

CHAPTER 19

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 05-1078

BY REPRESENTATIVE(S) Vigil, Coleman, Marshall, Paccione, and Riesberg;
also SENATOR(S) Tupa, Anderson, Takis, and Taylor.

AN ACT

CONCERNING THE COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM.

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

SECTION 1. The introductory portion to 16-20.5-101.5 (2) and 16-20.5-101.5 (2) (a), (2) (c), (4), and (5), Colorado Revised Statutes, are amended to read:

16-20.5-101.5. Legislative declaration. (2) The general assembly hereby declares that this article is enacted for the purpose of developing, OPERATING, SUPPORTING, MAINTAINING, AND ENHANCING, 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 AND OTHER AGENCIES AS APPROVED BY THE GENERAL ASSEMBLY OR BY THE EXECUTIVE BOARD PURSUANT TO THIS ARTICLE. Such a system will improve:

(a) Public safety by making more timely, accurate, and complete information concerning offenders available statewide to all criminal justice agencies and to individual decision-makers in the CRIMINAL JUSTICE system, including BUT NOT LIMITED TO police officers, PROSECUTORS, judges, PROBATION OFFICERS, and corrections officers;

(c) Productivity of existing staff by CONTINUALLY working toward eliminating redundant data collection and input efforts among the agencies and by reducing or eliminating paper-based processing;

(4) The general assembly hereby finds that the ~~initial plan proposed by the task force created by this article has been approved by the commission on information management, that the~~ Colorado integrated criminal justice information system

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

program ~~is in the beginning stages of implementation,~~ HAS BEEN SUCCESSFULLY IMPLEMENTED and that the sharing of criminal justice information is being enhanced as a result. The general assembly further finds that there is a need to provide ongoing MAINTENANCE, support, and leadership for the ~~development~~ CONTINUED OPERATION and ~~maintenance~~ ENHANCEMENT of the Colorado integrated criminal justice information system program.

(5) The general assembly hereby finds and declares that the ~~completion and implementation~~ OPERATION of the integrated criminal justice information system established by this article is critical to the accurate, complete, and timely performance of criminal background checks and to the effective communications between and among law enforcement, the state judicial department, and executive agencies and political subdivisions of the state. The general assembly further finds and declares that it is in the best interests of the citizens of the state and for the enhancement of public safety that ~~such system be finalized and implemented and that the various databases be integrated as soon as possible~~ THE COLLABORATIVE EFFORT SURROUNDING THE INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM BE MAINTAINED, SUPPORTED, AND ENHANCED.

SECTION 2. 16-20.5-102, Colorado Revised Statutes, is amended to read:

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

(1) "ACTION" MEANS THE DISTRICT ATTORNEYS' CASE MANAGEMENT SYSTEM.

~~(1)~~ (2) "CCIC" means the Colorado crime information center.

~~(2)~~ (3) "Chief INFORMATION officer" means the chief ~~criminal justice~~ information system officer WHO REPORTS TO THE EXECUTIVE BOARD AND WHO IS selected pursuant to section 16-20.5-103 AND WHO IS responsible for coordinating the implementation of a strategic plan for and OPERATING, SUPPORTING, maintaining, ~~an~~ AND ENHANCING THE integrated criminal justice information system. ~~as such term is defined in subsection (3) of this section.~~

(4) "CICJIS" MEANS THE AUTOMATED SYSTEM OF THE COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM PROGRAM THAT INTEGRATES AGENCY SYSTEMS.

~~(2.3)~~ (5) "Commission" means the commission on information management created by section 24-37.5-201, C.R.S.

~~(2.5)~~ (6) "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, AND OTHER APPROVED AGENCIES.

(7) "DCIS" MEANS THE DEPARTMENT OF CORRECTIONS INFORMATION SYSTEM.

(8) "ICON" OR "ECLIPSE" MEANS THE INTEGRATED COLORADO ONLINE NETWORK THAT IS THE JUDICIAL DEPARTMENT'S CASE MANAGEMENT SYSTEM.

(9) "Integrated criminal justice information system" or "system" means an automated information system capable of tracking the complete life cycle of a criminal case throughout its various stages involving different criminal justice agencies through potentially separate and individual systems and without unnecessary duplication of data collection, data storage, or data entry.

(10) "TRAILS" MEANS THE CASE MANAGEMENT SYSTEM OF THE DIVISION OF YOUTH CORRECTIONS OF THE DEPARTMENT OF HUMAN SERVICES.

SECTION 3. 16-20.5-103, Colorado Revised Statutes, is amended to read:

16-20.5-103. Colorado integrated criminal justice information system program - executive board. (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 AND OTHER APPROVED AGENCIES. The program shall be implemented, MAINTAINED, SUPPORTED, AND ENHANCED by the criminal justice information program ~~task force~~ EXECUTIVE BOARD, which is hereby created and referred to in this article as the "~~task force~~" EXECUTIVE BOARD". Membership of the ~~task force~~ EXECUTIVE BOARD shall be comprised INITIALLY 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.~~ THE EXECUTIVE BOARD SHALL UNANIMOUSLY DESIGNATE A CHIEF INFORMATION OFFICER. UPON UNANIMOUS AGREEMENT, THE EXECUTIVE BOARD MAY APPROVE THE ADDITION OF EITHER VOTING OR NONVOTING MEMBERS.

(2) The ~~chief officer and the task force~~ EXECUTIVE BOARD shall be responsible and accountable for the ~~implementation of a uniform policy for an integrated criminal justice information system~~ PROGRAM. The ~~uniform policy~~ PROGRAM shall include ~~a system or systems~~ MECHANISMS to enable the criminal justice agencies to share data stored in each ~~other's~~ AGENCY'S information system. Initially, the ~~uniform policy~~ PROGRAM 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~~ PROGRAM shall also develop plans for new ~~open~~ INTEROPERABLE system platforms when the existing platforms become obsolete.

SECTION 4. 16-20.5-107, Colorado Revised Statutes, is amended to read:

16-20.5-107. Future modifications and purchases. (1) The ~~task force~~ EXECUTIVE BOARD shall develop AND MAINTAIN a process to determine if and how changes to existing criminal justice applications impact the ~~new~~ integrated network. Changes to criminal justice applications, DATABASES, PLATFORMS, OR BUSINESS PROCESSES that have an impact on the integrated network must be coordinated through and approved by the ~~task force~~ EXECUTIVE BOARD.

(2) Any ~~future~~ state-funded expenditures by a criminal justice agency for computer platforms, DATABASES, OR APPLICATIONS in support of criminal justice applications shall be reviewed AND APPROVED by the ~~task force~~ EXECUTIVE BOARD. The ~~task~~

~~force~~ EXECUTIVE BOARD shall make recommendations concerning such purchases to all appropriate budgetary approval agencies.

SECTION 5. 16-21-101, Colorado Revised Statutes, is amended to read:

16-21-101. Legislative declaration. The general assembly hereby finds and declares that the creation of an offender-based tracking system is necessary in order to improve the consistency of data shared by the different elements of the criminal justice system and to allow for the tracking of offenders through the criminal justice system. THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT THE OFFENDER-BASED TRACKING SYSTEM SHOULD BE OPERATED THROUGH THE COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM PROGRAM.

SECTION 6. 16-21-103 (1) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS to read:

16-21-103. Information on offenders required - duties of law enforcement agencies - court. (1) (a) For purposes of this section, unless the context otherwise requires:

(III.3) "CICJIS" MEANS THE COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM PROGRAM, AS DEFINED IN SECTION 16-20.5-102.

(III.5) "ELECTRONIC SIGNATURE" MEANS INFORMATION TRANSFERRED FROM ONE AGENCY TO ANOTHER THROUGH CICJIS, INCLUDING BUT NOT LIMITED TO WARRANTS, MITTIMUSES, JUDGMENTS, AND PLEA AGREEMENTS.

(III.7) "ICON" MEANS THE INTEGRATED COLORADO ONLINE NETWORK, AS DEFINED IN SECTION 16-20.5-102.

SECTION 7. 16-21-103 (4) (b), (5) (a), (5) (b), and (6), Colorado Revised Statutes, are amended to read:

16-21-103. Information on offenders required - duties of law enforcement agencies - court. (4) (b) When the court creates a new criminal case in ~~the judicial management information system~~ ICON, the court shall electronically notify the bureau of such action and shall provide the bureau with the arresting agency's name, the arrest date, and the arrest number provided to the court in accordance with subsection (3) of this section. Thereafter, the bureau shall electronically notify the court of the state identification number, if any, assigned to the offender.

(5) (a) The bureau shall maintain the information it receives pursuant to this article and shall make such information immediately available ~~through electronic means~~ ELECTRONICALLY to the department of corrections and to any other criminal justice agency upon request.

(b) Upon receipt of the fingerprints required ~~to be obtained~~ pursuant to this article, the bureau shall perform a complete search of the bureau's files to identify any prior criminal record that the offender may have. Upon the association of a unique state identification number with any such offender, the bureau shall report such number electronically to CICJIS, the submitting agency, and ~~to~~ the district attorney with

jurisdiction over the offense. UPON NONASSOCIATION, THE BUREAU SHALL CREATE A NEW STATE IDENTIFICATION NUMBER AND ELECTRONICALLY REPORT THE NUMBER TO CICJIS AND THE SUBMITTING AGENCY. UPON RECEIPT OF THE NUMBER, CICJIS SHALL ELECTRONICALLY REPORT THE NUMBER TO THE COURT AND THE DISTRICT ATTORNEY WITH JURISDICTION OVER THE OFFENSE.

(6) The information received by the bureau pursuant to this article shall be made available to any sentencing court, probation office, or other pretrial services agency preparing a report on domestic violence or sexual offense cases. ~~as soon as such court, probation office, or agency has the necessary computer system in place to receive such information.~~

SECTION 8. Article 21 of title 16, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

16-21-104.5. Electronic signatures - validity. THE INFORMATION CONTAINED IN AN ELECTRONIC SIGNATURE, AS DEFINED IN SECTION 16-21-103 (1) (a) (III.5), SENT BETWEEN AGENCIES USING CICJIS, AS DEFINED IN SECTION 16-20.5-102, SHALL BE PRESUMED TO BE VALID ON ITS FACE WITHOUT SIGNED HARD COPY.

SECTION 9. 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: March 25, 2005