

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

**INTRODUCED**

LLS NO. 21-0604.01 Jacob Baus x2173

**HOUSE BILL 21-1182**

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**HOUSE SPONSORSHIP**

**Lynch, Rich, Will, Van Beber**

**SENATE SPONSORSHIP**

**Cooke,**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING LAW ENFORCEMENT'S ACQUISITION OF LOCATION**  
102                    **INFORMATION OF A MISSING CHILD'S TELECOMMUNICATIONS**  
103                    **DEVICE IN AN EMERGENCY SITUATION.**

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**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 requires a supervising representative of a law enforcement agency to order a designated security employee of a wireless telecommunications provider to provide the law enforcement agency, without requiring the agency to obtain a court order, location information concerning the telecommunications device of a missing child if:

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.

- An emergency situation exists because the time required to obtain a search warrant or other court order authorizing the acquisition of the information would frustrate the timely and safe recovery of the missing child; and
- The request for location is made to the law enforcement agency by the missing child's parent or legal guardian.

However, a law enforcement agency shall not order the location information if the request is made by a parent or legal guardian who is a restrained person pursuant to an active protection order that identifies the missing child as a protected person, or if a law enforcement agency has an articulable reason to believe there is a custodial issue that has not been reviewed by a court.

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

2           **SECTION 1.** In Colorado Revised Statutes, 18-9-312, **amend**  
3 (1.5)(d), (1.5)(e)(I) introductory portion, (1.5)(e)(I)(A), (1.5)(e)(III), and  
4 (2); and **add** (1.5)(a.5) as follows:

5           **18-9-312. Hostage, endangered person, missing child, or**  
6 **armed person in geographical area - telephone, electronic, cellular,**  
7 **or digital communications - Grace's Law.**

8 (1.5) (a.5) (I) NOTWITHSTANDING SECTIONS 18-9-302 TO 18-9-311, ANY  
9 SUPERVISING REPRESENTATIVE OF A LAW ENFORCEMENT AGENCY SHALL  
10 ORDER A PREVIOUSLY DESIGNATED SECURITY EMPLOYEE OF A WIRELESS  
11 TELECOMMUNICATIONS PROVIDER TO PROVIDE TO THE LAW ENFORCEMENT  
12 AGENCY, WITHOUT REQUIRING THE AGENCY TO OBTAIN A COURT ORDER,  
13 LOCATION INFORMATION CONCERNING THE TELECOMMUNICATIONS DEVICE  
14 OF A MISSING CHILD IF:

15           (A) AN EMERGENCY SITUATION EXISTS BECAUSE THE TIME  
16 REQUIRED TO OBTAIN A SEARCH WARRANT OR OTHER COURT ORDER  
17 AUTHORIZING THE ACQUISITION OF THE INFORMATION WOULD IMPEDE THE  
18 TIMELY AND SAFE RECOVERY OF THE MISSING CHILD; AND

19           (B) THE REQUEST FOR LOCATION IS MADE TO THE LAW

1 ENFORCEMENT AGENCY BY THE MISSING CHILD'S PARENT OR LEGAL  
2 GUARDIAN.

3 (II) A LAW ENFORCEMENT AGENCY SHALL NOT ORDER THE  
4 LOCATION INFORMATION PURSUANT TO SUBSECTION (1.5)(a.5)(I) OF THIS  
5 SECTION IF THE REQUEST IS MADE BY A PARENT OR LEGAL GUARDIAN WHO  
6 IS A RESTRAINED PERSON PURSUANT TO AN ACTIVE PROTECTION ORDER  
7 THAT IDENTIFIES THE MISSING CHILD AS A PROTECTED PERSON, OR IF THE  
8 LAW ENFORCEMENT AGENCY HAS AN ARTICULABLE REASON TO BELIEVE  
9 THERE IS A CUSTODIAL ISSUE THAT HAS NOT BEEN REVIEWED BY A COURT.

10 (III) THE SHORT TITLE OF THIS SUBSECTION (1.5)(a.5) IS "GRACE'S  
11 LAW".

12 (d) A law enforcement agency that acquires information pursuant  
13 to this subsection (1.5) shall not divulge the acquired information to any  
14 person other than to another law enforcement agency, or an employee  
15 thereof, unless the law enforcement agency has obtained a court order  
16 stating that the information was lawfully obtained and authorizing the law  
17 enforcement agency to retain the information, as described in  
18 ~~subparagraph (f) of paragraph (d) of this subsection (1.5)~~ SUBSECTION  
19 (1.5)(e) OF THIS SECTION.

20 (e) (I) Not more than forty-eight hours after ordering a previously  
21 designated security employee of a wireless telecommunications provider  
22 to provide information as described in ~~paragraph (a) of this subsection~~  
23 ~~(1.5)~~ SUBSECTIONS (1.5)(a) OR (1.5)(a.5) OF THIS SECTION, a law  
24 enforcement agency shall request a court order stating whether:

25 (A) At the time that the supervising representative of a law  
26 enforcement agency ordered the previously designated security employee  
27 of a wireless telecommunications provider to provide the information, the

1 supervising representative had probable cause to believe that the  
2 conditions described in ~~paragraph (a) of this subsection (1.5)~~ SUBSECTION  
3 (1.5)(a) OR (1.5)(a.5) OF THIS SECTION existed; and

4 (III) If the court issues an order stating that the supervising  
5 representative of the law enforcement agency did not have probable cause  
6 to believe that the conditions described in ~~paragraph (a) of this subsection~~  
7 ~~(1.5)~~ SUBSECTION (1.5)(a) OR (1.5)(a.5) OF THIS SECTION existed and that  
8 the information was not lawfully obtained, then neither the information  
9 nor any other evidence that is obtained as a result of the law enforcement  
10 agency's acquisition of the information may be admitted in any  
11 subsequent criminal proceeding unless the information or other evidence  
12 was also acquired independently in a lawful manner.

13 (2) The serving communications or internet access provider within  
14 the geographical area of a law enforcement agency shall designate a  
15 security official employed by the provider and an alternate ~~to~~ WHO SHALL  
16 provide all required assistance to law enforcement officials to carry out  
17 the purposes of this section.

18 **SECTION 2. Act subject to petition - effective date.** This act  
19 takes effect at 12:01 a.m. on the day following the expiration of the  
20 ninety-day period after final adjournment of the general assembly; except  
21 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
22 of the state constitution against this act or an item, section, or part of this  
23 act within such period, then the act, item, section, or part will not take  
24 effect unless approved by the people at the general election to be held in  
25 November 2022 and, in such case, will take effect on the date of the  
26 official declaration of the vote thereon by the governor.