

**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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**HOUSE SPONSORSHIP**

**Boesenecker and Larson,**

**SENATE SPONSORSHIP**

**Ginal,**

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**House Committees**

Public & Behavioral Health & Human Services

**Senate Committees**

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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.**

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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 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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-9-313, **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) "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) "HEALTH-CARE WORKER" MEANS AN EMPLOYEE, CONTRACTED  
21 HEALTH-CARE PROVIDER, OR INDIVIDUAL SERVING IN A GOVERNANCE  
22 CAPACITY OF A HEALTH-CARE FACILITY LICENSED PURSUANT TO SECTION  
23 25-1.5-103.

1           ~~(a)~~ (d) "Human services worker" means:

2           (I) A state or county employee, or an attorney representing the  
3 state or county, who is engaged in investigating or taking legal action  
4 regarding allegations of child abuse or neglect pursuant to article 3 of title  
5 19, and a state or county support staff person who has contact with the  
6 public relating to these allegations;

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

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

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

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

26           ~~(b)~~ (e) "Immediate family" means a protected person's spouse,  
27 child, or parent or any other blood relative who lives in the same

1 residence as the protected person.

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

4 (g) "OFFICE OF THE RESPONDENT PARENTS' COUNSEL STAFF  
5 MEMBER OR CONTRACTOR" MEANS:

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

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

13 (III) A SOCIAL WORKER, FAMILY ADVOCATE, OR PEER ADVOCATE  
14 WHO CONTRACTS WITH THE OFFICE OF THE RESPONDENT PARENTS'  
15 COUNSEL TO ASSIST ATTORNEYS IN THE REPRESENTATION OF INDIGENT  
16 PARENTS WHO ARE RESPONDENTS IN DEPENDENCY AND NEGLECT CASES  
17 BROUGHT PURSUANT TO TITLE 19.

18 ~~(c)~~ Repealed.

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

22 ~~(d.5)~~ (i) "Peace officer" has the same meaning as described in  
23 section 16-2.5-101.

24 ~~(e)~~ (j) "Personal information" means the home address, home  
25 telephone number, personal mobile telephone number, pager number,  
26 personal e-mail address, or a personal photograph of a participant in the  
27 address confidentiality program or protected person; directions to the

1 home of a participant in the address confidentiality program or protected  
2 person; or photographs of the home or vehicle of a participant in the  
3 address confidentiality program or protected person.

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

6 ~~(f)~~ (l) "Protected person" means a CODE ENFORCEMENT OFFICER,  
7 A human services worker, a public health worker, A CHILD  
8 REPRESENTATIVE, A HEALTH-CARE WORKER, AN OFFICE OF THE  
9 RESPONDENT PARENTS' COUNSEL STAFF MEMBER OR CONTRACTOR, a  
10 judge, a peace officer, a prosecutor, a public defender, or a public safety  
11 worker.

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

16 ~~(g)~~ (n) "Public health worker" means:

17 (I) An employee, A contractor, or AN employee of a contractor of  
18 the department of public health and environment, created in section  
19 25-1-102, who is engaged in public health duties, as described in section  
20 25-1.5-101;

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

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

27 ~~(h)~~ (o) "Public safety worker" means:

1 (I) An employee, A contractor, or an employee of a contractor of  
2 the department of corrections who has contact with persons in the custody  
3 of the department of corrections or with the family or associates of such  
4 persons;

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

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

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

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

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

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

19 (I) THE PROTECTED PERSON'S FULL NAME AND HOME ADDRESS;  
20 (H) (II) Evidence that the person submitting the request is a  
21 protected person; ~~as defined in subsection (1) of this section;~~ and

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

27 (c) THIS SUBSECTION (2.8) DOES NOT PROHIBIT ACCESS TO

1 RECORDS MAINTAINED BY THE COUNTY RECORDER, COUNTY ASSESSOR, OR  
2 COUNTY TREASURER BY ANY PARTY TO THE RECORD, A SETTLEMENT  
3 SERVICE, A TITLE INSURANCE COMPANY, A TITLE INSURANCE AGENCY, OR  
4 AN ATTORNEY LICENSED AND IN GOOD STANDING IN THE STATE OF  
5 COLORADO TO PRACTICE LAW IF THE ACCESS IS RELATED TO A REAL  
6 ESTATE MATTER. EACH COUNTY RECORDER, COUNTY ASSESSOR, OR  
7 COUNTY TREASURER SHALL GRANT ACCESS TO THE RECORDS BASED ON ITS  
8 EXISTING PROCESSES OR SHALL ADOPT A PROCESS TO GRANT ACCESS IF  
9 ONE IS NOT ALREADY IN PLACE. EACH COUNTY RECORDER, COUNTY  
10 ASSESSOR, OR COUNTY TREASURER MAY ASSESS ADMINISTRATIVE COSTS  
11 RELATED TO GRANTING ACCESS TO THE PERSON OR ENTITY REQUESTING  
12 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.