

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 4, 2026
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB26-120 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 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)

1 OF THIS SECTION, WHICH MAY BE ESTABLISHED BY DOCUMENTATION
2 MAINTAINED PURSUANT TO SUBSECTION (5)(f) OF THIS SECTION.

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

- 7 (A) A DIGITAL CONTACT ATTEMPT;
- 8 (B) A RESIDENTIAL VERIFICATION, IF THE INSTITUTION HAS
9 INSTITUTION-CONTROLLED HOUSING;
- 10 (C) AN ACADEMIC AND SOCIAL INQUIRY; AND
- 11 (D) AN EMERGENCY CONTACT ATTEMPT.

12 (II) AN INSTITUTION OF HIGHER EDUCATION MAY CONDUCT THE
13 STEPS LISTED IN SUBSECTION (5)(d)(I) OF THIS SECTION SIMULTANEOUSLY
14 IF THE INSTITUTION DEEMS IT NECESSARY.

15 (III) THIS SUBSECTION (5)(d) DOES NOT PREVENT AN INSTITUTION
16 OF HIGHER EDUCATION FROM ESTABLISHING ADDITIONAL PRELIMINARY
17 WELLNESS ASSESSMENT STEPS. THE DEPARTMENT OF HIGHER EDUCATION
18 MAY ADOPT RULES TO ESTABLISH ADDITIONAL PRELIMINARY WELLNESS
19 ASSESSMENT STEPS.

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

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

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

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

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

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

42 (D) ADDITIONAL PRELIMINARY WELLNESS ASSESSMENT STEPS AS
43 ESTABLISHED BY AN INSTITUTION OR ADOPTED BY THE DEPARTMENT OF

1 HIGHER EDUCATION PURSUANT TO SUBSECTION (5)(d)(III) OF THIS
2 SECTION.

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

7 (f) (I) AN INSTITUTION OF HIGHER EDUCATION THAT CONDUCTS A
8 PRELIMINARY WELLNESS ASSESSMENT PURSUANT TO SUBSECTION (5)(a) OF
9 THIS SECTION SHALL MAINTAIN CONTEMPORANEOUS WRITTEN
10 DOCUMENTATION OF THE ASSESSMENT, INCLUDING:

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

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

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

17 (D) THE REASON ANY STEP OF THE PRELIMINARY WELLNESS
18 ASSESSMENT WAS NOT COMPLETED WITHIN THE SIX-HOUR PERIOD
19 REQUIRED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION, IF
20 APPLICABLE; AND

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

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

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

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

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

1 (h) AS USED IN THIS SUBSECTION (5), UNLESS THE CONTEXT
2 OTHERWISE REQUIRES:

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

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

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

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

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

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

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

26 (V) "INSTITUTION OF HIGHER EDUCATION" OR "INSTITUTION"
27 MEANS A STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN
28 SECTION 23-18-102 (10)(a); A LOCAL DISTRICT COLLEGE; AN AREA
29 TECHNICAL COLLEGE; THE AURARIA HIGHER EDUCATION CENTER; AN
30 EDUCATION CENTER; A TECHNICAL COLLEGE; A PRIVATE COLLEGE OR
31 UNIVERSITY, AS DEFINED IN SECTION 23-2-102; AND A PRIVATE
32 OCCUPATIONAL SCHOOL, AS DEFINED IN SECTION 23-2-102.

33 (VI) "REGULAR BUSINESS HOURS" MEANS THE HOURS DURING
34 WHICH THE INSTITUTION OF HIGHER EDUCATION'S ADMINISTRATIVE
35 OFFICES ARE REGULARLY OPEN FOR BUSINESS, AS PUBLISHED IN THE
36 INSTITUTION'S OFFICIAL ACADEMIC CALENDAR.

37 (VII) "RESIDENTIAL VERIFICATION" MEANS A PHYSICAL CHECK OF
38 THE STUDENT'S RESIDENCE IF THE STUDENT RESIDES IN
39 INSTITUTION-CONTROLLED HOUSING BY AN AUTHORIZED REPRESENTATIVE
40 OF THE INSTITUTION, AS DEFINED BY THE INSTITUTION'S PUBLISHED
41 PRELIMINARY WELLNESS ASSESSMENT POLICY REQUIRED PURSUANT TO
42 SUBSECTION (5)(e) OF THIS SECTION."

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