

SB217_L.117

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

SB20-217 be amended as follows:

1 Amend reengrossed bill, page 17, after line 18 insert:

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

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