

DEPARTMENT OF LAW

Peace Officer Standards and Training Board

RULES CONCERNING CONDITIONAL PEACE OFFICER CERTIFICATION AND AUTHORITY

4 CCR 901-1

NOTICE OF PROPOSED RULEMAKING AND HEARING

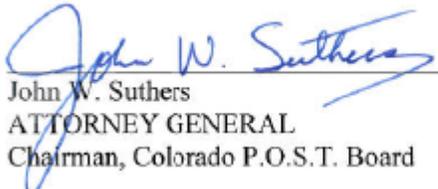
As required by the State Administrative Procedure Act, § 24-4-103(3), C.R.S., the Peace Officer Standards and Training Board gives notice of proposed rulemaking. A hearing is scheduled for **September 28, 2012 from 10 a.m. to 12 p.m. (noon)** in the Gary Konzak Training Room at 555 Ute Avenue, Grand Junction, Colorado.

A draft of the proposed amendments to Rules 1, 10, 15, and 18 follows this notice, along with a Statement of Basis, Statutory Authority, and Purpose. The Board values your feedback in our rulemaking process. Please review and consider the proposed amendments.

All interested persons will have the opportunity to testify and provide written comment concerning the rule amendments. To ensure that the hearing is prompt and efficient, oral testimony may be time-limited.

You may submit written comments by mail, email, or in person to our office anytime before the hearing. If you attend the hearing, you may submit written comments to the hearing panel as well. Additional opportunity to comment in writing may be announced at the conclusion of the hearing.

If you have any questions or would like to submit written comments, please contact our office at (303) 866-5692.



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

August 3, 2012
Date of Notice

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AUTHORITY**

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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

Date of Adoption