

## CHAPTER 208

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**CRIMINAL LAW AND PROCEDURE**

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**SENATE BILL 96-221**

BY SENATORS Ament, Lacy, Blickensderfer, Johnson, Rizzuto, Wham, and Schroeder;  
also REPRESENTATIVES Grampas, Martin, Foster, Owen, Reeves, Romero, Adkins, Allen, Armstrong, Clarke, DeGette, Gordon,  
Hagedorn, Keller, Kerns, Kreutz, Lamm, Lawrence, Leyba, Lyle, Mace, May, McElhany, Musgrave, Nichol, Saliman, Schwarz,  
Sullivan, Swenson, Taylor, and Young.

**AN ACT**

**CONCERNING THE INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1.** Article 20.5 of title 16, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**16-20.5-101.5. Legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DETERMINES THAT, SINCE 1974, THERE HAVE BEEN PROPOSALS FOR AN AUTOMATED CRIMINAL JUSTICE INFORMATION SYSTEM THAT SHARES AND TRACKS DATA CONCERNING OFFENDERS AMONG THE VARIOUS CRIMINAL JUSTICE AGENCIES. BECAUSE EACH OF THE CRIMINAL JUSTICE AGENCIES IN THE STATE HAS DEVELOPED INDEPENDENT INFORMATION SYSTEMS TO ADDRESS EACH AGENCY'S OWN MANAGEMENT AND PLANNING NEEDS, THE CURRENT STATUS OF CRIMINAL JUSTICE INFORMATION IN THE STATE IS FRAGMENTED.

(2) THE GENERAL ASSEMBLY HEREBY DECLARES THAT THIS ARTICLE IS ENACTED FOR THE PURPOSE OF DEVELOPING, IN A COST-EFFECTIVE MANNER, A SEAMLESS, INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM THAT MAXIMIZES STANDARDIZATION OF DATA AND COMMUNICATIONS TECHNOLOGY AMONG LAW ENFORCEMENT AGENCIES, DISTRICT ATTORNEYS, THE COURTS, AND STATE-FUNDED CORRECTIONS FOR ADULT AND YOUTH OFFENDERS. SUCH A SYSTEM WILL IMPROVE:

(a) PUBLIC SAFETY BY MAKING MORE TIMELY, ACCURATE, AND COMPLETE INFORMATION CONCERNING OFFENDERS AVAILABLE STATEWIDE TO ALL CRIMINAL

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

JUSTICE AGENCIES AND TO INDIVIDUAL DECISION-MAKERS IN THE SYSTEM INCLUDING POLICE OFFICERS, JUDGES, AND CORRECTIONS OFFICERS;

(b) DECISION-MAKING BY INCREASING THE AVAILABILITY OF STATISTICAL MEASURES FOR EVALUATING PUBLIC POLICY;

(c) PRODUCTIVITY OF EXISTING STAFF BY WORKING TOWARD ELIMINATING REDUNDANT DATA COLLECTION AND INPUT EFFORTS AMONG THE AGENCIES AND BY REDUCING OR ELIMINATING PAPER-BASED PROCESSING;

(d) ACCESS TO TIMELY, ACCURATE, AND COMPLETE INFORMATION BY BOTH STAFF FROM ALL CRIMINAL JUSTICE AGENCIES AND THE PUBLIC.

(3) BECAUSE INFORMATION ABOUT OFFENDERS COLLECTED BY LOCAL LAW ENFORCEMENT AGENCIES MAY BE THE MOST CURRENT, THE GENERAL ASSEMBLY DIRECTS CRIMINAL JUSTICE AGENCIES, WHERE PRACTICAL, TO COOPERATE WITH AND TO ENCOURAGE LOCAL LAW ENFORCEMENT AGENCIES TO PARTICIPATE IN THE COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM PROGRAM DEVELOPED UNDER THIS ARTICLE.

**SECTION 2.** 16-20.5-102 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended, and the said 16-20.5-102 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**16-20.5-102. Definitions.** As used in this article, unless the context otherwise requires:

(2) "Chief officer" means the chief criminal justice information system officer SELECTED PURSUANT TO SECTION 16-20.5-103 responsible for coordinating the ~~development~~ IMPLEMENTATION of a strategic plan for an integrated criminal justice information system, as such term is defined in subsection (3) of this section.

(2.3) "COMMISSION" MEANS THE COMMISSION ON INFORMATION MANAGEMENT CREATED BY SECTION 24-30-1701, C.R.S.

(2.5) "CRIMINAL JUSTICE AGENCY" MEANS ANY OF THE FOLLOWING: THE DEPARTMENT OF PUBLIC SAFETY, DEPARTMENT OF CORRECTIONS, DEPARTMENT OF HUMAN SERVICES, JUDICIAL DEPARTMENT, AND COLORADO DISTRICT ATTORNEYS COUNCIL.

**SECTION 3.** 16-20.5-103, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

**16-20.5-103. Colorado integrated criminal justice information system program - task force.** (1) THERE IS HEREBY ESTABLISHED THE COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM PROGRAM, REFERRED TO IN THIS ARTICLE AS THE "PROGRAM". THE PROGRAM SHALL BE A JOINT EFFORT OF THE CRIMINAL JUSTICE AGENCIES. THE PROGRAM SHALL BE IMPLEMENTED BY THE CRIMINAL JUSTICE INFORMATION PROGRAM TASK FORCE, WHICH IS HEREBY CREATED AND REFERRED TO IN THIS ARTICLE AS THE "TASK FORCE". MEMBERSHIP OF THE TASK FORCE SHALL BE COMPRISED OF THE EXECUTIVE DIRECTORS OF THE DEPARTMENT OF

PUBLIC SAFETY, DEPARTMENT OF CORRECTIONS, DEPARTMENT OF HUMAN SERVICES, AND COLORADO DISTRICT ATTORNEYS COUNCIL AND THE STATE COURT ADMINISTRATOR OR THEIR RESPECTIVE DESIGNEES. THE GOVERNOR AND THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL JOINTLY DESIGNATE A MEMBER OF THE TASK FORCE TO SERVE AS THE CHIEF OFFICER.

(2) THE CHIEF OFFICER AND THE TASK FORCE SHALL BE RESPONSIBLE AND ACCOUNTABLE FOR THE IMPLEMENTATION OF A UNIFORM POLICY FOR AN INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM. THE UNIFORM POLICY SHALL INCLUDE A SYSTEM OR SYSTEMS TO ENABLE THE CRIMINAL JUSTICE AGENCIES TO SHARE DATA STORED IN EACH OTHER'S INFORMATION SYSTEM. INITIALLY, THE UNIFORM POLICY SHALL MAXIMIZE THE USE OF EXISTING DATA BASES AND PLATFORMS THROUGH THE USE OF A VIRTUAL DATA BASE CREATED BY A NETWORK LINKING EXISTING DATA BASES AND PLATFORMS AMONG THE VARIOUS DEPARTMENTS. THE UNIFORM POLICY SHALL ALSO DEVELOP PLANS FOR NEW OPEN SYSTEM PLATFORMS WHEN THE EXISTING PLATFORMS BECOME OBSOLETE.

**SECTION 4.** 16-20.5-104, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is repealed as follows:

**16-20.5-104. Repeal of article.** ~~This article is repealed, effective July 1, 1996.~~

**SECTION 5.** Article 20.5 of title 16, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

**16-20.5-105. Task force plan for implementation - integrated criminal justice information system.** (1) BY JUNE 1, 1996, THE TASK FORCE SHALL SUBMIT RECOMMENDATIONS FOR AN INITIAL PLAN TO IMPLEMENT THE UNIFORM POLICY SPECIFIED IN SECTION 16-20.5-103 (2) TO THE COMMISSION. THE PROPOSED PLAN SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) A DETAILED DESCRIPTION OF CURRENT BUSINESS PROCEDURES IN EACH CRIMINAL JUSTICE AGENCY FOR COORDINATING THE EXCHANGE OF INFORMATION AMONG CRIMINAL JUSTICE AGENCIES, INCLUDING THE COSTS AND NUMBER OF FULL-TIME EMPLOYEES REQUIRED FOR SUCH PROCEDURES;

(b) A DETAILED DESCRIPTION INCLUDING THE COST OF THE HARDWARE AND SOFTWARE REQUIRED BY EACH CRIMINAL JUSTICE AGENCY TO CONNECT TO A NETWORK LINKING DATA BASES AT OTHER CRIMINAL JUSTICE AGENCIES;

(c) A DESCRIPTION OF WHAT PERSONNEL AT WHICH AGENCY SHALL BE RESPONSIBLE FOR THE ONGOING MAINTENANCE OF THE PROPOSED NETWORK SYSTEM;

(d) PROCEDURES FOR A PILOT PROGRAM TO BE ESTABLISHED IN AT LEAST TWO OF THE CRIMINAL JUSTICE AGENCIES THAT CONTAINS TIMELINES FOR INSTALLATION, TRAINING, AND IMPLEMENTATION OF THE INTEGRATED NETWORK IN THOSE AGENCIES AND SPECIFIC BENCHMARKS FOR THE DEMONSTRATION OF THE CAPABILITIES OF THE NETWORK SYSTEM AND COST SAVINGS;

(e) (I) A PROPOSED TIMEFRAME THAT SHALL NOT EXTEND BEYOND DECEMBER 31,

1997, FOR:

(A) THE DEVELOPMENT OF A UNIFORM DATA DICTIONARY FOR USE BY ALL CRIMINAL JUSTICE AGENCIES, CONSISTENT WITH APPLICABLE STATE AND FEDERAL LAWS AND REGULATIONS INCLUDING, BUT NOT LIMITED TO, THE NATIONAL CRIMINAL JUSTICE INFORMATION STANDARDS;

(B) THE CONNECTION OF EACH CRIMINAL JUSTICE AGENCY TO THE NEW INTEGRATED CRIMINAL JUSTICE NETWORK LINKING DATA BASES AT OTHER CRIMINAL JUSTICE AGENCIES; AND

(C) THE TRAINING OF PERSONNEL IN EACH CRIMINAL JUSTICE AGENCY ON THE INTEGRATED NETWORK.

(II) THE PROPOSED TIMEFRAME SHALL INCLUDE SPECIFIC BENCHMARK DATES FOR THE DEMONSTRATION OF COST AND PERSONNEL SAVINGS AND DEMONSTRATION OF RESULTS OF THE IMPROVEMENTS DESCRIBED IN SECTION 16-20.5-101.5 (2).

(2) WITHIN THIRTY DAYS AFTER THE SUBMISSION OF A PROPOSED PLAN, THE COMMISSION SHALL APPROVE THE PLAN IF IT FINDS THAT IT MEETS THE GOALS STATED IN SECTION 16-20.5-101.5 (2) AND CAN BE IMPLEMENTED WITHIN CURRENT APPROPRIATIONS OR SHALL RETURN THE PROPOSED PLAN TO THE TASK FORCE WITH ITS RECOMMENDED CHANGES.

**16-20.5-106. Approval - funding.** (1) NO MONEYS SHALL BE EXPENDED PRIOR TO THE APPROVAL OF THE PLAN BY THE COMMISSION.

(2) THE COMMISSION SHALL VERIFY THAT PREVIOUSLY ESTABLISHED BENCHMARKS HAVE BEEN MET OR THE TASK FORCE HAS SHOWN GOOD CAUSE TO WAIVE THE REQUIREMENT.

(3) FOLLOWING THE VERIFICATION REQUIRED BY SUBSECTION (2) OF THIS SECTION BUT BEFORE MONEYS ARE EXPENDED, THE STATE CONTROLLER SHALL CONFIRM THAT SUFFICIENT MONEYS ARE AVAILABLE FROM THE APPROPRIATION MADE FROM THE CAPITAL CONSTRUCTION FUND TO THE DIVISION OF ACCOUNTS AND CONTROL TO COVER THE REQUEST FOR EXPENDITURE.

(4) THE STATE CONTROLLER IS AUTHORIZED TO EXPEND MONEYS APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND FOR THE PURPOSES OF THIS ARTICLE ONLY IF THE COMMISSION HAS VERIFIED THAT THE BENCHMARKS HAVE BEEN MET OR WAIVED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

**16-20.5-107. Future modifications and purchases.** (1) THE TASK FORCE SHALL DEVELOP A PROCESS TO DETERMINE IF AND HOW CHANGES TO EXISTING CRIMINAL JUSTICE APPLICATIONS IMPACT THE NEW INTEGRATED NETWORK. CHANGES TO CRIMINAL JUSTICE APPLICATIONS THAT HAVE AN IMPACT ON THE INTEGRATED NETWORK MUST BE COORDINATED THROUGH AND APPROVED BY THE TASK FORCE.

(2) ANY FUTURE STATE-FUNDED EXPENDITURES BY A CRIMINAL JUSTICE AGENCY FOR COMPUTER PLATFORMS IN SUPPORT OF CRIMINAL JUSTICE APPLICATIONS SHALL BE REVIEWED BY THE TASK FORCE. THE TASK FORCE SHALL MAKE

RECOMMENDATIONS CONCERNING SUCH PURCHASES TO ALL APPROPRIATE BUDGETARY APPROVAL AGENCIES.

**16-20.5-108. Local criminal justice agencies pilot program.** (1) IN CONJUNCTION WITH THE PLAN FOR IMPLEMENTATION DEVELOPED UNDER SECTION 16-20.5-105, THE TASK FORCE SHALL DEVELOP A PLAN AND TIMETABLE FOR A PILOT PROGRAM, REFERRED TO IN THIS SECTION AS THE "LOCAL PILOT PROGRAM", TO BE CONDUCTED IN EL PASO, JEFFERSON, AND WELD COUNTIES. THE LOCAL PILOT PROGRAM SHALL PROVIDE FOR THE SEAMLESS INTEGRATION OF THE LOCAL CRIMINAL JUSTICE AGENCIES' INFORMATION SYSTEMS INTO THE COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM DEVELOPED UNDER THIS ARTICLE. THE IMPLEMENTATION OF THE LOCAL PILOT PROGRAM SHALL NOT DELAY THE IMPLEMENTATION OF THE PLAN DEVELOPED UNDER SECTION 16-20.5-105 AND SHALL NOT ADVERSELY IMPACT THE INTEGRATED NETWORK ESTABLISHED UNDER THIS ARTICLE. ANY LOCAL CRIMINAL JUSTICE AGENCY IN EL PASO, JEFFERSON, OR WELD COUNTY WISHING TO PARTICIPATE IN THE LOCAL PILOT PROGRAM SHALL NOTIFY THE TASK FORCE ON OR BEFORE JULY 1, 1996, OF ITS INTENT TO PARTICIPATE IN THE LOCAL PILOT PROGRAM.

(2) ANY LOCAL CRIMINAL JUSTICE AGENCIES PARTICIPATING IN THE LOCAL PILOT PROGRAM SHALL BEAR ALL OF THE COSTS ASSOCIATED WITH THE LOCAL PILOT PROGRAM.

(3) ON OR BEFORE JANUARY 1 OF THE YEAR FOLLOWING THE IMPLEMENTATION OF THE LOCAL PILOT PROGRAM AND EACH YEAR THEREAFTER, THE COUNTIES PARTICIPATING IN THE LOCAL PILOT PROGRAM SHALL SUBMIT A REPORT TO THE TASK FORCE ON THE EFFECTIVENESS AND COST-SAVINGS REALIZED BY THE INTEGRATION OF THE LOCAL CRIMINAL JUSTICE AGENCIES' INFORMATION SYSTEMS INTO THE COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM DEVELOPED UNDER THIS ARTICLE.

**SECTION 6. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the capital construction fund not otherwise appropriated, to the department of personnel, division of accounts and control, for the fiscal year beginning July 1, 1995, the sum of two million seven hundred eleven thousand three hundred twenty-three dollars (\$2,711,323), or so much thereof as may be necessary, for the implementation of this act.

(2) The appropriation made in subsection (1) of this section shall become available upon passage and approval of this act and the appropriation shall remain available until completion of the project or for a period of three years, whichever comes first, at which time unexpended and unencumbered balances shall revert to the funds from which they were appropriated.

**SECTION 7. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 23, 1996