

HOUSE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chairman of Committee

February 24, 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 on Appropriations with favorable recommendation:

1 Strike the House State, Veterans, and Military Affairs Committee Report,  
2 dated January 27, 2011.

3 Amend printed bill, strike everything below the enacting clause and  
4 substitute:

5 "SECTION 1. **Repeal.** Part 2 of article 21 of title 24, Colorado  
6 Revised Statutes, is repealed.

7 SECTION 2. Article 30 of title 24, Colorado Revised Statutes, is  
8 amended BY THE ADDITION OF A NEW PART CONTAINING  
9 RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

10 PART 21  
11 ADDRESS CONFIDENTIALITY PROGRAM

12 24-30-2101. [Formerly 24-21-201] **Short title.** This part 2 PART  
13 21 shall be known and may be cited as the "Address Confidentiality  
14 Program Act".

15 24-30-2102. [Formerly 24-21-202] **Legislative declaration.**

16 (1) The general assembly hereby finds and declares that a person  
17 attempting to escape from actual or threatened domestic violence, a  
18 sexual offense, or stalking frequently moves to a new address in order to  
19 prevent an assailant or potential assailant from finding him or her. This  
20 new address, however, is only useful if an assailant or potential assailant  
21 does not discover it. Therefore, in order to help victims of domestic  
22 violence, a sexual offense, or stalking, it is the intent of the general

1 assembly to establish an address confidentiality program, whereby the  
2 confidentiality of a victim's address may be maintained through, among  
3 other things, the use of a substitute address for purposes of public records  
4 and confidential mail forwarding.

5 (2) The general assembly further finds and declares that the  
6 desired result of the "Address Confidentiality Program Act" for the  
7 purpose of post-enactment review is to establish a substitute address for  
8 a program participant that is used by state and local government agencies  
9 whenever possible; to permit agencies to have access to the participant's  
10 actual address when appropriate; to establish a mail forwarding system  
11 for program participants; and to ensure that there is adequate funding to  
12 pay the program costs for all persons who apply to the program.

13 **24-30-2103. [Formerly 24-21-203] Definitions.** As used in this  
14 ~~part 2~~ PART 21, unless the context otherwise requires:

15 (1) "Actual address" means a residential, work, or school address  
16 as specified on the individual's application to be a program participant  
17 under this ~~part 2~~ PART 21, and includes the county and voting precinct  
18 number.

19 (2) "Address confidentiality program" or "program" means the  
20 program created under this ~~part 2~~ PART 21 in the ~~office of the secretary of~~  
21 ~~state~~ DEPARTMENT to protect the confidentiality of the actual address of  
22 a relocated victim of domestic violence, a sexual offense, or stalking.

23 (3) "Applicant" means an individual identified as such in an  
24 application received by the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS  
25 OR HER DESIGNEE pursuant to ~~section 24-21-205~~ SECTION 24-30-2105.

26 ~~(4) (Deleted by amendment, L. 2008, p. 1815, § 2, effective June~~  
27 ~~2, 2008.)~~

28 ~~(5)~~ (4) "Application assistant" means a person designated by the  
29 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE to assist  
30 an applicant in the preparation of an application to participate in the  
31 address confidentiality program.

32 (5) "DEPARTMENT" MEANS THE DEPARTMENT OF PERSONNEL  
33 CREATED IN SECTION 24-1-128.

34 (6) "Domestic violence" means an act described in section  
35 18-6-800.3 (1), C.R.S.

36 (7) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF  
37 THE DEPARTMENT.

38 ~~(7)~~ (8) "Person" means any individual, corporation, limited  
39 liability company, partnership, trust, estate, or other association or any  
40 state, the United States, or any subdivision thereof.

41 ~~(8)~~ (9) "Program participant" or "participant" means an individual

1 accepted into the address confidentiality program in accordance with this  
2 ~~part 2~~ PART 21.

3 ~~(9)~~ (10) "Public record" means all documents, papers, letters,  
4 maps, books, photographs, films, sound recordings, magnetic or other  
5 tapes, digital data, artifacts, or other documentary material, regardless of  
6 physical form or characteristics, made or received pursuant to law or  
7 ordinance in connection with the transaction of public business by a state  
8 or local government agency.

9 ~~(10)~~ (11) "Sexual offense" means an act described in part 4 of  
10 article 3, or article 6 or 7 of title 18, C.R.S.

11 ~~(11)~~ (12) "State or local government agency" or "agency" means  
12 every elected or appointed state or local public office, public officer, or  
13 official; board, commission, bureau, committee, council, department,  
14 authority, agency, institution of higher education, or other unit of the  
15 executive, legislative, or judicial branch of the state; or any city, county,  
16 city and county, town, special district, school district, local improvement  
17 district, or any other kind of municipal, quasi-municipal, or public  
18 corporation.

19 ~~(12)~~ (13) "Stalking" means an act of harassment as described in  
20 section 18-9-111, C.R.S., or stalking as described in section 18-3-602,  
21 C.R.S.

22 ~~(13)~~ (14) "Substitute address" means an address designated by the  
23 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE under the  
24 address confidentiality program that is used instead of an actual address  
25 as set forth in this ~~part 2~~ PART 21.

26 **24-30-2104. [Formerly 24-21-204] Address confidentiality**  
27 **program - creation - substitute address - uses - service by mail -**  
28 **application assistance centers.** (1) There is hereby created the address  
29 confidentiality program in the ~~office of the secretary of state~~  
30 DEPARTMENT to protect the confidentiality of the actual address of a  
31 relocated victim of domestic violence, a sexual offense, or stalking and  
32 to prevent the victim's assailants or potential assailants from finding the  
33 victim through public records. Under the program, the ~~secretary of state~~  
34 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE shall:

35 (a) Designate a substitute address for a program participant that  
36 shall be used by state and local government agencies as set forth in this  
37 ~~part 2~~ PART 21; and

38 (b) Receive mail sent to a program participant at a substitute  
39 address and forward the mail to the participant as set forth in ~~subsection~~  
40 ~~(3)~~ SUBSECTION (2) of this section.

41 (2) ~~(Deleted by amendment, L. 2008, p. 1816, § 3, effective June~~

1 ~~2, 2008.)~~  
2       ~~(3)~~ (2) The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER  
3 DESIGNEE shall receive first-class, certified, or registered mail on behalf  
4 of a program participant and forward the mail to the participant for no  
5 charge. The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER  
6 DESIGNEE may arrange to receive and forward other classes or kinds of  
7 mail at the participant's expense. NEITHER the ~~secretary of state~~  
8 EXECUTIVE DIRECTOR NOR HIS OR HER DESIGNEE shall ~~not~~ be required to  
9 track or otherwise maintain records of any mail received on behalf of a  
10 participant unless the mail is certified or registered mail.  
11       ~~(4)~~ ~~(a)~~ (3) (a) Notwithstanding any provision of law to the  
12 contrary, a program participant may be served by registered mail or by  
13 certified mail, return receipt requested, addressed to the participant at his  
14 or her substitute address with any process, notice, or demand required or  
15 permitted by law to be served on the program participant. Service is  
16 perfected under this ~~subsection (4)~~ SUBSECTION (3) at the earliest of:  
17       (I) The date the program participant receives the process, notice,  
18 or demand; or  
19       (II) Five days after the date shown on the return receipt if signed  
20 on behalf of the program participant.  
21       (b) This ~~subsection (4)~~ SUBSECTION (3) does not prescribe the only  
22 means, or necessarily the required means, of serving a program  
23 participant in the state.  
24       (c) Whenever the laws of the state provide a program participant  
25 a legal right to act within a prescribed period of ten days or less after the  
26 service of a notice or other paper upon the participant and the notice or  
27 paper is served upon the participant by mail pursuant to this ~~subsection~~  
28 ~~(4)~~ SUBSECTION (3) or by first-class mail as otherwise authorized by law,  
29 five days shall be added to the prescribed period.  
30       ~~(5)~~ (4) The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER  
31 DESIGNEE may designate as an application assistant any person who:  
32       (a) Provides counseling, referral, or other services to victims of  
33 domestic violence, a sexual offense, or stalking; and  
34       (b) Completes any training and registration process required by  
35 the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE.  
36       ~~(6)~~ (5) Any assistance and counseling rendered by the ~~secretary of~~  
37 ~~state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE or an application  
38 assistant to an applicant related to this ~~part 2~~ PART 21 shall in no way be  
39 construed as legal advice.  
40       **24-30-2105. [Formerly 24-21-205] Filing and certification of**  
41 **applications - authorization card.** (1) On and after July 1, 2008, ~~or an~~

1 ~~earlier date if so designated by the secretary of state~~, upon the  
2 recommendation of an application assistant, an individual may apply to  
3 the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE to  
4 participate in the address confidentiality program. The following  
5 individuals may apply to the ~~secretary of state~~ EXECUTIVE DIRECTOR OR  
6 HIS OR HER DESIGNEE to have an address designated by the ~~secretary of~~  
7 ~~state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE to serve as the  
8 substitute address of the individual and any individuals designated in  
9 paragraph (j) of subsection (3) of this section:

- 10 (a) An adult individual;
- 11 (b) A parent or guardian acting on behalf of a minor when the  
12 minor resides with the individual; or
- 13 (c) A guardian acting on behalf of an incapacitated individual.

14 (2) An application assistant shall assist the individual in the  
15 preparation of the application. The application shall be dated, signed, and  
16 verified by the applicant and shall be signed and dated by the application  
17 assistant who assisted in the preparation of the application. The signature  
18 of the application assistant shall serve as the recommendation by such  
19 person that the applicant have an address designated by the ~~secretary of~~  
20 ~~state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE to serve as the  
21 substitute address of the applicant. A minor or incapacitated individual  
22 on whose behalf a parent or guardian completes an application pursuant  
23 to the authority set forth in paragraph (b) or (c) of subsection (1) of this  
24 section shall be considered the applicant, but any statements that are  
25 required to be made by the applicant shall be made by the parent or  
26 guardian acting on behalf of the minor or incapacitated individual.

27 (3) The application shall be on a form prescribed by the ~~secretary~~  
28 ~~of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE and shall contain  
29 all of the following:

- 30 (a) The applicant's name;
- 31 (b) A statement by the applicant that the applicant is a victim of  
32 domestic violence, a sexual offense, or stalking and that the applicant  
33 fears for his or her safety;

34 (c) Evidence that the applicant is a victim of domestic violence,  
35 a sexual offense, or stalking. This evidence may include any of the  
36 following:

- 37 (I) Law enforcement, court, or other state or local government  
38 agency or federal agency records or files;
- 39 (II) Documentation from a domestic violence program or facility,  
40 including but not limited to a battered women's shelter or safe house, if  
41 the applicant is alleged to be a victim of domestic violence;

1 (III) Documentation from a sexual assault program if the applicant  
2 is alleged to be a victim of a sexual offense; or  
3 (IV) Documentation from a religious, medical, or other  
4 professional from whom the applicant has sought assistance in dealing  
5 with the alleged domestic violence, sexual offense, or stalking.  
6 (d) A statement by the applicant that disclosure of the applicant's  
7 actual address would endanger the applicant's safety;  
8 (e) A statement by the applicant that the applicant has  
9 confidentially relocated in the past ninety days or will confidentially  
10 relocate in the state;  
11 (f) A designation of the ~~secretary of state~~ EXECUTIVE DIRECTOR OR  
12 HIS OR HER DESIGNEE as an agent for the applicant for purposes of  
13 receiving certain mail;  
14 (g) The mailing address and telephone number where the  
15 applicant can be contacted by the ~~secretary of state~~ EXECUTIVE DIRECTOR  
16 OR HIS OR HER DESIGNEE;  
17 (h) The actual address that the applicant requests not to be  
18 disclosed by the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER  
19 DESIGNEE that directly relates to the increased risk of domestic violence,  
20 a sexual offense, or stalking;  
21 (i) A statement as to whether there is any existing court order or  
22 court action involving the applicant or an individual identified in  
23 paragraph (j) of this subsection (3) related to dissolution of marriage  
24 proceedings, child support, or the allocation of parental responsibilities  
25 or parenting time and the court that issued the order or has jurisdiction  
26 over the action;  
27 (j) The name of any person who resides with the applicant who  
28 also needs to be a program participant in order to ensure the safety of the  
29 applicant and, if the person named in the application is eighteen years of  
30 age or older, the consent of such person to be a program participant;  
31 (k) A statement by the applicant, under penalty of perjury, that to  
32 the best of the applicant's knowledge, the information contained in the  
33 application is true.  
34 (4) Upon determining that an application has been properly  
35 completed, the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER  
36 DESIGNEE shall certify the applicant and any individual who is identified  
37 in paragraph (j) of subsection (3) of this section as a program participant.  
38 Upon certification, the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR  
39 HER DESIGNEE shall issue to the participant an address confidentiality  
40 program authorization card, which shall include the participant's  
41 substitute address. The card shall remain valid for so long as the

1 participant remains certified under the program.  
2 (5) Applicants and individuals identified in paragraph (j) of  
3 subsection (3) of this section shall be certified for four years following  
4 the date of filing unless the certification is withdrawn or canceled prior  
5 to the end of the four-year period. A program participant may withdraw  
6 the certification by filing a request for withdrawal acknowledged before  
7 a notary public. A certification may be renewed by filing a renewal  
8 application with the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR  
9 HER DESIGNEE at least thirty days prior to expiration of the current  
10 certification. The renewal application shall be dated, signed, and verified  
11 by the applicant. ~~and shall be signed and dated by the application~~  
12 ~~assistant who assisted in the preparation of the renewal application.~~ The  
13 renewal application shall contain:

14 (a) Any statement or information that is required by subsection (3)  
15 of this section that has changed from the original application or a prior  
16 renewal application; and

17 (b) A statement by the applicant, under penalty of perjury, that to  
18 the best of the applicant's knowledge, the information contained in the  
19 renewal application and a prior application is true.

20 **24-30-2106. [Formerly 24-21-206] Change of name, address,**  
21 **or telephone number.** (1) A program participant shall notify the  
22 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE within  
23 thirty days after the participant has obtained a legal name change by  
24 providing the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER  
25 DESIGNEE a certified copy of any judgment or order evidencing the  
26 change or any other documentation the ~~secretary of state~~ EXECUTIVE  
27 DIRECTOR OR HIS OR HER DESIGNEE deems to be sufficient evidence of the  
28 name change.

29 (2) A program participant shall notify the ~~secretary of state~~  
30 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE of a change in address or  
31 telephone number from the address or telephone number listed for the  
32 participant on the application pursuant to the requirements set forth in  
33 ~~section 24-21-205 (3) (g) and (3) (h)~~ SECTION 24-30-2105 (3) (g) AND (3)  
34 (h) no later than seven days after the change occurs.

35 **24-30-2107. [Formerly 24-21-207] Certification cancellation**  
36 **- records.** (1) The certification of a program participant shall be  
37 cancelled under any of the following circumstances:

38 (a) The program participant files a request for withdrawal of the  
39 certification pursuant to ~~section 24-21-205 (5)~~ SECTION 24-30-2105 (5).

40 (b) The program participant fails to notify the ~~secretary of state~~  
41 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE of a change in the

1 participant's name, address, or telephone number listed on the application  
2 pursuant to ~~section 24-21-206~~ SECTION 24-30-2106.

3 (c) The program participant or parent or guardian who completes  
4 an application on behalf of an applicant knowingly submitted false  
5 information in the program application.

6 (d) Mail forwarded to the program participant by the ~~secretary of~~  
7 ~~state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE is returned as  
8 undeliverable.

9 (2) If the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER  
10 DESIGNEE determines that there is one or more grounds for cancelling  
11 certification of a program participant pursuant to subsection (1) of this  
12 section, the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER  
13 DESIGNEE shall send notice of cancellation to the program participant.  
14 Notice of cancellation shall set out the reasons for cancellation. The  
15 participant shall have thirty days to appeal the cancellation decision under  
16 procedures developed by the ~~secretary of state~~ EXECUTIVE DIRECTOR OR  
17 HIS OR HER DESIGNEE.

18 (3) An individual who ceases to be a program participant is  
19 responsible for notifying persons who use the substitute address that the  
20 designated substitute address is no longer valid.

21 **24-30-2108. [Formerly 24-21-208] Address use by state or**  
22 **local government agencies.** (1) The program participant, and not the  
23 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE, is  
24 responsible for requesting that a state or local government agency use the  
25 participant's substitute address as the participant's residential, work, or  
26 school address for all purposes for which the agency requires or requests  
27 such residential, work, or school address.

28 (2) Except as otherwise provided in this section or unless the  
29 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE grants a  
30 state or local government agency's request for a disclosure pursuant to  
31 ~~section 24-21-210~~ SECTION 24-30-2110, when a program participant  
32 submits a current and valid address confidentiality program authorization  
33 card to the agency, the agency shall accept the substitute address  
34 designation by the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER  
35 DESIGNEE on the card as the participant's address to be used as the  
36 participant's residential, work, or school address when creating a new  
37 public record. The substitute address given to the agency shall be the last  
38 known address for the participant used by the agency until such time that  
39 the agency receives notification pursuant to ~~section 24-21-207~~ (3)  
40 SECTION 24-30-2107 (3). The agency may make a photocopy of the card  
41 for the records of the agency and thereafter shall immediately return the



1 card to the program participant.

2 (3) (a) A designated election official as defined in section 1-1-104  
3 (8), C.R.S., shall use the actual address of a program participant for  
4 precinct designation and all official election-related purposes and shall  
5 keep the participant's actual address confidential from the public. The  
6 election official shall use the substitute address for all correspondence  
7 and mailings placed in the United States mail. The substitute address  
8 shall not be used as an address for voter registration.

9 (b) A state or local government agency's access to a program  
10 participant's voter registration shall be governed by the disclosure process  
11 set forth in ~~section 24-21-210~~ SECTION 24-30-2110.

12 (c) The provisions of this subsection (3) shall apply only to a  
13 program participant who submits a current and valid address  
14 confidentiality program authorization card when registering to vote.

15 (d) The provisions of this subsection (3) shall not apply to a  
16 program participant who registers to vote pursuant to section 1-2-213,  
17 C.R.S.

18 (4) A program participant who completes an application to  
19 register to vote at a driver's license examination facility while receiving  
20 a driver's license or an identification card pursuant to section 1-2-213,  
21 C.R.S., shall be required to have the participant's actual address on the  
22 driver's license or identification card.

23 (5) The substitute address shall not be used for purposes of listing,  
24 appraising, or assessing property taxes and collecting property taxes under  
25 the provisions of title 39, C.R.S.

26 (6) Whenever a program participant is required by law to swear  
27 or affirm to the participant's address, the participant may use his or her  
28 substitute address.

29 (7) The substitute address shall not be used for purposes of  
30 assessing any taxes or fees on a motor vehicle or for titling or registering  
31 a motor vehicle. Notwithstanding any provision of section 24-72-204 (7)  
32 to the contrary, any record that includes a program participant's actual  
33 address pursuant to this subsection (7) shall be confidential and not  
34 available for inspection by anyone other than the program participant.

35 (8) The substitute address shall not be used on any document  
36 related to real property recorded with a county clerk and recorder.

37 (8.5) Repealed.

38 (9) A school district shall accept the substitute address as the  
39 address of record and shall verify student enrollment eligibility through  
40 the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE. The  
41 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE shall

1 facilitate the transfer of student records from one school to another.

2 (10) Except as otherwise provided in this section, a program  
3 participant's actual address and telephone number maintained by a state  
4 or local government agency or disclosed by the ~~secretary of state~~  
5 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE is not a public record that  
6 is subject to inspection pursuant to the provisions of part 2 of article 72  
7 of title 24. This subsection (10) shall not apply to the following:

8 (a) To any public record created more than ninety days prior to the  
9 date that the program participant applied to be certified in the program;  
10 or

11 (b) If a program participant voluntarily requests that a state or  
12 local government agency use the participant's actual address or  
13 voluntarily gives the actual address to the state or local government  
14 agency.

15 (11) For any public record created within ninety days prior to the  
16 date that a program participant applied to be certified in the program, a  
17 state or local government agency shall redact the actual address from a  
18 public record or change the actual address to the substitute address in the  
19 public record, if a program participant who presents a current and valid  
20 program authorization card requests the agency that maintains the public  
21 record to use the substitute address instead of the actual address on the  
22 public record.

23 **24-30-2109. [Formerly 24-21-209] Disclosure of actual**  
24 **address prohibited.** (1) The ~~secretary of state~~ EXECUTIVE DIRECTOR OR  
25 HIS OR HER DESIGNEE is prohibited from disclosing any address or  
26 telephone number of a program participant other than the substitute  
27 address designated by the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS  
28 OR HER DESIGNEE, except under any of the following circumstances:

29 (a) The information is required by direction of a court order.  
30 However, any person to whom a program participant's address or  
31 telephone number has been disclosed shall not disclose the address or  
32 telephone number to any other person unless permitted to do so by order  
33 of the court.

34 (b) The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER  
35 DESIGNEE grants a request by an agency pursuant to ~~section 24-21-210~~  
36 SECTION 24-30-2110.

37 (c) The program participant is required to disclose the participant's  
38 actual address as part of a registration required by the "Colorado Sex  
39 Offender Registration Act", article 22 of title 16, C.R.S.

40 (2) The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER  
41 DESIGNEE shall provide immediate notification of disclosure to a program

1 participant when disclosure is made pursuant to paragraph (a) or (b) of  
2 subsection (1) of this section.

3 (3) If, at the time of application, an applicant or an individual  
4 designated in ~~section 24-21-205 (3) (j)~~ SECTION 24-30-2105 (3) (j) is  
5 subject to a court order related to dissolution of marriage proceedings,  
6 child support, or the allocation of parental responsibilities or parenting  
7 time, the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE  
8 shall notify the court that issued the order of the certification of the  
9 program participant in the address confidentiality program and the  
10 substitute address designated by the ~~secretary of state~~ EXECUTIVE  
11 DIRECTOR OR HIS OR HER DESIGNEE. If, at the time of application, an  
12 applicant or an individual designated in ~~section 24-21-205 (3) (j)~~ SECTION  
13 24-30-2105 (3) (j) is involved in a court action related to dissolution of  
14 marriage proceedings, child support, or the allocation of parental  
15 responsibilities or parenting time, the ~~secretary of state~~ EXECUTIVE  
16 DIRECTOR OR HIS OR HER DESIGNEE shall notify the court having  
17 jurisdiction over the action of the certification of the applicant in the  
18 address confidentiality program and the substitute address designated by  
19 the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE.

20 (4) No person shall knowingly and intentionally obtain a program  
21 participant's actual address or telephone number from the ~~secretary of~~  
22 ~~state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE or an agency  
23 knowing that the person is not authorized to obtain the address  
24 information.

25 (5) No employee of the ~~secretary of state~~ EXECUTIVE DIRECTOR OR  
26 HIS OR HER DESIGNEE or OF an agency shall knowingly and intentionally  
27 disclose a program participant's actual address or telephone number  
28 unless the disclosure is permissible by law. This subsection (5) only  
29 applies when an employee obtains a participant's actual address or  
30 telephone number during the course of the employee's official duties and,  
31 at the time of disclosure, the employee has specific knowledge that the  
32 actual address or telephone number disclosed belongs to a participant.

33 (6) Any person who knowingly and intentionally obtains or  
34 discloses information in violation of this ~~part 2~~ PART 21 shall be guilty of  
35 a class 1 misdemeanor and shall be punished as provided in section  
36 18-1.3-501, C.R.S.

37 **24-30-2110. [Formerly 24-21-210] Request for disclosure.**  
38 (1) A state or local government agency requesting disclosure of a  
39 program participant's actual address pursuant to this section shall make  
40 such a request in writing on agency letterhead and shall provide the  
41 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE with the

1 following information:

2 (a) The name of the program participant for whom the agency  
3 seeks disclosure of the actual address;

4 (b) A statement, with explanation, setting forth the reason or  
5 reasons that the agency needs the program participant's actual address and  
6 a statement that the agency cannot meet its statutory or administrative  
7 obligations without disclosure of the participant's actual address;

8 (c) A particular statement of facts showing that other methods to  
9 locate the program participant or the participant's actual address have  
10 been tried and have failed or that the methods reasonably appear to be  
11 unlikely to succeed;

12 (d) A statement that the agency has adopted a procedure setting  
13 forth the steps the agency will take to protect the confidentiality of the  
14 program participant's actual address; and

15 (e) Any other information as the ~~secretary of state~~ EXECUTIVE  
16 DIRECTOR OR HIS OR HER DESIGNEE may reasonably request in order to  
17 identify the program participant in the records of the ~~secretary of state~~  
18 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE.

19 (2) (a) The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER  
20 DESIGNEE shall provide the program participant with notice of a request  
21 for disclosure received pursuant to subsection (1) of this section, and, to  
22 the extent possible, the participant shall be afforded an opportunity to be  
23 heard regarding the request.

24 (b) Except as otherwise provided in paragraph (c) of this  
25 subsection (2), the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER  
26 DESIGNEE shall provide the program participant with written notification  
27 whenever a request for a disclosure has been granted or denied pursuant  
28 to this section.

29 (c) No notice or opportunity to be heard shall be given to the  
30 program participant when the request for disclosure is made by a state or  
31 local law enforcement agency conducting a criminal investigation  
32 involving alleged criminal conduct by the participant or when providing  
33 notice to the participant would jeopardize an ongoing criminal  
34 investigation or the safety of law enforcement personnel.

35 (3) The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER  
36 DESIGNEE shall promptly conduct a review of all requests received  
37 pursuant to this section. In conducting a review, the ~~secretary of state~~  
38 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE shall consider all  
39 information received pursuant to subsections (1) and (2) of this section  
40 and any other appropriate information that the ~~secretary of state~~  
41 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE may require.

1           (4) The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER  
2     DESIGNEE shall grant a state or local government agency's request for  
3     disclosure and disclose a program participant's actual address pursuant to  
4     this section if:  
5           (a) The agency has a bona fide statutory or administrative need for  
6     the actual address.  
7           (b) The actual address will only be used for the purpose stated in  
8     the request.  
9           (c) Other methods to locate the program participant or the  
10    participant's actual address have been tried and have failed or such  
11    methods reasonably appear to be unlikely to succeed.  
12          (d) The agency has adopted a procedure for protecting the  
13    confidentiality of the actual address of the program participant.  
14          (5) Upon granting a request for disclosure pursuant to this section,  
15    the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE shall  
16    provide the state or local government agency with the disclosure that  
17    contains:  
18          (a) The program participant's actual address;  
19          (b) A statement setting forth the permitted use of the actual  
20    address and the names or classes of persons permitted to have access to  
21    and use of the actual address;  
22          (c) A statement that the agency is required to limit access to and  
23    use of the actual address to the permitted use and persons set forth in the  
24    disclosure; and  
25          (d) The date on which the permitted use expires, if expiration is  
26    appropriate, after which the agency may no longer maintain, use, or have  
27    access to the actual address.  
28          (6) A state or local government agency whose request is granted  
29    by the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE  
30    pursuant to this section shall:  
31          (a) Limit the use of the program participant's actual address to the  
32    purposes set forth in the disclosure;  
33          (b) Limit the access to the program participant's actual address to  
34    the persons or classes of persons set forth in the disclosure;  
35          (c) Cease to use and dispose of the program participant's actual  
36    address upon the expiration of the permitted use, if applicable; and  
37          (d) Except as otherwise set forth in the disclosure, maintain the  
38    confidentiality of a program participant's actual address.  
39          (7) Upon denial of a state or local government agency's request for  
40    disclosure, the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER  
41    DESIGNEE shall provide prompt written notification to the agency stating

1 that the agency's request has been denied and setting forth the specific  
2 reasons for the denial.

3 (8) A state or local government agency may file written  
4 exceptions with the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER  
5 DESIGNEE no more than fifteen days after written notification is provided  
6 pursuant to subsection (7) of this section. The exceptions shall restate the  
7 information contained in the request for disclosure, state the grounds  
8 upon which the agency asserts that the request for disclosure should be  
9 granted and specifically respond to the ~~secretary of state's~~ EXECUTIVE  
10 DIRECTOR'S OR HIS OR HER DESIGNEE'S specific reasons for denial.

11 (9) Unless the state or local government agency filing exceptions  
12 agrees otherwise, the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR  
13 HER DESIGNEE shall make a final determination regarding the exceptions  
14 within thirty days after the filing of exceptions pursuant to subsection (8)  
15 of this section. Prior to making a final determination regarding the  
16 exceptions, the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER  
17 DESIGNEE may request additional information from the agency or the  
18 program participant and conduct a hearing. If the final determination of  
19 the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE is  
20 that the denial of the agency's request for disclosure was properly denied,  
21 the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE shall  
22 provide the agency with written notification of this final determination  
23 stating that the agency's request has again been denied and setting forth  
24 the specific reasons for the denial. If the final determination of the  
25 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE is that  
26 the denial of the agency's request for disclosure has been improperly  
27 denied, the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER  
28 DESIGNEE shall grant the agency's request for disclosure in accordance  
29 with this section. The final determination of the ~~secretary of state~~  
30 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE shall constitute final  
31 agency action.

32 (10) The record before any judicial review of a final agency action  
33 pursuant to subsection (9) of this section shall consist of the state or local  
34 government agency's request for disclosure, the ~~secretary of state's~~  
35 EXECUTIVE DIRECTOR'S OR HIS OR HER DESIGNEE'S written response, the  
36 agency's exceptions, the hearing transcript, if any, and the ~~secretary of~~  
37 ~~state's~~ EXECUTIVE DIRECTOR'S OR HIS OR HER DESIGNEE'S final  
38 determination.

39 (11) During any period of review, evaluation, or appeal, the  
40 agency shall, to the extent possible, accept and use the program  
41 participant's substitute address.

1 (12) Notwithstanding any other provision of this section, the  
2 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE shall  
3 establish an expedited process for disclosure to be used by a criminal  
4 justice official or agency for situations where disclosure is required  
5 pursuant to a criminal justice trial, hearing, proceeding, or investigation  
6 involving a program participant. An official or agency receiving  
7 information pursuant to this subsection (12) shall certify to the ~~secretary~~  
8 ~~of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE that the official or  
9 agency has a system in place to protect the confidentiality of a  
10 participant's actual address from the public and from personnel who are  
11 not involved in the trial, hearing, proceeding, or investigation.

12 (13) Nothing in this section shall be construed to prevent the  
13 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE from  
14 granting a request for disclosure to a state or local government agency  
15 pursuant to this section upon receipt of a program participant's written  
16 consent to do so.

17 **24-30-2111. [Formerly 24-21-211] Nondisclosure of address**  
18 **in criminal and civil proceedings.** No person shall be compelled to  
19 disclose a program participant's actual address during the discovery phase  
20 of or during a proceeding before a court of competent jurisdiction or  
21 administrative tribunal unless the court or administrative tribunal finds,  
22 based upon a preponderance of the evidence, that the disclosure is  
23 required in the interests of justice. A court or administrative tribunal may  
24 seal the portion of any record that contains a program participant's actual  
25 address. Nothing in this section shall prevent a state or local government  
26 agency, in its discretion, from using a program participant's actual address  
27 in any document or record filed with a court or administrative tribunal if,  
28 at the time of filing, the document or record is not a public record.

29 **24-30-2112. [Formerly 24-21-212] Participation in the**  
30 **program - orders relating to allocation of parental responsibilities or**  
31 **parenting time.** (1) Nothing in this ~~part 2~~ PART 21, nor participation in  
32 ~~this~~ THE program, shall affect an order relating to the allocation of  
33 parental responsibilities or parenting time in effect prior to or during  
34 program participation.

35 (2) Program participation does not constitute evidence of domestic  
36 violence, a sexual offense, or stalking and shall not be considered for  
37 purposes of making an order allocating parental responsibilities or  
38 parenting time; except that a court may consider practical measures to  
39 keep a program participant's actual address confidential when making an  
40 order allocating parental responsibilities or parenting time.

41 **24-30-2113. [Formerly 24-21-213] Rule-making authority.**

1 The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE is  
2 authorized to adopt any rules in accordance with article 4 of this title  
3 deemed necessary to carry out the provisions of this ~~part 2~~ PART 21,  
4 excluding ~~section 24-21-214~~ SECTION 24-30-2114.

5 **24-30-2114. [Formerly 24-21-214] Surcharge - collection and**  
6 **distribution - address confidentiality program surcharge fund -**  
7 **creation - definitions.** (1) On and after July 1, 2007, each person who  
8 is convicted of the crimes set forth in subsection (2) of this section shall  
9 be required to pay a surcharge of twenty-eight dollars to the clerk of the  
10 court for the judicial district in which the conviction occurs.

11 (2) The following crimes shall be subject to the surcharge set forth  
12 in subsection (1) of this section:

13 (a) Stalking;

14 (b) A crime, the underlying factual basis of which has been found  
15 by the court on the record to include an act of domestic violence; or

16 (c) Criminal attempt, conspiracy, or solicitation to commit the  
17 crimes set forth in paragraphs (a) and (b) of this subsection (2).

18 (3) The clerk of the court shall allocate the surcharge required by  
19 this section as follows:

20 (a) Five percent shall be retained by the clerk of the court for  
21 administrative costs incurred pursuant to this section. Such amount  
22 retained shall be transmitted to the state treasurer for deposit in the  
23 judicial stabilization cash fund created in section 13-32-101 (6), C.R.S.

24 (b) Ninety-five percent shall be transferred to the state treasurer,  
25 who shall credit the same to the address confidentiality program  
26 surcharge fund created pursuant to subsection (4) of this section.

27 (4) (a) There is hereby created in the state treasury the address  
28 confidentiality program surcharge fund, which shall consist of moneys  
29 received by the state treasurer pursuant to this section, any moneys  
30 received pursuant to ~~section 24-21-204 (3)~~ SECTION 24-30-2104 (2), AND  
31 any gifts, grants, or donations received by the department of state for the  
32 fund pursuant to paragraph (b) of this subsection (4). ~~and any moneys~~  
33 ~~transferred to the fund from the department of state cash fund created in~~  
34 ~~section 24-21-104 (3) (b).~~ The moneys in the fund shall be subject to  
35 annual appropriation by the general assembly to the department for the  
36 purpose of paying for the costs incurred by the ~~secretary of state~~  
37 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE in the administration of the  
38 address confidentiality program. All interest derived from the deposit and  
39 investment of moneys in the fund shall be credited to the fund. Any  
40 moneys not appropriated by the general assembly shall remain in the fund  
41 and shall not be transferred or revert to the general fund of the state at the



1 end of any fiscal year. ~~except that the state treasurer shall transfer~~  
2 ~~unappropriated moneys to the department of state cash fund until such~~  
3 ~~time that all of the transfers made from the department of state cash fund~~  
4 ~~pursuant to paragraph (c) of this subsection (4) and section 24-21-104 (3)~~  
5 ~~(d) (XIII) have been repaid.~~

6 (b) The department of state is authorized to seek and accept gifts,  
7 grants, and donations from private or public sources for the  
8 implementation of the ~~address confidentiality~~ program. All private and  
9 public funds received through gifts, grants, and donations shall be  
10 transmitted to the state treasurer, who shall credit the same to the address  
11 confidentiality program surcharge fund.

12 (c) No general fund moneys shall be appropriated for the purpose  
13 of implementing the address confidentiality program. ~~If, during the state~~  
14 ~~fiscal year 2008-09, the amount of moneys in the address confidentiality~~  
15 ~~program surcharge fund is insufficient to cover the costs incurred by the~~  
16 ~~secretary of state in the administration of the address confidentiality~~  
17 ~~program, the secretary of state may request the state treasurer to transfer~~  
18 ~~moneys from the department of state cash fund created in section~~  
19 ~~24-21-104 (3) (b) to the address confidentiality program surcharge fund;~~  
20 ~~and the state treasurer shall make such transfer.~~

21 (5) The court may waive all or any portion of the surcharge  
22 required by this section if the court finds that a person subject to the  
23 surcharge is indigent or financially unable to pay all or any portion of the  
24 surcharge. The court may waive only that portion of the surcharge that  
25 the court finds that the person is financially unable to pay.

26 (6) As used in this section, "convicted" and "conviction" mean a  
27 plea of guilty accepted by the court, including a plea of guilty entered  
28 pursuant to a deferred sentence under section 18-1.3-102, C.R.S., a  
29 verdict of guilty by a judge or jury, or a plea of no contest accepted by the  
30 court.

31 **SECTION 3.** 1-2-213 (2) (e), Colorado Revised Statutes, is  
32 amended to read:

33 **1-2-213. Registration at driver's license examination facilities.**

34 (2) (e) The department of revenue, through its local driver's license  
35 examination facilities, shall notify a program participant, as defined in  
36 ~~section 24-21-203 (8)~~ SECTION 24-30-2103 (8), C.R.S., who submits a  
37 current and valid address confidentiality program authorization card, of  
38 the provisions of ~~section 24-21-208 (4)~~ SECTION 24-30-2108 (4), C.R.S.,  
39 and inform the participant about how he or she may use a substitute  
40 address, as defined in ~~section 24-21-203 (13)~~ SECTION 24-30-2103 (13),  
41 C.R.S., on the driver's license or identification card.

1           **SECTION 4.** 16-18.5-110 (1) (c.5), Colorado Revised Statutes,  
2 is amended to read:

3           **16-18.5-110. Order of crediting payments.** (1) Payments  
4 received shall be credited in the following order:

5           (c.5) Surcharges related to the address confidentiality program  
6 pursuant to ~~section 24-21-214~~ SECTION 24-30-2114, C.R.S.;

7           **SECTION 5.** 18-1.3-204 (2.5) (i.9), Colorado Revised Statutes,  
8 is amended to read:

9           **18-1.3-204. Conditions of probation.** (2.5) The order of priority  
10 for any payments required of a defendant pursuant to subparagraph (IV),  
11 (V), (VI), or (VI.5) of paragraph (a) of subsection (2) of this section shall  
12 be as follows:

13           (i.9) Payment of a surcharge related to the address confidentiality  
14 program pursuant to ~~section 24-21-214~~ SECTION 24-30-2114, C.R.S.;

15           **SECTION 6.** 24-21-104 (3) (d) (XIII) and (3) (d) (XIV),  
16 Colorado Revised Statutes, are repealed as follows:

17           **24-21-104. Fees of secretary of state - repeal.**  
18 (3) (d) (XIII) ~~Notwithstanding any provision of paragraph (b) of this~~  
19 ~~subsection (3) to the contrary, on June 2, 2008, the state treasurer shall~~  
20 ~~deduct ten thousand dollars from the department of state cash fund and~~  
21 ~~transfer such sum to the address confidentiality program surcharge fund~~  
22 ~~created in section 24-21-214 (4) (a).~~

23           (XIV) ~~Notwithstanding any provision of paragraph (b) of this~~  
24 ~~subsection (3) to the contrary, in accordance with section 24-21-214 (4)~~  
25 ~~(c), during the state fiscal year 2008-09, the state treasurer shall deduct~~  
26 ~~moneys from the department of state cash fund and transfer such moneys~~  
27 ~~to the address confidentiality program surcharge fund created in section~~  
28 ~~24-21-214 (4) (a).~~

29           **SECTION 7. Safety clause.** The general assembly hereby finds,  
30 determines, and declares that this act is necessary for the immediate  
31 preservation of the public peace, health, and safety."

\*\* \*\*\* \*\* \*\*\* \*\*