

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0177.01 Brita Darling x2241

HOUSE BILL 19-1197

HOUSE SPONSORSHIP

Carver and Singer,

SENATE SPONSORSHIP

Lee and Gardner,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING RESTRICTIONS ON MAKING PUBLIC THE PERSONAL**
102 **INFORMATION OF GOVERNMENT EMPLOYEES WHOSE OFFICIAL**
103 **DUTIES INVOLVE CHILD ABUSE AND NEGLECT CASES.**

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>.)

The bill defines social caseworker (caseworker).

The bill makes it unlawful for a person to knowingly make available on the internet personal information of a caseworker or a caseworker's family if the dissemination of the personal information poses an imminent and serious threat to the safety of the caseworker or

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.

the caseworker's family and the person disseminating the information knew or should have known of the imminent and serious threat. Violation of the provision is a class 1 misdemeanor.

A state or local government official (official) shall remove records that the official makes available on the internet containing personal information of a caseworker or the caseworker's immediate family if the caseworker submits a request asserting that the dissemination of the personal information poses an imminent and serious threat to the caseworker or the caseworker's immediate family. The official is also required to deny a request for inspection under the "Colorado Open Records Act" for those same records.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-9-313, **amend**
3 (1)(a), (1)(b), and (3); and **add** (1)(c), (2.7), and (2.8) as follows:

4 **18-9-313. Personal information on the internet - law**
5 **enforcement official - victims of domestic violence, sexual assault, and**
6 **stalking - social caseworkers - definitions.** (1) As used in this section:

7 (a) "Immediate family" means a law enforcement official's OR
8 SOCIAL CASEWORKER'S spouse, child, or parent or any other blood relative
9 who lives in the same residence as the law enforcement official OR
10 SOCIAL CASEWORKER.

11 (b) "Personal information" means the home address, home
12 telephone number, personal mobile telephone number, pager number,
13 personal e-mail address, or a personal photograph of a law enforcement
14 official, ~~or~~ participant in the address confidentiality program, or SOCIAL
15 CASEWORKER; directions to the home of a law enforcement official, ~~or~~
16 participant in the address confidentiality program, OR SOCIAL
17 CASEWORKER; or photographs of the home or vehicle of a law
18 enforcement official, ~~or~~ participant in the address confidentiality program,
19 OR SOCIAL CASEWORKER.

1 (c) "SOCIAL CASEWORKER" MEANS A STATE OR COUNTY
2 EMPLOYEE, INCLUDING A COUNTY ATTORNEY, WHO IS ENGAGED IN
3 INVESTIGATING OR TAKING LEGAL ACTION REGARDING ALLEGATIONS OF
4 CHILD ABUSE OR NEGLECT PURSUANT TO ARTICLE 3 OF TITLE 19.

5 (2.7) IT IS UNLAWFUL FOR A PERSON TO KNOWINGLY MAKE
6 AVAILABLE ON THE INTERNET PERSONAL INFORMATION ABOUT A SOCIAL
7 CASEWORKER OR THE SOCIAL CASEWORKER'S IMMEDIATE FAMILY IF THE
8 DISSEMINATION OF PERSONAL INFORMATION POSES AN IMMINENT AND
9 SERIOUS THREAT TO THE SOCIAL CASEWORKER'S SAFETY OR THE SAFETY
10 OF THE SOCIAL CASEWORKER'S IMMEDIATE FAMILY AND THE PERSON
11 MAKING THE INFORMATION AVAILABLE ON THE INTERNET KNOWS OR
12 REASONABLY SHOULD KNOW OF THE IMMINENT AND SERIOUS THREAT.

13 (2.8)(a) A SOCIAL CASEWORKER MAY SUBMIT A WRITTEN REQUEST
14 TO A STATE OR LOCAL GOVERNMENT OFFICIAL TO REMOVE RECORDS THAT
15 THE OFFICIAL MAKES AVAILABLE ON THE INTERNET IF THE PERSONAL
16 INFORMATION IN THE RECORDS POSES AN IMMINENT AND SERIOUS THREAT
17 TO THE SOCIAL CASEWORKER'S SAFETY OR THE SAFETY OF THE SOCIAL
18 CASEWORKER'S IMMEDIATE FAMILY. IF A STATE OR LOCAL GOVERNMENT
19 OFFICIAL RECEIVES SUCH WRITTEN REQUEST, THEN THE STATE OR LOCAL
20 GOVERNMENT OFFICIAL SHALL NOT KNOWINGLY MAKE AVAILABLE ON THE
21 INTERNET PERSONAL INFORMATION ABOUT THE SOCIAL CASEWORKER OR
22 THE SOCIAL CASEWORKER'S IMMEDIATE FAMILY.

23 (b) A SOCIAL CASEWORKER'S WRITTEN REQUEST TO A STATE OR
24 LOCAL GOVERNMENT OFFICIAL TO REMOVE RECORDS THAT THE OFFICIAL
25 MAKES AVAILABLE ON THE INTERNET MUST INCLUDE:

26 (I) EVIDENCE THAT THE PERSON SUBMITTING THE REQUEST IS A
27 SOCIAL CASEWORKER, AS DEFINED IN SUBSECTION (1) OF THIS SECTION;

1 AND

2 (II) A STATEMENT AFFIRMING THAT THE DISSEMINATION OF THE
3 PERSONAL INFORMATION CONTAINED IN THE RECORDS THAT THE OFFICIAL
4 MAKES AVAILABLE ON THE INTERNET POSES AN IMMINENT AND SERIOUS
5 THREAT TO THE SOCIAL CASEWORKER'S SAFETY OR THE SAFETY OF THE
6 SOCIAL CASEWORKER'S IMMEDIATE FAMILY.

7 (3) A violation of ~~subsection~~ SUBSECTIONS (2) AND (2.7) of this
8 section is a class 1 misdemeanor.

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

11 **24-72-204. Allowance or denial of inspection - grounds -**
12 **procedure - appeal - definitions - repeal.** (3) (a) The custodian shall
13 deny the right of inspection of the following records, unless otherwise
14 provided by law; except that any of the following records, other than
15 letters of reference concerning employment, licensing, or issuance of
16 permits, shall be available to the person in interest pursuant to this
17 subsection (3):

18 (XXII) A RECORD SUBJECT TO A REQUEST PURSUANT TO SECTION
19 18-9-313.

20 **SECTION 3. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.