

CHAPTER 145

CRIMINAL LAW AND PROCEDURE

SENATE BILL 26-120

BY SENATOR(S) Marchman and Wallace, Amabile, Ball, Benavidez, Bridges, Bright, Cutter, Danielson, Daugherty, Frizell, Gonzales J., Hinrichsen, Jodeh, Kipp, Kirkmeyer, Kolker, Lindstedt, Mullica, Pelton R., Roberts, Rodriguez, Simpson, Snyder, Sullivan, Weissman, Coleman;
 also REPRESENTATIVE(S) Zokaie and Bradley, Bacon, Camacho, Clifford, English, Jackson, Joseph, Keltie, Lindsay, Lukens, Martinez, Mauro, Nguyen, Rutinel, Stewart K., Willford.

AN ACT**CONCERNING LAW ENFORCEMENT PROCEDURES RELATED TO MISSING PERSONS.**

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

SECTION 1. In Colorado Revised Statutes, **add** 24-33.5-416.3 as follows:

24-33.5-416.3. Missing persons alert training program - requirements.

(1) A PERSON SEEKING CERTIFICATION, OR RENEWAL OF AN EXPIRED CERTIFICATION PURSUANT TO SECTION 24-31-305 (1.7), BY THE PEACE OFFICERS STANDARDS AND TRAINING BOARD PURSUANT TO PART 3 OF ARTICLE 31 OF THIS TITLE 24 SHALL UNDERGO THE TRAINING RELATED TO MISSING PERSONS ALERTS DESCRIBED IN THIS SECTION.

(2) THE DEPARTMENT SHALL CREATE A TRAINING PROGRAM FOR PEACE OFFICERS DESCRIBING THE STATE ALERTS RELATING TO MISSING PERSONS, INCLUDING MISSING PERSON ALERTS PURSUANT TO SECTIONS 16-2.7-103, 24-33.5-415.7, 24-33.5-415.8, 24-33.5-415.9, AND 24-33.5-431, AND THE STATE EMERGENCY ALERT SYSTEM. PURSUANT TO SECTION 24-31-319 (3), THE PEACE OFFICERS STANDARDS AND TRAINING BOARD SHALL INCLUDE THE TRAINING PROGRAM IN THE BASIC OR RESERVE PEACE OFFICER TRAINING CURRICULUM AND TRAINING REQUIRED TO RENEW A PEACE OFFICER CERTIFICATION THAT EXPIRED. THE DEPARTMENT IS NOT REQUIRED TO DELIVER OR ADMINISTER THE TRAINING REQUIRED PURSUANT TO THIS SECTION.

SECTION 2. In Colorado Revised Statutes, 24-31-319, **add** (3) as follows:

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.

24-31-319. Training related to missing indigenous persons - development - missing persons alerts training.

(3) THE P.O.S.T. BOARD SHALL INCLUDE IN THE BASIC OR RESERVE PEACE OFFICER TRAINING CURRICULUM, AND THE TRAINING REQUIRED TO RENEW A PEACE OFFICER CERTIFICATION THAT EXPIRED, TRAINING CONCERNING MISSING PERSONS ALERTS CREATED BY THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO SECTION 24-33.5-416.3.

SECTION 3. In Colorado Revised Statutes, 23-5-141, **add** (5) as follows:

23-5-141. Campus police information sharing - missing student notifications to law enforcement - legislative declaration - rules - definitions.

(5)(a) IF A STUDENT, FAMILY MEMBER, LEGAL GUARDIAN, FACULTY MEMBER, OR OTHER PERSON REPORTS TO AN INSTITUTION OF HIGHER EDUCATION THAT A STUDENT ATTENDING THE INSTITUTION, WHO WAS LAST KNOWN TO RESIDE IN THE STATE, IS MISSING OR CANNOT BE LOCATED, THE INSTITUTION SHALL EITHER IMMEDIATELY NOTIFY LAW ENFORCEMENT PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION WITHOUT CONDUCTING A PRELIMINARY WELLNESS ASSESSMENT OR CONDUCT A PRELIMINARY WELLNESS ASSESSMENT PURSUANT TO SUBSECTION (5)(d) OF THIS SECTION AND DOCUMENT THE INFORMATION DESCRIBED IN SUBSECTION (5)(f) OF THIS SECTION.

(b) IF AN INSTITUTION OF HIGHER EDUCATION CONDUCTING A PRELIMINARY WELLNESS ASSESSMENT DOES NOT LOCATE THE STUDENT WITHIN SIX HOURS AFTER RECEIVING THE REPORT, THE INSTITUTION SHALL, AT THE EXPIRATION OF THE SIX-HOUR PERIOD, NOTIFY THE INSTITUTION'S POLICE DEPARTMENT. IF THE INSTITUTION DOES NOT CONDUCT A PRELIMINARY WELLNESS ASSESSMENT OR AT ANY TIME DETERMINES THERE IS CREDIBLE EVIDENCE OF RISK TO THE STUDENT'S SAFETY, THE INSTITUTION SHALL IMMEDIATELY NOTIFY THE INSTITUTION'S POLICE DEPARTMENT. IF THE INSTITUTION DOES NOT HAVE ITS OWN POLICE DEPARTMENT, THE INSTITUTION SHALL MAKE THE NOTIFICATION REQUIRED IN THIS SUBSECTION (5)(b) TO THE NEAREST LAW ENFORCEMENT AGENCY WITH JURISDICTION OVER THE STUDENT'S CURRENT LOCAL ADDRESS ON FILE WITH THE INSTITUTION, OR, IF NO CURRENT LOCAL ADDRESS IS ON FILE, THE STUDENT'S PERMANENT ADDRESS ON FILE WITH THE INSTITUTION. AFTER RECEIVING THE MISSING PERSON REPORT, THE INSTITUTION'S POLICE DEPARTMENT OR NEAREST LAW ENFORCEMENT AGENCY SHALL FOLLOW THE REPORTING REQUIREMENTS DESCRIBED IN SECTIONS 16-2.7-102 AND 16-2.7-103, AND ANY OTHER APPLICABLE PROCEDURE.

(c)(I) AN INSTITUTION OF HIGHER EDUCATION, AND AN EMPLOYEE THEREOF, IS IMMUNE FROM CIVIL LIABILITY RELATED TO A MISSING STUDENT IF THE INSTITUTION OR EMPLOYEE THEREOF WAS ACTING IN GOOD FAITH PURSUANT TO THIS SUBSECTION (5).

(II) GOOD FAITH IMMUNITY FOR PUBLIC INSTITUTIONS PURSUANT TO THIS SUBSECTION (5)(c) APPLIES IN ADDITION TO ANY IMMUNITY PURSUANT TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24. GOOD FAITH IMMUNITY PURSUANT TO THIS SUBSECTION (5)(c) APPLIES INDEPENDENTLY TO A PRIVATE INSTITUTION OF HIGHER EDUCATION.

(III) AN INSTITUTION OF HIGHER EDUCATION CLAIMING GOOD FAITH IMMUNITY PURSUANT TO THIS SUBSECTION (5)(c) BEARS THE BURDEN OF ESTABLISHING THAT THE INSTITUTION INITIATED THE MINIMUM WELLNESS ASSESSMENT STEPS REQUIRED PURSUANT TO SUBSECTION (5)(d) OF THIS SECTION, WHICH MAY BE ESTABLISHED BY DOCUMENTATION MAINTAINED PURSUANT TO SUBSECTION (5)(f) OF THIS SECTION.

(d) (I) FOR PURPOSES OF THIS SUBSECTION (5), A PRELIMINARY WELLNESS ASSESSMENT INCLUDES, AT A MINIMUM, THE FOLLOWING STEPS CONDUCTED IN GOOD FAITH AND DOCUMENTED PURSUANT TO SUBSECTION (5)(f) OF THIS SECTION:

(A) A DIGITAL CONTACT ATTEMPT;

(B) A RESIDENTIAL VERIFICATION, IF THE INSTITUTION HAS INSTITUTION-CONTROLLED HOUSING; AND

(C) AN ACADEMIC AND SOCIAL INQUIRY.

(II) IF AN INSTITUTION CONDUCTS A PRELIMINARY WELLNESS ASSESSMENT PURSUANT TO THIS SUBSECTION (5) AND DOES NOT LOCATE THE STUDENT WITHIN SIX HOURS, THE INSTITUTION MUST CONDUCT AN EMERGENCY CONTACT ATTEMPT.

(III) AN INSTITUTION OF HIGHER EDUCATION MAY CONDUCT THE STEPS LISTED IN SUBSECTION (5)(d)(I) OF THIS SECTION SIMULTANEOUSLY IF THE INSTITUTION DEEMS IT NECESSARY.

(IV) THIS SUBSECTION (5)(d) DOES NOT PREVENT AN INSTITUTION OF HIGHER EDUCATION FROM ESTABLISHING ADDITIONAL PRELIMINARY WELLNESS ASSESSMENT STEPS.

(V) (A) AN INSTITUTION OF HIGHER EDUCATION IS NOT DEEMED TO HAVE FAILED TO CONDUCT A PRELIMINARY WELLNESS ASSESSMENT SOLELY BECAUSE, DUE TO CIRCUMSTANCES BEYOND THE INSTITUTION'S REASONABLE CONTROL, ONE OR MORE OF STEPS OF THE PRELIMINARY WELLNESS ASSESSMENT COULD NOT BE COMPLETED WITHIN THE SIX-HOUR PERIOD REQUIRED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION.

(B) AN INSTITUTION OF HIGHER EDUCATION SHALL DOCUMENT THE REASON FOR EACH UNCOMPLETED STEP REQUIRED PURSUANT TO SUBSECTION (5)(f) OF THIS SECTION.

(e) (I) AN INSTITUTION OF HIGHER EDUCATION SHALL ADOPT AND PUBLISH A PRELIMINARY WELLNESS ASSESSMENT POLICY THAT DEFINES, AT A MINIMUM:

(A) THE CATEGORIES OF INSTITUTIONAL EMPLOYEES OR AGENTS WHO ARE AUTHORIZED TO CONDUCT A RESIDENTIAL VERIFICATION PURSUANT TO SUBSECTION (5)(d)(I)(B) OF THIS SECTION, WHICH MUST INCLUDE AT LEAST ONE CATEGORY OF EMPLOYEE OR AGENT AVAILABLE OUTSIDE OF REGULAR BUSINESS HOURS;

(B) THE INSTITUTION OF HIGHER EDUCATION'S PROCESS FOR ESCALATING A MISSING PERSON REPORT TO AN EMPLOYEE RESPONSIBLE FOR INITIATING A PRELIMINARY WELLNESS ASSESSMENT;

(C) THE INSTITUTION OF HIGHER EDUCATION'S RECORD-KEEPING SYSTEM REQUIRED PURSUANT TO SUBSECTION (5)(f) OF THIS SECTION; AND

(D) ADDITIONAL PRELIMINARY WELLNESS ASSESSMENT STEPS AS ESTABLISHED BY AN INSTITUTION.

(II) AN INSTITUTION OF HIGHER EDUCATION SHALL MAKE ITS PRELIMINARY WELLNESS ASSESSMENT POLICY PUBLICLY AVAILABLE ON THE INSTITUTION'S WEBSITE AND SHALL REVIEW AND UPDATE THE POLICY AT LEAST ONCE EVERY THREE YEARS.

(f) (I) AN INSTITUTION OF HIGHER EDUCATION THAT CONDUCTS A PRELIMINARY WELLNESS ASSESSMENT PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION SHALL MAINTAIN CONTEMPORANEOUS WRITTEN DOCUMENTATION OF THE ASSESSMENT, INCLUDING:

(A) THE DATE AND TIME THE MISSING PERSON REPORT WAS RECEIVED AND THE NAME AND ROLE OF THE EMPLOYEE WHO RECEIVED IT;

(B) THE DATE, TIME, METHOD, AND OUTCOME OF EACH CONTACT ATTEMPT MADE PURSUANT TO SUBSECTION (5)(d)(I) OF THIS SECTION;

(C) THE NAME AND ROLE OF EACH INSTITUTIONAL EMPLOYEE OR AGENT WHO PARTICIPATED IN THE PRELIMINARY WELLNESS ASSESSMENT;

(D) THE REASON ANY STEP OF THE PRELIMINARY WELLNESS ASSESSMENT WAS NOT COMPLETED WITHIN THE SIX-HOUR PERIOD REQUIRED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION, IF APPLICABLE; AND

(E) THE DATE AND TIME A MISSING PERSON REPORT IS MADE TO THE INSTITUTION'S POLICE DEPARTMENT OR THE NEAREST LAW ENFORCEMENT AGENCY.

(II) AN INSTITUTION OF HIGHER EDUCATION SHALL RETAIN THE RECORDS REQUIRED PURSUANT TO THIS SUBSECTION (5)(f) FOR A MINIMUM OF THREE YEARS AFTER THE MISSING PERSON REPORT WAS RECEIVED BY THE INSTITUTION OF HIGHER EDUCATION, AND THE RECORDS MUST BE AVAILABLE TO A LAW ENFORCEMENT AGENCY UPON REQUEST.

(III) AN INSTITUTION OF HIGHER EDUCATION SHALL MAKE THE RECORDS REQUIRED PURSUANT TO THIS SUBSECTION (5)(f) AVAILABLE UPON REQUEST, CONSISTENT WITH APPLICABLE FEDERAL AND STATE STUDENT PRIVACY LAWS, TO THE PERSON DESIGNATED BY THE STUDENT AS THE STUDENT'S EMERGENCY CONTACT IN THE STUDENT'S OFFICIAL INSTITUTIONAL RECORD IF THE STUDENT HAS NOT BEEN LOCATED WITHIN THIRTY DAYS AFTER THE INSTITUTION RECEIVES A MISSING PERSON REPORT. THE PERMISSIBLE DISCLOSURE MUST BE MADE SOLELY FOR THE PURPOSE OF INFORMING THE STUDENT'S EMERGENCY CONTACT OF THE INSTITUTION'S EFFORTS TO LOCATE THE STUDENT.

(g) (I) CONDUCTING A PRELIMINARY WELLNESS ASSESSMENT PURSUANT TO SUBSECTION (5)(d) OF THIS SECTION IS A PERMISSIBLE DISCLOSURE CONSISTENT WITH APPLICABLE FEDERAL AND STATE STUDENT PRIVACY LAWS, LIMITED TO

INFORMATION REASONABLY NECESSARY TO LOCATE THE STUDENT, AND DOES NOT CONSTITUTE A VIOLATION OF A STATE STUDENT PRIVACY LAW.

(II) A DISCLOSURE MADE AS PART OF A PRELIMINARY WELLNESS ASSESSMENT MUST BE LIMITED TO INFORMATION REASONABLY NECESSARY TO LOCATE THE STUDENT AND MUST NOT BE USED FOR ANY OTHER PURPOSE.

(h) AS USED IN THIS SUBSECTION (5), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "ACADEMIC AND SOCIAL INQUIRY" MEANS A QUERY BY AN INSTITUTION OF AVAILABLE FACULTY MEMBERS AND RESIDENTIAL STAFF ABOUT THE STUDENT'S MOST RECENTLY KNOWN ATTENDANCE, LIMITED TO INFORMATION REASONABLY NECESSARY TO DETERMINE THE STUDENT'S LOCATION, CONSISTENT WITH THE PERMISSIBLE DISCLOSURE PROVISIONS OF SUBSECTION (5)(g) OF THIS SECTION.

(II) "CIRCUMSTANCES BEYOND THE INSTITUTION'S REASONABLE CONTROL" MEANS AN UNFORESEEABLE SITUATION, OR A SITUATION THE INSTITUTION OF HIGHER EDUCATION IS UNABLE TO ADEQUATELY RESPOND TO, INCLUDING, BUT NOT LIMITED TO:

(A) THE UNAVAILABILITY OF FACULTY OR STAFF OUTSIDE OF REGULAR BUSINESS HOURS;

(B) THE STUDENT'S RESIDENCE BEING LOCATED OFF CAMPUS OR OUTSIDE THE INSTITUTION'S PHYSICAL JURISDICTION; AND

(C) AN INCORRECT, DISCONNECTED, OR UNANSWERED EMERGENCY CONTACT.

(III) "DIGITAL CONTACT ATTEMPT" MEANS AN ATTEMPT BY THE INSTITUTION OF HIGHER EDUCATION TO CONTACT THE STUDENT THROUGH ALL INSTITUTION-PROVIDED COMMUNICATIONS AVAILABLE TO THE INSTITUTION, INCLUDING, BUT NOT LIMITED TO, AN INSTITUTIONAL EMAIL, STUDENT PORTAL SYSTEM, AND ANY PERSONAL CONTACT INFORMATION THE STUDENT HAS PROVIDED TO THE INSTITUTION FOR EMERGENCY NOTIFICATION PURPOSES.

(IV) "EMERGENCY CONTACT ATTEMPT" MEANS AN ATTEMPT BY THE INSTITUTION TO REACH THE STUDENT'S EMERGENCY CONTACT PERSON LISTED IN THE STUDENT'S OFFICIAL INSTITUTIONAL RECORD.

(V) "INSTITUTION OF HIGHER EDUCATION" OR "INSTITUTION" MEANS A STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION 23-18-102 (10)(a); A LOCAL DISTRICT COLLEGE, AS DEFINED IN SECTION 23-71-102 (1)(a); AN AREA TECHNICAL COLLEGE, AS DEFINED IN SECTION 23-60-103 (1); A PRIVATE COLLEGE OR UNIVERSITY, AS DEFINED IN SECTION 23-2-102; AND A PRIVATE OCCUPATIONAL SCHOOL, AS DEFINED IN SECTION 23-2-102.

(VI) "REGULAR BUSINESS HOURS" MEANS THE HOURS DURING WHICH THE INSTITUTION OF HIGHER EDUCATION'S ADMINISTRATIVE OFFICES ARE REGULARLY OPEN FOR BUSINESS, AS PUBLISHED IN THE INSTITUTION'S OFFICIAL ACADEMIC CALENDAR.

(VII) "RESIDENTIAL VERIFICATION" MEANS A PHYSICAL CHECK OF THE STUDENT'S RESIDENCE IF THE STUDENT RESIDES IN INSTITUTION-CONTROLLED HOUSING BY AN AUTHORIZED REPRESENTATIVE OF THE INSTITUTION, AS DEFINED BY THE INSTITUTION'S PUBLISHED PRELIMINARY WELLNESS ASSESSMENT POLICY REQUIRED PURSUANT TO SUBSECTION (5)(e) OF THIS SECTION.

SECTION 4. 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.

Approved: May 26, 2026