

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 21-0018.01 Brita Darling x2241

HOUSE BILL 21-1015

HOUSE SPONSORSHIP

Carver and Tipper, Bacon, Bird, Caraveo, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Hooton, Jackson, Kennedy, Kipp, Lontine, McCluskie, McCormick, Mullica, Ortiz, Pico, Ricks, Roberts, Snyder, Sullivan, Titone, Weissman, Woodrow, Young

SENATE SPONSORSHIP

Lundeen and Ginal,

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING SECURITY PROTECTIONS FOR CERTAIN CRIMINAL**
102 **JUSTICE SYSTEM PERSONNEL.**

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>.)

Under current law, it is unlawful for a person to make available on the internet the personal information of a law enforcement official, as defined in statute, or a human services worker, as defined in statute, if the dissemination of the personal information poses an imminent and serious threat to the official's or the worker's safety or to the safety of the official's or the worker's immediate family. The bill extends the crime to

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

HOUSE
3rd Reading Unamended
March 9, 2021

HOUSE
Amended 2nd Reading
March 8, 2021

include certain employees and contractors of the department of corrections who have contact with persons in the custody of the department of corrections.

In addition, under current law, human services workers who meet certain requirements specified in statute may submit a written request to a state or local government official to remove personal information from public records that are available on the internet. The bill extends the same protection to law enforcement officials and to certain employees and contractors of the department of corrections.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-9-313, **amend** (1)
3 introductory portion, (1)(b), (1)(e), (2.7), (2.8), and (3); **repeal** (1)(c) and
4 (2); and **add** (1)(b.5), (1)(d.5), (1)(e.5), (1)(f), (1)(f.6), and (1)(g) as
5 follows:

6 **18-9-313. Personal information on the internet - victims of**
7 **domestic violence, sexual assault, and stalking - protected persons -**
8 **definitions.** (1) As used in this section, UNLESS THE CONTEXT OTHERWISE
9 REQUIRES:

10 (b) "Immediate family" means a ~~law enforcement official's or~~
11 ~~human services worker's~~ PROTECTED PERSON'S spouse, child, or parent or
12 any other blood relative who lives in the same residence as the ~~law~~
13 ~~enforcement official or human services worker~~ PROTECTED PERSON.

14 (b.5) "JUDGE" HAS THE SAME MEANING AS DEFINED BY SECTION
15 18-8-615 (3).

16 (c) "~~Law enforcement official~~" means a ~~peace officer as described~~
17 ~~in section 16-2.5-101, a judge as defined by section 18-8-615 (3), or a~~
18 ~~prosecutor, as defined in section 18-8-616 (3).~~

19 (d.5) "PEACE OFFICER" HAS THE SAME MEANING AS DESCRIBED IN
20 SECTION 16-2.5-101.

1 (e) "Personal information" means the home address, home
2 telephone number, personal mobile telephone number, pager number,
3 personal e-mail address, or a personal photograph of a ~~law enforcement~~
4 ~~official~~, participant in the address confidentiality ~~program~~, or ~~human~~
5 ~~services worker~~ PROGRAM OR PROTECTED PERSON; directions to the home
6 of a ~~law enforcement official~~, participant in the address confidentiality
7 ~~program~~, PROGRAM or ~~human services worker~~ PROTECTED PERSON; or
8 photographs of the home or vehicle of a ~~law enforcement official~~,
9 participant in the address confidentiality ~~program~~, PROGRAM or ~~human~~
10 ~~services worker~~ PROTECTED PERSON.

11 (e.5) "PROSECUTOR" HAS THE SAME MEANING AS DEFINED IN
12 SECTION 18-8-616 (3).

13 (f) "PROTECTED PERSON" MEANS A HUMAN SERVICES WORKER, A
14 JUDGE, A PEACE OFFICER, A PROSECUTOR, A PUBLIC DEFENDER, OR A
15 PUBLIC SAFETY WORKER.

16 (f.6) "PUBLIC DEFENDER" MEANS AN ATTORNEY EMPLOYED BY THE
17 OFFICE OF THE STATE PUBLIC DEFENDER CREATED IN SECTION 21-1-101, OR
18 AN ATTORNEY EMPLOYED BY THE OFFICE OF ALTERNATE DEFENSE
19 COUNSEL CREATED IN SECTION 21-2-101.

20 (g) "PUBLIC SAFETY WORKER" MEANS:

21 (I) AN EMPLOYEE, CONTRACTOR, OR AN EMPLOYEE OF A
22 CONTRACTOR OF THE DEPARTMENT OF CORRECTIONS WHO HAS CONTACT
23 WITH PERSONS IN THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS OR
24 WITH THE FAMILY OR ASSOCIATES OF SUCH PERSONS;

25 (II) A NONCERTIFIED DEPUTY SHERIFF OR DETENTION OFFICER, AS
26 DESCRIBED IN SECTION 16-2.5-103 (2), WHO HAS CONTACT WITH INMATES;
27 OR

1 (III) AN EMPLOYEE, CONTRACTOR, OR AN EMPLOYEE OF A
2 CONTRACTOR OF A COMMUNITY CORRECTIONS PROGRAM, AS DEFINED IN
3 SECTION 17-27-102, WHO HAS CONTACT WITH OFFENDERS IN A
4 COMMUNITY CORRECTIONS PROGRAM.

5 (2) ~~It is unlawful for a person to knowingly make available on the~~
6 ~~internet personal information about a law enforcement official or the~~
7 ~~official's immediate family member, if the dissemination of the personal~~
8 ~~information poses an imminent and serious threat to the law enforcement~~
9 ~~official's safety or the safety of the law enforcement official's immediate~~
10 ~~family and the person making the information available on the internet~~
11 ~~knows or reasonably should know of the imminent and serious threat.~~

12 (2.7) It is unlawful for a person to knowingly make available on
13 the internet personal information about a ~~human services worker~~
14 PROTECTED PERSON or the ~~human services worker's~~ PROTECTED PERSON'S
15 immediate family if the dissemination of personal information poses an
16 imminent and serious threat to the ~~human services worker's~~ PROTECTED
17 PERSON'S safety or the safety of the ~~human services worker's~~ PROTECTED
18 PERSON'S immediate family and the person making the information
19 available on the internet knows or reasonably should know of the
20 imminent and serious threat.

21 (2.8) (a) A ~~human services worker~~ █ PROTECTED PERSON may
22 submit a written request pursuant to subsection (2.8)(b) of this section to
23 a state or local government official to remove personal information from
24 records that are available on the internet. If a state or local government
25 official receives ~~such~~ THE written request, then the state or local
26 government official shall not knowingly make available on the internet
27 personal information about the ~~human services worker~~ █ PROTECTED

1 PERSON or the ~~human services worker's~~ [REDACTED] PROTECTED PERSON'S
2 immediate family.

3 (b) A ~~human services worker's~~ [REDACTED] PROTECTED PERSON'S written
4 request to a state or local government official to remove records that the
5 official makes available on the internet must include:

6 (I) Evidence that the person submitting the request is a ~~human~~
7 ~~services worker~~ [REDACTED] PROTECTED PERSON, as defined in subsection (1) of
8 this section; and

9 (II) An affirmation stating under penalty of perjury that the person
10 SUBMITTING THE REQUEST has reason to believe that the dissemination of
11 the personal information contained in the records that the official makes
12 available on the internet poses an imminent and serious threat to the
13 ~~human services worker's~~ PERSON'S safety or the safety of the ~~human~~
14 ~~services worker's~~ PERSON'S immediate family.

15 (3) A violation of ~~subsections (2) and~~ SUBSECTION (2.7) of this
16 section is a class 1 misdemeanor.

17 **SECTION 2. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety.