

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

**REVISED**

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

LLS NO. 21-0203.03 Megan Waples x4348

**SENATE BILL 21-131**

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**SENATE SPONSORSHIP**

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**Senate Committees**

State, Veterans, & Military Affairs  
Appropriations

**House Committees**

State, Civic, Military, & Veterans Affairs  
Finance  
Appropriations

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**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.**

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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 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  
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.

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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.