

CHAPTER 386

EDUCATION - UNIVERSITIES AND COLLEGES

SENATE BILL 03-255

BY SENATOR(S) Chlouber, Andrews, Arnold, Cairns, Entz, Hillman, Jones, May R., McElhany, Nichol, Owen, and Teck;
also REPRESENTATIVE(S) Cadman, Fritz, Garcia, Harvey, Hefley, Hoppe, Rhodes, Romanoff, and Stengel.

AN ACT**CONCERNING PROVISIONS RELATING TO SELECTIVE SERVICE REGISTRATION AS A PREREQUISITE FOR ENROLLING AT A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION.**

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

SECTION 1. 23-5-118, Colorado Revised Statutes, is amended to read:

23-5-118. Selective service registration prerequisite to enrollment. (1) No male person ~~born after December 31, 1959~~, WHO IS AT LEAST SEVENTEEN YEARS AND NINE MONTHS OF AGE BUT YOUNGER THAN TWENTY-SIX YEARS OF AGE shall be eligible to enroll at any state-supported institution of higher education until such person has filed with such institution a statement of registration compliance. In such statement of registration compliance, the person shall certify, under oath, either that he is registered with the selective service system pursuant to the provisions of section 3 of the "Military Selective Service Act", 50 U.S.C. App. sec. 453, as amended, or that, for any reason specified in 50 U.S.C. App. sec. 453, he is not required to be registered. ~~A person may file, but shall not be required to file, a statement indicating his position as a conscientious objector.~~ IF THE PERSON DOES NOT POSSESS A CURRENT COLORADO DRIVER'S LICENSE OR COLORADO STATE IDENTIFICATION CARD, WHICH WAS ISSUED ON OR AFTER SEPTEMBER 4, 2001, THE STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION AT WHICH THE PERSON ENROLLS SHALL VERIFY THE PERSON'S SWORN STATEMENT OF REGISTRATION COMPLIANCE. THE STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION MAY REQUIRE THE PERSON TO PROVIDE APPROPRIATE DOCUMENTATION IN ORDER TO VERIFY THE PERSON'S SWORN STATEMENT OF REGISTRATION COMPLIANCE. THE PERSON SHALL BE GIVEN THE OPPORTUNITY TO PROVIDE THE APPROPRIATE DOCUMENTATION PROVING REGISTRATION COMPLIANCE TO AN AGENT OF THE STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION PRIOR TO ANY DISCIPLINARY ACTION BEING TAKEN.

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

(2) The governing board of each state-supported institution of higher education shall prescribe the form for such statement of registration compliance. Such statement shall be included in applications for admission to the institution for new and transfer students. Such institution shall require any male person ~~born after December 31, 1959,~~ WHO IS AT LEAST SEVENTEEN YEARS AND NINE MONTHS OF AGE BUT YOUNGER THAN TWENTY-SIX YEARS OF AGE AND who is currently attending such institution or has been admitted to such institution but has not given a statement of registration compliance as required by subsection (1) of this section to file a statement of registration compliance when he seeks to enroll for a new academic term.

(3) If a state-supported institution of higher education receives a statement from any person, as required by subsection (1) of this section, certifying that he has registered with the selective service system pursuant to the provisions of section 3 of the "Military Selective Service Act", 50 U.S.C. App. sec. 453, as amended, or that he is exempt from registration for any reason specified in 50 U.S.C. App. sec. 453, other than that he is under ~~eighteen years~~ SEVENTEEN YEARS AND NINE MONTHS of age, such institution shall not require the person to file any further statements. If such institution receives a statement certifying that such person is not required to register pursuant to the provisions of 50 U.S.C. App. sec. 453, because he is under ~~eighteen years~~ SEVENTEEN YEARS AND NINE MONTHS of age, such institution shall require the person to file a new statement of registration compliance each time he seeks to enroll for a new academic term until the institution receives a statement certifying that the person has registered with the selective service system or is exempt from registration for any reason specified in 50 U.S.C. App. sec. 453, other than that he is under ~~eighteen years~~ SEVENTEEN YEARS AND NINE MONTHS of age.

(4) If any person knowingly gives false information in such statement of registration compliance as required pursuant to the provisions of this section, such person commits perjury in the second degree, as defined in section 18-8-503, C.R.S.

(5) IF A STUDENT KNOWINGLY GIVES FALSE INFORMATION UNDER THE PROVISIONS OF THIS SECTION, THE STUDENT SHALL BE SUSPENDED FROM THE STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION AT WHICH THE STUDENT IS ENROLLED. IF A PERSON KNOWINGLY GIVES FALSE INFORMATION UNDER THE PROVISIONS OF THIS SECTION AND THE PERSON IS NOT ENROLLED AS A STUDENT AT A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION, THE PERSON SHALL BE PROHIBITED FROM ENROLLING AS A STUDENT AT A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION. STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION SHALL BE REQUIRED TO PROVIDE THE PERSON A HEARING BEFORE AN APPROPRIATE AGENT OF THE STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION TO DETERMINE IF THE PERSON HAS KNOWINGLY GIVEN FALSE INFORMATION UNDER THE PROVISIONS OF THIS SECTION. A STUDENT OR PROSPECTIVE STUDENT WHO PROVIDES FALSE INFORMATION UNDER THE PROVISIONS OF THIS SECTION SHALL NOT BE ELIGIBLE TO ENROLL OR REENROLL UNTIL THE STUDENT PROVIDES APPROPRIATE DOCUMENTATION PROVING THAT HE IS PROPERLY REGISTERED WITH THE SELECTIVE SERVICE SYSTEM.

SECTION 2. Effective date - applicability. (1) This act shall take effect January 1, 2004.

(2) However, if a referendum petition is filed against this act or an item, section,

or part of this act during the 90-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

(3) The provisions of this act shall apply to persons enrolling at state-supported institutions of higher education on or after the applicable effective date of this act.

Approved: June 5, 2003