

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

**PREAMENDED**

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

LLS NO. 16-0417.02 Michael Dohr x4347

**HOUSE BILL 16-1262**

---

**HOUSE SPONSORSHIP**

**Williams,** Esgar, Melton, Salazar

**SENATE SPONSORSHIP**

**Cooke,**

---

**House Committees**  
Judiciary

**Senate Committees**

---

**A BILL FOR AN ACT**

101      **CONCERNING MEASURES TO IMPROVE PEACE OFFICER HIRING, AND, IN**  
102              **CONNECTION THEREWITH, REQUIRING EMPLOYMENT WAIVERS**  
103              **AS PART OF THE BACKGROUND CHECK PROCESS FOR A PERSON**  
104              **APPLYING FOR A POSITION AS A PEACE OFFICER WHO HAS**  
105              **WORKED AS AN OFFICER AND GIVING THE P.O.S.T. BOARD THE**  
106              **AUTHORITY TO DENY CERTIFICATION TO AN APPLICANT WHO**  
107              **ENTERED INTO A DEFERRED AGREEMENT.**

---

**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*

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

[http://www.leg.state.co.us/bills/summaries.](http://www.leg.state.co.us/bills/summaries/))

Each law enforcement agency in the state that interviews a candidate for a peace officer position who has worked at another law enforcement agency or in private security shall require the candidate to execute a waiver. The waiver will allow the candidate's previous law enforcement agency or private security company employers to disclose all files pertaining to the applicant, including internal affairs files, to the interviewing agency and releases the interviewing agency and each law enforcement agency or private security company that employed the candidate from any liability related to the use and disclosure of the files. The interviewing agency must submit the waiver to each law enforcement agency or private security company at least 10 days before making a hiring decision. A state or local law enforcement agency or private security company that receives a waiver shall provide the disclosure to the Colorado law enforcement agency that is interviewing the candidate not more than 7 days after such receipt.

The bill requires a P.O.S.T. certification applicant who has worked at another law enforcement agency to execute the same waiver as described above.

Under current law, the P.O.S.T. board must deny certification to a person who was convicted of any felony and certain misdemeanors. The bill gives the P.O.S.T. board the authority to deny certification to a person who entered into a deferred judgment, deferred prosecution, diversion agreement, or deferred adjudication for any of those crimes or had a juvenile adjudication for any of those crimes.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-33.5-115 as  
3 follows:

4 **24-33.5-115. Peace officer hiring - required use of waiver -**  
5 **definitions.** (1) A STATE OR LOCAL LAW ENFORCEMENT AGENCY SHALL  
6 REQUIRE EACH CANDIDATE THAT IT INTERVIEWS FOR A PEACE OFFICER  
7 POSITION WHO HAS BEEN EMPLOYED BY ANOTHER LAW ENFORCEMENT  
8 AGENCY OR **GOVERNMENTAL AGENCY** TO EXECUTE A WRITTEN WAIVER  
9 THAT EXPLICITLY AUTHORIZES EACH LAW ENFORCEMENT AGENCY OR  
10 **GOVERNMENTAL AGENCY** THAT HAS EMPLOYED THE CANDIDATE TO

1 DISCLOSE THE APPLICANT'S FILES, INCLUDING INTERNAL AFFAIRS FILES, TO  
2 THE STATE OR LOCAL LAW ENFORCEMENT AGENCY AND RELEASES THE  
3 INTERVIEWING AGENCY AND EACH LAW ENFORCEMENT AGENCY OR  
4 GOVERNMENTAL AGENCY THAT EMPLOYED THE CANDIDATE FROM ANY  
5 LIABILITY RELATED TO THE USE AND DISCLOSURE OF THE FILES. A  
6 CANDIDATE WHO REFUSES TO EXECUTE THE WAIVER SHALL NOT BE  
7 CONSIDERED FOR EMPLOYMENT BY THE INTERVIEWING AGENCY. THE  
8 AGENCY INTERVIEWING THE CANDIDATE SHALL, AT LEAST TWENTY-ONE  
9 DAYS PRIOR TO MAKING THE HIRING DECISION, SUBMIT THE WAIVER TO  
10 EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT HAS  
11 EMPLOYED THE CANDIDATE. A STATE OR LOCAL LAW ENFORCEMENT  
12 AGENCY OR GOVERNMENTAL AGENCY THAT RECEIVES SUCH A WAIVER  
13 SHALL PROVIDE THE DISCLOSURE TO THE AGENCY THAT IS CONSIDERING  
14 THE CANDIDATE FOR EMPLOYMENT NOT MORE THAN TWENTY-ONE DAYS  
15 AFTER SUCH RECEIPT.

16 (2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT  
17 REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF  
18 THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE  
19 DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO  
20 WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED  
21 BEFORE THE EFFECTIVE DATE OF THIS SECTION.

22 (3) A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR  
23 GOVERNMENTAL AGENCY IS NOT LIABLE FOR COMPLYING WITH THE  
24 PROVISIONS OF THIS SECTION OR PARTICIPATING IN AN OFFICIAL ORAL  
25 INTERVIEW WITH AN INVESTIGATOR REGARDING THE CANDIDATE.

26 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
27 REQUIRES:

1 (a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES  
2 RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES,  
3 PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL RELATED CLAIMS,  
4 DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND  
5 CONDEMNATIONS.

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

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

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

11 (III) A COUNTY SHERIFF'S OFFICE;

12 (IV) A MUNICIPAL POLICE DEPARTMENT;

13 (V) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE  
14 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION  
15 24-1-124; OR

16 (VI) A TOWN MARSHAL'S OFFICE.

17 **SECTION 2.** In Colorado Revised Statutes, **add 24-35-120** as  
18 follows:

19 **24-35-120. Peace officer hiring - required use of waiver -**  
20 **definitions.** (1) THE DEPARTMENT OF REVENUE SHALL REQUIRE EACH  
21 CANDIDATE THAT IT INTERVIEWS FOR A PEACE OFFICER POSITION WHO HAS  
22 BEEN EMPLOYED BY ANOTHER LAW ENFORCEMENT AGENCY OR  
23 GOVERNMENTAL AGENCY TO EXECUTE A WRITTEN WAIVER THAT  
24 EXPLICITLY AUTHORIZES EACH LAW ENFORCEMENT AGENCY OR  
25 GOVERNMENTAL AGENCY THAT HAS EMPLOYED THE CANDIDATE TO  
26 DISCLOSE THE APPLICANT'S FILES, INCLUDING INTERNAL AFFAIRS FILES, TO  
27 THE DEPARTMENT AND RELEASES THE DEPARTMENT AND EACH LAW

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

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

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

23 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
24 REQUIRES:

25 (a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES  
26 RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES,  
27 PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL-RELATED CLAIMS,

1 DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND  
2 CONDEMNATIONS.

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

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

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

8 (III) A COUNTY SHERIFF'S OFFICE;

9 (IV) A MUNICIPAL POLICE DEPARTMENT;

10 (V) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE  
11 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION  
12 24-1-124; OR

13 (VI) A TOWN MARSHAL'S OFFICE.

14 **SECTION 3.** In Colorado Revised Statutes, add 30-10-526 as  
15 follows:

16 **30-10-526. Sheriff office hiring - required use of waiver -**  
17 **definitions.** (1) A SHERIFF'S OFFICE SHALL REQUIRE EACH CANDIDATE  
18 THAT IT INTERVIEWS FOR A PEACE OFFICER POSITION WHO HAS BEEN  
19 EMPLOYED BY ANOTHER LAW ENFORCEMENT AGENCY OR GOVERNMENTAL  
20 AGENCY TO EXECUTE A WRITTEN WAIVER THAT EXPLICITLY AUTHORIZES  
21 EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT HAS  
22 EMPLOYED THE CANDIDATE TO DISCLOSE THE APPLICANT'S FILES,  
23 INCLUDING INTERNAL AFFAIRS FILES, TO THE INTERVIEWING SHERIFF'S  
24 AGENCY AND RELEASES THE INTERVIEWING SHERIFF'S OFFICE AND EACH  
25 LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT  
26 EMPLOYED THE CANDIDATE FROM ANY LIABILITY RELATED TO THE USE  
27 AND DISCLOSURE OF THE FILES. A CANDIDATE WHO REFUSES TO EXECUTE

1 THE WAIVER SHALL NOT BE CONSIDERED FOR EMPLOYMENT BY THE  
2 SHERIFF'S OFFICE. THE SHERIFF'S OFFICE INTERVIEWING THE CANDIDATE  
3 SHALL, AT LEAST TWENTY-ONE DAYS PRIOR TO MAKING THE HIRING  
4 DECISION, SUBMIT THE WAIVER TO EACH LAW ENFORCEMENT AGENCY OR  
5 GOVERNMENTAL AGENCY THAT HAS EMPLOYED THE CANDIDATE. A  
6 STATE OR LOCAL LAW ENFORCEMENT AGENCY OR GOVERNMENTAL  
7 AGENCY THAT RECEIVES SUCH A WAIVER SHALL PROVIDE THE DISCLOSURE  
8 TO THE SHERIFF'S OFFICE THAT IS INTERVIEWING THE CANDIDATE NOT  
9 MORE THAN TWENTY-ONE DAYS AFTER SUCH RECEIPT.

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

16 (3) A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR  
17 GOVERNMENTAL AGENCY IS NOT LIABLE FOR COMPLYING WITH THE  
18 PROVISIONS OF THIS SECTION OR PARTICIPATING IN AN OFFICIAL ORAL  
19 INTERVIEW WITH AN INVESTIGATOR REGARDING THE CANDIDATE.

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

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

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

1           (I) THE COLORADO STATE PATROL CREATED PURSUANT TO  
2 SECTION 24-33.5-201, C.R.S.;

3           (II) THE COLORADO BUREAU OF INVESTIGATION CREATED  
4 PURSUANT TO SECTION 24-33.5-401, C.R.S.;

5           (III) A COUNTY SHERIFF'S OFFICE;

6           (IV) A MUNICIPAL POLICE DEPARTMENT;

7           (V) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE  
8 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION  
9 24-1-124, C.R.S.; OR

10          (VI) A TOWN MARSHAL'S OFFICE.

11          **SECTION 4.** In Colorado Revised Statutes, **add** 31-30-108 as  
12 follows:

13           **31-30-108. Peace officer hiring - required use of waiver -**  
14 **definitions.** (1) A MUNICIPAL POLICE DEPARTMENT OR TOWN MARSHAL'S  
15 OFFICE SHALL REQUIRE EACH CANDIDATE THAT IT INTERVIEWS FOR A  
16 PEACE OFFICER POSITION WHO HAS BEEN EMPLOYED BY ANOTHER LAW  
17 ENFORCEMENT AGENCY OR **GOVERNMENTAL AGENCY** TO EXECUTE A  
18 WRITTEN WAIVER THAT EXPLICITLY AUTHORIZES EACH LAW ENFORCEMENT  
19 AGENCY OR **GOVERNMENTAL AGENCY** THAT HAS EMPLOYED THE  
20 CANDIDATE TO DISCLOSE **THE APPLICANT'S FILES**, INCLUDING INTERNAL  
21 AFFAIRS FILES, TO THE MUNICIPAL POLICE DEPARTMENT OR TOWN  
22 MARSHAL'S OFFICE INTERVIEWING THE CANDIDATE AND RELEASES THE  
23 INTERVIEWING AGENCY AND EACH LAW ENFORCEMENT AGENCY OR  
24 **GOVERNMENTAL AGENCY** THAT EMPLOYED THE CANDIDATE FROM ANY  
25 LIABILITY RELATED TO THE USE AND DISCLOSURE OF THE FILES. A  
26 CANDIDATE WHO REFUSES TO EXECUTE THE WAIVER SHALL NOT BE  
27 CONSIDERED FOR EMPLOYMENT BY THE DEPARTMENT OR OFFICE. THE



1 DEPARTMENT OR OFFICE INTERVIEWING THE CANDIDATE SHALL, AT LEAST  
2 TWENTY-ONE DAYS PRIOR TO MAKING THE HIRING DECISION, SUBMIT THE  
3 WAIVER TO EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL  
4 AGENCY THAT HAS EMPLOYED THE CANDIDATE. A STATE OR LOCAL  
5 LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT RECEIVES  
6 SUCH A WAIVER SHALL PROVIDE THE DISCLOSURE TO THE MUNICIPAL  
7 POLICE DEPARTMENT OR TOWN MARSHAL'S OFFICE THAT IS INTERVIEWING  
8 THE CANDIDATE NOT MORE THAN TWENTY-ONE DAYS AFTER SUCH  
9 RECEIPT.

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

16 (3) A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR  
17 GOVERNMENTAL AGENCY IS NOT LIABLE FOR COMPLYING WITH THE  
18 PROVISIONS OF THIS SECTION OR PARTICIPATING IN AN OFFICIAL ORAL  
19 INTERVIEW WITH AN INVESTIGATOR REGARDING THE CANDIDATE.

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

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

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

1 (I) THE COLORADO STATE PATROL CREATED PURSUANT TO  
2 SECTION 24-33.5-201, C.R.S.;

3 (II) THE COLORADO BUREAU OF INVESTIGATION CREATED  
4 PURSUANT TO SECTION 24-33.5-401, C.R.S.;

5 (III) A COUNTY SHERIFF'S OFFICE;

6 (IV) A MUNICIPAL POLICE DEPARTMENT;

7 (V) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE  
8 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION  
9 24-1-124, C.R.S.; OR

10 (VI) A TOWN MARSHAL'S OFFICE.

11 **SECTION 5.** In Colorado Revised Statutes, **add** 33-9-112 as  
12 follows:

13 **33-9-112. Peace officer hiring - required use of waiver -**  
14 **definitions.** (1) THE DIVISION SHALL REQUIRE EACH CANDIDATE THAT IT  
15 INTERVIEWS FOR A PEACE OFFICER POSITION WHO HAS BEEN EMPLOYED BY  
16 ANOTHER LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY TO  
17 EXECUTE A WRITTEN WAIVER THAT EXPLICITLY AUTHORIZES EACH LAW  
18 ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT HAS EMPLOYED  
19 THE CANDIDATE TO DISCLOSE THE APPLICANT'S FILES, INCLUDING  
20 INTERNAL AFFAIRS FILES, TO THE DIVISION AND RELEASES THE DIVISION  
21 AND EACH LAW ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT  
22 EMPLOYED THE CANDIDATE FROM ANY LIABILITY RELATED TO THE USE  
23 AND DISCLOSURE OF THE FILES. A CANDIDATE WHO REFUSES TO EXECUTE  
24 THE WAIVER SHALL NOT BE CONSIDERED FOR EMPLOYMENT BY THE  
25 DIVISION. THE DIVISION SHALL, AT LEAST TWENTY-ONE DAYS PRIOR TO  
26 MAKING THE HIRING DECISION, SUBMIT THE WAIVER TO EACH LAW  
27 ENFORCEMENT AGENCY OR GOVERNMENTAL AGENCY THAT HAS EMPLOYED

1 THE CANDIDATE. A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR  
2 GOVERNMENTAL AGENCY THAT RECEIVES SUCH A WAIVER SHALL PROVIDE  
3 THE DISCLOSURE TO THE DIVISION NOT MORE THAN TWENTY-ONE DAYS  
4 AFTER SUCH RECEIPT.

5 (2) A STATE OR LOCAL LAW ENFORCEMENT AGENCY IS NOT  
6 REQUIRED TO PROVIDE THE DISCLOSURES DESCRIBED IN SUBSECTION (1) OF  
7 THIS SECTION IF THE AGENCY IS PROHIBITED FROM PROVIDING THE  
8 DISCLOSURE PURSUANT TO A BINDING NONDISCLOSURE AGREEMENT TO  
9 WHICH THE AGENCY IS A PARTY, WHICH AGREEMENT WAS EXECUTED  
10 BEFORE THE EFFECTIVE DATE OF THIS SECTION.

11 (3) A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR  
12 GOVERNMENTAL AGENCY IS NOT LIABLE FOR COMPLYING WITH THE  
13 PROVISIONS OF THIS SECTION OR PARTICIPATING IN AN OFFICIAL ORAL  
14 INTERVIEW WITH AN INVESTIGATOR REGARDING THE CANDIDATE.

15 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
16 REQUIRES:

17 (a) "FILES" MEANS ALL PERFORMANCE REVIEWS, ANY OTHER FILES  
18 RELATED TO JOB PERFORMANCE, ADMINISTRATIVE FILES, GRIEVANCES,  
19 PREVIOUS PERSONNEL APPLICATIONS, PERSONNEL RELATED CLAIMS,  
20 DISCIPLINARY ACTIONS, AND ALL COMPLAINTS, EARLY WARNINGS, AND  
21 CONDEMNATIONS.

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

23 (I) THE COLORADO STATE PATROL CREATED PURSUANT TO  
24 SECTION 24-33.5-201, C.R.S.;

25 (II) THE COLORADO BUREAU OF INVESTIGATION CREATED  
26 PURSUANT TO SECTION 24-33.5-401, C.R.S.;

27 (III) A COUNTY SHERIFF'S OFFICE;

1 (IV) A MUNICIPAL POLICE DEPARTMENT;

2 (V) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE  
3 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION  
4 24-1-124, C.R.S.; OR

5 (VI) A TOWN MARSHAL'S OFFICE.

6 **SECTION 6.** In Colorado Revised Statutes, 24-31-305, **amend**  
7 (1.5) as follows:

8 **24-31-305. Certification - issuance - renewal - revocation.**

9 (1.5) (a) The P.O.S.T. board shall deny certification to any person  
10 who has been convicted of:

11 (a) (I) A felony;

12 (b) (II) Any misdemeanor in violation of sections 18-3-204,  
13 18-3-402, 18-3-404, 18-3-405.5, and 18-3-412.5, C.R.S.;

14 (c) (III) Any misdemeanor in violation of sections 18-7-201,  
15 18-7-202, 18-7-203, 18-7-204, 18-7-302, and 18-7-601, C.R.S.;

16 (d) (IV) Any misdemeanor in violation of any section of article 8  
17 of title 18, C.R.S.;

18 (e) (V) Any misdemeanor in violation of sections 18-9-111 and  
19 18-9-121, C.R.S.;

20 (f) (VI) Any misdemeanor in violation of sections 18-18-404,  
21 18-18-405, 18-18-406, and 18-18-411, C.R.S.;

22 (g) (VII) Any misdemeanor in violation of section 18-6-403 (3)  
23 (b.5), C.R.S., as it existed prior to July 1, 2006;

24 (h) (VIII) Any misdemeanor in violation of federal law or the law  
25 of any state that is the equivalent of any of the offenses specified in  
26 paragraphs (a) to (g) of this subsection (1.5); or

27 (i) (IX) Any local municipal ordinance that is the equivalent of

1 any of the offenses specified in paragraphs (a) to (g) of this subsection  
2 (1.5).

3 (b) THE P.O.S.T. BOARD **MUST** DENY CERTIFICATION TO ANY  
4 PERSON WHO ENTERED INTO ONE OF THE FOLLOWING FOR A CRIME LISTED  
5 IN PARAGRAPH (a) OF THIS SUBSECTION (1.5) IF THE P.O.S.T. BOARD  
6 DETERMINES THAT CERTIFICATION IS NOT IN THE PUBLIC INTEREST:

7 (I) A DEFERRED JUDGMENT AND SENTENCING AGREEMENT OR  
8 DEFERRED SENTENCING AGREEMENT, WHETHER PENDING OR  
9 SUCCESSFULLY COMPLETED;

10 (II) A DEFERRED PROSECUTION AGREEMENT, WHETHER PENDING  
11 OR SUCCESSFULLY COMPLETED; **OR**

12 (III) A PRETRIAL DIVERSION AGREEMENT, WHETHER PENDING OR  
13 SUCCESSFULLY **COMPLETED**.

14

15 **SECTION 7. Safety clause.** The general assembly hereby finds,  
16 determines, and declares that this act is necessary for the immediate  
17 preservation of the public peace, health, and safety.