



**Colorado
Legislative
Council
Staff**

HB16-1098

**REVISED
FISCAL NOTE**

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-0156
Prime Sponsor(s): Rep. Lawrence
Sen. Newell

Date: March 9, 2016
Bill Status: Senate Education
Fiscal Analyst: Josh Abram (303-866-3561)

BILL TOPIC: SCHOOL DISCIPLINE REPORTING REQUIREMENTS

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
State Expenditures	See State Expenditures section.	
Appropriation Required: None.		
Future Year Impacts: None.		

Summary of Legislation

This *reengrossed* bill makes modifications to school discipline reporting requirements. The bill requires that agencies of the state Judicial Department make information regarding expunged cases in juvenile delinquency proceedings available to the Division of Criminal Justice (DCJ) in the Department of Public Safety (DPS) for research purposes.

Under current law, the district attorney of each judicial district is required to annually report to the DCJ the name of any student who was given a criminal citation, or obtained pre-file juvenile or adult diversion for a ticket, summons, or offense, occurring at a public school, in a school vehicle, or at a school sanctioned event (school property). This bill exempts this reporting requirement from another statute that subjects district attorneys to civil penalties for knowingly disclosing confidential information.

Under current law, the DCJ is required to report data concerning arrests, summons, tickets, and case dispositions for incidents involving law enforcement on school property. Provided that the division does not release any information that would identify an individual student, this bill allows, but does not require that the division provide the aggregate data gathered by law enforcement to any independent research or community-based organization working to analyze school-based criminal behavior, and the response to that behavior by the juvenile and criminal justice systems.

Background

Under current law, court records in juvenile delinquency proceedings are open to inspection by state agencies for qualified research purposes, provided certain conditions are met including the prior approval of the Department of Human Services (DHS). This bill requires that any data released be in aggregate form only, and exempts the Department of Public Safety (DPS) from the need to obtain prior approval from DHS.

Beginning in August 2015, current law requires that law enforcement agencies report to the DCJ about student tickets, summons, and arrests on school property. Further, each district attorney is required to report to the DCJ information about students who were granted pre-file juvenile or adult diversion for arrests that occurred on school property.

The DCJ is required to compile, analyze, and report data concerning arrests, summons, tickets, and case dispositions for reported incidents. The first report is to be a retroactive report for the 2013-14 and 2014-15 school years. Subsequent reports are to be prepared every year and posted on the DCJ's website, beginning in April 2016.

State Expenditures

This bill modifies requirements related to school discipline reporting, but does not significantly change current practice or create additional workload for affected agencies.

For example, the bill removes the requirement that DHS provide prior approval for some information requests, which is anticipated to reduce workload slightly. The bill requires that the Judicial Department share information with the DCJ, which increases workload slightly. The bill does not require additional appropriations to any state department to implement these changes.

Local Government Impact

The bill maintains existing workload for local law enforcement agencies and district attorneys' offices to meet the bill's reporting requirements, and to respond to follow up inquiries from the DCJ as needed.

The bill could create additional costs for any judicial district that is not currently in full compliance with school safety reporting requirements. For each judicial district office with a pre-file diversion program, staff may be needed to collect, manage, and report data. Some judicial districts do not have a pre-file diversion program and are not required to collect and report data; some judicial districts do not have a large school age population and will have fewer cases to track and report than districts with larger school aged populations. For these reasons, workload changes will vary by jurisdiction.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Corrections
Human Services
Law
Sheriffs

District Attorneys
Judicial
Information Technology

Education
Labor
Public Safety