

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 14-0767.01 Jerry Barry x4341

HOUSE BILL 14-1191

HOUSE SPONSORSHIP

Conti, Coram, Court, Ferrandino, Rosenthal, Scott

SENATE SPONSORSHIP

King,

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF AN EMERGENCY ALERT PROGRAM TO**
102 **NOTIFY THE PUBLIC AFTER A SERIOUS HIT-AND-RUN ACCIDENT.**

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://www.leg.state.co.us/billsummaries>.)

Current law authorizes the Colorado bureau of investigation to establish several programs to alert the public of incidents when law enforcement wants the public's assistance in locating a person or suspect. The bill adds the Medina alert program when a hit-and-run accident involving a serious bodily injury or death occurs and the law enforcement

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.

SENATE
2nd Reading Unamended
March 17, 2014

HOUSE
3rd Reading Unamended
February 26, 2014

HOUSE
Amended 2nd Reading
February 25, 2014

agency has additional information concerning the suspect or the suspect's vehicle. The bill directs the executive director of the department of public safety to promulgate rules governing the program.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-33.5-416.7
3 as follows:

4 **24-33.5-416.7. Medina alert program - definitions - rules.**

5 (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

6 (a) A PERSON WHO KILLS OR INFLECTS A **SERIOUS BODILY** INJURY
7 UPON A PERSON DURING A MOTOR VEHICLE ACCIDENT AND FLEES THE
8 SCENE POSES A SERIOUS AND IMMINENT THREAT TO THE SAFETY OF THE
9 PUBLIC;

10 (b) WHEN A PERSON KILLS OR INFLECTS A **SERIOUS BODILY** INJURY
11 UPON A PERSON DURING A MOTOR VEHICLE ACCIDENT AND FLEES THE
12 SCENE, THE FIRST FEW HOURS AFTER THE ACT ARE CRITICALLY IMPORTANT
13 TO APPREHENDING THE PERSON; AND

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

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

19 (a) "DESIGNATED BROADCASTER" MEANS A BROADCASTER THAT
20 IS DESIGNATED BY RULES PROMULGATED PURSUANT TO PARAGRAPH (e) OF
21 SUBSECTION (4) OF THIS SECTION TO RECEIVE AND BROADCAST A **MEDINA**
22 ALERT.

23 (b) "HIT-AND-RUN ACCIDENT" MEANS AN INCIDENT WHEN THE
24 DRIVER OF A VEHICLE INVOLVED IN AN ACCIDENT FAILS TO STOP AT THE

1 SCENE OF THE ACCIDENT AS REQUIRED BY SECTION 42-4-1601, C.R.S.

2 (c) "MEDINA ALERT" MEANS AN ALERT ISSUED BY THE BUREAU
3 PURSUANT TO THE PROVISIONS OF THIS SECTION.

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

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

11 (f) "SERIOUS BODILY INJURY" HAS THE SAME MEANING AS DEFINED
12 IN SECTION 42-4-1601 (4) (b), C.R.S.

13 (3) (a) TO FACILITATE THE IMMEDIATE APPREHENSION OF PERSONS
14 WHO KILL OR CAUSE SERIOUS BODILY INJURY TO ANOTHER PERSON DURING
15 A HIT-AND-RUN ACCIDENT, THERE IS CREATED THE MEDINA ALERT
16 PROGRAM TO BE IMPLEMENTED BY THE BUREAU ON AND AFTER JANUARY
17 1, 2015. THE PROGRAM IS A COORDINATED EFFORT AMONG THE BUREAU,
18 LAW ENFORCEMENT AGENCIES, AND THE STATE'S PUBLIC AND
19 COMMERCIAL TELEVISION AND RADIO BROADCASTERS.

20 (b) USING PROCEDURES ESTABLISHED BY RULES PROMULGATED
21 PURSUANT TO SUBSECTION (4) OF THIS SECTION, A LAW ENFORCEMENT
22 AGENCY MAY NOTIFY THE BUREAU AFTER VERIFYING THAT:

23 (I) A PERSON HAS BEEN KILLED OR HAS SUFFERED SERIOUS BODILY
24 INJURY DURING A HIT-AND-RUN ACCIDENT; AND

25 (II) THE LAW ENFORCEMENT AGENCY HAS ADDITIONAL
26 INFORMATION CONCERNING THE SUSPECT OR THE SUSPECT'S VEHICLE,
27 INCLUDING BUT NOT LIMITED TO:

1 (A) A COMPLETE LICENSE PLATE NUMBER OF THE SUSPECT'S
2 VEHICLE;

3 (B) A PARTIAL LICENSE PLATE NUMBER AND THE MAKE, STYLE,
4 AND COLOR OF THE SUSPECT'S VEHICLE; OR

5 (C) THE IDENTITY OF THE SUSPECT.

6 (c) UPON RECEIPT OF A NOTICE FROM A LAW ENFORCEMENT
7 AGENCY THAT A PERSON HAS BEEN KILLED OR HAS SUFFERED SERIOUS
8 BODILY INJURY DURING A HIT-AND-RUN ACCIDENT AND THERE IS
9 ADDITIONAL INFORMATION CONCERNING THE SUSPECT OR THE SUSPECT'S
10 VEHICLE, THE BUREAU, USING PROCEDURES ESTABLISHED BY RULES
11 PROMULGATED PURSUANT TO SUBSECTION (4) OF THIS SECTION, SHALL
12 CONFIRM THE ACCURACY OF THE INFORMATION AND ISSUE A MEDINA
13 ALERT.

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

19 (e) A MEDINA ALERT MUST INCLUDE:

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

23 (II) A STATEMENT INSTRUCTING ANYONE WITH INFORMATION
24 RELATED TO THE HIT-AND-RUN ACCIDENT TO CONTACT HIS OR HER LOCAL
25 LAW ENFORCEMENT AGENCY; AND

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

1 THE SUSPECT OR SUSPECTS THEMSELVES.

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

5 (g) A MEDINA ALERT IS CANCELLED WHEN THE BUREAU NOTIFIES
6 THE DESIGNATED BROADCASTER THAT THE SUSPECT OR SUSPECTS HAVE
7 BEEN APPREHENDED OR AT THE END OF THE NOTIFICATION PERIOD,
8 WHICHEVER OCCURS FIRST.

9 (4) ON OR BEFORE JANUARY 1, 2015, THE EXECUTIVE DIRECTOR OF
10 THE DEPARTMENT OF PUBLIC SAFETY SHALL PROMULGATE RULES IN
11 ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT",
12 ARTICLE 4 OF THIS TITLE, FOR THE IMPLEMENTATION OF THE PROGRAM.
13 THE RULES SHALL INCLUDE BUT NEED NOT BE LIMITED TO:

14 (a) PROCEDURES FOR A LAW ENFORCEMENT AGENCY TO USE TO
15 NOTIFY THE BUREAU THAT A PERSON HAS BEEN KILLED OR HAS SUFFERED
16 SERIOUS BODILY INJURY DURING A HIT-AND-RUN ACCIDENT AND THERE IS
17 ADDITIONAL INFORMATION CONCERNING THE SUSPECT OR THE SUSPECT'S
18 VEHICLE;

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

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

24 (d) THE INTERVALS AT WHICH DESIGNATED BROADCASTERS SHALL
25 ISSUE A MEDINA ALERT; AND

26 (e) A LIST OF DESIGNATED BROADCASTERS WHO HAVE
27 VOLUNTEERED TO PARTICIPATE IN THE BROADCASTING OF MEDINA

1 ALERTS.

2 (5) THE BUREAU AND THE DEPARTMENT OF TRANSPORTATION
3 SHALL COORDINATE THE PRIORITY OF OTHER MESSAGES FOR THE PUBLIC
4 WHEN DETERMINING WHETHER TO ISSUE A MEDINA ALERT ON THE
5 DEPARTMENT OF TRANSPORTATION'S VARIABLE MESSAGE SIGNS.

6 **SECTION 2. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.