

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0400.01 Owen Hatch x2698

SENATE BILL 26-070

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A BILL FOR AN ACT

101 **CONCERNING PROHIBITING A GOVERNMENT ENTITY FROM ACCESSING**

102 **A DATABASE THAT STORES HISTORICAL LOCATION**

103 **INFORMATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits a government entity from accessing a database that reveals an individual's or a vehicle's historical location information, subject to certain exceptions. The bill prohibits a government entity from sharing historical location information with third parties or government agencies outside their jurisdiction, subject to certain exceptions, and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

makes historical location information not a public record for the purposes of the "Colorado Open Records Act".

The bill requires a government entity that collects historical location information to adopt a policy to maintain compliance with the provisions of the regulatory scheme.

An enforcement action is created for the attorney general to enforce the provisions of the bill. Historical location information obtained in violation of the prohibitions of the bill are inadmissible in trial.

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

2 **SECTION 1. Short title.** The short title of this act is the
3 "Protecting Everyone from Excessive Police Surveillance (PEEPS) Act"
4 or "PEEPS Act".

5 **SECTION 2. Legislative declaration - legislative intent.**

6 (1) The general assembly finds and declares that:

7 (a) Technological advances and the growth of commercial data
8 systems have enabled the routine collection, aggregation, storage, and
9 sale of historical location information relating to individuals and vehicles,
10 including information derived from cameras, license plate readers,
11 cellular networks, and other technologies;

12 (b) Historical location information is highly sensitive in nature
13 and, when accessed over time, can reveal detailed and personal
14 information about an individual's movements, associations, habits, and
15 daily activities;

16 (c) Government access to historical location information through
17 privately or publicly maintained databases, rather than through direct
18 observation or narrowly targeted collection, presents unique risks of
19 overbroad surveillance and may occur outside traditional legal processes
20 and safeguards;

21 (d) The availability of commercial and third-party databases

1 containing historical location information has created pathways for
2 government entities to obtain such information without a warrant, court
3 order, or clearly articulated statutory authority;

4 (e) Sharing of historical location information with third parties or
5 with government agencies outside a government entity's jurisdiction,
6 absent clear limits and accountability measures, increases the risk of
7 misuse, unauthorized secondary use, and erosion of public trust;

8 (f) Establishing clear statutory guardrails governing when and
9 how government entities may access, use, and share historical location
10 information promotes transparency, accountability, and consistent
11 application of privacy protections across jurisdictions; and

12 (g) The general assembly recognizes the essential role of
13 government entities, including law enforcement and emergency service
14 providers, in protecting public safety, and acknowledges that limited and
15 clearly defined exceptions are necessary to allow appropriate access to
16 historical location information in specific circumstances.

17 (2) It is the general assembly's intent to regulate government
18 access to databases containing historical location information; to restrict
19 the sharing of such information, except in narrow, well-defined
20 circumstances; to require oversight, record keeping, and compliance
21 policies when historical location information is collected; and to ensure
22 meaningful remedies and enforcement for violations of these protections.

23 **SECTION 3.** In Colorado Revised Statutes, **add 16-3-313** as
24 follows:

25 **16-3-313. Prohibition on access to a historical location**
26 **information database - individual or vehicle - evidence inadmissible**
27 **in court - definitions.**

3 (a) "ACCESS" MEANS VIEWING, QUERYING, RETRIEVING, COPYING,
4 TRANSMITTING, ANALYZING, OR OTHERWISE USING A DATABASE AS
5 DEFINED IN THIS SECTION, WHETHER MANUALLY OR AUTOMATICALLY.

6 (b) "COLLECT" MEANS USING TECHNOLOGY TO RECORD
7 INFORMATION ABOUT AN INDIVIDUAL'S OR VEHICLE'S PHYSICAL LOCATIONS
8 OR MOVEMENTS.

9 (c) "DATABASE" MEANS A PHYSICAL OR DIGITAL INFORMATION
10 STORAGE SYSTEM, WHETHER PUBLICLY OR PRIVATELY OWNED, THAT
11 CONTAINS PHOTOS, VIDEOS, LICENSE PLATE DATA, FACIAL RECOGNITION
12 DATA, CELL SITE LOCATION DATA, OR ANY COMBINATION OF THESE.

13 (d) "GOVERNMENT ENTITY" HAS THE MEANING SET FORTH IN
14 SECTION 16-3-303.5.

15 (e) "GOVERNMENT OFFICIAL" MEANS ANY OFFICER, EMPLOYEE,
16 AGENT, CONTRACTOR, OR REPRESENTATIVE OF A GOVERNMENT ENTITY.

17 (f) (I) "HISTORICAL LOCATION INFORMATION" MEANS
18 INFORMATION THAT, WHEN ACCESSED, REVEALS THE LOCATIONS OF AN
19 INDIVIDUAL OR VEHICLE MORE THAN TWENTY-FOUR HOURS PRIOR TO THE
20 DATE OF THE ACCESS.

8 (B) ACCESS TO THE RECORDING DOES NOT REVEAL AN
9 INDIVIDUAL'S OR VEHICLE'S HISTORICAL LOCATION INFORMATION
10 THROUGH A DATABASE QUERY OR SIMILAR SEARCH PROCESS.

14 (h) "WARRANT" HAS THE MEANING SET FORTH IN THIS ARTICLE 3.
15 "WARRANT" DOES NOT MEAN A SUBPOENA.

16 (2) A GOVERNMENT OFFICIAL SHALL NOT ACCESS A DATABASE
17 THAT REVEALS HISTORICAL LOCATION INFORMATION, EXCEPT:

18 (a) WHEN THE GOVERNMENT OFFICIAL HAS OBTAINED A VALID
19 JUDICIAL WARRANT ISSUED PURSUANT TO THIS PART 3 TO ACCESS THE
20 DATABASE;

21 (b) WHEN AN INDIVIDUAL GIVES EXPRESS CONSENT TO THEIR
22 SPECIFIC HISTORICAL LOCATION INFORMATION BEING REVEALED TO A
23 SPECIFIC GOVERNMENT OFFICIAL OR ENTITY, SO LONG AS THE CONSENT
24 DOES NOT ALLOW THE GOVERNMENT OFFICIAL OR ENTITY TO ACCESS THE
25 HISTORICAL LOCATION INFORMATION OF AN INDIVIDUAL WHO HAS NOT
26 CONSENTED:

27 (c) WHEN THE REGISTERED OWNER OF A VEHICLE REPORTS THE

1 VEHICLE LOST OR STOLEN AND VOLUNTARILY CONSENTS TO THE VEHICLE'S
2 HISTORICAL LOCATION INFORMATION BEING SEARCHED;

3 (d) WHEN EXIGENT CIRCUMSTANCES MAKE OBTAINING A WARRANT
4 IMPRACTICAL BEFORE THE EXIGENCY EXPIRES; OR

5 (e) WHEN A GOVERNMENT OFFICIAL IS CARRYING OUT ANY OF THE
6 FOLLOWING PURPOSES AND USES THE HISTORICAL LOCATION INFORMATION
7 SOLELY FOR THE PURPOSE OF:

8 (I) TOLL COLLECTION AND ENFORCEMENT, AUTHORIZED PURSUANT
9 TO SECTION 43-4-808;

10 (II) TRAFFIC ENFORCEMENT, AUTHORIZED PURSUANT TO SECTION
11 42-4-110.5;

12 (III) PARKING ENFORCEMENT; OR

13 (IV) INFORMATION SECURITY AS NECESSARY TO IMPLEMENT THE
14 REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION.

15 (3) (a) A GOVERNMENT OFFICIAL OR ENTITY THAT COLLECTS
16 HISTORICAL LOCATION INFORMATION SHALL NOT SHARE IT OUTSIDE THE
17 OFFICIAL'S OR ENTITY'S JURISDICTION, EXCEPT FOR A REASON SET FORTH
18 IN SUBSECTION (2) OF THIS SECTION OR PURSUANT TO A VALID COURT
19 ORDER.

20 (b) (I) A GOVERNMENT OFFICIAL OR ENTITY THAT COLLECTS
21 HISTORICAL LOCATION INFORMATION SHALL NOT SELL OR CONVEY IT TO
22 A PRIVATE, NONGOVERNMENTAL THIRD PARTY FOR ANY REASON,
23 WHETHER AS A MARKET TRANSACTION, A RESPONSE TO A PUBLIC RECORDS
24 REQUEST, OR OTHERWISE, EXCEPT TO THE LIMITED EXTENT NECESSARY
25 FOR A NONGOVERNMENTAL THIRD PARTY VENDOR, ACTING SOLELY AS A
26 SERVICE PROVIDER TO THE GOVERNMENT OFFICIAL OR ENTITY, TO
27 TEMPORARILY ACCESS THE HISTORICAL LOCATION INFORMATION FOR THE

1 SOLE PURPOSE OF DIAGNOSING, REPAIRING, OR CONDUCTING
2 MAINTENANCE ON A TECHNICAL MALFUNCTION OR SOFTWARE DEFECT IN
3 THE SYSTEM USED TO COLLECT THE HISTORICAL LOCATION INFORMATION.

4 (II) ACCESS BY A NONGOVERNMENTAL THIRD PARTY VENDOR TO
5 HISTORICAL LOCATION INFORMATION SHALL:

6 (A) BE LIMITED IN SCOPE AND DURATION TO THE MINIMUM EXTENT
7 NECESSARY TO RESOLVE THE IDENTIFIED MALFUNCTION OR DEFECT;

8 (B) PROHIBIT THE VENDOR FROM RETAINING, COPYING,
9 AGGREGATING, ANALYZING, OR USING THE HISTORICAL LOCATION
10 INFORMATION FOR ANY PURPOSE OTHER THAN RESOLVING THE
11 MALFUNCTION OR DEFECT;

12 (C) PROHIBIT THE VENDOR FROM DISCLOSING THE HISTORICAL
13 LOCATION INFORMATION TO ANY OTHER INDIVIDUAL OR ENTITY, UNLESS
14 THE INDIVIDUAL OR ENTITY IS REQUIRED FOR ASSISTANCE IN RESOLVING
15 THE MALFUNCTION OR DEFECT; AND

16 (D) REQUIRE THE VENDOR TO DELETE OR OTHERWISE RELINQUISH
17 ACCESS TO THE HISTORICAL LOCATION INFORMATION IMMEDIATELY UPON
18 RESOLUTION OF THE MALFUNCTION OR DEFECT.

19 (c) A GOVERNMENT OFFICIAL OR ENTITY THAT COLLECTS
20 HISTORICAL LOCATION INFORMATION SHALL ADOPT A POLICY FOR
21 COMPLIANCE WITH THIS SECTION THAT ENSURES:

22 (I) THE SECURITY AND ACCESS REGULATIONS OF THIS SECTION ARE
23 ADHERED TO;

24 (II) THAT HISTORICAL LOCATION INFORMATION IS ENCRYPTED OR
25 OTHERWISE RENDERED UNREADABLE TO AN UNAUTHORIZED USER USING
26 METHODOLOGY OR TECHNOLOGY GENERALLY ACCEPTED IN THE FIELD OF
27 INFORMATION SECURITY;

6 (IV) A RECORD IS CREATED AND MAINTAINED EACH TIME
7 HISTORICAL LOCATION INFORMATION IS ACCESSED. THE RECORD MUST
8 INCLUDE:

11 (B) THE SPECIFIC PURPOSE FOR WHICH ACCESS WAS SOUGHT;

12 (C) THE APPLICABLE EXCEPTION AS LISTED IN SUBSECTION (2) OF
13 THIS SECTION AND THE SPECIFIC FACTUAL BASIS FOR THE SUPERVISOR
14 BELIEVING THE EXCEPTION WAS APPLICABLE;

15 (D) THE SUPERVISOR'S WRITTEN APPROVAL THAT GRANTED
16 ACCESS;

17 (E) THE FULL DESCRIPTION OF THE HISTORICAL LOCATION
18 INFORMATION ACCESSED; AND

19 (F) REDACTIONS FOR LICENSE PLATE NUMBERS, FACIAL IMAGES, OR
20 OTHER PERSONALLY IDENTIFIABLE INFORMATION;

21 (V) THAT THE RECORDS REQUIRED PURSUANT TO SUBSECTION
22 (3)(c)(IV) OF THIS SECTION ARE AUDITED BY ONE OR MORE SUPERVISORS
23 AT LEAST EVERY NINETY DAYS TO ENSURE COMPLIANCE WITH THIS
24 SECTION. THE GOVERNMENT OFFICIAL OR ENTITY SHALL CREATE A
25 WRITTEN STANDARDIZED POLICY OR PRACTICE FOR AN AUDIT THAT
26 REQUIRES, AT MINIMUM:

27 (A) VERIFICATION THAT ALL INFORMATION REQUIRED PURSUANT

1 TO SUBSECTION (3)(c)(IV) OF THIS SECTION HAS BEEN PROVIDED;

2 (B) VERIFICATION THAT THE SPECIFIC PURPOSE FOR WHICH ACCESS

3 WAS SOUGHT COMPLIES WITH THIS SECTION;

4 (C) VERIFICATION THAT THE SCOPE OF THE HISTORICAL LOCATION

5 INFORMATION ACCESSED COMPLIES WITH THIS SECTION; AND

6 (D) THAT IN THE EVENT THE AUDITOR OR AUDITORS DETERMINE OR

7 HAVE REASON TO BELIEVE THAT A GOVERNMENT OFFICIAL OR ENTITY HAS

8 VIOLATED ANY PROVISION OF THIS SECTION, FURTHER INVESTIGATION OF

9 THE ACTUAL OR SUSPECTED VIOLATION;

10 (VI) THE CREATION AND MAINTENANCE OF AN ANNUAL REPORT

11 THAT BOTH COMPILES AND SUMMARIZES THE RECORDS DESCRIBED IN

12 SUBSECTION (3)(c)(IV) OF THIS SECTION. THE REPORT MUST BE MADE

13 AVAILABLE BY JUNE 30 OF EACH YEAR TO THE PUBLIC. THE ANNUAL

14 REPORT MUST INCLUDE THE NUMBER AND TYPE OF TECHNOLOGY DEVICES

15 HELD BY A GOVERNMENT ENTITY THAT CAN COLLECT AN INDIVIDUAL'S OR

16 VEHICLE'S PHYSICAL LOCATION OR MOVEMENTS, AND THE LOCATION

17 WHERE THE DEVICES ARE DEPLOYED.

18 (VII) THAT ALL GOVERNMENT OFFICIALS WHOSE DUTIES INCLUDE

19 ACCESSING A DATABASE THAT CONTAINS HISTORICAL LOCATION

20 INFORMATION COMPLETE TRAINING ON HOW TO COMPLY WITH THIS

21 SECTION AND THE COMPLIANCE POLICY ADOPTED PURSUANT TO THIS

22 SECTION. THE TRAINING MUST NOT BE CREATED OR ADMINISTRATED BY A

23 PRIVATE ENTITY WHOSE BUSINESS INVOLVES COLLECTING HISTORICAL

24 LOCATION INFORMATION.

25 (d) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(d)(II) OF THIS

26 SECTION, A GOVERNMENT OFFICIAL OR ENTITY THAT COLLECTS

27 HISTORICAL LOCATION INFORMATION SHALL NOT RETAIN THE

1 INFORMATION FOR MORE THAN FOUR DAYS AFTER THE DATE THE
2 INFORMATION IS COLLECTED.

3 (II) HISTORICAL LOCATION INFORMATION THAT WAS ACCESSED IN
4 COMPLIANCE WITH SUBSECTION (2) OF THIS SECTION MAY ONLY BE
5 RETAINED FOR FIVE DAYS OR MORE IF:

6 (A) A VALID JUDICIAL WARRANT OR VALID COURT ORDER
7 EXPRESSLY AUTHORIZES THE GOVERNMENT OFFICIAL OR ENTITY TO RETAIN
8 THE HISTORICAL LOCATION INFORMATION FOR A PERIOD OF FIVE DAYS OR
9 LONGER; OR

10 (B) THE INFORMATION IS NECESSARY TO PRESERVE EVIDENCE IN
11 AN ACTIVE CRIMINAL INVESTIGATION OR OTHER LEGAL PROCEEDING AND
12 THE SUPERVISOR OF THE INVESTIGATION MAKES A WRITTEN
13 DETERMINATION, BASED ON SPECIFIC AND ARTICULABLE FACTS, THAT
14 RETAINING THE HISTORICAL LOCATION INFORMATION FOR FIVE DAYS OR
15 MORE IS REQUIRED; OR

16 (C) AN INDIVIDUAL GIVES EXPRESS CONSENT TO THEIR SPECIFIC
17 HISTORICAL LOCATION INFORMATION BEING REVEALED TO A SPECIFIC
18 GOVERNMENT OFFICIAL OR ENTITY AND CONSENTS TO THEIR HISTORICAL
19 LOCATION INFORMATION BEING KEPT FOR FIVE DAYS OR MORE, SO LONG AS
20 THE CONSENT DOES NOT ALLOW THE GOVERNMENT OFFICIAL OR ENTITY TO
21 ACCESS THE HISTORICAL LOCATION INFORMATION OF AN INDIVIDUAL WHO
22 HAS NOT CONSENTED.

23 (III) UPON EXPIRATION OF THE APPLICABLE RETENTION PERIOD
24 DESCRIBED IN THIS SUBSECTION (3)(d), THE GOVERNMENT OFFICIAL OR
25 ENTITY SHALL PERMANENTLY DESTROY THE HISTORICAL LOCATION
26 INFORMATION AND ANY COPIES OF THE INFORMATION IN A MANNER THAT
27 RENDERS THE INFORMATION UNRECOVERABLE.

1 (IV) THE COMPLIANCE POLICY REQUIRED PURSUANT TO
2 SUBSECTION (3)(c) OF THIS SECTION MUST INCLUDE PROCEDURES TO
3 ENSURE TIMELY DESTRUCTION OF THE HISTORICAL LOCATION
4 INFORMATION REQUIRED PURSUANT TO THIS SUBSECTION (3)(d) AND
5 VERIFICATION OF DESTRUCTION.

6 (4) (a) HISTORICAL LOCATION INFORMATION ACCESSED IN
7 VIOLATION OF THIS SECTION IS NOT ADMISSIBLE AS EVIDENCE IN ANY
8 CRIMINAL OR CIVIL PROCEEDING OR ANY OTHER JUDICIAL, QUASI-JUDICIAL,
9 OR ADMINISTRATIVE HEARING OR PROCEEDING.

10 (b) A GOVERNMENT ENTITY SHALL HAVE A WRITTEN, MANDATORY
11 DISCIPLINARY POLICY THAT INCLUDES PROVISIONS FOR SUSPENDING OR
12 REVOKING A GOVERNMENT OFFICIAL'S ACCESS TO ANY DATABASE THAT
13 INCLUDES HISTORICAL LOCATION INFORMATION WHEN THE GOVERNMENT
14 OFFICIAL VIOLATES ANY PROVISION OF THIS SECTION. A GOVERNMENT
15 ENTITY SHALL NOT DEVIATE FROM ITS WRITTEN DISCIPLINARY POLICY
16 AFTER A FINDING THAT A GOVERNMENT OFFICIAL VIOLATED A PROVISION
17 OF THIS SECTION.

22 (6) FOR PURPOSES OF THIS SECTION, A SUBPOENA IS NOT A VALID
23 COURT ORDER.

24 **SECTION 4.** In Colorado Revised Statutes, 24-72-202, amend
25 (6)(b)(XVII) and (6)(b)(XVIII); and **add** (6)(b)(XIX) as follows:

24-72-202. Definitions.

27 As used in this part 2, unless the context otherwise requires:

(6) (b) "Public records" does not include:

2 (XVII) A complaint of harassment or discrimination, as described
3 in section 22-1-143, that is unsubstantiated and all records related to the
4 unsubstantiated complaint, including records of an investigation into the
5 complaint; or

(XVIII) Jail assessments conducted pursuant to section 30-10-530
(5)(d) or 24-31-118; OR

(XIX) HISTORICAL LOCATION INFORMATION, AS DEFINED IN
SECTION 16-3-313 (1).

SECTION 5. Act subject to petition - effective date -

11 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
12 the expiration of the ninety-day period after final adjournment of the
13 general assembly (August 12, 2026, if adjournment sine die is on May 13,
14 2026); except that, if a referendum petition is filed pursuant to section 1
15 (3) of article V of the state constitution against this act or an item, section,
16 or part of this act within such period, then the act, item, section, or part
17 will not take effect unless approved by the people at the general election
18 to be held in November 2026 and, in such case, will take effect on the
19 date of the official declaration of the vote thereon by the governor.

20 (2) This act applies to violations on or after the applicable
21 effective date of this act.