

NOTE: The governor signed this measure on 4/15/2016.

An Act

HOUSE BILL 16-1098

BY REPRESENTATIVE(S) Lawrence, Fields, Garnett, Kraft-Tharp, Mitsch Bush, Pettersen, Rosenthal;
also SENATOR(S) Newell, Heath, Hill, Johnston, Kefalas, Kerr, Lambert, Martinez Humenik, Merrifield, Scheffel, Steadman, Todd.

CONCERNING UPDATES TO PROVISIONS RELATED TO SCHOOL DISCIPLINE REPORTING.

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

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

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

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

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

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

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

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

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

20-1-113. Reporting of criminal proceedings involving public school students. (4) ~~Commencing~~ NOTWITHSTANDING THE PROVISIONS OF SECTION 19-1-303 (5), C.R.S., ~~COMMENCING~~ August 1, 2015, and continuing every August 1 every year thereafter, each district attorney shall report to the division of criminal justice the name of any student who was granted pre-file juvenile or adult diversion for a ticket, summons, or offense that occurred at a public elementary school, middle or junior high school, or high school; in a school vehicle; or at a school activity or sanctioned event. In addition to the full name of the student, the district

attorney shall report the student's date of birth, race, ethnicity, and gender and the arrest or incident report number, as recorded by ~~the arresting~~ A law enforcement agency. ~~for the student~~ INFORMATION, INCLUDING EXPUNGED RECORD INFORMATION, RELEASED BY A DISTRICT ATTORNEY TO THE DIVISION OF CRIMINAL JUSTICE PURSUANT TO THIS SECTION MUST ONLY BE USED FOR RESEARCH PURPOSES RELATED TO SCHOOL DISCIPLINE.

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

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

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

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

24-33.5-503. Duties of division. (2) (a) (II) The division shall submit the report to the education and judiciary committees of the house of representatives and the senate, or any successor committees. The division shall provide the report to any member of the public upon request, in a manner that does not include any identifying information regarding any student. If the division provides the information to a member of the public upon request pursuant to this paragraph (a), the division may charge a fee to the person, which fee shall not exceed the direct and indirect costs

incurred by the division in providing the information. Provided that the division adheres to all state and federal privacy and confidentiality laws concerning student information, the division ~~shall~~ MAY provide the ~~underlying~~ AGGREGATE data gathered by a law enforcement agency to any independent research or community-based organization working to analyze school-based criminal behavior and the response to that behavior by the juvenile and criminal justice systems. THE DATA PROVIDED MUST NOT INCLUDE ANY INFORMATION THAT WOULD IDENTIFY ANY INDIVIDUAL STUDENT.

SECTION 6. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Bill L. Cadman
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO