

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0312.01 Shelby Ross x4510

HOUSE BILL 22-1041

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A BILL FOR AN ACT

101 **CONCERNING RESTRICTIONS ON MAKING PUBLIC THE PERSONAL**
102 **INFORMATION OF PROTECTED PERSONS AT RISK OF THREATS.**

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 adds code enforcement officers to the list of protected persons whose personal information may be withheld from the internet if the protected person believes dissemination of such information poses an imminent and serious threat to the protected person or the safety of the protected person's immediate family.

The bill adds a protected person's full name and home address to

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.

HOUSE
3rd Reading Unamended
February 14, 2022

HOUSE
Amended 2nd Reading
February 11, 2022

the list of personal information that the protected person's written request for removal must include.

The bill authorizes access to records maintained by a county recorder, county assessor, or county treasurer for certain individuals if such access is related to a real estate matter.

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 (2.8)(b); and **add** (2.8)(c) and (2.8)(d) as follows:

4 **18-9-313. Personal information on the internet - victims of**
5 **domestic violence, sexual assault, and stalking - other protected**
6 **persons - definitions.** (1) As used in this section, unless the context
7 otherwise requires:

8 (a) "CHILD REPRESENTATIVE" MEANS:

9 (I) AN EMPLOYEE OF OR CONTRACTOR WITH THE OFFICE OF THE
10 CHILD'S REPRESENTATIVE CREATED IN SECTION 13-91-104; OR

11 (II) THE STAFF OF CONTRACTORS WITH THE OFFICE OF THE CHILD'S
12 REPRESENTATIVE WHO ARE MEMBERS OF AN ATTORNEY'S LEGAL TEAM
13 WHO ASSIST WITH THE ATTORNEY'S LEGAL REPRESENTATION OF CHILDREN,
14 YOUTH, AND JUVENILES.

15 (b) "CODE ENFORCEMENT OFFICER" MEANS A MUNICIPAL, COUNTY,
16 OR CITY AND COUNTY EMPLOYEE OR CONTRACTOR WHO IS RESPONSIBLE
17 FOR THE ADMINISTRATION AND ENFORCEMENT OF LAND USE, ZONING
18 REGULATIONS, BUILDING CODES, HEALTH CODES, FLOODPLAIN
19 REGULATIONS, AND OTHER SIMILAR HEALTH AND SAFETY CODES.

20 (c) "EXEMPT PARTY" MEANS ANY PARTY TO THE RECORD, A
21 SETTLEMENT SERVICE, A TITLE INSURANCE COMPANY, A TITLE INSURANCE
22 AGENCY, A MORTGAGE SERVICER OR A MORTGAGE SERVICER'S QUALIFIED
23 AGENT, OR AN ATTORNEY LICENSED AND IN GOOD STANDING IN THE STATE

1 OF COLORADO TO PRACTICE LAW AND WHO IS ENGAGED IN A REAL ESTATE
2 MATTER.

3 (d) "HEALTH-CARE WORKER" MEANS AN EMPLOYEE, CONTRACTED
4 HEALTH-CARE PROVIDER, OR INDIVIDUAL SERVING IN A GOVERNANCE
5 CAPACITY OF A HEALTH-CARE FACILITY LICENSED PURSUANT TO SECTION
6 25-1.5-103.

7 (a) (e) "Human services worker" means:

8 (I) A state or county employee, or an attorney representing the
9 state or county, 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, and a state or county support staff person who has contact with the
12 public relating to these allegations;

13 (II) A state or county employee, or an attorney representing the
14 state or county, who is engaged in investigating or taking legal action
15 regarding allegations of mistreatment of an at-risk adult pursuant to
16 article 3.1 of title 26, and a state or county support staff person who has
17 contact with the public relating to these allegations;

18 (III) A state or county employee, including a county attorney or
19 an employee of a person under contract with a state or county, who is
20 engaged in establishing, modifying, and enforcing child support orders
21 pursuant to article 13 of title 26, and a state or county support staff person
22 who has contact with the public relating to these duties;

23 (IV) A state or county employee, including a county attorney, who
24 is engaged in determining eligibility for or investigating fraud in public
25 programs established in article 2 of title 26, and who has contact with the
26 public relating to these duties; or

27 (V) An employee of a juvenile detention facility established and

1 operated pursuant to section 19-2.5-1502 or an employee of the division
2 of youth services within the department of human services, including an
3 employee under contract with the division of youth services, who has
4 contact with juveniles involved with youth services.

5 ~~(b)~~ (f) "Immediate family" means a protected person's spouse,
6 child, or parent or any other blood relative who lives in the same
7 residence as the protected person.

8 ~~(b.5)~~ (g) "Judge" has the same meaning as defined by section
9 18-8-615 (3).

10 (h) "MORTGAGE SERVICER" HAS THE SAME MEANING AS SET FORTH
11 IN SECTION 5-21-103 (4).

12 (i) "OFFICE OF THE RESPONDENT PARENTS' COUNSEL STAFF
13 MEMBER OR CONTRACTOR" MEANS:

14 (I) AN EMPLOYEE OF THE OFFICE OF THE RESPONDENT PARENTS'
15 COUNSEL CREATED IN SECTION 13-92-103;

16 (II) AN ATTORNEY LICENSED AND IN GOOD STANDING IN THE STATE
17 OF COLORADO TO PRACTICE LAW WHO CONTRACTS WITH THE OFFICE OF
18 THE RESPONDENT PARENTS' COUNSEL TO REPRESENT INDIGENT PARENTS
19 WHO ARE RESPONDENTS IN DEPENDENCY AND NEGLECT CASES BROUGHT
20 PURSUANT TO TITLE 19; OR

21 (III) A SOCIAL WORKER, FAMILY ADVOCATE, OR PEER ADVOCATE
22 WHO CONTRACTS WITH THE OFFICE OF THE RESPONDENT PARENTS'
23 COUNSEL TO ASSIST ATTORNEYS IN THE REPRESENTATION OF INDIGENT
24 PARENTS WHO ARE RESPONDENTS IN DEPENDENCY AND NEGLECT CASES
25 BROUGHT PURSUANT TO TITLE 19.

26 ~~(c)~~ Repealed.

27 ~~(d)~~ (j) "Participant in the address confidentiality program" means

1 an individual accepted into the address confidentiality program in
2 accordance with part 21 of article 30 of title 24.

3 ~~(d.5)~~ (k) "Peace officer" has the same meaning as described in
4 section 16-2.5-101.

5 ~~(e)~~ (l) "Personal information" means the home address, home
6 telephone number, personal mobile telephone number, pager number,
7 personal e-mail address, or a personal photograph of a participant in the
8 address confidentiality program or protected person; directions to the
9 home of a participant in the address confidentiality program or protected
10 person; or photographs of the home or vehicle of a participant in the
11 address confidentiality program or protected person.

12 ~~(e.5)~~ (m) "Prosecutor" has the same meaning as defined in section
13 18-8-616 (3).

14 ~~(f)~~ (n) "Protected person" means a CODE ENFORCEMENT OFFICER,
15 A human services worker, a public health worker, A CHILD
16 REPRESENTATIVE, A HEALTH-CARE WORKER, AN OFFICER OR AGENT OF THE
17 STATE BUREAU OF ANIMAL PROTECTION, AN ANIMAL CONTROL OFFICER, AN
18 OFFICE OF THE RESPONDENT PARENTS' COUNSEL STAFF MEMBER OR
19 CONTRACTOR, a judge, a peace officer, a prosecutor, a public defender,
20 or a public safety worker.

21 ~~(f.6)~~ (o) "Public defender" means an attorney employed by the
22 office of the state public defender created in section 21-1-101, or an
23 attorney employed by the office of alternate defense counsel created in
24 section 21-2-101.

25 ~~(g)~~ (p) "Public health worker" means:

26 (I) An employee, A contractor, or AN employee of a contractor of
27 the department of public health and environment, created in section

1 25-1-102, who is engaged in public health duties, as described in section
2 25-1.5-101;

3 (II) An employee, A contractor, or AN employee of a contractor of
4 a county or district public health agency, as defined in section 25-1-502,
5 who is engaged in public health duties, as described in section 25-1-506;
6 or

7 (III) A member of a county or district board of health, other than
8 an elected county commissioner.

9 ~~(h)~~ (q) "Public safety worker" means:

10 (I) An employee, A contractor, or an employee of a contractor of
11 the department of corrections who has contact with persons in the custody
12 of the department of corrections or with the family or associates of such
13 persons;

14 (II) A noncertified deputy sheriff or detention officer, as described
15 in section 16-2.5-103 (2), who has contact with inmates; or

16 (III) An employee, A contractor, or an employee of a contractor
17 of a community corrections program, as defined in section 17-27-102,
18 who has contact with offenders in a community corrections program.

19 (r) "SETTLEMENT SERVICE" HAS THE SAME MEANING AS SET FORTH
20 IN SECTION 10-11-102 (6.7)(a) TO (6.7)(f).

21 (s) "TITLE INSURANCE AGENCY" HAS THE SAME MEANING AS SET
22 FORTH IN SECTION 10-11-102 (8.5).

23 (t) "TITLE INSURANCE COMPANY" HAS THE SAME MEANING AS SET
24 FORTH IN SECTION 10-11-102 (10).

25 (2.8) (b) A protected person's written request to a state or local
26 government official to remove PERSONAL INFORMATION FROM records that
27 the official makes available on the internet must include:

- 1 (I) THE PROTECTED PERSON'S FULL NAME AND HOME ADDRESS;
2 (H) (II) Evidence that the person submitting the request is a
3 protected person; ~~as defined in subsection (1) of this section~~; and
4 (H) (III) An affirmation stating under penalty of perjury that the
5 person submitting the request has reason to believe that the dissemination
6 of the personal information contained in the records that the official
7 makes available on the internet poses an imminent and serious threat to
8 the person's safety or the safety of the person's immediate family.

9 (c) AN EXEMPT PARTY MAY ACCESS A RECORD THAT INCLUDES
10 INFORMATION OTHERWISE SUBJECT TO REDACTION PURSUANT TO
11 SUBSECTION (2.8)(b) OF THIS SECTION, AND THAT IS MAINTAINED BY THE
12 COUNTY RECORDER, COUNTY ASSESSOR, OR COUNTY TREASURER, IF THE
13 PERSON SEEKING ACCESS TO THE RECORD PROVIDES EVIDENCE AND AN
14 AFFIRMATION UNDER PENALTY OF PERJURY THAT THEY ARE AN EXEMPT
15 PARTY.

16 (d) EACH COUNTY RECORDER, COUNTY ASSESSOR, OR COUNTY
17 TREASURER SHALL GRANT AN EXEMPT PARTY ACCESS TO THE RECORD
18 BASED ON ITS EXISTING PROCESSES OR SHALL ADOPT A PROCESS TO GRANT
19 ACCESS IF ONE IS NOT ALREADY IN PLACE. EACH COUNTY RECORDER,
20 COUNTY ASSESSOR, OR COUNTY TREASURER MAY ASSESS ADMINISTRATIVE
21 COSTS RELATED TO GRANTING ACCESS TO THE EXEMPT PARTY REQUESTING
22 THE RECORD.

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

25 **24-72-204. Allowance or denial of inspection - grounds -**
26 **procedure - appeal - definitions - repeal.** (3) (a) The custodian shall
27 deny the right of inspection of the following records, unless otherwise

1 provided by law; except that the custodian shall make any of the
2 following records, other than letters of reference concerning employment,
3 licensing, or issuance of permits, available to the person in interest in
4 accordance with this subsection (3):

5 (XXII) Personal information, as defined in section 18-9-313 ~~(1)(e)~~
6 (1)(1), in a record for which the custodian has received a request under
7 section 18-9-313;

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