

DEPARTMENT OF LAW

Peace Officer Standards and Training Board

RULES CONCERNING CONDITIONAL PEACE OFFICER CERTIFICATION AND AUTHORITY

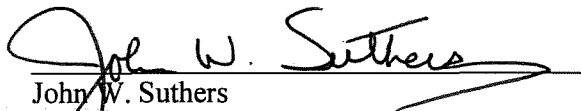
4 CCR 901-1

STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE

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.” Proposed amendments to Rules 1, 10, 15, and 18 follow this statement, and will be heard during the rulemaking hearing in accordance with the State Administrative Procedure Act, § 24-4-103(6)(a), C.R.S.

2012 Colorado House Bill 1163, “An Act Concerning Limited Peace Officer Authority Designations” eliminates conditional peace officer certification and authority for Colorado peace officers. 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. Portions of the P.O.S.T. Board Rules are thus beyond the legal authority of the Board to carry into effect.

It has been declared by the General Assembly that the Colorado Peace Officer Standards are a matter of statewide concern. The absence of valid rules to carry out the purpose of the statutes would be contrary to the public health, peace, safety, and welfare of the state. For these reasons, the P.O.S.T. Board believes that the adoption of these amendments is necessary maintain the existence of P.O.S.T. Board rules in compliance with state law.


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

September 28, 2012
Date of Adoption