

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0245.01 Brita Darling x2241

HOUSE BILL 20-1052

HOUSE SPONSORSHIP

Carver and Singer,

SENATE SPONSORSHIP

Gardner and Lee,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING RESTRICTIONS ON MAKING PUBLIC THE PERSONAL
102 INFORMATION OF CERTAIN EMPLOYEES AT RISK OF THREATS
103 RELATING TO THE ADMINISTRATION OF HUMAN SERVICES
104 PROGRAMS.

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>.)

Under current law, it is unlawful for a person to make available on the internet personal information of a law enforcement official (official) or child abuse or neglect caseworker (caseworker), or the official's 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.

caseworker's family if the dissemination of the personal information poses an imminent and serious threat to the official's or caseworker's safety or the safety of his or her family.

The bill replaces the definition of "caseworker" in statute with a new definition of "human services worker" to include state and county employees, including county attorneys and contractors who are engaged in duties relating to the following matters and who have contact with the public regarding these duties:

- ! Investigating allegations of child abuse or neglect pursuant to article 3 of title 19;
- ! Investigating allegations of mistreatment of an at-risk adult pursuant to article 3.1 of title 26;
- ! Establishing, modifying, and enforcing child support orders pursuant to article 13 of title 26; and
- ! Determining eligibility for public programs established in article 2 of title 26.

"Human services worker" also includes employees of juvenile detention facilities who have contact with juveniles.

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), (1)(e), (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 - protection for human services workers - definitions.** (1) As
7 used in this section:

8 (a) ~~"Caseworker" means a state or county employee, including a~~
9 ~~county attorney, who is engaged in investigating or taking legal action~~
10 ~~regarding allegations of child abuse or neglect pursuant to article 3 of title~~

11 ~~19~~ "HUMAN SERVICES WORKER" MEANS:

12 (I) A STATE OR COUNTY EMPLOYEE, INCLUDING A COUNTY
13 ATTORNEY, WHO IS ENGAGED IN INVESTIGATING OR TAKING LEGAL ACTION
14 REGARDING ALLEGATIONS OF CHILD ABUSE OR NEGLECT PURSUANT TO
15 ARTICLE 3 OF TITLE 19, AND A STATE OR COUNTY SUPPORT STAFF PERSON

1 WHO HAS CONTACT WITH THE PUBLIC RELATING TO THESE ALLEGATIONS;

2 (II) A STATE OR COUNTY EMPLOYEE, INCLUDING A COUNTY
3 ATTORNEY, WHO IS ENGAGED IN INVESTIGATING OR TAKING LEGAL ACTION
4 REGARDING ALLEGATIONS OF MISTREATMENT OF AN AT-RISK ADULT
5 PURSUANT TO ARTICLE 3.1 OF TITLE 26, AND A STATE OR COUNTY SUPPORT
6 STAFF PERSON WHO HAS CONTACT WITH THE PUBLIC RELATING TO THESE
7 ALLEGATIONS;

8 (III) A STATE OR COUNTY EMPLOYEE, INCLUDING A COUNTY
9 ATTORNEY OR AN EMPLOYEE OF A PERSON UNDER CONTRACT WITH A
10 STATE OR COUNTY, WHO IS ENGAGED IN ESTABLISHING, MODIFYING, AND
11 ENFORCING CHILD SUPPORT ORDERS PURSUANT TO ARTICLE 13 OF TITLE 26,
12 AND A STATE OR COUNTY SUPPORT STAFF PERSON WHO HAS CONTACT WITH
13 THE PUBLIC RELATING TO THESE DUTIES;

14 (IV) A STATE OR COUNTY EMPLOYEE, INCLUDING A COUNTY
15 ATTORNEY, WHO IS ENGAGED IN DETERMINING ELIGIBILITY FOR PUBLIC
16 PROGRAMS ESTABLISHED IN ARTICLE 2 OF TITLE 26, AND WHO HAS
17 CONTACT WITH THE PUBLIC RELATING TO THESE DUTIES; OR

18 (V) AN EMPLOYEE OF A JUVENILE DETENTION FACILITY,
19 ESTABLISHED AND OPERATED PURSUANT TO SECTION 19-2-403, INCLUDING
20 A FACILITY OPERATED UNDER CONTRACT WITH THE STATE DEPARTMENT
21 OF HUMAN SERVICES, WHO HAS CONTACT WITH JUVENILES COMMITTED TO
22 THE CUSTODY OF SUCH STATE DEPARTMENT.

23 (b) "Immediate family" means a law enforcement official's or
24 ~~caseworker's~~ HUMAN SERVICES WORKER'S spouse, child, or parent or any
25 other blood relative who lives in the same residence as the law
26 enforcement official or ~~caseworker~~ HUMAN SERVICES WORKER.

27 (e) "Personal information" means the home address, home

1 telephone number, personal mobile telephone number, pager number,
2 personal e-mail address, or a personal photograph of a law enforcement
3 official, participant in the address confidentiality program, or caseworker
4 HUMAN SERVICES WORKER; directions to the home of a law enforcement
5 official, participant in the address confidentiality program, or caseworker
6 HUMAN SERVICES WORKER; or photographs of the home or vehicle of a
7 law enforcement official, participant in the address confidentiality
8 program, or caseworker HUMAN SERVICES WORKER.

9 (2.7) It is unlawful for a person to knowingly make available on
10 the internet personal information about a caseworker HUMAN SERVICES
11 WORKER or the caseworker's HUMAN SERVICES WORKER'S immediate
12 family if the dissemination of personal information poses an imminent
13 and serious threat to the caseworker's HUMAN SERVICES WORKER'S safety
14 or the safety of the caseworker's HUMAN SERVICES WORKER'S immediate
15 family and the person making the information available on the internet
16 knows or reasonably should know of the imminent and serious threat.

17 (2.8) (a) A caseworker HUMAN SERVICES WORKER may submit a
18 written request pursuant to subsection (2.8)(b) of this section to a state or
19 local government official to remove personal information from records
20 that are available on the internet. If a state or local government official
21 receives such written request, then the state or local government official
22 shall not knowingly make available on the internet personal information
23 about the caseworker HUMAN SERVICES WORKER or the caseworker's
24 HUMAN SERVICES WORKER'S immediate family.

25 (b) A caseworker's HUMAN SERVICES WORKER'S written request to
26 a state or local government official to remove records that the official
27 makes available on the internet must include:

1 (I) Evidence that the person submitting the request is a caseworker
2 HUMAN SERVICES WORKER, as defined in subsection (1) of this section;
3 and

4 (II) An affirmation stating under penalty of perjury that the person
5 has reason to believe that the dissemination of the personal information
6 contained in the records that the official makes available on the internet
7 poses an imminent and serious threat to the caseworker's HUMAN
8 SERVICES WORKER'S safety or the safety of the caseworker's HUMAN
9 SERVICES WORKER'S immediate family.

10 **SECTION 2. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2020 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.