

CHAPTER 163

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 95-1101

BY REPRESENTATIVES Kerns, Anderson, Adkins, DeGette, Friednash, Hagedorn, Knox, Lamm, Nichol, Reeser, and Swenson; also SENATORS Bishop, Gallagher, R. Powers, Dennis, Hopper, Matsunaka, Perlmutter, and Tebedo.

AN ACT

CONCERNING THE DEVELOPMENT OF AN INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM.

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

SECTION 1. Title 16, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 20.5
Integrated Criminal Justice Information System

16-20.5-101. Short title. THIS ARTICLE AND ARTICLE 21 OF THIS TITLE SHALL BE KNOWN AND MAY BE CITED AS THE "CRIMINAL JUSTICE INFORMATION SYSTEM ACT".

16-20.5-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CCIC" MEANS THE COLORADO CRIME INFORMATION CENTER.

(2) "CHIEF OFFICER" MEANS THE CHIEF CRIMINAL JUSTICE INFORMATION SYSTEM OFFICER RESPONSIBLE FOR COORDINATING THE DEVELOPMENT OF A STRATEGIC PLAN FOR AN INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM, AS SUCH TERM IS DEFINED IN SUBSECTION (3) OF THIS SECTION.

(3) "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

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

SEPARATE AND INDIVIDUAL SYSTEMS AND WITHOUT UNNECESSARY DUPLICATION OF DATA COLLECTION, DATA STORAGE, OR DATA ENTRY.

16-20.5-103. Integrated criminal justice information system - strategic plan - departments and chief officer - goals - reports. (1) A PLANNING TEAM COMPRISED OF THE EXECUTIVE DIRECTORS OF THE DEPARTMENTS OF PUBLIC SAFETY, CORRECTIONS, AND HUMAN SERVICES AND THE STATE COURT ADMINISTRATOR, OR THE DESIGNEE OF SUCH DIRECTORS AND STATE COURT ADMINISTRATOR, SHALL COOPERATE IN DEVELOPING JOINTLY A STRATEGIC PLAN FOR THE IMPLEMENTATION AND MAINTENANCE OF AN INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM. THE GOVERNOR AND THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL JOINTLY APPOINT FROM THE MEMBERS OF THE PLANNING TEAM A PERSON TO SERVE AS THE CHIEF OFFICER IN COORDINATING THE DEVELOPMENT OF THE STRATEGIC PLAN.

(2) THE PLANNING TEAM SHALL ADOPT A STRATEGIC PLAN THAT:

(a) PROVIDES UNIFORM DATA AND ARCHITECTURAL STANDARDS ALLOWING USERS MAXIMUM ACCESS TO THE SYSTEM;

(b) PROVIDES A SYSTEM CONSISTENT WITH APPLICABLE FEDERAL AND STATE LAWS AND REGULATIONS, SUCH AS THE NATIONAL CRIMINAL JUSTICE INFORMATION SYSTEM STANDARDS, ALLOWING USERS TO COMPLY WITH SUCH LAWS AND REGULATIONS;

(c) ALLOWS A USER OF THE SYSTEM HAVING JURISDICTION OVER OR CUSTODY OF AN ARRESTEE OR OFFENDER TO RETAIN ITS OWN INFORMATION DATA BASE BUT REQUIRES A USER TO REPORT IMMEDIATELY ANY STATUS CHANGE OF OR ANY KEY INFORMATION CONCERNING AN ARRESTEE OR OFFENDER TO THE CCIC FOR INPUT INTO THE CENTRAL INDEX AND TO OTHER USERS WITHIN TWENTY-FOUR HOURS;

(d) ALLOWS CONTINUOUS MONITORING OF THE SYSTEM BY ESTABLISHING USER REPORTING REQUIREMENTS;

(e) RESULTS IN A SYSTEM ACCOMPLISHING THE FOLLOWING GOALS:

(I) ENSURES THAT INFORMATION RESOURCE AGENCIES ALIGN THROUGH A STATEWIDE SYSTEM CAPABLE OF PROVIDING RELIABLE CRIME INFORMATION, USING CCIC AS THE MAJOR LINK TO OTHER MAJOR CRIMINAL INFORMATION SYSTEMS THROUGHOUT THE STATE, APPLYING STATE STANDARDS, AND MAINTAINING THE SECURITY AND INTEGRITY OF THE INFORMATION;

(II) FACILITATES UNIFORM AND MAXIMUM INTERFACING AMONG MAJOR CRIMINAL JUSTICE ORGANIZATIONS AND LAW ENFORCEMENT AGENCIES THROUGHOUT THE STATE AND BETWEEN SUCH ENTITIES AND CCIC;

(III) RECOGNIZES THE NEEDS OF LOCAL JURISDICTIONS TO MEET THEIR CRIMINAL INFORMATION REQUIREMENTS AND TO BUILD PARTNERSHIPS FOR ACHIEVING TIMELY AND RELIABLE INFORMATION;

(IV) MAKES SUPPORT INFORMATION AVAILABLE TO RESEARCH TECHNICIANS AND POLICYMAKERS, INCLUDING BUT NOT LIMITED TO THE GENERAL ASSEMBLY AND LOCAL AND STATE AGENCY ADMINISTRATORS;

(V) ASSURES COMPLIANCE WITH ARTICLE 21 OF THIS TITLE.

(3) THE DEPARTMENTS SHALL SUBMIT THE STRATEGIC PLAN TO THE COMMISSION ON INFORMATION MANAGEMENT NO LATER THAN SEPTEMBER 1, 1995. THE COMMISSION, IN ADDITION TO ITS DUTIES SET FORTH IN SECTION 24-30-1702, C.R.S., SHALL SUBMIT A FINAL PLAN TO THE LEGISLATIVE COUNCIL, THE JOINT BUDGET COMMITTEE, AND THE JUDICIARY COMMITTEES OF THE GENERAL ASSEMBLY NO LATER THAN NOVEMBER 1, 1995, FOR THE DEVELOPMENT OF A LEGISLATIVE PROPOSAL TO IMPLEMENT THE PLAN.

16-20.5-104. Repeal of article. THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 1996.

SECTION 2. 16-21-103 (3) and (6), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

16-21-103. Information on offenders - required. (3) Upon issuance of a warrant of arrest, the court shall notify the sheriff of the county in which such court is located of the issuance of such warrant. When the court withdraws, cancels, quashes, or otherwise renders a warrant of arrest invalid, the court shall immediately notify ~~the criminal justice information system network operated by~~ the bureau of such action in a manner which is consistent with procedures established jointly by the state court administrator and the director of the bureau. The court shall report the final disposition of any offender to the bureau in a form which is electronically consistent with procedures established jointly by the state court administrator and the director of the bureau and shall include the information provided in subsection (2) of this section, the charges filed by the district attorney, whether the factual basis of the charges includes an act of domestic violence as defined in section 18-6-800.3 (1), C.R.S., and whether such designation needs to be added or eliminated from the system based upon the court's findings. The court shall eliminate the designation of domestic violence if the defendant is found not guilty of the alleged crime or if the case is dismissed. The report sent to the bureau shall also include the disposition of each charge and the court case number and shall be submitted within seventy-two hours after the final disposition; except that such time period shall not include Saturdays, Sundays, and legal holidays.

(6) The information available ~~through the criminal justice information system network established~~ 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 cases as soon as such court, office, or agency has the necessary computer system in place.

SECTION 3. 16-21-105 (2), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

16-21-105. Applicability of article to municipal courts - local law enforcement. (2) The provisions of this article concerning the duty of a court to notify ~~the criminal justice information system network operated by~~ the bureau concerning actions involving crimes in which the charge or charges include an act of domestic violence shall apply to municipal courts.

SECTION 4. 24-33.5-412 (1) (n) and (5), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

24-33.5-412. Functions of bureau - legislative review. (1) The bureau has the following authority:

(n) To carry out the duties of maintaining information related to crimes involving acts of domestic violence ~~in the criminal justice information system network as described in~~ AS REQUIRED BY article 21 of title 16, C.R.S.

(5) To assist the bureau in its operation of the uniform crime reporting program, every law enforcement agency in this state shall furnish such information to the bureau concerning crimes, arrests, and stolen and recovered property as is necessary for uniform compilation of statewide reported crime, arrest, and recovered property statistics. In cases involving child abuse or sexual assault on a child and in all other cases involving murder, sexual assault, or robbery, the law enforcement agency shall furnish information to the bureau concerning the modus operandi of such crimes in order to facilitate the identification of cross-jurisdictional offenders. Information required to be submitted pursuant to this section shall be submitted in a form specified by the bureau; EXCEPT THAT THE BUREAU SHALL ADOPT A FORM AND REPORTING STANDARDS CONSISTENT WITH THE DEVELOPMENT OF THE STRATEGIC PLAN FOR AN INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM, IN ACCORDANCE WITH ARTICLE 20.5 OF TITLE 16, C.R.S., THAT SHALL BE CONSISTENT WITH APPLICABLE FEDERAL AND STATE LAWS AND REGULATIONS SUCH AS THE NATIONAL CRIMINAL JUSTICE INFORMATION SYSTEM STANDARDS. The cost to the law enforcement agency of furnishing such information shall be reimbursed out of appropriations made therefor by the general assembly; except that the general assembly shall make no such reimbursement if said cost was incurred in a fiscal year during which the Colorado crime information center was funded exclusively by state or federal funds.

SECTION 5. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 6. 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: May 22, 1995