

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

January 27, 2011
Date

Committee on State, Veterans, & Military Affairs.

After consideration on the merits, the Committee recommends the following:

HB11-1080 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, strike lines 18 through 23 and substitute:

2 **"24-21-209. Disclosure of actual address prohibited -**
3 **notification to custodians of records.** (5.5) (a) (I) IT IS UNLAWFUL FOR
4 A CUSTODIAN OF RECORDS TO KNOWINGLY AND INTENTIONALLY DISCLOSE
5 A PROGRAM PARTICIPANT'S ACTUAL ADDRESS ON THE INTERNET IF THE
6 CUSTODIAN OF RECORDS HAS RECEIVED NOTIFICATION FROM THE
7 PROGRAM PARTICIPANT THAT HE OR SHE DOES NOT WANT HIS OR HER
8 ACTUAL ADDRESS TO BE DISCLOSED ON THE INTERNET, AS DESCRIBED IN
9 PARAGRAPH (b) OF THIS SUBSECTION (5.5), AND THE CUSTODIAN HAS NOT
10 RECEIVED NOTICE FROM THE PROGRAM PARTICIPANT OR FROM THE
11 SECRETARY OF STATE THAT THE PROGRAM PARTICIPANT HAS WITHDRAWN
12 FROM THE PROGRAM.

13 (II) A CUSTODIAN OF RECORDS WHO DISCLOSES ON THE INTERNET
14 THE ACTUAL ADDRESS OF A PERSON WITHOUT KNOWLEDGE OR
15 NOTIFICATION THAT THE PERSON IS A PROGRAM PARTICIPANT SHALL NOT
16 BE DEEMED TO HAVE COMMITTED A VIOLATION UNDER THIS SUBSECTION
17 (5.5).

18 (b) A PROGRAM PARTICIPANT MAY NOTIFY A CUSTODIAN OF
19 RECORDS THAT THE PROGRAM PARTICIPANT DOES NOT WANT HIS OR HER
20 ACTUAL ADDRESS TO BE DISCLOSED ON THE INTERNET. IF A PROGRAM
21 PARTICIPANT NOTIFIES A CUSTODIAN OF RECORDS THAT THE PROGRAM
22 PARTICIPANT DOES NOT WANT HIS OR HER ACTUAL ADDRESS TO BE
23 DISCLOSED ON THE INTERNET, THE PROGRAM PARTICIPANT SHALL ALSO:

1 (I) SUBMIT A CURRENT AND VALID ADDRESS CONFIDENTIALITY
2 PROGRAM AUTHORIZATION CARD FOR THE CUSTODIAN OF RECORDS TO
3 EXAMINE FOR THE PURPOSE OF CONFIRMING THE PERSON IS A PROGRAM
4 PARTICIPANT; AND

5 (II) UPON THE PROGRAM PARTICIPANT'S WITHDRAWAL FROM THE
6 PROGRAM, NOTIFY THE CUSTODIAN OF RECORDS OF SUCH WITHDRAWAL ON
7 OR BEFORE THIRTY DAYS AFTER THE DATE OF SAID WITHDRAWAL.

8 (c) IF A PROGRAM PARTICIPANT NOTIFIES A CUSTODIAN OF
9 RECORDS THAT THE PROGRAM PARTICIPANT DOES NOT WANT HIS OR HER
10 ACTUAL ADDRESS TO BE DISCLOSED ON THE INTERNET, AND THE PROGRAM
11 PARTICIPANT LATER WITHDRAWS FROM THE PROGRAM BUT FAILS TO
12 NOTIFY THE CUSTODIAN OF RECORDS OF SUCH WITHDRAWAL ON OR BEFORE
13 THIRTY DAYS AFTER THE DATE OF SAID WITHDRAWAL AS DESCRIBED IN
14 SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (5.5), THE
15 SECRETARY OF STATE MAY NOTIFY THE CUSTODIAN OF RECORDS OF SUCH
16 WITHDRAWAL.

17 (d) AS USED IN THIS SECTION, "CUSTODIAN OF RECORDS" MEANS:

- 18 (I) A COUNTY ASSESSOR;
- 19 (II) A COUNTY TREASURER;
- 20 (III) A COUNTY CLERK AND RECORDER; AND
- 21 (IV) A PUBLIC TRUSTEE."

** *** ** *** **