A BILL FOR AN ACT

CONCERNING PROHIBITING A PEACE OFFICER FROM INTERFERING WITH A PERSON LAWFULLY RECORDING A PEACE OFFICER-INVOLVED INCIDENT.

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.)

The bill creates a private right of action against a peace officer's employing law enforcement agency if a person records an incident involving a peace officer and a peace officer destroys the recording or seizures the recording without receiving consent or obtaining a warrant or if the peace officer intentionally interferes with the recording or retaliates...
against the person making the recording. The person who recorded the peace officer incident is entitled to actual damages, a civil penalty of $15,000, and attorney fees and costs.

---

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

SECTION 1. In Colorado Revised Statutes, add 13-21-128 as follows:

13-21-128. Civil liability for destruction or unlawful seizure of recordings by a law enforcement officer - definitions.

(1) (a) NOTWITHSTANDING ANY OTHER REMEDIES PROVIDED UNDER THIS SECTION, A PERSON WHO LAWFULLY RECORDS AN INCIDENT INVOLVING A PEACE OFFICER AND HAS THAT RECORDING DESTROYED BY A PEACE OFFICER OR A PEACE OFFICER SEIZES THE RECORDING WITHOUT RECEIVING PERMISSION FROM THE PERSON TO SEIZE IT OR WITHOUT FIRST OBTAINING A WARRANT HAS A PRIVATE CIVIL RIGHT OF ACTION AGAINST THE PEACE OFFICER'S EMPLOYING LAW ENFORCEMENT AGENCY. IN THE ACTION, THE PERSON WHO RECORDED THE PEACE OFFICER INCIDENT IS ENTITLED TO ACTUAL DAMAGES, A CIVIL PENALTY OF FIFTEEN THOUSAND DOLLARS, AND ATTORNEY FEES AND COSTS.

(b) NOTWITHSTANDING ANY OTHER REMEDIES PROVIDED UNDER THIS SECTION, A PERSON WHO LAWFULLY RECORDS AN INCIDENT INVOLVING A PEACE OFFICER AND A PEACE OFFICER EITHER INTENTIONALLY INTERFERES WITH THE PERSON'S ABILITY TO RECORD THE INCIDENT OR RETALIATES AGAINST THE PERSON MAKING THE RECORDING HAS A PRIVATE CIVIL RIGHT OF ACTION AGAINST THE PEACE OFFICER'S EMPLOYING LAW ENFORCEMENT AGENCY. IN THE ACTION, THE PERSON WHO RECORDED THE PEACE OFFICER INCIDENT IS ENTITLED TO ACTUAL DAMAGES, A CIVIL PENALTY OF FIFTEEN THOUSAND DOLLARS, AND
ATTORNEY FEES AND COSTS.

(2) An action brought pursuant to this section does not preclude or limit the authority for a district attorney to charge a peace officer with tampering with physical evidence in violation of section 18-8-610, C.R.S., or any other crime.

(3) For purposes of this section, "retaliation" means a threat, act of harassment as defined in section 18-9-111, C.R.S., or act of harm or injury upon any person or property, which action is directed to or committed upon a person recording the peace officer-involved incident, as retaliation or retribution against such witness or victim.

SECTION 2. In Colorado Revised Statutes, add 16-3-311 as follows:

16-3-311. Unlawful destruction or seizure of recordings. A peace officer shall not destroy a lawful recording of a peace officer-involved incident or seize a lawful recording of a peace officer-involved incident without receiving permission from the person to seize it or without first obtaining a warrant.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.