

CHAPTER 95

GOVERNMENT - STATE

HOUSE BILL 19-1197

BY REPRESENTATIVE(S) Carver and Singer, Arndt, Benavidez, Bird, Buckner, Caraveo, Exum, Froelich, Gonzales-Gutierrez, Gray, Hansen, Hooton, Jackson, Jaquez Lewis, Kipp, Kraft-Tharp, Landgraf, McCluskie, Melton, Mullica, Pelton, Ransom, Roberts, Sandridge, Sirota, Snyder, Titone, Valdez A., Will, Becker;
also SENATOR(S) Lee and Gardner, Cooke, Court, Crowder, Ginal, Gonzales, Hisey, Holbert, Lundeen, Pettersen, Priola, Rankin, Rodriguez, Scott, Story, Tate, Todd, Winter, Woodward, Zenzinger, Garcia.

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

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

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

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

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

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

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

~~(a.9)~~ (d) "Participant in the address confidentiality program" means an individual

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accepted into the address confidentiality program in accordance with part 21 of article 30 of title 24. ~~C.R.S.~~

~~(b)~~(e) "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 law enforcement official, ~~or~~ participant in the address confidentiality program, or CASEWORKER; directions to the home of a law enforcement official, ~~or~~ participant in the address confidentiality program, OR CASEWORKER; or photographs of the home or vehicle of a law enforcement official, ~~or~~ participant in the address confidentiality program, OR CASEWORKER.

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

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

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

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

(II) AN AFFIRMATION STATING UNDER PENALTY OF PERJURY THAT THE PERSON 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 CASEWORKER'S SAFETY OR THE SAFETY OF THE CASEWORKER'S IMMEDIATE FAMILY.

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

SECTION 2. In Colorado Revised Statutes, 24-72-204, **add** (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 any of the following records, other than letters of reference concerning employment, licensing, or issuance of permits, shall be available to the person in interest pursuant to this

subsection (3):

(XXII) PERSONAL INFORMATION, AS DEFINED IN SECTION 18-9-313 (1)(e), 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, and safety.

Approved: April 11, 2019