

CHAPTER 311

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 21-1015

BY REPRESENTATIVE(S) Carver and Tipper, Bacon, Bird, Caraveo, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Hooton, Jackson, Kennedy, Kipp, Lontine, McCluskie, McCormick, Mullica, Ortiz, Pico, Ricks, Roberts, Snyder, Sullivan, Titone, Weissman, Woodrow, Young, Amabile, Bennett, Bockenfeld, Boesenecker, Herod, Michaelson Jenet, Williams;
also SENATOR(S) Lundeen and Ginal, Bridges, Cooke, Donovan, Gardner, Hansen, Hisey, Holbert, Kirkmeyer, Kolker, Liston, Moreno, Priola, Rodriguez, Scott, Simpson, Woodward, Garcia.

AN ACT**CONCERNING SECURITY PROTECTIONS FOR CERTAIN CRIMINAL JUSTICE SYSTEM PERSONNEL.**

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

SECTION 1. In Colorado Revised Statutes, 18-9-313, **amend** (1) introductory portion, (1)(b), (1)(e), (2.7), (2.8), and (3); **repeal** (1)(c) and (2); and **add** (1)(b.5), (1)(d.5), (1)(e.5), (1)(f), (1)(f.6), and (1)(h) as follows:

18-9-313. Personal information on the internet - victims of domestic violence, sexual assault, and stalking - protected persons - definitions. (1) As used in this section, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(b) "Immediate family" means a ~~law enforcement official's or human services worker's~~ PROTECTED PERSON'S spouse, child, or parent or any other blood relative who lives in the same residence as the ~~law enforcement official or human services worker~~ PROTECTED PERSON.

(b.5) "JUDGE" HAS THE SAME MEANING AS DEFINED BY SECTION 18-8-615 (3).

(c) "~~Law enforcement official~~" means a ~~peace officer as described in section 16-2.5-101, a judge as defined by section 18-8-615 (3), or a prosecutor, as defined in section 18-8-616 (3).~~

(d.5) "PEACE OFFICER" HAS THE SAME MEANING AS DESCRIBED IN SECTION 16-2.5-101.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(e) "Personal information" means the home address, home telephone number, personal mobile telephone number, pager number, personal e-mail address, or a personal photograph of a ~~law enforcement official, participant in the address confidentiality program, or human services worker~~ PROGRAM OR PROTECTED PERSON; directions to the home of a ~~law enforcement official, participant in the address confidentiality program, PROGRAM or human services worker~~ PROTECTED PERSON; or photographs of the home or vehicle of a ~~law enforcement official, participant in the address confidentiality program, PROGRAM or human services worker~~ PROTECTED PERSON.

(e.5) "PROSECUTOR" HAS THE SAME MEANING AS DEFINED IN SECTION 18-8-616 (3).

(f) "PROTECTED PERSON" MEANS A HUMAN SERVICES WORKER, A JUDGE, A PEACE OFFICER, A PROSECUTOR, A PUBLIC DEFENDER, OR A PUBLIC SAFETY WORKER.

(f.6) "PUBLIC DEFENDER" MEANS AN ATTORNEY EMPLOYED BY THE OFFICE OF THE STATE PUBLIC DEFENDER CREATED IN SECTION 21-1-101, OR AN ATTORNEY EMPLOYED BY THE OFFICE OF ALTERNATE DEFENSE COUNSEL CREATED IN SECTION 21-2-101.

(h) "PUBLIC SAFETY WORKER" MEANS:

(I) AN EMPLOYEE, CONTRACTOR, OR AN EMPLOYEE OF A CONTRACTOR OF THE DEPARTMENT OF CORRECTIONS WHO HAS CONTACT WITH PERSONS IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS OR WITH THE FAMILY OR ASSOCIATES OF SUCH PERSONS;

(II) A NONCERTIFIED DEPUTY SHERIFF OR DETENTION OFFICER, AS DESCRIBED IN SECTION 16-2.5-103 (2), WHO HAS CONTACT WITH INMATES; OR

(III) AN EMPLOYEE, CONTRACTOR, OR AN EMPLOYEE OF A CONTRACTOR OF A COMMUNITY CORRECTIONS PROGRAM, AS DEFINED IN SECTION 17-27-102, WHO HAS CONTACT WITH OFFENDERS IN A COMMUNITY CORRECTIONS PROGRAM.

(2) ~~It is unlawful for a person to knowingly make available on the internet personal information about a law enforcement official or the official's immediate family member, if the dissemination of the personal information poses an imminent and serious threat to the law enforcement official's safety or the safety of the law enforcement official's immediate family and the person making the information available on the internet knows or reasonably should know of the imminent and serious threat.~~

(2.7) It is unlawful for a person to knowingly make available on the internet personal information about a ~~human services worker~~ PROTECTED PERSON or the ~~human services worker's~~ PROTECTED PERSON'S immediate family if the dissemination of personal information poses an imminent and serious threat to the ~~human services worker's~~ PROTECTED PERSON'S safety or the safety of the ~~human services worker's~~ PROTECTED PERSON'S immediate family and the person making the information available on the internet knows or reasonably should know of the imminent and serious threat.

(2.8) (a) A ~~human services worker~~ PROTECTED PERSON may submit a written request pursuant to subsection (2.8)(b) of this section to a state or local government official to remove personal information from records that are available on the internet. If a state or local government official receives ~~such~~ THE written request, then the state or local government official shall not knowingly make available on the internet personal information about the ~~human services worker~~ PROTECTED PERSON or the ~~human services worker's~~ PROTECTED PERSON'S immediate family.

(b) A ~~human services worker's~~ PROTECTED PERSON'S written request to a state or local government official to remove records that the official makes available on the internet must include:

(I) Evidence that the person submitting the request is a ~~human services worker~~ PROTECTED PERSON, as defined in subsection (1) of this section; and

(II) An affirmation stating under penalty of perjury that the person SUBMITTING THE REQUEST has reason to believe that the dissemination of the personal information contained in the records that the official makes available on the internet poses an imminent and serious threat to the ~~human services worker's~~ PERSON'S safety or the safety of the ~~human services worker's~~ PERSON'S immediate family.

(3) A violation of ~~subsections (2) and~~ SUBSECTION (2.7) of this section is a class 1 misdemeanor.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 24, 2021