

CHAPTER 223

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 95-1347

BY REPRESENTATIVES Kreutz, Allen, Berry, Chavez, Clarke, Congrove, Epps, Friednash, Hagedorn, Kaufman, Lamborn, Lamm, Lyle, Morrison, Reeser, Salaz, Schwarz, and Swenson;
also SENATORS Dennis, Bishop, Coffman, Hopper, Meiklejohn, Norton, R. Powers, and Weddig.

AN ACT

CONCERNING STATE AGENCY ASSISTANCE TO LAW ENFORCEMENT AGENCIES IN LOCATING THOSE CITIZENS THAT HAVE OUTSTANDING ARREST WARRANTS.

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

SECTION 1. Part 2 of article 47 of title 8, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

8-47-203.3. Release of location information concerning individuals with outstanding felony arrest warrants. (1) NOTWITHSTANDING ANY PROVISION OF STATE LAW TO THE CONTRARY AND TO THE EXTENT ALLOWABLE UNDER FEDERAL LAW, AT THE REQUEST OF THE COLORADO BUREAU OF INVESTIGATION, THE DIVISION SHALL PROVIDE THE BUREAU WITH INFORMATION CONCERNING THE LOCATION OF ANY PERSON WHOSE NAME APPEARS IN THE DIVISION'S RECORDS WHO IS THE SUBJECT OF AN OUTSTANDING FELONY ARREST WARRANT. UPON RECEIPT OF SUCH INFORMATION, IT SHALL BE THE RESPONSIBILITY OF THE BUREAU TO PROVIDE APPROPRIATE LAW ENFORCEMENT AGENCIES WITH LOCATION INFORMATION OBTAINED FROM THE DIVISION. LOCATION INFORMATION PROVIDED PURSUANT TO THIS SECTION SHALL BE USED SOLELY FOR LAW ENFORCEMENT PURPOSES. THE DIVISION AND THE BUREAU SHALL DETERMINE AND EMPLOY THE MOST COST-EFFECTIVE METHOD FOR OBTAINING AND PROVIDING LOCATION INFORMATION PURSUANT TO THIS SECTION. NEITHER THE DIVISION NOR ITS EMPLOYEES OR AGENTS SHALL BE LIABLE IN CIVIL ACTION FOR PROVIDING INFORMATION IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBSECTION (1).

(2) AS USED IN SUBSECTION (1) OF THIS SECTION, "LAW ENFORCEMENT AGENCY" MEANS ANY AGENCY OF THE STATE OR ITS POLITICAL SUBDIVISIONS THAT IS RESPONSIBLE FOR ENFORCING THE LAWS OF THIS STATE. "LAW ENFORCEMENT

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

AGENCY" INCLUDES BUT IS NOT LIMITED TO ANY POLICE DEPARTMENT, SHERIFF'S DEPARTMENT, DISTRICT ATTORNEY'S OFFICE, THE OFFICE OF THE STATE ATTORNEY GENERAL, AND THE COLORADO BUREAU OF INVESTIGATION.

SECTION 2. Article 72 of title 8, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

8-72-111. Release of location information concerning individuals with outstanding felony arrest warrants. (1) NOTWITHSTANDING ANY PROVISION OF STATE LAW TO THE CONTRARY AND TO THE EXTENT ALLOWABLE UNDER FEDERAL LAW, AT THE REQUEST OF THE COLORADO BUREAU OF INVESTIGATION, THE DIVISION SHALL PROVIDE THE BUREAU WITH INFORMATION CONCERNING THE LOCATION OF ANY PERSON WHOSE NAME APPEARS IN THE DIVISION'S RECORDS WHO IS THE SUBJECT OF AN OUTSTANDING FELONY ARREST WARRANT. UPON RECEIPT OF SUCH INFORMATION, IT SHALL BE THE RESPONSIBILITY OF THE BUREAU TO PROVIDE APPROPRIATE LAW ENFORCEMENT AGENCIES WITH LOCATION INFORMATION OBTAINED FROM THE DIVISION. LOCATION INFORMATION PROVIDED PURSUANT TO THIS SECTION SHALL BE USED SOLELY FOR LAW ENFORCEMENT PURPOSES. THE DIVISION AND THE BUREAU SHALL DETERMINE AND EMPLOY THE MOST COST-EFFECTIVE METHOD FOR OBTAINING AND PROVIDING LOCATION INFORMATION PURSUANT TO THIS SECTION. NEITHER THE DIVISION NOR ITS EMPLOYEES OR AGENTS SHALL BE LIABLE IN CIVIL ACTION FOR PROVIDING INFORMATION IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBSECTION (1).

(2) AS USED IN SUBSECTION (1) OF THIS SECTION, "LAW ENFORCEMENT AGENCY" MEANS ANY AGENCY OF THE STATE OR ITS POLITICAL SUBDIVISIONS THAT IS RESPONSIBLE FOR ENFORCING THE LAWS OF THIS STATE. "LAW ENFORCEMENT AGENCY" INCLUDES BUT IS NOT LIMITED TO ANY POLICE DEPARTMENT, SHERIFF'S DEPARTMENT, DISTRICT ATTORNEY'S OFFICE, THE OFFICE OF THE STATE ATTORNEY GENERAL, AND THE COLORADO BUREAU OF INVESTIGATION.

SECTION 3. 24-50-127, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-50-127. Employee records - release of location information concerning individuals with outstanding felony arrest warrants - state personnel director's duties. (1) The state personnel director shall maintain full records of the proceedings of the board, the examination record of every candidate, and the employment record of every employee. In addition, the state personnel director shall establish and maintain a personnel data inventory of all employees in the personnel system, which inventory shall contain such items as education, training, skills, and other pertinent data. The state personnel director shall make available such data to department heads for the most efficient utilization of the state's manpower.

(2) (a) NOTWITHSTANDING ANY PROVISION OF STATE LAW TO THE CONTRARY AND TO THE EXTENT ALLOWABLE UNDER FEDERAL LAW, AT THE REQUEST OF THE COLORADO BUREAU OF INVESTIGATION, THE STATE PERSONNEL DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL PROVIDE THE BUREAU WITH INFORMATION CONCERNING THE LOCATION OF ANY PERSON WHOSE NAME APPEARS IN THE DIVISION'S RECORDS WHO IS THE SUBJECT OF AN OUTSTANDING FELONY ARREST WARRANT. UPON RECEIPT OF SUCH INFORMATION, IT SHALL BE THE RESPONSIBILITY OF THE BUREAU TO PROVIDE

APPROPRIATE LAW ENFORCEMENT AGENCIES WITH LOCATION INFORMATION OBTAINED FROM THE DIVISION. LOCATION INFORMATION PROVIDED PURSUANT TO THIS SECTION SHALL BE USED SOLELY FOR LAW ENFORCEMENT PURPOSES. THE STATE PERSONNEL DIRECTOR OR THE DIRECTOR'S DESIGNEE AND THE BUREAU SHALL DETERMINE AND EMPLOY THE MOST COST-EFFECTIVE METHOD FOR OBTAINING AND PROVIDING LOCATION INFORMATION PURSUANT TO THIS SECTION. NEITHER THE STATE PERSONNEL DIRECTOR, THE DIRECTOR'S DESIGNEE, NOR THE DIVISION'S EMPLOYEES OR AGENTS SHALL BE LIABLE IN CIVIL ACTION FOR PROVIDING INFORMATION IN ACCORDANCE WITH THE PROVISIONS OF THIS PARAGRAPH (a).

(b) AS USED IN PARAGRAPH (a) OF THIS SUBSECTION (2), "LAW ENFORCEMENT AGENCY" MEANS ANY AGENCY OF THE STATE OR ITS POLITICAL SUBDIVISIONS THAT IS RESPONSIBLE FOR ENFORCING THE LAWS OF THIS STATE. "LAW ENFORCEMENT AGENCY" INCLUDES BUT IS NOT LIMITED TO ANY POLICE DEPARTMENT, SHERIFF'S DEPARTMENT, DISTRICT ATTORNEY'S OFFICE, THE OFFICE OF THE STATE ATTORNEY GENERAL, AND THE COLORADO BUREAU OF INVESTIGATION.

SECTION 4. 26-1-114 (3) (a), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

26-1-114. Records confidential - authorization to obtain records of assets - release of location information to law enforcement agencies - outstanding felony arrest warrants. (3) (a) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH (a), it is unlawful ~~except for purposes directly connected with the administration of public assistance and welfare and in accordance with this paragraph (a) and paragraphs (b) and (c) of this subsection (3) and with the rules and regulations of the state department,~~ for any person to solicit, disclose, or make use of or to authorize, knowingly permit, participate in, or acquiesce in the use of any lists or names of or any information concerning persons applying for or receiving public assistance and welfare directly or indirectly derived from the records, papers, files, or communications of the state or county departments or subdivisions or agencies thereof or acquired in the course of the performance of official duties. No financial institution or insurance company ~~which~~ THAT provides the data, whether confidential or not, required by the state department, in accordance with the provisions of this subsection (3), shall be liable for the provision of the data to the state department nor for any use made thereof by the state department.

(II) THE INFORMATION DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) MAY BE DISCLOSED FOR PURPOSES DIRECTLY CONNECTED WITH THE ADMINISTRATION OF PUBLIC ASSISTANCE AND WELFARE AND IN ACCORDANCE WITH THIS PARAGRAPH (a) AND PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (3) AND WITH THE RULES AND REGULATIONS OF THE STATE DEPARTMENT.

(III) (A) NOTWITHSTANDING ANY PROVISION OF STATE LAW TO THE CONTRARY AND TO THE EXTENT ALLOWABLE UNDER FEDERAL LAW, AT THE REQUEST OF THE COLORADO BUREAU OF INVESTIGATION, THE STATE DEPARTMENT SHALL PROVIDE THE BUREAU WITH INFORMATION CONCERNING THE LOCATION OF ANY PERSON WHOSE NAME APPEARS IN THE DEPARTMENT'S RECORDS WHO IS THE SUBJECT OF AN OUTSTANDING FELONY ARREST WARRANT. UPON RECEIPT OF SUCH INFORMATION, IT SHALL BE THE RESPONSIBILITY OF THE BUREAU TO PROVIDE APPROPRIATE LAW ENFORCEMENT AGENCIES WITH LOCATION INFORMATION OBTAINED FROM THE STATE

DEPARTMENT. LOCATION INFORMATION PROVIDED PURSUANT TO THIS SECTION SHALL BE USED SOLELY FOR LAW ENFORCEMENT PURPOSES. THE STATE DEPARTMENT AND THE BUREAU SHALL DETERMINE AND EMPLOY THE MOST COST-EFFECTIVE METHOD FOR OBTAINING AND PROVIDING LOCATION INFORMATION PURSUANT TO THIS SECTION. NEITHER THE STATE DEPARTMENT NOR ITS EMPLOYEES OR AGENTS SHALL BE LIABLE IN CIVIL ACTION FOR PROVIDING INFORMATION IN ACCORDANCE WITH THE PROVISIONS OF THIS SUB-SUBPARAGRAPH (A).

(B) AS USED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III), "LAW ENFORCEMENT AGENCY" MEANS ANY AGENCY OF THE STATE OR ITS POLITICAL SUBDIVISIONS THAT IS RESPONSIBLE FOR ENFORCING THE LAWS OF THIS STATE. "LAW ENFORCEMENT AGENCY" INCLUDES BUT IS NOT LIMITED TO ANY POLICE DEPARTMENT, SHERIFF'S DEPARTMENT, DISTRICT ATTORNEY'S OFFICE, THE OFFICE OF THE STATE ATTORNEY GENERAL, AND THE COLORADO BUREAU OF INVESTIGATION.

SECTION 5. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 6. Effective date. This act shall take effect July 1, 1995.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 31, 1995