

**Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0156.01 Jane Ritter x4342

**HOUSE BILL 16-1098**

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**HOUSE SPONSORSHIP**

**Lawrence,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Education

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING UPDATES TO PROVISIONS RELATED TO SCHOOL**  
102      **DISCIPLINE REPORTING.**

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**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://www.leg.state.co.us/billsummaries>.)*

The bill makes adjustments to required school discipline reporting provisions. If the department of public safety utilizes records related to juvenile proceedings for research purposes, that department must meet all statutory requirements for research use; except that it is not required to obtain prior authorization from the department of human services. A

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

provision is added to the section concerning the use of juvenile delinquency data for research purposes that any research generated by that data must be in aggregate form. Certain information may be released regarding an expunged case by any law enforcement agency, a district attorney, a court, or any agency of the state judicial department to the department of public safety, division of criminal justice, for research purposes.

The district attorney or his or her designee is no longer subject to any criminal or civil penalties for his or her compliance with the reporting obligations of the statute.

The division of criminal justice is no longer required to release data related to juvenile delinquency to independent entities for research purposes.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-303, **amend** (5)  
3 as follows:

4 **19-1-303. General provisions - delinquency and dependency**  
5 **and neglect cases - exchange of information - civil penalty.** (5) The  
6 provisions of this section ~~shall be~~ ARE in addition to and not in lieu of  
7 other statutory provisions of law pertaining to the release of information.  
8 Access to OR EXCHANGE OF information not otherwise addressed by this  
9 section ~~shall be~~ IS governed as otherwise provided by law.

10 **SECTION 2.** In Colorado Revised Statutes, 19-1-304, **amend** (1)  
11 (a) introductory portion and (1) (a) (XIII) as follows:

12 **19-1-304. Juvenile delinquency records - division of youth**  
13 **corrections critical incident information - definitions.** (1) (a) **Court**  
14 **records - open.** Except as provided in paragraph (b.5) of this subsection  
15 (1), court records in juvenile delinquency proceedings or proceedings  
16 concerning a juvenile charged with the violation of any municipal  
17 ordinance except a traffic ordinance ~~shall be~~ ARE open to inspection to the  
18 following persons without court order:

1 (XIII) Any person or agency for research purposes, if all of the  
2 following conditions are met:

3 (A) The person or agency conducting ~~such~~ THE research is  
4 employed by the state of Colorado or is under contract with the state of  
5 Colorado and is authorized by the department of human services to  
6 conduct ~~such~~ THE research; EXCEPT THAT THE DEPARTMENT OF PUBLIC  
7 SAFETY IS NOT REQUIRED TO OBTAIN PRIOR AUTHORIZATION FROM THE  
8 DEPARTMENT OF HUMAN SERVICES FOR PURPOSES OF THIS SUBPARAGRAPH  
9 (XIII); and

10 (B) The person or agency conducting the research ensures that all  
11 documents containing identifying information are maintained in secure  
12 locations and access to such documents by unauthorized persons is  
13 prohibited; that no identifying information is included in documents  
14 generated from the research conducted; and that all identifying  
15 information is deleted from documents used in the research when the  
16 research is completed; AND

17 (C) ANY DATA RELEASED MUST ONLY BE IN AGGREGATE FORM;

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19 **SECTION 3.** In Colorado Revised Statutes, 20-1-113, **amend** (4);  
20 and **add** (5) as follows:

21 **20-1-113. Reporting of criminal proceedings involving public**  
22 **school students.** (4) ~~Commencing~~ NOTWITHSTANDING THE PROVISIONS  
23 OF SECTION 19-1-303 (5), C.R.S., COMMENCING August 1, 2015, and  
24 continuing every August 1 every year thereafter, each district attorney  
25 shall report to the division of criminal justice the name of any student  
26 who was granted pre-file juvenile or adult diversion for a ticket,  
27 summons, or offense that occurred at a public elementary school, middle

1 or junior high school, or high school; in a school vehicle; or at a school  
2 activity or sanctioned event. In addition to the full name of the student,  
3 the district attorney shall report the student's date of birth, race, ethnicity,  
4 and gender and the arrest or incident report number, as recorded by ~~the~~  
5 ~~arresting~~ A law enforcement agency. ~~for the student INFORMATION,~~  
6 ~~INCLUDING EXPUNGED RECORD INFORMATION, RELEASED BY A DISTRICT~~  
7 ~~ATTORNEY TO THE DIVISION OF CRIMINAL JUSTICE PURSUANT TO THIS~~  
8 ~~SECTION MUST ONLY BE USED FOR RESEARCH PURPOSES RELATED TO~~  
9 ~~SCHOOL DISCIPLINE.~~

10 (5) NOTWITHSTANDING THE PROVISIONS OF SECTION 19-1-303  
11 (4.7), C.R.S., A DISTRICT ATTORNEY OR HIS OR HER DESIGNEE IS NOT  
12 SUBJECT TO ANY CRIMINAL OR CIVIL PENALTY FOR COMPLIANCE WITH THE  
13 REPORTING OBLIGATIONS OF THIS SECTION.

14 **SECTION 4.** In Colorado Revised Statutes, 22-32-146, **amend**  
15 (5) (b) as follows:

16 **22-32-146. School use of on-site peace officers as school**  
17 **resource officers.** (5) (b) NOTWITHSTANDING THE PROVISIONS OF  
18 SECTION 19-1-303 (5), C.R.S., on or before August 1, 2016, and every  
19 August 1 thereafter, each law enforcement agency that is acting or has  
20 acted in its official capacity on school grounds, in a school vehicle, or at  
21 a school activity or sanctioned event shall report to the division of  
22 criminal justice, in formats developed by the division in conjunction with  
23 local law enforcement agencies, the information required pursuant to  
24 paragraph (c) of this subsection (5) that is related to all student tickets,  
25 summons, or arrests that occurred for the previous academic year,  
26 including incidents that occurred during the previous summer months, at  
27 a public elementary school, middle or junior high school, or high school;

1 in a school vehicle; or at a school activity or sanctioned event.

2 **SECTION 5.** In Colorado Revised Statutes, 24-33.5-503, **amend**  
3 (2) (a) (II) as follows:

4 **24-33.5-503. Duties of division.** (2) (a) (II) The division shall  
5 submit the report to the education and judiciary committees of the house  
6 of representatives and the senate, or any successor committees. The  
7 division shall provide the report to any member of the public upon  
8 request, in a manner that does not include any identifying information  
9 regarding any student. If the division provides the information to a  
10 member of the public upon request pursuant to this paragraph (a), the  
11 division may charge a fee to the person, which fee shall not exceed the  
12 direct and indirect costs incurred by the division in providing the  
13 information. ~~Provided that the division adheres to all state and federal~~  
14 ~~privacy and confidentiality laws concerning student information, the~~  
15 ~~division shall provide the underlying data gathered by a law enforcement~~  
16 ~~agency to any independent research or community-based organization~~  
17 ~~working to analyze school-based criminal behavior and the response to~~  
18 ~~that behavior by the juvenile and criminal justice systems.~~

19 **SECTION 6. Safety clause.** The general assembly hereby finds,  
20 determines, and declares that this act is necessary for the immediate  
21 preservation of the public peace, health, and safety.