

CHAPTER 39

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 22-1041

BY REPRESENTATIVE(S) Boesenecker and Larson, Amabile, Bacon, Bernett, Bird, Caraveo, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Herod, Jodeh, Lindsay, Lontine, McCluskie, McCormick, McLachlan, Mullica, Ortiz, Sirota, Snyder, Soper, Titone, Valdez A., Weissman, Young, Hooton, Kennedy, Ricks;
also SENATOR(S) Ginal, Bridges, Buckner, Fields, Hinrichsen, Kolker, Lee, Moreno, Story, Winter.

AN ACT**CONCERNING RESTRICTIONS ON MAKING PUBLIC THE PERSONAL INFORMATION OF PROTECTED PERSONS AT RISK OF THREATS.**

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

SECTION 1. In Colorado Revised Statutes, 18-9-313, **amend** (1) and (2.8)(b); and **add** (2.8)(c) and (2.8)(d) as follows:

18-9-313. Personal information on the internet - victims of domestic violence, sexual assault, and stalking - other protected persons - definitions. (1) As used in this section, unless the context otherwise requires:

(a) "CHILD REPRESENTATIVE" MEANS:

(I) AN EMPLOYEE OF OR CONTRACTOR WITH THE OFFICE OF THE CHILD'S REPRESENTATIVE CREATED IN SECTION 13-91-104; OR

(II) THE STAFF OF CONTRACTORS WITH THE OFFICE OF THE CHILD'S REPRESENTATIVE WHO ARE MEMBERS OF AN ATTORNEY'S LEGAL TEAM WHO ASSIST WITH THE ATTORNEY'S LEGAL REPRESENTATION OF CHILDREN, YOUTH, AND JUVENILES.

(b) "CODE ENFORCEMENT OFFICER" MEANS A MUNICIPAL, COUNTY, OR CITY AND COUNTY EMPLOYEE OR CONTRACTOR WHO IS RESPONSIBLE FOR THE ADMINISTRATION AND ENFORCEMENT OF LAND USE, ZONING REGULATIONS, BUILDING CODES, HEALTH CODES, FLOODPLAIN REGULATIONS, AND OTHER SIMILAR HEALTH AND SAFETY CODES.

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.

(c) "EXEMPT PARTY" MEANS ANY PARTY TO THE RECORD, A SETTLEMENT SERVICE, A TITLE INSURANCE COMPANY, A TITLE INSURANCE AGENCY, A MORTGAGE SERVICER OR A MORTGAGE SERVICER'S QUALIFIED AGENT, OR AN ATTORNEY LICENSED AND IN GOOD STANDING IN THE STATE OF COLORADO TO PRACTICE LAW AND WHO IS ENGAGED IN A REAL ESTATE MATTER.

(d) "HEALTH-CARE WORKER" MEANS AN EMPLOYEE, CONTRACTED HEALTH-CARE PROVIDER, OR INDIVIDUAL SERVING IN A GOVERNANCE CAPACITY OF A HEALTH-CARE FACILITY LICENSED PURSUANT TO SECTION 25-1.5-103.

~~(a)~~ (e) "Human services worker" means:

(I) A state or county employee, or an attorney representing the state or county, who is engaged in investigating or taking legal action regarding allegations of child abuse or neglect pursuant to article 3 of title 19, and a state or county support staff person who has contact with the public relating to these allegations;

(II) A state or county employee, or an attorney representing the state or county, who is engaged in investigating or taking legal action regarding allegations of mistreatment of an at-risk adult pursuant to article 3.1 of title 26, and a state or county support staff person who has contact with the public relating to these allegations;

(III) A state or county employee, including a county attorney or an employee of a person under contract with a state or county, who is engaged in establishing, modifying, and enforcing child support orders pursuant to article 13 of title 26, and a state or county support staff person who has contact with the public relating to these duties;

(IV) A state or county employee, including a county attorney, who is engaged in determining eligibility for or investigating fraud in public programs established in article 2 of title 26, and who has contact with the public relating to these duties; or

(V) An employee of a juvenile detention facility established and operated pursuant to section 19-2.5-1502 or an employee of the division of youth services within the department of human services, including an employee under contract with the division of youth services, who has contact with juveniles involved with youth services.

~~(b)~~ (f) "Immediate family" means a protected person's spouse, child, or parent or any other blood relative who lives in the same residence as the protected person.

~~(b.5)~~ (g) "Judge" has the same meaning as defined by section 18-8-615 (3).

(h) "MORTGAGE SERVICER" HAS THE SAME MEANING AS SET FORTH IN SECTION 5-21-103 (4).

(i) "OFFICE OF THE RESPONDENT PARENTS' COUNSEL STAFF MEMBER OR CONTRACTOR" MEANS:

(I) AN EMPLOYEE OF THE OFFICE OF THE RESPONDENT PARENTS' COUNSEL CREATED IN SECTION 13-92-103;

(II) AN ATTORNEY LICENSED AND IN GOOD STANDING IN THE STATE OF COLORADO TO PRACTICE LAW WHO CONTRACTS WITH THE OFFICE OF THE RESPONDENT PARENTS' COUNSEL TO REPRESENT INDIGENT PARENTS WHO ARE RESPONDENTS IN DEPENDENCY AND NEGLECT CASES BROUGHT PURSUANT TO TITLE 19; OR

(III) A SOCIAL WORKER, FAMILY ADVOCATE, OR PEER ADVOCATE WHO CONTRACTS WITH THE OFFICE OF THE RESPONDENT PARENTS' COUNSEL TO ASSIST ATTORNEYS IN THE REPRESENTATION OF INDIGENT PARENTS WHO ARE RESPONDENTS IN DEPENDENCY AND NEGLECT CASES BROUGHT PURSUANT TO TITLE 19.

~~(e) Repealed.~~

~~(d)~~ (j) "Participant in the address confidentiality program" means an individual accepted into the address confidentiality program in accordance with part 21 of article 30 of title 24.

~~(d.5)~~ (k) "Peace officer" has the same meaning as described in section 16-2.5-101.

~~(e)~~ (l) "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 participant in the address confidentiality program or protected person; directions to the home of a participant in the address confidentiality program or protected person; or photographs of the home or vehicle of a participant in the address confidentiality program or protected person.

~~(e.5)~~ (m) "Prosecutor" has the same meaning as defined in section 18-8-616 (3).

~~(f)~~ (n) "Protected person" means a CODE ENFORCEMENT OFFICER, A HUMAN SERVICES WORKER, A PUBLIC HEALTH WORKER, A CHILD REPRESENTATIVE, A HEALTH-CARE WORKER, AN OFFICER OR AGENT OF THE STATE BUREAU OF ANIMAL PROTECTION, AN ANIMAL CONTROL OFFICER, AN OFFICE OF THE RESPONDENT PARENTS' COUNSEL STAFF MEMBER OR CONTRACTOR, a judge, a peace officer, a prosecutor, a public defender, or a public safety worker.

~~(f.6)~~ (o) "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.

~~(g)~~ (p) "Public health worker" means:

(I) An employee, a contractor, or AN employee of a contractor of the department of public health and environment, created in section 25-1-102, who is engaged in public health duties, as described in section 25-1.5-101;

(II) An employee, a contractor, or AN employee of a contractor of a county or district public health agency, as defined in section 25-1-502, who is engaged in public health duties, as described in section 25-1-506; or

(III) A member of a county or district board of health, other than an elected county commissioner.

~~(H)~~ (q) "Public safety worker" means:

(I) An employee, a 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, a 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.

(r) "SETTLEMENT SERVICE" HAS THE SAME MEANING AS SET FORTH IN SECTION 10-11-102 (6.7)(a) TO (6.7)(f).

(s) "TITLE INSURANCE AGENCY" HAS THE SAME MEANING AS SET FORTH IN SECTION 10-11-102 (8.5).

(t) "TITLE INSURANCE COMPANY" HAS THE SAME MEANING AS SET FORTH IN SECTION 10-11-102 (10).

(2.8) (b) A protected person's written request to a state or local government official to remove PERSONAL INFORMATION FROM records that the official makes available on the internet must include:

(I) THE PROTECTED PERSON'S FULL NAME AND HOME ADDRESS;

~~(H)~~ (II) Evidence that the person submitting the request is a protected person; ~~as defined in subsection (1) of this section;~~ and

~~(H)~~ (III) 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 person's safety or the safety of the person's immediate family.

(c) AN EXEMPT PARTY MAY ACCESS A RECORD THAT INCLUDES INFORMATION OTHERWISE SUBJECT TO REDACTION PURSUANT TO SUBSECTION (2.8)(b) OF THIS SECTION, AND THAT IS MAINTAINED BY THE COUNTY RECORDER, COUNTY ASSESSOR, OR COUNTY TREASURER, IF THE PERSON SEEKING ACCESS TO THE RECORD PROVIDES EVIDENCE AND AN AFFIRMATION UNDER PENALTY OF PERJURY THAT THEY ARE AN EXEMPT PARTY.

(d) EACH COUNTY RECORDER, COUNTY ASSESSOR, OR COUNTY TREASURER SHALL GRANT AN EXEMPT PARTY ACCESS TO THE RECORD BASED ON ITS EXISTING PROCESSES OR SHALL ADOPT A PROCESS TO GRANT ACCESS IF ONE IS NOT ALREADY IN PLACE. EACH COUNTY RECORDER, COUNTY ASSESSOR, OR COUNTY TREASURER

MAY ASSESS ADMINISTRATIVE COSTS RELATED TO GRANTING ACCESS TO THE EXEMPT PARTY REQUESTING THE RECORD.

SECTION 2. In Colorado Revised Statutes, 24-72-204, **amend** (3)(a)(XXII) as follows:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal - definitions - repeal. (3) (a) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law; except that the custodian shall make any of the following records, other than letters of reference concerning employment, licensing, or issuance of permits, available to the person in interest in accordance with this subsection (3):

(XXII) Personal information, as defined in section 18-9-313 ~~(1)(e)~~ (1)(l), in a record for which the custodian has received a request under section 18-9-313;

SECTION 3. 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: March 24, 2022