

# Colorado Commission on Uniform State Laws

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Colorado General Assembly

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## AGENDA

### Colorado Commission on Uniform State Laws

December 9, 2019, 9:00 a.m.

Committee Room: SCR 357

1. Public comment regarding items not on the agenda
2. Consideration of Uniform Law Commission acts for the 2020 legislative agenda:
  - a. Uniform Fiduciary Income and Principal Act; Uniform Trust Act, part 5
  - b. Uniform Collaborative Law Act
  - c. Uniform Partition of Heirs Property Act
  - d. Uniform Parentage Act
  - e. Amendments to the Uniform Probate Code
  - f. Uniform Automated Operation of Vehicles Act
  - g. Revised Uniform Athlete Agents Act (2015) *and* 2019 Amendments
  - h. Revised Uniform Limited Liability Company Act
  - i. Revised Uniform Limited Partnership Act
3. Proposed 2020 legislative agenda bill drafts:
  - a. LLS 20-0421: Uniform Criminal Records Accuracy Act
  - b. LLS 20-0422: Uniform Registration of Canadian Money Judgments Act
4. Other business
5. Next CCUSL meeting

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

DRAFT  
10.9.19

DRAFT

LLS NO. 20-0421.01 Michael Dohr x4347

COMMITTEE BILL

Colorado Commission on Uniform State Laws

**BILL TOPIC:** "Uniform Criminal Records Accuracy Act"

**A BILL FOR AN ACT**

101 CONCERNING CREATION OF THE "UNIFORM CRIMINAL RECORDS  
102 ACCURACY ACT".

**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/>.)*

**Colorado Commission on Uniform State Laws.** The bill imposes duties on governmental law enforcement agencies and courts that collect, store, and use criminal history records to ensure the accuracy of the criminal history record information. The bill provides that Colorado create a central repository and mandates that any criminal history record information be submitted to the central repository no later than 5 days

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

after the information is collected.

The bill requires the collection of biometric information, such as fingerprints, for purposes of identification when permitted or required by other law. The use of biometric information may help ensure more complete and accurate records.

The bill limits the dissemination of criminal history record information only as permitted by the bill or by other law. A dissemination log must be maintained to record all disclosures.

The bill gives individuals the right to see their criminal history record information. Individuals have the right to correct errors in their criminal history record information. The bill requires the creation and maintenance of a mistaken identity prevention registry. The mistaken identity prevention registry can give an individual whose name is similar to and confused with a person who is the subject of criminal history record information a certification to minimize the possibility of a mistaken arrest.

The bill establishes procedures for conducting periodic audits of criminal history record information. The bill includes remedies for enforcement for noncompliance.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 72.2 to  
3 title 24 as follows:

4 **ARTICLE 72.2**

5 **Uniform Criminal Records Accuracy Act**

6 PART 1

7 GENERAL PROVISIONS

8 **24-72.2-101. Short title.** THIS ARTICLE 72.2 MAY BE CITED AS THE  
9 "UNIFORM CRIMINAL RECORDS ACCURACY ACT".

10 **24-72.2-102. Definitions.** IN THIS ARTICLE 72.2:

11 (1) "ACCURATE CRIMINAL HISTORY RECORD INFORMATION" MEANS  
12 CRIMINAL HISTORY RECORD INFORMATION THAT CORRECTLY REFLECTS  
13 ALL REPORTABLE EVENTS RELATING TO A SUBJECT.

14 (2) "ADMINISTRATION OF CRIMINAL JUSTICE" MEANS DETECTION,

1 APPREHENSION, DETENTION, PRETRIAL RELEASE, POST-TRIAL RELEASE,  
2 PROSECUTION, ADJUDICATION, CORRECTIONAL SUPERVISION, OR  
3 REHABILITATION OF A SUBJECT. THE TERM INCLUDES CRIMINAL  
4 IDENTIFICATION ACTIVITIES AND COLLECTION, STORAGE, MAINTENANCE,  
5 SUBMISSION, AND DISSEMINATION OF CRIMINAL HISTORY RECORD  
6 INFORMATION.

7 (3) "BIOMETRIC INFORMATION" MEANS FINGERPRINTS AND OTHER  
8 UNIQUE BIOLOGICAL OR PHYSICAL CHARACTERISTICS OF AN INDIVIDUAL  
9 THAT A CONTRIBUTING JUSTICE AGENCY IS REQUIRED OR PERMITTED BY  
10 LAW OTHER THAN THIS ARTICLE 72.2 TO USE FOR IDENTIFICATION.

11 (4) "CENTRAL REPOSITORY" MEANS THE COLORADO BUREAU OF  
12 INVESTIGATION.

13 (5) "CONTRIBUTING JUSTICE AGENCY" MEANS A COURT, POLITICAL  
14 SUBDIVISION OR AGENT OF A POLITICAL SUBDIVISION, GOVERNING ENTITY  
15 OF THIS STATE, OR ANY GOVERNMENTAL AGENCY DESIGNATED BY THE  
16 COLORADO BUREAU OF INVESTIGATION THAT IS AUTHORIZED TO ENGAGE  
17 IN THE ADMINISTRATION OF CRIMINAL JUSTICE. THE TERM DOES NOT  
18 INCLUDE THE CENTRAL REPOSITORY.

19 (6) "CRIMINAL HISTORY RECORD INFORMATION" MEANS  
20 INFORMATION, CONSISTING OF A DESCRIPTION OF A SUBJECT AND  
21 NOTATION OF A REPORTABLE EVENT, COLLECTED, RECEIVED, STORED,  
22 MAINTAINED, SUBMITTED, OR DISSEMINATED BY A CONTRIBUTING JUSTICE  
23 AGENCY OR THE CENTRAL REPOSITORY. THE TERM INCLUDES BIOMETRIC  
24 INFORMATION. THE TERM DOES NOT INCLUDE NONCRIMINAL HISTORY  
25 RECORD INFORMATION.

26 (7) "DISSEMINATION" OR "DISSEMINATE" MEANS ORAL, WRITTEN,  
27 OR ELECTRONIC TRANSMISSION OR OTHER DISCLOSURE OF CRIMINAL

1 HISTORY RECORD INFORMATION TO A PERSON OTHER THAN THE CENTRAL  
2 REPOSITORY.

3 (8) "NONCRIMINAL HISTORY RECORD INFORMATION" MEANS  
4 INFORMATION COLLECTED:

5 (a) AS A RESULT OF AN INQUIRY ABOUT AN ACTIVITY, HABIT,  
6 PRACTICE, POSSESSION, ASSOCIATION, OR FINANCIAL STATUS OF AN  
7 INDIVIDUAL; AND

8 (b) TO ANTICIPATE, PREVENT, MONITOR, OR INVESTIGATE  
9 CRIMINAL ACTIVITY.

10 (9) "PERSON" MEANS AN INDIVIDUAL, ESTATE, BUSINESS OR  
11 NONPROFIT ENTITY, PUBLIC CORPORATION, GOVERNMENT OR  
12 GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY, OR OTHER  
13 LEGAL ENTITY.

14 (10) "REPORTABLE EVENT" MEANS ANY OF THE FOLLOWING  
15 RELATING TO A FELONY OR MISDEMEANOR, OTHER THAN A NONCRIMINAL  
16 OFFENSE, PETTY OFFENSE, TRAFFIC VIOLATION, OR JUVENILE  
17 ADJUDICATION:

18 (a) ARREST RESULTING IN BOOKING INTO A DETENTION FACILITY  
19 OR COLLECTION OF BIOMETRIC INFORMATION;

20 (b) DISPOSITION AFTER AN ARREST DESCRIBED IN SUBSECTION  
21 (10)(a) OF THIS SECTION WITHOUT INITIATION OF A CRIMINAL PROCEEDING;

22 (c) INITIATION OF A CRIMINAL PROCEEDING;

23 (d) DISPOSITION OF A CRIMINAL PROCEEDING, INCLUDING  
24 DIVERSION, DISMISSAL, INDEFINITE POSTPONEMENT, ACQUITTAL, GUILTY  
25 PLEA, CONVICTION, SENTENCING, MODIFICATION, REVERSAL, AND  
26 REVOCATION OF THE DISPOSITION;

27 (e) COMMITMENT TO OR RELEASE FROM A PLACE OF DETENTION OR

1 CUSTODIAL SUPERVISION;

2 (f) COMMENCEMENT OR CONCLUSION OF NONCUSTODIAL  
3 SUPERVISION;

4 (g) COMPLETION OF A SENTENCE;

5 (h) EXPUNGEMENT, SEALING, OR SETTING ASIDE OF CRIMINAL  
6 HISTORY RECORD INFORMATION;

7 (i) GRANT OF CLEMENCY, INCLUDING PARDON OR COMMUTATION,  
8 OR RESTORATION OF RIGHTS; OR

9 (j) FINDING OF LEGAL INCAPACITY BY A COURT AT ANY STAGE OF  
10 A CRIMINAL PROCEEDING.

11 (11) "STATE" MEANS A STATE OF THE UNITED STATES, THE  
12 DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN  
13 ISLANDS, OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE  
14 JURISDICTION OF THE UNITED STATES. THE TERM INCLUDES A FEDERALLY  
15 RECOGNIZED INDIAN TRIBE.

16 (12) "SUBJECT" MEANS AN INDIVIDUAL ABOUT WHOM CRIMINAL  
17 HISTORY RECORD INFORMATION IS COLLECTED, STORED, MAINTAINED,  
18 SUBMITTED, OR DISSEMINATED AS REQUIRED OR PERMITTED BY THIS  
19 ARTICLE 72.2 OR LAW OTHER THAN THIS ARTICLE 72.2.

20 **24-72.2-103. Public records.** EXCEPT AS OTHERWISE PROVIDED  
21 BY LAW OTHER THAN THIS ARTICLE 72.2 OR COURT RULE OR ORDER, THE  
22 COURT DOCKET, COURT FILE, AND INFORMATION CONTAINED IN A DOCKET  
23 OR FILE ARE PUBLIC RECORDS.

24 **24-72.2-104. Dissemination log.** (1) A DISSEMINATION LOG  
25 REQUIRED BY SECTION 24-72.2-205 OR 24-72.2-304 MUST INCLUDE EACH  
26 CRIMINAL HISTORY RECORD INFORMATION REQUEST AND DISSEMINATION  
27 TO A PERSON IDENTIFIABLE BY THE CONTRIBUTING JUSTICE AGENCY OR

1 CENTRAL REPOSITORY.

2 (2) A DISSEMINATION LOG REQUIRED BY SECTION 24-72.2-205 OR  
3 24-72.2-304 MUST BE SEPARATE FROM NONCRIMINAL HISTORY RECORD  
4 INFORMATION AND CRIMINAL HISTORY RECORD INFORMATION. THE LOG  
5 MUST INCLUDE AT LEAST:

6 (a) THE NAME OF THE SUBJECT ABOUT WHOM CRIMINAL HISTORY  
7 RECORD INFORMATION IS REQUESTED;

8 (b) THE NAME OF THE PERSON MAKING THE REQUEST AND THE  
9 PERSON'S ASSOCIATED ADDRESS;

10 (c) THE NAME OF THE INDIVIDUAL MAKING THE DISSEMINATION;

11 (d) THE DATE OF THE REQUEST;

12 (e) THE DATE OF THE DISSEMINATION; AND

13 (f) A STATEMENT WHETHER THE INFORMATION WAS DISSEMINATED  
14 FOR A PURPOSE OTHER THAN THE ADMINISTRATION OF CRIMINAL JUSTICE.

15 (3) A DISSEMINATION LOG REQUIRED BY SECTION 24-72.2-205 OR  
16 24-72.2-304 IS AVAILABLE TO THE PUBLIC ONLY AS PROVIDED BY LAW  
17 OTHER THAN THIS ARTICLE 72.2.

18 (4) AN ENTRY IN A DISSEMINATION LOG REQUIRED BY SECTION  
19 24-72.2-205 OR 24-72.2-304 MUST BE MAINTAINED AS LONG AS THE  
20 ASSOCIATED CRIMINAL HISTORY RECORD INFORMATION IS MAINTAINED.

21 **24-72.2-105. Establishment of procedures.** THE RULE-MAKING  
22 REQUIREMENTS OF PART 1 OF ARTICLE 4 OF THIS TITLE 24 DO NOT APPLY  
23 TO ESTABLISHMENT OF PROCEDURES UNDER THIS ARTICLE 72.2.

24 PART 2

25 CONTRIBUTING JUSTICE AGENCY

26 **24-72.2-201. Collection and submission of information to**  
27 **central repository.** A CONTRIBUTING JUSTICE AGENCY THAT HAS

1 CUSTODY OF, OR CONTROL, AUTHORITY, OR JURISDICTION OVER, AN  
2 INDIVIDUAL FOR A REPORTABLE EVENT SHALL COLLECT, STORE, AND  
3 MAINTAIN CRIMINAL HISTORY RECORD INFORMATION ON THE EVENT. NOT  
4 LATER THAN FIVE DAYS AFTER THE AGENCY COLLECTS THE INFORMATION,  
5 THE AGENCY SHALL SUBMIT THE INFORMATION TO THE CENTRAL  
6 REPOSITORY IN COMPLIANCE WITH PROCEDURES ESTABLISHED BY THE  
7 CENTRAL REPOSITORY.

8 **24-72.2-202. Collection and submission of biometric**  
9 **information.** (1) A CONTRIBUTING JUSTICE AGENCY THAT HAS CUSTODY  
10 OF, OR CONTROL, AUTHORITY, OR JURISDICTION OVER, AN INDIVIDUAL AS  
11 A RESULT OF THE INDIVIDUAL'S INVOLVEMENT IN A REPORTABLE EVENT  
12 SHALL DETERMINE WHETHER BIOMETRIC INFORMATION ABOUT THE  
13 INDIVIDUAL HAS BEEN COLLECTED AND SUBMITTED TO THE CENTRAL  
14 REPOSITORY FOR THE EVENT. IF THE CONTRIBUTING JUSTICE AGENCY IS A  
15 COURT, THE CONTRIBUTING JUSTICE AGENCY REPRESENTING THIS STATE  
16 BEFORE THE COURT SHALL MAKE THE DETERMINATION AND REPORT THE  
17 RESULTS OF ITS DETERMINATION TO THE COURT.

18 (2) IF A CONTRIBUTING JUSTICE AGENCY DETERMINES UNDER  
19 SUBSECTION (1) OF THIS SECTION THAT BIOMETRIC INFORMATION HAS NOT  
20 BEEN COLLECTED AND SUBMITTED TO THE CENTRAL REPOSITORY, THE  
21 AGENCY, USING ANY PROCEDURE AVAILABLE TO IT UNDER LAW OTHER  
22 THAN THIS ARTICLE 72.2, SHALL COLLECT THE MISSING BIOMETRIC  
23 INFORMATION. NOT LATER THAN FIVE DAYS AFTER COLLECTION, THE  
24 AGENCY SHALL SUBMIT THE INFORMATION TO THE CENTRAL REPOSITORY  
25 IN COMPLIANCE WITH PROCEDURES ESTABLISHED BY THE CENTRAL  
26 REPOSITORY.

27 **24-72.2-203. Accuracy and correction of information.** (1) A

1 CONTRIBUTING JUSTICE AGENCY SHALL COLLECT, STORE, MAINTAIN,  
2 SUBMIT, AND DISSEMINATE ACCURATE CRIMINAL HISTORY RECORD  
3 INFORMATION IN COMPLIANCE WITH PROCEDURES ESTABLISHED BY THE  
4 CENTRAL REPOSITORY.

5 (2) NOT LATER THAN FOURTEEN DAYS AFTER A CONTRIBUTING  
6 JUSTICE AGENCY DISCOVERS THAT IT POSSESSES INACCURATE CRIMINAL  
7 HISTORY RECORD INFORMATION, THE AGENCY SHALL:

8 (a) CORRECT ITS RECORDS;

9 (b) NOTIFY THE CENTRAL REPOSITORY OF THE INACCURACY AND  
10 CORRECTION; AND

11 (c) IF ANOTHER CONTRIBUTING JUSTICE AGENCY RECEIVED THE  
12 INFORMATION UNDER SECTION 24-72.2-204 (2) WITHIN ONE YEAR BEFORE  
13 THE DISCOVERY, NOTIFY THE AGENCY OF THE INACCURACY AND  
14 CORRECTION.

15 **24-72.2-204. Dissemination of criminal history record**  
16 **information.** (1) A CONTRIBUTING JUSTICE AGENCY MAY DISSEMINATE  
17 CRIMINAL HISTORY RECORD INFORMATION ONLY AS REQUIRED OR  
18 PERMITTED BY THIS ARTICLE 72.2 OR BY LAW OTHER THAN THIS ARTICLE  
19 72.2.

20 (2) A CONTRIBUTING JUSTICE AGENCY MAY DISSEMINATE  
21 CRIMINAL HISTORY RECORD INFORMATION TO ANOTHER CONTRIBUTING  
22 JUSTICE AGENCY ON REQUEST OF THE OTHER AGENCY IN CONNECTION  
23 WITH THE DUTIES OF THE REQUESTING AGENCY.

24 **24-72.2-205. Dissemination log of contributing justice agency.**  
25 A CONTRIBUTING JUSTICE AGENCY SHALL CREATE, STORE, AND MAINTAIN  
26 A DISSEMINATION LOG COMPLYING WITH SECTION 24-72.2-104. NOT LATER  
27 THAN FOURTEEN DAYS AFTER THE AGENCY DISSEMINATES CRIMINAL

1 HISTORY RECORD INFORMATION, THE AGENCY SHALL ENTER THE  
2 INFORMATION REQUIRED BY SECTION 24-72.2-104 IN THE DISSEMINATION  
3 LOG.

4 PART 3

5 CENTRAL REPOSITORY

6 **24-72.2-301. Duty of central repository.** (1) THE CENTRAL  
7 REPOSITORY SHALL RECEIVE, STORE, MAINTAIN, AND DISSEMINATE  
8 CRIMINAL HISTORY RECORD INFORMATION REPORTED TO THE CENTRAL  
9 REPOSITORY UNDER THIS ARTICLE 72.2.

10 (2) THE CENTRAL REPOSITORY MAY DISSEMINATE CRIMINAL  
11 HISTORY RECORD INFORMATION ONLY AS REQUIRED OR PERMITTED BY THIS  
12 ARTICLE 72.2 OR LAW OTHER THAN THIS ARTICLE 72.2.

13 (3) THE CENTRAL REPOSITORY SHALL RECEIVE, STORE, MAINTAIN,  
14 AND DISSEMINATE ACCURATE CRIMINAL HISTORY RECORD INFORMATION  
15 IN COMPLIANCE WITH PROCEDURES ESTABLISHED BY THE COLORADO  
16 BUREAU OF INVESTIGATION UNDER SECTION 24-72.2-702.

17 (4) THE CENTRAL REPOSITORY SHALL ESTABLISH PROCEDURES TO  
18 RESOLVE DATA CONFLICTS AND DISCOVER MISSING DATA FOR ACCURATE  
19 CRIMINAL HISTORY RECORD INFORMATION.

20 **24-72.2-302. Dissemination of information to subject.** (1) NOT  
21 LATER THAN FOURTEEN DAYS AFTER THE CENTRAL REPOSITORY RECEIVES  
22 A REQUEST FROM A SUBJECT FOR THE SUBJECT'S CRIMINAL HISTORY  
23 RECORD INFORMATION, THE CENTRAL REPOSITORY SHALL SEARCH ITS  
24 RECORDS AND:

25 (a) IF THE SEARCH DISCLOSES CRIMINAL HISTORY RECORD  
26 INFORMATION ABOUT THE SUBJECT, DISSEMINATE THE INFORMATION TO  
27 THE SUBJECT; OR

1 (b) IF THE SEARCH DOES NOT DISCLOSE CRIMINAL HISTORY RECORD  
2 INFORMATION ABOUT THE SUBJECT, NOTIFY THE SUBJECT OF THE FACT.

3 (2) CRIMINAL HISTORY RECORD INFORMATION DISSEMINATED  
4 UNDER THIS SECTION MUST INCLUDE A CONSPICUOUS NOTICE THAT IT IS  
5 PROVIDED FOR REVIEW BY THE SUBJECT AND MAY NOT BE RELIED ON OR  
6 CONSIDERED CURRENT FOR USE BY ANOTHER PERSON.

7 **24-72.2-303. Dissemination of information to person**  
8 **authorized by subject.** (1) A SUBJECT MAY AUTHORIZE ANOTHER  
9 PERSON TO RECEIVE THE SUBJECT'S CRIMINAL HISTORY RECORD  
10 INFORMATION FROM THE CENTRAL REPOSITORY.

11 (2) BEFORE THE CENTRAL REPOSITORY DISSEMINATES CRIMINAL  
12 HISTORY RECORD INFORMATION UNDER SUBSECTION (1) OF THIS SECTION,  
13 THE CENTRAL REPOSITORY SHALL DETERMINE WHETHER THE INFORMATION  
14 CONTAINS:

15 (a) A DISPOSITION AFTER AN ARREST WITHOUT INITIATION OF A  
16 CRIMINAL PROCEEDING; OR

17 (b) A DISPOSITION OF A CRIMINAL PROCEEDING, INCLUDING  
18 DIVERSION, DISMISSAL, INDEFINITE POSTPONEMENT, ACQUITTAL, GUILTY  
19 PLEA, CONVICTION, SENTENCING, MODIFICATION, REVERSAL, OR  
20 REVOCATION OF THE DISPOSITION, FOR EVERY ARREST OR INITIATION OF A  
21 CRIMINAL PROCEEDING.

22 (3) IF THE CENTRAL REPOSITORY DETERMINES UNDER SUBSECTION  
23 (2) OF THIS SECTION THAT THE INFORMATION DOES NOT CONTAIN A  
24 DISPOSITION, THE CENTRAL REPOSITORY SHALL ATTEMPT TO DETERMINE  
25 THE DISPOSITION AND, IF THE CENTRAL REPOSITORY DETERMINES THE  
26 DISPOSITION, INCLUDE THAT DISPOSITION IN:

27 (a) THE RELEVANT RECORDS MAINTAINED BY THE CENTRAL

1 REPOSITORY; AND

2 (b) THE INFORMATION TO BE DISSEMINATED.

3 (4) AFTER COMPLYING WITH SUBSECTION (3) OF THIS SECTION, AND  
4 BEFORE THE CENTRAL REPOSITORY DISSEMINATES INFORMATION UNDER  
5 THIS SECTION, THE CENTRAL REPOSITORY SHALL REMOVE FROM THE  
6 INFORMATION TO BE DISSEMINATED ANY NOTATION OF AN ARREST OR  
7 INITIATION OF CRIMINAL PROCEEDINGS IF:

8 (a) EIGHTEEN MONTHS HAVE ELAPSED SINCE THE LATER OF THE  
9 DATE OF THE ARREST OR INITIATION OF CRIMINAL PROCEEDINGS;

10 (b) A DISPOSITION HAS NOT BEEN IDENTIFIED WITH RESPECT TO THE  
11 ARREST;

12 (c) A WARRANT IS NOT OUTSTANDING WITH RESPECT TO THE  
13 ARREST; AND

14 (d) A PROCEEDING IS NOT PENDING WITH RESPECT TO THE ARREST  
15 THAT MAY RESULT IN A CONVICTION.

16 (5) SUBSECTION (4) OF THIS SECTION DOES NOT APPLY IF LAW  
17 OTHER THAN THIS ARTICLE 72.2 REQUIRES THAT THE PERSON RECEIVE ALL  
18 CRIMINAL HISTORY RECORD INFORMATION ABOUT THE SUBJECT.

19 (6) NOT LATER THAN FIVE DAYS AFTER THE CENTRAL REPOSITORY  
20 DISSEMINATES INFORMATION UNDER THIS SECTION, THE CENTRAL  
21 REPOSITORY SHALL SEND THE SAME INFORMATION TO THE SUBJECT, BASED  
22 ON THE CONTACT INFORMATION PROVIDED BY THE PERSON REQUESTING  
23 THE INFORMATION.

24 **24-72.2-304. Dissemination log of central repository.** THE  
25 CENTRAL REPOSITORY SHALL CREATE, STORE, AND MAINTAIN A  
26 DISSEMINATION LOG COMPLYING WITH SECTION 24-72.2-104. NOT LATER  
27 THAN FOURTEEN DAYS AFTER THE CENTRAL REPOSITORY DISSEMINATES

1 CRIMINAL HISTORY RECORD INFORMATION, THE CENTRAL REPOSITORY  
2 SHALL ENTER THE INFORMATION REQUIRED BY SECTION 24-72.2-104 IN  
3 THE DISSEMINATION LOG.

4 **24-72.2-305. Correction of inaccurate information.** NOT LATER  
5 THAN FOURTEEN DAYS AFTER THE CENTRAL REPOSITORY DETERMINES  
6 THAT IT POSSESSES INACCURATE CRIMINAL HISTORY RECORD  
7 INFORMATION, THE CENTRAL REPOSITORY SHALL FOLLOW THE  
8 PROCEDURES IN SECTION 24-72.2-403 (1).

9 **24-72.2-306. Establishment of procedures.** (1) THE CENTRAL  
10 REPOSITORY SHALL ESTABLISH PROCEDURES:

11 (a) NECESSARY TO CARRY OUT ITS POWERS AND DUTIES UNDER  
12 THIS ARTICLE 72.2;

13 (b) FOR THE MANNER AND FORM IN WHICH A CONTRIBUTING  
14 JUSTICE AGENCY COLLECTS, STORES, MAINTAINS, SUBMITS, AND  
15 DISSEMINATES CRIMINAL HISTORY RECORD INFORMATION, INCLUDING  
16 BIOMETRIC INFORMATION;

17 (c) TO ENSURE THAT ALL CRIMINAL HISTORY RECORD  
18 INFORMATION FOR THE SAME SUBJECT IS LINKED; AND

19 (d) FOR REPORTING, EXCHANGING, AND SEEKING CORRECTION OF  
20 CRIMINAL HISTORY RECORD INFORMATION UNDER THIS ARTICLE 72.2,  
21 INCLUDING FORMS.

22 **24-72.2-307. Dissemination of information for statistical or**  
23 **research purposes.** (1) CONSISTENT WITH LAW OF THIS STATE OTHER  
24 THAN THIS ARTICLE 72.2 AND THE UNITED STATES, THE CENTRAL  
25 REPOSITORY MAY:

26 (a) SUBJECT TO SUBSECTION (1)(b) OF THIS SECTION, DISSEMINATE  
27 CRIMINAL HISTORY RECORD INFORMATION, INCLUDING PERSONALLY

1 IDENTIFIABLE INFORMATION, FOR A STATISTICAL OR RESEARCH PURPOSE;  
2 AND

3 (b) LIMIT THE USE AND SUBSEQUENT DISSEMINATION OF  
4 INFORMATION DISSEMINATED UNDER THIS SECTION AND THE PROCEDURES  
5 ESTABLISHED BY THE CENTRAL REPOSITORY.

6 **24-72.2-308. Public information.** (1) THE CENTRAL REPOSITORY  
7 SHALL INFORM THE PUBLIC OF THE EXISTENCE AND ACCESSIBILITY OF  
8 CRIMINAL HISTORY RECORD INFORMATION COLLECTED, STORED,  
9 MAINTAINED, AND DISSEMINATED BY CONTRIBUTING JUSTICE AGENCIES  
10 AND THE CENTRAL REPOSITORY.

11 (2) THE CENTRAL REPOSITORY SHALL INFORM THE PUBLIC, AT  
12 LEAST ANNUALLY, CONCERNING THE:

13 (a) EXTENT AND GENERAL NATURE OF CRIMINAL HISTORY RECORD  
14 INFORMATION COLLECTED, STORED, MAINTAINED, AND DISSEMINATED IN  
15 THIS STATE;

16 (b) NUMBER OF CORRECTIONS TO CRIMINAL HISTORY RECORD  
17 INFORMATION MADE BY THE CENTRAL REPOSITORY;

18 (c) RESULTS OF AUDITS UNDER SECTION 24-72.2-602 AND THE  
19 STATUS OF ANY CORRECTION OF DEFICIENCIES IDENTIFIED; AND

20 (d) REQUIREMENTS AND FORMS FOR A SUBJECT TO ACCESS,  
21 REVIEW, AND SEEK CORRECTION OF CRIMINAL HISTORY RECORD  
22 INFORMATION RECEIVED, STORED, OR MAINTAINED BY THE CENTRAL  
23 REPOSITORY, INCLUDING THE RIGHT TO APPEAL AN ADVERSE  
24 DETERMINATION.

25 **24-72.2-309. Training.** (1) THE CENTRAL REPOSITORY  
26 REGULARLY SHALL PROVIDE TRAINING TO CONTRIBUTING JUSTICE  
27 AGENCIES CONCERNING SUBMITTING INFORMATION ON A REPORTABLE

1 EVENT AND THE IMPORTANCE OF THE INFORMATION TO SUBJECTS, THE  
2 PUBLIC, AND THE CRIMINAL JUSTICE SYSTEM.

3 (2) THE CENTRAL REPOSITORY PERIODICALLY SHALL IDENTIFY,  
4 AND PROVIDE REMEDIAL TRAINING TO, ANY CONTRIBUTING JUSTICE  
5 AGENCY THAT DOES NOT MEET THE REQUIREMENTS OF THIS ARTICLE 72.2.

#### 6 PART 4

### 7 CORRECTION OF CRIMINAL HISTORY

#### 8 RECORD INFORMATION

9 **24-72.2-401. Request to correct.** A SUBJECT MAY SEEK  
10 CORRECTION OF CRIMINAL HISTORY RECORD INFORMATION BY SENDING  
11 THE CONTRIBUTING JUSTICE AGENCY STORING THE INFORMATION OR THE  
12 CENTRAL REPOSITORY A REQUEST FOR CORRECTION, SPECIFYING THE  
13 INFORMATION ALLEGED TO BE INACCURATE AND PROVIDING THE  
14 ALLEGEDLY CORRECT INFORMATION. A CONTRIBUTING JUSTICE AGENCY  
15 THAT RECEIVES THE REQUEST SHALL INFORM THE SUBJECT THAT ONLY THE  
16 CENTRAL REPOSITORY CAN ACT ON THE SUBJECT'S REQUEST AND THAT THE  
17 CONTRIBUTING JUSTICE AGENCY SHALL FORWARD THE REQUEST TO THE  
18 CENTRAL REPOSITORY. NOT LATER THAN FIVE DAYS AFTER RECEIVING THE  
19 REQUEST, THE CONTRIBUTING JUSTICE AGENCY SHALL FORWARD TO THE  
20 CENTRAL REPOSITORY THE REQUEST AND ANY CRIMINAL HISTORY RECORD  
21 INFORMATION RELATING TO THE SUBJECT.

22 **24-72.2-402. Review of request.** (1) NOT LATER THAN FORTY  
23 DAYS AFTER RECEIPT OF A REQUEST UNDER SECTION 24-72.2-401, THE  
24 CENTRAL REPOSITORY SHALL REVIEW AND APPROVE OR DENY THE  
25 REQUEST. THE DIRECTOR OF THE CENTRAL REPOSITORY MAY EXTEND THE  
26 TIME TO REVIEW AND ACT ON THE REQUEST FOR UP TO TWENTY-ONE DAYS  
27 IF THE DIRECTOR CERTIFIES THAT THERE IS GOOD CAUSE FOR AN

1 EXTENSION AND NOTIFIES THE SUBJECT. THE EXTENSION MAY NOT BE  
2 RENEWED UNLESS THE SUBJECT AGREES.

3 (2) IF THE CENTRAL REPOSITORY DOES NOT ACT WITHIN THE  
4 PERIOD PROVIDED IN SUBSECTION (1) OF THIS SECTION, THE REQUEST IS  
5 DEEMED DENIED.

6 (3) SECTION 24-4-106 GOVERNS REVIEW OF ACTION OR NONACTION  
7 BY THE CENTRAL REPOSITORY CONCERNING A REQUEST UNDER SECTION  
8 24-72.2-401. NOTWITHSTANDING SECTION 24-4-106, IF THE REQUEST IS  
9 DEEMED DENIED UNDER SUBSECTION (2) OF THIS SECTION, THE CENTRAL  
10 REPOSITORY HAS THE BURDEN OF PROOF IN A SUBSEQUENT REVIEW.

11 **24-72.2-403. Correction of record.** (1) IF THE CENTRAL  
12 REPOSITORY APPROVES A REQUEST UNDER SECTION 24-72.2-401, NOT  
13 LATER THAN FOURTEEN DAYS AFTER THE DECISION UNDER SECTION  
14 24-72.2-402 BECOMES FINAL AND NOT SUBJECT TO APPEAL, THE CENTRAL  
15 REPOSITORY SHALL:

16 (a) CORRECT ITS RECORDS;

17 (b) DISSEMINATE NOTICE OF THE INACCURACY AND CORRECTION  
18 TO THE SUBJECT AND EACH PERSON TO WHOM THE CENTRAL REPOSITORY  
19 DISSEMINATED INACCURATE INFORMATION FOR A PURPOSE OF  
20 ADMINISTRATION OF CRIMINAL JUSTICE WITHIN ONE YEAR BEFORE THE  
21 DATE OF APPROVAL OF THE CORRECTION;

22 (c) NOTIFY THE CONTRIBUTING JUSTICE AGENCY THAT PROVIDED  
23 THE INACCURATE INFORMATION OF THE INACCURACY AND CORRECTION;

24 AND

25 (d) ON REQUEST OF THE SUBJECT:

26 (I) DISSEMINATE NOTICE OF THE INACCURACY AND CORRECTION  
27 TO EACH PERSON THE SUBJECT IDENTIFIES AS HAVING RECEIVED THE

1 INACCURATE INFORMATION UNDER SECTION 24-72.2-303; AND

2 (II) PROVIDE THE SUBJECT AT NO COST ONE CERTIFIED COPY OF  
3 THE ACCURATE INFORMATION.

4 PART 5

5 MISTAKEN IDENTITY PREVENTION REGISTRY

6 **24-72.2-501. Creation and maintenance of registry.** (1) THE  
7 CENTRAL REPOSITORY SHALL CREATE AND MAINTAIN A MISTAKEN  
8 IDENTITY PREVENTION REGISTRY:

9 (a) CONSISTING OF INFORMATION VOLUNTARILY PROVIDED BY:

10 (I) A VICTIM OF MISTAKEN IDENTITY; OR

11 (II) AN INDIVIDUAL WHOSE NAME OR OTHER IDENTIFYING  
12 CHARACTERISTIC IS SIMILAR TO THAT OF ANOTHER INDIVIDUAL WHO IS THE  
13 SUBJECT OF CRIMINAL HISTORY RECORD INFORMATION; AND

14 (b) DESIGNED TO PREVENT:

15 (I) CREATION OF INACCURATE CRIMINAL HISTORY RECORD  
16 INFORMATION;

17 (II) INACCURATE MODIFICATION OF CRIMINAL HISTORY RECORD  
18 INFORMATION;

19 (III) MISTAKEN ARREST; AND

20 (IV) CONFUSION OF AN INDIVIDUAL WITH ANOTHER INDIVIDUAL  
21 WHEN CRIMINAL HISTORY RECORD INFORMATION IS SEARCHED.

22 **24-72.2-502. Requirements for registry.** (1) THE CENTRAL  
23 REPOSITORY SHALL ESTABLISH PROCEDURES FOR ENTRY OF INFORMATION  
24 CONCERNING AN INDIVIDUAL IN THE MISTAKEN IDENTITY PREVENTION  
25 REGISTRY. THE PROCEDURES MUST REQUIRE:

26 (a) SUBMISSION BY THE INDIVIDUAL OF A REQUEST TO BE ENTERED  
27 IN THE REGISTRY; AND

1 (b) COLLECTION OF BIOMETRIC INFORMATION FROM THE  
2 INDIVIDUAL.

3 (2) USING THE PROCEDURES UNDER SUBSECTION (1) OF THIS  
4 SECTION, THE CENTRAL REPOSITORY SHALL DETERMINE WHETHER THE  
5 INDIVIDUAL HAS A NAME OR OTHER IDENTIFYING CHARACTERISTIC SIMILAR  
6 TO THAT OF ANOTHER INDIVIDUAL WHO IS THE SUBJECT OF CRIMINAL  
7 HISTORY RECORD INFORMATION. IF THE CENTRAL REPOSITORY  
8 DETERMINES THE INDIVIDUAL DOES HAVE SUCH A NAME OR  
9 CHARACTERISTIC, THE CENTRAL REPOSITORY SHALL ENTER THE  
10 INFORMATION CONCERNING THE INDIVIDUAL IN THE MISTAKEN IDENTITY  
11 PREVENTION REGISTRY. IF THE CENTRAL REPOSITORY DETERMINES THE  
12 INDIVIDUAL DOES NOT HAVE SUCH A NAME OR CHARACTERISTIC, THE  
13 INDIVIDUAL MAY SEEK RELIEF UNDER SECTION 24-4-106.

14 **24-72.2-503. Certification.** NOT LATER THAN FOURTEEN DAYS  
15 AFTER ENTERING INFORMATION CONCERNING AN INDIVIDUAL IN THE  
16 MISTAKEN IDENTITY PREVENTION REGISTRY UNDER SECTION 24-72.2-502,  
17 THE CENTRAL REPOSITORY SHALL PROVIDE THE INDIVIDUAL A  
18 CERTIFICATION THAT THE INDIVIDUAL IS NOT A SPECIFIED INDIVIDUAL  
19 WITH A SIMILAR NAME OR IDENTIFYING CHARACTERISTIC WHO IS THE  
20 SUBJECT OF CRIMINAL HISTORY RECORD INFORMATION. THE  
21 CERTIFICATION IS PRIMA FACIE EVIDENCE OF THE FACTS CERTIFIED. A  
22 PERSON MAY RELY ON THE ACCURACY OF THE INFORMATION IN THE  
23 CERTIFICATION.

24 **24-72.2-504. Dissemination of registry information.** (1) THE  
25 CENTRAL REPOSITORY MAY NOT USE OR DISSEMINATE INFORMATION FROM  
26 THE MISTAKEN IDENTITY PREVENTION REGISTRY, EXCEPT AS PROVIDED IN  
27 THIS ARTICLE 72.2.

1           (2) THE CENTRAL REPOSITORY SHALL DISSEMINATE INFORMATION  
2 FROM THE MISTAKEN IDENTITY PREVENTION REGISTRY TO A  
3 CONTRIBUTING JUSTICE AGENCY IF THE CENTRAL REPOSITORY HAS REASON  
4 TO BELIEVE THAT IDENTIFYING INFORMATION ON A REPORTABLE EVENT  
5 MAY BE INACCURATE OR INCORRECTLY ASSOCIATED WITH AN INDIVIDUAL.

6           (3) THE CENTRAL REPOSITORY MAY DISSEMINATE INFORMATION  
7 FROM THE MISTAKEN IDENTITY PREVENTION REGISTRY TO A NATIONAL  
8 MISTAKEN IDENTITY PREVENTION REGISTRY IF THE NATIONAL REGISTRY IS  
9 CREATED AND MAINTAINED BY A FEDERAL LAW ENFORCEMENT AGENCY  
10 WITH A PURPOSE AND PROTECTIONS SIMILAR TO THE REGISTRY CREATED  
11 IN THIS ARTICLE 72.2.

12           **24-72.2-505. Verification of identity.** IF A CONTRIBUTING JUSTICE  
13 AGENCY SEEKS TO ESTABLISH THE IDENTITY OF AN INDIVIDUAL AND THE  
14 INDIVIDUAL PRESENTS A CERTIFICATION ISSUED UNDER SECTION  
15 24-72.2-503, THE AGENCY SHALL ACCEPT THE CERTIFICATION OF THE  
16 INDIVIDUAL'S IDENTITY UNLESS THE AGENCY HAS A REASONABLE BASIS TO  
17 DOUBT THE INDIVIDUAL'S IDENTITY OR THE AUTHENTICITY OF THE  
18 CERTIFICATION, IN WHICH CASE THE AGENCY SHALL CONTACT THE  
19 CENTRAL REPOSITORY TO VERIFY THE AUTHENTICITY OF THE  
20 CERTIFICATION USING PROCEDURES ESTABLISHED BY THE CENTRAL  
21 REPOSITORY.

22           **24-72.2-506. Limitation on use of registry information.** (1) A  
23 CONTRIBUTING JUSTICE AGENCY AND THE CENTRAL REPOSITORY MAY  
24 ACCESS OR USE INFORMATION FROM THE MISTAKEN IDENTITY PREVENTION  
25 REGISTRY ONLY TO:

26           (a) IDENTIFY ACCURATELY AN INDIVIDUAL ABOUT WHOM THE  
27 AGENCY HAS REQUESTED OR RECEIVED REGISTRY INFORMATION; OR

1 (b) INVESTIGATE, PROSECUTE, OR ADJUDICATE AN INDIVIDUAL FOR  
2 AN OFFENSE RELATING TO PARTICIPATING IN, USING, OR OPERATING THE  
3 REGISTRY.

4 (2) IF INFORMATION IN THE MISTAKEN IDENTITY PREVENTION  
5 REGISTRY IS ACCESSED OR USED FOR A PURPOSE OTHER THAN PERMITTED  
6 UNDER SUBSECTION (1) OF THIS SECTION:

7 (a) THE INFORMATION AND ANY INFORMATION ACQUIRED AS A  
8 RESULT OF THE IMPROPER ACCESS OR USE IS NOT ADMISSIBLE IN ANY  
9 CRIMINAL OR CIVIL ACTION; AND

10 (b) THE CENTRAL REPOSITORY SHALL NOTIFY THE INDIVIDUAL  
11 WHOSE INFORMATION WAS ACCESSED OR USED IMPROPERLY NOT LATER  
12 THAN FIVE DAYS AFTER IT DISCOVERS THE ACCESS OR USE.

13 **24-72.2-507. Removal of information from registry.** (1) THE  
14 CENTRAL REPOSITORY SHALL ESTABLISH PROCEDURES REGARDING A  
15 REQUEST TO REMOVE INFORMATION FROM THE MISTAKEN IDENTITY  
16 PREVENTION REGISTRY.

17 (2) NOT LATER THAN FOURTEEN DAYS AFTER RECEIVING A  
18 REQUEST COMPLYING WITH PROCEDURES ESTABLISHED UNDER  
19 SUBSECTION (1) OF THIS SECTION FROM AN INDIVIDUAL FOR REMOVAL OF  
20 INFORMATION THE INDIVIDUAL VOLUNTARILY SUBMITTED UNDER SECTION  
21 24-72.2-502 (1), THE CENTRAL REPOSITORY SHALL REMOVE THE  
22 INFORMATION FROM THE MISTAKEN IDENTITY PREVENTION REGISTRY.

23 PART 6

24 SYSTEMS SECURITY AND AUDIT

25 **24-72.2-601. Security requirements.** (1) TO PROMOTE THE  
26 CONFIDENTIALITY AND SECURITY OF CRIMINAL HISTORY RECORD  
27 INFORMATION COLLECTED, RECEIVED, STORED, MAINTAINED, SUBMITTED,

1 AND DISSEMINATED UNDER THIS ARTICLE 72.2, THE CENTRAL REPOSITORY  
2 SHALL ESTABLISH PROCEDURES TO:

- 3 (a) PROTECT INFORMATION FROM LOSS OR DAMAGE;
- 4 (b) ALLOW ONLY AN AUTHORIZED PERSON ACCESS TO THE  
5 INFORMATION;
- 6 (c) SELECT, SUPERVISE, AND TRAIN INDIVIDUALS AUTHORIZED TO  
7 ACCESS THE INFORMATION;
- 8 (d) IF COMPUTERIZED DATA PROCESSING IS USED, MEET THE  
9 TECHNICAL GUIDANCE FOR THE SECURITY OF SYSTEMS ESTABLISHED BY  
10 THE COLORADO BUREAU OF INVESTIGATION; AND
- 11 (e) MAINTAIN AN INDEX OF EACH DATA BREACH.

12 **24-72.2-602. Audit.** (1) THE STATE AUDITOR SHALL CAUSE AN  
13 AUDIT TO BE CONDUCTED ANNUALLY OF A SAMPLE OF CONTRIBUTING  
14 JUSTICE AGENCIES AND AT LEAST ONCE EVERY THREE YEARS OF THE  
15 CENTRAL REPOSITORY.

16 (2) IF THE STATE AUDITOR CERTIFIES THAT AN AUDIT REQUIRED BY  
17 AN ENTITY OF THE UNITED STATES SATISFIES THE REQUIREMENTS OF THIS  
18 SECTION, AN ADDITIONAL AUDIT IS NOT REQUIRED OF THE CENTRAL  
19 REPOSITORY OR CONTRIBUTING JUSTICE AGENCY SUBJECT TO THE AUDIT.

20 (3) AN AUDIT UNDER THIS SECTION MUST:

- 21 (a) ASSESS OPERATIONAL PRACTICES OF THE CENTRAL REPOSITORY  
22 FOR CONSISTENCY, EFFICIENCY, AND SECURITY;
- 23 (b) ASSESS THE INTEGRITY OF EACH COMPUTERIZED SYSTEM AND  
24 DATABASE AND EACH PHYSICAL LOCATION WHERE CRIMINAL HISTORY  
25 RECORD INFORMATION IS STORED;
- 26 (c) ASSESS ANY DATA BREACH IN THE CENTRAL REPOSITORY AND  
27 THE RESPONSE TO THE BREACH; AND

1 (d) REVIEW A REPRESENTATIVE SAMPLE OF CRIMINAL HISTORY  
2 RECORD INFORMATION STORED BY A CONTRIBUTING JUSTICE AGENCY OR  
3 THE CENTRAL REPOSITORY AND DETERMINE THE NUMBER OF MISSING  
4 REPORTABLE EVENTS AND AMOUNT AND NATURE OF MISSING BIOMETRIC  
5 INFORMATION IN THE SAMPLE, IN PART BY EXAMINING PUBLIC RECORDS OF  
6 THE COURTS OF THIS STATE.

7 (4) A CONTRIBUTING JUSTICE AGENCY AND THE CENTRAL  
8 REPOSITORY SHALL GIVE THE STATE AUDITOR ACCESS TO THE RECORDS,  
9 REPORTS, LISTINGS, AND INFORMATION REQUIRED TO CONDUCT AN AUDIT  
10 UNDER THIS SECTION. AN OFFICER, EMPLOYEE, OR CONTRACTOR OF THIS  
11 STATE OR A POLITICAL SUBDIVISION OF THIS STATE WITH RELEVANT  
12 INFORMATION SHALL COOPERATE WITH THE STATE AUDITOR AND PROVIDE  
13 INFORMATION REQUESTED FOR AN AUDIT.

14 (5) THE STATE AUDITOR SHALL PREPARE AND MAKE AVAILABLE A  
15 PUBLIC REPORT CONTAINING THE RESULTS OF AUDITS UNDER THIS SECTION  
16 AND A LIST OF ANY DEFICIENCIES AND RECOMMENDATIONS FOR  
17 CORRECTION OF DEFICIENCIES.

## 18 PART 7

### 19 ENFORCEMENT AND IMPLEMENTATION

20 **24-72.2-701. Remedies.** (1) THE COLORADO BUREAU OF  
21 INVESTIGATION, THE CENTRAL REPOSITORY, OR A SUBJECT, IN ADDITION TO  
22 OTHER REMEDIES PROVIDED BY THIS ARTICLE 72.2 AND LAW OTHER THAN  
23 THIS ARTICLE 72.2, MAY COMMENCE AN ACTION TO COMPEL COMPLIANCE  
24 WITH OR ENJOIN A VIOLATION OF THIS ARTICLE 72.2. THE COURT MAY  
25 AWARD TO A SUBJECT WHO PREVAILS IN THE ACTION REASONABLE FEES  
26 AND EXPENSES OF ATTORNEYS AND COURT COSTS.

27 (2) A SUBJECT HAS A CAUSE OF ACTION FOR AN INTENTIONAL OR

1 RECKLESS VIOLATION OF THIS ARTICLE 72.2 OR PROCEDURES ESTABLISHED  
2 UNDER THIS ARTICLE 72.2. THIS SUBSECTION (2) DOES NOT AFFECT OTHER  
3 REMEDIES AS PROVIDED BY THIS ARTICLE 72.2 OR LAW OTHER THAN THIS  
4 ARTICLE 72.2. IF THE COURT FINDS BY A PREPONDERANCE OF THE  
5 EVIDENCE THAT THE SUBJECT WAS INJURED BY AN INTENTIONAL OR  
6 RECKLESS VIOLATION, THE COURT SHALL AWARD:

7 (a) THE GREATER OF:

8 (I) ACTUAL DAMAGES; OR

9 (II) FIVE HUNDRED DOLLARS FOR EACH VIOLATION UP TO TWO  
10 THOUSAND DOLLARS IN THE ACTION; AND

11 (b) REASONABLE FEES AND EXPENSES OF ATTORNEYS AND COURT  
12 COSTS.

13 **24-72.2-702. Duties and authority of the Colorado bureau of**  
14 **investigation.** (1) THE COLORADO BUREAU OF INVESTIGATION SHALL  
15 ESTABLISH PROCEDURES TO IMPLEMENT THIS ARTICLE 72.2. THE  
16 PROCEDURES MUST INCLUDE PROVISIONS THAT:

17 (a) GOVERN THE ACCURACY, DISSEMINATION, AND REVIEW OF,  
18 AND INDIVIDUAL ACCESS TO, CRIMINAL HISTORY RECORD INFORMATION;

19 (b) ELECTRONIC DATA, INCLUDING BIOMETRIC INFORMATION,  
20 MUST BE STORED IN A MANNER THAT COMPLIES WITH THE PROCEDURES  
21 ESTABLISHED UNDER SECTION 24-72.2-601;

22 (c) ESTABLISH TECHNICAL GUIDANCE FOR THE SECURITY OF  
23 SYSTEMS DESCRIBED IN SUBSECTIONS (1)(a) AND (1)(b) OF THIS SECTION;  
24 AND

25 (d) SET A REASONABLE MAXIMUM FEE FOR THE COST OF  
26 DISSEMINATING CRIMINAL HISTORY RECORD INFORMATION AND PROVIDE  
27 A SUBJECT FREE ACCESS TO THE SUBJECT'S INFORMATION AT LEAST ONCE

1 EACH CALENDAR YEAR.

2 (2) THE COLORADO BUREAU OF INVESTIGATION MAY DESIGNATE  
3 ANY GOVERNMENTAL AGENCY, OTHER THAN THE CENTRAL REPOSITORY OR  
4 A COURT, AS A CONTRIBUTING JUSTICE AGENCY.

5 (3) THE COLORADO BUREAU OF INVESTIGATION MAY INVESTIGATE  
6 ANY MATTER RELATING TO THE ADMINISTRATION AND ENFORCEMENT OF  
7 THIS ARTICLE 72.2.

8 PART 8

9 MISCELLANEOUS PROVISIONS

10 **24-72.2-801. Uniformity of application and construction.** IN  
11 APPLYING AND CONSTRUING THIS ARTICLE 72.2, CONSIDERATION MUST BE  
12 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT  
13 TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

14 **24-72.2-802. Transitional provision.** SECTIONS 24-72.2-203,  
15 24-72.2-305, 24-72.2-401, 24-72.2-402, AND 24-72.2-403 APPLY TO  
16 CRIMINAL HISTORY RECORD INFORMATION THAT IS IN EXISTENCE BEFORE,  
17 ON, OR AFTER THE EFFECTIVE DATE OF THIS ARTICLE 72.2 REGARDLESS OF  
18 THE DATE THE INFORMATION WAS CREATED OR WHEN THE REPORTABLE  
19 EVENT OCCURRED.

20 **24-72.2-803. Severability.** IF ANY PROVISION OF THIS ARTICLE  
21 72.2 OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD  
22 INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR  
23 APPLICATIONS OF THIS ARTICLE 72.2, WHICH CAN BE GIVEN EFFECT  
24 WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE  
25 PROVISIONS OF THIS ARTICLE 72.2 ARE SEVERABLE.

26 <{*Do you want a safety clause or petition clause?*}>

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

DRAFT  
10.10.19

DRAFT

LLS NO. 20-0422.01 Jerry Barry x4341

COMMITTEE BILL

Colorado Commission on Uniform State Laws

**BILL TOPIC:** "Registration Of Canadian Money Judgments Act"

**A BILL FOR AN ACT**

101 **CONCERNING THE "UNIFORM REGISTRATION OF CANADIAN MONEY**  
102 **JUDGMENTS ACT".**

**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/>.)*

**Colorado Commission on Uniform State Laws.** The bill enacts the "Uniform Registration of Canadian Money Judgments Act" as an alternative to the current "Uniform Foreign-country Judgments Registration Act".

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 62.3 to  
3 title 13 as follows:

4 **ARTICLE 62.3**

5 **Uniform Registration of Canadian**

6 **Money Judgments Act**

7 **13-62.3-101. Short title.** THIS ARTICLE 62.3 MAY BE CITED AS THE  
8 "UNIFORM REGISTRATION OF CANADIAN MONEY JUDGMENTS ACT".

9 **13-62.3-102. Definitions.** IN THIS ARTICLE 62.3:

10 (1) "CANADA" MEANS THE SOVEREIGN NATION OF CANADA AND  
11 ITS PROVINCES AND TERRITORIES. "CANADIAN" HAS A CORRESPONDING  
12 MEANING.

13 (2) "CANADIAN JUDGMENT" MEANS A JUDGMENT OF A COURT OF  
14 CANADA, OTHER THAN A JUDGMENT THAT RECOGNIZES THE JUDGMENT OF  
15 ANOTHER FOREIGN COUNTRY.

16 **13-62.3-103. Applicability.** (1) THIS ARTICLE 62.3 APPLIES TO A  
17 CANADIAN JUDGMENT TO THE EXTENT THE JUDGMENT IS WITHIN THE  
18 SCOPE OF SECTION 13-62-103, IF RECOGNITION OF THE JUDGMENT IS  
19 SOUGHT TO ENFORCE THE JUDGMENT.

20 (2) A CANADIAN JUDGMENT THAT GRANTS BOTH RECOVERY OF A  
21 SUM OF MONEY AND OTHER RELIEF MAY BE REGISTERED UNDER THIS  
22 ARTICLE 62.3, BUT ONLY TO THE EXTENT OF THE GRANT OF A SUM OF  
23 MONEY.

24 (3) A CANADIAN JUDGMENT REGARDING SUBJECT MATTER BOTH  
25 WITHIN AND NOT WITHIN THE SCOPE OF THIS ARTICLE 62.3 MAY BE  
26 REGISTERED UNDER THIS ARTICLE 62.3, BUT ONLY TO THE EXTENT THE  
27 JUDGMENT RELATES TO SUBJECT MATTER WITHIN THE SCOPE OF THIS

1 ARTICLE 62.3.

2 **13-62.3-104. Registration of Canadian judgment.** (1) A PERSON  
3 SEEKING RECOGNITION OF A CANADIAN JUDGMENT TO ENFORCE THE  
4 JUDGMENT MAY REGISTER THE JUDGMENT IN THE OFFICE OF THE CLERK OF  
5 A COURT IN WHICH AN ACTION FOR RECOGNITION OF THE JUDGMENT COULD  
6 BE FILED UNDER SECTION 13-62-106.

7 (2) A REGISTRATION UNDER SUBSECTION (1) OF THIS SECTION  
8 MUST BE EXECUTED BY THE PERSON REGISTERING THE JUDGMENT OR THE  
9 PERSON'S ATTORNEY AND INCLUDE:

10 (a) A COPY OF THE CANADIAN JUDGMENT AUTHENTICATED AS  
11 ACCURATE BY THE COURT THAT ENTERED THE JUDGMENT;

12 (b) THE NAME AND ADDRESS OF THE PERSON REGISTERING THE  
13 JUDGMENT;

14 (c) IF THE PERSON REGISTERING THE JUDGMENT IS NOT THE PERSON  
15 IN WHOSE FAVOR THE JUDGMENT WAS RENDERED, A STATEMENT  
16 DESCRIBING THE INTEREST IN THE JUDGMENT OF THE PERSON REGISTERING  
17 THE JUDGMENT THAT ENTITLES THE PERSON TO SEEK ITS RECOGNITION  
18 AND ENFORCEMENT;

19 (d) THE NAME AND LAST-KNOWN ADDRESS OF THE PERSON  
20 AGAINST WHOM THE JUDGMENT IS BEING REGISTERED;

21 (e) IF THE JUDGMENT IS OF THE TYPE DESCRIBED IN SECTION  
22 13-62.3-103 (2) OR (3), A DESCRIPTION OF THE PART OF THE JUDGMENT  
23 BEING REGISTERED;

24 (f) THE AMOUNT OF THE JUDGMENT OR PART OF THE JUDGMENT  
25 BEING REGISTERED, IDENTIFYING:

26 (I) THE AMOUNT OF INTEREST ACCRUED AS OF THE DATE OF  
27 REGISTRATION ON THE JUDGMENT OR PART OF THE JUDGMENT BEING

1 REGISTERED, INCLUDING THE RATE OF INTEREST, THE PART OF THE  
2 JUDGMENT TO WHICH INTEREST APPLIES, AND THE DATE WHEN INTEREST  
3 BEGAN;

4 (II) COSTS AND EXPENSES INCLUDED IN THE JUDGMENT OR PART OF  
5 THE JUDGMENT BEING REGISTERED, OTHER THAN AN AMOUNT AWARDED  
6 FOR ATTORNEY'S FEES; AND

7 (III) THE AMOUNT OF AN AWARD OF ATTORNEY'S FEES INCLUDED  
8 IN THE JUDGMENT OR PART OF THE JUDGMENT BEING REGISTERED;

9 (g) THE AMOUNT OF POST-JUDGMENT COSTS, EXPENSES, AND  
10 ATTORNEY'S FEES AS OF THE DATE OF REGISTRATION CLAIMED BY THE  
11 PERSON REGISTERING THE JUDGMENT OR PART OF THE JUDGMENT;

12 (h) THE AMOUNT OF THE JUDGMENT OR PART OF THE JUDGMENT  
13 BEING REGISTERED THAT HAS BEEN SATISFIED AS OF THE DATE OF  
14 REGISTRATION;

15 (i) A STATEMENT THAT:

16 (I) THE JUDGMENT IS FINAL, CONCLUSIVE, AND ENFORCEABLE  
17 UNDER THE LAW OF THE CANADIAN JURISDICTION IN WHICH IT WAS  
18 RENDERED;

19 (II) THE JUDGMENT OR PART OF THE JUDGMENT BEING REGISTERED  
20 IS WITHIN THE SCOPE OF THIS ARTICLE 62.3; AND

21 (III) IF A PART OF THE JUDGMENT IS BEING REGISTERED, THE  
22 AMOUNTS STATED IN THE REGISTRATION AS REQUIRED BY SUBSECTIONS  
23 (2)(f), (2)(g), AND (2)(h) OF THIS SECTION RELATE TO THE PART;

24 (j) IF THE JUDGMENT IS NOT IN ENGLISH, A CERTIFIED  
25 TRANSLATION OF THE JUDGMENT INTO ENGLISH; AND

26 (k) THE DOCKET FEE STATED IN SECTION 13-53-106.

27 (3) ON RECEIPT OF A REGISTRATION THAT INCLUDES THE

1 DOCUMENTS, INFORMATION, AND DOCKET FEE REQUIRED BY SUBSECTION  
2 (2) OF THIS SECTION, THE CLERK SHALL FILE THE REGISTRATION, ASSIGN A  
3 DOCKET NUMBER, AND ENTER THE CANADIAN JUDGMENT IN THE COURT'S  
4 DOCKET.

5 (4) A REGISTRATION SUBSTANTIALLY IN THE FOLLOWING FORM,  
6 WHICH INCLUDES THE ATTACHMENTS SPECIFIED IN THE FORM, COMPLIES  
7 WITH THE REQUIREMENTS UNDER SUBSECTION (2) OF THIS SECTION FOR  
8 REGISTRATION:

9 REGISTRATION OF CANADIAN MONEY JUDGMENT  
10 **THIS COMPLETED FORM, TOGETHER WITH THE DOCUMENTS REQUIRED**  
11 **BY SUBPART V, SHOULD BE FILED WITH THE CLERK OF THE DISTRICT**  
12 **COURT. WHEN STATING A SUM OF MONEY, IDENTIFY THE CURRENCY IN**  
13 **WHICH THE SUM IS STATED.**

14 **I. IDENTIFICATION OF CANADIAN JUDGMENT**  
15 CANADIAN COURT RENDERING THE JUDGMENT:

16 \_\_\_\_\_

17 CASE/DOCKET NUMBER IN CANADIAN COURT: \_\_\_\_\_

18 NAME OF PLAINTIFF: \_\_\_\_\_

19 NAME OF DEFENDANT: \_\_\_\_\_

20 THE CANADIAN COURT ENTERED THE JUDGMENT ON \_\_\_\_\_ [DATE] IN  
21 \_\_\_\_\_ [CITY] IN \_\_\_\_\_ [PROVINCE OR TERRITORY].

22 THE JUDGMENT INCLUDES AN AWARD FOR THE PAYMENT OF MONEY IN  
23 FAVOR OF \_\_\_\_\_ IN THE AMOUNT OF \_\_\_\_\_.

24 IF ONLY PART OF THE CANADIAN JUDGMENT IS SUBJECT TO REGISTRATION  
25 (SEE SECTIONS 13-62.3-103 (2) AND (3), COLORADO REVISED STATUTES),  
26 DESCRIBE THE PART OF THE JUDGMENT BEING REGISTERED.  
27 \_\_\_\_\_.

1                   **II. IDENTIFICATION OF PERSON REGISTERING JUDGMENT AND**  
2                   **PERSON AGAINST WHOM JUDGMENT IS BEING REGISTERED**

3                   NAME OF PERSON REGISTERING JUDGMENT:  
4                   \_\_\_\_\_. IF THE PERSON REGISTERING THE  
5                   JUDGMENT IS NOT THE PERSON IN WHOSE FAVOR THE JUDGMENT WAS  
6                   RENDERED, DESCRIBE THE INTEREST IN THE JUDGMENT OF THE PERSON  
7                   REGISTERING THE JUDGMENT THAT ENTITLES THE PERSON TO SEEK ITS  
8                   RECOGNITION AND ENFORCEMENT. \_\_\_\_\_

9                   ADDRESS: \_\_\_\_\_

10                  ADDITIONAL CONTACT INFORMATION FOR PERSON REGISTERING  
11                  JUDGMENT (OPTIONAL):

12                  TELEPHONE NUMBER: \_\_\_\_\_ FAX NUMBER: \_\_\_\_\_

13                  E-MAIL ADDRESS: \_\_\_\_\_

14                  NAME OF ATTORNEY FOR PERSON REGISTERING JUDGMENT, IF ANY:  
15                  \_\_\_\_\_

16                  ADDRESS: \_\_\_\_\_

17                  TELEPHONE NUMBER: \_\_\_\_\_ FAX NUMBER: \_\_\_\_\_

18                  E-MAIL ADDRESS: \_\_\_\_\_

19                  NAME OF PERSON AGAINST WHOM JUDGMENT IS BEING REGISTERED:  
20                  \_\_\_\_\_

21                  ADDRESS: \_\_\_\_\_ (PROVIDE THE  
22                  MOST RECENT ADDRESS KNOWN)

23                  ADDITIONAL CONTACT INFORMATION FOR PERSON AGAINST WHOM  
24                  JUDGMENT IS BEING REGISTERED (OPTIONAL) (PROVIDE MOST RECENT  
25                  INFORMATION KNOWN):

26                  TELEPHONE NUMBER: \_\_\_\_\_ FAX NUMBER:

27                  \_\_\_\_\_

1 E-MAIL ADDRESS: \_\_\_\_\_

2 **III. CALCULATION OF AMOUNT FOR WHICH ENFORCEMENT IS**  
3 **SOUGHT**

4 THE AMOUNT OF THE CANADIAN JUDGMENT OR PART OF THE JUDGMENT  
5 BEING REGISTERED IS \_\_\_\_\_.

6 THE AMOUNT OF INTEREST ACCRUED AS OF THE DATE OF REGISTRATION ON  
7 THE PART OF THE JUDGMENT BEING REGISTERED IS  
8 \_\_\_\_\_ . THE APPLICABLE RATE OF INTEREST IS  
9 \_\_\_\_\_ . THE DATE WHEN INTEREST BEGAN IS \_\_\_\_\_ . THE  
10 PART OF THE JUDGMENT TO WHICH THE INTEREST APPLIES IS  
11 \_\_\_\_\_ .

12 THE CANADIAN COURT AWARDED COSTS AND EXPENSES RELATING TO THE  
13 PART OF THE JUDGMENT BEING REGISTERED IN THE AMOUNT OF  
14 \_\_\_\_\_ (EXCLUDE ANY AMOUNT INCLUDED IN THE AWARD OF  
15 COSTS AND EXPENSES THAT REPRESENTS AN AWARD OF ATTORNEY'S FEES).

16 THE CANADIAN COURT AWARDED ATTORNEY'S FEES RELATING TO THE  
17 PART OF THE JUDGMENT BEING REGISTERED IN THE AMOUNT OF  
18 \_\_\_\_\_ .

19 THE PERSON REGISTERING THE CANADIAN JUDGMENT CLAIMS  
20 POST-JUDGMENT COSTS AND EXPENSES OF \_\_\_\_\_ AND  
21 POST-JUDGMENT ATTORNEY'S FEES OF \_\_\_\_\_ RELATING TO THE  
22 PART OF THE JUDGMENT BEING REGISTERED (INCLUDE ONLY COSTS,  
23 EXPENSES, AND ATTORNEY'S FEES INCURRED BEFORE REGISTRATION).

24 THE AMOUNT OF THE PART OF THE JUDGMENT BEING REGISTERED THAT  
25 HAS BEEN SATISFIED AS OF THE DATE OF REGISTRATION IS  
26 \_\_\_\_\_ .

27 THE TOTAL AMOUNT FOR WHICH ENFORCEMENT OF THE PART OF THE

1 JUDGMENT BEING REGISTERED IS SOUGHT IS \_\_\_\_\_.

2 **IV. STATEMENT OF PERSON REGISTERING JUDGMENT**

3 I, \_\_\_\_\_ [PERSON REGISTERING JUDGMENT OR ATTORNEY  
4 FOR PERSON REGISTERING JUDGMENT], STATE:

5 1. THE CANADIAN JUDGMENT IS FINAL, CONCLUSIVE, AND  
6 ENFORCEABLE UNDER THE LAW OF THE CANADIAN JURISDICTION IN WHICH  
7 IT WAS RENDERED.

8 2. THE CANADIAN JUDGMENT OR PART OF THE CANADIAN  
9 JUDGMENT BEING REGISTERED IS WITHIN THE SCOPE OF ARTICLE 62.3 OF  
10 TITLE 13, COLORADO REVISED STATUTES.

11 3. IF ONLY A PART OF THE CANADIAN JUDGMENT IS BEING  
12 REGISTERED, THE AMOUNTS STATED IN SUBPART III OF THE REGISTRATION  
13 RELATE TO THAT PART.

14 **V. ITEMS REQUIRED TO BE INCLUDED WITH REGISTRATION**

15 ATTACHED ARE (CHECK TO SIGNIFY REQUIRED ITEMS ARE INCLUDED):

16 \_\_\_\_\_ A COPY OF THE CANADIAN JUDGMENT AUTHENTICATED AS  
17 ACCURATE BY THE CANADIAN COURT THAT ENTERED THE JUDGMENT IN  
18 ACCORDANCE WITH SECTION 13-53-103, COLORADO REVISED STATUTES.

19 \_\_\_\_\_ IF THE CANADIAN JUDGMENT IS NOT IN ENGLISH, A CERTIFIED  
20 TRANSLATION OF THE JUDGMENT INTO ENGLISH.

21 \_\_\_\_\_ A DOCKET FEE IN THE AMOUNT OF \$201.00.

22 I DECLARE THAT THE INFORMATION PROVIDED ON THIS FORM IS  
23 TRUE AND CORRECT, EXCEPT AS TO MATTERS STATED TO BE ON  
24 INFORMATION AND BELIEF AND, AS TO THOSE MATTERS, I BELIEVE THEM  
25 TO BE TRUE.

26 SUBMITTED BY: \_\_\_\_\_

27 PERSON REGISTERING JUDGMENT OR

1 ATTORNEY FOR PERSON REGISTERING  
2 JUDGMENT (SPECIFY WHETHER SIGNER IS THE  
3 PERSON REGISTERING THE JUDGMENT OR  
4 THAT PERSON'S ATTORNEY)

5 DATE OF SUBMISSION: \_\_\_\_\_

6 **13-62.3-105. Effect of registration.** (1) SUBJECT TO SUBSECTION  
7 (2) OF THIS SECTION, A CANADIAN JUDGMENT REGISTERED UNDER SECTION  
8 13-62.3-104 HAS THE SAME EFFECT PROVIDED IN SECTION 13-62-107 FOR  
9 A JUDGMENT DETERMINED BY A COURT TO BE ENTITLED TO RECOGNITION.

10 (2) A CANADIAN JUDGMENT REGISTERED UNDER SECTION  
11 13-62.3-104 MAY NOT BE ENFORCED BY SALE OR OTHER DISPOSITION OF  
12 PROPERTY, OR BY SEIZURE OF PROPERTY OR GARNISHMENT, UNTIL  
13 THIRTY-FIVE CALENDAR DAYS AFTER SERVICE OF NOTICE OF REGISTRATION  
14 UNDER SECTION 13-62.3-106. THE COURT FOR CAUSE MAY PROVIDE FOR  
15 A SHORTER OR LONGER TIME. THIS SUBSECTION (2) DOES NOT PRECLUDE  
16 USE OF RELIEF AVAILABLE UNDER LAW OF THIS STATE OTHER THAN THIS  
17 ARTICLE 62.3 TO PREVENT DISSIPATION, DISPOSITION, OR REMOVAL OF  
18 PROPERTY.

19 **13-62.3-106. Notice of registration.** (1) A PERSON THAT  
20 REGISTERS A CANADIAN JUDGMENT UNDER SECTION 13-62.3-104 SHALL  
21 CAUSE NOTICE OF REGISTRATION TO BE SERVED ON THE PERSON AGAINST  
22 WHOM THE JUDGMENT HAS BEEN REGISTERED.

23 (2) NOTICE UNDER THIS SECTION MUST BE SERVED IN THE SAME  
24 MANNER THAT A SUMMONS AND COMPLAINT MUST BE SERVED IN AN  
25 ACTION UNDER SECTION 13-62-106 SEEKING RECOGNITION OF A  
26 FOREIGN-COUNTRY JUDGMENT.

27 (3) NOTICE UNDER THIS SECTION MUST INCLUDE:

1 (a) THE DATE OF REGISTRATION AND COURT IN WHICH THE  
2 JUDGMENT WAS REGISTERED;

3 (b) THE DOCKET NUMBER ASSIGNED TO THE REGISTRATION;

4 (c) THE NAME AND ADDRESS OF:

5 (I) THE PERSON REGISTERING THE JUDGMENT; AND

6 (II) THE PERSON'S ATTORNEY, IF ANY;

7 (d) A COPY OF THE REGISTRATION, INCLUDING THE DOCUMENTS  
8 REQUIRED UNDER SECTION 13-62.3-104 (2); AND

9 (e) A STATEMENT THAT:

10 (I) THE PERSON AGAINST WHOM THE JUDGMENT HAS BEEN  
11 REGISTERED HAS THIRTY-FIVE DAYS AFTER THE DATE OF SERVICE OF  
12 NOTICE IN WHICH TO PETITION THE COURT TO VACATE THE REGISTRATION;  
13 AND

14 (II) THE COURT FOR CAUSE MAY PROVIDE FOR A SHORTER OR  
15 LONGER TIME.

16 (4) PROOF OF SERVICE OF NOTICE UNDER THIS SECTION MUST BE  
17 FILED WITH THE CLERK OF THE COURT.

18 **13-62.3-107. Petition to vacate registration.** (1) NOT LATER  
19 THAN THIRTY-FIVE DAYS AFTER NOTICE UNDER SECTION 13-62.3-106 IS  
20 SERVED, THE PERSON AGAINST WHOM THE JUDGMENT WAS REGISTERED  
21 MAY PETITION THE COURT TO VACATE THE REGISTRATION. THE COURT FOR  
22 CAUSE MAY PROVIDE FOR A SHORTER OR LONGER TIME.

23 (2) A PETITION UNDER THIS SECTION MAY ASSERT ONLY:

24 (a) A GROUND THAT COULD BE ASSERTED TO DENY RECOGNITION  
25 OF THE JUDGMENT UNDER THE "UNIFORM FOREIGN-COUNTRY MONEY  
26 JUDGMENTS RECOGNITION ACT", ARTICLE 62 OF THIS TITLE 13; OR

27 (b) A FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS

1 ARTICLE 62.3 FOR REGISTRATION OF THE JUDGMENT.

2 (3) A PETITION UNDER THIS SECTION DOES NOT ITSELF STAY  
3 ENFORCEMENT OF THE REGISTERED JUDGMENT.

4 (4) IF THE COURT GRANTS A PETITION UNDER THIS SECTION, THE  
5 REGISTRATION IS VACATED AND ANY ACT UNDER THE REGISTRATION TO  
6 ENFORCE THE REGISTERED JUDGMENT IS VOID.

7 (5) IF THE COURT GRANTS A PETITION UNDER THIS SECTION ON A  
8 GROUND UNDER SUBSECTION (2)(a) OF THIS SECTION, THE COURT ALSO  
9 SHALL RENDER AN ORDER DENYING RECOGNITION OF THE CANADIAN  
10 JUDGMENT. AN ORDER RENDERED UNDER THIS SUBSECTION (5) HAS THE  
11 SAME EFFECT AS A ORDER DENYING RECOGNITION TO A JUDGMENT ON THE  
12 SAME GROUND UNDER THE "UNIFORM FOREIGN-COUNTRY MONEY  
13 JUDGMENTS RECOGNITION ACT", ARTICLE 62 OF THIS TITLE 13.

14 **13-62.3-108. Stay of enforcement proceedings.** A PERSON THAT  
15 FILES A PETITION UNDER SECTION 13-62.3-107 (1) TO VACATE  
16 REGISTRATION OF A CANADIAN JUDGMENT MAY REQUEST THE COURT TO  
17 STAY ENFORCEMENT OF THE JUDGMENT PENDING DETERMINATION OF THE  
18 PETITION. THE COURT SHALL GRANT THE STAY IF THE COURT DETERMINES  
19 THAT THE PERSON HAS ESTABLISHED A LIKELIHOOD OF SUCCESS ON THE  
20 MERITS WITH REGARD TO A GROUND UNDER SECTION 13-62.3-107 (2) FOR  
21 VACATING A REGISTRATION. THE COURT MAY REQUIRE THE PERSON TO  
22 PROVIDE SECURITY IN AN AMOUNT DETERMINED BY THE COURT.

23 **13-62.3-109. Relationship to "Uniform Foreign-country**  
24 **Money Judgments Recognition Act".** (1) THIS ARTICLE 62.3  
25 SUPPLEMENTS THE "UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS  
26 RECOGNITION ACT", ARTICLE 62 OF THIS TITLE 13, AND THAT ACT, OTHER  
27 THAN SECTION 13-62-106, APPLIES TO A REGISTRATION UNDER THIS

1 ARTICLE 62.3.

2 (2) A PERSON MAY SEEK RECOGNITION OF A CANADIAN JUDGMENT  
3 EITHER:

4 (a) BY REGISTRATION UNDER THIS ARTICLE 62.3; OR

5 (b) AS PROVIDED UNDER SECTION 13-62-106.

6 (3) SUBJECT TO SUBSECTION (4) OF THIS SECTION, A PERSON MAY  
7 NOT SEEK RECOGNITION IN THIS STATE OF THE SAME JUDGMENT OR PART  
8 OF A JUDGMENT DESCRIBED IN SECTION 13-62.3-103 (2) OR (3) WITH  
9 REGARD TO THE SAME PERSON UNDER BOTH THIS ARTICLE 62.3 AND  
10 SECTION 13-62-106.

11 (4) IF THE COURT GRANTS A PETITION TO VACATE A REGISTRATION  
12 SOLELY ON A GROUND UNDER SECTION 13-62.3-107 (2)(b), THE PERSON  
13 SEEKING REGISTRATION MAY:

14 (a) IF THE DEFECT IN THE REGISTRATION IS ONE THAT CAN BE  
15 CURED, FILE A NEW REGISTRATION UNDER THIS ARTICLE 62.3; OR

16 (b) SEEK RECOGNITION OF THE JUDGMENT UNDER SECTION  
17 13-62-106.

18 **13-62.3-110. Uniformity of application and interpretation.** IN  
19 APPLYING AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION MUST BE  
20 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT  
21 TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

22 **13-62.3-111. Transitional provision.** THIS ARTICLE 62.3 APPLIES  
23 TO THE REGISTRATION OF A CANADIAN JUDGMENT ENTERED IN A  
24 PROCEEDING COMMENCED IN CANADA ON OR AFTER THE EFFECTIVE DATE  
25 OF THIS ARTICLE 62.3.

26 **13-62.3-112. Effective date.** THIS ARTICLE 62.3 TAKES EFFECT  
27 \_\_\_\_\_. <{*When do you want this act to take effect?*}>