

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 22-0914.02 Jery Payne x2157

**SENATE BILL 22-169**

**SENATE SPONSORSHIP**

**Donovan,** Bridges, Buckner, Coleman, Fenberg, Ginal, Gonzales, Hansen, Jaquez Lewis, Kolker, Lee, Moreno, Priola, Rankin, Rodriguez, Simpson, Story, Winter, Zenzinger

**HOUSE SPONSORSHIP**

**Will and Hooton,**

**Senate Committees**

Agriculture & Natural Resources

**House Committees**

**A BILL FOR AN ACT**

101 **CONCERNING THE NONDISCLOSURE OF SENSITIVE SPECIES**  
102 **INFORMATION UNDER THE "COLORADO OPEN RECORDS ACT".**

**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://leg.colorado.gov>.)*

Under the "Colorado Open Records Act", state agencies are required to provide public records when requested. The bill changes the definition of "public records" to exclude the portion of the record containing information that reveals the location or could be used to determine the location of an individual animal, a group of animals, a sensitive plant species, or a sensitive species habitat.

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

SENATE  
3rd Reading Unamended  
April 20, 2022

SENATE  
Amended 2nd Reading  
April 19, 2022

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

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that Colorado's wildlife and natural areas are  
4 cherished by the people of this state and draw visitors from across the  
5 world. Careful management of wildlife, sensitive plant species, and  
6 natural habitat is critical to their long-term success and viability.  
7 Information about the specific locations of these resources should be  
8 safeguarded because:

9           (a) Publication of wildlife location data can result in detrimental  
10 public pressure, harassment of wildlife, and destruction of sensitive  
11 natural habitat;

12           (b) Increased public pressure and harassment negatively impacts  
13 the survival and reproductive success of all wildlife, including game and  
14 nongame species;

15           (c) Location data may be used improperly to locate game animals,  
16 undermining principles of fair chase; and

17           (d) Sensitive plant species location data may be used by collectors  
18 to unlawfully obtain specimens of the species.

19           SECTION 2. In Colorado Revised Statutes, 24-72-204, add  
20 (2)(a)(X) as follows:

21           24-72-204. Allowance or denial of inspection - grounds -  
22 procedure - appeal - definitions - repeal. (2) (a) The custodian may  
23 deny the right of inspection of the following records, unless otherwise  
24 provided by law, on the ground that disclosure to the applicant would be  
25 contrary to the public interest:

26           (X) ANY RECORDS CONTAINING DATA OR INFORMATION THAT

1 REVEALS THE SPECIFIC LOCATION OR COULD BE USED TO DETERMINE THE  
2 SPECIFIC LOCATION OF:

3 (a) A PLANT SPECIES IDENTIFIED AS A COLORADO PLANT OF  
4 GREATEST CONSERVATION NEED IN COLORADO'S STATE WILDLIFE ACTION  
5 PLAN;

6 (b) AN INDIVIDUAL ANIMAL OR A GROUP OF ANIMALS; OR

7 (c) AN INDIVIDUAL ANIMAL'S OR GROUP OF ANIMAL'S BREEDING OR  
8 NESTING HABITAT.

9 **SECTION 3. Act subject to petition - effective date -**  
10 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
11 the expiration of the ninety-day period after final adjournment of the  
12 general assembly; except that, if a referendum petition is filed pursuant  
13 to section 1 (3) of article V of the state constitution against this act or an  
14 item, section, or part of this act within such period, then the act, item,  
15 section, or part will not take effect unless approved by the people at the  
16 general election to be held in November 2022 and, in such case, will take  
17 effect on the date of the official declaration of the vote thereon by the  
18 governor.

19 (2) This act applies to records requested on or after the applicable  
20 effective date of this act.