

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 19-0177.01 Brita Darling x2241

HOUSE BILL 19-1197

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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.

SENATE
3rd Reading Unamended
March 26, 2019

SENATE
2nd Reading Unamended
March 25, 2019

HOUSE
3rd Reading Unamended
March 12, 2019

HOUSE
Amended 2nd Reading
March 11, 2019

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** (1)
3 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 - caseworkers - definitions.** (1) As used in this section:

7 (a) "CASEWORKER" MEANS A STATE OR COUNTY EMPLOYEE,
8 INCLUDING A COUNTY ATTORNEY, WHO IS ENGAGED IN INVESTIGATING OR
9 TAKING LEGAL ACTION REGARDING ALLEGATIONS OF CHILD ABUSE OR
10 NEGLECT PURSUANT TO ARTICLE 3 OF TITLE 19.

11 (a) (b) "Immediate family" means a law enforcement official's OR
12 CASEWORKER'S spouse, child, or parent or any other blood relative who
13 lives in the same residence as the law enforcement official OR
14 CASEWORKER.

15 (a.5) (c) "Law enforcement official" means a peace officer as
16 described in section 16-2.5-101, C.R.S., a judge as defined by section
17 18-8-615 (3), or a prosecutor, as defined in section 18-8-616 (3).

18 (a.9) (d) "Participant in the address confidentiality program"
19 means an individual accepted into the address confidentiality program in

1 accordance with part 21 of article 30 of title 24. ~~C.R.S.~~

2 (b) (e) "Personal information" means the home address, home
3 telephone number, personal mobile telephone number, pager number,
4 personal e-mail address, or a personal photograph of a law enforcement
5 official, or participant in the address confidentiality program, or [REDACTED]
6 CASEWORKER; directions to the home of a law enforcement official, or
7 participant in the address confidentiality program, OR [REDACTED] CASEWORKER;
8 or photographs of the home or vehicle of a law enforcement official, or
9 participant in the address confidentiality program, OR [REDACTED] CASEWORKER.

10 [REDACTED]

11 (2.7) IT IS UNLAWFUL FOR A PERSON TO KNOWINGLY MAKE
12 AVAILABLE ON THE INTERNET PERSONAL INFORMATION ABOUT A [REDACTED]
13 CASEWORKER OR THE [REDACTED] CASEWORKER'S IMMEDIATE FAMILY IF THE
14 DISSEMINATION OF PERSONAL INFORMATION POSES AN IMMINENT AND
15 SERIOUS THREAT TO THE [REDACTED] CASEWORKER'S SAFETY OR THE SAFETY OF THE
16 [REDACTED] CASEWORKER'S IMMEDIATE FAMILY AND THE PERSON MAKING THE
17 INFORMATION AVAILABLE ON THE INTERNET KNOWS OR REASONABLY
18 SHOULD KNOW OF THE IMMINENT AND SERIOUS THREAT.

19 (2.8) (a) A [REDACTED] CASEWORKER MAY SUBMIT A WRITTEN REQUEST
20 PURSUANT TO SUBSECTION (2.8)(b) OF THIS SECTION TO A STATE OR LOCAL
21 GOVERNMENT OFFICIAL TO REMOVE PERSONAL INFORMATION FROM
22 RECORDS THAT ARE AVAILABLE ON THE INTERNET. IF A STATE OR LOCAL
23 GOVERNMENT OFFICIAL RECEIVES SUCH WRITTEN REQUEST, THEN THE
24 STATE OR LOCAL GOVERNMENT OFFICIAL SHALL NOT KNOWINGLY MAKE
25 AVAILABLE ON THE INTERNET PERSONAL INFORMATION ABOUT THE [REDACTED]
26 CASEWORKER OR THE [REDACTED] CASEWORKER'S IMMEDIATE FAMILY.

27 (b) A [REDACTED] CASEWORKER'S WRITTEN REQUEST TO A STATE OR LOCAL

1 GOVERNMENT OFFICIAL TO REMOVE RECORDS THAT THE OFFICIAL MAKES
2 AVAILABLE ON THE INTERNET MUST INCLUDE:

3 (I) EVIDENCE THAT THE PERSON SUBMITTING THE REQUEST IS A
4 CASEWORKER, AS DEFINED IN SUBSECTION (1) OF THIS SECTION; AND

5 (II) AN AFFIRMATION STATING UNDER PENALTY OF PERJURY THAT
6 THE PERSON HAS REASON TO BELIEVE THAT THE DISSEMINATION OF THE
7 PERSONAL INFORMATION CONTAINED IN THE RECORDS THAT THE OFFICIAL
8 MAKES AVAILABLE ON THE INTERNET POSES AN IMMINENT AND SERIOUS
9 THREAT TO THE CASEWORKER'S SAFETY OR THE SAFETY OF THE
10 CASEWORKER'S IMMEDIATE FAMILY.

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

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

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

22 (XXII) PERSONAL INFORMATION, AS DEFINED IN SECTION 18-9-313
23 (1)(e), IN A RECORD FOR WHICH THE CUSTODIAN HAS RECEIVED A REQUEST
24 UNDER SECTION 18-9-313.

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