

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 26-0518.01 Ken Fowler x2372

HOUSE BILL 26-1123

HOUSE SPONSORSHIP

Stewart K. and Mabrey, Duran

SENATE SPONSORSHIP

Amabile and Weissman,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO PREVENT SEXUAL ABUSE IN JAILS, AND, IN**
102 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires that the reasonable belief standard to conduct a strip search apply to all arrests, not just the arrest of an individual for a traffic or petty offense. The bill requires 2 peace officers to make a determination that there is reasonable belief to conduct a strip search and requires that the reason and results of a strip search be documented in a report. The bill prohibits the use of body-worn cameras to capture videos

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

during strip searches when other forms of recording or surveillance are available. The bill limits access to video recordings that depict prisoner nudity. The bill requires courts to deny requests by a defendant in a criminal proceeding to copy, photograph, duplicate, or otherwise reproduce a video recording of a strip search.

The bill requires local detention facilities to have a policy detailing staff protocol for responding to suspected, alleged, or witnessed sexual abuse and requires jail staff to report suspected, alleged, or witnessed sexual abuse. The bill creates whistleblower protection policies for jail staff.

The bill requires local detention facilities to inform prisoners of their rights and the resources available to them if they are a victim of sexual abuse while in jail and allow sexual assault advocates to access prisoners who request advocacy services. The bill requires local detention facilities to designate a "Prison Rape Elimination Act of 2003" (PREA) coordinator and requires jails to provide the coordinator's contact information to prisoners and the public.

The bill requires the legislative oversight committee concerning Colorado jail standards (committee) to develop guidelines for identifying, and creating a process for, qualified third parties or certified PREA auditors to audit local detention facilities and their sexual abuse prevention policies upon request of the committee.

The bill requires the removal of P.O.S.T. certification from any peace officer who is found by an administrative law judge, hearing officer, or internal investigation to have sexually abused a prisoner in a local detention facility.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-3-405, **amend** (1),
3 (2), (4), and (6); **repeal** (8); and **add** (1.5), (1.7), (3.5), and (9) as follows:

4 **16-3-405. Strip searches - when authorized or prohibited -**
5 **definitions.**

6 (1) ~~No~~ A person WHO IS arrested for a traffic or a petty offense
7 shall NOT be strip searched, prior to arraignment, unless there is
8 reasonable belief **INDEPENDENTLY DETERMINED AND DOCUMENTED BY**
9 **TWO AUTHORIZED PERSONNEL** that the individual is concealing a weapon
10 or a controlled substance or that the individual, upon identification, is a

1 parolee or an offender serving a sentence in any correctional facility in
2 the state or that the individual is arrested for driving while under the
3 influence of drugs.

4 (1.5) TWO PERSONNEL MUST MAKE A DETERMINATION THAT THERE
5 IS THE REASONABLE BELIEF INDEPENDENTLY DETERMINED AND
6 DOCUMENTED BY TWO PERSONNEL AS DESCRIBED IN SUBSECTION (1) OF
7 THIS SECTION IN ORDER FOR A PERSON TO BE STRIP SEARCHED IN A LOCAL
8 DETENTION FACILITY.

9 (1.7) PERSONNEL CONDUCTING A STRIP SEARCH SHALL DOCUMENT
10 IN A REPORT THE REASON FOR THE STRIP SEARCH AND THE RESULTS OF THE
11 STRIP SEARCH.

12 (2) As used in this section, UNLESS THE CONTEXT OTHERWISE
13 REQUIRES:

14 (a) "LOCAL DETENTION FACILITY" MEANS A COUNTY JAIL OR A
15 FACILITY OPERATED BY A CITY OR TOWN FOR THE PURPOSES OF CONFINING
16 PERSONS CHARGED WITH OR CONVICTED OF VIOLATIONS OF MUNICIPAL
17 ORDINANCES.

18 (b) "PERSONNEL" MEANS A PEACE OFFICER, NONCERTIFIED DEPUTY
19 SHERIFF, EMPLOYEE, OR CONTRACTOR AUTHORIZED BY AGENCY POLICY TO
20 PERFORM STRIP SEARCHES.

21 (c) "Strip search" means having an arrested person remove or
22 arrange some or all of his or her THE PERSON'S clothing so as to permit a
23 visual inspection of the genitals, buttocks, anus, or female breasts of such
24 person.

25 (3.5) NOTWITHSTANDING SECTION 24-31-902, A PERSONNEL SHALL
26 NOT CONDUCT A STRIP SEARCH WITH THEIR BODY-WORN CAMERA
27 ACTIVATED.

1 ~~(4) Every peace officer or employee of a police department or~~
2 ~~sheriff's department~~ ALL PERSONNEL conducting a strip search shall
3 obtain the written permission of the police commander or an agent thereof
4 or a sheriff or an agent thereof designated for the purposes of authorizing
5 a strip search in accordance with this section.

6 (6) Any ~~peace officer or employee of a police department or a~~
7 ~~sheriff's department~~ PERSONNEL who knowingly or intentionally fails to
8 comply with any provision of this section commits second degree official
9 misconduct, as defined in section 18-8-405. ~~C.R.S.~~ Nothing contained in
10 this section ~~shall preclude~~ PRECLUDES prosecution of a peace officer or
11 employee of a police department or sheriff's department under any other
12 provision of the law.

13 ~~(8) The provisions of subsections (1) to (6) of this section shall~~
14 ~~not apply when, following arraignment and pursuant to a court order, the~~
15 ~~person is taken into custody by or remanded to a sheriff or a correctional~~
16 ~~facility.~~

17 (9) EACH LOCAL DETENTION FACILITY SHALL SUBMIT AN ANNUAL
18 REPORT TO THE LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING
19 COLORADO JAIL STANDARDS CREATED IN SECTION 2-3-1901 AND THE
20 COLORADO ATTORNEY GENERAL STATING THE NUMBER OF STRIP
21 SEARCHES THAT OCCURRED IN THE FACILITY IN THE LAST CALENDER YEAR
22 AND THE REASON FOR AND RESULT OF EACH STRIP SEARCH.
23 NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I),
24 THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS SECTION
25 CONTINUES INDEFINITELY.

26 ■ ■
27 **SECTION 2.** In Colorado Revised Statutes, **add** 17-26-141 as

1 follows:

2 **17-26-141. Access to jail video recordings showing prisoner**
3 **nudity - when authorized - definitions.**

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

6 (a) "LOCAL DETENTION FACILITY" MEANS A COUNTY JAIL OR A
7 FACILITY OPERATED BY A CITY OR TOWN FOR THE PURPOSE OF CONFINING
8 PERSONS CHARGED WITH OR CONVICTED OF VIOLATIONS OF MUNICIPAL
9 ORDINANCES.

10 (b) "STRIP SEARCH" MEANS HAVING AN ARRESTED PERSON REMOVE
11 OR ARRANGE SOME OR ALL OF THE PERSON'S CLOTHING SO AS TO PERMIT
12 A VISUAL INSPECTION OF THE GENITALS, BUTTOCKS, ANUS, OR FEMALE
13 BREASTS OF THE PERSON.

14 (2) A PEACE OFFICER MAY ONLY VIEW A VIDEO RECORDING OF A
15 STRIP SEARCH CONDUCTED IN A LOCAL DETENTION FACILITY FOR A
16 LEGITIMATE LAW ENFORCEMENT PURPOSE. A PEACE OFFICER WHO VIEWS
17 A VIDEO RECORDING OF A STRIP SEARCH CONDUCTED IN A LOCAL
18 DETENTION FACILITY SHALL DOCUMENT IN A REPORT THE PEACE OFFICER'S
19 PURPOSE FOR VIEWING THE VIDEO RECORDING OF A STRIP SEARCH
20 CONDUCTED IN A LOCAL DETENTION FACILITY.

21 (3) VIDEO RECORDINGS OF STRIP SEARCHES CONDUCTED IN A
22 LOCAL DETENTION FACILITY:

23 (a) MUST NOT BE UPLOADED TO A CLOUD-BASED ELECTRONIC
24 SERVICE; AND

25 (b) MUST NOT BE VIEWED REMOTELY.

26 (4) THIS SECTION IS NOT APPLICABLE TO DISCOVERY OF VIDEO
27 RECORDINGS OR THE USE OF VIDEO RECORDINGS BY PARTIES IN A CIVIL,

1 CRIMINAL, OR ADMINISTRATIVE COURT CASE, OR AN INTERNAL
2 INVESTIGATION OR IN RESPONSE TO REQUESTS MADE PURSUANT TO
3 SECTION 24-72-303.

4 **SECTION 3.** In Colorado Revised Statutes, **add** 17-26-142 as
5 follows:

6 **17-26-142. Sexual assault prevention program - required**
7 **policies and procedures - audit required - definitions.**

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

10 (a) "LEGISLATIVE OVERSIGHT COMMITTEE" MEANS THE
11 LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING COLORADO JAIL
12 STANDARDS CREATED IN SECTION 2-3-1901.

13 (b) "LOCAL DETENTION FACILITY" MEANS A COUNTY, MUNICIPAL,
14 OR CITY JAIL OR DETENTION FACILITY.

15 (c) "PRISON RAPE ELIMINATION ACT" OR "PREA" MEANS THE
16 FEDERAL "PRISON RAPE ELIMINATION ACT OF 2003", 42 U.S.C. SEC.
17 15601 ET SEQ.

18 (d) "SEXUAL ABUSE" HAS THE SAME MEANING AS "SEXUAL
19 VIOLENCE" AS DEFINED IN SECTION 13-14-101.

20 (2) EACH LOCAL DETENTION FACILITY SHALL DEVELOP POLICIES
21 AND PROCEDURES TO:

22 (a) REQUIRE STAFF MEMBERS TO REPORT SUSPECTED, ALLEGED, OR
23 WITNESSED SEXUAL ABUSE;

24 (b) ESTABLISH PROTOCOLS FOR STAFF MEMBERS TO RESPOND TO
25 SUSPECTED, ALLEGED, OR WITNESSED SEXUAL ABUSE, WHICH PROTOCOLS
26 MUST INCLUDE PROTECTING THE VICTIM FROM IMMEDIATE HARM;
27 CONNECTING THE VICTIM WITH MEDICAL CARE; PRESERVING EVIDENCE OF

1 THE SUSPECTED, ALLEGED, OR WITNESSED OFFENSE; AND REPORTING THE
2 ALLEGED SEXUAL ABUSE;

3 (c) INFORM PRISONERS OF THEIR RIGHTS ESTABLISHED PURSUANT
4 TO THE FEDERAL "PRISON RAPE ELIMINATION ACT";

5 (d) INFORM PRISONERS UPON BOOKING, IN WRITING AND IN AN
6 ACCESSIBLE LANGUAGE, OF RESOURCES FOR VICTIMS OF SEXUAL ABUSE,
7 INCLUDING THE TELEPHONE NUMBER FOR A SEXUAL ASSAULT CRISIS LINE
8 AND THE MAILING ADDRESS OF THE NEAREST CONFIDENTIAL SEXUAL
9 ASSAULT ADVOCACY PROGRAM; AND

10 (e) ALLOW CONFIDENTIAL SEXUAL ASSAULT ADVOCATES TIMELY
11 ACCESS TO PRISONERS WHO HAVE REACHED OUT TO A CONFIDENTIAL
12 SEXUAL ASSAULT ADVOCACY PROGRAM FOR ADVOCACY SERVICES.

13 (3) (a) EACH LOCAL DETENTION FACILITY SHALL DESIGNATE A
14 STAFF MEMBER AS THE JAIL'S PREA COORDINATOR. THE PREA
15 COORDINATOR SHALL IMPLEMENT FEDERAL PREA STANDARDS AND
16 FACILITATE ACCESS TO CONFIDENTIAL SEXUAL ASSAULT ADVOCACY
17 SERVICES FOR INMATES SEEKING CONFIDENTIAL SEXUAL ASSAULT
18 ADVOCACY SERVICES.

19 (b) THE JAIL SHALL INFORM STAFF MEMBERS AND PRISONERS OF
20 THE NAME AND CONTACT INFORMATION FOR THE PREA COORDINATOR
21 AND MAKE THE NAME AND CONTACT INFORMATION OF THE PREA
22 COORDINATOR AVAILABLE TO THE PUBLIC.

23 (4) THE LEGISLATIVE OVERSIGHT COMMITTEE SHALL, DURING THE
24 2026 LEGISLATIVE INTERIM:

25 (a) DEVELOP GUIDELINES FOR IDENTIFYING QUALIFIED THIRD
26 PARTIES TO AUDIT LOCAL DETENTION FACILITIES TO REVIEW JAIL POLICIES
27 AND PRACTICES RELATED TO SEXUAL ABUSE AND JAIL CONDITIONS

1 REGARDING SEXUAL ABUSE; AND

2 (b) ESTABLISH A PROCESS FOR QUALIFIED THIRD PARTIES OR
3 CERTIFIED PREA AUDITORS, ESTABLISHED PURSUANT TO 28 CFR 115.402,
4 TO AUDIT LOCAL DETENTION FACILITIES UPON REQUEST OF THE
5 LEGISLATIVE OVERSIGHT COMMITTEE.

6 (5) UPON THE REQUEST OF THE LEGISLATIVE OVERSIGHT
7 COMMITTEE, A CERTIFIED PREA AUDITOR OR AN AUDITOR APPROVED BY
8 THE LEGISLATIVE OVERSIGHT COMMITTEE SHALL ENTER AND ASSESS
9 LOCAL DETENTION FACILITIES TO REVIEW JAIL POLICIES AND PRACTICES
10 RELATED TO SEXUAL ABUSE AND JAIL CONDITIONS REGARDING SEXUAL
11 ABUSE.

12 **SECTION 4.** In Colorado Revised Statutes, **add** 17-26-143 as
13 follows:

14 **17-26-143. Retaliation against whistleblower jail staff**
15 **prohibited - private right of action - exemptions - procedures -**
16 **definitions.**

17 (1) (a) A LOCAL DETENTION FACILITY SHALL NOT DISCHARGE,
18 DISCIPLINE, DEMOTE, DENY A PROMOTION TO, TRANSFER OR REASSIGN,
19 DISCRIMINATE AGAINST, HARASS, SUSPEND, CREATE A HOSTILE WORK
20 ENVIRONMENT FOR, SUBJECT TO CORRECTIVE ACTION OR REPRIMAND,
21 ISSUE AN EMPLOYMENT RATING THAT RESULTS IN THE LOSS OF PAY OR
22 ADVERSELY AFFECTS ELIGIBILITY FOR PROMOTION OR FOR AN ASSIGNMENT
23 FOR, LAY OFF, REDUCE WORK HOURS FOR, KNOWINGLY PROVIDE FALSE
24 INFORMATION FOR THE PURPOSE OF NEGATIVELY AFFECTING FUTURE
25 EMPLOYMENT OPPORTUNITIES FOR, OR THREATEN ANY ACTIONS AGAINST
26 OR OTHERWISE DISCRIMINATE AGAINST A STAFF MEMBER IN TERMS,
27 CONDITIONS, OR PRIVILEGES OF EMPLOYMENT BECAUSE THE STAFF

1 MEMBER DISCLOSES INFORMATION IN GOOD FAITH TO THE PROPER
2 SUPERVISING AUTHORITY THAT THE STAFF MEMBER REASONABLY
3 BELIEVES SHOWS SUSPECTED, ALLEGED, OR WITNESSED SEXUAL ABUSE OR
4 SEX-BASED HARASSMENT IN THE LOCAL DETENTION FACILITY.

5 (b) ADMINISTRATIVE PROCEDURES, INCLUDING SUSPENSION
6 DURING AN INVESTIGATION OR DEPARTMENTAL PROCEDURES USED TO
7 DISTRIBUTE ASSIGNMENTS OR DUTIES OR MEET THE OPERATIONAL NEEDS
8 OF THE LOCAL DETENTION FACILITY, DO NOT VIOLATE SUBSECTION (1)(a)
9 OF THIS SECTION.

10 (c) A STAFF MEMBER WHO IN GOOD FAITH DISCLOSES INFORMATION
11 THAT THE STAFF MEMBER REASONABLY BELIEVES SHOWS SUSPECTED,
12 ALLEGED, OR WITNESSED SEXUAL ABUSE OR SEX-BASED HARASSMENT IN
13 THE LOCAL DETENTION FACILITY IS ENGAGING IN A PROTECTED ACTIVITY.

14 (d) THIS SUBSECTION (1) DOES NOT PREVENT A LOCAL DETENTION
15 FACILITY FROM COMPLYING WITH ANY DISCLOSURE REQUIREMENTS
16 REQUIRED BY LAW OR BY COURT RULE OR PROCEDURE.

17 (2) A STAFF MEMBER AGGRIEVED BY A VIOLATION OF SUBSECTION
18 (1) OF THIS SECTION HAS A PRIVATE RIGHT OF ACTION AGAINST THE LOCAL
19 DETENTION FACILITY THAT VIOLATED SUBSECTION (1) OF THIS SECTION
20 AFTER THE STAFF MEMBER EXHAUSTS THE INTERNAL ADMINISTRATIVE
21 PROCEDURES PURSUANT TO SUBSECTION (10) OF THIS SECTION.

22 (3) A STAFF MEMBER WHOSE PROTECTED ACTIVITY DESCRIBED
23 PURSUANT TO SUBSECTION (1) OF THIS SECTION WAS A CONTRIBUTING
24 FACTOR IN THE LOCAL DETENTION FACILITY'S ACTION DESCRIBED IN
25 SUBSECTION (1) OF THIS SECTION MAY BE AWARDED ALL RELIEF
26 NECESSARY TO MAKE THE STAFF MEMBER WHOLE, INCLUDING, BUT NOT
27 LIMITED TO:

1 (a) (I) REINSTATEMENT, WITH THE SAME SENIORITY STATUS THAT
2 THE STAFF MEMBER WOULD HAVE HAD BUT FOR THE VIOLATION OF
3 SUBSECTION (1) OF THIS SECTION; AND

4 (II) THE AMOUNT OF BACK PAY WITH INTEREST AT AN INTEREST
5 RATE SET BY THE SECRETARY OF STATE PURSUANT TO SECTION 13-21-101
6 (3) FOR THE YEARS BACK PAY IS AWARDED;

7 (b) ANY OTHER EQUITABLE RELIEF THE COURT DEEMS
8 APPROPRIATE;

9 (c) COMPENSATORY DAMAGES FOR OTHER PECUNIARY LOSSES,
10 EMOTIONAL PAIN AND SUFFERING, INCONVENIENCE, MENTAL ANGUISH,
11 LOSS OF ENJOYMENT OF LIFE, AND OTHER NONPECUNIARY LOSSES; AND

12 (d) REASONABLE ATTORNEY FEES AND COSTS.

13 (4) ANY REQUEST FOR REINSTATEMENT OR FOR AN AWARD OF
14 REASONABLE ATTORNEY FEES MUST BE MADE TO THE COURT AFTER A
15 JUDGMENT IS ENTERED IN FAVOR OF THE STAFF MEMBER. THE PARTIES ARE
16 ENTITLED TO A HEARING ON THE REQUEST PRIOR TO THE COURT'S
17 DETERMINATION.

18 (5) IT IS AN AFFIRMATIVE DEFENSE TO AN ACTION BROUGHT
19 PURSUANT TO THIS SECTION IF THE LOCAL DETENTION FACILITY SHOWS BY
20 A PREPONDERANCE OF THE EVIDENCE THAT THE LOCAL DETENTION
21 FACILITY WOULD HAVE TAKEN THE ACTION THAT FORMS THE BASIS OF THE
22 SUIT AGAINST THE STAFF MEMBER BASED ON A LEGITIMATE
23 NONRETALIATORY BASIS.

24 (6) AN ACTION BROUGHT PURSUANT TO THIS SECTION IS NOT
25 SUBJECT TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE
26 10 OF TITLE 24.

27 (7) IF A LOCAL DETENTION FACILITY ASSERTS THE AFFIRMATIVE

1 DEFENSE CREATED IN SUBSECTION (5) OF THIS SECTION, THE STAFF
2 MEMBER MUST HAVE THE OPPORTUNITY TO ESTABLISH IN RESPONSE, BY A
3 PREPONDERANCE OF THE EVIDENCE, THAT THE LEGITIMATE
4 NONRETALIATORY BASIS WAS PRETEXTUAL.

5 (8) AN ACTION BROUGHT PURSUANT TO THIS SECTION MUST BE
6 BROUGHT WITHIN TWO YEARS AFTER THE DATE OF THE MOST RECENT
7 ADVERSE EMPLOYMENT ACTION DESCRIBED IN SUBSECTION (1) OF THIS
8 SECTION.

9 (9) (a) THIS SECTION DOES NOT APPLY TO A STAFF MEMBER WHO
10 DISCLOSES INFORMATION THAT THE STAFF MEMBER KNOWS TO BE FALSE,
11 WHO DISCLOSES INFORMATION WITH DISREGARD FOR THE TRUTH, OR WHO
12 DISCLOSES INFORMATION WITHOUT FULLY COMPLYING WITH SUBSECTION
13 (10) OF THIS SECTION.

14 (b) A STAFF MEMBER'S DISCLOSURE OF THE STAFF MEMBER'S OWN
15 ACT OF NEGLIGENCE, UNPROFESSIONAL CONDUCT, OR VIOLATION OF ANY
16 LOCAL, STATE, OR FEDERAL LAW IS NOT AN ACTIVITY PROTECTED
17 PURSUANT TO THIS SECTION AND DOES NOT PROVIDE THE STAFF MEMBER
18 WITH IMMUNITY RELATED TO THE ACTIVITY SUBJECT TO THE DISCLOSURE.

19 (c) THIS SECTION DOES NOT PREVENT A LOCAL DETENTION
20 FACILITY FROM TAKING DISCIPLINARY ACTION AGAINST A STAFF MEMBER
21 FOR REASONS OTHER THAN THOSE SPECIFIED IN SUBSECTION (1) OF THIS
22 SECTION.

23 (10) (a) WHEN MAKING A GOOD FAITH REPORT OR DISCLOSURE
24 PROTECTED BY THIS SECTION, A STAFF MEMBER SHALL FOLLOW THE
25 INTERNAL REPORTING AND INTERNAL ADMINISTRATIVE PROCEDURES OF
26 THE LOCAL DETENTION FACILITY, TO THE EXTENT THE PROCEDURES EXIST
27 AND ARE PROVIDED TO THE EMPLOYEE IN WRITING, AND SHALL EXHAUST

1 THE PROCEDURES PRIOR TO INITIATING A PRIVATE RIGHT OF ACTION
2 PURSUANT TO SUBSECTION (2) OF THIS SECTION. IF THE INTERNAL
3 REPORTING PROCEDURE REQUIRES A STAFF MEMBER TO REPORT TO THE
4 INDIVIDUAL WHO ALLEGEDLY COMMITTED THE ACT DESCRIBED IN
5 SUBSECTION (1)(a) OF THIS SECTION, THE PROCEDURE MUST PROVIDE AN
6 ALTERNATIVE REPORTING PROCEDURE. THE LIMITATIONS PERIOD
7 DESCRIBED IN SUBSECTION (8) OF THIS SECTION IS TOLLED UNTIL THE
8 INTERNAL ADMINISTRATIVE PROCESS IS COMPLETE.

9 (b) (I) A LOCAL DETENTION FACILITY SHALL COMPLETE THE
10 INTERNAL ADMINISTRATIVE PROCEDURE WITHIN ONE HUNDRED EIGHTY
11 DAYS AFTER A REPORT OR DISCLOSURE.

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

27 (11) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

1 REQUIRES:

2 (a) "LOCAL DETENTION FACILITY" MEANS A COUNTY JAIL OR A
3 FACILITY OPERATED BY A CITY OR TOWN FOR THE PURPOSES OF CONFINING
4 PERSONS CHARGED WITH OR CONVICTED OF VIOLATIONS OF MUNICIPAL
5 ORDINANCES.

6 (b) "PROPER SUPERVISING AUTHORITY" MEANS THE PERSON OR
7 DEPARTMENT DESIGNATED IN THE LOCAL DETENTION FACILITY TO
8 INVESTIGATE ALLEGATIONS OF INTERNAL MISCONDUCT. IF THE LOCAL
9 DETENTION FACILITY DOES NOT HAVE A POLICY DESIGNATING A PERSON OR
10 DEPARTMENT TO INVESTIGATE ALLEGATIONS OF MISCONDUCT, THE PROPER
11 SUPERVISING AUTHORITY IS THE HIGHEST-RANKING STAFF MEMBER IN THE
12 LOCAL DETENTION FACILITY.

13 (c) "STAFF MEMBER" MEANS A PERSON ASSIGNED TO OR EMPLOYED
14 AT A LOCAL DETENTION FACILITY.

15 **SECTION 5.** In Colorado Revised Statutes, 24-31-902, **add**
16 (1)(a)(II)(F) as follows:

17 **24-31-902. Incident recordings - release - tampering - fine.**

18 (1) (a) (II) (F) A PEACE OFFICER SHALL NOT WEAR OR ACTIVATE A
19 BODY-WORN CAMERA IF THE PEACE OFFICER IS CONDUCTING A STRIP
20 SEARCH AND OTHER METHODS OF VIDEO RECORDING OR SURVEILLANCE
21 ARE AVAILABLE.

22 **SECTION 6.** In Colorado Revised Statutes, 24-31-904, **amend**
23 (1)(a)(IV) and (1)(a)(V); and **add** (1)(a)(VI) and (7) as follows:

24 **24-31-904. Peace officer certification discipline - definition.**

25 (1) (a) Notwithstanding any provision of law, the P.O.S.T. board
26 shall permanently revoke a peace officer's certification if:

27 (IV) An administrative law judge, hearing officer, or internal

1 investigation finds that a peace officer failed to intervene pursuant to
2 section 18-8-805 (5) and the incident resulted in death to another person;
3 or

4 (V) An administrative law judge, hearing officer, or internal
5 investigation finds that a peace officer violated section 18-8-805 (1) or
6 (2)(a)(I) and the incident resulted in death to another person; OR

7 (VI) AN ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, OR
8 INTERNAL INVESTIGATION FINDS THAT A PEACE OFFICER PERPETRATED AN
9 ACT THAT CONSTITUTES SEXUAL ASSAULT, AS DESCRIBED IN SECTION
10 18-3-402, OR UNLAWFUL SEXUAL CONTACT, AS DESCRIBED IN SECTION
11 18-3-404, AND THE ACT INVOLVED A PRISONER IN A LOCAL DETENTION
12 FACILITY.

13 (7) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
14 REQUIRES, "LOCAL DETENTION FACILITY" MEANS A COUNTY, MUNICIPAL,
15 OR CITY JAIL OR DETENTION FACILITY.

16 **SECTION 7.** In Colorado Revised Statutes, 2-3-1901, **add** (2)(g)
17 as follows:

18 **2-3-1901. Legislative oversight committee for Colorado jail**
19 **standards - creation - duties - repeal.**

20 (2) **Duties.**

21 (g) PURSUANT TO SECTION 17-26-142 (4)(a), DURING THE 2026
22 LEGISLATIVE INTERIM, THE COMMITTEE SHALL DEVELOP GUIDELINES FOR
23 IDENTIFYING QUALIFIED THIRD PARTIES TO AUDIT LOCAL DETENTION
24 FACILITIES TO REVIEW JAIL POLICIES AND PRACTICES RELATED TO SEXUAL
25 ABUSE AND JAIL CONDITIONS REGARDING SEXUAL ABUSE AND SHALL
26 ESTABLISH A PROCESS FOR QUALIFIED THIRD PARTIES OR CERTIFIED PREA
27 AUDITORS, ESTABLISHED PURSUANT TO 28 CFR 115.402, TO AUDIT LOCAL

1 DETENTION FACILITIES UPON REQUEST OF THE COMMITTEE; EXCEPT THAT
2 THE COMMITTEE IS NOT REQUIRED TO DEVELOP THE GUIDELINES AND
3 ESTABLISH PROCESSES PURSUANT TO SECTION 17-26-142 (4) IF IT IS NOT
4 AUTHORIZED TO MEET IN THE 2026 INTERIM.

5 **SECTION 8. Appropriation.** For the 2026-27 state fiscal year,
6 \$38,916 is appropriated to the department of law. This appropriation is
7 from the P.O.S.T. board cash fund created in section 24-31-303 (2)(b),
8 C.R.S., and is based on an assumption that the department will require an
9 additional 0.3 FTE. To implement this act, the department may use this
10 appropriation for peace officers standards and training board support.

11 **SECTION 9. Safety clause.** The general assembly finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, or safety or for appropriations for
14 the support and maintenance of the departments of the state and state
15 institutions.