

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 16-0156.01 Jane Ritter x4342

HOUSE BILL 16-1098

HOUSE SPONSORSHIP

Lawrence,

SENATE SPONSORSHIP

Newell,

House Committees
Education

Senate Committees
Education

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.*

SENATE
2nd Reading Unamended
March 22, 2016

HOUSE
3rd Reading Unamended
February 19, 2016

HOUSE
Amended 2nd Reading
February 18, 2016

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, 19-1-303, **amend** (5)
3 as follows:

4 **19-1-303. General provisions - delinquency and dependency**
5 **and neglect cases - exchange of information - civil penalty.** (5) The
6 provisions of this section ~~shall be~~ ARE in addition to and not in lieu of
7 other statutory provisions of law pertaining to the release of information.
8 Access to OR EXCHANGE OF information not otherwise addressed by this
9 section ~~shall be~~ IS governed as otherwise provided by law.

10 **SECTION 2.** In Colorado Revised Statutes, 19-1-304, **amend** (1)
11 (a) introductory portion and (1) (a) (XIII) as follows:

12 **19-1-304. Juvenile delinquency records - division of youth**
13 **corrections critical incident information - definitions.** (1) (a) **Court**
14 **records - open.** Except as provided in paragraph (b.5) of this subsection
15 (1), court records in juvenile delinquency proceedings or proceedings
16 concerning a juvenile charged with the violation of any municipal
17 ordinance except a traffic ordinance ~~shall be~~ ARE open to inspection to the
18 following persons without court order:

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

3 (A) The person or agency conducting ~~such~~ THE research is
4 employed by the state of Colorado or is under contract with the state of
5 Colorado and is authorized by the department of human services to
6 conduct ~~such~~ THE research; EXCEPT THAT THE DEPARTMENT OF PUBLIC
7 SAFETY IS NOT REQUIRED TO OBTAIN PRIOR AUTHORIZATION FROM THE
8 DEPARTMENT OF HUMAN SERVICES FOR PURPOSES OF THIS SUBPARAGRAPH
9 (XIII); and

10 (B) The person or agency conducting the research ensures that all
11 documents containing identifying information are maintained in secure
12 locations and access to such documents by unauthorized persons is
13 prohibited; that no identifying information is included in documents
14 generated from the research conducted; and that all identifying
15 information is deleted from documents used in the research when the
16 research is completed; AND

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

18

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

21 **20-1-113. Reporting of criminal proceedings involving public**
22 **school students.** (4) ~~Commencing~~ NOTWITHSTANDING THE PROVISIONS
23 OF SECTION 19-1-303 (5), C.R.S., COMMENCING August 1, 2015, and
24 continuing every August 1 every year thereafter, each district attorney
25 shall report to the division of criminal justice the name of any student
26 who was granted pre-file juvenile or adult diversion for a ticket,
27 summons, or offense that occurred at a public elementary school, middle

1 or junior high school, or high school; in a school vehicle; or at a school
2 activity or sanctioned event. In addition to the full name of the student,
3 the district attorney shall report the student's date of birth, race, ethnicity,
4 and gender and the arrest or incident report number, as recorded by ~~the~~
5 ~~arresting~~ A law enforcement agency. ~~for the student~~ INFORMATION,
6 INCLUDING EXPUNGED RECORD INFORMATION, RELEASED BY A DISTRICT
7 ATTORNEY TO THE DIVISION OF CRIMINAL JUSTICE PURSUANT TO THIS
8 SECTION MUST ONLY BE USED FOR RESEARCH PURPOSES RELATED TO
9 SCHOOL DISCIPLINE.

10 (5) NOTWITHSTANDING THE PROVISIONS OF SECTION 19-1-303
11 (4.7), C.R.S., A DISTRICT ATTORNEY OR HIS OR HER DESIGNEE IS NOT
12 SUBJECT TO ANY CRIMINAL OR CIVIL PENALTY FOR COMPLIANCE WITH THE
13 REPORTING OBLIGATIONS OF THIS SECTION.

14 **SECTION 4.** In Colorado Revised Statutes, 22-32-146, **amend**
15 (5) (b) as follows:

16 **22-32-146. School use of on-site peace officers as school**
17 **resource officers.** (5) (b) NOTWITHSTANDING THE PROVISIONS OF
18 SECTION 19-1-303 (5), C.R.S., on or before August 1, 2016, and every
19 August 1 thereafter, each law enforcement agency that is acting or has
20 acted in its official capacity on school grounds, in a school vehicle, or at
21 a school activity or sanctioned event shall report to the division of
22 criminal justice, in formats developed by the division in conjunction with
23 local law enforcement agencies, the information required pursuant to
24 paragraph (c) of this subsection (5) that is related to all student tickets,
25 summons, or arrests that occurred for the previous academic year,
26 including incidents that occurred during the previous summer months, at
27 a public elementary school, middle or junior high school, or high school;

1 in a school vehicle; or at a school activity or sanctioned event.

2 **SECTION 5.** In Colorado Revised Statutes, 24-33.5-503, **amend**
3 (2) (a) (II) as follows:

4 **24-33.5-503. Duties of division.** (2) (a) (II) The division shall
5 submit the report to the education and judiciary committees of the house
6 of representatives and the senate, or any successor committees. The
7 division shall provide the report to any member of the public upon
8 request, in a manner that does not include any identifying information
9 regarding any student. If the division provides the information to a
10 member of the public upon request pursuant to this paragraph (a), the
11 division may charge a fee to the person, which fee shall not exceed the
12 direct and indirect costs incurred by the division in providing the
13 information. Provided that the division adheres to all state and federal
14 privacy and confidentiality laws concerning student information, the
15 division shall MAY provide the underlying AGGREGATE data gathered by
16 a law enforcement agency to any independent research or
17 community-based organization working to analyze school-based criminal
18 behavior and the response to that behavior by the juvenile and criminal
19 justice systems. THE DATA PROVIDED MUST NOT INCLUDE ANY
20 INFORMATION THAT WOULD IDENTIFY ANY INDIVIDUAL STUDENT.

21 **SECTION 6. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.