

CHAPTER 42

GOVERNMENT - STATE

HOUSE BILL 15-1174

BY REPRESENTATIVE(S) Carver, McCann, Windholz, Danielson, Saine, Dore, Roupe, Brown, Court, DelGrosso, Duran, Esgar, Fields, Hamner, Kagan, Landgraf, Lee, Mitsch Bush, Moreno, Navarro, Primavera, Priola, Ransom, Rosenthal, Salazar, Tate, Van Winkle, Williams, Winter, Young;
 also SENATOR(S) Woods, Newell, Aguilar, Baumgardner, Cooke, Crowder, Donovan, Grantham, Guzman, Heath, Jahn, Johnston, Jones, Kefalas, Kerr, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Neville T., Roberts, Scheffel, Scott, Sonnenberg, Steadman, Todd, Cadman.

AN ACT

CONCERNING THE CONFIDENTIALITY OF PERSONAL INFORMATION FOR PARTICIPANTS IN THE ADDRESS CONFIDENTIALITY PROGRAM, AND, IN CONNECTION THEREWITH, PROTECTING VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING.

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

SECTION 1. In Colorado Revised Statutes, 18-9-313, **amend** (1) (b); and **add** (1) (a.9) and (2.5) as follows:

18-9-313. Personal information on the internet - law enforcement official - victims of domestic violence, sexual assault, and stalking. (1) As used in this section:

(a.9) "PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM" MEANS AN INDIVIDUAL ACCEPTED INTO THE ADDRESS CONFIDENTIALITY PROGRAM IN ACCORDANCE WITH PART 21 OF ARTICLE 30 OF TITLE 24, C.R.S.

(b) "Personal information" means ~~a law enforcement official's~~ THE home address, home telephone number, personal mobile telephone number, pager number, personal e-mail address, OR A personal photograph OF A LAW ENFORCEMENT OFFICIAL OR PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM; OR ~~directions to the HOME OF A law enforcement official's home~~ OFFICIAL OR PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM; ~~or photographs of the law enforcement official's or the official's immediate family member's~~ home or vehicle OF A LAW ENFORCEMENT OFFICIAL OR PARTICIPANT IN THE ADDRESS

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

CONFIDENTIALITY PROGRAM.

(2.5) AN ADDRESS CONFIDENTIALITY PROGRAM PARTICIPANT MAY SUBMIT A WRITTEN REQUEST TO A STATE OR LOCAL GOVERNMENT OFFICIAL AND FOLLOW THE PROCESS IN SECTION 24-30-2108, C.R.S., INCLUDING THE PRESENTATION OF A VALID ADDRESS CONFIDENTIALITY PROGRAM AUTHORIZATION CARD. IF A STATE OR LOCAL GOVERNMENT OFFICIAL HAS RECEIVED THE ABOVE INFORMATION, THEN THE STATE OR LOCAL GOVERNMENT OFFICIAL SHALL NOT KNOWINGLY MAKE AVAILABLE ON THE INTERNET PERSONAL INFORMATION ABOUT SUCH PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM OR THE ACTUAL ADDRESS, AS DEFINED IN SECTION 24-30-2103 (1), C.R.S., OF SUCH PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM.

SECTION 2. In Colorado Revised Statutes, 24-30-2102, **add** (3) as follows:

24-30-2102. Legislative declaration. (3) THE GENERAL ASSEMBLY FURTHER DECLARES THAT PRIVATE ENTITIES, INCLUDING BUT NOT LIMITED TO PRIVATE BUSINESSES, CAN HELP PROTECT PROGRAM PARTICIPANTS BY SEEKING TO PREVENT THE DISCLOSURE OF UNIQUE IDENTIFYING INFORMATION THAT COULD JEOPARDIZE THE SAFETY OF PROGRAM PARTICIPANTS. THE GENERAL ASSEMBLY RECOGNIZES THAT A LEGITIMATE NEED FOR PRIVATE ENTITIES TO REQUEST AND HAVE ACCESS TO AN INDIVIDUAL'S ACTUAL ADDRESS OFTEN EXISTS AND THAT THE OPPORTUNITY EXISTS FOR PRIVATE ENTITIES TO PARTNER WITH STATE AND LOCAL GOVERNMENTAL AGENCIES IN THE EFFORT TO PROTECT THE SAFETY OF PROGRAM PARTICIPANTS.

SECTION 3. In Colorado Revised Statutes, 24-30-2103, **amend** (1) as follows:

24-30-2103. Definitions. As used in this part 21, unless the context otherwise requires:

(1) "Actual address" means a residential, work, or school address as specified on the individual's application to be a program participant under this part 21, and includes the county, ~~and~~ voting precinct number, AND ANY UNIQUE IDENTIFYING INFORMATION RELATED TO THE INDIVIDUAL'S RESIDENTIAL, WORK, OR SCHOOL ADDRESS.

SECTION 4. In Colorado Revised Statutes, 24-30-2109, **amend** (1) (a) as follows:

24-30-2109. Disclosure of actual address prohibited. (1) The executive director or his or her designee is prohibited from disclosing any address or telephone number of a program participant other than the substitute address designated by the executive director or his or her designee, except under any of the following circumstances:

(a) The information is required by direction of a court order PURSUANT TO SECTION 24-30-2111. However, any person to whom a program participant's address or telephone number has been disclosed shall not disclose the address or telephone number to any other person unless permitted to do so by order of the court.

SECTION 5. In Colorado Revised Statutes, **amend** 24-30-2111 as follows:

24-30-2111. Disclosure of address or unique identifying information in criminal and civil proceedings. ~~No~~ A person shall NOT be compelled to disclose a program participant's actual address OR ANY UNIQUE IDENTIFYING INFORMATION RELATED TO THE PARTICIPANT'S RESIDENCE, WORK, OR SCHOOL during the discovery phase of or during a proceeding before a court of competent jurisdiction or administrative tribunal unless the court or administrative tribunal finds, based upon a preponderance of the evidence, that the disclosure is required in the interests of justice AND THAT THE POTENTIAL HARM TO THE PROGRAM PARTICIPANT IS SUBSTANTIALLY OUTWEIGHED BY THE PUBLIC INTEREST IN THE DISCLOSURE AND THAT NO OTHER ALTERNATIVE WOULD SATISFY THAT NECESSITY. A court or administrative tribunal may seal the portion of any record that contains a program participant's actual address. Nothing in this section ~~shall prevent~~ PREVENTS a state or local government agency, in its discretion, from using a program participant's actual address in any document or record filed with a court or administrative tribunal if, at the time of filing, the document or record is not a public record.

SECTION 6. 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: March 20, 2015