

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0156.01 Jane Ritter x4342

HOUSE BILL 16-1098

HOUSE SPONSORSHIP

Lawrence,

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

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

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-304, **amend** (1)

3 (a) introductory portion and (1) (a) (XIII) as follows:

4 **19-1-304. Juvenile delinquency records - division of youth**
5 **corrections critical incident information - definitions.** (1) (a) **Court**
6 **records - open.** Except as provided in paragraph (b.5) of this subsection
7 (1), court records in juvenile delinquency proceedings or proceedings
8 concerning a juvenile charged with the violation of any municipal
9 ordinance except a traffic ordinance ~~shall be~~ ARE open to inspection to the
10 following persons without court order:

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

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

1 (XIII); and

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

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

10 **SECTION 2.** In Colorado Revised Statutes, 19-1-306, **add** (5)
11 (a.6) as follows:

12 **19-1-306. Expungement of juvenile delinquent records.**

13 (5) (a.6) NOTWITHSTANDING ANY ORDER FOR EXPUNGEMENT ISSUED
14 PURSUANT TO THIS SECTION AND IF ALL OF THE CONDITIONS SET FORTH IN
15 SECTION 19-1-304 (1) (a) (XIII) ARE MET, INFORMATION REGARDING AN
16 EXPUNGED CASE MUST BE MADE AVAILABLE BY ANY LAW ENFORCEMENT
17 AGENCY, A DISTRICT ATTORNEY, A COURT, OR ANY AGENCY OF THE STATE
18 JUDICIAL DEPARTMENT TO THE DEPARTMENT OF PUBLIC SAFETY, DIVISION
19 OF CRIMINAL JUSTICE, FOR RESEARCH PURPOSES.

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

22 **20-1-113. Reporting of criminal proceedings involving public**
23 **school students.** (4) Commencing August 1, 2015, and continuing every
24 August 1 every year thereafter, each district attorney shall report to the
25 division of criminal justice the name of any student who was granted
26 pre-file juvenile or adult diversion for a ticket, summons, or offense that
27 occurred at a public elementary school, middle or junior high school, or

1 high school; in a school vehicle; or at a school activity or sanctioned
2 event. In addition to the full name of the student, the district attorney shall
3 report the student's date of birth, race, ethnicity, and gender and the arrest
4 or incident report number, as recorded by ~~the arresting~~ A law enforcement
5 agency. ~~for the student.~~

6 (5) NOTWITHSTANDING THE PROVISIONS OF SECTION 19-1-303
7 (4.7), C.R.S., A DISTRICT ATTORNEY OR HIS OR HER DESIGNEE IS NOT
8 SUBJECT TO ANY CRIMINAL OR CIVIL PENALTY FOR COMPLIANCE WITH THE
9 REPORTING OBLIGATIONS OF THIS SECTION.

10 **SECTION 4.** In Colorado Revised Statutes, 24-33.5-503, **amend**
11 (2) (a) (II) as follows:

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

27 **SECTION 5. Safety clause.** The general assembly hereby finds,

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