

CHAPTER 245

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 01-1260

BY REPRESENTATIVE(S) Bacon, Boyd, Coleman, Daniel, Jahn, Lawrence, Mace, Madden, Romanoff, Scott, Tapia, Vigil, Weddig, and Williams S.;
also SENATOR(S) Windels.

AN ACT

CONCERNING THE "SCHOOL ATTENDANCE LAW OF 1963".

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

SECTION 1. 19-1-303 (2) (c), Colorado Revised Statutes, is amended to read:

19-1-303. General provisions - delinquency and dependency and neglect cases - exchange of information - civil penalty. (2) (c) Notwithstanding any other provision of law to the contrary, a criminal justice agency investigating a criminal matter OR A MATTER UNDER THE "SCHOOL ATTENDANCE LAW OF 1963", PART 1 OF ARTICLE 33 OF TITLE 22, C.R.S., concerning a child, ~~if necessary to effectively serve the child prior to trial,~~ may seek disciplinary and truancy information from the principal of a school, or the principal's designee, at which the child is or will be enrolled as a student and, if the student is enrolled in a public school, from the superintendent of the school district in which the student is enrolled, or such superintendent's designee. Upon written certification by the criminal justice agency that the information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the child's parent, either the principal of the school in which the child is enrolled, or such principal's designee, or, if the student is enrolled in a public school, the superintendent of the school district in which the student is enrolled, or such superintendent's designee, shall provide the child's attendance and disciplinary records to the requesting criminal justice agency. The criminal justice agency receiving such information shall use it only for the performance of its legal duties and responsibilities and shall maintain the confidentiality of the information received.

SECTION 2. 19-1-104 (1) (k), Colorado Revised Statutes, is amended to read:

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

19-1-104. Jurisdiction. (1) Except as otherwise provided by law, the juvenile court shall have exclusive original jurisdiction in proceedings:

(k) To make a determination concerning a petition filed pursuant to the "School Attendance Law of 1963", article 33 of title 22, C.R.S., AND TO ENFORCE ANY LAWFUL ORDER OF COURT MADE THEREUNDER;

SECTION 3. 22-33-108 (1) and (1.5), Colorado Revised Statutes, are amended to read:

22-33-108. Judicial proceedings. (1) Those courts having jurisdiction over juvenile matters in a ~~county~~ JUDICIAL DISTRICT shall have original jurisdiction over all matters arising out of the provisions of this article.

(1.5) (a) All proceedings brought under this article shall be commenced in the ~~county~~ JUDICIAL DISTRICT in which the child resides or is present.

(b) When proceedings commence under this article in a ~~county~~ JUDICIAL DISTRICT other than that of the child's residence or when the child changes his or her ~~county~~ JUDICIAL DISTRICT of residence after a proceeding under this article commences, the court in which proceedings commenced may, on its own motion or on the motion of any interested party, transfer the case to the court in the ~~county~~ JUDICIAL DISTRICT where the child resides.

(c) When a court transfers venue pursuant to paragraph (b) of this subsection (1.5), the court shall transmit all documents and reports, or certified copies thereof, to the receiving court, which court shall proceed with the case as if the petition had been originally filed in that court.

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: June 1, 2001