

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB26-120 be amended as follows:

- 1 Amend printed bill, page 2, line 11, strike "OF PUBLIC SAFETY".
- 2 Page 2, line 20, after "EXPIRED." add "THE DEPARTMENT IS NOT REQUIRED
- 3 TO DELIVER OR ADMINISTER THE TRAINING REQUIRED PURSUANT TO THIS
- 4 SECTION."
- 5 Page 3, line 13, before "**definitions.**" insert "**rules -**".
- 6 Page 3, line 15, strike "A STATE" and substitute "AN".
- 7 Page 3, line 19, strike "A STATE" and substitute "AN".
- 8 Page 4, after line 6 add:
  - 9 "(c) (I) AN INSTITUTION OF HIGHER EDUCATION, AND AN
  - 10 EMPLOYEE THEREOF, IS IMMUNE FROM CIVIL LIABILITY RELATED TO A
  - 11 MISSING STUDENT IF THE INSTITUTION OR EMPLOYEE THEREOF WAS ACTING
  - 12 IN GOOD FAITH PURSUANT TO THIS SUBSECTION (5).
  - 13 (II) GOOD FAITH IMMUNITY FOR PUBLIC INSTITUTIONS PURSUANT
  - 14 TO THIS SUBSECTION (5)(c) APPLIES IN ADDITION TO ANY IMMUNITY
  - 15 PURSUANT TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT",
  - 16 ARTICLE 10 OF TITLE 24. GOOD FAITH IMMUNITY PURSUANT TO THIS
  - 17 SUBSECTION (5)(c) APPLIES INDEPENDENTLY TO A PRIVATE INSTITUTION OF
  - 18 HIGHER EDUCATION.
  - 19 (III) AN INSTITUTION OF HIGHER EDUCATION CLAIMING GOOD
  - 20 FAITH IMMUNITY PURSUANT TO THIS SUBSECTION (5)(c) BEARS THE
  - 21 BURDEN OF ESTABLISHING THAT THE INSTITUTION INITIATED THE MINIMUM
  - 22 WELLNESS ASSESSMENT STEPS REQUIRED PURSUANT TO SUBSECTION (5)(d)
  - 23 OF THIS SECTION, WHICH MAY BE ESTABLISHED BY DOCUMENTATION
  - 24 MAINTAINED PURSUANT TO SUBSECTION (5)(f) OF THIS SECTION.
  - 25 (d) (I) FOR PURPOSES OF THIS SUBSECTION (5), A PRELIMINARY
  - 26 WELLNESS ASSESSMENT INCLUDES, AT A MINIMUM, THE FOLLOWING STEPS
  - 27 CONDUCTED IN GOOD FAITH AND DOCUMENTED PURSUANT TO SUBSECTION
  - 28 (5)(f) OF THIS SECTION:
    - 29 (A) A DIGITAL CONTACT ATTEMPT;
    - 30 (B) A RESIDENTIAL VERIFICATION;
    - 31 (C) AN ACADEMIC AND SOCIAL INQUIRY; AND
    - 32 (D) AN EMERGENCY CONTACT ATTEMPT.
    - 33 (II) AN INSTITUTION OF HIGHER EDUCATION MAY CONDUCT THE
    - 34 STEPS LISTED IN SUBSECTION (5)(d)(I) OF THIS SECTION SIMULTANEOUSLY
    - 35 IF THE INSTITUTION DEEMS IT NECESSARY.

1 (III) THIS SUBSECTION (5)(d) DOES NOT PREVENT AN INSTITUTION  
2 OF HIGHER EDUCATION FROM ESTABLISHING ADDITIONAL PRELIMINARY  
3 WELLNESS ASSESSMENT STEPS. THE DEPARTMENT OF HIGHER EDUCATION  
4 MAY ADOPT RULES TO ESTABLISH ADDITIONAL PRELIMINARY WELLNESS  
5 ASSESSMENT STEPS.

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

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

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

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

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

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

28 (D) ADDITIONAL PRELIMINARY WELLNESS ASSESSMENT STEPS AS  
29 ESTABLISHED BY AN INSTITUTION OR ADOPTED BY THE DEPARTMENT OF  
30 HIGHER EDUCATION PURSUANT TO SUBSECTION (5)(d)(III) OF THIS  
31 SECTION.

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

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

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

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

1 (C) THE NAME AND ROLE OF EACH INSTITUTIONAL EMPLOYEE OR  
2 AGENT WHO PARTICIPATED IN THE PRELIMINARY WELLNESS ASSESSMENT;  
3 (D) THE REASON ANY STEP OF THE PRELIMINARY WELLNESS  
4 ASSESSMENT WAS NOT COMPLETED WITHIN THE SIX-HOUR PERIOD  
5 REQUIRED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION, IF  
6 APPLICABLE; AND  
7 (E) THE DATE AND TIME A MISSING PERSON REPORT IS MADE TO  
8 THE INSTITUTION'S POLICE DEPARTMENT OR THE NEAREST LAW  
9 ENFORCEMENT AGENCY.  
10 (II) AN INSTITUTION OF HIGHER EDUCATION SHALL RETAIN THE  
11 RECORDS REQUIRED PURSUANT TO THIS SUBSECTION (5)(f) FOR A MINIMUM  
12 OF THREE YEARS AFTER THE MISSING PERSON REPORT WAS RECEIVED BY  
13 THE INSTITUTION OF HIGHER EDUCATION, AND THE RECORDS MUST BE  
14 AVAILABLE TO A LAW ENFORCEMENT AGENCY UPON REQUEST.  
15 (III) AN INSTITUTION OF HIGHER EDUCATION SHALL MAKE THE  
16 RECORDS REQUIRED PURSUANT TO THIS SUBSECTION (5)(f) AVAILABLE  
17 UPON REQUEST TO THE STUDENT'S AUTHORIZED EMERGENCY CONTACT  
18 LISTED IN THE STUDENT'S OFFICIAL INSTITUTIONAL RECORD OR LEGAL  
19 GUARDIAN IF THE STUDENT HAS NOT BEEN LOCATED WITHIN THIRTY DAYS  
20 AFTER THE INSTITUTION RECEIVES A MISSING PERSON REPORT.  
21 (g) (I) CONDUCTING A PRELIMINARY WELLNESS ASSESSMENT  
22 PURSUANT TO SUBSECTION (5)(d) OF THIS SECTION IS A PERMISSIBLE  
23 DISCLOSURE PURSUANT TO THE HEALTH OR SAFETY EMERGENCY  
24 EXCEPTION OF THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND  
25 PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g (b)(1)(I), AND DOES NOT  
26 CONSTITUTE A VIOLATION OF A STATE STUDENT PRIVACY LAW.  
27 (II) A DISCLOSURE MADE AS PART OF A PRELIMINARY WELLNESS  
28 ASSESSMENT MUST BE LIMITED TO INFORMATION NECESSARY TO LOCATE  
29 THE STUDENT AND MUST NOT BE USED FOR ANY OTHER PURPOSE.  
30 (h) AS USED IN THIS SUBSECTION (5), UNLESS THE CONTEXT  
31 OTHERWISE REQUIRES:  
32 (I) "ACADEMIC AND SOCIAL INQUIRY" MEANS A QUERY BY AN  
33 INSTITUTION OF AVAILABLE FACULTY MEMBERS AND RESIDENTIAL STAFF  
34 ABOUT THE STUDENT'S MOST RECENTLY KNOWN ATTENDANCE OR SOCIAL  
35 INTERACTION SUBJECT TO THE PERMISSIBLE DISCLOSURE PROVISIONS OF  
36 SUBSECTION (5)(g) OF THIS SECTION.  
37 (II) "CIRCUMSTANCES BEYOND THE INSTITUTION'S REASONABLE  
38 CONTROL" MEANS AN UNFORESEEABLE SITUATION, OR A SITUATION THE  
39 INSTITUTION OF HIGHER EDUCATION IS UNABLE TO ADEQUATELY RESPOND  
40 TO, INCLUDING, BUT NOT LIMITED TO:  
41 (A) THE UNAVAILABILITY OF FACULTY OR STAFF OUTSIDE OF  
42 REGULAR BUSINESS HOURS;  
43 (B) THE STUDENT'S RESIDENCE BEING LOCATED OFF CAMPUS OR

1 OUTSIDE THE INSTITUTION'S PHYSICAL JURISDICTION; AND  
2 (C) AN INCORRECT, DISCONNECTED, OR UNANSWERED EMERGENCY  
3 CONTACT.  
4 (III) "DIGITAL CONTACT ATTEMPT" MEANS AN ATTEMPT BY THE  
5 INSTITUTION OF HIGHER EDUCATION TO CONTACT THE STUDENT THROUGH  
6 ALL INSTITUTION-PROVIDED COMMUNICATIONS AVAILABLE TO THE  
7 INSTITUTION, INCLUDING, BUT NOT LIMITED TO, AN INSTITUTIONAL EMAIL,  
8 STUDENT PORTAL SYSTEM, AND EMERGENCY NOTIFICATION SYSTEM.  
9 (IV) "EMERGENCY CONTACT ATTEMPT" MEANS AN ATTEMPT BY  
10 THE INSTITUTION TO REACH THE STUDENT'S EMERGENCY CONTACT PERSON  
11 LISTED IN THE STUDENT'S OFFICIAL INSTITUTIONAL RECORD.  
12 (V) "INSTITUTION OF HIGHER EDUCATION" OR "INSTITUTION"  
13 MEANS A STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN  
14 SECTION 23-18-102 (10)(a); A LOCAL DISTRICT COLLEGE; AN AREA  
15 TECHNICAL COLLEGE; THE AURARIA HIGHER EDUCATION CENTER; AN  
16 EDUCATION CENTER; A TECHNICAL COLLEGE; A PRIVATE COLLEGE OR  
17 UNIVERSITY, AS DEFINED IN SECTION 23-2-102; AND A PRIVATE  
18 OCCUPATIONAL SCHOOL, AS DEFINED IN SECTION 23-2-102.  
19 (VI) "REGULAR BUSINESS HOURS" MEANS THE HOURS DURING  
20 WHICH THE INSTITUTION OF HIGHER EDUCATION'S ADMINISTRATIVE  
21 OFFICES ARE REGULARLY OPEN FOR BUSINESS, AS PUBLISHED IN THE  
22 INSTITUTION'S OFFICIAL ACADEMIC CALENDAR.  
23 (VII) "RESIDENTIAL VERIFICATION" MEANS A PHYSICAL CHECK OF  
24 THE STUDENT'S RESIDENCE IF THE STUDENT RESIDES IN  
25 INSTITUTION-CONTROLLED HOUSING BY AN AUTHORIZED REPRESENTATIVE  
26 OF THE INSTITUTION, AS DEFINED BY THE INSTITUTION'S PUBLISHED  
27 PRELIMINARY WELLNESS ASSESSMENT POLICY REQUIRED PURSUANT TO  
28 SUBSECTION (5)(e) OF THIS SECTION."

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