

CHAPTER 246

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**GOVERNMENT - STATE**

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**HOUSE BILL 02-1395**

BY REPRESENTATIVE(S) Sinclair, Cadman, Crane, Decker, Hodge, Miller, Ragsdale, Cloer, Daniel, Harvey, Jahn, Kester, Lee, Plant, Rhodes, Schultheis, Smith, Spradley, Stafford, and White;  
also SENATOR(S) Taylor, Entz, Hernandez, and Owen.

**AN ACT**

**CONCERNING THE DENIAL OF THE RIGHT OF INSPECTION OF CERTAIN MILITARY RECORDS FILED WITH THE COUNTY CLERK AND RECORDER'S OFFICE REGARDING A MEMBER OF THE MILITARY'S SEPARATION FROM SERVICE.**

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

**SECTION 1.** 24-72-204 (3) (a), Colorado Revised Statutes, 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):

(XV) (A) MILITARY RECORDS FILED WITH A COUNTY CLERK AND RECORDER'S OFFICE CONCERNING A MEMBER OF THE MILITARY'S SEPARATION FROM MILITARY SERVICE, INCLUDING THE FORM DD214 ISSUED TO A MEMBER OF THE MILITARY UPON SEPARATION FROM SERVICE, THAT ARE RESTRICTED FROM PUBLIC ACCESS PURSUANT TO 5 U.S.C. SEC. 552 (b) (6) AND THE REQUIREMENTS ESTABLISHED BY THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IF THE MEMBER OF THE MILITARY ABOUT WHOM THE RECORD CONCERNS IS DECEASED, THE CUSTODIAN SHALL ALLOW THE RIGHT OF INSPECTION TO THE MEMBER'S PARENTS, SIBLINGS, WIDOW OR WIDOWER, AND CHILDREN.

(B) ON AND AFTER JULY 1, 2002, ANY COUNTY CLERK AND RECORDER THAT ACCEPTS FOR FILING ANY MILITARY RECORDS DESCRIBED IN SUB-SUBPARAGRAPH (A)

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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.*

OF THIS SUBPARAGRAPH (XV) SHALL MAINTAIN SUCH MILITARY RECORDS IN A MANNER THAT ENSURES THAT SUCH RECORDS WILL NOT BE AVAILABLE TO THE PUBLIC FOR INSPECTION EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (XV).

(C) NOTHING IN THIS SUBPARAGRAPH (XV) SHALL PROHIBIT A COUNTY CLERK AND RECORDER FROM TAKING APPROPRIATE PROTECTIVE ACTIONS WITH REGARD TO RECORDS THAT WERE FILED WITH OR PLACED IN STORAGE BY THE COUNTY CLERK AND RECORDER PRIOR TO JULY 1, 2002, IN ACCORDANCE WITH ANY LIMITATIONS DETERMINED NECESSARY BY THE COUNTY CLERK AND RECORDER.

(D) THE COUNTY CLERK AND RECORDER AND ANY INDIVIDUAL EMPLOYED BY THE COUNTY CLERK AND RECORDER SHALL NOT BE LIABLE FOR ANY DAMAGES THAT MAY RESULT FROM GOOD FAITH COMPLIANCE WITH THE PROVISIONS OF THIS PART 2.

**SECTION 2. Effective date - applicability.** This act shall take effect July 1, 2002, and shall apply to requests for records made on or after said date.

**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: June 1, 2002