

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0312.01 Shelby Ross x4510

HOUSE BILL 22-1041

HOUSE SPONSORSHIP

Boesenecker,

SENATE SPONSORSHIP

Ginal,

House Committees

Public & Behavioral Health & Human Services

Senate Committees

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.

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) 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) "CODE ENFORCEMENT OFFICER" MEANS A COUNTY OR CITY AND
9 COUNTY EMPLOYEE OR CONTRACTOR WHO IS RESPONSIBLE FOR THE
10 ADMINISTRATION AND ENFORCEMENT OF LAND USE, ZONING REGULATIONS,
11 BUILDING CODES, HEALTH CODES, FLOODPLAIN REGULATIONS, AND OTHER
12 SIMILAR HEALTH AND SAFETY CODES.

13 ~~(a)~~ (b) "Human services worker" means:

14 (I) A state or county employee, or an attorney representing the
15 state or county, who is engaged in investigating or taking legal action
16 regarding allegations of child abuse or neglect pursuant to article 3 of title
17 19, and a state or county support staff person who has contact with the
18 public relating to these allegations;

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

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

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

10 (V) An employee of a juvenile detention facility established and
11 operated pursuant to section 19-2.5-1502 or an employee of the division
12 of youth services within the department of human services, including an
13 employee under contract with the division of youth services, who has
14 contact with juveniles involved with youth services.

15 ~~(b)~~ (c) "Immediate family" means a protected person's spouse,
16 child, or parent or any other blood relative who lives in the same
17 residence as the protected person.

18 ~~(b.5)~~ (d) "Judge" has the same meaning as defined by section
19 18-8-615 (3).

20 ~~(c)~~ Repealed.

21 ~~(d)~~ (e) "Participant in the address confidentiality program" means
22 an individual accepted into the address confidentiality program in
23 accordance with part 21 of article 30 of title 24.

24 ~~(d.5)~~ (f) "Peace officer" has the same meaning as described in
25 section 16-2.5-101.

26 ~~(e)~~ (g) "Personal information" means the home address, home
27 telephone number, personal mobile telephone number, pager number,

1 personal e-mail address, or a personal photograph of a participant in the
2 address confidentiality program or protected person; directions to the
3 home of a participant in the address confidentiality program or protected
4 person; or photographs of the home or vehicle of a participant in the
5 address confidentiality program or protected person.

6 ~~(e.5)~~ (h) "Prosecutor" has the same meaning as defined in section
7 18-8-616 (3).

8 ~~(f)~~ (i) "Protected person" means a CODE ENFORCEMENT OFFICER,
9 A human services worker, a public health worker, a judge, a peace officer,
10 a prosecutor, a public defender, or a public safety worker.

11 ~~(f.6)~~ (j) "Public defender" means an attorney employed by the
12 office of the state public defender created in section 21-1-101, or an
13 attorney employed by the office of alternate defense counsel created in
14 section 21-2-101.

15 ~~(g)~~ (k) "Public health worker" means:

16 (I) An employee, A contractor, or AN employee of a contractor of
17 the department of public health and environment, created in section
18 25-1-102, who is engaged in public health duties, as described in section
19 25-1.5-101;

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

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

26 ~~(h)~~ (l) "Public safety worker" means:

27 (I) An employee, A contractor, or an employee of a contractor of

1 the department of corrections who has contact with persons in the custody
2 of the department of corrections or with the family or associates of such
3 persons;

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

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

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

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

13 (o) "TITLE INSURANCE COMPANY" HAS THE SAME MEANING AS SET
14 FORTH IN SECTION 10-11-102 (10).

15 (2.8) (b) A protected person's written request to a state or local
16 government official to remove PERSONAL INFORMATION FROM records that
17 the official makes available on the internet must include:

18 (I) THE PROTECTED PERSON'S FULL NAME AND HOME ADDRESS;

19 ~~(H)~~ (II) Evidence that the person submitting the request is a
20 protected person; ~~as defined in subsection (1) of this section;~~ and

21 ~~(H)~~ (III) An affirmation stating under penalty of perjury that the
22 person submitting the request has reason to believe that the dissemination
23 of the personal information contained in the records that the official
24 makes available on the internet poses an imminent and serious threat to
25 the person's safety or the safety of the person's immediate family.

26 (c) THIS SUBSECTION (2.8) DOES NOT PROHIBIT ACCESS TO
27 RECORDS MAINTAINED BY THE COUNTY RECORDER, COUNTY ASSESSOR, OR

1 COUNTY TREASURER BY ANY PARTY TO THE RECORD, A SETTLEMENT
2 SERVICE, A TITLE INSURANCE COMPANY, A TITLE INSURANCE AGENCY, OR
3 AN ATTORNEY LICENSED AND IN GOOD STANDING IN THE STATE OF
4 COLORADO TO PRACTICE LAW IF THE ACCESS IS RELATED TO A REAL
5 ESTATE MATTER. EACH COUNTY RECORDER, COUNTY ASSESSOR, OR
6 COUNTY TREASURER SHALL GRANT ACCESS TO THE RECORDS BASED ON ITS
7 SPECIFIC PROCESSES. ACCESS TO RECORDS PURSUANT TO THIS SUBSECTION
8 (2.8) IS NOT A REQUIREMENT TO CREATE A PROCESS THAT DOES NOT
9 ALREADY EXIST FOR A COUNTY RECORDER, COUNTY ASSESSOR, OR COUNTY
10 TREASURER. EACH COUNTY RECORDER, COUNTY ASSESSOR, OR COUNTY
11 TREASURER MAY ASSESS ADMINISTRATIVE COSTS RELATED TO GRANTING
12 ACCESS TO THE PERSON OR ENTITY REQUESTING THE RECORDS.

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

15 **24-72-204. Allowance or denial of inspection - grounds -**
16 **procedure - appeal - definitions - repeal.** (3) (a) The custodian shall
17 deny the right of inspection of the following records, unless otherwise
18 provided by law; except that the custodian shall make any of the
19 following records, other than letters of reference concerning employment,
20 licensing, or issuance of permits, available to the person in interest in
21 accordance with this subsection (3):

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

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