

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation & Local Government.

HB19-1235 be amended as follows:

- 1 Amend printed bill, page 4, strike lines 7 through 13.
- 2 Renumber succeeding subsections accordingly.
- 3 Page 4, line 21, strike "DISTRICTS." and substitute "DISTRICTS, SCHOOL DISTRICTS, AND STATE INSTITUTIONS OF HIGHER EDUCATION.".
- 5 Page 4, line 22, strike ""INVESTIGATIVE RADIO" and substitute ""RADIO".
- 6 Page 4, strike lines 25 through 27, and substitute "ANALOG OR DIGITAL MODULATION.".
- 8 Page 5, strike lines 1 and 2.
- 9 Page 5, strike lines 5 through 11.
- 10 Page 5, strike lines 12 and 13, and substitute:  
**"24-6-502. Public broadcast of governmental radio communications - encryption policy - repeal."**
- 13 Page 5, line 14, strike "DISPATCH".
- 14 Page 5, strike line 15, and substitute "RADIO COMMUNICATIONS WITHOUT".
- 16 Page 5, strike lines 18 through 27, and substitute  
    "(2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, A GOVERNMENTAL ENTITY MAY ELECT TO ENCRYPT ITS RADIO COMMUNICATIONS IF IT ENACTS AN ENCRYPTION POLICY PURSUANT TO SUBSECTION (3) OF THIS SECTION.  
    (3) (a) A RADIO COMMUNICATIONS ENCRYPTION POLICY MUST INCLUDE PROVISIONS CONCERNING THE FOLLOWING:  
        (I) ACCESS TO UNENCRYPTED RADIO TRANSMISSIONS FOR MEMBERS OF THE MEDIA, WHICH MAY INCLUDE REASONABLE RESTRICTIONS ON THE USE OF RADIO EQUIPMENT;  
        (II) A PROCESS TO GRANT MEMBERS OF THE MEDIA ACCESS TO UNENCRYPTED RADIO TRANSMISSIONS, INCLUDING VERIFICATION OF MEDIA CREDENTIALS;  
        (III) PUBLIC ACCESS TO UNENCRYPTED RADIO TRANSMISSIONS THROUGH ALTERNATIVE MEANS, SUCH AS ONLINE TRANSMISSION THAT IS DELAYED OR OTHER REAL-TIME TRANSMISSION, THAT BALANCE THE

1 PUBLIC INTEREST IN INFORMATION INCLUDED IN RADIO COMMUNICATIONS  
2 AND THE SAFETY OF LAW ENFORCEMENT OFFICERS; AND

3 (IV) STANDARDS THAT PREVENT THE GOVERNMENTAL ENTITY  
4 FROM IMPOSING UNREASONABLE AND BURDENSOME LIMITATIONS ON  
5 ACCESS TO, AND THE USE OF, ITS RADIO COMMUNICATIONS.

6 (b) PRIOR TO ENACTING AN ENCRYPTION POLICY, A  
7 GOVERNMENTAL ENTITY SHALL:

8 (I) SEEK THE INPUT FROM MEMBERS OF THE MEDIA WHO ARE BASED  
9 IN COLORADO; AND

10 (II) ESTABLISH A PROCESS FOR RECEIVING FEEDBACK FROM OTHER  
11 ORGANIZATIONS AND INDIVIDUAL MEMBERS OF THE PUBLIC, INCLUDING BY  
12 E-MAIL OR OTHER INTERNET-BASED SUBMISSION, AND AT AT LEAST ONE  
13 PUBLIC MEETING AT WHICH INDIVIDUALS ARE ALLOWED TO PROVIDE INPUT  
14 REGARDING AN ENCRYPTION PLAN.

15 (c) (I) A GOVERNMENTAL ENTITY THAT ENCRYPTS ITS RADIO  
16 COMMUNICATIONS AFTER THE EFFECTIVE DATE OF THIS ACT BUT ON OR  
17 BEFORE DECEMBER 31, 2019, SHALL ENACT AN ENCRYPTION POLICY  
18 PURSUANT TO THIS SECTION ON OR BEFORE JANUARY 1, 2020.

19 (II) THIS SUBSECTION (3)(c) IS REPEALED, EFFECTIVE JUNE 30,  
20 2020.

21 (d) A GOVERNMENTAL ENTITY THAT ENCRYPTS ITS RADIO  
22 COMMUNICATIONS ON OR AFTER JANUARY 1, 2020, SHALL ENACT AN  
23 ENCRYPTION POLICY PURSUANT TO THIS SECTION PRIOR TO ENCRYPTING  
24 ITS RADIO COMMUNICATIONS.".

25 Strike page 6.

26 Page 7, strike lines 1 through 13.

27 Page 7, line 15, strike "(1)".

28 Page 7, strike lines 24 through 26.

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