

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Civic, Military, & Veterans Affairs.

HB24-1296 be amended as follows:

- 1 Amend printed bill, page 4, line 5, strike "(3)(f)" and substitute "(5)".
- 2 Page 6, strike line 27.
- 3 Strike page 7.
- 4 Page 8, strike lines 1 through 8.
- 5 Page 9, before line 4 insert:

6         "(5) (a) A CUSTODIAN OF A PUBLIC ENTITY MAY APPLY TO THE  
7 DISTRICT COURT OF THE DISTRICT THAT THE PUBLIC ENTITY IS LOCATED IN  
8 FOR A DETERMINATION THAT AN INDIVIDUAL OR ENTITY IS A VEXATIOUS  
9 REQUESTER. THE COURT SHALL REVIEW THE MATTER AT THE EARLIEST  
10 PRACTICAL TIME AND MAY LIMIT ITS REVIEW TO SUBMISSION OF  
11 PLEADINGS, AFFIDAVITS, AND OTHER MATERIAL AS DEEMED APPROPRIATE  
12 BY THE COURT OR SCHEDULE A HEARING. THE INDIVIDUAL OR ENTITY THAT  
13 IS THE SUBJECT OF SUCH AN APPLICATION SHALL HAVE NOTICE OF THE  
14 APPLICATION AND ANY HEARING SET BY THE COURT SERVED UPON THEM  
15 IN THE MANNER PROVIDED FOR SERVICE OF PROCESS BY THE COLORADO  
16 RULES OF CIVIL PROCEDURE AND HAS THE RIGHT TO RESPOND OR APPEAR  
17 AND BE HEARD, AS APPLICABLE. IN AN ACTION BROUGHT PURSUANT TO  
18 THIS SUBSECTION (5)(a), THE BURDEN OF PROOF IS ON THE CUSTODIAN.  
19 THE COURT SHALL MAKE A DETERMINATION ON THE APPLICATION BY  
20 BALANCING THE FACTORS SET FORTH IN SUBSECTION (5)(b) OF THIS  
21 SECTION. IF THE COURT DETERMINES THAT THE INDIVIDUAL OR ENTITY IS  
22 A VEXATIOUS REQUESTER, THE COURT SHALL ISSUE AN ORDER SETTING  
23 FORTH ITS DETERMINATION AND THE DETERMINATION SHALL BE EFFECTIVE  
24 FOR THREE YEARS FROM THE DATE OF THE COURT'S ORDER. THE  
25 CUSTODIAN WHO APPLIED TO THE DISTRICT COURT MAY RELY ON THE  
26 COURT'S ORDER IN RESPONDING TO SUBSEQUENT RECORDS REQUESTS  
27 SUBMITTED BY THE INDIVIDUAL OR ENTITY THAT'S BEEN DETERMINED TO  
28 BE A VEXATIOUS REQUESTER AND NOTWITHSTANDING SUBSECTION (3)(b)  
29 OF THIS SECTION, IN SETTING A DATE AND HOUR FOR RECORDS TO BE  
30 AVAILABLE FOR INSPECTION, SHALL HAVE THIRTY WORKING DAYS FROM  
31 THE DATE OF RECEIPT OF THE REQUEST IN ACCORDANCE WITH ALL OTHER  
32 APPLICABLE PROVISIONS OF THIS PART 2.".

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