIVE, AND SUCH  
12 PERSON SHALL BE NOTIFIED OF HIS OR HER RIGHT, PURSUANT TO SECTION  
13 24-4.1-302.5 (1)(j.8), TO RECEIVE AND REVIEW THE RECORDING AT LEAST  
14 SEVENTY-TWO HOURS PRIOR TO PUBLIC DISCLOSURE. A PERSON  
15 SEVENTEEN YEARS OF AGE AND UNDER IS CONSIDERED INCAPACITATED,  
16 UNLESS LEGALLY EMANCIPATED.

17 (II) (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
18 SECTION, ANY VIDEO THAT RAISES SUBSTANTIAL PRIVACY CONCERNS FOR  
19 CRIMINAL DEFENDANTS, VICTIMS, WITNESSES, JUVENILES, OR INFORMANTS,  
20 INCLUDING VIDEO DEPICTING NUDITY; A SEXUAL ASSAULT; A MEDICAL  
21 EMERGENCY; PRIVATE MEDICAL INFORMATION; A MENTAL HEALTH CRISIS;  
22 A VICTIM INTERVIEW; A MINOR, INCLUDING ANY IMAGES OR INFORMATION  
23 THAT MIGHT UNDERMINE THE REQUIREMENT TO KEEP CERTAIN JUVENILE  
24 RECORDS CONFIDENTIAL; ANY PERSONAL INFORMATION OTHER THAN THE  
25 NAME OF ANY PERSON NOT ARRESTED, CITED, CHARGED, OR ISSUED A  
26 WRITTEN WARNING, INCLUDING A GOVERNMENT-ISSUED IDENTIFICATION  
27 NUMBER, DATE OF BIRTH, ADDRESS, OR FINANCIAL INFORMATION;

1 SIGNIFICANTLY EXPLICIT AND GRUESOME BODILY INJURY, UNLESS THE  
2 INJURY WAS CAUSED BY A PEACE OFFICER; OR THE INTERIOR OF A HOME OR  
3 TREATMENT FACILITY, SHALL BE REDACTED OR BLURRED TO PROTECT THE  
4 SUBSTANTIAL PRIVACY INTEREST WHILE STILL ALLOWING PUBLIC RELEASE.  
5 UNREDACTED FOOTAGE SHALL NOT BE RELEASED WITHOUT THE WRITTEN  
6 AUTHORIZATION OF THE VICTIM OR, IF THE VICTIM IS DECEASED OR  
7 INCAPACITATED, THE WRITTEN AUTHORIZATION OF THE VICTIM'S NEXT OF  
8 KIN. A PERSON SEVENTEEN YEARS OF AGE AND UNDER IS CONSIDERED  
9 INCAPACITATED, UNLESS LEGALLY EMANCIPATED.

10 (B) IF REDACTION OR BLURRING IS INSUFFICIENT TO PROTECT THE  
11 SUBSTANTIAL PRIVACY INTEREST, THE LOCAL LAW ENFORCEMENT AGENCY  
12 OR THE COLORADO STATE PATROL SHALL, UPON REQUEST, RELEASE THE  
13 VIDEO TO THE VICTIM OR, IF THE VICTIM IS DECEASED OR INCAPACITATED,  
14 TO THE VICTIM'S SPOUSE, PARENT, LEGAL GUARDIAN, CHILD, SIBLING,  
15 GRANDPARENT, GRANDCHILD, SIGNIFICANT OTHER, OR OTHER LAWFUL  
16 REPRESENTATIVE WITHIN TWENTY DAYS AFTER RECEIPT OF THE  
17 COMPLAINT OF MISCONDUCT. IN CASES IN WHICH THE RECORDING IS NOT  
18 RELEASED TO THE PUBLIC PURSUANT TO THIS SUBSECTION (2)(b)(II)(C),  
19 THE LOCAL LAW ENFORCEMENT AGENCY SHALL NOTIFY THE PERSON  
20 WHOSE PRIVACY INTEREST IS IMPLICATED, IF CONTACT INFORMATION IS  
21 KNOWN, WITHIN TWENTY DAYS AFTER RECEIPT OF THE COMPLAINT OF  
22 MISCONDUCT, AND INFORM THE PERSON OF HIS OR HER RIGHT TO WAIVE  
23 THE PRIVACY INTEREST.

24 (C) A WITNESS, VICTIM, OR CRIMINAL DEFENDANT MAY WAIVE IN  
25 WRITING THE INDIVIDUAL PRIVACY INTEREST THAT MAY BE IMPLICATED BY  
26 PUBLIC RELEASE. UPON RECEIPT OF A WRITTEN WAIVER OF THE  
27 APPLICABLE PRIVACY INTEREST, ACCOMPANIED BY A REQUEST FOR

1 RELEASE, THE LAW ENFORCEMENT AGENCY MAY NOT REDACT OR  
2 WITHHOLD RELEASE TO PROTECT THAT PRIVACY INTEREST. THE HEARING  
3 SHALL BE CONSIDERED A CRITICAL STAGE PURSUANT TO SECTION  
4 24-4.1-302 AND GIVES VICTIMS THE RIGHT TO BE HEARD PURSUANT TO  
5 24-4.1-302.5.

6 (III) ANY VIDEO THAT WOULD SUBSTANTIALLY INTERFERE WITH OR  
7 JEOPARDIZE AN ACTIVE OR ONGOING INVESTIGATION MAY BE WITHHELD  
8 FROM THE PUBLIC; EXCEPT THAT THE VIDEO SHALL BE RELEASED NO LATER  
9 THAN FORTY-FIVE DAYS FROM THE DATE OF THE ALLEGATION OF  
10 MISCONDUCT. IN ALL CASES WHEN RELEASE OF A VIDEO IS DELAYED IN  
11 RELIANCE ON THIS SUBSECTION (2)(b)(III), THE PROSECUTING ATTORNEY  
12 SHALL PREPARE A WRITTEN EXPLANATION OF THE INTERFERENCE OR  
13 JEOPARDY THAT JUSTIFIES THE DELAYED RELEASE, CONTEMPORANEOUS  
14 WITH THE REFUSAL TO RELEASE THE VIDEO. UPON RELEASE OF THE VIDEO,  
15 THE PROSECUTING ATTORNEY SHALL RELEASE THE WRITTEN EXPLANATION  
16 TO THE PUBLIC.

17 (c) IF CRIMINAL CHARGES HAVE BEEN FILED AGAINST ANY PARTY  
18 TO THE INCIDENT, THAT PARTY MUST FILE ANY CONSTITUTIONAL  
19 OBJECTION TO RELEASE OF THE RECORDING IN THE PENDING CRIMINAL  
20 CASE BEFORE THE TWENTY-ONE-DAY PERIOD EXPIRES. ONLY IN CASES IN  
21 WHICH THERE IS A PENDING CRIMINAL INVESTIGATION OR PROSECUTION OF  
22 A PARTY TO THE INCIDENT, THE TWENTY-ONE-DAY PERIOD SHALL BEGIN  
23 FROM THE DATE OF APPOINTMENT OF COUNSEL, THE FILING OF AN ENTRY  
24 OF APPEARANCE BY COUNSEL, OR THE ELECTION TO PROCEED PRO SE BY  
25 THE DEFENDANT IN THE CRIMINAL PROSECUTION MADE ON THE RECORD  
26 BEFORE A JUDGE. IF THE DEFENDANT ELECTS TO PROCEED PRO SE IN THE  
27 CRIMINAL CASE, THE COURT SHALL ADVISE THE DEFENDANT OF THE

1 TWENTY-ONE-DAY DEADLINE FOR THE DEFENDANT TO FILE ANY  
2 CONSTITUTIONAL OBJECTION TO RELEASE OF THE RECORDING IN THE  
3 PENDING CRIMINAL CASE AS PART OF THE COURT'S ADVISEMENT. THE  
4 COURT SHALL HOLD A HEARING ON ANY OBJECTION NO LATER THAN SEVEN  
5 DAYS AFTER IT IS FILED AND ISSUE A RULING NO LATER THAN THREE DAYS  
6 AFTER THE HEARING. \_\_\_

7 **24-31-903. Division of criminal justice report.** (1) BEGINNING  
8 JULY 1, 2023, THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF  
9 PUBLIC SAFETY SHALL CREATE AN ANNUAL REPORT INCLUDING ALL OF THE  
10 INFORMATION THAT IS REPORTED TO THE DIVISION PURSUANT TO  
11 SUBSECTION (2) OF THIS SECTION, AGGREGATED AND BROKEN DOWN BY  
12 THE \_\_\_ LAW ENFORCEMENT AGENCY THAT EMPLOYS PEACE OFFICERS,  
13 ALONG WITH THE UNDERLYING DATA.

14 (2) BEGINNING JANUARY 1, 2023, THE COLORADO STATE PATROL  
15 AND EACH LOCAL LAW ENFORCEMENT AGENCY THAT EMPLOYS PEACE  
16 OFFICERS SHALL REPORT TO THE DIVISION OF CRIMINAL JUSTICE:

17 (a) ALL USE OF FORCE BY ITS PEACE OFFICERS THAT RESULTS IN  
18 DEATH OR SERIOUS BODILY INJURY, INCLUDING:

19 (I) THE DATE, TIME, AND LOCATION OF THE USE OF FORCE;

20 (II) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE PERSON  
21 CONTACTED, PROVIDED THAT THE IDENTIFICATION OF THESE  
22 CHARACTERISTICS IS BASED ON THE OBSERVATION AND PERCEPTION OF  
23 THE PEACE OFFICER MAKING THE CONTACT AND OTHER AVAILABLE DATA;

24 (III) THE NAMES OF ALL PEACE OFFICERS WHO WERE AT THE  
25 SCENE, IDENTIFIED BY WHETHER THE PEACE OFFICER WAS INVOLVED IN  
26 THE USE OF FORCE OR NOT; EXCEPT THAT THE IDENTITY OF OTHER PEACE  
27 OFFICERS AT THE SCENE NOT DIRECTLY INVOLVED IN THE USE OF FORCE

1 SHALL BE IDENTIFIED BY THE OFFICER'S IDENTIFICATION NUMBER ISSUED  
2 BY THE P.O.S.T. BOARD UNLESS THE PEACE OFFICER IS CHARGED  
3 CRIMINALLY OR IS A DEFENDANT TO A CIVIL SUIT AS A RESULT ARISING  
4 FROM THE USE OF FORCE;

5 (IV) THE TYPE OF FORCE USED, THE SEVERITY AND NATURE OF THE  
6 INJURY, WHETHER THE PEACE OFFICER SUFFERED PHYSICAL INJURY, AND  
7 THE SEVERITY OF THE PEACE OFFICER'S INJURY;

8 (V) WHETHER THE PEACE OFFICER WAS ON DUTY AT THE TIME OF  
9 THE USE OF FORCE;

10 (VI) WHETHER A PEACE OFFICER UNHOLSTERED A WEAPON DURING  
11 THE INCIDENT;

12 (VII) WHETHER A PEACE OFFICER DISCHARGED A FIREARM DURING  
13 THE INCIDENT.

14 (VIII) WHETHER THE USE OF FORCE RESULTED IN A LAW  
15 ENFORCEMENT AGENCY INVESTIGATION AND THE RESULT OF THE  
16 INVESTIGATION; AND

17 (IX) WHETHER THE USE OF FORCE RESULTED IN A CITIZEN  
18 COMPLAINT AND THE RESOLUTION OF THAT COMPLAINT.

19 (b) ALL INSTANCES WHEN A PEACE OFFICER RESIGNED WHILE  
20 UNDER INVESTIGATION FOR VIOLATING DEPARTMENT POLICY;

21 (c) ALL DATA RELATING TO CONTACTS CONDUCTED BY ITS PEACE  
22 OFFICERS, INCLUDING:

23 (I) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE PERSON  
24 CONTACTED PROVIDED THAT THE IDENTIFICATION OF THESE  
25 CHARACTERISTICS IS BASED ON THE OBSERVATION AND PERCEPTION OF  
26 THE PEACE OFFICER MAKING THE CONTACT AND OTHER AVAILABLE DATA;

27 ==

- 1 (II) WHETHER THE CONTACT WAS A TRAFFIC STOP;
- 2 (III) THE TIME, DATE, AND LOCATION OF THE CONTACT;
- 3 (IV) THE DURATION OF THE CONTACT;
- 4 (V) THE REASON FOR THE CONTACT;
- 5 (VI) THE SUSPECTED CRIME;
- 6 (VII) THE RESULT OF THE CONTACT, SUCH AS:
- 7 (A) NO ACTION, WARNING, CITATION, PROPERTY SEIZURE, OR
- 8 ARREST;
- 9 (B) IF A WARNING OR CITATION WAS ISSUED, THE WARNING
- 10 PROVIDED OR VIOLATION CITED;
- 11 (C) IF AN ARREST WAS MADE, THE OFFENSE CHARGED;
- 12 (D) IF THE CONTACT WAS A TRAFFIC STOP, THE INFORMATION
- 13 COLLECTED, WHICH IS LIMITED TO THE DRIVER;
- 14 (VIII) THE ACTIONS TAKEN BY THE PEACE OFFICER DURING THE
- 15 CONTACT, INCLUDING BUT NOT LIMITED TO WHETHER:
- 16 (A) THE PEACE OFFICER ASKED FOR CONSENT TO SEARCH THE
- 17 PERSON, AND, IF SO, WHETHER CONSENT WAS PROVIDED;
- 18 (B) THE PEACE OFFICER SEARCHED THE PERSON OR ANY PROPERTY,
- 19 AND, IF SO, THE BASIS FOR THE SEARCH AND THE TYPE OF CONTRABAND OR
- 20 EVIDENCE DISCOVERED, IF ANY;
- 21 (C) THE PEACE OFFICER SEIZED ANY PROPERTY AND, IF SO, THE
- 22 TYPE OF PROPERTY THAT WAS SEIZED AND THE BASIS FOR SEIZING THE
- 23 PROPERTY;
- 24 (D) A PEACE OFFICER UNHOLSTERED A WEAPON DURING THE
- 25 CONTACT; AND
- 26 (E) A PEACE OFFICER DISCHARGED A FIREARM DURING THE
- 27 CONTACT;

1 (d) ALL INSTANCES OF UNANNOUNCED ENTRY INTO A RESIDENCE,  
2 WITH OR WITHOUT A WARRANT, INCLUDING:

3 (I) THE DATE, TIME, AND LOCATION OF THE USE OF UNANNOUNCED  
4 ENTRY;

5 (II) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE SUBJECT  
6 OF THE UNANNOUNCED ENTRY, PROVIDED THAT THE IDENTIFICATION OF  
7 THESE CHARACTERISTICS IS BASED ON THE OBSERVATION AND PERCEPTION  
8 OF THE PEACE OFFICER MAKING THE ENTRY AND OTHER AVAILABLE DATA;  
9 AND

10 (III) WHETHER A PEACE OFFICER UNHOLSTERED A WEAPON DURING  
11 THE UNANNOUNCED ENTRY; AND

12 (IV) WHETHER A PEACE OFFICER DISCHARGED A FIREARM DURING  
13 THE UNANNOUNCED ENTRY;

14 (3) THE COLORADO STATE PATROL AND LOCAL LAW ENFORCEMENT  
15 AGENCIES SHALL NOT REPORT THE NAME, ADDRESS, SOCIAL SECURITY  
16 NUMBER, OR OTHER UNIQUE PERSONAL IDENTIFYING INFORMATION OF THE  
17 SUBJECT OF THE USE OF FORCE, VICTIM OF THE OFFICIAL MISCONDUCT, OR  
18 PERSONS CONTACTED, SEARCHED, OR SUBJECTED TO A PROPERTY SEIZURE.  
19 NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE DATA  
20 REPORTED PURSUANT TO THIS SECTION IS AVAILABLE TO THE PUBLIC  
21 PURSUANT TO SUBSECTION (4) OF THIS SECTION.

22 (4) THE DIVISION OF CRIMINAL JUSTICE SHALL MAINTAIN A  
23 STATEWIDE DATABASE WITH DATA COLLECTED PURSUANT TO THIS  
24 SECTION, IN A SEARCHABLE FORMAT, AND PUBLISH THE DATABASE ON ITS  
25 WEBSITE.

26 (5) THE COLORADO STATE PATROL AND ANY LOCAL LAW  
27 ENFORCEMENT AGENCY THAT FAILS TO MEET ITS REPORTING

1 REQUIREMENTS PURSUANT TO THIS SECTION IS SUBJECT TO THE  
2 SUSPENSION OF ITS FUNDING BY ITS APPROPRIATING AUTHORITY.

3 **24-31-904. Revoke peace officer certification after conviction.**

4 NOTWITHSTANDING ANY PROVISION OF LAW, IF ANY PEACE OFFICER IS  
5 CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO \_\_\_ A CRIME  
6 INVOLVING THE UNLAWFUL USE OR THREATENED USE OF PHYSICAL FORCE,  
7 A CRIME INVOLVING THE FAILURE TO INTERVENE IN THE USE OF UNLAWFUL  
8 FORCE, \_\_\_ OR IS FOUND CIVILLY LIABLE FOR THE USE OF UNLAWFUL  
9 PHYSICAL FORCE, \_\_\_ OR IS FOUND CIVILLY LIABLE FOR FAILURE TO  
10 INTERVENE IN THE USE OF UNLAWFUL FORCE, THE P.O.S.T. BOARD SHALL  
11 PERMANENTLY REVOKE THE PEACE OFFICER'S CERTIFICATION. THE  
12 P.O.S.T. BOARD SHALL NOT, UNDER ANY CIRCUMSTANCES, REINSTATE THE  
13 PEACE OFFICER'S CERTIFICATION OR GRANT NEW CERTIFICATION TO THE  
14 PEACE OFFICER UNLESS THE PEACE OFFICER IS EXONERATED BY A COURT.  
15 THE P.O.S.T. BOARD SHALL RECORD EACH DECERTIFIED PEACE OFFICER IN  
16 THE DATABASE CREATED PURSUANT TO SECTION 24-31-303 (1)(r).

17 **24-31-905. Prohibited law enforcement action in response to**  
18 **protests. (1) IN RESPONSE TO A PROTEST OR DEMONSTRATION, A LAW**  
19 **ENFORCEMENT AGENCY AND ANY PERSON ACTING ON BEHALF OF THE LAW**  
20 **ENFORCEMENT AGENCY SHALL NOT:**

21 **(a) DISCHARGE KINETIC IMPACT PROJECTILES AND ALL OTHER NON-**  
22 **OR LESS-LETHAL PROJECTILES IN A MANNER THAT TARGETS THE HEAD,**  
23 **PELVIS, OR BACK;**

24 **(b) DISCHARGE KINETIC IMPACT PROJECTILES INDISCRIMINATELY**  
25 **INTO A CROWD; OR**

26 **(c) USE CHEMICAL AGENTS OR IRRITANTS, INCLUDING PEPPER**  
27 **SPRAY AND TEAR GAS, PRIOR TO ISSUING AN ORDER TO DISPERSE IN A**

1 SUFFICIENT MANNER TO ENSURE THE ORDER IS HEARD AND REPEATED IF  
2 NECESSARY, FOLLOWED BY SUFFICIENT TIME AND SPACE TO ALLOW  
3 COMPLIANCE WITH THE ORDER.

4 **SECTION 2.** In Colorado Revised Statutes, **add** 13-21-131 as  
5 follows:

6 **13-21-131. Civil action for deprivation of rights - definition.**

7 (1) A PEACE OFFICER, AS DEFINED IN SECTION 24-31-901 (3), EMPLOYED  
8 BY A LOCAL GOVERNMENT WHO, UNDER COLOR OF LAW, SUBJECTS OR  
9 CAUSES TO BE SUBJECTED, INCLUDING FAILING TO INTERVENE, ANY OTHER  
10 PERSON TO THE DEPRIVATION OF ANY INDIVIDUAL RIGHTS THAT CREATE  
11 BINDING OBLIGATIONS ON GOVERNMENT ACTORS SECURED BY THE BILL OF  
12 RIGHTS, ARTICLE II OF THE STATE CONSTITUTION, IS LIABLE TO THE  
13 INJURED PARTY FOR LEGAL OR EQUITABLE RELIEF OR ANY OTHER  
14 APPROPRIATE RELIEF.

15 (2) (a) STATUTORY IMMUNITIES AND STATUTORY LIMITATIONS ON  
16 LIABILITY, DAMAGES, OR ATTORNEY FEES DO NOT APPLY TO CLAIMS  
17 BROUGHT PURSUANT TO THIS SECTION. THE "COLORADO GOVERNMENTAL  
18 IMMUNITY ACT", ARTICLE 10 OF TITLE 24, DOES NOT APPLY TO CLAIMS  
19 BROUGHT PURSUANT TO THIS SECTION.

20 (b) QUALIFIED IMMUNITY IS NOT A DEFENSE TO LIABILITY  
21 PURSUANT TO THIS SECTION.

22 (3) IN ANY ACTION BROUGHT PURSUANT TO THIS SECTION, A COURT  
23 SHALL AWARD REASONABLE ATTORNEY FEES AND COSTS TO A PREVAILING  
24 PLAINTIFF. IN ACTIONS FOR INJUNCTIVE RELIEF, A COURT SHALL DEEM A  
25 PLAINTIFF TO HAVE PREVAILED IF THE PLAINTIFF'S SUIT WAS A  
26 SUBSTANTIAL FACTOR OR SIGNIFICANT CATALYST IN OBTAINING THE  
27 RESULTS SOUGHT BY THE LITIGATION. WHEN A JUDGMENT IS ENTERED IN

1 FAVOR OF A DEFENDANT, THE COURT MAY AWARD REASONABLE COSTS  
2 AND ATTORNEY FEES TO THE DEFENDANT FOR DEFENDING ANY CLAIMS THE  
3 COURT FINDS FRIVOLOUS.

4 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PEACE  
5 OFFICER'S EMPLOYER SHALL INDEMNIFY ITS PEACE OFFICERS FOR ANY  
6 LIABILITY INCURRED BY THE PEACE OFFICER AND FOR ANY JUDGMENT OR  
7 SETTLEMENT ENTERED AGAINST THE PEACE OFFICER FOR CLAIMS ARISING  
8 PURSUANT TO THIS SECTION; EXCEPT THAT IF THE PEACE OFFICER'S  
9 EMPLOYER DETERMINES THAT THE OFFICER DID NOT ACT UPON A GOOD  
10 FAITH AND REASONABLE BELIEF THAT THE ACTION WAS LAWFUL, THEN THE  
11 PEACE OFFICER IS PERSONALLY LIABLE AND SHALL NOT BE INDEMNIFIED BY  
12 THE PEACE OFFICER'S EMPLOYER FOR FIVE PERCENT OF THE JUDGMENT OR  
13 SETTLEMENT OR TWENTY-FIVE THOUSAND DOLLARS, WHICHEVER IS LESS.  
14 NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY,  
15 IF THE PEACE OFFICER'S PORTION OF THE JUDGMENT IS UNCOLLECTIBLE  
16 FROM THE PEACE OFFICER, THE PEACE OFFICER'S EMPLOYER OR INSURANCE  
17 SHALL SATISFY THE FULL AMOUNT OF THE JUDGMENT OR SETTLEMENT. A  
18 PUBLIC ENTITY DOES NOT HAVE TO INDEMNIFY A PEACE OFFICER IF THE  
19 PEACE OFFICER WAS CONVICTED OF A CRIMINAL VIOLATION FOR THE  
20 CONDUCT FROM WHICH THE CLAIM ARISES.

21 (5) A CIVIL ACTION PURSUANT TO THIS SECTION MUST BE  
22 COMMENCED WITHIN TWO YEARS AFTER THE CAUSE OF ACTION ACCRUES.

23 **SECTION 3.** In Colorado Revised Statutes, 18-1-703, **amend** (1)  
24 introductory portion and (1)(b) as follows:

25 **18-1-703. Use of physical force - special relationships.** (1) The  
26 use of physical force upon another person ~~which~~ THAT would otherwise  
27 constitute an offense is justifiable and not criminal under any of the

1 following circumstances:

2 (b) A superintendent or other authorized official of a jail, prison,  
3 or correctional institution may, in order to maintain order and discipline,  
4 use OBJECTIVELY reasonable and appropriate physical force when and to  
5 the extent that he OR SHE reasonably believes it necessary to maintain  
6 order and discipline, but he OR SHE may use deadly physical force only  
7 when he OR SHE OBJECTIVELY reasonably believes ~~it necessary to prevent~~  
8 ~~death or serious bodily injury~~ THE INMATE POSES AN IMMEDIATE THREAT  
9 TO THE PERSON USING DEADLY FORCE OR ANOTHER PERSON.

10 **SECTION 4. In Colorado Revised Statutes, 18-1-707, repeal and**  
11 **reenact, with amendments, (1), (2), (2.5), (3), and (4); and add (4.5) as**  
12 **follows:**

13 **18-1-707. Use of force by peace officers - definition. (1) PEACE**  
14 **OFFICERS, IN CARRYING OUT THEIR DUTIES, SHALL APPLY NONVIOLENT**  
15 **MEANS, WHEN POSSIBLE, BEFORE RESORTING TO THE USE OF PHYSICAL**  
16 **FORCE. A PEACE OFFICER MAY USE PHYSICAL FORCE ONLY IF NONVIOLENT**  
17 **MEANS WOULD BE INEFFECTIVE IN EFFECTING AN ARREST, PREVENTING AN**  
18 **ESCAPE, OR PREVENTING AN IMMEDIATE THREAT OF SERIOUS BODILY INJURY**  
19 **OR DEATH TO THE PEACE OFFICER OR ANOTHER PERSON.**

20 **(2) WHEN PHYSICAL FORCE IS USED, A PEACE OFFICER SHALL:**

21 **(a) NOT USE DEADLY PHYSICAL FORCE TO APPREHEND A PERSON**  
22 **WHO IS SUSPECTED OF ONLY A MINOR OR NONVIOLENT OFFENSE;**

23 **(b) USE ONLY A DEGREE OF FORCE CONSISTENT WITH THE**  
24 **MINIMIZATION OF INJURY TO OTHERS;**

25 **(c) ENSURE THAT ASSISTANCE AND MEDICAL AID ARE RENDERED**  
26 **TO ANY INJURED OR AFFECTED PERSONS AS SOON AS PRACTICABLE; AND**

27 **(d) ENSURE THAT ANY IDENTIFIED RELATIVES OR NEXT OF KIN OF**

1 PERSONS WHO HAVE SUSTAINED SERIOUS BODILY INJURY OR DEATH ARE  
2 NOTIFIED AS SOON AS PRACTICABLE.

3 (2.5) (a) A PEACE OFFICER IS PROHIBITED FROM USING A  
4 CHOKEHOLD UPON ANOTHER PERSON.

5 (b) (I) FOR THE PURPOSES OF THIS SUBSECTION (2.5),  
6 "CHOKEHOLD" MEANS A METHOD BY WHICH A PERSON APPLIES SUFFICIENT  
7 PRESSURE TO A PERSON TO MAKE BREATHING DIFFICULT OR IMPOSSIBLE  
8 AND INCLUDES BUT IS NOT LIMITED TO ANY PRESSURE TO THE NECK,  
9 THROAT, OR WINDPIPE THAT MAY PREVENT OR HINDER BREATHING OR  
10 REDUCE INTAKE OF AIR.

11 (II) "CHOKEHOLD" ALSO MEANS APPLYING PRESSURE TO A  
12 PERSON'S NECK ON EITHER SIDE OF THE WINDPIPE, BUT NOT TO THE  
13 WINDPIPE ITSELF, TO STOP THE FLOW OF BLOOD TO THE BRAIN VIA THE  
14 CAROTID ARTERIES.

15 (3) A PEACE OFFICER IS JUSTIFIED IN USING DEADLY PHYSICAL  
16 FORCE TO MAKE AN ARREST ONLY WHEN ALL OTHER MEANS OF  
17 APPREHENSION ARE UNREASONABLE GIVEN THE CIRCUMSTANCES AND:

18 (a) THE ARREST IS FOR A FELONY INVOLVING CONDUCT INCLUDING  
19 THE USE OR THREATENED USE OF DEADLY PHYSICAL FORCE;

20 (b) THE SUSPECT POSES AN IMMEDIATE THREAT TO THE PEACE  
21 OFFICER OR ANOTHER PERSON;

22 (c) THE FORCE EMPLOYED DOES NOT CREATE A SUBSTANTIAL RISK  
23 OF INJURY TO OTHER PERSONS.

24 (4) A PEACE OFFICER SHALL IDENTIFY HIMSELF OR HERSELF AS A  
25 PEACE OFFICER AND GIVE A CLEAR VERBAL WARNING OF HIS OR HER  
26 INTENT TO USE FIREARMS OR OTHER DEADLY PHYSICAL FORCE, WITH  
27 SUFFICIENT TIME FOR THE WARNING TO BE OBSERVED, UNLESS TO DO SO

1 WOULD UNDULY PLACE PEACE OFFICERS AT RISK OF INJURY, WOULD  
2 CREATE A RISK OF DEATH OR INJURY TO OTHER PERSONS.

3 (4.5) NOTWITHSTANDING ANY OTHER PROVISION IN THIS SECTION,  
4 A PEACE OFFICER IS JUSTIFIED IN USING DEADLY FORCE IF THE PEACE  
5 OFFICER HAS AN OBJECTIVELY REASONABLE BELIEF THAT A LESSER  
6 DEGREE OF FORCE IS INADEQUATE AND THE PEACE OFFICER HAS  
7 OBJECTIVELY REASONABLE GROUNDS TO BELIEVE, AND DOES BELIEVE,  
8 THAT HE OR ANOTHER PERSON IS IN IMMINENT DANGER OF BEING KILLED  
9 OR OF RECEIVING SERIOUS BODILY INJURY.

10 SECTION 5. In Colorado Revised Statutes, 18-8-802, add (1.5)  
11 as follows:

12 **18-8-802. Duty to report use of force by peace officers - duty**  
13 **to intervene. (1.5) (a) A PEACE OFFICER SHALL INTERVENE TO PREVENT**  
14 **OR STOP ANOTHER PEACE OFFICER FROM USING PHYSICAL FORCE THAT**  
15 **EXCEEDS THE DEGREE OF FORCE PERMITTED, IF ANY, BY SECTION 18-1-707,**  
16 **IN PURSUANCE OF THE OTHER PEACE OFFICER'S LAW ENFORCEMENT DUTIES**  
17 **IN CARRYING OUT AN ARREST OF ANY PERSON, PLACING ANY PERSON**  
18 **UNDER DETENTION, TAKING ANY PERSON INTO CUSTODY, BOOKING ANY**  
19 **PERSON, OR IN THE PROCESS OF CROWD CONTROL OR RIOT CONTROL,**  
20 **WITHOUT REGARD FOR CHAIN OF COMMAND.**

21 **(b) (I) A PEACE OFFICER WHO INTERVENES AS REQUIRED BY**  
22 **SUBSECTION (1.5) (a) OF THIS SECTION SHALL REPORT THE INTERVENTION**  
23 **TO HIS OR HER IMMEDIATE SUPERVISOR.**

24 **(II) AT A MINIMUM, THE REPORT REQUIRED BY THIS SUBSECTION**  
25 **(1.5)(b) MUST INCLUDE THE DATE, TIME, AND PLACE OF THE OCCURRENCE;**  
26 **THE IDENTITY, IF KNOWN, AND DESCRIPTION OF THE PARTICIPANTS; AND A**  
27 **DESCRIPTION OF THE INTERVENTION ACTIONS TAKEN. THIS REPORT SHALL**

1 BE MADE IN WRITING WITHIN TEN DAYS OF THE OCCURRENCE OF THE USE  
2 OF SUCH FORCE AND SHALL BE APPENDED TO ALL OTHER REPORTS OF THE  
3 INCIDENT.

4 (c) A MEMBER OF A LAW ENFORCEMENT AGENCY SHALL NOT  
5 DISCIPLINE OR RETALIATE IN ANY WAY AGAINST A PEACE OFFICER FOR  
6 INTERVENING AS REQUIRED BY SUBSECTION (1.5) (a) OF THIS SECTION, OR  
7 FOR REPORTING UNCONSTITUTIONAL CONDUCT, OR FOR FAILING TO  
8 FOLLOW WHAT THE OFFICER REASONABLY BELIEVES IS AN  
9 UNCONSTITUTIONAL DIRECTIVE.

10 (d) ANY PEACE OFFICER WHO FAILS TO INTERVENE TO PREVENT  
11 THE USE OF UNLAWFUL FORCE AS PRESCRIBED IN THIS SUBSECTION (1.5)  
12 COMMITS A CLASS 1 MISDEMEANOR. NOTHING IN THIS SUBSECTION (1.5)  
13 SHALL PROHIBIT OR DISCOURAGE PROSECUTION OF ANY OTHER CRIMINAL  
14 OFFENSE RELATED TO FAILURE TO INTERVENE, INCLUDING A HIGHER  
15 CHARGE, IF SUPPORTED BY THE EVIDENCE.

16 (e) WHEN AN ADMINISTRATIVE LAW JUDGE OR INTERNAL  
17 INVESTIGATION FINDS THAT A PEACE OFFICER FAILED TO INTERVENE TO  
18 PREVENT THE USE OF UNLAWFUL PHYSICAL FORCE AS PRESCRIBED IN THIS  
19 SUBSECTION (1.5), THIS FINDING MUST BE PRESENTED TO THE DISTRICT  
20 ATTORNEY SO THAT HE OR SHE CAN DETERMINE WHETHER CHARGES  
21 SHOULD BE FILED PURSUANT TO SUBSECTION (1.5)(d) OF THIS SECTION.  
22 HOWEVER, NOTHING IN THIS SUBSECTION (1.5)(e) PROHIBITS THE DISTRICT  
23 ATTORNEY FROM CHARGING AN OFFICER WITH FAILURE TO INTERVENE  
24 BEFORE THE CONCLUSION OF ANY INTERNAL INVESTIGATION.

25 (f) IN ADDITION TO ANY CRIMINAL LIABILITY AND PENALTY UNDER  
26 THE LAW, WHEN AN ADMINISTRATIVE LAW JUDGE HEARING OFFICER, OR  
27 INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER FAILED TO

1 INTERVENE AS REQUIRED BY SUBSECTION (1.5)(a) OF THIS SECTION IN AN  
2 INCIDENT RESULTING IN SERIOUS BODILY INJURY OR DEATH TO ANY  
3 PERSON, THE PEACE OFFICER'S EMPLOYER SHALL SUBJECT THE PEACE  
4 OFFICER TO DISCIPLINE, UP TO AND INCLUDING TERMINATION, TO THE  
5 EXTENT PERMITTED BY APPLICABLE CONSTITUTIONAL AND STATUTORY  
6 PERSONNEL LAWS AND CASE LAW, AND THE P.O.S.T. BOARD SHALL  
7 PERMANENTLY DECERTIFY THE PEACE OFFICER UPON RECEIPT OF NOTICE  
8 OF THE PEACE OFFICER'S DISCIPLINE. THE REVOCATION MAY ONLY BE  
9 OVERTURNED IF THE PEACE OFFICER IS EXONERATED BY A COURT.

10 (g) IN A CASE IN WHICH THE PROSECUTION CHARGES A PEACE  
11 OFFICER WITH OFFENSES RELATED TO AND BASED UPON THE USE OF  
12 EXCESSIVE FORCE BUT DOES NOT FILE CHARGES AGAINST ANY OTHER  
13 PEACE OFFICER OR OFFICERS WHO WERE AT THE SCENE DURING THE USE OF  
14 FORCE, THE DISTRICT ATTORNEY SHALL PREPARE A WRITTEN REPORT  
15 EXPLAINING THE DISTRICT ATTORNEY'S BASIS FOR THE DECISION NOT TO  
16 CHARGE ANY OTHER PEACE OFFICER WITH ANY CRIMINAL CONDUCT AND  
17 SHALL PUBLICLY DISCLOSE THE REPORT TO THE PUBLIC; EXCEPT THAT IF  
18 DISCLOSURE OF THE REPORT WOULD SUBSTANTIALLY INTERFERE WITH OR  
19 JEOPARDIZE AN ONGOING CRIMINAL INVESTIGATION, THE DISTRICT  
20 ATTORNEY MAY DELAY PUBLIC DISCLOSURE FOR UP TO FORTY-FIVE DAYS.  
21 THE DISTRICT ATTORNEY SHALL POST THE WRITTEN REPORT ON ITS  
22 WEBSITE OR, IF IT DOES NOT HAVE A WEBSITE, MAKE IT PUBLICLY  
23 AVAILABLE UPON REQUEST. NOTHING IN THIS SECTION IS INTENDED TO  
24 PROHIBIT OR DISCOURAGE CRIMINAL PROSECUTION OF AN OFFICER WHO  
25 FAILED TO INTERVENE FOR CONDUCT IN WHICH THE FACTS SUPPORT A  
26 CRIMINAL CHARGE, INCLUDING UNDER A COMPLICITY THEORY, OR FOR AN  
27 INCHOATE OFFENSE.

1           **SECTION 6.** In Colorado Revised Statutes, 18-1-707, **add** (10)  
2 as follows:

3           **18-1-707. Use of physical force in making an arrest or in**  
4 **preventing an escape - definitions -repeal.** (10) (a) EACH LAW  
5 ENFORCEMENT AGENCY IN THE STATE SHALL TRAIN ITS PEACE OFFICERS ON  
6 THE PROVISIONS OF SUBSECTIONS (1) TO (4.5) OF THIS SECTION, SECTION  
7 18-1-703 (1)(b), AND SECTION 18-8-802 (1.5) AS ENACTED IN SENATE BILL  
8 20-217, ENACTED IN 2020, PRIOR TO THE PROVISIONS BECOMING  
9 EFFECTIVE ON SEPTEMBER 1, 2020.

10           (b) THIS SUBSECTION (10) IS REPEALED, EFFECTIVE JANUARY 1,  
11 2021.

12           **SECTION 7.** In Colorado Revised Statutes, 20-1-114, **amend** (2)  
13 as follows:

14           **20-1-114. Peace officer-involved death investigations -**  
15 **disclosure.** (2) If the district attorney refers the matter under  
16 investigation to the grand jury, the district attorney shall release a  
17 statement at the time the matter is referred to the grand jury disclosing the  
18 general purpose of the grand jury's investigation. If no true bill is  
19 returned, the grand jury ~~may~~ SHALL issue AND PUBLISH a report. ~~pursuant~~  
20 ~~to section 16-5-205.5. C.R.S.~~

21           **SECTION 8.** In Colorado Revised Statutes, 24-31-101, **add** (7)  
22 and (8) as follows:

23           **24-31-101. Powers and duties of attorney general.** (7) THE  
24 ATTORNEY GENERAL MAY BRING A CIVIL ACTION TO ENFORCE THE  
25 PROVISIONS OF SECTION 24-31-111.

26           (8) THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION TO  
27 ENFORCE THE PROVISIONS OF SECTION 24-31-307 (2) OR A CRIMINAL

1 ACTION TO ENFORCE THE PROVISIONS OF SECTION 24-31-307 (3).

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3 SECTION 9. In Colorado Revised Statutes, 24-31-303, amend  
4 (1)(l), (1)(p), and (1)(q); and add (1)(r) as follows:

5 24-31-303. Duties - powers of the P.O.S.T. board. (1) The  
6 P.O.S.T. board has the following duties:

7 (l) To promulgate rules deemed necessary by the board concerning  
8 annual in-service training requirements for certified peace officers,  
9 including but not limited to evaluation of the training program and  
10 processes to ensure substantial compliance by law enforcement agencies,  
11 and departments, AND INDIVIDUAL PEACE OFFICERS;

12 (p) To develop a community outreach program that informs the  
13 public of the role and duties of the P.O.S.T. board; and

14 (q) To develop a recruitment program that creates a diversified  
15 applicant pool for appointments to the P.O.S.T. board and the subject  
16 matter expertise committees; AND

17 (r) BEGINNING ON JANUARY 1, 2022, TO CREATE AND MAINTAIN A  
18 DATABASE CONTAINING INFORMATION RELATED TO A PEACE OFFICER'S:

- 19 (I) UNTRUTHFULNESS;
- 20 (II) REPEATED FAILURE TO FOLLOW P.O.S.T. BOARD TRAINING
- 21 REQUIREMENTS;
- 22 (III) DECERTIFICATION BY THE P.O.S.T. BOARD; AND
- 23 (IV) TERMINATION FOR CAUSE.

24 SECTION 10. In Colorado Revised Statutes, 24-4.1-302, add  
25 (2)(w) as follows:

26 24-4.1-302. Definitions. As used in this part 3, and for no other  
27 purpose, including the expansion of the rights of any defendant:

1 (2) "Critical stages" means the following stages of the criminal  
2 justice process:

3 (w) A HEARING HELD PURSUANT TO SECTION 24-31-902 (2)(c);

4 **SECTION 11.** In Colorado Revised Statutes, 24-4.1-302.5,  
5 **amend** (1)(d)(VII) and (1)(d)(VIII); and **add** (1)(d)(IX) and (1)(j.8) as  
6 follows:

7 **24-4.1-302.5. Rights afforded to victims - definitions.** (1) In  
8 order to preserve and protect a victim's rights to justice and due process,  
9 each victim of a crime has the following rights:

10 (d) The right to be heard at any court proceeding:

11 (VII) Involving a subpoena for records concerning the victim's  
12 medical history, mental health, education, or victim compensation, or any  
13 other records that are privileged pursuant to section 13-90-107; ~~C.R.S.~~;  
14 or

15 (VIII) Involving a petition for expungement as described in  
16 section 19-1-306; OR

17 (IX) INVOLVING A HEARING AS DESCRIBED IN SECTION 24-31-902  
18 (2)(c).

19 (j.8) THE RIGHT, UPON REQUEST, TO OBTAIN ANY INCIDENT  
20 RECORDING AS DESCRIBED IN SECTION 24-31-902.

21 **SECTION 12.** In Colorado Revised Statutes, **add** 24-31-111 as  
22 follows:

23 **24-31-111. Public integrity - patterns and practices.** IT IS  
24 UNLAWFUL FOR ANY GOVERNMENTAL AUTHORITY, OR ANY AGENT  
25 THEREOF, OR ANY PERSON ACTING ON BEHALF OF A GOVERNMENTAL  
26 AUTHORITY, TO ENGAGE IN A PATTERN OR PRACTICE OF CONDUCT BY  
27 PEACE OFFICERS OR BY OFFICIALS OR EMPLOYEES OF ANY GOVERNMENTAL

1 AGENCY THAT DEPRIVES PERSONS OF RIGHTS, PRIVILEGES, OR IMMUNITIES  
2 SECURED OR PROTECTED BY THE CONSTITUTION OR LAWS OF THE UNITED  
3 STATES OR THE STATE OF COLORADO. WHENEVER THE ATTORNEY  
4 GENERAL HAS REASONABLE CAUSE TO BELIEVE THAT A VIOLATION OF THIS  
5 SECTION HAS OCCURRED, THE ATTORNEY GENERAL, FOR OR IN THE NAME  
6 OF THE STATE OF COLORADO, MAY IN A CIVIL ACTION OBTAIN ANY AND  
7 ALL APPROPRIATE RELIEF TO ELIMINATE THE PATTERN OR PRACTICE.  
8 BEFORE FILING SUIT, THE ATTORNEY GENERAL SHALL NOTIFY THE  
9 GOVERNMENT AUTHORITY OR ANY AGENT THEREOF, AND PROVIDE IT WITH  
10 THE FACTUAL BASIS THAT SUPPORTS HIS OR HER REASONABLE CAUSE TO  
11 BELIEVE A VIOLATION OCCURRED. UPON RECEIPT OF THE FACTUAL BASIS,  
12 THE GOVERNMENT AUTHORITY, OR ANY AGENT THEREOF, HAS SIXTY DAYS  
13 TO CHANGE OR ELIMINATE THE IDENTIFIED PATTERN OR PRACTICE. IF THE  
14 IDENTIFIED PATTERN OR PRACTICE IS NOT CHANGED OR ELIMINATED AFTER  
15 SIXTY DAYS, THE ATTORNEY GENERAL MAY FILE A CIVIL LAWSUIT.

16 **SECTION 13.** In Colorado Revised Statutes, 24-31-305, **add**  
17 (2.7) as follows:

18 **24-31-305. Certification - issuance - renewal - revocation -**  
19 **rules - definition.** (2.7) THE P.O.S.T. BOARD MAY REVOKE THE  
20 CERTIFICATION OF A PEACE OFFICER WHO FAILS TO SATISFACTORILY  
21 COMPLETE PEACE OFFICER TRAINING REQUIRED BY THE P.O.S.T. BOARD.  
22 PRIOR TO REVOKING THE PEACE OFFICER'S CERTIFICATION, THE P.O.S.T.  
23 BOARD SHALL NOTIFY THE PEACE OFFICER OF HIS OR HER FAILURE TO  
24 COMPLETE THE TRAINING REQUIRED BY THE P.O.S.T. BOARD AND GIVE THE  
25 PEACE OFFICER THIRTY CALENDAR DAYS TO SATISFACTORILY COMPLETE  
26 THE PEACE OFFICER TRAINING REQUIRED BY THE P.O.S.T. BOARD.

27 **SECTION 14.** In Colorado Revised Statutes, **amend** 24-31-307

1 as follows:

2 **24-31-307. Enforcement.** (1) The P.O.S.T. board shall have the  
3 power to ~~direct the attorney general to enforce the provisions of this part~~  
4 ~~3 through an action in district court for injunctive or other appropriate~~  
5 ~~relief against~~ PROMULGATE RULES FOR ENFORCEMENT OF THIS PART 3.

6 (2) THE ATTORNEY GENERAL MAY ENFORCE THE PROVISIONS OF  
7 THIS PART 3 THROUGH AN ACTION IN DISTRICT COURT FOR INJUNCTIVE OR  
8 OTHER APPROPRIATE RELIEF AGAINST:

9 (a) Any individual undertaking or attempting to undertake any  
10 duties as a peace officer or a reserve peace officer in this state in violation  
11 of this part 3; and

12 (b) Any agency permitting any individual to undertake or attempt  
13 to undertake any duties as a peace officer or a reserve peace officer in this  
14 state under the auspices of such agency in violation of this part 3.

15 (3) THE ATTORNEY GENERAL MAY BRING CRIMINAL CHARGES FOR  
16 VIOLATIONS OF THIS PART 3 IF VIOLATION IS WILLFUL OR WANTON, OR  
17 IMPOSE FINES, AS SET IN P.O.S.T. BOARD RULE, UPON ANY INDIVIDUAL  
18 OFFICER OR AGENCY FOR FAILURE TO COMPLY WITH THIS PART 3 OR ANY  
19 RULE PROMULGATED UNDER THIS PART 3.

20 ~~(2)~~ (4) The attorney general shall be entitled to recover reasonable  
21 attorney fees and costs against the defendant in any enforcement action  
22 under this part 3, if the attorney general prevails.

23 **SECTION 15.** In Colorado Revised Statutes, **amend** 24-31-307  
24 as follows:

25 **24-31-307. Enforcement.** (1) The P.O.S.T. board shall have the  
26 power to ~~direct the attorney general to enforce the provisions of this part~~  
27 ~~3 through an action in district court for injunctive or other appropriate~~

1 relief against PROMULGATE RULES FOR ENFORCEMENT OF THIS PART 3.

2 (2) THE ATTORNEY GENERAL MAY ENFORCE THE PROVISIONS OF  
3 THIS PART 3 THROUGH AN ACTION IN DISTRICT COURT FOR INJUNCTIVE OR  
4 OTHER APPROPRIATE RELIEF AGAINST:

5 (a) Any individual undertaking or attempting to undertake any  
6 duties as a peace officer or a reserve peace officer in this state in violation  
7 of this part 3; and

8 (b) Any agency permitting any individual to undertake or attempt  
9 to undertake any duties as a peace officer or a reserve peace officer in this  
10 state under the auspices of such agency in violation of this part 3.

11 (3) THE ATTORNEY GENERAL MAY BRING CRIMINAL CHARGES FOR  
12 VIOLATIONS OF THIS PART 3 IF VIOLATION IS WILLFUL OR WANTON, OR  
13 IMPOSE FINES, AS SET IN P.O.S.T. BOARD RULE, UPON ANY INDIVIDUAL  
14 OFFICER OR AGENCY FOR FAILURE TO COMPLY WITH THIS PART 3 OR ANY  
15 RULE PROMULGATED UNDER THIS PART 3.

16 ~~(2)~~ (4) The attorney general shall be entitled to recover reasonable  
17 attorney fees and costs against the defendant in any enforcement action  
18 under this part 3, if the attorney general prevails.

19 **SECTION 16.** In Colorado Revised Statutes, 24-31-309, **amend**  
20 (4)(a); and **add** (3.5) as follows:

21 **24-31-309. Profiling - officer identification - training.** (3.5) A  
22 PEACE OFFICER SHALL HAVE A LEGAL BASIS FOR MAKING A CONTACT,  
23 WHETHER CONSENSUAL OR NONCONSENSUAL, FOR THE PURPOSE OF  
24 ENFORCING THE LAW OR INVESTIGATING POSSIBLE VIOLATIONS OF THE  
25 LAW. AFTER MAKING A CONTACT, A PEACE OFFICER, AS DEFINED IN  
26 SECTION 24-31-901 (3), SHALL REPORT TO THE PEACE OFFICER'S  
27 EMPLOYING AGENCY:

- 1           (a) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE PERSON  
2           CONTACTED, PROVIDED THAT THE IDENTIFICATION OF THESE  
3           CHARACTERISTICS IS BASED ON THE OBSERVATION AND PERCEPTION OF  
4           THE PEACE OFFICER MAKING THE CONTACT AND OTHER AVAILABLE DATA;
- 5           (b) WHETHER THE CONTACT WAS A TRAFFIC STOP;
- 6           (c) THE TIME, DATE, AND LOCATION OF THE CONTACT;
- 7           (d) THE DURATION OF THE CONTACT;
- 8           (e) THE REASON FOR THE CONTACT;
- 9           (f) THE SUSPECTED CRIME;
- 10          (g) THE RESULT OF THE CONTACT, SUCH AS:
- 11           (I) NO ACTION, WARNING, CITATION, PROPERTY SEIZURE, OR  
12          ARREST;
- 13           (II) IF A WARNING OR CITATION WAS ISSUED, THE WARNING  
14          PROVIDED OR VIOLATION CITED;
- 15           (III) IF AN ARREST WAS MADE, THE OFFENSE CHARGED;
- 16           (IV) IF THE CONTACT WAS A TRAFFIC STOP, THE INFORMATION  
17          COLLECTED, WHICH IS LIMITED TO THE DRIVER;
- 18          (h) THE ACTIONS TAKEN BY THE PEACE OFFICER DURING THE  
19          CONTACT, INCLUDING BUT NOT LIMITED TO WHETHER:
- 20           (I) THE PEACE OFFICER ASKED FOR CONSENT TO SEARCH THE  
21          PERSON, VEHICLE, OR OTHER PROPERTY, AND, IF SO, WHETHER CONSENT  
22          WAS PROVIDED;
- 23           (II) THE PEACE OFFICER SEARCHED THE PERSON OR ANY PROPERTY,  
24          AND, IF SO, THE BASIS FOR THE SEARCH AND THE TYPE OF CONTRABAND OR  
25          EVIDENCE DISCOVERED, IF ANY;
- 26           (III) THE PEACE OFFICER SEIZED ANY PROPERTY, AND, IF SO, THE  
27          TYPE OF PROPERTY THAT WAS SEIZED AND THE BASIS FOR SEIZING THE

1 PROPERTY;

2 (IV) A PEACE OFFICER UNHOLSTERED A WEAPON DURING THE  
3 CONTACT; AND

4 (V) A PEACE OFFICER DISCHARGED A FIREARM DURING THE  
5 CONTACT;

6 (4) (a) A peace officer certified pursuant to this part 3 shall  
7 provide, without being asked, ~~his or her~~ THE PEACE OFFICER'S business  
8 card to any person whom the peace officer has detained in a traffic stop  
9 but has not cited or arrested. The business card ~~shall~~ MUST include  
10 identifying information about the peace officer, including but not limited  
11 to the peace officer's name, division, precinct, and badge or other  
12 identification number; ~~and~~ a telephone number that may be used, if  
13 necessary, to report any comments, positive or negative, regarding the  
14 traffic stop; AND INFORMATION ABOUT HOW TO FILE A COMPLAINT  
15 RELATED TO THE CONTACT. The identity of the reporting person and the  
16 report of any such comments that ~~constitutes~~ CONSTITUTE a complaint  
17 ~~shall~~ MUST initially be kept confidential by the receiving law enforcement  
18 agency, to the extent permitted by law. The receiving law enforcement  
19 agency shall be permitted to obtain some identifying information  
20 regarding the complaint to allow initial processing of the complaint. If it  
21 becomes necessary for the further processing of the complaint for the  
22 complainant to disclose ~~his or her~~ THE COMPLAINANT'S identity, the  
23 complainant shall do so or, at the option of the receiving law enforcement  
24 agency, the complaint may be dismissed.

25 == ==

26 **SECTION 17. Legislative declaration.** The general assembly  
27 hereby finds and declares that the provisions of Senate Bill 20-217,

1 enacted at the second regular session of the seventy-second general  
2 assembly, are matters of statewide concern.

3 **SECTION 18. Appropriation.** (1) For the 2020-21 state fiscal  
4 year, \$617,478 is appropriated to the department of public safety for use  
5 by the Colorado state patrol. This appropriation is from the highway users  
6 tax fund created in section 43-4-201 (1)(a), C.R.S. To implement this act,  
7 the patrol may use this appropriation as follows:

8 (a) \$50,288 for civilians, which amount is based on an assumption  
9 that the patrol will require an additional 1.0 FTE;

10 (b) \$7,550 for operating expenses;

11 (c) \$463,700 for information technology asset maintenance; and

12 (d) \$95,940 for the purchase of legal services.

13 (2) For the 2020-21 state fiscal year, \$95,940 is appropriated to  
14 the department of law. This appropriation is from reappropriated funds  
15 received from the department of public safety under subsection (1)(d) of  
16 this section and is based on an assumption that the department of law will  
17 require an additional 0.5 FTE. To implement this act, the department of  
18 law may use this appropriation to provide legal services for the  
19 department of public safety.

20 **SECTION 19. Effective date.** This act takes effect upon passage;  
21 except that:

22 (1) Section 24-31-902, Colorado Revised Statutes, as enacted in  
23 section 1 of this act, takes effect July 1, 2023;

24 (2) Section 3 of this act takes effect September 1, 2020; and

25 (3) Section 4 of this act takes effect September 1, 2020; except  
26 that section 18-1-707 (2.5) and (3), Colorado Revised Statutes, as enacted  
27 in section 4 of this act, takes effect upon passage.

1           **SECTION 20. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, or safety.



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

SB 20-217

REVISED FISCAL NOTE

(replaces fiscal note dated June 11, 2020)

Drafting No.: LLS 20-1309 Date: June 12, 2020
Prime Sponsors: Sen. Garcia; Fields Bill Status: Consideration of House
Rep. Herod; Gonzales-Gutierrez Amendments
Fiscal Analyst: Erin Reynolds | 303-866-4146
Erin.Reynolds@state.co.us

Bill Topic: ENHANCE LAW ENFORCEMENT INTEGRITY

- Summary of Fiscal Impact:
State Revenue
State Expenditure
State Transfer
TABOR Refund
Local Government
Statutory Public Entity

This bill requires local law enforcement and the Colorado State Patrol to use body-worn cameras and release recordings to the public, and to conduct data reporting about certain incidents and contacts with the public. The Division of Criminal Justice must post this reporting on its website and summarize it in an annual report. The POST Board must revoke peace officer certification for certain violations. State and local law enforcement are prohibited from certain enforcement actions in response to public demonstrations. The bill removes immunity for local law enforcement peace officers and requires those agencies to indemnify officers acting in good faith. The bill limits the acceptable use of force by all peace officers and creates a duty to report excessive use of force. The Attorney General may intervene in instance where a government authority engages in a pattern or practice that deprives persons of their constitutional rights. Finally, the bill declares that the issues addressed within are a matter of statewide concern. The bill will increase state and local expenditures on an ongoing basis beginning in FY 2020-21.

Appropriation Summary: For FY 2020-21, the bill requires and includes an appropriation of \$617,478 to the Department of Public Safety.

Fiscal Note Status: This fiscal note reflects the rerevised bill.

Table 1
State Fiscal Impacts Under SB 20-217

Table with 5 columns: Category, FY 2020-21, FY 2021-22, FY 2022-23, FY 2023-24. Rows include Revenue, Expenditures (General Fund, Cash Funds, Centrally Approp., Total, Total FTE), Transfers, and TABOR.

## **Summary of Legislation**

This bill makes several policy changes related to law enforcement practices and peace officers, as discussed below. Under the bill, "peace officer" means any person employed by a local government that is required to be Peace Officer Standards and Training (POST)-certified, a Colorado State Patrol (CSP) officer, and noncertified deputy sheriffs. Unless otherwise specified, the fiscal note uses the term "peace officer" to describe this group.

**Body-worn camera requirements for peace officers.** The bill requires agencies employing peace officers to issue, over a three-year period, body-worn cameras to peace officers that interact with the public. Beginning July 1, 2023, these peace officers must wear and activate a body-worn camera or a dashboard camera, as applicable, when responding to a call for service or during any contact. Contact is defined as any interaction with an individual, whether or not the person is in a motor vehicle, initiated by the peace officer, whether consensual or nonconsensual, for the purpose of enforcing the law or investigating possible violations of the law; contacts do not include routine interactions with the public at the point of entry or exit from a controlled area.

The bill outlines circumstances when peace officers may turn off cameras, such as to avoid the recording of personal information and in administrative, tactical, and management discussions. Undercover peace officers are not required to wear body-worn cameras. Officers and staff working in jails are not required to wear body cameras if the jail has video cameras, except when performing a task that requires anticipated use of force, including cell extractions and restraint chairs.

If a peace officer fails to activate or tampers with a body-worn or dash camera, there is permissive inference in any investigation or legal proceeding that the missing footage would reflect misconduct, for which the bill outlines related legal proceedings. This does not apply if the body-worn camera malfunctioned provided that the agency documentation shows the peace officer checked the camera functionality at the beginning of the shift. Where there is a finding that a peace officer intentionally failed to activate or tampered with a body-worn or dash camera, the bill requires specific administrative and POST Board disciplinary actions.

The CSP and local law enforcement agencies are required to establish a retention schedule for recordings in compliance with Colorado State Archives rules and direction.

**Release of footage.** For incidents in which there is a complaint of peace officer misconduct by another officer, a civilian, or a nonprofit organization, the peace officer's agency must release all unedited video and audio recordings of the incident to the public within 21 days from the complaint.

The bill requires 72-hour advance release of footage that depicts death to the victim, or if the victim is deceased or incapacitated, to a family member or lawful representative, and outlines protocols of acceptable blurring or redaction for recordings that depict privacy concerns. Unredacted footage must not be publicly released if the victim or the victim's representative declines to provide written authorization. Witnesses, victims, or criminal defendants may waive their privacy interests to allow for unredacted and non withheld release. A recording that would substantially interfere with or jeopardize an investigation may be temporarily withheld from the public, but must be released no later than 45 days after the complaint.

If criminal charges have been filed against any party to the incident, that party must file any constitutional objection to the recording's release within 21 days, beginning from the date of appointment or entering of appearance by an attorney. The court must hold a hearing on the objection no later than seven days after its filed and issue a ruling no later than three days after the hearing. The bill also includes this hearing, as well as the right to obtain any incident recording upon request, to the Victims' Rights Act.

**Peace officer incident reporting.** Beginning January 1, 2023, agencies employing peace officers must report the following incidents to the Division of Criminal Justice (division) in the Department of Public Safety (DPS):

- all use of force by its peace officers that results in death or serious bodily injury, including: date, time, and location; perceived demographic of the person contacted (race, ethnicity, sex, and approximate age); names of all peace officers directly involved and POST Board identification numbers of all peace officers at the scene not directly involved; type of force used and injuries resulting; whether the peace officer was on duty; whether a peace officer unholstered a weapon; whether a peace officer discharged a firearm; whether the force resulted in an investigation or complaint; and the results of the investigation or complaint;
- all instances when a peace officer resigned while under investigation for violating department policy;
- all data relating to contacts conducted by its peace officers, including: perceived demographics of person contacted; whether the contact was a traffic stop; the time, date, and location; the duration of the contact; the reason for the contact; the suspected crime; the result of the contact (actions, warnings, citations, property seizures, and/or arrests); and the actions taken by the peace officer during the contact (asking for consent to search and whether consent was provided, type of contraband or evidence discovered, if any, and type of property seized, basis for seizure, if applicable); and
- all instances of unannounced entry into a residence with or without a warrant, including date, time, and location, and perceived demographic of the subject of unannounced entry.

Data provided to the division must not include unique personal identifying information. The division must maintain a statewide database with data collected and publish the data in a searchable format on its website. If an agency that employs peace officers fails to meet its reporting requirements, the agency is subject to suspension of its funding by its appropriating authority.

Beginning July 1, 2023, the division is required to create an annual report of incident reporting from agencies employing peace officers, aggregated and broken down by agency, along with the underlying data.

**POST-certification revocation when peace officer convicted of inappropriate use of force.**

If a peace officer is convicted of or pleads guilty or nolo contendere to a crime involving the unlawful use or threatened use of physical force, or is found civilly liable for the use of unlawful force, the POST Board must permanently revoke the peace officer's certification. The POST Board may not, under any circumstances, reinstate the peace officer's certification or grant new certification to the peace officer unless the peace officer is exonerated by a court. The POST Board is required to record each decertified peace in its database.

**Prohibited law enforcement actions in response to protests or demonstrations.** In response to a protest or demonstration, a state or local law enforcement officer or agency must not:

- discharge kinetic impact projectiles and all other non- or less-lethal projectiles in a manner that targets the head, pelvis, or back;
- discharge kinetic impact projectiles indiscriminately into a crowd; or
- use chemical agents or irritants, including pepper spray and tear gas, prior to issuing an order to disperse in a sufficient manner to ensure the order is heard and repeated if necessary, followed by sufficient time and space to allow compliance with the order.

**Civil action for deprivation of rights by a local law enforcement officer.** POST-certified local law enforcement officers and non-certified deputy sheriffs are liable to an injured party for legal, equitable, or otherwise appropriate relief who, under the color of law, deprive another individual of their rights. Statutory immunities and statutory limitations on liability, damages, or attorney fees do not apply to claims pertaining to local law enforcement officers, nor does the Colorado Governmental Immunity Act. Qualified immunity is not a defense to liability. Civil actions must be commenced within two years after the cause of action accrues.

In these actions, a court shall award reasonable attorney fees and costs to a prevailing plaintiff. In actions for injunctive relief, a court must deem a plaintiff to have prevailed if the plaintiff's suit was a substantial factor or significant catalyst in obtaining the results sought by the litigation. When a judgment is entered in favor of a defendant, the court may award reasonable costs and attorney fees to the defendant for defending any claims the court finds frivolous.

A local government law enforcement agency must indemnify its officers for any liability the officers incur and for any judgment or settlement entered against the officers for claims arising pursuant to this section; except that if the officer's employer determines that the officer did not act upon a good faith and reasonable belief that the action was lawful, then the officer is personally liable and shall not be indemnified by the officer's employer for 5 percent of the judgment or settlement or \$25,000, whichever is less. If an officer's portion of the judgment is uncollectible, the officer's employer or insurance must satisfy the full amount of the judgment or settlement. A public entity does not have to indemnify a peace officer if the officer was convicted of a criminal violation for the conduct from which the claim arises.

**Limitations on use of force by all state and local law enforcement officers.** Beginning September 1, 2020, the bill requires that jail and correctional facility staff use objectively reasonable and appropriate deadly physical force only when an inmate poses an immediate threat to staff or another person. The bill repeals and reenacts the section of state law related to use of force by POST-certified law enforcement officers. The bill requires that all state and local POST-certified law enforcement officers apply nonviolent means before resorting to the use of physical force. Physical force may only be used if nonviolent means would be ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of serious bodily injury or death to the officer or another person. Chokeholds are prohibited.

Whenever physical force is used, a state or local POST-certified law enforcement officer shall:

- not use deadly physical force to apprehend a person who is suspected of only a minor or nonviolent offense;
- use only a degree of force consistent with the minimization of injury to others;
- ensure that assistance and medical aid are rendered to any injured or affected persons as soon as practicable; and
- ensure that any identified relatives or next of kin of persons who have sustained serious bodily injury or death are notified as soon as practicable.

A state or local POST-certified law enforcement officer is justified in using deadly physical force to make an arrest only when all other means are unreasonable given the circumstances and:

- the arrest is for a felony involving conduct including the use or threatened use of deadly physical force;
- the suspect poses an immediate threat to the officer or other persons; and
- the force employed does not create a substantial risk of injury to other persons.

A state or local POST-certified law enforcement officer must identify themselves as a law enforcement officer and give clear verbal warning of their intent to use firearms or other deadly physical force, with sufficient time for the warning to be observed, unless to do so would unduly place officers at risk of injury, or would create a risk of death or injury to other persons.

Notwithstanding any provision of the section, peace officers are justified in using deadly force if the officer has an objectively reasonable belief that a lesser degree of force is inadequate and the peace officer has reasonable grounds to believe, and does believe, that the officer or another person is in imminent danger of being killed or of receiving serious bodily injury.

**Duty to report excessive use of force.** A state or local POST-certified law enforcement officer must intervene to prevent or stop another officer from using physical force that exceeds the degree of force permitted, if any, in the other officer's law enforcement duties in carrying out an arrest of any person, placing any person under detention, taking any person into custody, booking any person, or in the process of crowd control or riot control, without regard for chain of command. A state or local POST-certified law enforcement officer who intervenes must report the intervention to the officer's immediate supervisor within 10 days following the reporting requirements outlined in the bill.

No member of a state or local law enforcement agency may discipline or retaliate in any way against an officer who intervenes to prevent excessive force, who reports unconstitutional conduct, or who does not follow what the officer reasonably believes is an unconstitutional directive.

Any law enforcement officer who fails to intervene in an incident resulting in serious bodily injury or death to any person is subject to administrative discipline, up to and including termination, to the extent permitted by applicable constitutional and statutory personnel laws and case law, and the POST Board must permanently revoke that officer's certification. The revocation may only be overturned if the officer is exonerated by a court. Failure to intervene when an officer is using unlawful physical force is a class 1 misdemeanor.

In a case in which a peace officer is charged with unlawful force, but no charges are filed against any other officers at the scene, the district attorney must prepare a written report explaining the basis for the decision not to charge any other peace officer. If disclosure of this report would substantially interfere with or jeopardize an ongoing criminal investigation, the district attorney may delay public disclosure for up to 45 days.

**Training on use of force.** All law enforcement agencies must train its peace officers on the physical force provisions prior to their effective date on September 1, 2020.

**Grand jury publications in peace officer-involved deaths.** If a matter related to a peace officer-involved death is referred to a grand jury and no bill is returned, the grand jury is required to issue and publish a report.

**Database on individual law enforcement officer misconduct.** Beginning January 1, 2022, the POST Board must create and maintain a database containing information related to all individual POST-certified law enforcement officers':

- untruthfulness;
- repeated failure to follow POST Board training requirements;
- decertification by the POST Board; and
- termination for cause.

**Attorney General action where pattern of individual rights infringement.** The bill allows the Attorney General to take civil action against any governmental authority that engages in a pattern or practice of conduct by its law enforcement officers, officials, or employees that deprives persons of rights, privileges, or immunities as granted under the federal and state constitutions. Before filing an action, the Attorney General must notify the governmental authority and provide it with a factual basis that supports the reasonable cause to believe a violation occurred. Upon receipt of the factual basis, the authority has 60 days to change or eliminate the identified pattern or practice. If the pattern or practice is not changed, the Attorney General may file a civil lawsuit.

**Rule promulgation by the POST Board.** The POST Board is required to promulgate enforcement-related rules regarding the role of the Attorney General, criminal charges, and fines.

**Justification and reporting by peace officers making a contact.** The bill requires peace officers to have a legal basis for making contact. After making a contact, the peace officer must report: perceived demographic of the person contacted; whether the contact was a traffic stop; the time, date, and location; the reason for the contact; the suspected crime; the result of the contact; and the actions taken by the peace officer. The officer must also provide information to the person contacted about how to file a complaint related to the contact.

**Statewide concern.** The bill declares the bill's provisions a matter of statewide concern.

### **Comparable Crime Analysis**

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or changes an element of an existing crime. This section outlines data on crimes comparable to the offense in this bill and discusses assumptions on future rates of criminal conviction for those offense.

**Prior conviction data and assumptions.** This bill creates the new offense for a police officer who fails to intervene when another police officer is using unlawful physical force, a class 1 misdemeanor. To form an estimate on the prevalence of this new crime, the fiscal note analyzed existing offense of failure to report child abuse and neglect by a mandatory reporter as a comparable crime. From FY 2016-17 to FY 2018-19, three offenders have been sentenced and convicted for this existing offense, both were white and male. The fiscal note assumes that police officers will comply with the law and that there will be minimal or no additional case filings or convictions for the new offense under the bill. Because the bill is not expected to have a tangible impact on criminal justice-related expenditures or revenue at the state or local levels, these potential impacts are not discussed further in this fiscal note.

Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

**State Expenditures**

The bill increases state expenditures in the Department of Public Safety from the Highway Users Tax Fund and the General Fund by the amounts shown in Table 2. The bill will also increase workload in state departments that employ POST-certified officers, the Department of Law, and the Judicial Department. Additionally, the bill may increase future costs for the Department of Personnel and Administration (DPA). These impacts are discussed below.

**Table 2  
Expenditures Under SB 20-217**

<b>Cost Components</b>	<b>FY 2020-21</b>	<b>FY 2021-22</b>	<b>FY 2022-23</b>	<b>FY 2023-24</b>
<b>Colorado State Patrol, DPS</b>				
Personal Services	\$50,288	\$100,576	\$216,090	\$216,090
Operating/Capital Outlay	\$7,550	\$8,900	\$17,800	\$5,400
Legal Services	\$95,940	\$95,940	-	-
Body-worn Cameras/Contract	\$395,700	\$1,465,080	\$1,872,060	\$933,660
<i>Camera Issuance</i>	<i>100</i>	<i>340</i>	<i>340</i>	<i>-</i>
Information Technology	\$68,000	\$50,000	\$125,000	\$200,000
Centrally Appropriated Costs*	\$85,882	\$227,117	\$317,641	\$217,800
FTE – Personal Services	1.0 FTE	2.0 FTE	4.0 FTE	4.0 FTE
FTE – Legal Services	0.5 FTE	0.5 FTE	-	-
<b>CSP (Subtotal) - HUTF</b>	<b>\$703,360</b>	<b>\$1,947,613</b>	<b>\$2,548,591</b>	<b>\$1,572,950</b>
<b>Division of Criminal Justice, DPS</b>				
Personal Services	-	\$164,590	\$179,553	\$179,553
Operating/Capital Outlay	-	\$15,100	\$2,700	\$2,700
Computer Programming	-	\$400,000	\$35,000	\$35,000
Centrally Appropriated Costs*	-	\$100,672	\$62,896	\$62,896
FTE – Personal Services	-	1.8 FTE	2.0 FTE	2.0 FTE
<b>DCJ (Subtotal) - General Fund</b>	<b>\$0</b>	<b>\$680,362</b>	<b>\$280,149</b>	<b>\$280,149</b>
<b>Total</b>	<b>\$703,360</b>	<b>\$2,627,975</b>	<b>\$2,828,740</b>	<b>\$1,853,099</b>
<b>Total FTE</b>	<b>1.5 FTE</b>	<b>4.3 FTE</b>	<b>6.0 FTE</b>	<b>6.0 FTE</b>

\* Centrally appropriated costs are not included in the bill's appropriation.

**Colorado State Patrol, DPS.** Costs will increase for the CSP to issue body-worn cameras to its officers over three-years to meet the July 1, 2023, effective date, and to make the contact and incident reporting beginning January 1, 2023. Costs are paid from the Highway Users Tax Fund.

- *Body-worn cameras and support staff.* The CSP will purchase body-worn cameras for its 780 uniformed CSP officers and hire 2.0 FTE Technician III to provide in-house technical support for the equipment. It is assumed that CSP will roll out cameras to its officers over a

three-year period, as shown in Table 2. The one-time cost for the body-worn cameras and related equipment is estimated at \$2,250, and cameras will likely require replacement on a four-year cycle. One-time camera training is estimated at \$510 per officer; and ongoing cloud access, storage, and licensing costs are estimated at \$1,197 per camera per year once online. Finally, costs for video redaction software, estimated at \$50,000 per year beginning in FY 2020-21, and a one-time FY 2020-21 tracking software purchase of \$18,000 are included. Costs are estimates only; actual costs will be determined through the vendor contract.

- *Contact and incident reporting.* The CSP requires 2.0 FTE Analyst III to support the requirements for contact and incident reporting. The analysts will join the CSP's data information team to ensure accurate and timely collection and reporting of data. The CSP's database vendor requires \$150,000 per year beginning in January of FY 2022-23 (half-year impact) to support the additional information required to be tracked under the bill. The information technology costs are based on the current contract and rate agreement the CSP has with its vendor to implement the expanded scope to the current system to support the bill provisions.
- *Legal services.* The Department of Law will receive reappropriated funds to provide advice and representation the CSP in the first two fiscal years. Legal service hours are calculated at a rate of \$106.60 per hour for 900 hours and 0.5 FTE in FY 2020-21 and FY 2021-22. In the bill's third implementation year, the fiscal note assumes any increased legal services costs will be accounted for through the annual budget process, with the Department of Law billing client agencies based on their historical utilization of legal services.

**Division of Criminal Justice, DPS.** General Fund expenditures will increase to develop a data collection system for local law enforcement and CSP contact and incident reporting; to develop and maintain a statewide searchable database of this information on the DPS website; and to annually issue a comprehensive analysis and report of these data beginning July 1, 2023. Costs include 2.0 FTE Data Managers beginning in FY 2021-22, \$400,000 in initial information technology costs, and \$35,000 in ongoing information technology costs.

**All state agencies.** All state agencies that employ POST-certified law enforcement officers will have an increase in workload to train officers on the bill's modifications to lawful use of force by September 1, 2020, in particular the Departments of Corrections, Human Services, Natural Resources, and Public Safety, and the institutions of higher education. Other agencies that employ POST-certified law enforcement officers include the Departments of Judicial, Law, Regulatory Agencies, and Revenue. If additional ongoing training or legal resources are required, these will be requested through the annual budget process.

In addition, state agencies that conduct administrative hearings may have a workload increase to review recorded evidence from body-worn cameras when presented, which may increase the length of a hearing. The fiscal note assumes this workload increase will be minimal, and any change in appropriations will be addressed through the annual budget process.

**Department of Law.** In addition to its work with the CSP, the department will have increased workload to support the POST Board in implementing the bill, which can be accomplished within its existing resources. The POST Board will perform rulemaking and track new individual officer information in its law enforcement officer database. Workload will also increase to the extent the Attorney General brings a civil action under the bill, which the department will address within its available resources.

**Judicial Department.** The bill will increase trial court workload in the Judicial Department. Workload will depend on how many individuals bring a civil action against a peace officer and the frequency of civil actions brought by the Attorney General under the bill. The fiscal note assumes that any increase in filings can be handled within existing trial court appropriations; for informational purposes, civil court cases would have to increase by 549 case filings to necessitate an additional 1.0 FTE District Court Judicial Officer for the trial courts.

Additionally, with local law enforcement officers using body worn cameras, additional recordings will enter criminal court records. Review of footage causes longer hearings, resulting in additional workload. The bill also adds a victim notification hearing, which will increase the amount of work for the Division of Probation's victim services officers. Any increase in appropriations will be addressed through the annual budget process.

**Department of Personnel and Administration.** If a significant number of legal claims related to the bill's provisions are filed against the CSP or its officers, the DPA may require additional funding to keep the state's liability fund solvent to cover initial legal representation in these matters; however, these cases are expected to be resolved sooner due to the provisions of the Colorado Governmental Immunity Act preserved for state law enforcement officers under the bill. The department's risk management program's actuary will capture any legal costs in the actuarial analysis of the state's experience, which will form the basis for any General Fund adjustments through annual budget process for the state's common policies.

Starting in the current FY 2020-21, workload to administrative law judges within the DPA will increase to hear any cases involving officers who failed to intervene when another officer was using unlawful physical force. Workload will also increase for administrative law judges to present findings to district attorneys. Any increase in appropriations will be addressed through the annual budget process.

In addition, State Archives may have an increase in costs to store footage that becomes permanent legal record. These future costs will be addressed during the annual budget process.

**Centrally appropriated costs.** Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown in Table 2.

## **Local Government**

The bill increases workload and costs in several areas for cities, counties, and other local governments that employ law enforcement officers in local law enforcement agencies, as well as for district attorney's offices. These cost drivers include:

- body-worn camera equipment and video data storage;
- staff and software to manage video collection, processing, and public distribution;
- staff and software for data collection and reporting;
- policy updates and training; and
- potential payments for judgements and attorney fees in civil actions alleging violations of constitutional rights.

Costs for these various items will vary depending on the size of the law enforcement agency; its current policies, procedures, and staffing; and its current use or non-use of body-worn cameras. These cost drivers are discussed in more detail below.

**Body-worn cameras.** Under the bill, local law enforcement agencies that do not currently use body-worn cameras will have increased costs. These costs will include the cameras themselves, other equipment such as docking and charging stations, as well as the associated data storage, processing and staffing costs. Costs will vary depending on the number of law enforcement officers requiring body-worn camera, current policies regarding their use, and the details of the body-worn camera procurement and service agreements (cameras purchased outright vs leased, in-house data storage vs a contracted storage service provider, etc.).

For illustrative purposes, the fiscal note provides the example of a body-worn camera with an initial cost of \$2,250 for the camera and dock, and an ongoing annual cost of \$1,200 per camera for data storage services and licensing. For an agency requiring 100 cameras, first-year costs would total \$345,000 and second and future year costs would be \$120,000. Additional staff would be required to manage the camera program, process and release videos, and provide technical support and training to law enforcement officers. For an agency requiring 1,000 or more cameras, costs may exceed \$3.0 million per year on an ongoing basis.

**Data reporting and collection.** Local law enforcement agencies will require additional staff and software for data reporting. The bill requires that various data on use of force, stops, unannounced entry, and officer resignations be reported to the Attorney General. Depending on current practices, agencies will be required to develop processes to collect the data, and report it to the DPS. Software will likely be required for officers to capture certain data during or following their shift.

**Policy and training.** Law enforcement agencies will have additional workload and costs to update procedures and policies to align with the bill, including on the use of body-worn cameras, the use of force by officers, and data and information that law enforcement officers must collect, among other things. Training for new and current law enforcement officers will be required to convey the new policy changes and requirements under the bill.

**Civil liability.** Local governments may be required to pay judgements and attorney fees for violations of constitutional rights under the new civil action created by the bill. It is unknown whether judgements under the new civil action will be in place of, or in addition to, judgements and settlements involving law enforcement agencies that would have otherwise occurred under current law. Any additional judgements, if incurred, would result in increased costs for local governments employing law enforcement officers, whether for the immediate payment of the judgement and fees, or for increased liability insurance costs in subsequent years if paid via an insurance policy. The bill specifies that law enforcement officers are personally liable for 5 percent of the judgement amount, or \$25,000, whichever is less, if the officer's employer determines that the officer did not act upon a good faith and reasonable belief that the action was lawful. This would reduce the local government share for these costs.

**District attorneys.** District attorney workload will increase to prepare written reports any time a decision is made not to charge other officers at the scene where a peace officer is charged with unlawful force, and for required Victims' Rights Act notifications and hearings.

**Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, except that Section 24-31-902, C.R.S., regarding body-worn cameras as enacted in Section 1 of the bill takes effect July 1, 2023. Sections 3 and 4 regarding use of force take effect September 1, 2020, except that Sections 18-1-707 (2.5) and (3), C.R.S., regarding a prohibition on the use of chokeholds, take effect upon becoming law.

**State Appropriations**

For FY 2020-21, the bill requires and includes an appropriation from the Highway Users Tax Fund to the Colorado State Patrol in the Department of Public Safety of \$617,478 and 1.0 FTE, of which \$95,940 is reappropriated to the Department of Law, with 0.5 FTE.

**State and Local Government Contacts**

Corrections  
Human Services  
Law  
Personnel  
Sheriffs

Counties  
Information Technology  
Municipalities  
Public Safety

District Attorneys  
Judicial  
Natural Resources  
Revenue





**Town of New Castle**

450 W. Main Street  
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**Administration Department**

**Phone:** (970) 984-2311

**Fax:** (970) 984-2716

[www.newcastlecolorado.org](http://www.newcastlecolorado.org)

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**Memorandum**

**To:** Mayor & Council  
**From:** David Reynolds  
**Re:** Agenda Item: Burning Mountain Festival  
**Date:** 6-16-20

**Purpose:**

The purpose of this agenda item is to discuss the 2020 Burning Mountain Festival which is currently scheduled for September 11, 12 & 13. Due to *Public Health Order* restrictions related to COVID-19, New Castle has canceled all major summer events with the exception of Burning Mountain Festival. Current County and State restriction continue to prohibit festivals and large gatherings. Staff wishes to review possible options for this event with Council prior to making a final determination on this major Town event.



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## Memorandum

**To:** Mayor & Council  
**From:** David Reynolds  
**Re:** Agenda Item – Resolution to modify the *Town Directory of Fees and Charges*  
**Date:** 6-2-20

**Purpose:**

The purpose of this agenda item is to be considered a *Resolution to modify Section 3 A of the Town Directory of Fees and Charges related to Building Permits / Valuation of Structures*.

As currently written, New Castle Municipal Code 15.08 Section 109.2 and 15.10 Section R 108.2 call for Building Permit Fees to be based on a valuation table which is found in the Towns Directory of Fees and Charges, and that this *valuation table* shall be based on the *Valuation Schedule* found in the most current edition of the “Building Safety Journal” magazine published by the International Code Council.

At this time the *Town Directory of Fees and Charges* is written in a way that does not provide for automatic updating of the *Valuation Table* as new editions of the “Building Safety Journal” are published. The resolution being considered would make needed adjustments to the Town Directory of Fees and Charges allowing for automatic updates and references to the most current “Building Safety Journal” *Valuation Schedules*.

Implementation of these changes will help to ease potential confusion as developers and builders use New Castle Municipal Code and the Town Fee Directory to help estimate their Building Permit Fees.

**TOWN OF NEW CASTLE, COLORADO  
RESOLUTION TC-2020-18**

**A RESOLUTION OF THE TOWN OF NEW CASTLE TOWN COUNCIL  
AMENDING THE DIRECTORY OF TOWN FEES AND CHARGES  
REGARDING BUILDING PERMIT FEES**

WHEREAS, by Ordinance No. 2011-7, the Town of New Castle (“Town”) Town Council adopted a schedule of fees for Town services; and

WHEREAS, the Directory of Town Fees and Charges (“Fee Schedule”) has been amended several times since its initial adoption, most recently on December 17, 2019, pursuant to Resolution No. TC-2019-24; and

WHEREAS, Section 3(A) of the Fee Schedule sets the Town’s valuation rates used to calculate building permit fees for new construction; and

WHEREAS, the Town has adopted the 2015 version of the International Building Code (“IBC”) and International Residential Code (“IRC”), subject to certain amendments set forth in Sections 15.08.020 and 15.10.020 of the Town Municipal Code; and

WHEREAS, Section 109.2 of the IBC as set forth in Code Section 15.08.020 and Sections 108.2 and 108.3 of the IRC as set forth in Code Section 15.10.020 explain how to determine the valuation of new construction when calculating permit fees; and

WHEREAS, both the IBC and IRC refer to the valuation schedule in the Business Safety Journal published by the International Code Council as the basis for determining new construction valuation; and

WHEREAS, the valuation table in Section 3(A) of the Fee Schedule does not match the Business Safety Journal valuation schedule or accurately reflect the provisions of Code Sections 15.08.020 and 15.10.020; and

WHEREAS, to avoid conflicts between the Municipal Code and Fee Schedule and the need for multiple updates to the Fee Schedule each year, Town Council desires to amend Section 3(A) of the Fee Schedule to refer to the Business Safety Journal as the basis for determining the building valuation for all building permit fees.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings of the Town Council.
2. Amendment. Town Council hereby repeals Section 3(A) of the Fee Schedule in its entirety and replaces it with the following:

A. Valuation of Structures. Pursuant to Municipal Code Section 15.08.020, the building valuation for new construction within the scope of the IBC that is used to calculate permit fees shall be based exclusively on the valuation schedule set forth in the most current edition of the Building Safety Journal (“BSJ”) published by the International Code Council. Pursuant to Municipal Code Section 15.10.020, the building valuation for new construction within the scope of the IRC that is used to calculate permit fees shall be the valuation most representative of the work based on either the applicant’s estimate or the valuation schedule set forth in the most current version of the BSJ, as determined by the Building Official.

3. Direction to Town Clerk. The Town Clerk shall revise the Fee Schedule to include the change approved in Section 3(A), republish the revised Fee Schedule on the Town website, and make the revised Fee Schedule available for inspection at Town Hall.

4. Effective Date. This Resolution shall take effect upon adoption hereof.

INTRODUCED, READ, AND ADOPTED at a regular meeting of the Town of New Castle Town Council held on June 16, 2020.

TOWN OF NEW CASTLE TOWN  
COUNCIL

By: \_\_\_\_\_  
Art Riddile, Mayor

ATTEST:

\_\_\_\_\_  
Melody Harrison, Town Clerk



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## Memorandum

**To:** Mayor & Council  
**From:** David Reynolds  
**Re:** Agenda Item – Resolution to consider Collaboration Agreement with County and Local Governments  
**Date:** 6-16-20

**Purpose:**

The purpose of this agenda item is to consider a resolution which would allow the Town of New Castle to enter into a collaboration agreement with Garfield County, Silt, Rifle, Parachute, Glenwood Springs and Carbondale for the purpose of equitably applying for funding through the Department of Local Affairs (DOLA) for monies made available for COVID-19 relief through the federal CARES Act. The approval of this Resolution and Collaborative agreement are the first steps toward the Town being eligible to apply for certain refunding of 2020 unbudgeted COVID-19 expenses.

Through the CARES Act each state received federal funding which it can apply to COVID-19 expenses. Garfield County was granted \$5,152,459.00 which will be split between the county and the towns based on a population basis. Each town will have a specific dollar limit that it may draw from in order to be reimbursed for unbudgeted COVID-19 expenses. Towns will make application to DOLA for reimbursement of expenses.

Reimbursable COVID-19 expenses are limited to specific expenses which were not budgeted in 2020 and were a direct result of the COVID-19 pandemic. Towns will not be reimbursed for loss of revenue, salaried staff expenses or any expenses that may have already been accounted for in their 2020 budget. Towns may be reimbursed for items such as personal protective equipment, excess hourly staff time for COVID-19 related operations, etc.

**TOWN OF NEW CASTLE, COLORADO**  
**RESOLUTION NO. TC 2020-19**

A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL APPROVING A  
COLLABORATION AGREEMENT WITH GARFIELD COUNTY AND GARFIELD  
COUNTY MUNICIPALITIES

WHEREAS, on March 10, 2020, the Governor of the State of Colorado declared a statewide emergency in response to the 2019 Novel Coronavirus (“COVID-19”), and numerous local governments in Garfield County, including the Town of New Castle (“Town”), have declared local disaster emergencies in response to the same; and

WHEREAS, in response to the COVID-19 pandemic, the federal government passed the CARES Act to provide economic relief to individuals, business, and governmental entities; and

WHEREAS, as mandated by the CARES Act, up to \$275,000,000 will be allocated to a Corona Virus Relief Fund (“CVRF”) to be administered by the Colorado Department of Local Affairs; and

WHEREAS, under the CARES Act, the Town and other local governments may receive reimbursements from the CVRF for necessary expenditures that were not accounted for in the most recent budget and that were incurred on or after March 1, 2020, due to the COVID-19 health emergency; and

WHEREAS, the Collaboration Agreement (“Agreement”) attached hereto as Exhibit A sets forth the structure and procedures for the Town, Garfield County, and the other Garfield County municipalities to become eligible for and obtain access to the CVRF funds; and

WHEREAS, the Town stands to benefit from participating in the Agreement and obtaining funds from the CVRF; and

WHEREAS, the Town Council finds that entering into the Agreement will further the Town’s goals and is in the Town’s best interest.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF NEW CASTLE TOWN COUNCIL AS FOLLOWS:

1. Recitals. The foregoing recitals are incorporated by reference as findings and determinations of Town Council.
2. Adoption. Pursuant to Section 14.4 of the Town Charter, the Town Council hereby approves and adopts of the Agreement attached hereto as Exhibit A and authorizes the Mayor to execute the same on behalf of the Town.

INTRODUCED, PASSED, AND ADOPTED by a vote of \_\_\_ to \_\_\_ at a regular meeting of the New Castle Town Council held on June 16, 2020.

TOWN COUNCIL OF TOWN OF  
NEW CASTLE, COLORADO

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Art Riddile, Mayor

ATTEST:

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Melody Harrison, Town Clerk

**EXHIBIT A**

Collaboration Agreement

**COLLABORATION AGREEMENT  
REGARDING DISBURSEMENT OF CORONAVIRUS AID, RELIEF AND  
ECONOMIC SECURITY ACT FUNDS TO COUNTY AND LOCAL GOVERNMENTS**

**THIS COLLABORATION AGREEMENT** (“Agreement”), is made this 8<sup>th</sup> day of June, 2020, by and between COUNTY OF GARFIELD, STATE OF COLORADO, a body politic and corporate (the “County”) and the TOWN OF CARBONDALE, CITY OF GLENWOOD SPRINGS, TOWN OF NEW CASTLE, TOWN OF SILT, CITY OF RIFLE AND THE TOWN OF PARACHUTE IN THE STATE OF COLORADO, together considered quasi-municipal corporations and political subdivisions of the State of Colorado, (the “Local Governments”). The County and the Local Governments shall be referred to herein, individually, as a “Party” and, collectively, as the “Parties.”

**RECITALS**

A. On May 29, 2020 – Colorado Department of Local Affairs (DOLA) will allocate up to \$275M to Counties and Local Governments across the state from the Coronavirus Relief Fund (CVRF), in an effort to reduce the financial impact of the COVID-19 pandemic.

B. The U.S. Congress mandated CVRF as part of the federal CARES Act under Title V. It allows local governments to receive reimbursements for necessary expenditures that were not accounted for in the most recent local government budget, that were incurred as of March 1st due to the COVID-19 public health emergency.

C. The purpose of this Agreement is to provide the structure for how the Parties become eligible and obtain access to funds authorized by Title V, Section 5001(d) of the CARES Act and specifically allows the County and Local Governments to request reimbursement for program payments that: 1) are necessary expenditures incurred due to the public health emergency with respect to Coronavirus Disease 2019 (COVID-10); 2) were not accounted for in the budget more recently approved as of the date of enactment [March 27, 2020] of this section for the local government; and 3) were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020. Eligible expenditure guidance is provided by the U.S. Treasury (attached as *Exhibit A*).

D. Section 18(2) of Article XIV of the Colorado Constitution and Sections 29-1-201, et seq. and 29-20-105 of the Colorado Revised Statutes authorize and encourage governments to cooperate by contracting with one another for their mutual benefit.

E. The COVID-19 pandemic has created myriad economic distress and unanticipated costs in American society to individuals and families, to businesses, and to the state and local governments addressing the pandemic’s effects.

F. Congress recently enacted the CARES Act to provide relief funds to individuals, businesses, and state and local governments.

G. The CARES Act allows the Parties to be reimbursed for costs incurred in fighting and ameliorating the effects of COVID-19 according to guidance from the US Treasury attached in **Exhibit A**.

H. Pursuant to the terms of this Agreement, the Parties wish to be reimbursed individually for COVID-19 related costs incurred by the Parties.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the Parties agree as follows:

I. FUNDING ALLOCATION FORMULA

CARES Act funds are allocated based on the percentage of the population in a given state that resides in the jurisdiction requesting funding from the federal government. The County is similarly allocating CARES Act funds based on the percentage of the County population residing in its cities and towns, as well as in the unincorporated portions of the County. Population numbers are determined from the most recent published numbers (2018) from the State Demography Office within the Department of Local Affairs (DOLA). The spreadsheet attached as **Exhibit B**, and incorporated herein, shows the amount of CARES Act funds available to each Garfield County city and town and unincorporated Garfield County pursuant to population.

II. PROCESS TO OPT-IN

The Parties that desire to participate shall complete a one-time opt-in web-based form which will be submitted via DOLA's Grant Portal no later than July 7<sup>th</sup>, 2020. This form requires affirmations of spending, reporting, monitoring, and certain federal requirements of local government participants for the Coronavirus Relief Funds.

III. REIMBURSEMENT ELIGIBILITY AND ACCOUNTING

By this Agreement, the County and Local Governments will separately apply for the funds allocated to them as allocated in **Exhibit B**.

By this Agreement, the Parties understand they will receive an allocation to proceed with reimbursement requests. All eligible reimbursement requests must be accompanied by the Request for Reimbursement (RFR) form provided by DOLA along with all supporting documentation and proof of payment. All allocation agreements will expire by March 31, 2021, for expenses incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

Eligible CARES Act reimbursement funds for COVID-19 related costs are set forth in guidance provided by the U.S. Treasury, attached as **Exhibit A**. Generally, Title V, Section 5001(d) of the CARES Act provides the eligible purposes for which Coronavirus Relief Fund payments may be used. Specifically, it allows local governments to request reimbursement for program payments that:

- 1) Are necessary expenditures incurred due to the public health emergency with respect to Coronavirus Disease 2019 (COVID-19);

- 2) Were not accounted for in the budget most recently approved as of the date of enactment [March 27, 2020] of this section for the local government; and
- 3) Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

In the event that the full allotment allocated to the individual Parties (described in **Exhibit B**) is not fully drawn down by December 30, 2020, the balance shall be reallocated to the unincorporated Garfield County balance for further COVID-19 related expenses rather than returned to the Department of Local Affairs Coronavirus Relief Fund Reserve.

IN WITNESS WHEREOF, the Parties hereto have caused this instrument to be executed by properly authorized signatories as of the date and year first above written.

Garfield County Board of County Commissioners

Town of New Castle

  
 \_\_\_\_\_  
 John Martin, Chairman

\_\_\_\_\_  
 Art Riddile, Mayor

Town of Carbondale

Town of Silt

\_\_\_\_\_  
 Dan Richardson, Mayor

\_\_\_\_\_  
 Keith Richel, Mayor

City of Glenwood Springs

City of Rifle

\_\_\_\_\_  
 Jonathon Godes, Mayor

\_\_\_\_\_  
 Barbara Clifton, Mayor

Town of Parachute

\_\_\_\_\_  
 Roy B. McClung, Mayor

**Attachments: Exhibit A: U. S. Treasury Coronavirus Relief Fund Guidance for State, Territorial, Local and tribal Governments, April 22, 2020**

**Exhibit B: Population Estimates: 2018 Colorado Department of Local Affairs (DOLA), State Demography Office**

## EXHIBIT A

### **Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments April 22, 2020**

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.<sup>1</sup>

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

#### ***Necessary expenditures incurred due to the public health emergency***

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

#### ***Costs not accounted for in the budget most recently approved as of March 27, 2020***

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost

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<sup>1</sup> See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

***Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020***

A cost is “incurred” when the responsible unit of government has expended funds to cover the cost.

***Nonexclusive examples of eligible expenditures***

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
  - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
  - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
  - Costs of providing COVID-19 testing, including serological testing.
  - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
  - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
  - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
  - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
  - Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.
  - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
  - Expenses for public safety measures undertaken in response to COVID-19.
  - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
  - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
  - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
  - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
  - Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
  - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
  - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
  - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
  - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
  - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

***Nonexclusive examples of ineligible expenditures<sup>2</sup>***

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.<sup>3</sup>
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

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<sup>2</sup> In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

<sup>3</sup> See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

**EXHIBIT B**  
**Population Estimates 2018**  
**Colorado Department of Local Affairs (DOLA), State Demography Office**

<b>Municipality</b>	<b>Population</b>	<b>Percent</b>	<b>Allocation</b>
Carbondale	6,883	11.51%	\$592,930.77
Glenwood Springs	10,024	16.76%	\$863,509.81
New Castle	5,029	8.41%	\$433,219.36
Parachute	1,115	1.86%	\$96,050.82
Rifle	9,500	15.88%	\$818,370.24
Silt	3,171	5.30%	\$273,163.37
Unincorp. Area	24,090	40.28%	\$2,075,214.63
<b>TOTAL</b>	<b>59,812</b>	<b>100.00%</b>	<b>\$5,152,459.00</b>

**Data source:**

<https://demography.dola.colorado.gov/population/population-totals-municipalities/#population-totals-for-colorado-municipalities>



**Town of New Castle**  
450 W. Main Street  
PO Box 90  
New Castle, CO 81647

**Office of the Town Administrator**  
**Phone:** (970) 984-2311  
**Fax:** (970) 984-2716  
[www.newcastlecolorado.org](http://www.newcastlecolorado.org)

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## Memorandum

**To:** Mayor and Council  
**From:** David Reynolds  
**Subject:** Agenda Item – Update on Business Assistance Grants to VRBO’s  
**Date:** 6-16-20

**Purpose:**

The purpose of this agenda item is to have staff provide a brief follow up report concerning the recent Business Assistance Grants which were awarded to local Vacation Rental Businesses.

**Submit to Local Licensing Authority**

**EAT BISTRO & DRINKS  
PO BOX 453  
New Castle CO 81647**

Fees Due	
Renewal Fee	500.00
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
<b>Amount Due/Paid</b>	<b>\$ 500.00</b>

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

## Retail Liquor or Fermented Malt Beverage License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name <b>EAT BISTRO &amp; DRINKS LLC</b>		Doing Business As Name (DBA) <b>EAT BISTRO &amp; DRINKS</b>		
Liquor License # <b>03-08289</b>	License Type <b>Hotel &amp; Restaurant</b>	Sales Tax License # <b>320958300000</b>	Expiration Date <b>07/18/2020</b>	Due Date <b>06/03/2020</b>
Business Address <b>316 WEST MAIN STREET New Castle CO 81647</b>				Phone Number <b>9703790093</b>
Mailing Address <b>PO BOX 453 New Castle CO 81647</b>			Email <i>mollymogavero@hotmail.com</i>	
Operating Manager <i>Molly Mogavero</i>	Date of Birth <i>09.25.72</i>	Home Address <i>316 West Main Street New Castle CO 81647</i>		Phone Number <i>970-379-0093</i>
<p>1. Do you have legal possession of the premises at the street address above? <input type="checkbox"/> Yes <input type="checkbox"/> No          Are the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease <i>December 21, 2025</i></p>				
<p>2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>				
<p>3a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>				
<p>3b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>				
<p>4. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>				
<p>5. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>				
<p>6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>				
<p>7. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>				

## Tax Check Authorization, Waiver, and Request to Release Information

I, Molly Mogavero am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of EAT BISTRO & DRINKS (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101, et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and its duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) <u>Molly Mogavero / EAT BISTRO &amp; DRINKS</u>		Social Security Number/Tax Identification Number <u>126-68-6440/320958300000</u>	
Address <u>316 West Main Street</u>			
City <u>New Castle</u>		State <u>CO</u>	Zip <u>81647</u>
Home Phone Number <u>970-379-0093</u>		Business/Work Phone Number <u>970-984-7330</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>Molly Mogavero</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) <u>Molly Mogavero</u>			Date signed <u>6.2.2020</u>

### Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).

**Affirmation & Consent**

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business <i>Molly Mogavero</i>	Title <i>Owner</i>
Signature <i>Molly Mogavero</i>	Date <i>6.2.2020</i>

**Report & Approval of City or County Licensing Authority**

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.

**Therefore this application is approved.**

Local Licensing Authority For	Date	
Signature	Title	Attest

**RECREATIONAL TRAIL LICENSE  
AND MANAGEMENT AGREEMENT**

This Agreement is made and entered into this \_\_\_ day of \_\_\_\_\_, 2020, by and between the **Town of New Castle**, Colorado, a home rule municipality whose address is 450 W. Main Street, P.O. Box 90, New Castle, CO 81647 (the “Town”) and **CVR Investors, Inc.**, whose address is 5282 Red Pass Way, Castle Rock, CO 80108 (“Landowner”).

**Recitals:**

Landowner is the owner of certain real property in the Town of New Castle, Colorado and the County of Garfield, depicted on the attached Exhibit A and further described by the Garfield County Assessor by Parcel No. 2123-2930-0197 (containing 21.53 acres more or less) (the “Landowner Property”); and

The Town desires to support the trails in and around New Castle, which cross both public and private lands, including those certain portions of the Landowner Property depicted on Exhibit A hereto as Approved Temporary Trails; and

As of the date hereof, various trails cross the Landowner Property, including informal trails that have been established through prior use, and the Town wishes to support and maintain certain of those trails identified on Exhibit A as Approved Temporary Trails while closing all other trails; and

Landowner acknowledges the value to the community of recreational trails, and in furtherance of community values, supports the temporary establishment and maintenance of the certain recreational trails identified on Exhibit A as Approved Temporary Trails and desires to cooperate with the Town in allowing recreational trail use, subject to Landowner’s future development of the Landowner Property, and subject to the management, public education, maintenance, trail closure, rule enforcement, and insurance obligations of the Town as described herein; and

C.R.S. § 33-41-101, *et seq.* provides certain liability protections for landowners who grant licenses to public entities or otherwise permit or authorize public use for trail and recreational purposes, and the parties hereto desire to take advantage of such protections and to provide for permissive use of Approved Temporary Trails through the Landowner Property as set forth below.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Town and Landowner agree as follows:

1. Recitals. The foregoing recitals are incorporated herein as affirmative and material representations and acknowledgments of the parties hereto.
2. Grant of revocable license – Approved Temporary Trails. Landowner hereby grants to the Town a revocable license (Trail Use License) over and across the Landowner Property in the locations shown on Exhibit A hereto as Approved Temporary Trails and with the width

described herein, but excluding all other areas of Landowner Property, for the purpose of use of Approved Temporary Trails for recreational purposes as defined in C.R.S. §§ 33-41-102 and 103 by “invited guests” of the Town as that term is defined in C.R.S. § 33-41-103(2)(e)(I). The width of the licensed area of each Approved Temporary Trail shall extend 7.5 feet on each side of the centerline of each trail. This Trail Use License does not authorize any use by the public or any person of any part of Landowner Property not included in the area of an Approved Temporary Trail.

3. Grant of revocable license – trail management. Landowner also hereby grants to the Town a revocable license (Trail Management License) over and across Landowner Property for Town officials, employees or contractors to manage, improve, maintain, repair, survey and close trails and to place signage and enforce rules and other provisions of this Agreement.

4. No easement or other interest in the land, other than the revocable licenses created hereby, shall be created or extended by this Agreement or by the activities conducted pursuant to this Agreement.

5. Trail Management. The Town shall be responsible for Trail Management in accordance with this Agreement. “Trail Management” means and includes opening and closing trails, posting and removing trail signage, management and enforcement of use of trails by the public, trail maintenance, repair, and/or replacement, administration of the Town’s obligations under this Agreement, and all other purposes contemplated by C.R.S. § 33-41-103, subject to Landowner’s rights. The Town shall bear all costs associated with Trail Management except as otherwise specifically provided herein.

5.1 The Town shall not delegate Trail Management responsibilities to any other entity, individual, or group except only with Landowner’s prior written permission.

5.2 The Town shall have the right to authorize, limit, or prohibit use of the trails by members of the public as “invited guests” as that term is defined in C.R.S. § 33-41-103(2)(e)(I).

5.3 The Town shall not name nor authorize or purport to authorize any other person, group or entity to name trails or post trail name signs anywhere on the Landowner Property.

5.4 **Enforcement of trail closures.** The Town shall mark closed trails using tree limbs, rocks, or similar visual barriers and/or post signs reading “Private Property – Trail Closed -- Stay on Approved Trails” at appropriate locations such as trailheads and trail intersections to indicate all trails on Landowner Property that are not Approved Temporary Trails. The Parties agree that the Town has a responsibility to inform the public about proper trail usage in accordance with this Agreement. Accordingly, the Town shall use reasonable efforts to advise members of the general public to stay off Closed Trails and to stay on Approved Trails and to inform the Landowner of misuse.

6. No representation, warranties or responsibility of Landowner. The Landowner is not responsible for any condition, use, maintenance or non-maintenance of any trail on Landowner Properties nor any other activity on the Landowner Properties by any person, including, but not

limited to, those deemed “invited guests” by the Town. The Landowner makes no representations or warranties regarding the suitability of the land or any trail for any purpose whatsoever.

7. No charge for use of trail. Landowner shall not be entitled to charge any fee or other form of “charge” to the general public for use of the trail as such term is defined in C.R.S. § 33-41-102.

8. Trail alignment. This License authorizes use only of the trails designated in Exhibit A as Approved Temporary Trails. The Town shall have the right, but no obligation, to survey the precise alignment of any Approved Temporary Trail and to request that the Landowner approve a supplement to this Agreement to more precisely define an Approved Temporary Trail, as follows:

8.1 The Town shall provide 30 days notice to the Landowner of the intent to perform such survey, including a general description of the area to be surveyed and the anticipated dates of the survey; and

8.2 The Town shall provide a copy of the survey to the Landowner within 10 days of completion thereof; and

8.3 The Landowner shall have 60 days to review the survey and either approve, deny, or approve with conditions the survey of the trail(s); and

8.4 If approved with conditions, the Town shall resubmit the survey to meet the conditions and the Landowner shall have 15 days to review the amended survey; and

8.5 If approved, the parties shall supplement Exhibit A with an appropriate amendment to reflect the new survey; and

8.6 The request shall be deemed denied if the respective Landowner fails to respond within said 60 day period.

Nothing in this section authorizes the Town to create or open any trail other than an Approved Temporary Trail shown on **Exhibit A**.

9. Trail closure by Landowner. The Landowner may require temporary or permanent closure of any Approved Temporary Trail at any time and for any reason by delivering a closure request in writing to the Town. Within 30 days of such request the Town shall close the trail and post notice and signage in accordance with Section 5.4 above.

10. Minimum signage and trail map requirements – Approved Temporary Trails. The Town shall post signage and trail maps at appropriate locations, generally in the form shown on **Exhibit B**. If an Approved Temporary Trail intersects a closed trail, the sign shall also indicate that the trail is closed, in accordance with Section 5.4 above. Amendments to the form of trail maps and trail signage may be made with written permission of the Landowner and the Town Administrator without the need for formal amendment of this Agreement or approval by the Town Council.

11. Public education. The Town shall use reasonable efforts to inform the public of the rules of proper trail use as set forth in this Agreement, that trail use is a privilege and not a right, that the privilege can be revoked if the rules are not respected, and that use of the private land is limited to only Approved Trails. The Town may use such means as it deems appropriate and cost-effective in its discretion, which may include means such as publishing such information in the Town's newsletter and/or on the Town's website from time to time, including, but not limited to, the New Letter Article – Trails, attached hereto as Exhibit C.

12. Limitation of liability. It is the intent of the parties that Landowner shall be afforded all protections and liability limitations as set forth in C.R.S. § 33-41-101, *et seq.* with respect to the licenses granted hereby. Nothing herein shall be deemed a waiver of the Town's governmental immunity, nor shall this agreement create any liability of the Town in the event that trail users or other persons commit trespass upon the Landowner Property by failing to remain with the Approved Temporary Trails.

13. Waiver of claims. The Town waives any and all claims against the Landowner arising from the use of the Landowner Property. The Town shall include the Landowner Property in its liability-insured real property inventory and shall name the Landowner as an additional insured.

14. Revocation. The licenses/permissions granted hereby may be revoked, in whole or in part, by the Landowner at any time and for any reason or no reason upon 30 days' notice to the Town. Once the Landowner has delivered written notice to the Town of revocation of this Agreement in whole or in part, or as to any specific Approved Temporary Trail, the Town shall take all action(s) reasonably necessary to notify the public of the closure of the trail(s) that are the subject of the revocation notice, including but not limited to posting the closure of the trail at the trailhead and at all intersection points with other trails. The Town shall, in executing its maintenance responsibilities hereunder, cooperate with any license revocation or closure of any trail section by Landowner, but shall have no obligation to revegetate or reclaim any such areas. During any revocation period, the Town shall continue to abide by the terms of this Agreement with respect to all Landowner Property. Upon revocation of the license and permission for any specific trail, the Town shall have no further responsibility, for maintenance or otherwise, for that specific trail except as provided in this paragraph.

15. Park, corridor and transportation planning. The Town shall not include or cause or allow to be referenced or included any of the Landowner Property or recreational trails thereon in any park plan, corridor plan, transportation plan, area plan or any other Town planning document, except as shown or described in the Second Amended Castle Valley Ranch annexation Agreement and Site Specific Development Plan Agreement recorded at Reception No. 602245 in the records of Garfield County, Colorado.

16. Development rights and plans of Landowner. The Parties acknowledge that Landowner has certain approved PUD plans and vested rights related to the Landowner Property. Nothing in this Agreement shall alter, modify, amend or affect in any way any of the Landowner's development rights, vested rights, terms of annexation agreement(s) and/or

approved PUD plan(s), or to create any additional requirements, obligations or commitments thereunder, including but not limited to park, trail, or open space dedications or circulation/connectivity systems.

17. Notices. Any notices pursuant to this Agreement shall be in writing and shall be deemed effective as of the date of mailing by United States Mail or by transmission via electronic means. Notice addresses may be changed by the same manner as providing notice hereunder. Notice shall be addressed as follows:

To the Town:                      Town Administrator  
Town of New Castle  
P.O. Box 90  
New Castle, CO 81601

With a copy to:                  David H. McConaughy, Esq.  
Garfield & Hecht, P.C.  
901 Grand Avenue, Suite 201  
Glenwood Springs, CO 81601  
[dmcconaughey@garfieldhecht.com](mailto:dmcconaughey@garfieldhecht.com)

To Landowner:                    Aaron Atkinson  
CVR Investors, Inc.  
5282 Red Pass Way  
Castle Rock, Colorado 80108

18. Entire Agreement. This Agreement, together with the Exhibits thereto, constitutes the entire Agreement between the parties. No statements, promises or inducements that are not contained in this Agreement shall be binding on the parties.

19. Miscellaneous. If any provision of this Agreement is determined to be void or unenforceable by a court of competent jurisdiction, all other provisions shall remain in effect. This Agreement shall be governed by Colorado law. This Agreement shall not be amended except in writing signed by all parties hereto. No waiver of any provision of this Agreement shall be deemed to constitute a waiver of any other provision, nor shall it be deemed or constitute a continuing waiver. A party's failure to exercise any right under this Agreement shall not constitute the approval of any wrongful or unauthorized act of the other party.

SO AGREED as of the date first written above.

**TOWN OF NEW CASTLE, COLORADO**

Attest:

By: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Clerk

**LANDOWNER: CVR Investors, Inc., a Colorado corporation**

\_\_\_\_\_  
By: Aaron Atkinson

STATE OF \_\_\_\_\_ )

)

COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2020, by Aaron Atkinson on behalf of CVR Investors, Inc.

Witness my hand and official seal:

My commission expires:

\_\_\_\_\_  
Notary Public

EXHIBIT A

TOWN & BLM BOUNDARY

CTS INVESTMENTS, LLC

VIX RANCH PARK

KATHRYN SENOR ELEMENTARY SCHOOL

CTS INVESTMENTS, LLC

CTS INVESTMENTS, LLC  
CVR INVESTORS, INC.

ROUNDAABOUT

NORTH WILDHORSE DR.

239

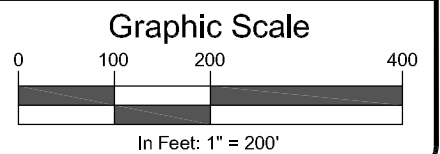
LEGEND  
APPROVED TEMPORARY TRAILS



Job No. 93128A-127  
Drawn by: RM  
Date: 10.1.19  
QC: - PE: JSS  
File: CVR-Craven-Trails-ExhibitA



Town of New Castle  
APPROVED TEMPORARY TRAILS



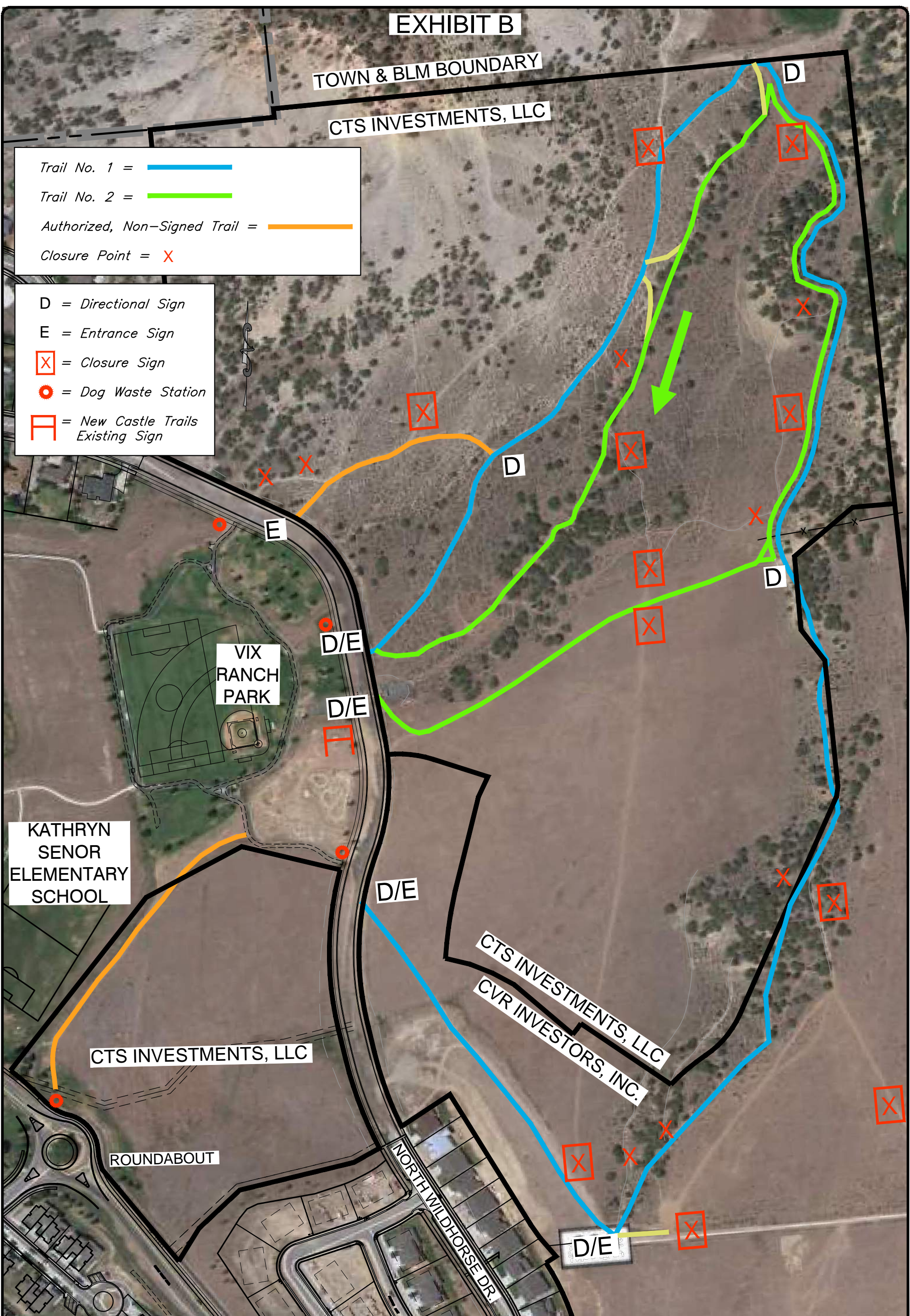
# EXHIBIT B

TOWN & BLM BOUNDARY

CTS INVESTMENTS, LLC

- Trail No. 1 =
- Trail No. 2 =
- Authorized, Non-Signed Trail =
- Closure Point =

- D = Directional Sign
- E = Entrance Sign
- = Closure Sign
- = Dog Waste Station
- = New Castle Trails Existing Sign



KATHRYN SENIOR ELEMENTARY SCHOOL

VIX RANCH PARK

CTS INVESTMENTS, LLC

CTS INVESTMENTS, LLC  
CVR INVESTORS, INC.

ROUNDAABOUT

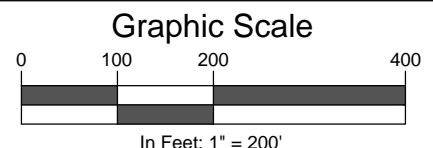
NORTH WILDHORSE DR.

118 West Sixth Street, Suite 200  
Glenwood Springs, CO 81601  
970.945.1004 www.sgm-inc.com

Job No. 93128A-127  
Drawn by: RM  
Date: 10.1.19  
QC: -- | PE: JSS  
File: CVR-Craven-Trails-ExhibitB



Town of New Castle  
APPROVED TEMPORARY TRAILS





The existing NC Trails Master Sign is located in the parking area just to the south of Trail No. 2. This sign is scheduled to be updated upon completion of new trails on neighboring BLM property during the summer and fall of 2020. Redesign of this sign shall include the addition of new BLM Trails as well as the addition of "Approved Temporary Trails" as shown in Exhibit A.



Upon future redesign of this existing NC Trails map, the Trail System Rules will be updated to include rules which pertain to "Approved Temporary Trails." New verbiage may include: Trails across private property are open from dawn to dusk; All trials across private property are subject to future changes and closures; The Landowner makes no representations as to the condition of trails across private properties and accepts no liability for any person entering the property.



Upon future redesign of this existing NC Trails map, the Trail System map will be updated to include the “Approved Temporary Trails” as depicted in Exhibit A.



Typical Trail Signs



Typical Dog Waste Station, see map for location details.



Typical Trail Sign Installation

## ***Exhibit: C***

### ***News Letter Article - Trails***

New Castle residents enjoy many miles of hiking and biking trails throughout our Town, as well as on private properties and BLM Lands. For many New Castle residents hiking and biking opportunities exist within a short distance from our front doors. The ability to hike, jog, walk our dogs or ride our bikes along miles of paved and soft trails is thanks to the work of the Town, dedicated volunteer groups, generous land owners, and cooperative BLM Managers.

It is important to know that many of the trails throughout the Castle Valley and Lakota are largely privately owned. Most vacant tracts of land are not owned by the Town. The Town and private land owners have recently collaborated in an effort to address various landowner and Town concerns. This joint effort has resulted in the mapping of Approved Temporary Trails over private lands.

While many of these trails have been in use for several years, it is becoming increasingly important for residents to understand that trails over private property are limited to those trails shown on the Approved Temporary Trails map. It is also important to note that there are rules with respect to the use of the private land that users of the trails will need to follow. With the ability to access and enjoy trails on both private and public properties comes the responsibility for the users of the trails to observe and obey the following posted rules.

*Rules over all New Castle trails include the following:*

- ✚ No Motor Vehicles of any type
- ✚ Please clean up after your pets
- ✚ No Camping
- ✚ No Fires
- ✚ No altering the trail or building jumps along the trail

*Additional Rules when using the Approved Temporary Trails include the following:*

- ✚ Trails across private property are open from dawn to dusk
- ✚ All Trails across private property are subject to future changes or closures
- ✚ Leaving the designated trail or creating new trails is strictly prohibited
- ✚ The Land Owner makes no representation or guarantee as to the condition of the property or trails and accepts no liability for any person entering the property.

The Town works in partnership with land owners in order to monitor trails use to help provide for the ongoing enjoyment of residents and visitors alike. Please note that the use of trails across private property is a privilege, not a right, which may be revoked at any time.

Users of these trails do so entirely at their own risk. Please be a responsible trail user by following the rules and doing your part to support the ongoing viability of local trails.