

CHAPTER 101

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 98-011

BY SENATORS Bishop, Alexander, Arnold, Chlouber, Congrove, Dennis, Hopper, Johnson, Martinez, Mutzebaugh, Norton, Perlmutter, Phillips, Powers, Rizzuto, Schroeder, Wattenberg, Wells, and Wham;
also REPRESENTATIVES Allen, Epps, Hefley, and Mace.

AN ACT

CONCERNING QUALIFICATIONS FOR THE OFFICE OF SCHOOL DISTRICT DIRECTOR, AND, IN CONNECTION THEREWITH, PROHIBITING ANY PERSON CONVICTED OF THE COMMISSION OF A SEX OFFENSE AGAINST A CHILD FROM SERVING ON A SCHOOL DISTRICT BOARD OF EDUCATION.

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

SECTION 1. 22-31-107 (1), Colorado Revised Statutes, is amended, and the said 22-31-107 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-31-107. Qualification and nomination of candidates for school director.

(1) Any candidate for the office of school director of a school district shall be an eligible elector of the district and SHALL HAVE BEEN A RESIDENT OF THE DISTRICT FOR AT LEAST TWELVE CONSECUTIVE MONTHS PRIOR TO THE ELECTION. If the school district has a director district plan of representation, the candidate shall be a resident of the director district ~~which~~ THAT will be represented, unless the candidate has been elected at the time of or prior to the adoption of a director district plan of representation by the eligible electors of the district.

(5) (a) ANY PERSON WHO HAS BEEN CONVICTED OF COMMISSION OF A SEXUAL OFFENSE AGAINST A CHILD SHALL NOT BE ELIGIBLE FOR THE OFFICE OF SCHOOL DIRECTOR OF A SCHOOL DISTRICT. IF A PERSON BECOMES INELIGIBLE PURSUANT TO THE TERMS OF THIS SUBSECTION (5) WHILE SERVING AS A SCHOOL DIRECTOR, A VACANCY SHALL BE DEEMED TO EXIST THAT SHALL BE FILLED AS PROVIDED IN SECTION 22-31-129.

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

(b) FOR PURPOSES OF THIS SUBSECTION (5), "SEXUAL OFFENSE AGAINST A CHILD" MEANS ANY OF THE OFFENSES DESCRIBED IN SECTIONS 18-3-405 AND 18-3-405.3, 18-3-305, 18-6-301, 18-6-302, 18-6-402 TO 18-6-404, AND 18-7-402 TO 18-7-406, C.R.S., AND ANY OF THE OFFENSES DESCRIBED IN SECTIONS 18-3-402 TO 18-3-404 AND 18-7-302, C.R.S., WHERE THE VICTIM IS LESS THAN EIGHTEEN YEARS OF AGE. "SEXUAL OFFENSE AGAINST A CHILD" ALSO MEANS ATTEMPT, SOLICITATION, OR CONSPIRACY TO COMMIT ANY OF THE OFFENSES SPECIFIED IN THIS PARAGRAPH (b).

(c) FOR PURPOSES OF THIS SUBSECTION (5), "CONVICTED" INCLUDES HAVING PLEADED GUILTY OR NOLO CONTENDERE OR HAVING RECEIVED A DEFERRED JUDGMENT AND SENTENCE; EXCEPT THAT A PERSON SHALL NOT BE DEEMED TO HAVE BEEN CONVICTED IF THE PERSON HAS SUCCESSFULLY COMPLETED A DEFERRED SENTENCE.

SECTION 2. 1-4-803 (5), Colorado Revised Statutes, is amended to read:

1-4-803. Petitions for nominating school district directors. (5) The candidate for the office of school director shall have been an eligible elector AND RESIDENT of the school district, as shown on the books of the county clerk and recorder, ~~on the date of the earliest signature on the petition~~ FOR AT LEAST TWELVE CONSECUTIVE MONTHS PRIOR TO THE DATE OF THE ELECTION.

SECTION 3. Effective date - applicability. This act shall take effect July 1, 1998, and shall apply to elections held on or after said date.

SECTION 4. 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: April 17, 1998