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SENATE BILL 26-104

BY SENATOR(S) Liston and Snyder, Ball, Carson, Cutter, Frizell, Kirkmeyer, Wallace, Coleman;
also REPRESENTATIVE(S) Clifford, Carter, Duran, Goldstein, Hamrick, Lindsay, Nguyen, Smith.

CONCERNING A REQUIREMENT TO INSTALL EXTERIOR KEY BOXES AT SCHOOLS.

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

SECTION 1. In Colorado Revised Statutes, **add** 22-1-151 as follows:

22-1-151. Key boxes required at schools - contents - immunity - definitions.

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "LOCAL EDUCATION PROVIDER" MEANS:

(I) FOR A SCHOOL OF A SCHOOL DISTRICT, INCLUDING A CHARTER

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

SCHOOL THAT ENTERS INTO A CHARTER CONTRACT WITH A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22, THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES;

(II) FOR A CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE 22, THE SCHOOL;

(III) FOR A NONPUBLIC SCHOOL, THE SCHOOL; OR

(IV) FOR ANY OTHER SCHOOL, THE BODY RESPONSIBLE FOR THE ADMINISTRATION OF THE SCHOOL.

(b) "LOCAL LAW ENFORCEMENT AGENCY" MEANS A SHERIFF'S OFFICE, POLICE DEPARTMENT, OR TOWN MARSHAL'S OFFICE.

(c) "SCHOOL" MEANS A PUBLIC SCHOOL IN THE STATE THAT ENROLLS STUDENTS IN ANY OF GRADES KINDERGARTEN THROUGH TWELFTH GRADE, INCLUDING A CHARTER SCHOOL OF A SCHOOL DISTRICT, AN INSTITUTE CHARTER SCHOOL, OR A NONPUBLIC SCHOOL, WHERE STUDENTS ATTEND THE SCHOOL FACILITIES. "SCHOOL" DOES NOT INCLUDE A HOME SCHOOL.

(2) (a) ON OR BEFORE JULY 1, 2030, EACH LOCAL EDUCATION PROVIDER SHALL INSTALL AT EACH SCHOOL OF THE LOCAL EDUCATION PROVIDER AT LEAST ONE EXTERIOR KEY BOX THAT MEETS OR EXCEEDS UNDERWRITERS LABORATORIES STANDARD 1037.

(b) EACH KEY BOX MUST BE INSTALLED AT AN APPROPRIATE LOCATION TO PERMIT LAW ENFORCEMENT OFFICERS EMERGENCY ACCESS TO EACH BUILDING AND ROOM ON THE SCHOOL GROUNDS. THE LOCAL EDUCATION PROVIDER SHALL DETERMINE THE PRECISE LOCATION OF EACH KEY BOX AT A SCHOOL AFTER CONSULTATION WITH LOCAL LAW ENFORCEMENT AGENCIES OF THE JURISDICTION IN WHICH THE SCHOOL BUILDING IS LOCATED.

(c) EACH LOCAL EDUCATION PROVIDER SHALL PROVIDE EACH LOCAL LAW ENFORCEMENT AGENCY OF THE JURISDICTION IN WHICH THE SCHOOL BUILDING IS LOCATED WITH A KEY OR ACCESS CODE THAT PERMITS ACCESS TO THE CONTENTS OF THE EXTERIOR KEY BOX.

(d) THIS SUBSECTION (2) DOES NOT REQUIRE A LOCAL EDUCATION PROVIDER TO INSTALL A NEW EXTERIOR KEY BOX AT A SCHOOL THAT HAS A KEY BOX INSTALLED THAT SATISFIES THE REQUIREMENTS FOR EXTERIOR KEY BOXES SET FORTH IN THIS SECTION.

(3) EACH KEY BOX REQUIRED BY THIS SECTION MUST CONTAIN:

(a) THE KEYS AND OTHER ACCESS CONTROL DEVICES NECESSARY TO ACCESS EACH BUILDING AND ROOM ON THE ENTIRE SCHOOL GROUNDS; AND

(b) ACCURATE MAPS OF THE ENTIRE SCHOOL GROUNDS THAT IDENTIFY AND LABEL:

(I) ACCESS POINTS TO EACH BUILDING'S INTERIOR, INCLUDING ROOMS, DOORS, STAIRWELLS, AND HALLWAYS. THE MAPS MUST INCLUDE THE IDENTIFIERS OR NAMES UTILIZED BY STAFF AND STUDENTS TO IDENTIFY THE ROOMS, DOORS, STAIRWELLS, AND HALLWAYS ON THE MAP.

(II) LOCATIONS OF CRITICAL UTILITIES, KEY BOXES, AUTOMATED EXTERNAL DEFIBRILLATORS, TRAUMA KITS, AND OTHER EMERGENCY RESPONSE AIDS; AND

(III) AREAS AT OR NEAR EACH BUILDING, INCLUDING PARKING AREAS, ATHLETIC FIELDS, SURROUNDING ROADS, OUTBUILDINGS, AND NEIGHBORING PROPERTIES.

(4) (a) THE CONTENTS OF A KEY BOX AND THE INFORMATION CONTAINED THEREIN IS NOT A PUBLIC RECORD FOR THE PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

(b) AN EMPLOYEE OF A LOCAL EDUCATION PROVIDER OR SCHOOL IS IMMUNE FROM CIVIL LIABILITY FOR DAMAGES ARISING OUT OF THE INSTALLATION AND USE OF KEY BOXES REQUIRED BY THIS SECTION UNLESS THE EMPLOYEE ACTED WITH GROSS NEGLIGENCE OR BAD FAITH.

(5) NOTWITHSTANDING THE REQUIREMENT TO INSTALL AN EXTERIOR KEY BOX PURSUANT TO THIS SECTION, A LOCAL EDUCATION PROVIDER IS NOT REQUIRED TO INSTALL AN EXTERIOR KEY BOX AT A SCHOOL IF THE SCHOOL HAS A KEY BOX THAT DOES NOT SATISFY THE REQUIREMENTS FOR EXTERIOR KEY BOXES SET FORTH IN SUBSECTION (2) OF THIS SECTION AND HAS AN

ALTERNATIVE PLAN AND PROCEDURES TO PROVIDE EMERGENCY ACCESS FOR LOCAL LAW ENFORCEMENT TO EACH BUILDING AND ROOM ON THE ENTIRE SCHOOL GROUNDS.

(6) INSTALLING AN EXTERIOR KEY BOX AT A SCHOOL AS REQUIRED BY THIS SECTION IS A PERMISSIBLE USE OF A DISBURSEMENT FROM THE SCHOOL SECURITY DISBURSEMENT PROGRAM PURSUANT TO SECTION 24-33.5-1810 (3)(a). NOTWITHSTANDING THE REQUIREMENT TO INSTALL AN EXTERIOR KEY BOX PURSUANT TO THIS SECTION, A LOCAL EDUCATION PROVIDER IS NOT REQUIRED TO INSTALL AN EXTERIOR KEY BOX AT A SCHOOL IF THE LOCAL EDUCATION PROVIDER APPLIED FOR BUT DOES NOT RECEIVE A DISBURSEMENT FROM THE SCHOOL SECURITY DISBURSEMENT PROGRAM CREATED IN SECTION 24-33.5-1810 THAT MAY BE USED TO INSTALL AN EXTERIOR KEY BOX AT THE SCHOOL.

SECTION 2. In Colorado Revised Statutes, 24-72-202, **amend** (6)(b)(XVII) and (6)(b)(XVIII); and **add** (6)(b)(XIX) as follows:

24-72-202. Definitions.

As used in this part 2, unless the context otherwise requires:

(6) (b) "Public records" does not include:

(XVII) A complaint of harassment or discrimination, as described in section 22-1-143, that is unsubstantiated and all records related to the unsubstantiated complaint, including records of an investigation into the complaint; or

(XVIII) Jail assessments conducted pursuant to section 30-10-530 (5)(d) or 24-31-118; OR

(XIX) THE CONTENTS OF A KEY BOX INSTALLED AT A SCHOOL, AS DESCRIBED IN SECTION 22-1-151, AND THE INFORMATION CONTAINED THEREIN.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a

referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO