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A BILL FOR AN ACT

101 **CONCERNING COMPLAINTS RELATED TO A PERSON'S AUTHORIZATION**
102   **TO PRACTICE AN OCCUPATION FOR ACTS COMMITTED WHILE**
103   **THE PERSON IS SERVING IN AN OFFICIAL CAPACITY.**

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://leg.colorado.gov.)

The bill directs the agency that regulates an occupation to dismiss a complaint that is lodged against the holder of an occupational license, certification, or registration if the complaint is based on words said or actions taken as:

- An elected official of Colorado or a political subdivision of

Colorado; or

● A member of a board or commission of Colorado or a political subdivision of Colorado.

The subject of the complaint need not respond or provide evidence for the complaint to be dismissed.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-20-403, **add** (5)

3 as follows:

4 **12-20-403. Disciplinary procedures - investigations - hearings**

5 **- oaths - witness statements - subpoenas - appointment of**

6 **administrative law judge - driver's history - acting as an official.**

7 (5) (a) EXCEPT AS PROVIDED IN SUBSECTION (5)(d) OF THIS SECTION, A

8 REGULATOR SHALL DISMISS AN ANONYMOUS COMPLAINT MADE AGAINST

9 A LICENSEE, CERTIFICANT, OR REGISTRANT IF THE BASIS FOR THE

10 ANONYMOUS COMPLAINT ARISES FROM WORDS SAID OR FROM ACTIONS

11 COMMITTED WHILE THE LICENSEE, CERTIFICANT, OR REGISTRANT WAS

12 ENGAGED IN OFFICIAL DUTIES AS:

13 (I) AN ELECTED OFFICIAL OF THE STATE OF COLORADO OR OF A

14 POLITICAL SUBDIVISION OF COLORADO; OR

15 (II) A MEMBER OF A BOARD OR COMMISSION ESTABLISHED BY THE

16 STATE OF COLORADO OR BY A POLITICAL SUBDIVISION OF COLORADO.

17 (b) A REGULATOR MAY DISMISS A COMPLAINT MADE AGAINST A

18 LICENSEE, CERTIFICANT, OR REGISTRANT IF:

19 (I) THE COMPLAINT IS NOT MADE ANONYMOUSLY; AND

20 (II) THE BASIS FOR THE COMPLAINT ARISES FROM WORDS SAID OR

21 FROM ACTIONS COMMITTED WHILE THE LICENSEE, CERTIFICANT, OR

22 REGISTRANT WAS ENGAGED IN OFFICIAL DUTIES AS:

23 (A) AN ELECTED OFFICIAL OF THE STATE OF COLORADO OR OF A

1   POLITICAL SUBDIVISION OF COLORADO; OR

2   (B) A MEMBER OF A BOARD OR COMMISSION ESTABLISHED BY THE

3   STATE OF COLORADO OR BY A POLITICAL SUBDIVISION OF COLORADO.

4   (c) FOR THE REGULATOR TO DISMISS A COMPLAINT IN

5   ACCORDANCE WITH THIS SUBSECTION (5), THE LICENSEE, CERTIFICANT, OR

6   REGISTRANT THAT IS THE SUBJECT OF THE COMPLAINT NEED NOT RESPOND

7   TO OR PROVIDE EVIDENCE CONCERNING THE COMPLAINT. THE DISMISSAL

8   IS AUTOMATIC.

9   (d) THIS SUBSECTION (5) DOES NOT APPLY TO WORDS SAID TO OR

10 ACTIONS COMMITTED FOR A SPECIFIC PERSON WHEN THE LICENSEE,

11 CERTIFICANT, OR REGISTRANT IS SPEAKING OR ACTING IN THE LICENSEE'S,

12 CERTIFICANT'S, OR REGISTRANT'S CAPACITY AS A MEMBER OF THE

13 OCCUPATION THE PERSON IS LICENSED, CERTIFIED, OR REGISTERED TO

14 PERFORM.

15 **SECTION 2. Safety clause.** The general assembly hereby finds,

16 determines, and declares that this act is necessary for the immediate

17 preservation of the public peace, health, or safety.