

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0546.02 Richard Sweetman x4333

SENATE BILL 26-011

SENATE SPONSORSHIP

Frizell and Roberts, Carson, Catlin, Liston, Pelton B., Pelton R., Rich

HOUSE SPONSORSHIP

Boesenecker,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING SEARCH WARRANT REQUIREMENTS FOR OPERATORS OF**
102 **CERTAIN ELECTRONIC PLATFORMS.**

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 requires operators of certain websites, online services, online applications, or mobile applications (covered platforms) to ensure that each covered platform provides a streamlined process to allow Colorado law enforcement agencies to contact the covered platform at all times. The process must, at a minimum, make available a staffed hotline for Colorado law enforcement agencies for the purposes of:

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.

- Receiving and responding to questions about search warrants;
- Acknowledging the receipt of a search warrant within 8 hours after receipt; and
- Providing status updates on search warrant compliance to a requesting Colorado law enforcement agency.

An operator must comply with a search warrant within 72 hours after receiving the search warrant if certain conditions apply. A court may reasonably extend this time if the court makes a written finding that the operator or covered platform has shown good cause for the extension and that an extension would not cause an adverse result.

The attorney general or a district attorney with jurisdiction may enforce the bill.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 16-3-313 as
3 follows:

4 **16-3-313. Search warrants provided to covered platforms -**
5 **process required - enforcement - severability - definitions.**

6 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

8 (a) (I) "COVERED PLATFORM" MEANS A PUBLIC OR SEMIPUBLIC
9 WEBSITE, ONLINE SERVICE, ONLINE APPLICATION, OR MOBILE APPLICATION
10 THAT:

11 (A) HAS AT LEAST ONE MILLION DISCRETE MONTHLY USERS;

12 (B) ALLOWS A USER TO CONSTRUCT A PUBLIC OR SEMIPUBLIC
13 PROFILE FOR THE PURPOSE OF USING THE WEBSITE, SERVICE, OR
14 APPLICATION; AND

15 (C) ALLOWS A USER TO CREATE OR POST CONTENT THAT IS
16 VIEWABLE BY OTHER USERS, INCLUDING ON MESSAGE BOARDS, IN CHAT
17 ROOMS, OR THROUGH LANDING PAGES OR MAIN FEEDS THAT PRESENT A
18 USER WITH CONTENT GENERATED BY OTHER USERS OR BY ARTIFICIAL

1 INTELLIGENCE. A WEBSITE, ONLINE SERVICE, ONLINE APPLICATION, OR
2 MOBILE APPLICATION SHALL NOT BE DEEMED TO SATISFY THE CRITERION
3 DESCRIBED IN THIS SUBSECTION (1)(a)(III) SOLELY BECAUSE THE WEBSITE,
4 ONLINE SERVICE, ONLINE APPLICATION, OR MOBILE APPLICATION PROVIDES
5 THE ABILITY TO POST AND VIEW COMMENTS FOR THE PURPOSE OF RATING
6 OR REVIEWING PRODUCTS OR SERVICES OR, IN THE CASE OF A WEBSITE,
7 ONLINE SERVICE, ONLINE APPLICATION, OR MOBILE APPLICATION THAT
8 PREDOMINANTLY OR EXCLUSIVELY PROVIDES NEWS, SPORTS,
9 ENTERTAINMENT, OR E-COMMERCE CONTENT THAT IS PRESELECTED BY
10 THE PROVIDER AND NOT USER-GENERATED, SOLELY BECAUSE THE
11 WEBSITE, ONLINE SERVICE, ONLINE APPLICATION, OR MOBILE APPLICATION
12 HAS CHAT, COMMENT, OR INTERACTIVE FUNCTIONALITY THAT IS DIRECTLY
13 RELATED TO, OR DEPENDENT UPON, THE PROVISION OF THAT CONTENT.

14 (II) "COVERED PLATFORM" DOES NOT INCLUDE A SERVICE OR
15 APPLICATION USED TO FACILITATE COMMUNICATION WITHIN A BUSINESS
16 OR ENTERPRISE AMONG EMPLOYEES OR AFFILIATES OF THE BUSINESS OR
17 ENTERPRISE, PROVIDED THAT ACCESS TO THE SERVICE OR APPLICATION IS
18 RESTRICTED TO EMPLOYEES OR AFFILIATES OF THE BUSINESS OR
19 ENTERPRISE USING THE SERVICE OR APPLICATION.

20 (b) "OPERATOR" MEANS A PERSON, BUSINESS, OR OTHER LEGAL
21 ENTITY THAT OPERATES OR PROVIDES A COVERED PLATFORM.

22 (c) "SEARCH WARRANT" INCLUDES A COURT ORDER FOR THE
23 PRODUCTION OF RECORDS, AS DESCRIBED IN SECTION 16-3-301.1.

24 (d) "USER" MEANS A USER OF A COVERED PLATFORM WHO RESIDES
25 IN COLORADO AND IS NOT ACTING AS AN OPERATOR, OR AN AGENT OR
26 AFFILIATE OF AN OPERATOR, OF THE PLATFORM OR ANY PORTION OF THE
27 PLATFORM.

1 (2) AN OPERATOR SHALL ENSURE THAT EACH OF ITS COVERED
2 PLATFORMS PROVIDES A STREAMLINED PROCESS TO ALLOW COLORADO
3 LAW ENFORCEMENT AGENCIES TO CONTACT THE COVERED PLATFORM. THE
4 PROCESS MUST, AT A MINIMUM:

5 (a) BE AVAILABLE TO COLORADO LAW ENFORCEMENT AGENCIES
6 AT ALL TIMES; AND

7 (b) MAKE AVAILABLE AT ALL TIMES A STAFFED HOTLINE FOR
8 COLORADO LAW ENFORCEMENT AGENCIES FOR THE PURPOSES OF:

9 (I) RECEIVING AND RESPONDING TO QUESTIONS ABOUT SEARCH
10 WARRANTS;

11 (II) ACKNOWLEDGING THE RECEIPT OF A SEARCH WARRANT WITHIN
12 EIGHT HOURS AFTER RECEIPT; AND

13 (III) PROVIDING STATUS UPDATES ON SEARCH WARRANT
14 COMPLIANCE TO A REQUESTING COLORADO LAW ENFORCEMENT AGENCY.

15 (3) AN OPERATOR SHALL PROMINENTLY POST CONTACT
16 INFORMATION ON THE HOME PAGE OF EACH OF ITS COVERED PLATFORMS
17 TO ALLOW A COLORADO LAW ENFORCEMENT AGENCY TO CONTACT THE
18 OPERATOR AND INITIATE THE PROCESS DESCRIBED IN SUBSECTION (2) OF
19 THIS SECTION.

20 (4) EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION, OR
21 ANY OTHER LAW, INCLUDING SECTION 32 OF ARTICLE II OF THE STATE
22 CONSTITUTION; THE "COLORADO PRIVACY ACT", PART 13 OF ARTICLE 1 OF
23 TITLE 6; SECTION 16-3-301 (4); AND THE "REPRODUCTIVE HEALTH EQUITY
24 ACT", PART 4 OF ARTICLE 6 OF TITLE 25, AN OPERATOR SHALL COMPLY
25 WITH A SEARCH WARRANT WITHIN SEVENTY-TWO HOURS AFTER RECEIVING
26 THE SEARCH WARRANT IF ALL OF THE FOLLOWING APPLY:

27 (a) THE SEARCH WARRANT IS PROVIDED TO THE OPERATOR OR THE

1 OPERATOR'S COVERED PLATFORM BY A COLORADO LAW ENFORCEMENT
2 AGENCY;

3 (b) THE SUBJECT OF THE SEARCH WARRANT IS INFORMATION
4 ASSOCIATED WITH A USER'S ACCOUNT ON A COVERED PLATFORM
5 OPERATED BY THE OPERATOR; AND

6 (c) THE INFORMATION IS CONTROLLED BY A USER OR OPERATOR OF
7 THE COVERED PLATFORM.

8 (5) A COURT MAY REASONABLY EXTEND THE TIME REQUIRED TO
9 COMPLY WITH A SEARCH WARRANT PROVIDED PURSUANT TO SUBSECTION
10 (4) OF THIS SECTION IF THE COURT MAKES A WRITTEN FINDING THAT THE
11 OPERATOR OR COVERED PLATFORM HAS SHOWN GOOD CAUSE FOR THE
12 EXTENSION AND THAT AN EXTENSION WOULD NOT CAUSE AN ADVERSE
13 RESULT, AS DEFINED IN 18 U.S.C. SEC. 2705 (a)(2).

14 (6) THE FAILURE OF AN OPERATOR OR COVERED PLATFORM TO
15 COMPLY WITH THE REQUIREMENTS OF A COURT-ORDERED SEARCH
16 WARRANT AS DESCRIBED IN THIS SECTION SUPPORTS A FINDING OF
17 CONTEMPT OF COURT.

18 (7) ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, IF IT
19 APPEARS TO THE ATTORNEY GENERAL OR TO A DISTRICT ATTORNEY WITH
20 JURISDICTION, UPON COMPLAINT OR OTHERWISE, THAT A PERSON WITHIN
21 OR OUTSIDE THE STATE HAS VIOLATED THIS SECTION, IN ADDITION TO
22 SEEKING ANY OTHER RELIEF AVAILABLE UNDER THIS PART 3, THE
23 ATTORNEY GENERAL OR DISTRICT ATTORNEY MAY BRING AN ACTION OR
24 PROCEEDING TO:

25 (a) ENJOIN THE VIOLATION;

26 (b) OBTAIN RESTITUTION OF ANY MONEY OR PROPERTY OBTAINED
27 DIRECTLY OR INDIRECTLY AS A RESULT OF THE VIOLATION;

1 (c) OBTAIN DISGORGEMENT OF ANY PROFITS OR GAINS OBTAINED
2 DIRECTLY OR INDIRECTLY AS A RESULT OF THE VIOLATION;

3 (d) OBTAIN DAMAGES CAUSED DIRECTLY OR INDIRECTLY BY THE
4 VIOLATION;

5 (e) OBTAIN CIVIL PENALTIES OF UP TO FIVE THOUSAND DOLLARS
6 PER VIOLATION; AND

7 (f) OBTAIN SUCH OTHER RELIEF AS THE COURT MAY DEEM PROPER,
8 INCLUDING PRELIMINARY RELIEF.

9 (8) IF ANY PROVISION OF THIS SECTION OR ITS APPLICATION TO ANY
10 PERSON OR CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES NOT
11 AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS SECTION THAT CAN
12 BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND
13 TO THIS END THE PROVISIONS OF THIS SECTION ARE SEVERABLE.

14 **SECTION 2. Act subject to petition - effective date -**
15 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
16 the expiration of the ninety-day period after final adjournment of the
17 general assembly (August 12, 2026, if adjournment sine die is on May 13,
18 2026); except that, if a referendum petition is filed pursuant to section 1
19 (3) of article V of the state constitution against this act or an item, section,
20 or part of this act within such period, then the act, item, section, or part
21 will not take effect unless approved by the people at the general election
22 to be held in November 2026 and, in such case, will take effect on the
23 date of the official declaration of the vote thereon by the governor.

24 (2) This act applies to search warrants provided on or after the
25 applicable effective date of this act.