

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 20-0078.01 Michael Dohr x4347

HOUSE BILL 20-1106

HOUSE SPONSORSHIP

Williams D., Soper, Humphrey, McKean, Geitner, Sandridge, Liston, Baisley

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES LIMITING THE PUBLIC INSPECTION OF**
102 **INTERNAL INVESTIGATIONS.**

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>.)

Under current law, any completed internal investigation file is open for public inspection. In the case of an exonerated officer, the bill states that the investigation file is only available for inspection if a court issues an order of inspection after finding the requester has a compelling interest in inspecting the investigation file and the requester is a party to the investigation, the complainant, or a person who can demonstrate a

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.

viable interest in the investigation.

The bill allows an agency complying with a request for an internal investigation file to bill a reasonable fee for the time involved in complying with the request.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-72-303, **amend**
3 (4)(a); and **add** (4)(i) as follows:

4 **24-72-303. Records of official actions required - open to**
5 **inspection - applicability.** (4) (a) (I) EXCEPT AS PROVIDED IN
6 SUBSECTION (4)(a)(II) OF THIS SECTION, upon completion of an internal
7 investigation, including any appeals process, that examines the in-uniform
8 or on-duty conduct of a peace officer, as described in part 1 of article 2.5
9 of title 16, related to a specific, identifiable incident of alleged
10 misconduct involving a member of the public, the entire investigation file,
11 including the witness interviews, video and audio recordings, transcripts,
12 documentary evidence, investigative notes, and final departmental
13 decision, is open for public inspection upon request; except that the
14 custodian may first provide the requester with a summary of the
15 investigation file and if, after reviewing the summary, the requester
16 requests access to the investigation file, the custodian shall provide access
17 to the entire investigation file subject to the provisions of subsections
18 (4)(b), (4)(c), and (4)(d) of this section.

19 (II) THE INVESTIGATION FILE OF A COMPLETED INTERNAL
20 INVESTIGATION, INCLUDING ANY APPEALS PROCESS, THAT EXAMINES THE
21 IN-UNIFORM OR ON-DUTY CONDUCT OF A PEACE OFFICER, AS DESCRIBED IN
22 PART 1 OF ARTICLE 2.5 OF TITLE 16, RELATED TO A SPECIFIC, IDENTIFIABLE
23 INCIDENT OF MISCONDUCT INVOLVING A MEMBER OF THE PUBLIC IN WHICH

1 THE OFFICER IS EXONERATED IS NOT OPEN TO PUBLIC INSPECTION; EXCEPT
2 THAT A PARTY TO THE INVESTIGATION, THE COMPLAINANT, OR A PERSON
3 WHO CAN DEMONSTRATE A VIABLE INTEREST IN THE INVESTIGATION WHO
4 WANTS ACCESS TO THE INVESTIGATION FILE SHALL FILE A PETITION IN THE
5 DISTRICT COURT IN THE COUNTY WHERE THE RECORDS ARE LOCATED FOR
6 AN ORDER DIRECTING THE CUSTODIAN TO PROVIDE THE ENTIRE
7 INVESTIGATION FILE. THE PETITIONER MUST DEMONSTRATE THAT HE OR
8 SHE IS A PARTY TO THE INVESTIGATION OR THE COMPLAINANT OR, IF HE OR
9 SHE IS A PERSON WITH A VIABLE INTEREST IN THE INVESTIGATION, MUST
10 DEMONSTRATE THE BASIS FOR INTEREST IN THE INVESTIGATION AND
11 ALLEGE A COMPELLING INTEREST FOR WANTING ACCESS TO THE
12 INVESTIGATION FILE. THE COURT SHALL ISSUE AN ORDER ONLY AFTER
13 FINDING A COMPELLING INTEREST EXISTS TO GRANT THE PETITIONER
14 ACCESS TO THE INVESTIGATION FILE AND, IF THE PETITIONER IS A PERSON
15 WITH A VIABLE INTEREST IN THE INVESTIGATION, FINDING THAT THE
16 PETITIONER HAS A VIABLE INTEREST IN THE INVESTIGATION. THE
17 CUSTODIAN SHALL PROVIDE ACCESS TO THE ENTIRE INVESTIGATION FILE
18 SUBJECT TO THE PROVISIONS OF SUBSECTIONS (4)(b), (4)(c), AND (4)(d) OF
19 THIS SECTION IF THE REQUESTER PRESENTS THE CUSTODIAN WITH A COURT
20 ORDER DIRECTING THE CUSTODIAN TO PROVIDE THE ENTIRE FILE.

21 (i) AN AGENCY COMPLYING WITH A REQUEST PURSUANT TO THIS
22 SUBSECTION (4) MAY BILL THE REQUESTER A REASONABLE FEE FOR THE
23 TIME REQUIRED TO COMPLETE THE REQUEST IN ADDITION TO
24 DOCUMENTATION OR COPYING COSTS.

25 **SECTION 2. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2020 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.