

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0553.01 Kate Meyer x4348

HOUSE BILL 16-1206

HOUSE SPONSORSHIP

Nordberg,

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ABILITY OF PERSONS WITH CERTAIN CONNECTIONS
102 TO POST-SEPTEMBER 11, 2001, MILITARY SERVICE TO MAKE
103 THEIR CURRENT LOCATION INFORMATION EXEMPT FROM
104 ELECTRONIC DISCLOSURE UNDER THE "COLORADO OPEN
105 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://www.leg.state.co.us/billsummaries>.)

The bill allows persons who served in the military since September 11, 2001, and their immediate family members to, upon request, make

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

their current location information exempt from electronic disclosure under the "Colorado Open Records Act".

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, determines, and declares that:

4 (a) Service members perform some of the most critical, effective,
5 and dangerous functions in defense of this nation's freedom;

6 (b) Terrorist groups have threatened service members and their
7 families and have encouraged terrorist sympathizers to harm service
8 members and their families within the United States;

9 (c) Location information of service members can easily be
10 obtained from public sources, making such persons vulnerable to acts of
11 terrorism;

12 (d) Allowing continued electronic access to the location
13 information of post-September 11, 2001, service members and their
14 immediate family members jeopardizes their safety;

15 (e) Protecting those who protect this nation outweighs any public
16 benefit that may be derived from allowing unfettered electronic disclosure
17 of the location information of service members and their immediate
18 family members; and

19 (f) Permitting service members and their immediate family
20 members to opt to keep their current location information from being
21 disclosed electronically strikes an appropriate balance between increasing
22 safety for those persons while respecting the need to allow access to, and
23 inspection of, public records.

24 (2) Therefore, the general assembly declares that it is a public
25 necessity to allow current or former members of the United States armed

1 forces, the reserve components of the armed forces, and the National
2 Guard, who served after September 11, 2001, and their immediate family
3 members, to request that their location information be kept from
4 electronic disclosure under the "Colorado Open Records Act", part 2 of
5 article 72 of title 24, C.R.S.

6 **SECTION 2.** In Colorado Revised Statutes, 24-72-204, **add** (9)
7 as follows:

8 **24-72-204. Allowance or denial of inspection - grounds -**
9 **procedure - appeal - definitions.** (9) (a) (I) A SERVICE MEMBER OR A
10 SERVICE MEMBER'S IMMEDIATE FAMILY MEMBER MAY SUBMIT A WRITTEN
11 REQUEST TO A CUSTODIAN REQUESTING THAT PUBLIC RECORDS
12 CONTAINING HIS OR HER OWN LOCATION INFORMATION, OR THE LOCATION
13 INFORMATION OF HIS OR HER MINOR CHILD, BE WITHHELD FROM ANY
14 DISCLOSURE THAT UTILIZES ELECTRONIC METHODS.

15 (II) A REQUEST SUBMITTED UNDER SUBPARAGRAPH (I) OF THIS
16 PARAGRAPH (a) MUST INCLUDE:

17 (A) DOCUMENTATION THAT IS REASONABLY SATISFACTORY TO THE
18 CUSTODIAN THAT THE REQUESTOR IS, OR IS AN IMMEDIATE FAMILY
19 MEMBER OF, A SERVICE MEMBER; AND

20 (B) A STATEMENT THAT THE REQUESTOR HAS MADE REASONABLE
21 EFFORTS TO PROTECT THE LOCATION INFORMATION FROM BEING
22 ACCESSIBLE THROUGH OTHER ELECTRONIC MEANS AVAILABLE TO THE
23 PUBLIC.

24 (b) UPON RECEIVING A REQUEST SUBMITTED IN ACCORDANCE WITH
25 PARAGRAPH (a) OF THIS SUBSECTION (9), A CUSTODIAN SHALL DENY
26 ELECTRONIC INSPECTION OF, OR ELECTRONIC ACCESS TO, PUBLIC RECORDS
27 CONTAINING THE LOCATION INFORMATION OF THE REQUESTING SERVICE

1 MEMBER OR THE SERVICE MEMBER'S IMMEDIATE FAMILY MEMBER; EXCEPT
2 THAT NOTHING PREVENTS THE PERSON IN INTEREST FROM OBTAINING
3 ELECTRONIC ACCESS TO HIS OR HER LOCATION INFORMATION WHEN SUCH
4 ACCESS IS AVAILABLE.

5 (c) NOTHING IN THIS SUBSECTION (9):

6 (I) PROHIBITS A CUSTODIAN OF ANY PUBLIC RECORDS FROM
7 ALLOWING NONELECTRONIC INSPECTION OF ANY PUBLIC RECORDS; OR

8 (II) SUPERSEDES ANY REPORTING OR DISCLOSURE REQUIREMENT
9 OTHERWISE REQUIRED BY LAW FOR SERVICE MEMBERS WHO ARE PUBLIC
10 OFFICIALS, INCLUDING THE PROVISIONS OF PART 2 OF ARTICLE 6 OF THIS
11 TITLE.

12 (d) AS USED IN THIS SUBSECTION (9):

13 (I) "LOCATION INFORMATION" MEANS A SERVICE MEMBER'S OR
14 DEPENDENT'S CURRENT HOME ADDRESS, CURRENT PLACE OF EMPLOYMENT,
15 CURRENT SCHOOL, OR CURRENT DAYCARE FACILITY.

16 (II) "SERVICE MEMBER" MEANS A CURRENT OR FORMER MEMBER
17 OF THE UNITED STATES ARMED FORCES, A RESERVE COMPONENT OF THE
18 UNITED STATES ARMED FORCES, OR THE NATIONAL GUARD WHO SERVED
19 AFTER SEPTEMBER 11, 2001.

20 **SECTION 3. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2016 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.