

CHAPTER 145

GOVERNMENT - STATE

SENATE BILL 05-131

BY SENATOR(S) Grossman, Bacon, Entz, Evans, Fitz-Gerald, Groff, Hanna, Isgar, Keller, Mitchell, Shaffer, Tapia, Taylor, Teck, Tupa, Veiga, Wiens, Williams, and Windels;
also REPRESENTATIVE(S) Carroll T., Coleman, Green, Marshall, Merrifield, and Todd.

AN ACT**CONCERNING RECORDS OF SPECIALIZED DETAILS OF SECURITY ARRANGEMENTS OR INVESTIGATIONS.**

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

SECTION 1. 24-72-204 (2) (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.

(2) (a) The custodian may deny the right of inspection of the following records, unless otherwise provided by law, on the ground that disclosure to the applicant would be contrary to the public interest:

(VIII) (A) SPECIALIZED DETAILS OF SECURITY ARRANGEMENTS OR INVESTIGATIONS. NOTHING IN THIS SUBPARAGRAPH (VIII) SHALL PROHIBIT THE CUSTODIAN FROM TRANSFERRING RECORDS CONTAINING SPECIALIZED DETAILS OF SECURITY ARRANGEMENTS OR INVESTIGATIONS TO THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY, THE GOVERNING BODY OF ANY CITY, COUNTY, CITY AND COUNTY, OR OTHER POLITICAL SUBDIVISION OF THE STATE, OR ANY FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY; EXCEPT THAT THE CUSTODIAN SHALL NOT TRANSFER ANY RECORD RECEIVED FROM A NONGOVERNMENTAL ENTITY WITHOUT THE PRIOR WRITTEN CONSENT OF SUCH ENTITY UNLESS SUCH INFORMATION IS ALREADY PUBLICLY AVAILABLE.

(B) RECORDS OF THE EXPENDITURE OF PUBLIC MONEYS ON SECURITY ARRANGEMENTS OR INVESTIGATIONS, INCLUDING CONTRACTS FOR SECURITY ARRANGEMENTS AND RECORDS RELATED TO THE PROCUREMENT OF, BUDGETING FOR, OR EXPENDITURES ON SECURITY SYSTEMS, SHALL BE OPEN FOR INSPECTION, EXCEPT TO THE EXTENT THAT THEY CONTAIN SPECIALIZED DETAILS OF SECURITY

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

ARRANGEMENTS OR INVESTIGATIONS. A CUSTODIAN MAY DENY THE RIGHT OF INSPECTION OF ONLY THE PORTIONS OF A RECORD DESCRIBED IN THIS SUB-SUBPARAGRAPH (B) THAT CONTAIN SPECIALIZED DETAILS OF SECURITY ARRANGEMENTS OR INVESTIGATIONS AND SHALL ALLOW INSPECTION OF THE REMAINING PORTIONS OF THE RECORD.

(C) IF AN OFFICIAL CUSTODIAN HAS CUSTODY OF A PUBLIC RECORD PROVIDED BY ANOTHER PUBLIC ENTITY, INCLUDING THE STATE OR A POLITICAL SUBDIVISION, THAT CONTAINS SPECIALIZED DETAILS OF SECURITY ARRANGEMENTS OR INVESTIGATIONS, THE OFFICIAL CUSTODIAN SHALL REFER A REQUEST TO INSPECT THAT PUBLIC RECORD TO THE OFFICIAL CUSTODIAN OF THE PUBLIC ENTITY THAT PROVIDED THE RECORD AND SHALL DISCLOSE TO THE PERSON MAKING THE REQUEST THE NAMES OF THE PUBLIC ENTITY AND ITS OFFICIAL CUSTODIAN TO WHICH THE REQUEST IS REFERRED.

SECTION 2. 24-72-204 (3) (a) (IX), Colorado Revised Statutes, is amended 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):

(IX) NAMES, addresses, telephone numbers, and personal financial information of past or present users of public utilities, public facilities, or recreational or cultural services ~~which~~ THAT are owned and operated by the state, its agencies, institutions, or political subdivisions; except that nothing in this subparagraph (IX) shall prohibit the custodian of records from transmitting such data to any ~~peace officer, as described in section 16-2.5-101, C.R.S., acting within the scope of such officer's authority and in furtherance of such officer's duties, who~~ AGENT OF AN INVESTIGATIVE BRANCH OF A FEDERAL AGENCY OR ANY CRIMINAL JUSTICE AGENCY AS DEFINED IN SECTION 24-72-302 (3) THAT makes a request to the custodian to inspect such records ~~and who provides evidence satisfactory to the custodian that the inspection is reasonably related to such peace officer's authority and duties~~ AND WHO ASSERTS THAT THE REQUEST FOR INFORMATION IS REASONABLY RELATED TO AN INVESTIGATION WITHIN THE SCOPE OF THE AGENCY'S AUTHORITY AND DUTIES. Nothing in this subparagraph (IX) shall be construed to prohibit the publication of such information in an aggregate or statistical form so classified as to prevent the identification, location, or habits of individuals.

SECTION 3. 24-72-305, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-72-305. Allowance or denial of inspection - grounds - procedure - appeal.

(8) THE ALLOWANCE OR DENIAL OF THE RIGHT TO INSPECT CRIMINAL JUSTICE RECORDS THAT CONTAIN SPECIALIZED DETAILS OF SECURITY ARRANGEMENTS OR INVESTIGATIONS SHALL BE GOVERNED BY SECTION 24-72-204 (2) (a) (VIII).

SECTION 4. 24-33.5-1604 (2) (b) (II) and (3) (c), Colorado Revised Statutes, are amended to read:

24-33.5-1604. Duties and powers of the office. (2) (b) (II) The terrorism preparedness plans shall constitute specialized details of security arrangements for purposes of ~~section 24-72-204 (3) (a) (XVII)~~ SECTION 24-72-204 (2) (a) (VIII).

(3) (c) State and local government agencies that develop terrorism preparedness plans shall submit copies of current, new, or amended plans to the office of preparedness, security, and fire safety. ~~Copies of such plans shall be maintained by the office of preparedness, security, and fire safety and shall constitute specialized details of security arrangements for purposes of section 24-72-204 (3) (a) (XVII).~~

SECTION 5. Repeal. 24-72-204 (3) (a) (XVII), Colorado Revised Statutes, is repealed.

SECTION 6. Effective date. This act shall take effect July 1, 2005.

SECTION 7. 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: May 12, 2005