

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

REREVISED

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

LLS NO. 21-0203.03 Megan Waples x4348

SENATE BILL 21-131

SENATE SPONSORSHIP

Gonzales, Jaquez Lewis, Rodriguez, Bridges, Buckner, Danielson, Donovan, Fields, Ginal, Hansen, Kolker, Lee, Moreno, Pettersen, Story, Winter

HOUSE SPONSORSHIP

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Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

State, Civic, Military, & Veterans Affairs
Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO PROTECT PERSONAL IDENTIFYING**
102 **INFORMATION KEPT BY STATE AGENCIES, AND, IN CONNECTION**
103 **THEREWITH, MAKING AN APPROPRIATION.**

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 specifies measures in several categories to protect personal identifying information (PII) kept by state agencies.

Limitations on PII shared by state agencies: A state agency employee is prohibited from disclosing or making accessible PII that is not available to the public for the purpose of investigating for,

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
June 3, 2021

HOUSE
Amended 2nd Reading
June 2, 2021

SENATE
3rd Reading Unamended
May 12, 2021

SENATE
Amended 2nd Reading
May 11, 2021

participating in, cooperating with, or assisting in federal immigration enforcement, except as required by federal or state law or as required to comply with a court-issued subpoena, warrant, or order.

Reduction of PII collected by state agencies: Beginning January 1, 2022, a state agency employee is prohibited from inquiring into, or requesting information or documents to ascertain, a person's immigration status for the purpose of identifying if the person has complied with federal immigration laws except as required by state or federal law or as necessary to perform state agency duties. In addition, beginning January 1, 2022, a state agency shall not collect data regarding a person's place of birth, immigration or citizenship status, or information from passports, permanent resident cards, alien registration cards, or employment authorization documents, except as required by state or federal law or as necessary to perform state agency duties.

Access to state agency records: Beginning January 1, 2022, to be granted access to PII through a database or automated network maintained by a state agency that is not otherwise available to the public, a third party must have, within the past year, certified under penalty of perjury that the third party will not use or disclose PII obtained for the purpose of investigating for, participating in, cooperating with, or assisting in federal immigration enforcement, unless required by federal or state law or to comply with a court-issued subpoena, warrant, or order that is not related to prosecution for a violation of specified provisions of federal immigration law. The attorney general's office is required to create a model certification form and provide it to state agencies.

Record keeping and reporting: The bill specifies what a request for records includes and does not include for purposes of the bill. Beginning January 1, 2022, if a third party requests a record from a state agency and the record contains PII, the state agency is required to retain a written record of the request that contains specified information (written record).

Beginning January 1, 2022, and on a quarterly basis thereafter, the state agency is required to provide the information contained in the written record to the governor's office of legal counsel and to attest that no request was granted for any purpose prohibited by the bill. On March 1, 2022, and on a quarterly basis thereafter, the governor's office is required to provide a report to the joint budget committee of the general assembly containing quarterly and year-to-date summaries of the information provided by state agencies in the written record.

Data privacy breaches: Any state agency employee who intentionally violates the provisions of the bill is subject to an injunction and is liable for a civil penalty of not more than \$50,000 for each violation.

The bill includes an identification document issued to an individual who is not lawfully present in the United States in the list of

records that the department of revenue shall not allow a person to inspect pursuant to the "Colorado Open Records Act". In addition, the bill specifies that the provisions of the bill are included in the laws that the department of revenue is required to follow when releasing records for public inspection.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 74 to title
3 24 as follows:

4 **ARTICLE 74**

5 **Protection of Personal Identifying Information**

6 **24-74-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY
7 HEREBY FINDS AND DECLARES THAT:

8 (a) STATE AGENCIES INCREASINGLY COLLECT RESIDENTS'
9 PERSONAL INFORMATION TO BE ABLE TO PROVIDE A VARIETY OF SERVICES,
10 INCLUDING EDUCATION, HEALTHCARE, FINANCIAL ASSISTANCE, AND
11 REGULATORY AND ENFORCEMENT ACTIVITIES DESIGNED TO ENSURE THE
12 SAFETY OF COLORADO RESIDENTS;

13 (b) COLORADO RESIDENTS HAVE A REASONABLE EXPECTATION
14 THAT STATE AGENCIES WILL NOT DISCLOSE THIS INFORMATION WITH
15 OUTSIDE ACTORS FOR UNINTENDED PURPOSES;

16 (c) COLORADANS' ACCESS TO GOVERNMENT SERVICES, INCLUDING
17 SERVICES THAT CAN BE CRUCIAL IN A TIME OF CRISIS, IS KEY TO THE
18 COLLECTIVE HEALTH AND WELLNESS OF THE STATE;

19 (d) ALL COLORADANS SHOULD FEEL WELCOME TO BE THE
20 RECIPIENTS OF STATE SERVICES WITHOUT FEAR OF ABUSE OF THEIR
21 PRIVACY OR DATA;

22 (e) ANY ROLE THAT A STATE AGENCY PLAYS IN ENFORCING
23 FEDERAL IMMIGRATION LAWS CAN UNDERMINE PUBLIC TRUST AND DETER

1 PERSONS FROM ACCESSING THESE SERVICES OFFERED BY STATE AGENCIES;

2 (f) THE UNITED STATES AND COLORADO CONSTITUTIONS
3 GUARANTEE PERSONS A LEGITIMATE EXPECTATION OF PRIVACY FROM
4 UNREASONABLE GOVERNMENT INTRUSIONS;

5 (g) THE FEDERAL GOVERNMENT DOES NOT HAVE THE AUTHORITY
6 TO COMMAND STATE OR LOCAL OFFICIALS TO ENFORCE OR ADMINISTER A
7 FEDERAL REGULATORY PROGRAM, AS DOING SO WOULD VIOLATE THE
8 TENTH AMENDMENT TO THE UNITED STATES CONSTITUTION; AND

9 (h) THIS ARTICLE 74 IS NOT INTENDED TO INTERFERE WITH
10 CRIMINAL INVESTIGATIONS AND PROCEEDINGS AUTHORIZED BY JUDICIAL
11 PROCESS OR WITH THE COLLECTION OR SHARING OF INFORMATION THAT
12 MAY BE NECESSARY TO PROVIDE COLORADANS WITH GOVERNMENT
13 SERVICES AND BENEFITS.

14 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
15 IT IS NECESSARY TO ADOPT THIS ARTICLE 74 TO PROTECT INDIVIDUAL
16 RIGHTS AND TO FURTHER THE PRESERVATION OF THE PEACE, HEALTH, AND
17 SAFETY OF COLORADO RESIDENTS.

18 **24-74-102. Definitions.** AS USED IN THIS ARTICLE 74, UNLESS THE
19 CONTEXT OTHERWISE REQUIRES:

20 (1) "PERSONAL IDENTIFYING INFORMATION" MEANS INFORMATION
21 THAT MAY BE USED, ALONG OR IN CONJUNCTION WITH ANY OTHER
22 INFORMATION, TO IDENTIFY A SPECIFIC INDIVIDUAL, INCLUDING BUT NOT
23 LIMITED TO A NAME; A DATE OF BIRTH; A PLACE OF BIRTH; A SOCIAL
24 SECURITY NUMBER OR TAX IDENTIFICATION NUMBER; A PASSWORD OR
25 PASS CODE; AN OFFICIAL GOVERNMENT-ISSUED DRIVER'S LICENSE OR
26 IDENTIFICATION CARD NUMBER; INFORMATION CONTAINED IN AN
27 EMPLOYMENT AUTHORIZATION DOCUMENT; INFORMATION CONTAINED IN

1 A PERMANENT RESIDENT CARD; VEHICLE REGISTRATION INFORMATION; A
2 LICENSE PLATE NUMBER; A PHOTOGRAPH, ELECTRONICALLY STORED
3 PHOTOGRAPH, OR DIGITIZED IMAGE; A FINGERPRINT; A RECORD OF A
4 PHYSICAL FEATURE, A PHYSICAL CHARACTERISTIC, A BEHAVIORAL
5 CHARACTERISTIC, OR HANDWRITING; A GOVERNMENT PASSPORT NUMBER;
6 A HEALTH INSURANCE IDENTIFICATION NUMBER; AN EMPLOYER, STUDENT,
7 OR MILITARY IDENTIFICATION NUMBER; A FINANCIAL TRANSACTION
8 DEVICE; A SCHOOL OR EDUCATIONAL INSTITUTION ATTENDED; A SOURCE
9 OF INCOME; MEDICAL INFORMATION; BIOMETRIC DATA; FINANCIAL AND
10 TAX RECORDS; HOME OR WORK ADDRESSES OR OTHER CONTACT
11 INFORMATION; FAMILY OR EMERGENCY CONTACT INFORMATION; STATUS
12 AS A RECIPIENT OF PUBLIC ASSISTANCE OR AS A CRIME VICTIM; RACE;
13 ETHNICITY; NATIONAL ORIGIN; IMMIGRATION OR CITIZENSHIP STATUS;
14 SEXUAL ORIENTATION; GENDER IDENTITY; PHYSICAL DISABILITY;
15 INTELLECTUAL AND DEVELOPMENTAL DISABILITY; OR RELIGION.

16 (2) "PUBLICLY AVAILABLE INFORMATION" MEANS INFORMATION
17 THAT IS AVAILABLE TO THE PUBLIC ONLINE, IN PERSON, OR THROUGH A
18 REQUEST FOR RECORDS UNDER PART 2 OR PART 3 OF ARTICLE 72 OF THIS
19 TITLE 24.

20 (3) "STATE AGENCY" MEANS A DEPARTMENT OF THE EXECUTIVE
21 BRANCH OF STATE GOVERNMENT, INCLUDING ANY DIVISION, OFFICE,
22 AGENCY, OR OTHER UNIT CREATED WITHIN A DEPARTMENT OR THE
23 GOVERNOR'S OFFICE, INCLUDING INSTITUTIONS OF HIGHER EDUCATION AND
24 THE COLORADO COMMISSION ON HIGHER EDUCATION.

25 (4) "STATE AGENCY EMPLOYEE" MEANS EVERY PERSON IN THE
26 SERVICE OF A STATE AGENCY, INCLUDING ALL OFFICERS AND EMPLOYEES,
27 WHETHER FULL-TIME, PART-TIME, OR TEMPORARY, AND WHETHER

1 CLASSIFIED IN OR EXEMPT FROM THE STATE PERSONNEL SYSTEM. "STATE
2 AGENCY EMPLOYEE" ALSO INCLUDES ALL INDEPENDENT CONTRACTORS OF
3 A STATE AGENCY WHEN ACTING IN THEIR CAPACITY AS INDEPENDENT
4 CONTRACTORS FOR THE STATE AGENCY.

5 (5) "THIRD PARTY" MEANS ANY PERSON OR ENTITY, INCLUDING
6 ANY LAW ENFORCEMENT OFFICER OR AGENCY, THAT IS NOT A STATE
7 AGENCY, A STATE AGENCY EMPLOYEE, OR OTHERWISE PART OF THE STATE
8 GOVERNMENT.

9 **24-74-103. Personal identifying information shared by state**
10 **agencies - limitation - responsibilities - state agency employee.** A
11 STATE AGENCY EMPLOYEE SHALL NOT DISCLOSE OR MAKE ACCESSIBLE,
12 INCLUDING THROUGH A DATABASE OR AUTOMATED NETWORK, PERSONAL
13 IDENTIFYING INFORMATION THAT IS NOT PUBLICLY AVAILABLE
14 INFORMATION FOR THE PURPOSE OF INVESTIGATING FOR, PARTICIPATING
15 IN, COOPERATING WITH, OR ASSISTING IN FEDERAL IMMIGRATION
16 ENFORCEMENT, INCLUDING ENFORCEMENT OF CIVIL IMMIGRATION LAWS
17 AND 8 U.S.C. SEC. 1325 OR 1326, EXCEPT AS REQUIRED BY FEDERAL OR
18 STATE LAW OR AS REQUIRED TO COMPLY WITH A COURT-ISSUED SUBPOENA,
19 WARRANT, OR ORDER.

20 **24-74-104. Reduce personal identifying information collected**
21 **by state agencies.** (1) BEGINNING JANUARY 1, 2022, A STATE AGENCY
22 EMPLOYEE SHALL NOT INQUIRE INTO, OR REQUEST INFORMATION OR
23 DOCUMENTS TO ASCERTAIN, A PERSON'S IMMIGRATION STATUS FOR THE
24 PURPOSE OF IDENTIFYING IF THE PERSON HAS COMPLIED WITH FEDERAL
25 IMMIGRATION LAWS, INCLUDING CIVIL IMMIGRATION LAWS AND 8 U.S.C.
26 SEC. 1325 OR 1326, EXCEPT AS REQUIRED BY STATE OR FEDERAL LAW OR
27 AS NECESSARY TO PERFORM STATE AGENCY DUTIES, OR TO VERIFY A

1 PERSON'S ELIGIBILITY FOR A GOVERNMENT FUNDED PROGRAM FOR
2 HOUSING OR ECONOMIC DEVELOPMENT IF VERIFICATION IS A NECESSARY
3 CONDITION OF THE GOVERNMENT FUNDING.

4 (2) BEGINNING JANUARY 1, 2022, A STATE AGENCY SHALL NOT
5 COLLECT THE FOLLOWING, EXCEPT AS REQUIRED BY STATE OR FEDERAL
6 LAW OR AS NECESSARY TO PERFORM STATE AGENCY DUTIES, OR TO VERIFY
7 A PERSON'S ELIGIBILITY FOR A GOVERNMENT FUNDED PROGRAM FOR
8 HOUSING OR ECONOMIC DEVELOPMENT IF VERIFICATION IS A NECESSARY
9 CONDITION OF THE GOVERNMENT FUNDING:

- 10 (a) PLACE OF BIRTH;
- 11 (b) IMMIGRATION OR CITIZENSHIP STATUS; OR
- 12 (c) INFORMATION FROM PASSPORTS, PERMANENT RESIDENT CARDS,
13 ALIEN REGISTRATION CARDS, OR EMPLOYMENT AUTHORIZATION
14 DOCUMENTS.

15 (3) THIS SECTION DOES NOT APPLY TO A DATABASE OR
16 AUTOMATED NETWORK COLLECTING DATA OR DOCUMENTS THAT WAS
17 ACTIVATED BY A STATE AGENCY ON OR BEFORE DECEMBER 31, 2021.

18 **24-74-105. Access to state agency records - limitations.**

19 (1) BEGINNING JANUARY 1, 2022, TO BE GRANTED ACCESS TO PERSONAL
20 IDENTIFYING INFORMATION THROUGH A DATABASE OR AUTOMATED
21 NETWORK THAT IS NOT PUBLICLY AVAILABLE INFORMATION, A THIRD
22 PARTY MUST HAVE, WITHIN THE PAST YEAR, CERTIFIED UNDER PENALTY OF
23 PERJURY THAT:

- 24 (a) THE THIRD PARTY WILL NOT USE PERSONAL IDENTIFYING
25 INFORMATION OBTAINED FROM THE DATABASE OR AUTOMATED NETWORK
26 FOR THE PURPOSE OF INVESTIGATING FOR, PARTICIPATING IN,
27 COOPERATING WITH, OR ASSISTING IN FEDERAL IMMIGRATION

1 ENFORCEMENT, INCLUDING ENFORCEMENT OF CIVIL IMMIGRATION LAWS
2 AND 8 U.S.C. SEC. 1325 OR 1326, UNLESS REQUIRED BY FEDERAL OR STATE
3 LAW OR TO COMPLY WITH A COURT-ISSUED SUBPOENA, WARRANT, OR
4 ORDER; AND

5 (b) THE THIRD PARTY WILL NOT DISCLOSE PERSONAL IDENTIFYING
6 INFORMATION OBTAINED FROM THE DATABASE OR AUTOMATED NETWORK
7 TO INDIVIDUALS OR ENTITIES ENGAGED IN INVESTIGATING FOR,
8 PARTICIPATING IN, COOPERATING WITH, OR ASSISTING IN FEDERAL
9 IMMIGRATION ENFORCEMENT, INCLUDING ENFORCEMENT OF CIVIL
10 IMMIGRATION LAWS AND 8 U.S.C. SEC. 1325 OR 1326, UNLESS REQUIRED
11 BY FEDERAL OR STATE LAW OR TO COMPLY WITH A COURT-ISSUED
12 SUBPOENA, WARRANT, OR ORDER.

13 (2) THE ATTORNEY GENERAL'S OFFICE SHALL CREATE A MODEL
14 CERTIFICATION FORM AND PROVIDE IT TO STATE AGENCIES WITHIN SIXTY
15 DAYS OF THE EFFECTIVE DATE OF THIS SECTION.

16 **24-74-106. Record keeping and reporting - requests for**
17 **records or information - definition.** (1) FOR PURPOSES OF THIS SECTION,
18 "REQUEST" INCLUDES ANY TIME A THIRD PARTY, OTHER THAN A PERSON IN
19 INTEREST AS DEFINED IN SECTION 24-72-202 (4), COMMUNICATES,
20 WHETHER THROUGH WRITTEN OR ELECTRONIC FORM, WITH A STATE
21 AGENCY OR STATE AGENCY EMPLOYEE FOR THE PURPOSE OF OBTAINING
22 RECORDS OR INFORMATION THAT INCLUDES PERSONAL IDENTIFYING
23 INFORMATION. "REQUEST" DOES NOT INCLUDE:

24 (a) A REQUEST MADE UNDER THE "COLORADO OPEN RECORDS
25 ACT", PART 2 OF ARTICLE 72 OF THIS TITLE 24, OR THE "COLORADO
26 CRIMINAL JUSTICE RECORDS ACT", PARTS 2 AND 3 OF ARTICLE 72 OF THIS
27 TITLE 24; EXCEPT THAT, FOR PURPOSES OF THIS SECTION, "REQUEST" DOES

1 INCLUDE A REQUEST MADE UNDER THE "COLORADO OPEN RECORDS ACT,"
2 PART 2 OF ARTICLE 72 OF THIS TITLE 24, WHETHER MADE BY TELEPHONE
3 OR THROUGH WRITTEN OR ELECTRONIC FORM, IF THE REQUESTER
4 INDICATES OR A STATE AGENCY EMPLOYEE DETERMINES THE REQUEST IS
5 MADE FOR THE PURPOSE OF INVESTIGATING FOR, PARTICIPATING IN,
6 COOPERATING WITH, OR ASSISTING IN FEDERAL IMMIGRATION
7 ENFORCEMENT, INCLUDING ENFORCEMENT OF CIVIL IMMIGRATION LAWS
8 AND 8 U.S.C. SEC. 1325 OR 1326;

9 (b) AN INQUIRY MADE THROUGH A DATABASE OR AUTOMATED
10 NETWORK; EXCEPT THAT, BEGINNING MARCH 1, 2022, "REQUEST"
11 INCLUDES A REQUEST THROUGH COLORADO DRIVES, AS DEFINED IN
12 SECTION 42-1-102 (16.5);

13 (c) A REQUEST GOVERNED BY A DATA-SHARING AGREEMENT, AS
14 LONG AS THE AGREEMENT ENSURES THAT THE PARTIES OTHERWISE
15 COMPLY WITH THE PROVISIONS OF THIS ARTICLE 74;

16 (d) A REQUEST RELATED TO THE CONDUCT OF FEDERAL, STATE,
17 AND LOCAL ELECTIONS;

18 (e) A REQUEST MADE TO THE DEPARTMENT OF PUBLIC SAFETY; OR

19 (f) A REQUEST FOR PERSONAL IDENTIFYING INFORMATION THAT IS
20 PROTECTED BY THE "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF
21 1974", AS AMENDED, 20 U.S.C. SEC. 1232g, OR THE "HEALTH INSURANCE
22 PORTABILITY AND ACCOUNTABILITY ACT OF 1996", AS AMENDED, PUB.L.
23 104-191.

24 (g) A REQUEST FROM A GOVERNMENT ENTITY FOR PURPOSES OF
25 DETERMINING A PERSON'S ELIGIBILITY FOR A GOVERNMENT FUNDED
26 PROGRAM FOR HOUSING OR ECONOMIC DEVELOPMENT.

27 (2) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION,

1 BEGINNING JANUARY 1, 2022, IF A THIRD PARTY MAKES A REQUEST FOR A
2 RECORD FROM A STATE AGENCY AND THE RECORD CONTAINS PERSONAL
3 IDENTIFYING INFORMATION, THE STATE AGENCY SHALL RETAIN A WRITTEN
4 RECORD CONTAINING THE FOLLOWING INFORMATION:

- 5 (a) THE REQUEST;
- 6 (b) THE DATE OF THE REQUEST;
- 7 (c) WHETHER THE REQUEST WAS GRANTED OR DENIED;
- 8 (d) THE NAME AND TITLE OF THE STATE AGENCY EMPLOYEE WHO
9 GRANTED OR DENIED THE REQUEST;
- 10 (e) A DESCRIPTION OF THE ARTICULATED PURPOSE OF THE
11 REQUEST;
- 12 (f) THE IDENTITY OF THE REQUESTOR, INCLUDING THE FEDERAL
13 OFFICE OR AGENCY OR OTHER ENTITY THAT REQUESTED INFORMATION,
14 THE NAME OF THE INDIVIDUAL REQUESTOR, AND, IF THE REQUESTOR IS A
15 LAW ENFORCEMENT OFFICER, THE INDIVIDUAL'S BADGE NUMBER; AND
- 16 (g) A SUMMARY OF WHY THE REQUEST WAS GRANTED OR DENIED.

17 (3) FOR A REQUEST THROUGH COLORADO DRIVES, IF THE
18 DEPARTMENT OF REVENUE CANNOT COMPLY WITH THE REPORTING
19 REQUIREMENTS OF THIS SECTION FOR REQUESTS FROM A THIRD PARTY
20 BECAUSE IT WOULD REQUIRE TECHNOLOGICAL OR PROGRAMMING
21 CHANGES OUTSIDE THE CONTROL OF THE DEPARTMENT OF REVENUE, THE
22 DEPARTMENT OF REVENUE SHALL:

- 23 (a) CONTINUE TO ALLOW ACCESS TO COLORADO DRIVES IF
24 ACCESS FOR THAT THIRD PARTY IS REQUIRED TO COMPLY WITH STATE OR
25 FEDERAL LAW OR IS A CONDITION OF RECEIVING FEDERAL OR STATE
26 FUNDING;
- 27 (b) AT LEAST ONCE QUARTERLY, SUBMIT A REPORT INCLUDING THE

1 IDENTITY OF THE THIRD PARTY AND THE REASON FOR THE INABILITY TO
2 REPORT; AND

3 (c) AT LEAST ONCE QUARTERLY, ATTEST THAT THE DEPARTMENT
4 OF REVENUE AND THE THIRD PARTY ARE IN COMPLIANCE WITH THE
5 REQUIREMENTS OF SECTION 24-74-105.

6 (4) BEGINNING JANUARY 1, 2022, AND ON A QUARTERLY BASIS
7 THEREAFTER, EACH STATE AGENCY SHALL:

8 (a) SUBMIT TO THE GOVERNOR'S OFFICE OF LEGAL COUNSEL THE
9 INFORMATION SPECIFIED IN SUBSECTION (2) OF THIS SECTION; AND

10 (b) ATTEST THAT NO REQUEST WAS GRANTED FOR ANY PURPOSE
11 PROHIBITED BY THIS ARTICLE 74.

12 (5) BEGINNING MARCH 1, 2022, AND ON A QUARTERLY BASIS
13 THEREAFTER, THE GOVERNOR'S OFFICE SHALL PROVIDE A REPORT TO THE
14 JOINT BUDGET COMMITTEE CONTAINING QUARTERLY AND YEAR-TO-DATE
15 SUMMARIES OF THE INFORMATION IN SUBSECTION (2) OF THIS SECTION.
16 THE REPORT SHALL INCLUDE, AT A MINIMUM, QUARTERLY AND
17 YEAR-TO-DATE SUMMARIES OF THE TOTAL NUMBER OF REQUESTS,
18 RESPONSES TO REQUESTS, CATEGORIES OF REASONS FOR REQUESTS, AND
19 CATEGORIES OF THE THIRD PARTIES REQUESTING INFORMATION.

20 **24-74-107. Data privacy breaches - accountability provisions.**

21 ANY STATE AGENCY EMPLOYEE WHO INTENTIONALLY VIOLATES THE
22 PROVISIONS OF THIS ARTICLE 74 IS SUBJECT TO AN INJUNCTION AND IS
23 LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN FIFTY THOUSAND
24 DOLLARS FOR EACH VIOLATION.

25 **24-74-108. Severability.** IF ANY PROVISION OF THIS ARTICLE 74 OR
26 ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE
27 INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF

1 THIS ARTICLE 74 WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID
2 PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS
3 ARTICLE 74 ARE SEVERABLE.

4 **SECTION 2.** In Colorado Revised Statutes, 24-72-204, **amend**
5 (7)(a), (7)(b)(I), and (7)(b)(IV) as follows:

6 **24-72-204. Allowance or denial of inspection - grounds -**
7 **procedure - appeal - definitions - repeal.** (7) (a) Except as permitted in
8 ~~paragraph (b) of this subsection~~ (7) SUBSECTION (7)(b) OF THIS SECTION,
9 the department of revenue or an authorized agent of the department shall
10 not allow a person, other than the person in interest, to inspect
11 information contained in a driver's license application under section
12 42-2-107, ~~€:R:S.~~, a driver's license renewal application under section
13 42-2-118, ~~€:R:S.~~, a duplicate driver's license application under section
14 42-2-117, ~~€:R:S.~~, a commercial driver's license application under section
15 42-2-403, ~~€:R:S.~~, an identification card application under section
16 42-2-302, ~~€:R:S.~~, a motor vehicle title application under section
17 42-6-116, ~~€:R:S.~~, a motor vehicle registration application under section
18 42-3-113, ~~€:R:S.~~, AN IDENTIFICATION DOCUMENT UNDER SECTION
19 42-2-505, or other official record or document maintained by the
20 department under section 42-2-121. ~~€:R:S.~~

21 (b) Notwithstanding subsection (7)(a) of this section, only upon
22 obtaining a completed requester release form under section 42-1-206
23 (1)(b), the department may allow inspection of the information referred
24 to in subsection (7)(a) of this section for the following uses:

25 (I) For use by any government agency, including any court or law
26 enforcement agency, in carrying out its functions, or any private person
27 or entity acting on behalf of a federal, state, or local agency in carrying

1 out its functions; EXCEPT THAT THIS SUBSECTION (7)(b)(I) DOES NOT
2 APPLY TO A REQUEST MADE FOR THE PURPOSE OF INVESTIGATING FOR,
3 PARTICIPATING IN, COOPERATING WITH, OR ASSISTING IN FEDERAL
4 IMMIGRATION ENFORCEMENT, INCLUDING ENFORCEMENT OF CIVIL
5 IMMIGRATION LAWS, 8 U.S.C. SEC. 1325, AND 8 U.S.C. SEC. 1326, EXCEPT
6 AS REQUIRED BY FEDERAL OR STATE LAW OR AS REQUIRED TO COMPLY
7 WITH A COURT-ISSUED SUBPOENA, WARRANT, OR ORDER;

8 (IV) For use in connection with any civil, criminal, administrative,
9 or arbitral proceeding in any federal, state, or local court or agency or
10 before any self-regulatory body, including the service of process,
11 investigation in anticipation of litigation, and the execution or
12 enforcement of judgments and orders, or pursuant to an order of a federal,
13 state, or local court; EXCEPT THAT THIS SUBSECTION (7)(b)(IV) DOES NOT
14 APPLY TO A REQUEST MADE FOR THE PURPOSE OF INVESTIGATING FOR,
15 PARTICIPATING IN, COOPERATING WITH, OR ASSISTING IN FEDERAL
16 IMMIGRATION ENFORCEMENT, INCLUDING ENFORCEMENT OF CIVIL
17 IMMIGRATION LAWS, 8 U.S.C. SEC. 1325, AND 8 U.S.C. SEC. 1326, EXCEPT
18 AS REQUIRED BY FEDERAL OR STATE LAW OR AS REQUIRED TO COMPLY
19 WITH A COURT-ISSUED SUBPOENA, WARRANT, OR ORDER;

20 **SECTION 3.** In Colorado Revised Statutes, 42-1-206, **amend**
21 (1)(b)(I) introductory portion and (3.5)(b) as follows:

22 **42-1-206. Records open to inspection - furnishing of copies -**
23 **rules.** (1) (b) (I) For purposes of subsections (1) to (3) and (5) of this
24 section, "law" means the federal "Driver's Privacy Protection Act of
25 1994", 18 U.S.C. sec. 2721 et seq., the federal "Fair Credit Reporting
26 Act", 15 U.S.C. sec. 1681 et seq., part 2 of article 72 of title 24, part 21
27 of article 30 of title 24, ARTICLE 74 OF TITLE 24, and this section. The

1 department shall prepare a requester release form and make the form
2 available to the department's authorized agents. The form must include
3 the following:

4 (3.5) (b) Nothing in this subsection (3.5) shall prevent the
5 department from sharing any information with a criminal justice agency
6 as defined in section 24-72-302 (3); ~~C.R.S.~~ EXCEPT THAT THIS
7 SUBSECTION (3.5) DOES NOT APPLY TO A REQUEST MADE FOR THE PURPOSE
8 OF INVESTIGATING FOR, PARTICIPATING IN, OR ASSISTING IN FEDERAL
9 IMMIGRATION ENFORCEMENT, INCLUDING ENFORCEMENT OF CIVIL
10 IMMIGRATION LAWS, 8 U.S.C. SEC. 1325 AND 8 U.S.C. SEC. 1326, EXCEPT
11 AS REQUIRED BY FEDERAL LAW OR STATE LAW OR AS REQUIRED TO
12 COMPLY WITH A COURT-ISSUED SUBPOENA, WARRANT, OR ORDER.

13 **SECTION 4. Appropriation.** (1) For the 2021-22 state fiscal
14 year, \$45,890 is appropriated to the department of labor and employment
15 for use by the division of unemployment insurance. This appropriation is
16 from the employment support fund created in section 8-77-109 (1)(b)(I),
17 C.R.S., and is based on an assumption that the division will require an
18 additional 0.3 FTE. To implement this act, the division may use this
19 appropriation for program costs.

20 (2) For the 2021-22 state fiscal year, \$14,053 is appropriated to
21 the department of human services. This appropriation consists of \$5,000
22 from the general fund and \$9,053 from the records and reports fund
23 created in section 19-1-307 (2.5)(b), C.R.S. To implement this act, the
24 department may use this appropriation as follows:

- 25 (a) \$5,000 from the general fund for adult protective services; and
26 (b) \$9,053 from the records and reports fund for use by the
27 executive director's office for the administrative review unit, which

1 amount is based on an assumption that the unit will require an additional
2 0.1 FTE.

3 (3) For the 2021-22 state fiscal year, \$3,393 is appropriated to the
4 department of personnel for use by the Colorado state archives. This
5 appropriation is from the general fund, and is based on an assumption that
6 the state archives will require an additional 0.1 FTE. To implement this
7 act, the state archives may use this appropriation for personal services.\

8 (4) For the 2021-22 state fiscal year, \$300,986 is appropriated to
9 the department of revenue for use by the division of motor vehicles. This
10 appropriation is from the general fund. To implement this act, the division
11 may use this appropriation as follows:

12 (a) \$44,486 for use by driver services for personal services; and

13 (b) \$256,500 for DRIVES maintenance and support.

14 **SECTION 5. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety.