

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0968.01 Lindy Schaible x4215

SENATE BILL 26-166

SENATE SPONSORSHIP

Benavidez and Kipp,

HOUSE SPONSORSHIP

Goldstein,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 CONCERNING SCHOOL BOARD MEMBER DISQUALIFYING CONVICTIONS.

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>.)

Current law disqualifies a person convicted of committing a sexual offense against a child from being a school director of a school district, commonly known as a school board member. The bill adds convictions for crimes of violence and for felony drug offenses involving distribution, manufacturing, dispensing, or sale of a controlled substance to the list of offenses that disqualify a person from being a school board member. The bill specifies that a person is disqualified only for crimes of violence offenses and felony drug offenses committed when the person was an

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.

adult.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-31-107, **amend**
3 (5) as follows:

4 **22-31-107. Candidates for school director - call - qualification**
5 **- nomination - definitions.**

6 (5) (a) (I) ~~Any~~ A person who has been convicted of ~~commission~~
7 of a sexual offense against a child ~~shall not be~~ IS NOT eligible for the
8 office of school director of a school district. ADDITIONALLY, A PERSON
9 WHO HAS BEEN CONVICTED OF ANY OF THE FOLLOWING OFFENSES AND
10 WAS EIGHTEEN YEARS OLD OR OLDER AT THE TIME OF THE OFFENSE IS NOT
11 ELIGIBLE FOR THE OFFICE OF SCHOOL DIRECTOR OF A SCHOOL DISTRICT:

12 (A) A CRIME OF VIOLENCE; OR

13 (B) A FELONY DRUG OFFENSE INVOLVING DISTRIBUTION,
14 MANUFACTURING, DISPENSING, OR SALE.

15 (II) If a person becomes ineligible pursuant to the terms of this
16 subsection (5) while serving as a school director, a vacancy ~~shall be~~ IS
17 deemed to exist that ~~shall~~ MUST be filled as provided in section
18 22-31-129.

19 (b) ~~For purposes of~~ AS USED IN this subsection (5), UNLESS THE
20 CONTEXT OTHERWISE REQUIRES:

21 (I) "CRIME OF VIOLENCE" MEANS AN OFFENSE DESCRIBED IN
22 SECTION 18-1.3-406, OR AN OFFENSE WITH SUBSTANTIALLY SIMILAR
23 ELEMENTS UNDER THE LAWS OF ANOTHER STATE, THE UNITED STATES, OR
24 ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

25 "CRIME OF VIOLENCE" ALSO MEANS ATTEMPT, SOLICITATION, OR

1 CONSPIRACY TO COMMIT ANY OF THE OFFENSES SPECIFIED IN THIS
2 SUBSECTION (5)(b)(I).

3 (II) "FELONY DRUG OFFENSE INVOLVING DISTRIBUTION,
4 MANUFACTURING, DISPENSING, OR SALE" MEANS A FELONY DRUG OFFENSE
5 DESCRIBED IN PART 4 OF ARTICLE 18 OF TITLE 18 INVOLVING
6 DISTRIBUTION, MANUFACTURING, DISPENSING, OR SALE OF A CONTROLLED
7 SUBSTANCE OR A CONTROLLED SUBSTANCE ANALOG, OR AN OFFENSE WITH
8 SUBSTANTIALLY SIMILAR ELEMENTS UNDER THE LAWS OF ANOTHER STATE,
9 THE UNITED STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION
10 OF THE UNITED STATES. "FELONY DRUG OFFENSE INVOLVING
11 DISTRIBUTION, MANUFACTURING, DISPENSING, OR SALE" ALSO MEANS
12 ATTEMPT, SOLICITATION, OR CONSPIRACY TO COMMIT ANY OF THE
13 OFFENSES SPECIFIED IN THIS SUBSECTION (5)(b)(II).

14 (III) "Sexual offense against a child" means any of the offenses
15 described in ~~sections 18-3-305, 18-3-405, 18-3-405.3, 18-3-504 (2),~~
16 ~~18-6-301, 18-6-302, 18-6-403, 18-6-404, and 18-7-402 to 18-7-406,~~
17 ~~C.R.S., and any of the offenses described in sections 18-3-402 to~~
18 ~~18-3-404 and 18-7-302, C.R.S., where the victim is less than eighteen~~
19 ~~years of age~~ SECTIONS 18-3-305, 18-3-402, 18-3-404, 18-3-405,
20 18-3-405.3, 18-3-405.4, 18-3-504 (2), 18-6-301, 18-6-302, 18-6-403,
21 18-6-404, 18-7-302, 18-7-402, 18-7-403, 18-7-404, 18-7-405, AND
22 18-7-406 WHEN THE VICTIM IS UNDER EIGHTEEN YEARS OLD, OR AN
23 OFFENSE WITH SUBSTANTIALLY SIMILAR ELEMENTS UNDER THE LAWS OF
24 ANOTHER STATE, THE UNITED STATES, OR ANY TERRITORY SUBJECT TO
25 THE JURISDICTION OF THE UNITED STATES. "Sexual offense against a
26 child" also means attempt, solicitation, or conspiracy to commit any of the
27 offenses specified in this ~~paragraph (b)~~ SUBSECTION (5)(b)(III).

1 (c) For purposes of this subsection (5), "convicted" includes
2 ~~having pleaded~~ PLEADING guilty or nolo contendere or ~~having received~~
3 RECEIVING a deferred judgment and sentence; except that a person ~~shall~~
4 MUST not be deemed to have been convicted if the person has successfully
5 completed a deferred sentence.

6 **SECTION 2. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part will not take effect
13 unless approved by the people at the general election to be held in
14 November 2026 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.