

HB21-1250

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Herod

1 Amend printed bill, page 12, strike lines 26 and 27 and substitute:

2 "(3) NOTWITHSTANDING THIS SECTION, THE P.O.S.T. BOARD SHALL
3 NOT SUSPEND OR REVOKE A PEACE OFFICER'S CERTIFICATION BASED ON A
4 FINAL DECISION OF AN INTERNAL INVESTIGATION UNLESS AND UNTIL
5 SUBSECTIONS (3)(a) AND (3)(b) OF THIS SECTION ARE COMPLIED WITH, NO
6 LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE DATE THE LAW
7 ENFORCEMENT AGENCY REPORTS AN INCIDENT TO THE P.O.S.T. BOARD:

8 (a) THE LAW ENFORCEMENT AGENCY THAT EMPLOYS OR
9 EMPLOYED THE PEACE OFFICER SHALL NOTIFY THE P.O.S.T. BOARD UPON
10 ANY SUSTAINED FINDINGS OF SUBSECTION (1)(a)(III) OR (2)(a)(III) OF THIS
11 SECTION, IN A MANNER DESIGNATED BY THE P.O.S.T. BOARD. UPON
12 RECEIPT OF THE NOTIFICATION, THE P.O.S.T. BOARD SHALL NOTIFY THE
13 CERTIFICATE HOLDER OF THE CERTIFICATE HOLDER'S RIGHT TO REQUEST
14 A HEARING. UPON REQUEST OF THE P.O.S.T. BOARD, THE REPORTING
15 AGENCY SHALL PROVIDE RELEVANT DOCUMENTS RELATED TO THE
16 SUSTAINED FINDINGS OF SUBSECTION (1)(a)(III) OR (2)(a)(III). FOR THE
17 PURPOSES OF THIS SUBSECTION (3), THE RECORDS OF ANY LAW
18 ENFORCEMENT AGENCY THAT ARE SUBMITTED FOR REVIEW BY THE
19 P.O.S.T. BOARD REMAIN THE PROPERTY OF THE REPORTING LAW
20 ENFORCEMENT AGENCY AND ARE NOT SUBJECT TO PUBLIC RELEASE BY THE
21 P.O.S.T. BOARD.

22 (b) THE CERTIFICATE HOLDER MUST REQUEST A HEARING WITHIN
23 THIRTY DAYS AFTER RECEIPT OF THE P.O.S.T. BOARD'S NOTIFICATION.
24 UPON THE REQUEST BY THE CERTIFICATE HOLDER, THE P.O.S.T. BOARD
25 SHALL REFER THE MATTER TO AN ADMINISTRATIVE LAW JUDGE, WHO
26 SHALL CONDUCT A HEARING IN COMPLIANCE WITH SECTIONS 24-4-104 AND
27 24-4-105 TO DETERMINE IF THE OFFICER ENGAGED IN THE ALLEGED
28 CONDUCT.

29 (c) IF THE CERTIFICATE HOLDER EITHER DOES NOT REQUEST A
30 HEARING OR REQUESTS A HEARING AND THE ADMINISTRATIVE LAW JUDGE
31 DETERMINES, AFTER CONDUCTING THE HEARING PURSUANT TO THE RULES
32 OF THE P.O.S.T. BOARD AND IN COMPLIANCE WITH SECTIONS 24-4-104
33 AND 24-4-105, THAT THE CERTIFICATE HOLDER VIOLATED SUBSECTION
34 (1)(a)(III) OR (2)(a)(III) OF THIS SECTION, THE P.O.S.T. BOARD SHALL
35 REVOKE OR SUSPEND THE PEACE OFFICER'S CERTIFICATION PURSUANT TO
36 SUBSECTION (1)(a) OR (2)(a) OF THIS SECTION."

37 Page 13, strike lines 1 through 6.

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