

**Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 26-0010.02 Owen Hatch x2698

**SENATE BILL 26-120**

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**SENATE SPONSORSHIP**

**Marchman and Wallace,**

**HOUSE SPONSORSHIP**

**Zokaie and Bradley,**

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**Senate Committees**  
Judiciary

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING LAW ENFORCEMENT PROCEDURES RELATED TO MISSING**  
102 **PERSONS.**

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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://leg.colorado.gov>.)*

The bill requires a person seeking certification or recertification from the peace officers standards and training board to undergo training on various missing person alerts active within the state. The department of public safety is required to create a missing person alert training program for persons seeking certification or recertification of their peace officer status.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.*

The bill allows a state institution of higher education (institution) to conduct a preliminary wellness assessment for no longer than 6 hours if a student is reported missing. If the student is not found within the 6-hour period, the institution does not conduct a preliminary wellness assessment, or if there is evidence of a credible risk to the student's safety, the institution shall notify the institution's police department, or the nearest law enforcement agency if the institution does not have its own police department, of the missing student.

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

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

4 **24-33.5-416.3. Missing persons alert training program -**  
5 **requirements.**

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

11 (2) THE DEPARTMENT == SHALL CREATE A TRAINING PROGRAM FOR  
12 PEACE OFFICERS DESCRIBING THE STATE ALERTS RELATING TO MISSING  
13 PERSONS, INCLUDING MISSING PERSON ALERTS PURSUANT TO SECTIONS  
14 16-2.7-103, 24-33.5-415.7, 24-33.5-415.8, 24-33.5-415.9, AND  
15 24-33.5-431, AND THE STATE EMERGENCY ALERT SYSTEM. PURSUANT TO  
16 SECTION 24-31-319 (3), THE PEACE OFFICERS STANDARDS AND TRAINING  
17 BOARD SHALL INCLUDE THE TRAINING PROGRAM IN THE BASIC OR RESERVE  
18 PEACE OFFICER TRAINING CURRICULUM AND TRAINING REQUIRED TO  
19 RENEW A PEACE OFFICER CERTIFICATION THAT EXPIRED. THE DEPARTMENT  
20 IS NOT REQUIRED TO DELIVER OR ADMINISTER THE TRAINING REQUIRED  
21 PURSUANT TO THIS SECTION.

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

3           **24-31-319. Training related to missing indigenous persons -**  
4 **development - missing persons alerts training.**

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

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

12          **23-5-141. Campus police information sharing - missing**  
13 **student notifications to law enforcement - legislative declaration -**  
14 **rules - definitions.**

15          (5) (a) IF A STUDENT, FAMILY MEMBER, LEGAL GUARDIAN,  
16 FACULTY MEMBER, OR OTHER PERSON REPORTS TO AN INSTITUTION OF  
17 HIGHER EDUCATION THAT A STUDENT ATTENDING THE INSTITUTION IS  
18 MISSING OR CANNOT BE LOCATED, THE INSTITUTION MAY CONDUCT A  
19 PRELIMINARY WELLNESS ASSESSMENT TO LOCATE THE STUDENT.

20          (b) IF AN INSTITUTION OF HIGHER EDUCATION CONDUCTING A  
21 PRELIMINARY WELLNESS ASSESSMENT DOES NOT LOCATE THE STUDENT  
22 WITHIN SIX HOURS AFTER RECEIVING THE REPORT, THE INSTITUTION SHALL,  
23 AT THE EXPIRATION OF THE SIX-HOUR PERIOD, NOTIFY THE INSTITUTION'S  
24 POLICE DEPARTMENT. IF THE INSTITUTION DOES NOT CONDUCT A  
25 PRELIMINARY WELLNESS ASSESSMENT OR AT ANY TIME DETERMINES THERE  
26 IS CREDIBLE EVIDENCE OF RISK TO THE STUDENT'S SAFETY, THE  
27 INSTITUTION SHALL IMMEDIATELY NOTIFY THE INSTITUTION'S POLICE

1 DEPARTMENT. IF THE INSTITUTION DOES NOT HAVE ITS OWN POLICE  
2 DEPARTMENT, THE INSTITUTION SHALL MAKE THE NOTIFICATION REQUIRED  
3 IN THIS SUBSECTION (5)(b) TO THE NEAREST LAW ENFORCEMENT AGENCY.  
4 AFTER RECEIVING THE MISSING PERSON REPORT, THE INSTITUTION'S POLICE  
5 DEPARTMENT OR NEAREST LAW ENFORCEMENT AGENCY SHALL FOLLOW  
6 THE REPORTING REQUIREMENTS DESCRIBED IN SECTIONS 16-2.7-102 AND  
7 16-2.7-103, AND ANY OTHER APPLICABLE PROCEDURE.

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

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

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

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

1           (A) A DIGITAL CONTACT ATTEMPT;  
2           (B) A RESIDENTIAL VERIFICATION, IF THE INSTITUTION HAS  
3 INSTITUTION-CONTROLLED HOUSING;  
4           (C) AN ACADEMIC AND SOCIAL INQUIRY; AND  
5           (D) AN EMERGENCY CONTACT ATTEMPT.  
6           (II) AN INSTITUTION OF HIGHER EDUCATION MAY CONDUCT THE  
7 STEPS LISTED IN SUBSECTION (5)(d)(I) OF THIS SECTION SIMULTANEOUSLY  
8 IF THE INSTITUTION DEEMS IT NECESSARY.  
9           (III) THIS SUBSECTION (5)(d) DOES NOT PREVENT AN INSTITUTION  
10 OF HIGHER EDUCATION FROM ESTABLISHING ADDITIONAL PRELIMINARY  
11 WELLNESS ASSESSMENT STEPS. THE DEPARTMENT OF HIGHER EDUCATION  
12 MAY ADOPT RULES TO ESTABLISH ADDITIONAL PRELIMINARY WELLNESS  
13 ASSESSMENT STEPS.  
14           (IV) (A) AN INSTITUTION OF HIGHER EDUCATION IS NOT DEEMED  
15 TO HAVE FAILED TO CONDUCT A PRELIMINARY WELLNESS ASSESSMENT  
16 SOLELY BECAUSE, DUE TO CIRCUMSTANCES BEYOND THE INSTITUTION'S  
17 REASONABLE CONTROL, ONE OR MORE OF STEPS OF THE PRELIMINARY  
18 WELLNESS ASSESSMENT COULD NOT BE COMPLETED WITHIN THE SIX-HOUR  
19 PERIOD REQUIRED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION.  
20           (B) AN INSTITUTION OF HIGHER EDUCATION SHALL DOCUMENT THE  
21 REASON FOR EACH UNCOMPLETED STEP REQUIRED PURSUANT TO  
22 SUBSECTION (5)(f) OF THIS SECTION.  
23           (e) (I) AN INSTITUTION OF HIGHER EDUCATION SHALL ADOPT AND  
24 PUBLISH A PRELIMINARY WELLNESS ASSESSMENT POLICY THAT DEFINES,  
25 AT A MINIMUM:  
26           (A) THE CATEGORIES OF INSTITUTIONAL EMPLOYEES OR AGENTS  
27 WHO ARE AUTHORIZED TO CONDUCT A RESIDENTIAL VERIFICATION

1 PURSUANT TO SUBSECTION (5)(d)(I)(B) OF THIS SECTION, WHICH MUST  
2 INCLUDE AT LEAST ONE CATEGORY OF EMPLOYEE OR AGENT AVAILABLE  
3 OUTSIDE OF REGULAR BUSINESS HOURS;

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

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

9 (D) ADDITIONAL PRELIMINARY WELLNESS ASSESSMENT STEPS AS  
10 ESTABLISHED BY AN INSTITUTION OR ADOPTED BY THE DEPARTMENT OF  
11 HIGHER EDUCATION PURSUANT TO SUBSECTION (5)(d)(III) OF THIS  
12 SECTION.

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

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

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

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

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

27 (D) THE REASON ANY STEP OF THE PRELIMINARY WELLNESS

1 ASSESSMENT WAS NOT COMPLETED WITHIN THE SIX-HOUR PERIOD  
2 REQUIRED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION, IF  
3 APPLICABLE; AND

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

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

12 (III) AN INSTITUTION OF HIGHER EDUCATION SHALL MAKE THE  
13 RECORDS REQUIRED PURSUANT TO THIS SUBSECTION (5)(f) AVAILABLE  
14 UPON REQUEST TO THE STUDENT'S AUTHORIZED EMERGENCY CONTACT  
15 LISTED IN THE STUDENT'S OFFICIAL INSTITUTIONAL RECORD OR LEGAL  
16 GUARDIAN IF THE STUDENT HAS NOT BEEN LOCATED WITHIN THIRTY DAYS  
17 AFTER THE INSTITUTION RECEIVES A MISSING PERSON REPORT.

18 (g) (I) CONDUCTING A PRELIMINARY WELLNESS ASSESSMENT  
19 PURSUANT TO SUBSECTION (5)(d) OF THIS SECTION IS A PERMISSIBLE  
20 DISCLOSURE PURSUANT TO THE HEALTH OR SAFETY EMERGENCY  
21 EXCEPTION OF THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND  
22 PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g (b)(1)(I), AND DOES NOT  
23 CONSTITUTE A VIOLATION OF A STATE STUDENT PRIVACY LAW.

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

27 (h) AS USED IN THIS SUBSECTION (5), UNLESS THE CONTEXT

1 OTHERWISE REQUIRES:

2 (I) "ACADEMIC AND SOCIAL INQUIRY" MEANS A QUERY BY AN  
3 INSTITUTION OF AVAILABLE FACULTY MEMBERS AND RESIDENTIAL STAFF  
4 ABOUT THE STUDENT'S MOST RECENTLY KNOWN ATTENDANCE OR SOCIAL  
5 INTERACTION SUBJECT TO THE PERMISSIBLE DISCLOSURE PROVISIONS OF  
6 SUBSECTION (5)(g) OF THIS SECTION.

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

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

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

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

17 (III) "DIGITAL CONTACT ATTEMPT" MEANS AN ATTEMPT BY THE  
18 INSTITUTION OF HIGHER EDUCATION TO CONTACT THE STUDENT THROUGH  
19 ALL INSTITUTION-PROVIDED COMMUNICATIONS AVAILABLE TO THE  
20 INSTITUTION, INCLUDING, BUT NOT LIMITED TO, AN INSTITUTIONAL EMAIL,  
21 STUDENT PORTAL SYSTEM, AND EMERGENCY NOTIFICATION SYSTEM.

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

25 (V) "INSTITUTION OF HIGHER EDUCATION" OR "INSTITUTION"  
26 MEANS A STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN  
27 SECTION 23-18-102 (10)(a); A LOCAL DISTRICT COLLEGE; AN AREA

1 TECHNICAL COLLEGE; THE AURARIA HIGHER EDUCATION CENTER; AN  
2 EDUCATION CENTER; A TECHNICAL COLLEGE; A PRIVATE COLLEGE OR  
3 UNIVERSITY, AS DEFINED IN SECTION 23-2-102; AND A PRIVATE  
4 OCCUPATIONAL SCHOOL, AS DEFINED IN SECTION 23-2-102.

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

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

15 **SECTION 4. Act subject to petition - effective date.** This act  
16 takes effect at 12:01 a.m. on the day following the expiration of the  
17 ninety-day period after final adjournment of the general assembly (August  
18 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a  
19 referendum petition is filed pursuant to section 1 (3) of article V of the  
20 state constitution against this act or an item, section, or part of this act  
21 within such period, then the act, item, section, or part will not take effect  
22 unless approved by the people at the general election to be held in  
23 November 2026 and, in such case, will take effect on the date of the  
24 official declaration of the vote thereon by the governor.