

CHAPTER 261

GOVERNMENT - STATE

SENATE BILL 06-233

BY SENATOR(S) Taylor, Isgar, Spence, Takis, Fitz-Gerald, Tupa, and Wiens;
also REPRESENTATIVE(S) Coleman, Schultheis, Vigil, White, Frangas, and Rose.

AN ACT

**CONCERNING CLARIFICATION OF THE EXISTING AUTHORITY OF THE STATE AUDITOR TO ACCESS
CONFIDENTIAL DOCUMENTS.**

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

SECTION 1. 2-3-107 (2), Colorado Revised Statutes, is amended to read:

2-3-107. Authority to subpoena witnesses - access to records.

(2) (a) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, the state auditor or his OR HER designated representative shall have access at all times, except as provided by sections 39-1-116, 39-4-103, and 39-5-120, C.R.S., to all of the books, accounts, reports, (~~confidential or otherwise~~), vouchers, or other records or information in any department, institution, or agency, INCLUDING BUT NOT LIMITED TO RECORDS OR INFORMATION REQUIRED TO BE KEPT CONFIDENTIAL OR EXEMPT FROM PUBLIC DISCLOSURE UPON SUBPOENA, SEARCH WARRANT, DISCOVERY PROCEEDINGS, OR OTHERWISE. WHEN ACCESSING CONFIDENTIAL HEALTH RECORDS, THE STATE AUDITOR SHALL DETERMINE THE NECESSITY OF ACCESSING PERSONAL IDENTIFYING HEALTH INFORMATION FOR THE PURPOSE OF ACHIEVING THE AUDIT OBJECTIVES.

(b) Nothing in this subsection (2) shall be construed as authorizing or permitting the publication of information prohibited by law. NOTWITHSTANDING THE APPROVAL OF THE COMMITTEE TO RELEASE WORK PAPERS OF THE OFFICE OF THE STATE AUDITOR PURSUANT TO SECTION 2-3-103 (3), NO INFORMATION REQUIRED TO BE KEPT CONFIDENTIAL PURSUANT TO ANY OTHER LAW SHALL BE RELEASED IN CONNECTION WITH AN AUDIT. IN ADDITION TO THE PENALTY ESTABLISHED IN SECTION 2-3-103.7, ANY PERSON WHO UNLAWFULLY RELEASES CONFIDENTIAL INFORMATION SHALL BE SUBJECT TO ANY CRIMINAL OR CIVIL PENALTY UNDER ANY APPLICABLE LAW FOR THE UNLAWFUL RELEASE OF THE INFORMATION.

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

(c) Any officer or employee who fails or refuses to permit such access or examination for audit or who interferes in any way with such examination is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than one month nor more than twelve months, or by both such fine and imprisonment.

SECTION 2. 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 25, 2006