

CHAPTER 119

EDUCATION - POSTSECONDARY

HOUSE BILL 11-1169

BY REPRESENTATIVE(S) Levy, Court, Fischer, Gardner B., Labuda, Lee, Looper, McCann, Peniston, Ryden, Waller, Wilson, Casso, Duran, Fields, Hamner, Hullinghorst, Massey, Miklosi, Pabon, Pace, Schafer S., Solano, Todd, Vigil; also SENATOR(S) Heath, King S., Newell, Schwartz, Spence, Williams S.

AN ACT

CONCERNING INFORMATION-SHARING AT COLORADO STATE INSTITUTIONS OF HIGHER EDUCATION.

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:

23-5-141. Campus police information sharing. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) PROVIDING FOR THE SAFETY OF THE STUDENTS, FACULTY, AND STAFF OF COLORADO'S STATE INSTITUTIONS OF HIGHER EDUCATION IS AN IMPORTANT PRIORITY FOR THOSE INSTITUTIONS AND FOR THE STATE;

(b) UNFORTUNATE AND TRAGIC EVENTS AT EDUCATIONAL INSTITUTIONS WITHIN THE STATE AND AROUND THE NATION HAVE RAISED CONCERNS REGARDING CAMPUS SAFETY AT COLORADO'S INSTITUTIONS OF HIGHER EDUCATION; AND

(c) STATE INSTITUTION OF HIGHER EDUCATION POLICE DEPARTMENTS SHOULD BE AUTHORIZED TO SHARE WITH RESPONSIBLE ADMINISTRATORS INFORMATION REGARDING BEHAVIORS WHICH POSE A POTENTIAL RISK TO THE CAMPUS COMMUNITY IN ORDER TO MITIGATE SUCH RISK.

(2) FOR PURPOSES OF THIS SECTION:

(a) "CAMPUS BEHAVIORAL INTERVENTION TASK FORCE" MEANS ANY GROUP OF PERSONS THAT INCLUDES AT LEAST ONE ADMINISTRATOR LISTED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION AND IS APPOINTED BY THE

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

CHIEF EXECUTIVE OFFICER OF A STATE INSTITUTION OF HIGHER EDUCATION, OR HIS OR HER DESIGNEE, TO MONITOR AND MITIGATE RISKS TO CAMPUS SAFETY POSED BY INDIVIDUALS WHO DISPLAY CONCERNING BEHAVIORS.

(b) "SEXUAL ASSAULT" MEANS ANY OF THE OFFENSES LISTED IN SECTION 24-72-304 (4) (b) (I), C.R.S.

(c) "STATE INSTITUTION OF HIGHER EDUCATION" MEANS A STATE INSTITUTION OF HIGHER EDUCATION AS DEFINED IN SECTION 23-18-102 (10) (a), A JUNIOR COLLEGE, AN AREA VOCATIONAL SCHOOL, THE AURARIA HIGHER EDUCATION CENTER, AN EDUCATION CENTER, OR A TECHNICAL COLLEGE.

(3) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3), A STATE INSTITUTION OF HIGHER EDUCATION POLICE DEPARTMENT MAY PROVIDE UNREDACTED INFORMATION, WHICH INFORMATION MAY INCLUDE BUT NEED NOT BE LIMITED TO POLICE REPORTS, REGARDING ANY INCIDENT WITHIN ITS JURISDICTION TO:

(I) THE DIRECTOR, OR DIRECTOR'S DESIGNEE, OF ANY CAMPUS PROGRAM OR UNIT WITH ADMINISTRATIVE RESPONSIBILITY FOR VICTIMS ASSISTANCE, MENTAL HEALTH SERVICES, UNIVERSITY HOUSING, STUDENT DISCIPLINE PROCESSES, OR STUDENT AFFAIRS; AND

(II) A CAMPUS BEHAVIORAL INTERVENTION TASK FORCE.

(b) WHEN PROVIDING INFORMATION REGARDING A SEXUAL ASSAULT OR ATTEMPTED SEXUAL ASSAULT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3), A STATE INSTITUTION OF HIGHER EDUCATION POLICE DEPARTMENT SHALL REDACT THE VICTIM'S NAME AND IDENTIFYING INFORMATION UNLESS THE VICTIM AGREES OTHERWISE IN WRITING WITH RESPECT TO EACH ADMINISTRATOR OR BEHAVIORAL INTERVENTION TASK FORCE TO WHICH THE POLICE DEPARTMENT INTENDS TO RELEASE THE INFORMATION.

(c) A STATE INSTITUTION OF HIGHER EDUCATION POLICE DEPARTMENT MAY PROVIDE TO A PERSON WHO IS THE FOCUS OF A SPECIFIC THREAT OF PHYSICAL VIOLENCE INFORMATION REGARDING ANY INCIDENT WITHIN ITS JURISDICTION THAT IS NECESSARY TO PROTECT THE PERSON WHO IS THE FOCUS OF THE THREAT.

(d) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-72-304 (4), 27-65-121, OR 27-81-113, C.R.S., TO THE CONTRARY, THE AUTHORIZATION TO SHARE INFORMATION ESTABLISHED BY THIS SECTION SPECIFICALLY INCLUDES BUT IS NOT LIMITED TO INFORMATION REGARDING SEXUAL ASSAULTS, EMERGENCY MENTAL HEALTH HOLDS, AND PROTECTIVE CUSTODY FOR ALCOHOL OR DRUG DETOXIFICATION. ANY PERSON RECEIVING INFORMATION REGARDING SEXUAL ASSAULTS, EMERGENCY MENTAL HEALTH HOLDS, AND PROTECTIVE CUSTODY FOR ALCOHOL OR DRUG DETOXIFICATION PURSUANT TO THIS SECTION SHALL MAKE ALL REASONABLE EFFORTS TO ENSURE THE INFORMATION IS NOT DISSEMINATED BEYOND WHAT IS NECESSARY.

(4) A FACULTY MEMBER, STAFF MEMBER, OR STUDENT OF THE CAMPUS DISCLOSING INFORMATION TO A CAMPUS BEHAVIORAL INTERVENTION TASK FORCE WHILE ACTING UNDER A GOOD-FAITH BELIEF THAT THE DISCLOSURE IS NECESSARY

TO PROTECT THE HEALTH, SAFETY, OR WELL-BEING OF ANY PERSON, OR TO PROTECT THE PROPERTY OF ANY PERSON OR OF THE INSTITUTION, SHALL NOT BE LIABLE IN ANY CIVIL ACTION FOR DISCLOSING THE INFORMATION. THE IMMUNITY PROVIDED IN THIS SECTION DOES NOT NULLIFY OR RESCIND ANY STATUTORY DUTY OF CONFIDENTIALITY BY A LICENSED PROFESSIONAL OR VICTIM'S ADVOCATE PURSUANT TO SECTION 13-90-107 (1) (k), C.R.S., OR ANY STATUTORY DUTY TO WARN AND PROTECT SPECIFIED IN SECTION 13-21-117, C.R.S.

SECTION 2. 24-72-304 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-72-304. Inspection of criminal justice records. (4) (d) THE PROVISIONS OF THIS SUBSECTION (4) SHALL NOT APPLY TO THE SHARING OF INFORMATION BY A STATE INSTITUTION OF HIGHER EDUCATION POLICE DEPARTMENT TO AUTHORIZED UNIVERSITY ADMINISTRATORS PURSUANT TO SECTION 23-5-141, C.R.S.

SECTION 3. 27-65-121, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

27-65-121. Records. (5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT OR LIMIT THE SHARING OF INFORMATION BY A STATE INSTITUTION OF HIGHER EDUCATION POLICE DEPARTMENT TO AUTHORIZED UNIVERSITY ADMINISTRATORS PURSUANT TO SECTION 23-5-141, C.R.S.

SECTION 4. 27-81-113, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

27-81-113. Records of alcoholics and intoxicated persons. (3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT OR LIMIT THE SHARING OF INFORMATION BY A STATE INSTITUTION OF HIGHER EDUCATION POLICE DEPARTMENT TO AUTHORIZED UNIVERSITY ADMINISTRATORS PURSUANT TO SECTION 23-5-141, C.R.S.

SECTION 5. 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 20, 2011