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**STATE OF COLORADO  
DEPARTMENT OF LAW**

**Office of the Attorney General**

**DEPARTMENT OF LAW REGULATORY AGENDA  
FOR CALENDAR YEAR 2016**

This document contains the Colorado Department of Law's regulatory agenda for calendar year 2015 submitted pursuant to C.R.S. §2-7-203(2)(a)(IV).

**List of New Rules or Revisions to Existing Rules Expected to Be Proposed in CY 2016**

**A. Colorado Debt- Management Services (DMSA)**

1. Proposed Rules

- a. New rules under the DMSA defining terms used therein.
- b. New rules under the DMSA concerning records required to be retained by persons subject to the Act.
- c. Repeal of outdated existing rules under the DMSA, specifically Rule 2, Adjustment of Dollar Amounts – Consumer Price Index, and Rule 3, Insurance Cancellation Notice, 4 CCR 902-2 (7-08).
- d. New rule regarding the amount of the surety bond so that the bond amount could be based on the amount of debt under the providers' enrollment agreements.

2. Statutory Basis

The statutory basis for adoption of any proposed rules is C.R.S. §12-14.5-232(c).

3. Purpose

The purpose of the any proposed rules is to provide clarification to persons subject to the DMSA of terms used therein so they may conform their conduct to the law. Established record retention requirements result in better compliance, consumer protection, and efficient enforcement. In addition, amendments to the DMSA in 2011 repealed several statutory sections. Rules that implemented those sections are no longer needed and should be repealed for simplicity and to avoid confusion.

4. Contemplated Schedule for Adoption

Rules will likely be adopted and/or repealed by December 1, 2016.

5. Listing of Persons and Parties Affected

Persons subject to the Act, including debt-management service companies and consumers that contract with such companies, will be affected by this anticipated rulemaking.

## **B. Uniform Consumer Credit Code (UCCC)**

### **1. Proposed Rules**

- a. Amending rule 10(7) under the UCCC to clarify what records are required concerning payment and account histories.
- b. New rule regarding fees for electronic payment.
- c. New rules under the UCCC further defining terms used therein.

### **2. Statutory Basis**

The statutory basis for adoption of any proposed rules is C.R.S. §5-6-104(1)(e).

### **3. Purpose**

The purpose of the proposed rules is to provide clarification to persons subject to the UCCC. Clarified record retention requirements result in better compliance, consumer protection, and efficient enforcement.

### **4. Contemplated Schedule for Adoption**

Rules will likely be adopted and/or repealed by December 1, 2016.

### **5. Listing of Persons and Parties Affected**

Persons subject to the Act, including supervised lenders and consumers that contract with such companies, will be affected by this anticipated rulemaking.

## **C. Colorado Fair Debt Collection Practices Act (CFDCPA)**

### **1. Proposed Rules**

- a. Amend rule 1.04 under the CFDCPA regarding the process for Letters of Admonition.
- b. Amend rule 2.03(1) to clarify what “expressly authorized” means.
- c. New rule regarding what is and is not allowed as far as a payment convenience fee.
- d. New rule regarding the requirements before a collection agency may utilize ACH or other electronic payment methods in the collection of a debt.
- e. New rule clarifying the administration of 12-14-108(1)(j).

### **2. Statutory Basis**

The statutory basis for adoption of any proposed rules is C.R.S. §12-14-114.

### **3. Purpose**

The purpose of the any proposed rules is to provide clarification to persons subject to the CFDCPA of terms used therein so they may conform their conduct to the law. Clarification in definitions and processes results in better compliance, consumer protection, and efficient enforcement.

### **4. Contemplated Schedule for Adoption**

Rules will likely be adopted and/or repealed by December 1, 2016.

### **5. Listing of Persons and Parties Affected**

Persons subject to the Act, including collection agencies and consumers that are collected upon by such companies, will be affected by this anticipated rulemaking.

## **D Peace Officers Standards and Training (P.O.S.T.)**

### Proposed Rules

#### **Rule 1:**

1. Amending Rule 1, Definitions-changing the effective date of Rule 1 to January 31, 2016.
2. Amending Rule 1, Definitions - to update the description of the term “conviction”.
3. Amending Rule 1, Definitions,-to update the description of “operable firearms”.
4. Amending Rule 1, Definitions-adding definition of “practical exercise”.
5. Amending Rule 1, Definitions-adding definition of “test-out”.
6. Amending Rule 1, Definitions- by changing number sequence (dd), (ee), (ff), (gg), (hh) (ii) (jj), (kk), (ll), (mm), (nn), (oo), (pp), (qq), (rr), (ss), (tt), (uu).

#### **Rule 4:**

- a. Amending Rule 4, Subject Matter Experts-changing the effective date of Rule 4 to January 31, 2016.
- b. Amending Rule 4, Subject Matter Experts (SME)-to add the word “Committees” to the title.
- c. Amending Rule 4 (a)(b) (d), Subject Matter Experts-to update and clarify who shall appoint committees of subject matter experts, the number of subject matter members in each committee.
- d. Amending Rule 4 (c)(f)(g)(h), Subject Matter Experts- by adding language that describes what constitutes a quorum, the qualifications of subject matter experts, member terms, member compensation and duties of the committee.
- e. Amending Rule 4, Subject Matter Experts-by adding number sequence (dd), (ee), (ff), (gg), (hh) (ii) (jj), (kk), (ll), (mm), (nn), (oo), (pp), (qq), (rr), (ss), (tt), (uu).

#### **Rule 5:**

- a. Amending Rule 5, Hearings- changing the effective date of Rule 5 to January 31, 2016.
- b. Amending Rule 5(b), Hearings-removing the following language “an original and twenty (20) copies”.

- c. Amending Rule 5(c), Hearings-removing the following language “an original and twenty (20) copies”.

**Rule 7:**

- a. Amending Rule 7, Variances-changing the effective date of Rule 7 to January 31, 2016.
- b. Amending Rule 7(a), Variances-removing “The Board has promulgated these rules to ensure orderly and fair treatment of all applicants. Therefore, variances are disfavored, however”.

**Rule 8:**

- a. Amending Rule 8, Appeal Process for Peace Officer Applicants Certification changing the effective date of Rule 8 to January 31, 2016.
- b. Amending Rule 8 (a), Appeal Process for Peace Officer Applicants Certification by adding to the end of paragraph a “until such time as the charges are dismissed”.

**Rule 9:**

- a. Amending Rule 9, Revocation Hearings for Criminal Conduct- changing the effective date of Rule 9 to January 31, 2016.
- b. Amending Rule 9(a), Revocation Hearings for Criminal Conduct- by adding the following language to the end of paragraph 9(a) “until such time as the charges are dismissed”.

**Rule 10:**

- a. Amending Rule 10, Basic Peace Officer Certification- changing the effective date of Rule 10 to January 31, 2016.
- b. Amending Rule 10(a) (VI), Basic Peace Officer Certification-by changing the numerical sequence by adding number (V) in front of paragraph 5 and changing paragraph V to VI and paragraph VI to VII and adding paragraphVIII.
- c. Amending Rule 10(a) (V), Basic Peace Officer Certification-by adding at the beginning of the paragraph “if applicable, submits a copy of his/her DD214 showing he/she”.
- d. Amending Rule 10(a) (VI), Basic Peace Officer Certification-by adding “within two years of their academy graduation end date and”.

- e. Adding Rule 10(a) (VIII), Basic Peace Officer Certification-“Possesses and submits a copy of his/her current Colorado driver’s license or state-issued identification card”.
- f. Amending Rule 10 (f), Basic Peace Officer Certification- by removing the entire paragraph “person desiring additional time to complete the basic certification requirements”.

**Rule 11:**

- a. Amending Rule 11, Basic Peace Officer Certification- changing the effective date of Rule 11 to January 31, 2016.
- b. Amending Rule 11 (a), Basic Peace Officer Certification-by updating the paragraph to reflect the following: “The provisional applicant must be fully certified within the preceding three years and have served as a certified law enforcement officer in good standing in such other state or federal jurisdiction for more than one year”.
- c. Amending Rule 11(V), Basic Peace Officer Certification-by deleting the first sentence “Pass the certification examination pursuant to Rule 15 or” and replacing it with “If leaving active out-of-state (the state in which the individual is certified) or federal peace officer employment, within six (6) months from the date of issuance of the provisional certification, pass the written certification exam.

**Rule 12:**

- a. Amending Rule 12, Reserve Certification- changing the effective date of Rule 12 to January 31, 2016.
- b. Amending Rule 12(a) (V), Reserve Certification-by adding at the beginning of the paragraph “if applicable, submits a copy of his/her DD214 showing he/she”.
- c. Adding Rule 12(a) (VII), Reserve Certification-“Possesses and submits a copy of his/her current Colorado driver’s license or state-issued identification card”.
- d. Amending Rule 12(a), Reserve Certification-by changing the numerical sequence by adding number (V) in front of paragraph 5 and changing paragraph V to VI and paragraph VI to VII.

**Rule 13:**

- a. Amending Rule 13, Renewal of Basic Certification- changing the effective date of Rule 13 to January 31, 2016.

- b. Amending Rule 13(a), Renewal of Basic Certification- by removing “Is not serving and” and updating it to “Has not served as a peace officer or reserve peace officer within the previous three (3) years; and”.
- c. Amending Rule 13, Renewal of Basic Certification-by adding paragraph (V) “If leaving active out-of-state (the state in which the individual is certified) or federal peace officer employment, within six (6) months from the date of issuance of the provisional certification, pass the written certification exam”.
- d. Amending Rule 13, Renewal of Basic Certification-by adding paragraph (h) “Individuals renewing their certification must complete a psychological/physical examination pursuant to 24-31-303 (4) C.R.S. prior to becoming employed”.

**Rule 14:**

- a. Amending Rule 14, Fingerprint-Based Criminal History Record Check- changing the effective date of Rule 14 to January 31, 2016.
- b. Amending Rule 14(d) (V), Fingerprint-Based Criminal History Record Check-
- c. Amending Rule 14(f) (IV), Fingerprint-Based Criminal History Record Check- by updating paragraph IV by adding “The enrollment roster will be completed on the POST template provided by POST to the academy director. Each enrollment roster spreadsheet shall contain the following information:”
- d. Amending Rule 14(f) (IV) (A), Fingerprint-Based Criminal History Record Check-by removing “Name of academy; and”.
- e. Amending Rule 14(f) (IV) (B), Fingerprint-Based Criminal History Record Check-by removing “Start and end dates of the academy; and”.
- f. Amending Rule 14(f) (IV) (C), Fingerprint-Based Criminal History Record Check-by sequential order to paragraph (A).
- g. Amending Rule 14(f) (IV) (D), Fingerprint-Based Criminal History Record Check-by changing sequential order to paragraph (B).
- h. Amending Rule 14(f) (IV) (E), Fingerprint-Based Criminal History Record Check-by changing sequential order to paragraph (C).
- i. Amending Rule 14(f) (IV) (D), Fingerprint-Based Criminal History Record Check-by adding paragraph (D) “Once entered into the POST database, the spreadsheet roster will be returned to the academy director. The spreadsheet with all completed information will be returned to POST staff within 30 days”.
- j. Amending Rule 14(g) (I), Fingerprint-Based Criminal History Record Check- by changing POST Rule 7 to POST Rule 8, Variances”.

- k. Amending Rule 14(g) (II), Fingerprint-Based Criminal History Record Check-by changing POST Rule 7 to POST Rule 8, Variances”.
- l. Amending Rule 14(g), Fingerprint-Based Criminal History Record Check-by adding paragraph (IV) “Any Colorado juvenile adjudication shall not be deemed a conviction. Those applicants can sit for the POST certification exam”.

**Rule 15:**

- a. Amending Rule 15, Certification Examination, Basic, Provisional, Renewal- changing the effective date of Rule 15 to January 31, 2016.
- b. Amending Rule 15 (a), Certification Examination, Basic, Provisional, Renewal- by correcting grammatical errors so that the sentence reads “To be eligible to take the certification examination, an applicant must have completed and submitted to POST as applicable, either:
- c. Amending Rule 15 (a), Certification Examination, Basic, Provisional, Renewal- by adding paragraph (V) “A copy of his/her current driver’s license or state issued identification card; and”
- d. Amending Rule 15 (a), Certification Examination, Basic, Provisional, Renewal- by adding paragraph (VI) “If applicable, a copy of his/her DD-214 showing character of service”.
- e. Amending Rule 15 (a) (VI), Certification Examination, Basic, Provisional, Renewal-by changing numerical numbering of (VI) to (VII).
- f. Amending Rule 15 (d), Certification Examination, Basic, Provisional, Renewal- by adding the following language to existing language “Any applicant failing perishable skill(s) in the academy has two years from their current academy end date to retake and successfully complete the failed skills(s) and successfully complete the POST examination”.
- g. Amending Rule 15 (d), Certification Examination, Basic, Provisional, Renewal- by removing the following language “the three attempts must be completed within two (2) years after completion of the academy”.
- h. Amending Rule 15 (f), Certification Examination, Basic, Provisional, Renewal- by replacing “photo ID” with State issued driver’s license or identification card”.
- i. Amending Rule 15 (g), Certification Examination, Basic, Provisional, Renewal- by removing “this rule will go into effect upon the implementation of the reformulated items for the POST certification exam”.

**Rule 16:**

- a. Amending Rule 16, Skills Examinations for Provisional and Renewal Applicants- changing the effective date of Rule 16 to January 31, 2016.
- b. Amending Rule 16 (c), Skills Examinations for Provisional and Renewal Applicants-to read “Any applicant failing a skills examination may retake the examination, with the payment of an additional examination fee. Any person failing any skills examination three (3) times must successfully complete the skills training for that particular skill in a basic or reserve academy before he/she may be certified”.

**Rule 17:**

- a. Amending Rule 17, Certification Records- by changing the effective date of Rule 17 to January 31, 2016.
- b. Amending Rule 17, Certification Records-by adding paragraph (C) “When any individual is appointed as a provisionally certified, reserve certified, or basic certified peace officer in the State of Colorado, to an agency pursuant to C.R.S. 16-2.5.102, A psychological/physical examination will be completed. An agency representative shall complete a psychological/physical affirmation (Form 6) through the POST portal and submit it through the portal prior to the appointment of the peace officer”.
- c. Amending Rule 17, Certification Records-by changing paragraph (e) to (d).

**Rule 18:**

- a. Amending Rule 18, Certification Records- by changing the effective date of Rule 18 to January 31, 2016.
- b. Amending Rule 18, Certification Records-by adding paragraph (B) “The POST Board shall suspend a peace officer’s certification if the peace officer fails to comply with the training requirements of House Bill 15-1287. The POST Board shall reinstate a peace officer’s certification that was suspended pursuant to this paragraph (A) upon completion of the training requirements in subsection (1) of House Bill 15-1287”.
- c. Amending Rule 18, Certification Records- by changing paragraph (b) to (c).

**Rule 24:**

- a. Amending Rule 24, Skills Training Safety and Skills Program Requirements for Basic and Reserve Academies- by changing the effective date of Rule 24to January 31, 2016.

- b. Amending Rule 24(b) (III), Skills Training Safety and Skills Program Requirements for Basic and Reserve Academies-by adding “immediately before use” at the end of paragraph III.
- c. Amending Rule 24(b) (VIII), Skills Training Safety and Skills Program Requirements for Basic and Reserve Academies-by adding “Lab hours are defined as any hands-on skills training” to the end of the paragraph (VIII).
- d. Amending Rule 24(d) (1), Skills Training Safety and Skills Program Requirements for Basic and Reserve Academies-by adding the word “academy” before the word program in the first paragraph.

**Rule 25:**

- a. Amending Rule 25, Academy Instructor Training Programs- by changing the effective date of Rule 25 to January 31, 2016.
- b. Amending Rule 25 (a), Academy Instructor Training Programs- by adding “Instructor Programs” to the sentence. It should read “Only the following four (4) Colorado POST academy instructor training programs (Instructor Programs) shall be recognized under this Rule:”
- c. Amending Rule 25(b), Academy Instructor Training Programs-by removing “academy instructor training program” and replacing it with “Instructor Programs”.
- d. Amending Rule 25(c), Academy Instructor Training Programs -by removing “academy instructor training programs” and replacing it with “Instructor Programs”.
- e. Amending Rule 25(c) (1), Academy Instructor Training Programs -by removing “academy instructor training program” and replacing it with “Instructor Program”.
- f. Amending Rule 25(c) (1), Academy Instructor Training Programs -by removing “program” and replacing it with “training class”.
- g. Amending Rule 25(c) (1), Academy Instructor Training Programs -by adding the following language “If a continuing program does not complete at least one (1) approved training class in any consecutive five (5) year period, approval of the program shall expire. An expired program must be submitted to POST for approval as a new program and be approved prior to providing any instruction”.
- h. Amending Rule 25(c) (1I), Academy Instructor Training Programs -by removing “of a continuing academy instructor program training program” in the first and last sentence of the paragraph.

- i. Amending Rule 25(c) (1I) (B), Academy Instructor Training Programs –by replacing “other than during” with “outside of” normal weekday business hours, a schedule that accurately displays the dates and times when instruction will be conducted and adding “must be provided” to the end of the sentence.
- j. Amending Rule 25(c) (1I) (f), Academy Instructor Training Programs -by changing the sequence from “(f)” to “(III) and removing “of any new or continuing academy instructor training program”.
- k. Amending Rule 25(c) (1I) (I), Academy Instructor Training Programs –by changing the sequence from “(I)” to “(A)”.
- l. Amending Rule 25(c) (1I) (II), Academy Instructor Training Programs –by changing the sequence from “(II)” to “(B)”.
- m. Amending Rule 25(c) (1I) (III), Academy Instructor Training Programs –by changing the sequence from “(III)” to “(C)”.
- n. Amending Rule 25(d) (I), Academy Instructor Training Programs –by amending the paragraph to read “A new Instructor Program is a recognized program that has either never conducted approved training, or a previously approved program that has not conducted approved training within the previous five (5) years”.
- o. Amending Rule 25(d) (II), Academy Instructor Training Programs- by amending the paragraph to read “The program director of a proposed new Instructor Program is advised to contact POST at least ninety (90) days prior to the anticipated start date to ascertain application procedures and deadlines for submitting the required documentation to POST for approval”.
- p. Amending Rule 25(d) (II) (A), Academy Instructor Training Programs-by deleting the entire paragraph.
- q. Amending Rule 25(d) (II) (B), Academy Instructor Training Programs-by deleting the entire paragraph.
- r. Amending Rule 25(d) (II) (C), Academy Instructor Training Programs-by deleting the entire paragraph.
- s. Amending Rule 25(d) (II) (D), Academy Instructor Training Programs-by deleting the entire paragraph.
- t. Amending Rule 25(d) (II) (E), Academy Instructor Training Programs-by deleting the entire paragraph.
- u. Amending Rule 25(d) (III), Academy Instructor Training Programs-by adding the following language “Required documentation for a new Instructor Program may include, but is not limited to, the program’s lesson plan, instructor documents and site video”.

- v. Amending Rule 25(d) (III), Academy Instructor Training Programs-by changing the sequence from (III) to (IV) and the paragraph is amended to read “The program director must also ensure that the documents listed in paragraph (c) (11) of this Rule are received at POST at least thirty (30) days prior to the start of instruction”.
- w. Amending Rule 25(d) (II) (A), Academy Instructor Training Programs-by deleting the entire paragraph.
- x. Amending Rule 25(e) Lesson Plans, Academy Instructor Training Programs-by adding the following:

(e) LESSON PLANS

- (I) EACH LESSON PLAN OF A RECOGNIZED INSTRUCTOR PROGRAM MUST INCLUDE THE FOLLOWING INFORMATION, AS APPLICABLE:
  - (A) PROGRAM PROVIDER’S NAME OR AGENCY; AND
  - (B) PROGRAM TITLE AS SPECIFIED IN THE APPLICABLE POST INSTRUCTOR PROGRAM; AND
  - (C) MOST RECENT DATE THE LESSON PLAN WAS CREATED OR REVISED, AND NAME(S) OF THE PERSON(S) WHO CREATED OR REVISED IT; AND
  - (D) NUMBER OF ACTUAL HOURS THE PROGRAM WILL BE INSTRUCTED, AND THE NUMBER OF HOURS REQUIRED BY THE POST INSTRUCTOR PROGRAM; AND
  - (E) LEARNING GOALS, COURSE OBJECTIVES AND/OR PERFORMANCE OUTCOMES; AND
  - (F) INSTRUCTIONAL CONTENT OF THE COURSE THAT SUBSTANTIATES THE STATED GOALS, OBJECTIVES AND/OR PERFORMANCE OUTCOMES MEET THE POST REQUIREMENTS; AND
  - (G) TESTING AND/OR ASSESSMENT METHODS UTILIZED TO MEASURE THE OBJECTIVES AND/OR PERFORMANCE OUTCOMES; AND

- (H) A COPY OF ANY HANDOUTS, MULTIMEDIA AND/OR POWERPOINT PRESENTATIONS THAT WILL BE USED DURING THE INSTRUCTION.
  - (II) THE PROGRAM DIRECTOR SHALL ENSURE THAT EACH LESSON PLAN IS UPDATED, AS NECESSARY, TO CONFIRM THE CONTENT COMPLIES WITH CURRENT POST PROGRAM REQUIREMENTS AND POST RULES.
  - (III) THE CURRENT LESSON PLAN MUST BE PRESENT AT THE SITE OF INSTRUCTION WHENEVER TRAINING FOR THE INSTRUCTOR PROGRAM IS BEING CONDUCTED.
  - (IV) IF A PROVIDER SEEKS TO UTILIZE A SUBSTANTIALLY DIFFERENT LESSON PLAN THAN THE ONE INITIALLY APPROVED, THE LESSON PLAN MUST BE RESUBMITTED TO POST FOR APPROVAL.
  - (V) THE PROGRAM DIRECTOR SHALL ENSURE THAT ALL INSTRUCTORS WHO TEACH ANY PORTION OF AN INSTRUCTOR PROGRAM FOR A PARTICULAR PROVIDER UTILIZE ONLY THE LESSON PLAN SPECIFIC TO THAT PROVIDER.
- y. Amending Rule 25(f) Attendance, Academy Instructor Training Programs-by adding the following:

(f) ATTENDANCE

- (I) FOR ALL HOURS OF AN APPROVED INSTRUCTOR PROGRAM FOR ARREST CONTROL, HANDGUN, OR LAW ENFORCEMENT DRIVING, 100% ATTENDANCE AND PARTICIPATION ARE REQUIRED.
- (II) FOR INSTRUCTION METHODOLOGY PROGRAMS, ENROLLEES ARE EXPECTED TO ATTEND AND PARTICIPATE IN ALL REQUIRED HOURS OF THE APPROVED PROGRAM.

- z. Amending Rule 25(g) Training Sites, Academy Instructor Training Programs-by adding the following:

(g) TRAINING SITES

- (I) UPON THE EFFECTIVE DATE OF THIS RULE, ONLY POST APPROVED SITES SHALL BE UTILIZED TO CONDUCT ANY *PRACTICAL SKILLS TRAINING* OF THE INSTRUCTOR PROGRAMS FOR ARREST CONTROL, HANDGUN, OR LAW ENFORCEMENT DRIVING.
- (II) SITES FOR *LECTURE PORTIONS* OF THE SKILLS INSTRUCTOR PROGRAMS AS WELL AS SITES FOR INSTRUCTION METHODOLOGY PROGRAMS DO NOT REQUIRE POST APPROVAL. HOWEVER, SUCH SITES MUST BE SAFE AND APPROPRIATE FOR THE NATURE AND SCOPE OF LECTURE PROVIDED.
- (III) SITES THAT ARE CURRENTLY APPROVED FOR SKILLS TRAINING AT POST APPROVED BASIC, RESERVE OR REFRESHER ACADEMIES MAY BE UTILIZED FOR CONDUCTING THE SAME NATURE OF PRACTICAL SKILLS TRAINING FOR INSTRUCTOR PROGRAMS.
- (IV) THE PROGRAM DIRECTOR IS RESPONSIBLE FOR CONFIRMING WITH POST THAT ALL OF ITS SITES FOR PRACTICAL SKILLS TRAINING ARE CURRENTLY APPROVED.
- (V) IF AN APPROVED SITE IS NOT UTILIZED DURING ANY CONSECUTIVE THREE (3) YEAR PERIOD FOR THE TYPE OF TRAINING FOR WHICH THE SITE WAS APPROVED, SITE APPROVAL EXPIRES. BEFORE TRAINING CAN RESUME AT AN EXPIRED SITE, THE SITE MUST BE SUBMITTED FOR APPROVAL AND APPROVED BY POST IN CONSULTATION WITH THE APPROPRIATE SUBJECT MATTER EXPERT (SME) COMMITTEE.
- (VI) TO REQUEST APPROVAL OF A NEW OR EXPIRED SITE OF *PRACTICAL SKILLS TRAINING*, THE FOLLOWING ITEMS MUST BE SUBMITTED TO POST:
  - (A) VIDEO IN A DIGITAL MEDIA FORMAT APPROVED BY POST THAT ACCURATELY DEPICTS THE SITE WHERE INSTRUCTION IS TO TAKE PLACE; AND
  - (B) A DETAILED DESCRIPTION OF THE SITE MUST BE INCLUDED, EITHER AS VERBAL NARRATIVE ON THE VIDEO OR AS A WRITTEN SUPPLEMENT.

z. Amending Rule 25(h) Duty to Report, Academy Instructor Training Programs-  
by adding the following:

(h) DUTY TO REPORT

(I) THE PROGRAM DIRECTOR SHALL ENSURE THAT ALL INSTRUCTORS WHO TEACH ANY PORTION OF AN INSTRUCTOR PROGRAM ARE FAMILIAR WITH THIS SECTION (H), DUTY TO REPORT.

(II) IN ADDITION TO ANY NOTIFICATIONS THAT MAY BE REQUIRED ADMINISTRATIVELY OR UNDER FEDERAL, STATE OR LOCAL LAW, IT SHALL BE THE DUTY OF EVERY PROGRAM DIRECTOR OR HIS DESIGNEE TO REPORT THE FOLLOWING EVENTS TO POST AS SOON AS PRACTICABLE AFTER THE EVENT:

(A) ANY DEATH, GUNSHOT WOUND OR SERIOUS BODILY INJURY (SBI) THAT OCCURS TO ANY PERSON WHOSE DEATH, GUNSHOT WOUND OR SERIOUS BODILY INJURY WAS EITHER CAUSED BY, OR MAY HAVE BEEN CAUSED BY, ANY TRAINING OR ACTIVITY ASSOCIATED WITH THE PROGRAM; OR

(B) ANY BODILY INJURY THAT OCCURS TO ANY PERSON WHO IS NOT AFFILIATED WITH THE PROGRAM, I.E., AN INNOCENT BYSTANDER, WHOSE BODILY INJURY WAS EITHER CAUSED BY, OR MAY HAVE BEEN CAUSED BY, ANY TRAINING OR ACTIVITY ASSOCIATED WITH THE PROGRAM.

(III) TRAINING TO CEASE

(A) IN THE EVENT OF ANY DEATH OR GUNSHOT WOUND AS DESCRIBED IN PARAGRAPH (H)(I)(A) OF THIS SECTION, ALL TRAINING SHALL IMMEDIATELY CEASE AT THE TRAINING SITE WHERE THE DEATH OR GUNSHOT WOUND OCCURRED.

(B) TRAINING MAY RESUME ONLY AFTER THE BOARD OR ITS DESIGNATED REPRESENTATIVE(S) HAVE ENSURED THAT THE PROGRAM IS OPERATING IN COMPLIANCE WITH POST RULES.

(IV) SERIOUS BODILY INJURY MEANS THOSE INJURIES AS DEFINED IN §18-1-901(3)(P), C.R.S.

(V) BODILY INJURY MEANS THOSE INJURIES AS DEFINED IN §18-1-901(3)(C), C.R.S.

a. Amending Rule 25(i) Instructors, Academy Instructor Training Programs-by changing the following:

~~(e)~~(i) Instructors-

(I) ~~Instructors~~ ~~For new academy instructor training programs~~ **Instructor Programs, all instructors** shall be approved BY POST in accordance with the minimum instructor qualifications identified in the applicable ~~academy instructor training program~~ **Instructor Program**.

(II) For **continuing** ~~academy instructor training programs~~ **Instructor Programs**, the program director shall ensure that all instructors who instruct any portion of the program meet the minimum instructor qualifications identified in the applicable ~~instructor training program~~ **Instructor Program**.

aa. Amending Rule 25(j) Certificates of Completion, Academy Instructor Training Programs-by changing the following:

~~(g)~~(j) Certificates of completion-

(I) The program director shall issue a certificate of completion to each individual who successfully completes all requirements of the approved ~~academy instructor training program~~ **Instructor Program**.

(II) Each certificate of completion shall contain at least the following information:

(A) The exact name of the ~~academy instructor training program~~ **Instructor Program** as it appears in Section (a) of this Rule; ;  
**and**

~~(1) —Instruction Methodology Program; or~~

~~(2) —Arrest Control Instructor Program; or~~

~~(3) — Handgun Instructor Program; or~~

~~(4) — Law Enforcement Driving Instructor Program; and~~

- (B) The exact words “POST Approved”; and
- (C) Name of the individual who completed the program; and
- (D) Program provider’s name or agency; and
- (E) Dates of the program; and
- (F) Total number of hours of the completed program; and
- (G) Signature of the program director and/or agency or academic representative; and
- (H) ~~For a Arrest control academy instructor training programs~~  
***Instructor Program***, the certificates of completion shall also contain the name of the arrest control discipline.
- (I) Amending Rule 25(k) POST Grant Funds, Academy Instructor Training Programs-by adding the following:

b. Amending Rule 25(k) POST Grant Funds, Academy Instructor Training Programs-by adding the following:

(k) POST GRANT FUNDS

- (I) IN ORDER TO BE ELIGIBLE TO RECEIVE POST GRANT FUNDS FOR AN INSTRUCTOR PROGRAM, THE PROGRAM MUST COMPLY WITH THE CURRENT “*PEACE OFFICER STANDARDS AND TRAINING LAW ENFORCEMENT CONTINUING EDUCATION PROGRAM GUIDELINES FOR COLORADO POST AWARD RECIPIENTS*” (I.E., GRANT GUIDELINES).
- (II) FOR PURPOSES OF THIS RULE, CURRENT GRANT GUIDELINES ARE CONSIDERED TO BE THOSE IN EFFECT ON THE START DATE OF THE PROGRAM.

**Rule 26:**

- a. Amending Rule 26, Academy and Training Program Inspections- by changing the effective date of Rule 26 to January 31, 2016.
- b. Amending Rule 26, Academy and Training Program Inspection-by changing the title to “Academy and Academy Instructor Training Program Inspections.
- c. Amending Rule 26, Academy and Training Program Inspections- by changing the following:

(a) Members of the Board, or its designated representative(s) may at any reasonable time inspect any approved academy or ACADEMY INSTRUCTOR training program (***Instructor Program***), or any academy or ~~training program~~ ***Instructor Program*** believed to be operating contrary to these Rules.

(b) An academy or ~~training program~~ ***Instructor Program*** inspection may include, but is not limited to, a review of any records required to be maintained under these Rules, examination of the academy’s facilities, training sites, and equipment, observation of classroom instruction and skills training, and interviews with trainees, staff and instructors.

(C) TRAINING THAT IS NOT REQUIRED BY POST BUT IS INCORPORATED WITHIN THE APPROVED ACADEMY OR INSTRUCTOR PROGRAM MAY BE INSPECTED TO THE EXTENT NECESSARY TO ENSURE IT IS LEGITIMATE (I.E., IN ACCORDANCE WITH ESTABLISHED OR ACCEPTED PATTERNS AND STANDARDS) AND SAFE (I.E., SECURE FROM DANGER, HARM OR INJURY).

(D) THE POST DIRECTOR SHALL BE INFORMED OF ALL INSPECTION RESULTS.

~~(e)~~(e) Should the POST Director determine, IN CONSULTATION WITH THE APPROPRIATE SUBJECT MATTER EXPERT COMMITTEE(S), AS APPLICABLE, that an academy or ~~training program~~ ***Instructor Program*** is not in compliance with POST Rules, OR IS PROVIDING TRAINING THAT IS NOT LEGITIMATE OR SAFE, shall notify the academy director or program director in writing of the specific deficiencies OR FINDINGS and order remedial action.

~~(e)~~(f) The academy director or program director may appeal the POST Director’s order to the Board within thirty (30) days in accordance with Rule 5(c).

~~(e)~~**(g)** Failure to comply with the POST Director's order shall result in the immediate suspension of the academy or ~~training program~~**Instructor Program**, pending review by the Board at its next regular meeting.

**Rule 28:**

- a. Amending Rule 28, In-Service Training Program- by changing the effective date of Rule 28 to January 31, 2016.
- b. Amending Rule 28(c) Approved Training for POST Credit-by changing the language to read as follows “~~All training that is POST approved is authorized for in-service credit.~~ The authority and responsibility for ~~other forms of~~ training shall be with the chief executive of each law enforcement agency. The chief executive accepts responsibility and liability for the course content and instructor qualification. Legislatively mandated training may ALSO be used for credit towards the training requirement.
- c. Amending Rule 28(c) (II) Approved Training for POST Credit-by changing the language to read as follows “(II) Computer or web-based courses that have been approved by POST ~~or~~ the chief executive officer may be used for in-service credit”.

**Rule 29:**

**Adding Rule 29 Hiring Standards**

**RULE 29 HIRING STANDARDS**

**EFFECTIVE JANUARY 31, 2016**

**EACH AGENCY HIRING A BASIC CERTIFIED PEACE OFFICER, PROVISIONAL CERTIFIED PEACE OFFICER, OR RESERVE CERTIFIED PEACE OFFICER MUST FIRST ENSURE THAT THEY MEET THE MINIMUM STANDARDS OF EMPLOYMENT:**

- A. INDIVIDUALS MUST HOLD CURRENT BASIC, PROVISIONAL OR RESERVE CERTIFICATION IN THE STATE. HIRING AGENCY WILL CONFIRM CERTIFICATION WITH POST OR UTILILIZE THIS [WEBLINK](#) TO VERIFY CURRENT POST CERTIFICATIONS.**
- B. AGENCY MUST COMPLETE A COMPREHENSIVE AGENCY BACKGROUND INVESTIGATION, WHICH MAY INCLUDE:**
  - a. PERSONAL HISTORY STATEMENTS**

- B. CITIZENSHIP VERIFICATION
  - C. NEIGHBORHOOD CHECKS
  - D. CRIMINAL RECORD CHECKS - LOCAL, STATE, AND NATIONAL
  - E. DRIVING RECORD CHECK
  - F. EMPLOYMENT HISTORY CHECKS
  - G. RELATIVES/PERSONAL REFERENCES CHECKS
  - H. CREDIT RECORDS CHECK
  - I. POLYGRAPH
- C. EMPLOYMENT IN THE STATE OF COLORADO AS A PROVISIONAL PEACE OFFICER, RESERVE PEACE OFFICER OR A BASIC PEACE OFFICER AS DEFINED IN SECTION 16-2.5-102, AND 16-2.5-110 C.R.S. REQUIRES SUBMISSION OF A PSYCHOLOGICAL/MEDICAL EXAMINATION AFFIRMATION (FORM 6) TO POST.

**THOSE OFFICERS TRANSFERRING IN-STATE BETWEEN AGENCIES ARE REQUIRED TO COMPLETE A PSYCHOLOGICAL/MEDICAL EXAMINATION UNLESS REQUIRED BY THE HIRING AGENCY.**

**ANY OFFICER TRANSFERRING FROM AN AGENCY NOT SPECIFIED IN 16-2.5-102 THAT HAD NOT PREVIOUSLY COMPLETED A PSYCHOLOGICAL /MEDICAL EXAMINATION MUST COMPLETE A PSYCHOLOGICAL/MEDICAL EXAM PRIOR TO BEING HIRED BY A COLORADO LAW ENFORCEMENT AGENCY.**

- D. ANY PERSON RENEWING THEIR COLORADO BASIC CERTIFICATION MUST COMPLETE A PSYCHOLOGICAL/MEDICAL EXAMINATION UPON HIRE AFTER RENEWAL.

2. Statutory Basis

The statutory basis for adoption of the proposed rules are C.R.S. §24-31-303(1)(g), C.R.S. §24-31-305(1.7)(e) and C.R.S. 24-31-303 (l).

3. Purpose

The purpose of the amended rules is to provide clarification to persons subject to POST peace officer certification requirements and provide updated information regarding items utilized in these rules. The purpose of adding Rule 28 is to provide an annual in-service training program to employed certified peace officers which will, in turn, improve the health, safety and welfare of the citizens of Colorado.

4. Contemplated Schedule for Adoption

Rules will likely be adopted by January 31, 2016.

5. Listing of Persons and Parties Affected

Peace officers, including those applying for certification and those currently employed as certified peace officers, will be affected by this anticipated rulemaking.