

CHAPTER 77

GOVERNMENT - STATE

HOUSE BILL 20-1052

BY REPRESENTATIVE(S) Carver and Singer, Arndt, Benavidez, Bockenfeld, Buckner, Buentello, Catlin, Cutter, Duran, Esgar, Exum, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jaquez Lewis, Kipp, Kraft-Tharp, Lontine, McCluskie, Michaelson Jenet, Mullica, Pelton, Rich, Roberts, Sirota, Snyder, Soper, Van Winkle, Will, Young, Bird, Champion, Humphrey, McLachlan, Sandridge, Titone, Valdez A., Valdez D., Weissman, Woodrow, Becker; also SENATOR(S) Gardner and Lee, Cooke, Ginal, Gonzales, Moreno, Story, Todd, Winter, Zenzinger, Garcia.

AN ACT

CONCERNING RESTRICTIONS ON MAKING PUBLIC THE PERSONAL INFORMATION OF CERTAIN EMPLOYEES AT RISK OF THREATS RELATING TO THE ADMINISTRATION OF HUMAN SERVICES PROGRAMS.

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

SECTION 1. In Colorado Revised Statutes, 18-9-313, **amend** (1)(a), (1)(b), (1)(e), (2.7), and (2.8) as follows:

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

(a) ~~"Caseworker" means a state or county employee, including a county attorney, who is engaged in investigating or taking legal action regarding allegations of child abuse or neglect pursuant to article 3 of title 19~~ "HUMAN SERVICES WORKER" MEANS:

(I) A STATE OR COUNTY EMPLOYEE, OR AN ATTORNEY REPRESENTING THE STATE OR COUNTY, WHO IS ENGAGED IN INVESTIGATING OR TAKING LEGAL ACTION REGARDING ALLEGATIONS OF CHILD ABUSE OR NEGLECT PURSUANT TO ARTICLE 3 OF TITLE 19, AND A STATE OR COUNTY SUPPORT STAFF PERSON WHO HAS CONTACT WITH THE PUBLIC RELATING TO THESE ALLEGATIONS;

(II) A STATE OR COUNTY EMPLOYEE, OR AN ATTORNEY REPRESENTING THE STATE OR COUNTY, WHO IS ENGAGED IN INVESTIGATING OR TAKING LEGAL ACTION

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

REGARDING ALLEGATIONS OF MISTREATMENT OF AN AT-RISK ADULT PURSUANT TO ARTICLE 3.1 OF TITLE 26, AND A STATE OR COUNTY SUPPORT STAFF PERSON WHO HAS CONTACT WITH THE PUBLIC RELATING TO THESE ALLEGATIONS;

(III) A STATE OR COUNTY EMPLOYEE, INCLUDING A COUNTY ATTORNEY OR AN EMPLOYEE OF A PERSON UNDER CONTRACT WITH A STATE OR COUNTY, WHO IS ENGAGED IN ESTABLISHING, MODIFYING, AND ENFORCING CHILD SUPPORT ORDERS PURSUANT TO ARTICLE 13 OF TITLE 26, AND A STATE OR COUNTY SUPPORT STAFF PERSON WHO HAS CONTACT WITH THE PUBLIC RELATING TO THESE DUTIES;

(IV) A STATE OR COUNTY EMPLOYEE, INCLUDING A COUNTY ATTORNEY, WHO IS ENGAGED IN DETERMINING ELIGIBILITY FOR OR INVESTIGATING FRAUD IN PUBLIC PROGRAMS ESTABLISHED IN ARTICLE 2 OF TITLE 26, AND WHO HAS CONTACT WITH THE PUBLIC RELATING TO THESE DUTIES; OR

(V) AN EMPLOYEE OF A JUVENILE DETENTION FACILITY ESTABLISHED AND OPERATED PURSUANT TO SECTION 19-2-403 OR AN EMPLOYEE OF THE DIVISION OF YOUTH SERVICES WITHIN THE DEPARTMENT OF HUMAN SERVICES, INCLUDING AN EMPLOYEE UNDER CONTRACT WITH THE DIVISION OF YOUTH SERVICES, WHO HAS CONTACT WITH JUVENILES INVOLVED WITH YOUTH SERVICES.

(b) "Immediate family" means a law enforcement official's or caseworker's HUMAN SERVICES WORKER's spouse, child, or parent or any other blood relative who lives in the same residence as the law enforcement official or caseworker HUMAN SERVICES WORKER.

(e) "Personal information" means 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, participant in the address confidentiality program, or caseworker HUMAN SERVICES WORKER; directions to the home of a law enforcement official, participant in the address confidentiality program, or caseworker HUMAN SERVICES WORKER; or photographs of the home or vehicle of a law enforcement official, participant in the address confidentiality program, or caseworker HUMAN SERVICES WORKER.

(2.7) It is unlawful for a person to knowingly make available on the internet personal information about a caseworker HUMAN SERVICES WORKER or the caseworker's HUMAN SERVICES WORKER's immediate family if the dissemination of personal information poses an imminent and serious threat to the caseworker's HUMAN SERVICES WORKER's safety or the safety of the caseworker's HUMAN SERVICES WORKER's immediate family and the person making the information available on the internet knows or reasonably should know of the imminent and serious threat.

(2.8) (a) A caseworker HUMAN SERVICES WORKER may submit a written request pursuant to subsection (2.8)(b) of this section to a state or local government official to remove personal information from records that are available on the internet. If a state or local government official receives such written request, then the state or local government official shall not knowingly make available on the internet personal information about the caseworker HUMAN SERVICES WORKER or the caseworker's HUMAN SERVICES WORKER's immediate family.

(b) A ~~caseworker's~~ HUMAN SERVICES WORKER'S written request to a state or local government official to remove records that the official makes available on the internet must include:

(I) Evidence that the person submitting the request is a ~~caseworker~~ HUMAN SERVICES WORKER, as defined in subsection (1) of this section; and

(II) An affirmation stating under penalty of perjury that the person has reason to believe that the dissemination of the personal information contained in the records that the official makes available on the internet poses an imminent and serious threat to the ~~caseworker's~~ HUMAN SERVICES WORKER'S safety or the safety of the ~~caseworker's~~ HUMAN SERVICES WORKER'S immediate family.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 24, 2020