

ORDINANCE NO. O-025-XXX

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

**AN ORDINANCE TO SUPPORT LAW ENFORCEMENT AND CRIME PREVENTION
IN DOUGLAS COUNTY, COLORADO**

WHEREAS, the Board of County Commissioners of the County of Douglas, Colorado, (“Board”) is authorized to enact this Ordinance pursuant to C.R.S. § 30-11-101(2), to provide for public health, safety, and welfare.

WHEREAS, the Board recognizes Douglas County is proud to be an inviting community. However, Douglas County’s welcoming nature makes the County an ideal target for criminals.

WHEREAS, the Board recognizes property crimes, including shoplifting and theft are regularly linked to more serious offenses, including: gang activity; organized crime; auto theft; drug and firearm related crimes; and violent crimes. As a result, retail theft endangers the safety and welfare of Douglas County consumers and residents, and the Douglas County business community. Crime prevention is the goal and responsibility of everyone in Douglas County. Significant crime prevention is only possible when government, law enforcement, the business community, and residents work together.

WHEREAS, it is not the intent of the Board or the County to unnecessarily regulate businesses or impede victims of crime from seeking support; however, in balancing these concerns, the Board recognizes the need to prevent corporate conduct that facilitates or promotes crime in Douglas County.

WHEREAS, in 1979, the Colorado General Assembly passed House Bill 1110, which created C.R.S. § 18-8-115, which states:

It is the duty of every corporation or person who has reasonable grounds to believe that a crime has been committed to report promptly the suspected crime to law enforcement authorities.

Notwithstanding any other provision of the law to the contrary, a corporation or person may disclose information concerning a suspected crime to other persons or corporations for the purpose of giving notice of the possibility that other such criminal conduct may be attempted which may affect the persons or corporations notified. When acting in good faith, such corporation or person shall be immune from any civil liability for such reporting or disclosure. This duty shall exist notwithstanding any other provision of the law to the contrary; except that this section shall not require disclosure of any communication privileged by law.

WHEREAS, in 1996, the Court in *Lunsford v. W. States Life Ins.*, 919 P.2d 899 (Colo. App. 1996) applied the plain language of the statute to hold, under C.R.S. §18-8-115, “It is the duty of every corporation or person who has reasonable grounds to believe that a crime has been committed to report promptly the suspected crime to law enforcement authorities”.

WHEREAS, C.R.S. §18-8-115 is silent in defining “prompt reporting” under the statute and prescribing a penalty for violating the statute.

WHEREAS, through this Ordinance, the Board honors the intent of the General Assembly and the Court in the enactment and application of C.R.S. §18-8-115 by defining “prompt reporting” and prescribing a penalty for violating C.R.S. §18-8-115 related to retail theft in Douglas County.

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS, COLORADO, THAT:

PART I: Violation of this Ordinance

Section 1. Failure to Promptly Report Theft

- (A.) A corporate entity violates this Ordinance if the corporate entity, through an employee or representative:
 - 1. Knowingly fails to promptly report the theft of its property to law enforcement where the corporation through an employee or representative has reasonable grounds to believe that theft has been committed.
 - (a) For the purpose of this Ordinance, “promptly” means within ninety-six (96) hours of reasonably becoming aware of the theft;
 - (b) For the purpose of this Ordinance, “reasonable grounds” require an honest belief that a theft has been committed, supported by facts sufficiently strong to warrant that belief in a cautious person.
 - (c) For the purpose of this Section, “report” means to inform any law enforcement agency of applicable jurisdiction of the theft by a means that the law enforcement agency has adopted for accepting reports of crime.
 - (d) Pursuant to C.R.S. § 18-8-115, when acting in good faith, such corporation, employee, or representative shall be immune from any civil liability for such reporting or disclosure.

Section 2. Failure to Retain and Provide Photographic or Video Evidence

- (A.) A corporate entity violates this Ordinance if the corporate entity, through an employee or representative:

1. Knowingly fails to retain, conceals, removes, alters, damages or destroys any photographic or video evidence of a crime subject to and reported under Section 1 of this Ordinance, or
 2. Knowingly fails to provide to law enforcement any photographic or video evidence of a crime subject to and reported under Section 1 of this Ordinance.
- (B.) A corporation is relieved of any duty to retain photographic or video evidence created under this Ordinance when all such evidence has been provided to law enforcement.

Section 3. Retaliation against Reporting Party

- (A.) A corporate entity violates this Ordinance if the corporate entity, through an employee or representative takes adverse employment action against an employee for complying with Part I, Sections 1 and 2 of this Ordinance, including the reporting of a crime to law enforcement or preserving, retaining, or providing law enforcement evidence of a crime.
- (B.) This Ordinance does not relieve any party violating Part I, Sections 3(A.) of this Ordinance from additional criminal or civil liability.
- (C.) Should the County become reasonably aware of a violation of Part I, Sections 3(A.) of this Ordinance, the County shall report such violation to appropriate law enforcement.

Section 4. Corporate Policy Violating C.R.S. § 18-8-115

- (A.) A corporate entity violates this Ordinance if the corporate entity adopts a written policy prohibiting employees of the corporation from reporting theft to law enforcement.
- (B.) This Ordinance does not relieve any party violating Part I, Sections 4(A.) of this Ordinance from additional criminal or civil liability.

Section 5. Exceptions

- (A.) A corporation or person has not violated this Ordinance if the reporting of a crime subject to this Ordinance requires the corporation or person to violate any other Colorado or Federal Law.
- (B.) This Ordinance does not require any person to incriminate themselves.
- (C.) This Ordinance does not require any person to report the observation of a crime believed to have been committed by their spouse.

- (D.) This Ordinance exempts a corporate entity that proactively communicates with law enforcement within ninety-six (96) hours that the corporate entity is pursuing an investigation through their own agents in a good faith attempt to gather information to report to law enforcement for filing of charges at a later time.

PART II: ADOPTION AND ENFORCEMENT

Section 1. Douglas County Enforcement

- (A.) It is the intent of the County that enforcement of this Ordinance be limited to corporate entities, not natural persons.
- (B.) The Douglas County Sheriff shall be responsible for the enforcement of this Ordinance.
- (C.) The District Attorney for the 23rd Judicial District may participate in the enforcement and resolution of violations of this Ordinance to the extent permitted by Colorado law.
- (D.) Douglas County Attorney's Office shall represent the County in the enforcement, prosecution, and resolution of violations of this Ordinance.
- (E.) This Ordinance creates no independent civil right of action.
- (F.) This Ordinance may be enforced concurrently with any other criminal, civil, or administrative law or regulation.
- (G.) This Ordinance does not relieve any person, party, or business of any other lawful duty to report.

Section 2. Fine for Violation

- (A.) Any corporation who violates Part I, Sections 1 and 2 of this Ordinance commits a civil infraction as defined under C.R.S. §30-15-402(1) and upon conviction thereof, may be punished by a fine of not more than fifty dollars (\$50.00) for every 24 hours after the required time for reporting an incident of retail theft has lapsed. The fine for each separate violation of this Ordinance shall not exceed \$1,000, plus a surcharge of \$10 under C.R.S. §30-15-402(2).
- (B.) Any corporation who violates Part I, Sections 3 or 4 of this Ordinance commits a civil infraction as defined under C.R.S. §30-15-402(1) and upon conviction thereof, may be punished by a fine of not to exceed \$1,000, plus a surcharge of \$10 under C.R.S. §30-15-402(2).

PART III: ADMINISTRATION

Section 1. Severability

Should any section, clause, sentence, or part of this Ordinance be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair, or invalidate the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 2. Safety Clause

The Board of County Commissioners hereby finds, determines, and declares that this Ordinance is necessary for the preservation of public welfare, health and safety.

Section 3. Repeal

This Ordinance is intended to be applied in conjunction with other applicable laws, not repeal or supersede other applicable laws. This Ordinance repeals and supersedes only those parts of any other Douglas County ordinance that expressly contradicts and directly prohibits the application and enforcement of this Ordinance. In application of this Section, this Ordinance and all related ordinances shall be narrowly construed in their application.

Section 4. Adoption and Passage of this Ordinance

Pursuant to C.R.S. §§ 30-15-405 and 406, County ordinances are typically presented for review and comment on First Reading at a Board of County Commissioners Business Meeting. Subsequently, after notice has been provided in the newspaper, the Board of County Commissioners will adopt an ordinance at Second and Final Reading, which is conducted at a public hearing. If adopted as an “emergency ordinance,” the ordinance will take effect immediately. Otherwise, all ordinances go into effect 30 days after publication after Second and Final Reading.

CERTIFICATION

The Douglas County Clerk shall certify the passage of this ordinance and shall have on file copies of this ordinance available for inspection by the public during regular business hours.

INTRODUCED AND READ ON FIRST READING on December 9, 2025, and ordered published in the DOUGLAS COUNTY NEWS-PRESS.

THE BOARD OF COMMISSIONERS OF THE COUNTY OF DOUGLAS, COLORADO

By: _____
Abe Laydon, Chair

ATTEST:

Deputy Clerk

ADOPTED ON SECOND AND FINAL READING on January 13, 2026, and ordered published by reference to title only in the DOUGLAS COUNTY NEWS-PRESS.

THE BOARD OF COMMISSIONERS OF THE COUNTY OF DOUGLAS, COLORADO

By: _____
Abe Laydon, Chair

ATTEST:

Deputy Clerk

CERTIFICATE

I hereby certify that the foregoing Ordinance No. O-025-XXX was introduced and read on First Reading at the regular meeting of the Board of County Commissions of the County of Douglas on December 9, 2025, and the same was published in full in the Douglas County News-Press, a newspaper of general circulation published in Douglas County, on December 30, 2025, and thereafter was adopted on Second and Final Reading at a regular public hearing of the Board of County Commissioners of the County of Douglas on January 13, 2026. Said ordinance was published by reference to title only on January 31, 2026. Said ordinance shall become effective as of March 1, 2026.

Deputy Clerk

State of Colorado)
)ss.
County of Douglas)

Subscribed and sworn to before me this ____ day of _____, 2025, by
_____, Deputy Clerk.

Notary Public

My commission expires: _____

CERTIFICATION

I, _____, Douglas County Deputy Clerk, do hereby certify that the foregoing Ordinance No. O-025-XXX, entitled, **AN ORDINANCE FOR THE ASSISTANCE OF LAW ENFORCEMENT AND CRIME PREVENTION DOUGLAS COUNTY, COLORADO**, is a true, correct and complete copy from the records in my office, that said ordinance was duly adopted by the Board of County Commissioners of Douglas County and is in full force and effect.

Deputy Clerk