



## **2025 Legislative Issue Form**

*To propose a CCI legislative issue, please complete this form.*

*Feel free to use more than one page and include any supplemental materials.*

1.) **Contact Information** (of the person bringing forth the issue):

- a. **Name:** Dwayne McFall
- b. **Title:** Chairman, Board of County Commissioners
- c. **County:** Fremont
- d. **Phone Number:** 719-276-7303
- e. **E-Mail Address:** Dwayne.mcfall@fremontco.com

2.) **Issue/Problem to be addressed** (What is the problem this legislation is seeking to solve?)

**The “Integrity in Law Enforcement” statute 13-21-131, C.R.S. appears to be internally conflicting.**

**Under Section 4(a) of the statute: “Notwithstanding any provision of this section to the contrary, if the peace officer's portion of the judgment is uncollectible from the peace officer, the peace officer's employer or insurance shall satisfy the full amount of the judgment or settlement. A public entity does not have to indemnify a peace officer if the peace officer was convicted of a criminal violation for the conduct from which the claim arises unless the peace officer's employer was a causal factor in the violation, through its action or inaction.”**

3.) **Background on this Issue/Problem** (How did this come to be? Why are you seeking a legislative remedy?)

A former deputy sheriff committed criminal acts against two female inmates and was convicted for the conduct. The two inmates sued the deputy sheriff for violation of civil rights under 13-21-131, CRS and obtained judgments against the deputy. They then sought to have the employer, Fremont County, pay the judgment because it was uncollectible against the deputy. The district court judge granted the request and joined Fremont County as a party, holding that the County was responsible for payment of the judgment for the criminal conduct of the deputy.

The House Finance Committee added the language: “A public entity does not have to indemnify a peace officer if the peace officer was convicted of a criminal violation for the conduct from which the claim arises unless the peace officer's employer was a causal factor in the violation, through its action or inaction” by amendment and stated that the criminal violation “exception” to indemnification would result in some victims being left without a remedy or compensation if the judgment is uncollectible from the deputy.

4.) **Proposed Solution/Legislative Remedy to this issue.**

Clarify that no employer or insurance indemnification is required, nor does the employer or insurance company have to satisfy any judgment or settlement, for criminal conduct of the peace officer, regardless of whether a civil judgment for civil rights violation is collectible from the peace officer.

5.) **Have you explored a non-legislative solution to this problem?**

Fremont County is going to appeal the orders/rulings of the court in both cases.

**Please submit this completed form to Katie First at [kfirst@ccionline.org](mailto:kfirst@ccionline.org)**

**By Friday, July 12.**



- 6.) Statutory Citation to be modified AND proposed/revised language (The Colorado Revised Statute is available for free at [this link](#), by selecting “Colorado Revised Statutes”).

13-21-131 (4)(a), C.R.S., should be amended as follows:

~~“Notwithstanding any provision of this section to the contrary, if the peace officer's portion of the judgment is uncollectible from the peace officer, the peace officer's employer or insurance shall satisfy the full amount of the judgment or settlement. NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, A~~ a public entity does not have to indemnify a peace officer, AND DOES NOT HAVE TO SATISFY ANY PORTION OF THE JUDGMENT OR SETTLEMENT if the peace officer was convicted of a criminal violation for the conduct from which the claim arises unless the peace officer's employer was a causal factor in the violation, through its action or inaction.”

- 7.) Relationship of this issue to the County Commissioner’s roles and/or authorities.

The murky language of the statute, combined with the orders of the District Court imposes unlimited financial liability upon governmental employers and public funds for criminal acts of peace officers. Not only is this contrary to public policy, but is a contingency that cannot be anticipated in the budget. Most, if not all, liability insurers exclude coverage for criminal acts. When these cases were filed, the insurance carrier (CTSI/CAPP) denied coverage because it involved criminal conduct of an employee and the county had no obligation to indemnify or satisfy the judgment or settlement.

- 8.) Has this proposal been approved by the Board of County Commissioners? Yes

- 9.) List any potential Proponents/Opponents & their perspectives; indicate any groups/individuals with whom you have already discussed this issue.

The County is in discussion with its insurance carrier (CTSI/CAPP) regarding the upcoming appeal.

- 10.) Have you visited with your legislator(s) about this proposal? What was their reaction? Are members of your delegation likely to sponsor, support, or oppose this proposal?

- 11.) Anticipated Fiscal Impact (to counties, state, other stakeholders, etc.).

None known

- 12.) Please list the local subject matter experts CCI staff can follow up with for more information on this proposal.

Eric Bellas, Fremont County Attorney, [eric.bellas@fremontco.com](mailto:eric.bellas@fremontco.com)  
719-276-7496

Brenda L. Jackson, Of Counsel to Office of the County Attorney,  
[Brenda.jackson@fremontco.com](mailto:Brenda.jackson@fremontco.com)  
719-276-7498

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13.) If your county is submitting multiple issue forms, please rank each issue.

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