

HB24-1296: Modifications to the Colorado Open Records Act

Sponsors: Representative Cathy Kipp, Representative Matt Soper, Senator Janice Marchman

Why is this bill needed?

- Increased numbers of Colorado Open Records Requests in recent years, have led to public entities experiencing more challenges fulfilling these requests within the required timeframes.
- Colorado is one of only 8 states with a public records response time of only 3 days or less.
- Situations in which a single person bogs down the system with a large number of requests, often seeking to confirm conspiracy theories or urban legends.

What does this bill do?

- Changes the time to respond to records requests from 3 days to 5 days and if there are extenuating circumstances from 7 to 10 additional days. News media would remain at 3 days and 7 days for extenuating circumstances.
- Requires public entities to post how to file a CORA request with their organization.
- Adds to the list of extenuating circumstances if the custodian of records is not scheduled to work within the 5 day (or 3 day for news media) period.
- Defines a “vexatious requester” and allows 30 days for a response to a vexatious requester. News media is exempted from this provision.
- If the subject of a records request is not scheduled to work, the custodian must still hand over all records in their custody in the required time frame as well as all other records they are able to obtain. They also need to notify the requester of the date the person is expected to return so a new request can be submitted in case there are additional responsive records.
- Requests for records to be used for the direct solicitation of business may be fulfilled within 30 days and the custodian is entitled to recover the full cost of providing the records.
- Only calendars of elected officials or those in leadership positions would be subject to CORA. News media is exempted from this provision. *This provision is due to stalking concerns.*
- Denies access to student contact information for elementary and secondary students.
- For the purposes of charging fees, multiple requests by the same person within 14 days may be treated as a single request. News media is exempted from this provision. *Some people will file numerous “smaller” requests to get the first hour free numerous times instead of a single request.*

HB24-1296 balances access to public records with the reality of finite resources.

Note: We will be bringing 8 amendments to committee on March 4th. This fact sheet reflects these amendments.