

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 22-0312.01 Shelby Ross x4510

HOUSE BILL 22-1041

HOUSE SPONSORSHIP

Boesenecker and Larson,

SENATE SPONSORSHIP

Ginal,

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING RESTRICTIONS ON MAKING PUBLIC THE PERSONAL**
102 **INFORMATION OF PROTECTED PERSONS AT RISK OF THREATS.**

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 adds code enforcement officers to the list of protected persons whose personal information may be withheld from the internet if the protected person believes dissemination of such information poses an imminent and serious threat to the protected person or the safety of the protected person's immediate family.

The bill adds a protected person's full name and home address 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
Amended 2nd Reading
February 11, 2022

the list of personal information that the protected person's written request for removal must include.

The bill authorizes access to records maintained by a county recorder, county assessor, or county treasurer for certain individuals if such access is related to a real estate matter.

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 and (2.8)(b); and **add** (2.8)(c) as follows:

4 **18-9-313. Personal information on the internet - victims of**
5 **domestic violence, sexual assault, and stalking - other protected**
6 **persons - definitions.** (1) As used in this section, unless the context
7 otherwise requires:

8 (a) "CHILD REPRESENTATIVE" MEANS:

9 (I) AN EMPLOYEE OF OR CONTRACTOR WITH THE OFFICE OF THE
10 CHILD'S REPRESENTATIVE CREATED IN SECTION 13-91-104; OR

11 (II) THE STAFF OF CONTRACTORS WITH THE OFFICE OF THE CHILD'S
12 REPRESENTATIVE WHO ARE MEMBERS OF AN ATTORNEY'S LEGAL TEAM
13 WHO ASSIST WITH THE ATTORNEY'S LEGAL REPRESENTATION OF CHILDREN,
14 YOUTH, AND JUVENILES.

15 (b) "CODE ENFORCEMENT OFFICER" MEANS A MUNICIPAL, COUNTY,
16 OR CITY AND COUNTY EMPLOYEE OR CONTRACTOR WHO IS RESPONSIBLE
17 FOR THE ADMINISTRATION AND ENFORCEMENT OF LAND USE, ZONING
18 REGULATIONS, BUILDING CODES, HEALTH CODES, FLOODPLAIN
19 REGULATIONS, AND OTHER SIMILAR HEALTH AND SAFETY CODES.

20 (c) "HEALTH-CARE WORKER" MEANS AN EMPLOYEE, CONTRACTED
21 HEALTH-CARE PROVIDER, OR INDIVIDUAL SERVING IN A GOVERNANCE
22 CAPACITY OF A HEALTH-CARE FACILITY LICENSED PURSUANT TO SECTION
23 25-1.5-103.

1 ~~(a)~~ (d) "Human services worker" means:

2 (I) A state or county employee, or an attorney representing the
3 state or county, who is engaged in investigating or taking legal action
4 regarding allegations of child abuse or neglect pursuant to article 3 of title
5 19, and a state or county support staff person who has contact with the
6 public relating to these allegations;

7 (II) A state or county employee, or an attorney representing the
8 state or county, who is engaged in investigating or taking legal action
9 regarding allegations of mistreatment of an at-risk adult pursuant to
10 article 3.1 of title 26, and a state or county support staff person who has
11 contact with the public relating to these allegations;

12 (III) A state or county employee, including a county attorney or
13 an employee of a person under contract with a state or county, who is
14 engaged in establishing, modifying, and enforcing child support orders
15 pursuant to article 13 of title 26, and a state or county support staff person
16 who has contact with the public relating to these duties;

17 (IV) A state or county employee, including a county attorney, who
18 is engaged in determining eligibility for or investigating fraud in public
19 programs established in article 2 of title 26, and who has contact with the
20 public relating to these duties; or

21 (V) An employee of a juvenile detention facility established and
22 operated pursuant to section 19-2.5-1502 or an employee of the division
23 of youth services within the department of human services, including an
24 employee under contract with the division of youth services, who has
25 contact with juveniles involved with youth services.

26 ~~(b)~~ (e) "Immediate family" means a protected person's spouse,
27 child, or parent or any other blood relative who lives in the same

1 residence as the protected person.

2 ~~(b.5)~~ (f) "Judge" has the same meaning as defined by section
3 18-8-615 (3).

4 (g) "MORTGAGE SERVICER" HAS THE SAME MEANING AS SET FORTH
5 IN SECTION 5-21-103 (4).

6 (h) "OFFICE OF THE RESPONDENT PARENTS' COUNSEL STAFF
7 MEMBER OR CONTRACTOR" MEANS:

8 (I) AN EMPLOYEE OF THE OFFICE OF THE RESPONDENT PARENTS'
9 COUNSEL CREATED IN SECTION 13-92-103;

10 (II) AN ATTORNEY LICENSED AND IN GOOD STANDING IN THE STATE
11 OF COLORADO TO PRACTICE LAW WHO CONTRACTS WITH THE OFFICE OF
12 THE RESPONDENT PARENTS' COUNSEL TO REPRESENT INDIGENT PARENTS
13 WHO ARE RESPONDENTS IN DEPENDENCY AND NEGLECT CASES BROUGHT
14 PURSUANT TO TITLE 19; OR

15 (III) A SOCIAL WORKER, FAMILY ADVOCATE, OR PEER ADVOCATE
16 WHO CONTRACTS WITH THE OFFICE OF THE RESPONDENT PARENTS'
17 COUNSEL TO ASSIST ATTORNEYS IN THE REPRESENTATION OF INDIGENT
18 PARENTS WHO ARE RESPONDENTS IN DEPENDENCY AND NEGLECT CASES
19 BROUGHT PURSUANT TO TITLE 19.

20 ~~(c)~~ Repealed.

21 ~~(d)~~ (i) "Participant in the address confidentiality program" means
22 an individual accepted into the address confidentiality program in
23 accordance with part 21 of article 30 of title 24.

24 ~~(d.5)~~ (j) "Peace officer" has the same meaning as described in
25 section 16-2.5-101.

26 ~~(e)~~ (k) "Personal information" means the home address, home
27 telephone number, personal mobile telephone number, pager number,

1 personal e-mail address, or a personal photograph of a participant in the
2 address confidentiality program or protected person; directions to the
3 home of a participant in the address confidentiality program or protected
4 person; or photographs of the home or vehicle of a participant in the
5 address confidentiality program or protected person.

6 ~~(e.5)~~ (l) "Prosecutor" has the same meaning as defined in section
7 18-8-616 (3).

8 ~~(f)~~ (m) "Protected person" means a CODE ENFORCEMENT OFFICER,
9 A human services worker, a public health worker, A CHILD
10 REPRESENTATIVE, A HEALTH-CARE WORKER, AN OFFICER OR AGENT OF THE
11 STATE BUREAU OF ANIMAL PROTECTION, AN ANIMAL CONTROL OFFICER, AN
12 OFFICE OF THE RESPONDENT PARENTS' COUNSEL STAFF MEMBER OR
13 CONTRACTOR, A MORTGAGE SERVICER OR A MORTGAGE SERVICER'S
14 QUALIFIED AGENT, a judge, a peace officer, a prosecutor, a public
15 defender, or a public safety worker.

16 ~~(f.6)~~ (n) "Public defender" means an attorney employed by the
17 office of the state public defender created in section 21-1-101, or an
18 attorney employed by the office of alternate defense counsel created in
19 section 21-2-101.

20 ~~(g)~~ (o) "Public health worker" means:

21 (I) An employee, A contractor, or AN employee of a contractor of
22 the department of public health and environment, created in section
23 25-1-102, who is engaged in public health duties, as described in section
24 25-1.5-101;

25 (II) An employee, A contractor, or AN employee of a contractor of
26 a county or district public health agency, as defined in section 25-1-502,
27 who is engaged in public health duties, as described in section 25-1-506;

1 or

2 (III) A member of a county or district board of health, other than
3 an elected county commissioner.

4 ~~(h)~~ (p) "Public safety worker" means:

5 (I) An employee, A contractor, or an employee of a contractor of
6 the department of corrections who has contact with persons in the custody
7 of the department of corrections or with the family or associates of such
8 persons;

9 (II) A noncertified deputy sheriff or detention officer, as described
10 in section 16-2.5-103 (2), who has contact with inmates; or

11 (III) An employee, A contractor, or an employee of a contractor
12 of a community corrections program, as defined in section 17-27-102,
13 who has contact with offenders in a community corrections program.

14 (q) "SETTLEMENT SERVICE" HAS THE SAME MEANING AS SET FORTH
15 IN SECTION 10-11-102 (6.7)(a) TO (6.7)(f).

16 (r) "TITLE INSURANCE AGENCY" HAS THE SAME MEANING AS SET
17 FORTH IN SECTION 10-11-102 (8.5).

18 (s) "TITLE INSURANCE COMPANY" HAS THE SAME MEANING AS SET
19 FORTH IN SECTION 10-11-102 (10).

20 (2.8) (b) A protected person's written request to a state or local
21 government official to remove PERSONAL INFORMATION FROM records that
22 the official makes available on the internet must include:

23 (I) THE PROTECTED PERSON'S FULL NAME AND HOME ADDRESS;

24 ~~(H)~~ (II) Evidence that the person submitting the request is a
25 protected person; ~~as defined in subsection (1) of this section;~~ and

26 ~~(H)~~ (III) An affirmation stating under penalty of perjury that the
27 person submitting the request has reason to believe that the dissemination

1 of the personal information contained in the records that the official
2 makes available on the internet poses an imminent and serious threat to
3 the person's safety or the safety of the person's immediate family.

4 (c) THIS SUBSECTION (2.8) DOES NOT PROHIBIT ACCESS TO
5 RECORDS MAINTAINED BY THE COUNTY RECORDER, COUNTY ASSESSOR, OR
6 COUNTY TREASURER BY ANY PARTY TO THE RECORD, A SETTLEMENT
7 SERVICE, A TITLE INSURANCE COMPANY, A TITLE INSURANCE AGENCY, OR
8 AN ATTORNEY LICENSED AND IN GOOD STANDING IN THE STATE OF
9 COLORADO TO PRACTICE LAW IF THE ACCESS IS RELATED TO A REAL
10 ESTATE MATTER. EACH COUNTY RECORDER, COUNTY ASSESSOR, OR
11 COUNTY TREASURER SHALL GRANT ACCESS TO THE RECORDS BASED ON ITS
12 EXISTING PROCESSES OR SHALL ADOPT A PROCESS TO GRANT ACCESS IF
13 ONE IS NOT ALREADY IN PLACE. EACH COUNTY RECORDER, COUNTY
14 ASSESSOR, OR COUNTY TREASURER MAY ASSESS ADMINISTRATIVE COSTS
15 RELATED TO GRANTING ACCESS TO THE PERSON OR ENTITY REQUESTING
16 THE RECORDS.

17 **SECTION 2.** In Colorado Revised Statutes, 24-72-204, **amend**
18 (3)(a)(XXII) as follows:

19 **24-72-204. Allowance or denial of inspection - grounds -**
20 **procedure - appeal - definitions - repeal.** (3) (a) The custodian shall
21 deny the right of inspection of the following records, unless otherwise
22 provided by law; except that the custodian shall make any of the
23 following records, other than letters of reference concerning employment,
24 licensing, or issuance of permits, available to the person in interest in
25 accordance with this subsection (3):

26 (XXII) Personal information, as defined in section 18-9-313 ~~(1)(e)~~
27 (1)(g), in a record for which the custodian has received a request under

1 section 18-9-313;

2 **SECTION 3. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, or safety.