

HB 12-1026



BUILDING A STRONG PARTNERSHIP WITH COLORADO'S CITIES AND TOWNS

To: Members of the House Judiciary Committee
From: Meghan Storrie Legislative & Policy Advocate
Date: Jan. 24, 2012
Subject: HB 12-1026 – Concerning peace officer status for certain prosecuting municipal attorneys

HB 12-1026 - YOUR "YES" VOTE RESPECTFULLY REQUESTED

While the crimes prosecuted in municipal courts are typically considered petty offenses or misdemeanors only, the defendants are often the same people prosecuted in county court by district attorneys. The charges for municipal crimes would be much more serious if the same cases were tried at the county or district court levels on the same facts. Nevertheless, Municipal Court defendants can be sentenced upon conviction up to 1-year incarceration and/or a \$1,000 fine.

It is important that Colorado provide protections to all public employees who perform prosecutorial duties. Further, it is important that all such individuals be treated fairly and equally, especially in the name of ensuring their safety.

Currently, Colorado Statute does not give peace officer status to municipal attorneys engaged in prosecution. HB 12-1026 would confer peace officer status to municipal attorneys while engaged in prosecution and would afford them the opportunity to be certified by the Colorado P.O.S.T. Board if they so choose. The Colorado P.O.S.T. Board supports this legislation.

What HB-1026 does:

1. Confers peace officer status to municipal attorneys while engaged in prosecution.
2. Allows municipal attorneys the same statutory benefits and protections as district attorneys and other municipal officials such as:
 - Their names and addresses would not be published;
 - There would be heightened sentencing requirements for crimes committed against them;
 - They could (with proper training and certification) carry concealed firearms while performing their duties and;
 - City attorneys and prosecutors would have better access to evidence and records.

What HB-1026 does NOT do:

1. Does NOT confer full police authority to municipal attorneys.
2. Does NOT confer peace officer status to attorneys who contract with municipalities on less than a full-time basis.

The people of Colorado would benefit from more effective and efficient municipal prosecutions due to better access to certain evidence and records. The protections in peace officer status equates to better service to the public, by helping to keep safe a vital and respected group of people who play an active role in the enforcement of the law at the local level.

HB 12-1026 - YOUR "YES" VOTE RESPECTFULLY REQUESTED