

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 11-1036

BY REPRESENTATIVE(S) Gardner D., Acree, Barker, Fields, Fischer, Hulinghorst, Kagan, Labuda, Lee, Levy, Massey, Nikkel, Pace, Ryden, Schafer S., Solano, Stephens, Swerdfeger, Todd, Tyler, Wilson;
also SENATOR(S) King S., Aguilar, Boyd, Carroll, Giron, Guzman, Jahn, Johnston, Lundberg, Morse, Newell, Nicholson, Spence.

CONCERNING THE CREATION OF AN EMERGENCY ALERT SYSTEM TO NOTIFY THE PUBLIC IMMEDIATELY OF THE IMMINENT DANGER POSED BY A SUSPECT WHO HAS KILLED OR SERIOUSLY INJURED A PEACE OFFICER.

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

SECTION 1. Part 4 of article 33.5 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-33.5-416.5. Blue alert program - definitions - rules. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(a) A PERSON WHO KILLS OR INFLECTS A LIFE-THREATENING INJURY UPON A PEACE OFFICER POSES A SERIOUS AND IMMINENT THREAT TO THE SAFETY OF THE PUBLIC;

(b) WHEN A PERSON KILLS OR INFLECTS A LIFE-THREATENING INJURY

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

UPON PEACE OFFICER, THE FIRST FEW HOURS AFTER THE ACT ARE CRITICALLY IMPORTANT TO APPREHENDING THE PERSON; AND

(c) IT IS THEREFORE NECESSARY TO CREATE AN ALERT SYSTEM TO FACILITATE THE IMMEDIATE APPREHENSION OF SUCH PERSONS BY LAW ENFORCEMENT AGENCIES OF THE STATE.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "BLUE ALERT" MEANS AN ALERT ISSUED BY THE BUREAU PURSUANT TO THE PROVISIONS OF THIS SECTION.

(b) "DESIGNATED BROADCASTER" MEANS A BROADCASTER THAT IS DESIGNATED BY RULES PROMULGATED PURSUANT TO PARAGRAPH (e) OF SUBSECTION (4) OF THIS SECTION TO RECEIVE AND BROADCAST A BLUE ALERT.

(c) "NOTIFICATION PERIOD" MEANS THE PERIOD OF TIME ESTABLISHED BY RULES PROMULGATED PURSUANT TO PARAGRAPH (c) OF SUBSECTION (4) OF THIS SECTION, DURING WHICH TIME A BLUE ALERT SHALL REMAIN EFFECTIVE UNLESS IT IS CANCELLED BY THE BUREAU AS DESCRIBED IN PARAGRAPH (g) OF SUBSECTION (3) OF THIS SECTION.

(d) "PEACE OFFICER" MEANS:

(I) ANY PEACE OFFICER DESCRIBED BY THE PROVISIONS OF PART 1 OF ARTICLE 2.5 OF TITLE 16, C.R.S.; AND

(II) A FEDERAL LAW ENFORCEMENT OFFICER WHO IS AUTHORIZED TO CARRY A FIREARM AND MAKE ARRESTS FOR VIOLATIONS OF FEDERAL LAW.

(e) "PROGRAM" MEANS THE BLUE ALERT PROGRAM CREATED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION.

(3) (a) TO FACILITATE THE IMMEDIATE APPREHENSION OF PERSONS WHO KILL OR INFLICT LIFE-THREATENING INJURIES UPON PEACE OFFICERS, THERE IS HEREBY CREATED THE BLUE ALERT PROGRAM TO BE IMPLEMENTED BY THE BUREAU ON AND AFTER JANUARY 1, 2012. THE PROGRAM SHALL BE A COORDINATED EFFORT AMONG THE BUREAU, LAW ENFORCEMENT

AGENCIES, AND THE STATE'S PUBLIC AND COMMERCIAL TELEVISION AND RADIO BROADCASTERS.

(b) USING PROCEDURES ESTABLISHED BY RULES PROMULGATED PURSUANT TO SUBSECTION (4) OF THIS SECTION, A LAW ENFORCEMENT AGENCY MAY NOTIFY THE BUREAU AFTER VERIFYING THAT A PEACE OFFICER HAS BEEN KILLED OR HAS RECEIVED A LIFE-THREATENING INJURY AND THE SUSPECT OR SUSPECTS HAVE FLED THE SCENE OF THE OFFENSE.

(c) UPON RECEIPT OF A NOTICE FROM A LAW ENFORCEMENT AGENCY THAT A PEACE OFFICER HAS BEEN KILLED OR HAS RECEIVED A LIFE-THREATENING INJURY AND THE SUSPECT OR SUSPECTS HAVE FLED THE SCENE OF THE OFFENSE, THE BUREAU, USING PROCEDURES ESTABLISHED BY RULES PROMULGATED PURSUANT TO SUBSECTION (4) OF THIS SECTION, SHALL CONFIRM THE ACCURACY OF THE INFORMATION AND ISSUE A BLUE ALERT.

(d) THE BUREAU SHALL SEND THE BLUE ALERT, INCLUDING THE NOTIFICATION PERIOD ASSOCIATED WITH THE BLUE ALERT, TO EACH DESIGNATED BROADCASTER TO BE BROADCAST AT DESIGNATED INTERVALS AS SPECIFIED IN RULES PROMULGATED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

(e) A BLUE ALERT SHALL INCLUDE:

(I) ALL APPROPRIATE INFORMATION THAT THE REPORTING LAW ENFORCEMENT AGENCY HAS THAT MAY ASSIST IN THE APPREHENSION OF THE SUSPECT OR SUSPECTS;

(II) A STATEMENT INSTRUCTING ANYONE WITH INFORMATION RELATED TO THE KILLING OR INJURING OF THE PEACE OFFICER TO CONTACT HIS OR HER LOCAL LAW ENFORCEMENT AGENCY; AND

(III) A WARNING THAT THE SUSPECT OR SUSPECTS ARE DANGEROUS AND THAT MEMBERS OF THE PUBLIC SHOULD NOT ATTEMPT TO APPREHEND THE SUSPECT OR SUSPECTS THEMSELVES.

(f) A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY THAT LOCATES OR APPREHENDS THE SUSPECT OR SUSPECTS SHALL NOTIFY THE BUREAU AS SOON AS PRACTICABLE OF SUCH FACT.

(g) A BLUE ALERT SHALL BE CANCELLED WHEN THE BUREAU NOTIFIES THE DESIGNATED BROADCASTER THAT THE SUSPECT OR SUSPECTS HAVE BEEN APPREHENDED OR AT THE END OF THE NOTIFICATION PERIOD, WHICHEVER OCCURS FIRST.

(4) ON OR BEFORE NOVEMBER 1, 2011, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY SHALL PROMULGATE RULES IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF THIS TITLE, FOR THE IMPLEMENTATION OF THE PROGRAM. THE RULES SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) PROCEDURES FOR A LAW ENFORCEMENT AGENCY TO USE TO NOTIFY THE BUREAU THAT A PEACE OFFICER HAS BEEN KILLED OR HAS RECEIVED A LIFE-THREATENING INJURY AND THE SUSPECT OR SUSPECTS HAVE FLED THE SCENE OF THE OFFENSE;

(b) PROCEDURES FOR THE BUREAU TO FOLLOW IN CONFIRMING THE REPORTING LAW ENFORCEMENT AGENCY'S INFORMATION AND REPORTING THE INFORMATION TO EACH DESIGNATED BROADCASTER;

(c) THE ESTABLISHMENT OF A NOTIFICATION PERIOD TO BE USED FOR EACH BLUE ALERT;

(d) THE INTERVALS AT WHICH DESIGNATED BROADCASTERS SHALL ISSUE A BLUE ALERT; AND

(e) A LIST OF DESIGNATED BROADCASTERS WHO HAVE VOLUNTEERED TO PARTICIPATE IN THE BROADCASTING OF BLUE ALERTS.

SECTION 2. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO