

## CHAPTER 290

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**EDUCATION - UNIVERSITIES AND COLLEGES**

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**HOUSE BILL 02-1173**

BY REPRESENTATIVE(S) Lee, Fairbank, Cloer, Crane, Dean, Decker, Fritz, Groff, Hefley, Johnson, King, Miller, Mitchell, Paschall, Rhodes, Rippey, Romanoff, Scott, Sinclair, Snook, Spence, Swenson, White, Williams S., Alexander, Harvey, Hoppe, Jahn, Lawrence, Mace, Schultheis, Stafford, Webster, Weddig, and Williams T.;  
also SENATOR(S) Owen, Chlouber, Andrews, Arnold, Cairns, Epps, Hillman, McElhany, Taylor, Teck, Evans, and Lamborn.

**AN ACT****CONCERNING PERSONS ENROLLING IN STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION WHO ARE CONVICTED OF CRIMES RELATED TO RIOTING.**

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

**SECTION 1.** Article 5 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**23-5-124. Student enrollment - prohibition - public peace and order convictions.** (1) NO PERSON WHO IS CONVICTED OF A RIOT OFFENSE SHALL BE ENROLLED IN A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION FOR A PERIOD OF TWELVE MONTHS FOLLOWING THE DATE OF CONVICTION.

(2) A STUDENT WHO IS ENROLLED IN A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION AND WHO IS CONVICTED OF A RIOT OFFENSE SHALL BE IMMEDIATELY SUSPENDED FROM THE INSTITUTION UPON THE INSTITUTION'S NOTIFICATION OF SUCH CONVICTION FOR A PERIOD OF TWELVE MONTHS FOLLOWING THE DATE OF CONVICTION; EXCEPT THAT IF A STUDENT HAS BEEN SUSPENDED PRIOR TO THE DATE OF CONVICTION BY THE STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION FOR THE SAME RIOT ACTIVITY, THE TWELVE MONTH SUSPENSION SHALL RUN FROM THE START OF THE SUSPENSION IMPOSED BY THE INSTITUTION.

(3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION FROM IMPLEMENTING ITS OWN POLICIES AND PROCEDURES OR DISCIPLINARY ACTIONS, IN ADDITION TO THE SUSPENSION IN SUBSECTION (2) OF THIS SECTION, REGARDING STUDENTS INVOLVED IN RIOTS.

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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.*

(4) (a) THE COURT IN EACH JUDICIAL DISTRICT SHALL REPORT TO THE COLORADO COMMISSION ON HIGHER EDUCATION THE NAME OF ANY PERSON WHO IS CONVICTED IN THE JUDICIAL DISTRICT OF A RIOT OFFENSE.

(b) THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL MAKE THE CONVICTION REPORTS RECEIVED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4) AVAILABLE TO ALL STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION WITH THE NOTIFICATION THAT THE PERSONS INCLUDED IN THE CONVICTION REPORTS ARE SUBJECT TO THE PROVISIONS OF THIS SECTION AND THAT THE STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION IN WHICH ANY OF SUCH PERSONS ARE ENROLLED SHALL CONSIDER APPROPRIATE DISCIPLINARY ACTION AGAINST THE STUDENT.

(5) EACH STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION SHALL NOTIFY ITS STUDENTS AND PROSPECTIVE STUDENTS OF THE REQUIREMENTS OF THIS SECTION. THE GOVERNING BOARD OF EACH STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION SHALL PRESCRIBE THE MANNER IN WHICH THIS INFORMATION SHALL BE DISSEMINATED.

(6) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CONVICTED" MEANS HAVING RECEIVED A VERDICT OF GUILTY, PLEADED GUILTY OR NOLO CONTENDERE, OR HAVING RECEIVED A DEFERRED JUDGMENT AND SENTENCE.

(b) "RIOT OFFENSE" MEANS:

(I) INCITING RIOT, AS DESCRIBED IN SECTION 18-9-102, C.R.S.;

(II) ARMING RIOTERS, AS DESCRIBED IN SECTION 18-9-103, C.R.S.;

(III) ENGAGING IN A RIOT, AS DESCRIBED IN SECTION 18-9-104, C.R.S.

(c) "STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION" MEANS ANY POSTSECONDARY INSTITUTION THAT IS GOVERNED BY:

(I) THE STATE BOARD OF AGRICULTURE;

(II) THE BOARD OF REGENTS OF THE UNIVERSITY OF COLORADO;

(III) THE BOARD OF TRUSTEES OF THE COLORADO SCHOOL OF MINES;

(IV) THE BOARD OF TRUSTEES OF THE UNIVERSITY OF NORTHERN COLORADO;

(V) THE TRUSTEES OF THE STATE COLLEGES IN COLORADO;

(VI) THE STATE BOARD OF COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION; OR

(VII) THE BOARD OF ANY JUNIOR COLLEGE DISTRICT IN COLORADO.

**SECTION 2. Effective date - applicability.** This act shall take effect upon passage and shall apply to offenses committed on or after said date.

**SECTION 3. 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 3, 2002