

CHAPTER 130

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**GOVERNMENT - STATE**

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**SENATE BILL 94-130**

BY SENATORS Wattenberg and Blickensderfer;  
also REPRESENTATIVES Faatz, Benavidez, and Kreutz.

**AN ACT**

**CONCERNING THE ADDITION OF RECORDS MAINTAINED PURSUANT TO A SEXUAL HARASSMENT POLICY OF THE GENERAL ASSEMBLY TO THOSE RECORDS THAT ARE EXEMPT FROM THE RIGHT OF INSPECTION UNDER THE OPEN RECORDS LAW.**

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

**SECTION 1.** 24-72-204 (3) (a), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

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

(X) (A) ANY RECORDS OF SEXUAL HARASSMENT COMPLAINTS AND INVESTIGATIONS WHICH ARE MAINTAINED PURSUANT TO ANY RULE OF THE GENERAL ASSEMBLY ON A SEXUAL HARASSMENT POLICY, WHETHER OR NOT SUCH RECORDS ARE MAINTAINED AS PART OF A PERSONNEL FILE; EXCEPT THAT, AN ADMINISTRATIVE AGENCY INVESTIGATING THE COMPLAINT MAY, UPON A SHOWING OF NECESSITY TO THE CUSTODIAN OF RECORDS, GAIN ACCESS TO INFORMATION NECESSARY TO THE INVESTIGATION OF SUCH A COMPLAINT.

(B) A PERSON IN INTEREST UNDER THIS SUBPARAGRAPH (X) INCLUDES THE PERSON MAKING A COMPLAINT AND THE PERSON WHOSE CONDUCT IS THE SUBJECT OF SUCH A COMPLAINT.

(C) A PERSON IN INTEREST MAY MAKE A RECORD MAINTAINED PURSUANT TO THIS

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

SUBPARAGRAPH (X) AVAILABLE FOR PUBLIC INSPECTION WHEN SUCH RECORD SUPPORTS THE CONTENTION THAT A PUBLICLY REPORTED, WRITTEN, PRINTED, OR SPOKEN ALLEGATION OF SEXUAL HARASSMENT AGAINST SUCH PERSON IS FALSE.

**SECTION 2. Effective date.** This act shall take effect July 1, 1994.

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

Approved: April 20, 1994

**Editor's note:** This act is printed out of the usual order of approval dates because the Governor's letter indicated that it was signed April 19.