

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 15-0018.01 Jane Ritter x4342

HOUSE BILL 15-1273

HOUSE SPONSORSHIP

Lawrence,

SENATE SPONSORSHIP

Newell,

House Committees

Education
Appropriations

Senate Committees

Education
Appropriations

A BILL FOR AN ACT

101 CONCERNING ADDITIONAL COMPREHENSIVE REPORTING
102 REQUIREMENTS FOR SCHOOL DISCIPLINE REPORTS, AND, IN
103 CONNECTION THEREWITH, REQUIRING A POST-ENACTMENT
104 REVIEW OF THE IMPLEMENTATION OF THIS ACT AND MAKING AN
105 APPROPRIATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill adds sexual assaults and the unlawful use of marijuana on school grounds, in a school vehicle, or at a school activity or sanctioned

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
May 5, 2015

HOUSE
3rd Reading Unamended
April 30, 2015

HOUSE
Amended 2nd Reading
April 29, 2015

event to the current list of conduct and discipline code violations that a school is required to report as part of the safe school reporting requirements. Incidents of sexual assaults must only be reported in the aggregate, without any identifying information. The bill clarifies that the term "law enforcement" includes school resource officers.

The division of criminal justice (division) shall compile and report on the number of arrests, summons, and tickets that occurred on school grounds and the court dispositions of those cases. The division shall prepare a retroactive report using the best available data for the 2013-14 and 2014-15 school years.

The scheduled post-enactment review of House Bill 12-1345 will now include a review of this bill, including a review of the report to be compiled by the division. The post-enactment review of House Bill 12-1345 is extended to 180 days after the 4-year anniversary of the passage of this bill.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 determines and declares that:

4 (a) In 2011, the general assembly created a task force to study and
5 assess practices and statutes concerning zero tolerance practices in
6 schools and the interaction of school discipline practices with the juvenile
7 justice system;

8 (b) The following year, as a result of the work of this task force,
9 the general assembly passed House Bill 12-1345, which contained
10 requirements for law enforcement agencies and district attorneys to
11 annually report contacts with students. The purpose of this data was to
12 discover the extent to which minor offenses committed by students in
13 schools result in contact with law enforcement agencies and, ultimately,
14 entrance into the criminal justice system.

15 (c) Only seventy-four out of two hundred forty-six, or thirty
16 percent, of law enforcement agencies and only six out of twenty-two, or
17 twenty-seven percent, of district attorneys have complied with these

1 reporting requirements;

2 (d) Due to inconsistent data collection methods and procedures,
3 even the limited data currently collected from law enforcement agencies
4 and district attorneys cannot be used since it is unreliable and not
5 submitted in such a way that permits statewide comparison; and

6 (e) A number of additional problems with school discipline
7 reports have arisen, including:

8 (I) Schools are not required to separately report instances of
9 sexual assault in school safety reports and, as a result, they report sexual
10 assault in the ambiguous "other" category; and

11 (II) Despite the legalization of marijuana in the state, schools do
12 not separate marijuana-related incidents from general drug-related
13 incidents that occur on school property, in school vehicles, or at school
14 activities or sanctioned events.

15 (2) Therefore, it is the intent of the general assembly to ensure that
16 high-level, consistent, and easily accessible school safety data is available
17 to parents and other interested parties by:

18 (a) Ensuring that school reporting requirements reflect important
19 and relevant issues such as sexual assault and marijuana-related incidents;
20 and

21 (b) Implementing a new data collection method that is less
22 burdensome for law enforcement agencies and that permits a relevant,
23 reliable, and in-depth statewide analysis.

24 **SECTION 2.** In Colorado Revised Statutes, 22-32-109.1, **amend**
25 (1) (a) (V), (1) (b.5), (1) (f), (2) introductory portion, (2) (b) introductory
26 portion, (2) (b) (IV) introductory portion, (2) (b) (IV) (C), (2) (b) (VII),
27 (2) (b) (VIII), (2) (c) (II), (3) introductory portion, and (3) (c); and **add**

1 (1) (e.5), (2) (b) (IV) (C.5), (2) (b) (IX), and (11) as follows:

2 **22-32-109.1. Board of education - specific powers and duties**
3 **- safe school plan - conduct and discipline code - safe school reporting**
4 **requirements - school response framework - school resource officers**
5 **- definitions - repeal.** (1) **Definitions.** As used in this section, unless the

6 context otherwise requires:

7 (a) "Action taken" means a specific type of discipline, including
8 but not limited to the following categories of discipline:

9 (V) Referral to a law enforcement; ~~agency~~; or

10 (b.5) "Community partners" means, collectively, local fire
11 departments, state and local law enforcement, ~~agencies~~, local 911
12 agencies, interoperable communications providers, the safe2tell program
13 described in section 24-31-606, C.R.S., local emergency medical service
14 personnel, local mental health organizations, local public health agencies,
15 local emergency management personnel, local or regional homeland
16 security personnel, and school resource officers.

17 (e.5) "LAW ENFORCEMENT" INCLUDES ANY LAW ENFORCEMENT
18 AGENCY, LAW ENFORCEMENT OFFICER, OR SCHOOL RESOURCE OFFICER.

19 (f) (I) "Referral to law enforcement" means a communication
20 between a school administrator, teacher, or other school employee and a
21 law enforcement ~~agency, which communication~~ THAT:

22 (A) Is initiated by the school administrator, teacher, or other
23 school employee; and

24 (B) Concerns behavior by a student that the school administrator,
25 teacher, or other school employee believes may constitute a violation of
26 the school conduct and discipline code or a criminal or delinquent offense
27 and for which the school administrator, teacher, or other school employee

1 requests an investigation or other involvement by a law enforcement.
2 agency.

3 (II) "Referral to law enforcement" does not include:

4 (A) Contact with a law enforcement agency that is made for the
5 purpose of education, prevention, or intervention regarding a student's
6 behavior; or

7 (B) Routine or incidental communication between a school
8 administrator, teacher, or other school employee and a law enforcement;
9 officer. OR

10 (C) ANY INCIDENT OR COMMUNICATION THAT IS INITIATED BY LAW
11 ENFORCEMENT.

12 (2) **Safe school plan.** In order to provide a learning environment
13 that is safe, conducive to the learning process, and free from unnecessary
14 disruption, EACH SCHOOL DISTRICT BOARD OF EDUCATION OR INSTITUTE
15 CHARTER SCHOOL BOARD FOR A CHARTER SCHOOL AUTHORIZED BY THE
16 CHARTER SCHOOL INSTITUTE SHALL, following consultation with the
17 school district accountability committee and school accountability
18 committees, parents, teachers, administrators, students, student councils
19 where available, and, where appropriate, the community at large, each
20 school district board of education shall adopt and implement a safe school
21 plan, or review and revise, as necessary in response to any relevant data
22 collected by the school district, any existing plans or policies already in
23 effect. In addition to the aforementioned parties, each school district
24 board of education, in adopting and implementing its safe school plan,
25 may consult with victims' advocacy organizations, school psychologists,
26 local law enforcement, agencies, and community partners. The plan, at a
27 minimum, shall MUST include the following:

1 (b) **Safe school reporting requirements.** A policy whereby the
2 principal of each public school in a school district ~~shall~~ IS REQUIRED TO
3 submit annually, in a manner and by a date specified by rule of the state
4 board, a written report to the board of education of ~~such~~ THE school
5 district concerning the learning environment in the school during that
6 school year. The board of education of the school district ~~annually~~ shall
7 ANNUALLY compile the reports from every school in the district and ~~shall~~
8 submit the compiled report to the department of education in a format
9 specified by rule of the state board. The compiled report ~~shall be made~~
10 ~~available to~~ MUST BE EASILY ACCESSIBLE BY the general public THROUGH
11 A LINK ON THE DEPARTMENT OF EDUCATION'S WEB SITE HOMEPAGE. ~~Such~~
12 THE report ~~shall~~ MUST include, but need not be limited to, the following
13 specific information for the preceding school year:

14 (IV) The number of conduct and discipline code violations. Each
15 ~~of which violations shall~~ VIOLATION MUST be reported only in the most
16 serious category that is applicable to that violation, including but not
17 limited to specific information identifying the number of, and the action
18 taken with respect to, each of the following types of violations:

19 (C) Use, possession, or sale of a drug or controlled substance,
20 OTHER THAN MARIJUANA, on school grounds, in a school vehicle, or at a
21 school activity or sanctioned event;

22 (C.5) THE UNLAWFUL USE, POSSESSION, OR SALE OF MARIJUANA ON
23 SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR
24 SANCTIONED EVENT;

25 (VII) The average class size for each public elementary school,
26 middle school or junior high school, and senior high school in the state
27 calculated as the total number of students enrolled in the school divided

1 by the number of full-time teachers in the school; and

2 (VIII) The school's policy concerning bullying prevention and
3 education, including information related to the development and
4 implementation of any bullying prevention programs; AND

5 (IX) THE NUMBER OF ACTS OF SEXUAL VIOLENCE ON SCHOOL
6 GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR
7 SANCTIONED EVENT. ANY INFORMATION PROVIDED AS A PART OF THIS
8 SUBPARAGRAPH (IX) FOR THE SAFE SCHOOL REPORTING REQUIREMENTS
9 MUST BE REPORTED AS AGGREGATE DATA AND MUST NOT INCLUDE ANY
10 PERSONALLY IDENTIFYING INFORMATION. FOR THE PURPOSES OF THIS
11 SUBPARAGRAPH (IX), "SEXUAL VIOLENCE" MEANS A PHYSICAL SEXUAL
12 ACT PERPETRATED AGAINST A PERSON'S WILL OR WHERE A PERSON IS
13 INCAPABLE OF GIVING CONSENT.

14 (c) **Internet safety plan.** (II) Each school district is encouraged
15 to structure the internet safety plan so as to incorporate the internet safety
16 topics into the teaching of the regular classroom curricula, rather than
17 isolating the topics as a separate class. Each school district is encouraged
18 to use available internet safety curricula resources, including but not
19 limited to materials available through nonprofit internet safety
20 foundations that are endorsed by the federal government. Each school
21 district is also encouraged to work with ~~the~~ local law enforcement
22 ~~agencies~~ for the jurisdiction in which the school district is located in
23 developing the internet safety curricula, especially with regard to topics
24 that address personal safety on the internet, internet predator
25 identification, privacy issues, and homeland security issues. Each school
26 district is also encouraged to collaborate with parents and teachers in
27 developing the internet safety curricula, including collaborating with

1 district and statewide organizations that represent parents and teachers.

2 (3) **Agreements with state agencies.** Each board of education
3 shall cooperate and, to the extent possible, develop written agreements
4 with law enforcement, ~~officials~~, the juvenile justice system, and social
5 services, as allowed under state and federal law, to keep each school
6 environment safe. Each board of education shall adopt a policy whereby
7 procedures will be used following instances of assault upon, disorderly
8 conduct toward, harassment of, the making knowingly of a false
9 allegation of child abuse against, or any alleged offense under the
10 "Colorado Criminal Code" directed toward a school teacher or school
11 employee or instances of damage occurring on the premises to the
12 personal property of a school teacher or school employee by a student.
13 Such procedures shall include, at a minimum, the following provisions:

14 (c) The school administration shall report the incident to the
15 district attorney or ~~the~~ appropriate local law enforcement, ~~agency or~~
16 ~~officer, who~~ WHICH shall, upon receiving such report, investigate the
17 incident to determine the appropriateness of filing criminal charges or
18 initiating delinquency proceedings.

19 (11) (a) **Review of reporting requirements.** DURING THE 2020
20 REGULAR LEGISLATIVE SESSION, THE EDUCATION AND JUDICIARY
21 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR
22 ANY SUCCESSOR COMMITTEES, ARE ENCOURAGED TO FORMALLY REVIEW
23 THE REPORTS RECEIVED FROM THE DIVISION OF CRIMINAL JUSTICE
24 PURSUANT TO SECTION 24-33.5-503 (1) (bb), C.R.S. THE COMMITTEE
25 MEMBERS ARE ENCOURAGED TO CONSIDER WHETHER TO:

26 (I) CONTINUE TO REQUIRE LAW ENFORCEMENT OFFICERS AND
27 DISTRICT ATTORNEYS TO SUBMIT DATA TO THE DIVISION OF CRIMINAL

1 JUSTICE; OR

2 (II) INTRODUCE LEGISLATION TO REPEAL SUCH REPORTING
3 REQUIREMENTS.

4 (b) THIS SUBSECTION (11) IS REPEALED, EFFECTIVE JULY 1, 2020.

5 SECTION 3. In Colorado Revised Statutes, 22-32-146, amend
6 (4) introductory portion; and add (5) as follows:

7 22-32-146. School use of on-site peace officers as school
8 resource officers. (4) Commencing August 1, 2013, and continuing each
9 August 1 thereafter THROUGH AUGUST 1, 2014, each law enforcement
10 agency employing or contracting with any law enforcement officer who
11 is acting or has acted in his or her official capacity on school grounds, in
12 a school vehicle, or at a school activity or sanctioned event shall report to
13 the division of criminal justice created in section 24-33.5-502, C.R.S., in
14 aggregate form without personal identifying information, data about the
15 cases handled by the agency on school grounds, in a school vehicle, or at
16 a school activity or sanctioned event. FAILURE TO SUBMIT A TIMELY
17 REPORT TO THE DIVISION OF CRIMINAL JUSTICE PURSUANT TO THIS
18 SUBSECTION (4) DOES NOT RELIEVE A LAW ENFORCEMENT AGENCY OF ITS
19 RESPONSIBILITY TO FILE THE REPORT REQUIRED BY THIS SUBSECTION (4).
20 A LAW ENFORCEMENT AGENCY THAT HAS FAILED TO FILE A TIMELY
21 REPORT SHALL FILE ALL SUCH REPORTS WITH THE DIVISION OF CRIMINAL
22 JUSTICE NO LATER THAN AUGUST 15, 2015. Each such report shall MUST
23 include, at a minimum, the following information: relating to the
24 preceding twelve months:

25 (5) (a) ON OR BEFORE AUGUST 1, 2015, EACH LAW
26 ENFORCEMENT AGENCY THAT IS ACTING OR HAS ACTED IN ITS OFFICIAL
27 CAPACITY ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL

1 ACTIVITY OR SANCTIONED EVENT SHALL REPORT TO THE DIVISION OF
2 CRIMINAL JUSTICE, IN THE FORMATS DEVELOPED BY THE DIVISION IN
3 CONJUNCTION WITH LOCAL LAW ENFORCEMENT AGENCIES, THE
4 INFORMATION REQUIRED PURSUANT TO PARAGRAPH (c) OF THIS
5 SUBSECTION (5) THAT IS RELATED TO ALL STUDENT TICKETS, SUMMONS, OR
6 ARRESTS THAT OCCURRED DURING THE 2014-15 ACADEMIC YEAR,
7 EXCLUDING INCIDENTS THAT OCCURRED DURING THE SUMMER OF 2014, AT
8 A PUBLIC ELEMENTARY SCHOOL, MIDDLE OR JUNIOR HIGH SCHOOL, OR HIGH
9 SCHOOL; IN A SCHOOL VEHICLE; OR AT A SCHOOL ACTIVITY OR
10 SANCTIONED EVENT.

11 (b) ON OR BEFORE AUGUST 1, 2016, AND EVERY AUGUST 1
12 THEREAFTER, EACH LAW ENFORCEMENT AGENCY THAT IS ACTING OR HAS
13 ACTED IN ITS OFFICIAL CAPACITY ON SCHOOL GROUNDS, IN A SCHOOL
14 VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT SHALL
15 REPORT TO THE DIVISION OF CRIMINAL JUSTICE, IN FORMATS DEVELOPED
16 BY THE DIVISION IN CONJUNCTION WITH LOCAL LAW ENFORCEMENT
17 AGENCIES, THE INFORMATION REQUIRED PURSUANT TO PARAGRAPH (c) OF
18 THIS SUBSECTION (5) THAT IS RELATED TO ALL STUDENT TICKETS,
19 SUMMONS, OR ARRESTS THAT OCCURRED FOR THE PREVIOUS ACADEMIC
20 YEAR, INCLUDING INCIDENTS THAT OCCURRED DURING THE PREVIOUS
21 SUMMER MONTHS, AT A PUBLIC ELEMENTARY SCHOOL, MIDDLE OR JUNIOR
22 HIGH SCHOOL, OR HIGH SCHOOL; IN A SCHOOL VEHICLE; OR AT A SCHOOL
23 ACTIVITY OR SANCTIONED EVENT.

24 (c) FOR EACH REPORT REQUIRED PURSUANT TO PARAGRAPH (a) OR
25 (b) OF THIS SUBSECTION (5), THE LAW ENFORCEMENT AGENCY SHALL
26 REPORT:

27 (I) THE STUDENT'S FULL NAME;

- 1 (II) THE STUDENT'S DATE OF BIRTH;
- 2 (III) THE STUDENT'S RACE, ETHNICITY, AND GENDER;
- 3 (IV) THE NAME OF THE SCHOOL WHERE THE INCIDENT OCCURRED
- 4 OR THE NAME OF THE SCHOOL THAT OPERATED THE VEHICLE OR HELD THE
- 5 ACTIVITY OR EVENT;
- 6 (V) THE DATE OF THE ARREST OR TAKING OF A STUDENT INTO
- 7 CUSTODY;
- 8 (VI) THE DATE OF THE ISSUANCE OF THE SUMMONS OR TICKET;
- 9 (VII) THE ARREST OR INCIDENT REPORT NUMBER AS RECORDED BY
- 10 THE LAW ENFORCEMENT AGENCY;
- 11 (VIII) THE SINGLE MOST SERIOUS OFFENSE FOR WHICH A STUDENT
- 12 IS ARRESTED, ISSUED A SUMMONS, OR ISSUED A TICKET USING THE
- 13 NATIONAL CRIME INFORMATION CENTER (NCIC) CRIME CODE;
- 14 (IX) THE TYPE OF WEAPON INVOLVED, IF ANY, FOR OFFENSES
- 15 CLASSIFIED AS GROUP A OFFENSES UNDER THE NATIONAL INCIDENT-BASED
- 16 REPORTING SYSTEM; AND
- 17 (X) THE LAW ENFORCEMENT AGENCY'S ORIGINATING REPORTING
- 18 IDENTIFIER.

19 (d) A LAW ENFORCEMENT AGENCY MAY REPORT THE INFORMATION
20 REQUIRED PURSUANT TO THIS SUBSECTION (5) ON A MONTHLY,
21 QUARTERLY, OR ANNUAL BASIS. THE LAW ENFORCEMENT AGENCY SHALL
22 INFORM THE DIVISION OF CRIMINAL JUSTICE OF THE REPORTING SCHEDULE
23 IT WILL FOLLOW.

24 **SECTION 4.** In Colorado Revised Statutes, 20-1-113, **amend** (1);
25 and **add** (4) as follows:

26 **20-1-113. Reporting of criminal proceedings involving public**
27 **school students.** (1) On or before August 1, 2013, and ~~on or before each~~

1 ~~August 1 thereafter~~ CONTINUING THROUGH AUGUST 1, 2014, the district
2 attorney of each judicial district, or his or her designee, shall report to the
3 division of criminal justice created in section 24-33.5-502, C.R.S.,
4 information about offenses alleged to have been committed by a student
5 that have occurred on school grounds, in a school vehicle, or at a school
6 activity or sanctioned event within the judicial district during the
7 preceding twelve months. FAILURE TO SUBMIT A TIMELY REPORT TO THE
8 DIVISION OF CRIMINAL JUSTICE PURSUANT TO THIS SUBSECTION (1) DOES
9 NOT RELIEVE A DISTRICT ATTORNEY OF HIS OR HER RESPONSIBILITY TO FILE
10 THE REPORT REQUIRED BY THIS SUBSECTION (1). A DISTRICT ATTORNEY
11 WHO HAS FAILED TO FILE A TIMELY REPORT SHALL FILE ALL SUCH REPORTS
12 WITH THE DIVISION OF CRIMINAL JUSTICE NO LATER THAN AUGUST 15,
13 2015.

14 (4) COMMENCING AUGUST 1, 2015, AND CONTINUING EVERY
15 AUGUST 1 EVERY YEAR THEREAFTER, EACH DISTRICT ATTORNEY SHALL
16 REPORT TO THE DIVISION OF CRIMINAL JUSTICE THE NAME OF ANY STUDENT
17 WHO WAS GRANTED PRE-FILE JUVENILE OR ADULT DIVERSION FOR A
18 TICKET, SUMMONS, OR OFFENSE THAT OCCURRED AT A PUBLIC
19 ELEMENTARY SCHOOL, MIDDLE OR JUNIOR HIGH SCHOOL, OR HIGH SCHOOL;
20 IN A SCHOOL VEHICLE; OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT.
21 IN ADDITION TO THE FULL NAME OF THE STUDENT, THE DISTRICT
22 ATTORNEY SHALL REPORT THE STUDENT'S DATE OF BIRTH, RACE,
23 ETHNICITY, AND GENDER AND THE ARREST OR INCIDENT REPORT NUMBER,
24 AS RECORDED BY THE ARRESTING LAW ENFORCEMENT AGENCY FOR THE
25 STUDENT.

26 **SECTION 5.** In Colorado Revised Statutes, 24-33.5-503, **add** (2)
27 as follows:

1 **24-33.5-503. Duties of division.** (2) (a) (I) ON OR BEFORE
2 APRIL 1, 2016, AND EVERY APRIL 1 THEREAFTER, TO COMPILE AND
3 ANALYZE THE DATA REPORTED BY LAW ENFORCEMENT AGENCIES AND
4 PREPARE A REPORT, WITHOUT IDENTIFYING INFORMATION, CONCERNING
5 THE TOTAL NUMBER OF TICKETS, SUMMONS, OR ARRESTS THAT OCCURRED
6 ON SCHOOL GROUNDS, IN SCHOOL VEHICLES, OR AT A SCHOOL ACTIVITY OR
7 SANCTIONED EVENT AND DESCRIBE THE FINAL DISPOSITION OF THOSE
8 TICKETS, SUMMONS, OR ARRESTS BY REPORTING AGENCY, SCHOOL, AND
9 LOCATION. THE REPORT MUST ANALYZE THE DATA BY RACE, AGE, GENDER,
10 ETHNICITY, AND THE SPECIFIC TYPE OF OFFENSE WITH ALL NATIONAL
11 CRIME INFORMATION CENTER CRIME CODES. THE DIVISION OF CRIMINAL
12 JUSTICE SHALL SUPPORT LAW ENFORCEMENT AGENCIES IN THEIR EFFORTS
13 TO SUBMIT THE REQUIRED DATA, ACTIVELY REACH OUT TO AGENCIES THAT
14 HAVE FAILED TO SUBMIT THE REQUIRED DATA, AND PROVIDE A
15 REASONABLE DEGREE OF TRAINING IF NECESSARY.

16 (II) THE DIVISION SHALL SUBMIT THE REPORT TO THE EDUCATION
17 AND JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND
18 THE SENATE, OR ANY SUCCESSOR COMMITTEES. THE DIVISION SHALL
19 PROVIDE THE REPORT TO ANY MEMBER OF THE PUBLIC UPON REQUEST, IN
20 A MANNER THAT DOES NOT INCLUDE ANY IDENTIFYING INFORMATION
21 REGARDING ANY STUDENT. IF THE DIVISION PROVIDES THE INFORMATION
22 TO A MEMBER OF THE PUBLIC UPON REQUEST PURSUANT TO THIS
23 PARAGRAPH (a), THE DIVISION MAY CHARGE A FEE TO THE PERSON, WHICH
24 FEE SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY
25 THE DIVISION IN PROVIDING THE INFORMATION. PROVIDED THAT THE
26 DIVISION ADHERES TO ALL STATE AND FEDERAL PRIVACY AND
27 CONFIDENTIALITY LAWS CONCERNING STUDENT INFORMATION, THE

1 DIVISION SHALL PROVIDE THE UNDERLYING DATA GATHERED BY A LAW
2 ENFORCEMENT AGENCY TO ANY INDEPENDENT RESEARCH OR
3 COMMUNITY-BASED ORGANIZATION WORKING TO ANALYZE SCHOOL-BASED
4 CRIMINAL BEHAVIOR AND THE RESPONSE TO THAT BEHAVIOR BY THE
5 JUVENILE AND CRIMINAL JUSTICE SYSTEMS.

6 (III) THE DIVISION SHALL ANNUALLY POST THE REPORT ON ITS WEB
7 SITE.

8 (b) TO PREPARE A RETROACTIVE REPORT MEETING THE
9 REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (2) USING
10 EXISTING DATA SOURCES FOR THE 2013-14 AND 2014-15 SCHOOL YEARS.

11 (c) THE DIVISION IS ONLY REQUIRED TO PERFORM THE DUTIES OF
12 THIS SUBSECTION (2) IF EXISTING APPROPRIATIONS OR RESOURCES ARE
13 AVAILABLE.

14 **SECTION 6.** In Colorado Revised Statutes, 2-2-1201, **repeal** (8).

15 **SECTION 7.** In Session Laws of Colorado 2012, **repeal** section
16 21 of chapter 188.

17 **SECTION 8.** In Session Laws of Colorado 2012, **repeal** section
18 46 of chapter 188.

19 **SECTION 9. Appropriation - legislative intent.** (1) For the
20 2015-16 state fiscal year, \$73,457 is appropriated to the department of
21 public safety for use by the division of criminal justice. This
22 appropriation is from the general fund and is based on an assumption that
23 the division will require an additional 1.0 FTE. To implement this act, the
24 division may use this appropriation for DCJ administrative services.

25 (2) The appropriation made in subsection (1) of this section
26 derives from savings generated from the implementation of the provisions
27 of Senate Bill 15-124, enacted in 2015.

1 **SECTION 10. Effective date.** (1) Except as specified in
2 subsection (2) of this section, this act takes effect upon passage.

3 (2) Section 5 of this act takes effect only if:

4 (a) The net reduction in the appropriations from the general fund
5 made in Senate Bill 15-124 is equal to or greater than the amount of the
6 general fund appropriation made in subsection 1 of section 9 of this act;

7 (b) Senate Bill 15-124 is enacted and becomes law; and

8 (c) The staff director of the joint budget committee files written
9 notice with the revisor of statutes no later than July 1, 2015, that the
10 requirement set forth in paragraph (a) of this subsection (2) has been met.

11 **SECTION 11. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.