

SB213_L.007

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.SB15-213 be amended as follows:

1 Amend printed bill, page 3, strike lines 2 through 26 and substitute the
2 following:

3 **"SECTION 1. Legislative declaration.** (1) The general
4 assembly recognizes that:

5 (a) Colorado benefits from having an educated citizenry;

6 (b) Primary and secondary school students have limited autonomy
7 during school hours and little say in the security provided during the
8 school day; and

9 (c) Public school districts provide essential public services
10 through primary and secondary schools and charter schools and unlimited
11 liability against school districts could disrupt the provision of educational
12 services.

13 (2) Therefore, the general assembly finds that public school
14 districts and charter schools should be provided with protection from
15 unlimited liability. However, the general assembly also finds and
16 acknowledges that the sovereign immunity that has been extended to
17 public school districts and to charter schools prior to the passage of this
18 act can lead to inequitable results for students who are otherwise unable
19 to protect themselves from serious bodily injury or death in the school
20 environment. Moreover, the general assembly acknowledges that times
21 have changed in this country and in this state because there have been so
22 many acts of school violence in which students and teachers have been
23 killed and injured by persons. In this state since April 20, 1999, there
24 have been three separate incidents of school violence in which students
25 have been killed at their schools. In response to school violence, schools
26 have begun to undertake actions to address security issues, undertake
27 safety drills, train staff, and assess the risks to students from acts of
28 school violence. Parents have a reasonable expectation that when they
29 send their children to a public school that the school and its employees
30 will have taken steps to keep the children safe. The general assembly
31 finds that it is now foreseeable that violence in schools could occur.

32 (3) For the reasons stated in paragraphs (1) and (2) of this section,
33 the general assembly therefore declares the purposes of this act are:

34 (a) To recognize and state that there is a limited duty of reasonable
35 care upon public schools, charter schools, and their employees to provide
36 for student safety and to protect students and employees in their schools;

37 (b) To waive on a limited basis governmental immunity, thereby



1 allowing for recovery of capped damages where that duty of reasonable
2 care has been breached by a school district, charter school, or their
3 employees; and

4 (c) To waive on a limited basis governmental immunity to ensure
5 that there is a robust and effective discovery through the legal system of
6 the causes of acts of school violence.

7 (4) It is the intent of the general assembly in enacting this act to
8 affirmatively recognize a statutory duty upon school districts, charter
9 schools, and their employees to protect students, faculty, and staff from
10 foreseeable harm caused by other persons. The general assembly hereby
11 declares that the purpose of recognizing that this duty exists under this act
12 is to create a tort remedy against school districts and charter schools in
13 cases where a school district, charter school, or its employees knew or
14 should have known of the danger that was presented and breached that
15 duty of care.

16 (5) The general assembly also further states that its intent in
17 enacting the provisions in this act regarding discovery and settlement is
18 to provide a remedy for plaintiffs affected by acts of school violence and
19 to achieve robust and vigorous discovery of events leading to those
20 incidents of school violence.

21 **SECTION 2.** In Colorado Revised Statutes, add 24-10-106.3 as
22 follows:

23 **24-10-106.3. Immunity and partial waiver - claims for serious**
24 **bodily injury or death on public school property or at**
25 **school-sponsored events - definitions. (1) Definitions. FOR PURPOSES**
26 **OF THIS SECTION, UNLESS THE"**.

27 Renumber succeeding sections accordingly.

28 Strike page 4.

29 Page 5, strike lines 1 through 17.

30 Renumber succeeding subsections accordingly.

31 Page 7, line 8, strike "(3)" and substitute "(2)".

32 Page 8, line 2, strike "(3)" and substitute "(2)".

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