

DEPARTMENT OF LAW

Peace Officer Standards and Training Board

RULES CONCERNING CONDITIONAL PEACE OFFICER CERTIFICATION AND AUTHORITY

4 CCR 901-1

NOTICE OF EMERGENCY ADOPTION

Pursuant to § 24-31-303(1)(g), C.R.S., the Colorado Peace Officer Standards and Training Board (P.O.S.T.) has the authority “[t]o promulgate rules and regulations deemed necessary by such board for the certification of applicants to serve as peace officers . . . in the state.” The P.O.S.T. Board also has authority pursuant to the State Administrative Procedure Act, § 24-4-103(6)(a), C.R.S., to adopt an emergency rule “if the agency finds that immediate adoption of the rule is imperatively necessary to comply with a state . . . law.” The Colorado P.O.S.T. Board gives notice that the following amendments to the rules concerning conditional peace officer certification and authority are adopted on an emergency basis and will become effective on August 8, 2012.

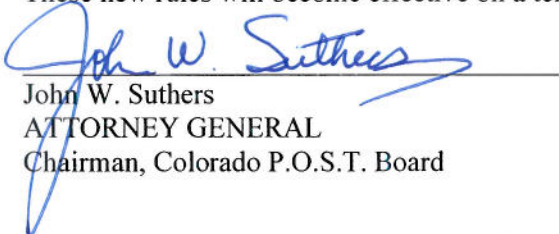
The amendments to Rules 1, 10, 15, 18 follow this notice and are incorporated by reference. The amendments are intended to ensure compliance with newly enacted state law, specifically 2012 Colorado House Bill 1163. HB 12-1163 eliminates conditional peace officer certification and authority. The amendments repeal all references to conditional peace officer certification and authority within the P.O.S.T. Board Rules.

On March 30, 2012, Governor Hickenlooper signed into law 2012 Colorado House Bill 1163, “An Act Concerning Limited Peace Officer Authority Designations.” The law will eliminate conditional peace officer certification and authority for Colorado peace officers. The law will take effect on August 8, 2012.

Rules 1, 10, 15, and 18 of the current P.O.S.T. Board Rules, 4 CCR 901-1, include language concerning conditional peace officer certification and authority. When HB 12-1163 takes effect, portions of these rules will be beyond the legal authority of the Board to carry into effect. The P.O.S.T. Board finds that the immediate adoption of these amendments is necessary to comply with state law, and thus the emergency amendments will be adopted pursuant to § 24-4-103(6)(a), C.R.S., and made effective immediately.

The Board anticipates commencement of formal rulemaking in accordance with the State Administrative Procedure Act, § 24-4-103(3), C.R.S., in the near future to consider adoption of these amended rules on a permanent basis. This emergency adoption is intended to remain in effect only until a permanent rule that complies with the provisions of HB 12-1163 can be adopted.

These new rules will become effective on a temporary basis on August 8, 2012.


John W. Suthers
ATTORNEY GENERAL
Chairman, Colorado P.O.S.T. Board

August 3, 2012
Date of Adoption
August 8, 2012
Date Effective