

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 07-0591.01 Ed DeCecco

HOUSE BILL 07-1350

HOUSE SPONSORSHIP

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SENATE SPONSORSHIP

Tupa,

House Committees

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A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A VICTIM ADDRESS CONFIDENTIALITY**
102 **PROGRAM, MAKING AN APPROPRIATION THEREFOR, AND**
103 **REQUIRING A POST-ENACTMENT REVIEW OF THE**
104 **IMPLEMENTATION OF THIS ACT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Establishes the address confidentiality program (program) in the office of the secretary of state (secretary) to protect the confidentiality of the address of a relocated victim of domestic violence, a sexual offense, or stalking. Requires the secretary to designate a substitute address for

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

a program participant and to receive and forward mail. Permits a participant to be served by mail. Provides a program participant with a specified amount of additional time to respond to certain notices served by mail. Requires the secretary to designate application assistance centers whose employees and volunteers may be application assistants.

Establishes application requirements. Requires the secretary to certify as a program participant any applicant who properly completes an application and certain other people identified in the application. Entitles a program participant to an address confidentiality program authorization card. Establishes the length of the program certification and how it may end or be renewed.

Requires a program participant to notify the secretary of certain information changes. Requires the secretary to cancel a participant's certification in certain circumstances and establishes procedures related thereto.

Establishes that a program participant and not the secretary is responsible for requesting that a state or local government agency use a substitute address as the participant's residential, work, or school address when creating a new public record. Establishes when a substitute address may not be used. Creates a process whereby a state or local government agency may request the secretary to disclose a participant's actual address. Requires the secretary of state to establish an expedited process for disclosure to a criminal justice official or agency.

Establishes when a program participant's actual address may be disclosed in a proceeding before a court or administrative tribunal. Requires the secretary to adopt rules in carrying out the program.

Creates a surcharge to be paid by offenders who commit crimes of domestic violence or stalking. Requires the moneys collected from the surcharge to be used primarily to pay the costs of the program. Establishes the order of crediting a payment for the surcharge in relation to other surcharges, fees, or payments.

Makes legislative findings and declarations. Defines terms.

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

2 **SECTION 1.** 1-2-213 (2), Colorado Revised Statutes, is amended

3 **BY THE ADDITION OF A NEW PARAGRAPH** to read:

4 **1-2-213. Registration at driver's license examination facilities.**

5 (2) (e) THE DEPARTMENT OF REVENUE, THROUGH ITS LOCAL DRIVER'S

6 LICENSE EXAMINATION FACILITIES, SHALL NOTIFY A PROGRAM

7 PARTICIPANT, AS DEFINED IN SECTION 24-21-203 (8), C.R.S., WHO SUBMITS

1 A CURRENT AND VALID ADDRESS CONFIDENTIALITY PROGRAM
2 AUTHORIZATION CARD, OF THE PROVISIONS OF SECTION 24-21-208 (4),
3 C.R.S., AND INFORM THE PARTICIPANT ABOUT HOW HE OR SHE MAY USE A
4 SUBSTITUTE ADDRESS, AS DEFINED IN SECTION 24-21-203 (13), C.R.S., ON
5 THE DRIVER'S LICENSE OR IDENTIFICATION CARD.

6 **SECTION 2.** 16-18.5-110 (1), Colorado Revised Statutes, is
7 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

8 **16-18.5-110. Order of crediting payments.** (1) Payments
9 received shall be credited in the following order:

10 (b.5) SURCHARGES RELATED TO THE ADDRESS CONFIDENTIALITY
11 PROGRAM PURSUANT TO SECTION 24-21-213, C.R.S.;

12 **SECTION 3.** 18-1.3-204 (2.5), Colorado Revised Statutes, is
13 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

14 **18-1.3-204. Conditions of probation.** (2.5) The order of priority
15 for any payments required of a defendant pursuant to subparagraph (IV),
16 (V), (VI), or (VI.5) of paragraph (a) of subsection (2) of this section shall
17 be as follows:

18 (i.9) PAYMENT OF A SURCHARGE RELATED TO THE ADDRESS
19 CONFIDENTIALITY PROGRAM PURSUANT TO SECTION 24-21-213, C.R.S.

20 **SECTION 4.** Article 21 of title 24, Colorado Revised Statutes, is
21 amended BY THE ADDITION OF A NEW PART to read:

22 PART 2

23 ADDRESS CONFIDENTIALITY FOR VICTIMS

24 OF DOMESTIC VIOLENCE, A SEXUAL OFFENSE,

25 OR STALKING

26 **24-21-201. Short title.** THIS PART 2 SHALL BE KNOWN AND MAY
27 BE CITED AS THE "ADDRESS CONFIDENTIALITY PROGRAM ACT".

1 **24-21-202. Legislative declaration.** (1) THE GENERAL ASSEMBLY
2 HEREBY FINDS AND DECLARES THAT A PERSON ATTEMPTING TO ESCAPE
3 FROM ACTUAL OR THREATENED DOMESTIC VIOLENCE, A SEXUAL OFFENSE,
4 OR STALKING FREQUENTLY MOVES TO A NEW ADDRESS IN ORDER TO
5 PREVENT AN ASSAILANT OR POTENTIAL ASSAILANT FROM FINDING HIM OR
6 HER. THIS NEW ADDRESS, HOWEVER, IS ONLY USEFUL IF AN ASSAILANT OR
7 POTENTIAL ASSAILANT DOES NOT DISCOVER IT. THEREFORE, IN ORDER TO
8 HELP VICTIMS OF DOMESTIC VIOLENCE, A SEXUAL OFFENSE, OR STALKING,
9 IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ESTABLISH AN ADDRESS
10 CONFIDENTIALITY PROGRAM, WHEREBY THE CONFIDENTIALITY OF A
11 VICTIM'S ADDRESS MAY BE MAINTAINED THROUGH, AMONG OTHER THINGS,
12 THE USE OF A SUBSTITUTE ADDRESS FOR PURPOSES OF PUBLIC RECORDS
13 AND CONFIDENTIAL MAIL FORWARDING.

14 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
15 THE DESIRED RESULT OF THE "ADDRESS CONFIDENTIALITY PROGRAM
16 ACT" FOR THE PURPOSE OF POST-ENACTMENT REVIEW IS TO ESTABLISH A
17 SUBSTITUTE ADDRESS FOR A PROGRAM PARTICIPANT THAT IS USED BY
18 STATE AND LOCAL GOVERNMENT AGENCIES WHENEVER POSSIBLE; TO
19 PERMIT AGENCIES TO HAVE ACCESS TO THE PARTICIPANT'S ACTUAL
20 ADDRESS WHEN APPROPRIATE; TO ESTABLISH A MAIL FORWARDING SYSTEM
21 FOR PROGRAM PARTICIPANTS; AND TO ENSURE THAT THERE IS ADEQUATE
22 FUNDING TO PAY THE PROGRAM COSTS FOR ALL PERSONS WHO APPLY TO
23 THE PROGRAM.

24 **24-21-203. Definitions.** AS USED IN THIS PART 2, UNLESS THE
25 CONTEXT OTHERWISE REQUIRES:

26 (1) "ACTUAL ADDRESS" MEANS A RESIDENTIAL, WORK, OR SCHOOL
27 STREET ADDRESS AS SPECIFIED ON THE INDIVIDUAL'S APPLICATION TO BE

1 A PROGRAM PARTICIPANT UNDER THIS PART 2.

2 (2) "ADDRESS CONFIDENTIALITY PROGRAM" OR "PROGRAM"
3 MEANS THE PROGRAM CREATED UNDER THIS PART 2 IN THE OFFICE OF THE
4 SECRETARY OF STATE TO PROTECT THE CONFIDENTIALITY OF THE ACTUAL
5 ADDRESS OF A RELOCATED VICTIM OF DOMESTIC VIOLENCE, A SEXUAL
6 OFFENSE, OR STALKING.

7 (3) "APPLICANT" MEANS AN INDIVIDUAL IDENTIFIED AS SUCH IN AN
8 APPLICATION RECEIVED BY THE SECRETARY OF STATE PURSUANT TO
9 SECTION 24-21-205.

10 (4) "APPLICATION ASSISTANCE CENTER" MEANS AN AGENCY OR
11 NONPROFIT ORGANIZATION THAT PROVIDES COUNSELING, REFERRAL,
12 SHELTER, OR OTHER SPECIALIZED SERVICES TO VICTIMS OF DOMESTIC
13 VIOLENCE, A SEXUAL OFFENSE, OR STALKING AND THAT HAS BEEN
14 DESIGNATED BY THE SECRETARY OF STATE PURSUANT TO SECTION
15 24-21-204 (5).

16 (5) "APPLICATION ASSISTANT" MEANS A VOLUNTEER WITH OR AN
17 EMPLOYEE OF AN APPLICATION ASSISTANCE CENTER WHO ASSISTS IN THE
18 PREPARATION OF AN APPLICATION TO PARTICIPATE IN THE ADDRESS
19 CONFIDENTIALITY PROGRAM.

20 (6) "DOMESTIC VIOLENCE" MEANS AN ACT DESCRIBED IN SECTION
21 18-6-800.3 (1), C.R.S.

22 (7) "PERSON" MEANS ANY INDIVIDUAL, CORPORATION, LIMITED
23 LIABILITY COMPANY, PARTNERSHIP, TRUST, ESTATE, OR OTHER
24 ASSOCIATION OR ANY STATE, THE UNITED STATES, OR ANY SUBDIVISION
25 THEREOF.

26 (8) "PROGRAM PARTICIPANT" OR "PARTICIPANT" MEANS AN
27 INDIVIDUAL ACCEPTED INTO THE ADDRESS CONFIDENTIALITY PROGRAM IN

1 ACCORDANCE WITH THIS PART 2.

2 (9) "PUBLIC RECORD" MEANS ALL DOCUMENTS, PAPERS, LETTERS,
3 MAPS, BOOKS, PHOTOGRAPHS, FILMS, SOUND RECORDINGS, MAGNETIC OR
4 OTHER TAPES, DIGITAL DATA, ARTIFACTS, OR OTHER DOCUMENTARY
5 MATERIAL, REGARDLESS OF PHYSICAL FORM OR CHARACTERISTICS, MADE
6 OR RECEIVED PURSUANT TO LAW OR ORDINANCE IN CONNECTION WITH THE
7 TRANSACTION OF PUBLIC BUSINESS BY A STATE OR LOCAL GOVERNMENT
8 AGENCY.

9 (10) "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) "STATE OR LOCAL GOVERNMENT AGENCY" OR "AGENCY"
12 MEANS EVERY ELECTED OR APPOINTED STATE OR LOCAL PUBLIC OFFICE,
13 PUBLIC OFFICER, OR OFFICIAL; BOARD, COMMISSION, BUREAU, COMMITTEE,
14 COUNCIL, DEPARTMENT, AUTHORITY, AGENCY, INSTITUTION OF HIGHER
15 EDUCATION, OR OTHER UNIT OF THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL
16 BRANCH OF THE STATE; OR ANY CITY, COUNTY, CITY AND COUNTY, TOWN,
17 SPECIAL DISTRICT, SCHOOL DISTRICT, LOCAL IMPROVEMENT DISTRICT, OR
18 ANY OTHER KIND OF MUNICIPAL, QUASI-MUNICIPAL, OR PUBLIC
19 CORPORATION.

20 (12) "STALKING" MEANS AN ACT OF HARASSMENT OR STALKING AS
21 DESCRIBED IN SECTION 18-9-111, C.R.S.

22 (13) "SUBSTITUTE ADDRESS" MEANS AN ADDRESS DESIGNATED BY
23 THE SECRETARY OF STATE UNDER THE ADDRESS CONFIDENTIALITY
24 PROGRAM THAT IS USED INSTEAD OF AN ACTUAL ADDRESS AS SET FORTH
25 IN THIS PART 2.

26 **24-21-204. Address confidentiality program - creation -**
27 **substitute address - uses - service by mail - application assistance**

1 **centers.** (1) THERE IS HEREBY CREATED THE ADDRESS CONFIDENTIALITY
2 PROGRAM IN THE OFFICE OF THE SECRETARY OF STATE TO PROTECT THE
3 CONFIDENTIALITY OF THE ACTUAL ADDRESS OF A RELOCATED VICTIM OF
4 DOMESTIC VIOLENCE, A SEXUAL OFFENSE, OR STALKING AND TO PREVENT
5 THE VICTIM'S ASSAILANTS OR POTENTIAL ASSAILANTS FROM FINDING THE
6 VICTIM THROUGH PUBLIC RECORDS. UNDER THE PROGRAM, THE
7 SECRETARY OF STATE SHALL:

8 (a) DESIGNATE A SUBSTITUTE ADDRESS FOR A PROGRAM
9 PARTICIPANT THAT SHALL BE USED BY STATE AND LOCAL GOVERNMENT
10 AGENCIES AS SET FORTH IN THIS PART 2; AND

11 (b) RECEIVE MAIL SENT TO A PROGRAM PARTICIPANT AT A
12 SUBSTITUTE ADDRESS AND FORWARD THE MAIL TO THE PARTICIPANT AS
13 SET FORTH IN SUBSECTION (3) OF THIS SECTION.

14 (2) THE SUBSTITUTE ADDRESS ESTABLISHED PURSUANT TO
15 SUBSECTION (1) OF THIS SECTION SHALL CONSIST OF A POST OFFICE BOX
16 NUMBER AND A FICTITIOUS STREET ADDRESS.

17 (3) THE SECRETARY OF STATE SHALL RECEIVE FIRST-CLASS,
18 CERTIFIED, OR REGISTERED MAIL ON BEHALF OF A PROGRAM PARTICIPANT
19 AND FORWARD THE MAIL TO THE PARTICIPANT FOR NO CHARGE. THE
20 SECRETARY OF STATE MAY ARRANGE TO RECEIVE AND FORWARD OTHER
21 CLASSES OR KINDS OF MAIL AT THE PARTICIPANT'S EXPENSE. THE
22 SECRETARY OF STATE SHALL NOT BE REQUIRED TO TRACK OR OTHERWISE
23 MAINTAIN RECORDS OF ANY MAIL RECEIVED ON BEHALF OF A PARTICIPANT
24 UNLESS THE MAIL IS CERTIFIED OR REGISTERED MAIL.

25 (4) (a) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
26 CONTRARY, A PROGRAM PARTICIPANT MAY BE SERVED WITH ANY PROCESS,
27 NOTICE, OR DEMAND REQUIRED OR PERMITTED BY LAW TO BE SERVED ON

1 THE PROGRAM PARTICIPANT BY REGISTERED MAIL OR CERTIFIED MAIL,
2 RETURN RECEIPT REQUESTED, ADDRESSED TO THE PARTICIPANT AT HIS OR
3 HER SUBSTITUTE ADDRESS. SERVICE IS PERFECTED UNDER THIS
4 SUBSECTION (4) AT THE EARLIEST OF:

5 (I) THE DATE THE PROGRAM PARTICIPANT RECEIVES THE PROCESS,
6 NOTICE, OR DEMAND; OR

7 (II) FIVE DAYS AFTER THE DATE SHOWN ON THE RETURN RECEIPT
8 IF SIGNED ON BEHALF OF THE PROGRAM PARTICIPANT.

9 (b) THIS SUBSECTION (4) DOES NOT PRESCRIBE THE ONLY MEANS,
10 OR NECESSARILY THE REQUIRED MEANS, OF SERVING A PROGRAM
11 PARTICIPANT IN THE STATE.

12 (c) WHENEVER THE LAWS OF THE STATE PROVIDE A PROGRAM
13 PARTICIPANT A LEGAL RIGHT TO ACT WITHIN A PRESCRIBED PERIOD OF TEN
14 DAYS OR LESS AFTER THE SERVICE OF A NOTICE OR OTHER PAPER UPON THE
15 PARTICIPANT AND THE NOTICE OR PAPER IS SERVED UPON THE PARTICIPANT
16 BY MAIL PURSUANT TO THIS SUBSECTION (4) OR BY FIRST-CLASS MAIL AS
17 OTHERWISE AUTHORIZED BY LAW, FIVE DAYS SHALL BE ADDED TO THE
18 PRESCRIBED PERIOD.

19 (5) THE SECRETARY OF STATE SHALL DESIGNATE APPLICATION
20 ASSISTANCE CENTERS. A VOLUNTEER OR EMPLOYEE OF AN APPLICATION
21 ASSISTANCE CENTER WHO PROVIDES COUNSELING, REFERRAL, OR OTHER
22 SERVICES TO VICTIMS OF DOMESTIC VIOLENCE, A SEXUAL OFFENSE, OR
23 STALKING SHALL BE AN APPLICATION ASSISTANT.

24 (6) ANY ASSISTANCE AND COUNSELING RENDERED BY THE
25 SECRETARY OF STATE OR AN APPLICATION ASSISTANT TO AN APPLICANT
26 RELATED TO THIS PART 2 SHALL IN NO WAY BE CONSTRUED AS LEGAL
27 ADVICE.

1 **24-21-205. Filing and certification of applications -**

2 **authorization card.** (1) ON AND AFTER JULY 1, 2008, OR AN EARLIER
3 DATE IF SO DESIGNATED BY THE SECRETARY OF STATE, UPON THE
4 RECOMMENDATION OF AN APPLICATION ASSISTANT, AN INDIVIDUAL MAY
5 DELIVER TO THE SECRETARY OF STATE AN APPLICATION TO PARTICIPATE
6 IN THE ADDRESS CONFIDENTIALITY PROGRAM. THE FOLLOWING
7 INDIVIDUALS MAY APPLY TO THE SECRETARY OF STATE TO HAVE AN
8 ADDRESS DESIGNATED BY THE SECRETARY OF STATE TO SERVE AS THE
9 SUBSTITUTE ADDRESS OF THE INDIVIDUAL AND ANY INDIVIDUALS
10 DESIGNATED IN PARAGRAPH (j) OF SUBSECTION (3) OF THIS SECTION:

- 11 (a) AN ADULT INDIVIDUAL;
- 12 (b) A PARENT OR GUARDIAN ACTING ON BEHALF OF A MINOR WHEN
13 THE MINOR RESIDES WITH THE INDIVIDUAL; OR
- 14 (c) A GUARDIAN ACTING ON BEHALF OF AN INCAPACITATED
15 INDIVIDUAL.

16 (2) AN APPLICATION ASSISTANT SHALL ASSIST THE INDIVIDUAL IN
17 THE PREPARATION OF THE APPLICATION. THE APPLICATION SHALL BE
18 DATED, SIGNED, AND VERIFIED BY THE APPLICANT AND SHALL BE SIGNED
19 AND DATED BY THE APPLICATION ASSISTANT WHO ASSISTED IN THE
20 PREPARATION OF THE APPLICATION. THE SIGNATURE OF THE APPLICATION
21 ASSISTANT SHALL SERVE AS THE RECOMMENDATION BY SUCH PERSON
22 THAT THE APPLICANT HAVE AN ADDRESS DESIGNATED BY THE SECRETARY
23 OF STATE TO SERVE AS THE SUBSTITUTE ADDRESS OF THE APPLICANT. A
24 MINOR OR INCAPACITATED INDIVIDUAL ON WHOSE BEHALF A PARENT OR
25 GUARDIAN COMPLETES AN APPLICATION PURSUANT TO THE AUTHORITY
26 SET FORTH IN PARAGRAPH (b) or (c) OF SUBSECTION (1) OF THIS SECTION
27 SHALL BE CONSIDERED THE APPLICANT, BUT ANY STATEMENTS THAT ARE

1 REQUIRED TO BE MADE BY THE APPLICANT SHALL BE MADE BY THE PARENT
2 OR GUARDIAN ACTING ON BEHALF OF THE MINOR OR INCAPACITATED
3 INDIVIDUAL.

4 (3) THE APPLICATION SHALL BE ON A FORM PRESCRIBED BY THE
5 SECRETARY OF STATE AND SHALL CONTAIN ALL OF THE FOLLOWING:

6 (a) THE APPLICANT'S NAME;

7 (b) A STATEMENT BY THE APPLICANT THAT THE APPLICANT IS A
8 VICTIM OF DOMESTIC VIOLENCE, A SEXUAL OFFENSE, OR STALKING AND
9 THAT THE APPLICANT FEARS FOR HIS OR HER SAFETY;

10 (c) EVIDENCE THAT THE APPLICANT IS A VICTIM OF DOMESTIC
11 VIOLENCE, A SEXUAL OFFENSE, OR STALKING. THIS EVIDENCE MAY
12 INCLUDE ANY OF THE FOLLOWING:

13 (I) LAW ENFORCEMENT, COURT, OR OTHER STATE OR LOCAL
14 GOVERNMENT AGENCY OR FEDERAL AGENCY RECORDS OR FILES;

15 (II) DOCUMENTATION FROM A DOMESTIC VIOLENCE PROGRAM OR
16 FACILITY, INCLUDING BUT NOT LIMITED TO A BATTERED WOMEN'S SHELTER
17 OR SAFE HOUSE, IF THE APPLICANT IS ALLEGED TO BE A VICTIM OF
18 DOMESTIC VIOLENCE;

19 (III) DOCUMENTATION FROM A SEXUAL ASSAULT PROGRAM IF THE
20 APPLICANT IS ALLEGED TO BE A VICTIM OF A SEXUAL OFFENSE; OR

21 (IV) DOCUMENTATION FROM A RELIGIOUS, MEDICAL, OR OTHER
22 PROFESSIONAL FROM WHOM THE APPLICANT HAS SOUGHT ASSISTANCE IN
23 DEALING WITH THE ALLEGED DOMESTIC VIOLENCE, A SEXUAL OFFENSE, OR
24 STALKING.

25 (d) A STATEMENT BY THE APPLICANT THAT DISCLOSURE OF THE
26 APPLICANT'S ACTUAL ADDRESS WOULD ENDANGER THE APPLICANT'S
27 SAFETY;

1 (e) A STATEMENT BY THE APPLICANT THAT THE APPLICANT HAS
2 CONFIDENTIALLY RELOCATED OR WILL CONFIDENTIALLY RELOCATE IN THE
3 STATE;

4 (f) A DESIGNATION OF THE SECRETARY OF STATE AS AN AGENT FOR
5 THE APPLICANT FOR PURPOSES OF RECEIVING CERTAIN MAIL;

6 (g) THE MAILING ADDRESS AND TELEPHONE NUMBER WHERE THE
7 APPLICANT CAN BE CONTACTED BY THE SECRETARY OF STATE;

8 (h) THE ACTUAL ADDRESS THAT THE APPLICANT REQUESTS NOT TO
9 BE DISCLOSED BY THE SECRETARY OF STATE THAT DIRECTLY RELATES TO
10 THE INCREASED RISK OF DOMESTIC VIOLENCE, A SEXUAL OFFENSE, OR
11 STALKING;

12 (i) A STATEMENT AS TO WHETHER THERE IS ANY EXISTING COURT
13 ORDER OR COURT ACTION INVOLVING THE APPLICANT OR AN INDIVIDUAL
14 IDENTIFIED IN PARAGRAPH (j) OF THIS SUBSECTION (3) RELATED TO
15 DISSOLUTION OF MARRIAGE PROCEEDINGS, CHILD SUPPORT, OR THE
16 ALLOCATION OF PARENTAL RESPONSIBILITIES OR PARENTING TIME AND THE
17 COURT THAT ISSUED THE ORDER OR HAS JURISDICTION OVER THE ACTION;

18 (j) THE NAME OF A PARENT, SPOUSE, OR DEPENDENT CHILD WHO
19 RESIDES WITH THE APPLICANT WHO ALSO NEEDS TO BE A PROGRAM
20 PARTICIPANT IN ORDER TO ENSURE THE SAFETY OF THE APPLICANT; AND

21 (k) A STATEMENT BY THE APPLICANT, UNDER PENALTY OF
22 PERJURY, THAT TO THE BEST OF THE APPLICANT'S KNOWLEDGE, THE
23 INFORMATION CONTAINED IN THE APPLICATION IS TRUE.

24 (4) UPON DETERMINING THAT AN APPLICATION HAS BEEN
25 PROPERLY COMPLETED, THE SECRETARY OF STATE SHALL CERTIFY THE
26 APPLICANT AND ANY INDIVIDUAL WHO IS IDENTIFIED IN PARAGRAPH (j) OF
27 SUBSECTION (3) OF THIS SECTION AS A PROGRAM PARTICIPANT. UPON

1 CERTIFICATION, THE SECRETARY OF STATE SHALL ISSUE TO THE
2 PARTICIPANT AN ADDRESS CONFIDENTIALITY PROGRAM AUTHORIZATION
3 CARD, WHICH SHALL INCLUDE THE PARTICIPANT'S SUBSTITUTE ADDRESS.
4 THE CARD SHALL REMAIN VALID FOR SO LONG AS THE PARTICIPANT
5 REMAINS CERTIFIED UNDER THE PROGRAM.

6 (5) APPLICANTS AND INDIVIDUALS IDENTIFIED IN PARAGRAPH (j)
7 OF SUBSECTION (3) OF THIS SECTION SHALL BE CERTIFIED FOR FOUR YEARS
8 FOLLOWING THE DATE OF FILING UNLESS THE CERTIFICATION IS
9 WITHDRAWN OR CANCELED PRIOR TO THE END OF THE FOUR-YEAR PERIOD.
10 A PROGRAM PARTICIPANT MAY WITHDRAW THE CERTIFICATION BY FILING
11 A REQUEST FOR WITHDRAWAL ACKNOWLEDGED BEFORE A NOTARY PUBLIC.
12 A CERTIFICATION MAY BE RENEWED BY FILING A RENEWAL APPLICATION
13 WITH THE SECRETARY OF STATE AT LEAST THIRTY DAYS PRIOR TO
14 EXPIRATION OF THE CURRENT CERTIFICATION. THE RENEWAL APPLICATION
15 SHALL BE DATED, SIGNED, AND VERIFIED BY THE APPLICANT AND SHALL BE
16 SIGNED AND DATED BY THE APPLICATION ASSISTANT WHO ASSISTED IN THE
17 PREPARATION OF THE RENEWAL APPLICATION. THE RENEWAL
18 APPLICATION SHALL CONTAIN:

19 (a) ANY STATEMENT OR INFORMATION THAT IS REQUIRED BY
20 SUBSECTION (3) OF THIS SECTION THAT HAS CHANGED FROM THE ORIGINAL
21 APPLICATION OR A PRIOR RENEWAL APPLICATION; AND

22 (b) A STATEMENT BY THE APPLICANT, UNDER PENALTY OF
23 PERJURY, THAT TO THE BEST OF THE APPLICANT'S KNOWLEDGE, THE
24 INFORMATION CONTAINED IN THE RENEWAL APPLICATION AND A PRIOR
25 APPLICATION IS TRUE.

26 **24-21-206. Change of name, address, or telephone number.**

27 (1) A PROGRAM PARTICIPANT SHALL NOTIFY THE SECRETARY OF STATE

1 WITHIN THIRTY DAYS AFTER THE PARTICIPANT HAS OBTAINED A LEGAL
2 NAME CHANGE BY PROVIDING THE SECRETARY OF STATE A CERTIFIED COPY
3 OF ANY JUDGMENT OR ORDER EVIDENCING THE CHANGE OR ANY OTHER
4 DOCUMENTATION THE SECRETARY OF STATE DEEMS TO BE SUFFICIENT
5 EVIDENCE OF THE NAME CHANGE.

6 (2) A PROGRAM PARTICIPANT SHALL NOTIFY THE SECRETARY OF
7 STATE OF A CHANGE IN ADDRESS OR TELEPHONE NUMBER FROM THE
8 ADDRESS OR TELEPHONE NUMBER LISTED FOR THE PARTICIPANT ON THE
9 APPLICATION PURSUANT TO THE REQUIREMENTS SET FORTH IN SECTION
10 24-21-205 (3) (g) AND (3) (h) NO LATER THAN SEVEN DAYS AFTER THE
11 CHANGE OCCURS.

12 **24-21-207. Certification cancellation - records.** (1) THE
13 CERTIFICATION OF A PROGRAM PARTICIPANT SHALL BE CANCELLED UNDER
14 ANY OF THE FOLLOWING CIRCUMSTANCES:

15 (a) THE PROGRAM PARTICIPANT FILES A REQUEST FOR
16 WITHDRAWAL OF THE CERTIFICATION PURSUANT TO SECTION 24-21-205
17 (5).

18 (b) THE PROGRAM PARTICIPANT FAILS TO NOTIFY THE SECRETARY
19 OF STATE OF A CHANGE IN THE PARTICIPANT'S NAME, ADDRESS, OR
20 TELEPHONE NUMBER LISTED ON THE APPLICATION PURSUANT TO SECTION
21 24-21-206.

22 (c) THE PROGRAM PARTICIPANT OR PARENT OR GUARDIAN WHO
23 COMPLETES AN APPLICATION ON BEHALF OF AN APPLICANT KNOWINGLY
24 SUBMITTED FALSE INFORMATION IN THE PROGRAM APPLICATION.

25 (d) MAIL FORWARDED TO THE PROGRAM PARTICIPANT BY THE
26 SECRETARY OF STATE IS RETURNED AS UNDELIVERABLE.

27 (2) IF THE SECRETARY OF STATE DETERMINES THAT THERE IS ONE

1 OR MORE GROUNDS FOR CANCELLING CERTIFICATION OF A PROGRAM
2 PARTICIPANT PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE
3 SECRETARY OF STATE SHALL SEND NOTICE OF CANCELLATION TO THE
4 PROGRAM PARTICIPANT. NOTICE OF CANCELLATION SHALL SET OUT THE
5 REASONS FOR CANCELLATION. THE PARTICIPANT SHALL HAVE THIRTY
6 DAYS TO APPEAL THE CANCELLATION DECISION UNDER PROCEDURES
7 DEVELOPED BY THE SECRETARY OF STATE.

8 (3) AN INDIVIDUAL WHO CEASES TO BE A PROGRAM PARTICIPANT
9 IS RESPONSIBLE FOR NOTIFYING PERSONS WHO USE THE SUBSTITUTE
10 ADDRESS THAT THE DESIGNATED SUBSTITUTE ADDRESS IS NO LONGER
11 VALID.

12 **24-21-208. Address use by state or local government agencies.**

13 (1) THE PROGRAM PARTICIPANT, AND NOT THE SECRETARY OF STATE, IS
14 RESPONSIBLE FOR REQUESTING THAT A STATE OR LOCAL GOVERNMENT
15 AGENCY USE THE PARTICIPANT'S SUBSTITUTE ADDRESS AS THE
16 PARTICIPANT'S RESIDENTIAL, WORK, OR SCHOOL ADDRESS FOR ALL
17 PURPOSES FOR WHICH THE AGENCY REQUIRES OR REQUESTS SUCH
18 RESIDENTIAL, WORK, OR SCHOOL ADDRESS.

19 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION OR UNLESS
20 THE SECRETARY OF STATE GRANTS A STATE OR LOCAL GOVERNMENT
21 AGENCY'S REQUEST FOR A DISCLOSURE PURSUANT TO SECTION 24-21-210,
22 WHEN A PROGRAM PARTICIPANT SUBMITS A CURRENT AND VALID ADDRESS
23 CONFIDENTIALITY PROGRAM AUTHORIZATION CARD TO THE AGENCY, THE
24 AGENCY SHALL ACCEPT THE SUBSTITUTE ADDRESS DESIGNATION BY THE
25 SECRETARY OF STATE ON THE CARD AS THE PARTICIPANT'S ADDRESS TO BE
26 USED AS THE PARTICIPANT'S RESIDENTIAL, WORK, OR SCHOOL ADDRESS
27 WHEN CREATING A NEW PUBLIC RECORD. THE SUBSTITUTE ADDRESS GIVEN

1 TO THE AGENCY SHALL BE THE LAST KNOWN ADDRESS FOR THE
2 PARTICIPANT USED BY THE AGENCY UNTIL SUCH TIME THAT THE AGENCY
3 RECEIVES NOTIFICATION PURSUANT SECTION 24-21-207 (3). THE AGENCY
4 MAY MAKE A PHOTOCOPY OF THE CARD FOR THE RECORDS OF THE AGENCY
5 AND THEREAFTER SHALL IMMEDIATELY RETURN THE CARD TO THE
6 PROGRAM PARTICIPANT.

7 (3) (a) A DESIGNATED ELECTION OFFICIAL AS DEFINED IN SECTION
8 1-1-104 (8), C.R.S., SHALL USE THE ACTUAL ADDRESS OF A PROGRAM
9 PARTICIPANT FOR PRECINCT DESIGNATION AND ALL OFFICIAL
10 ELECTION-RELATED PURPOSES AND SHALL KEEP THE PARTICIPANT'S
11 ADDRESS AND PRECINCT NUMBER CONFIDENTIAL FROM THE PUBLIC. THE
12 ELECTION OFFICIAL SHALL USE THE SUBSTITUTE ADDRESS FOR ALL
13 CORRESPONDENCE AND MAILINGS PLACED IN THE UNITED STATES MAIL.
14 THE SUBSTITUTE ADDRESS SHALL NOT BE USED AS AN ADDRESS FOR VOTER
15 REGISTRATION.

16 (b) ANY PUBLIC RECORD FOR A PROGRAM PARTICIPANT THAT IS
17 REQUIRED TO BE MADE, MAINTAINED, OR KEPT PURSUANT TO SECTIONS
18 1-2-227 AND 1-2-301, C.R.S., SHALL AUTOMATICALLY BE CONFIDENTIAL
19 IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-72-204 (3.5);
20 EXCEPT THAT THE EXCEPTIONS TO SUCH CONFIDENTIALITY SET FORTH IN
21 SECTION 24-72-204 (3.5) (c) SHALL NOT APPLY TO A PROGRAM
22 PARTICIPANT. A STATE OR LOCAL GOVERNMENT AGENCY'S ACCESS TO A
23 PROGRAM PARTICIPANT'S VOTER REGISTRATION SHALL BE GOVERNED BY
24 THE DISCLOSURE PROCESS SET FORTH IN SECTION 24-21-210.

25 (c) THE PROVISIONS OF THIS SUBSECTION (3) SHALL APPLY ONLY
26 TO A PROGRAM PARTICIPANT WHO SUBMITS A CURRENT AND VALID
27 ADDRESS CONFIDENTIALITY PROGRAM AUTHORIZATION CARD WHEN

1 REGISTERING TO VOTE.

2 (d) THE PROVISIONS OF THIS SUBSECTION (3) SHALL NOT APPLY TO
3 A PROGRAM PARTICIPANT WHO REGISTERS TO VOTE PURSUANT TO SECTION
4 1-2-213, C.R.S.

5 (4) A PROGRAM PARTICIPANT WHO COMPLETES AN APPLICATION TO
6 REGISTER TO VOTE AT A DRIVER'S LICENSE EXAMINATION FACILITY WHILE
7 RECEIVING A DRIVER'S LICENSE OR AN IDENTIFICATION CARD PURSUANT TO
8 SECTION 1-2-213, C.R.S., SHALL BE REQUIRED TO HAVE THE PARTICIPANT'S
9 ACTUAL ADDRESS ON THE DRIVER'S LICENSE OR IDENTIFICATION CARD.

10 (5) THE SUBSTITUTE ADDRESS SHALL NOT BE USED FOR PURPOSES
11 OF LISTING, APPRAISING, OR ASSESSING PROPERTY TAXES AND COLLECTING
12 PROPERTY TAXES UNDER THE PROVISIONS OF TITLE 39, C.R.S.

13 (6) WHENEVER A PROGRAM PARTICIPANT IS REQUIRED BY LAW TO
14 SWEAR OR AFFIRM TO THE PARTICIPANT'S ADDRESS, THE PARTICIPANT MAY
15 USE HIS OR HER SUBSTITUTE ADDRESS.

16 (7) THE SUBSTITUTE ADDRESS SHALL NOT BE USED FOR PURPOSES
17 OF ASSESSING ANY TAXES OR FEES ON A MOTOR VEHICLE OR FOR TITLING
18 OR REGISTERING A MOTOR VEHICLE. NOTWITHSTANDING ANY PROVISION
19 OF SECTION 24-72-204 (7) TO THE CONTRARY, ANY RECORD THAT
20 INCLUDES A PROGRAM PARTICIPANT'S ACTUAL ADDRESS PURSUANT TO THIS
21 SUBSECTION (7) SHALL BE CONFIDENTIAL AND NOT AVAILABLE FOR
22 INSPECTION BY ANYONE OTHER THAN THE PROGRAM PARTICIPANT.

23 (8) THE SUBSTITUTE ADDRESS SHALL NOT BE USED ON ANY
24 DOCUMENT RELATED TO REAL PROPERTY RECORDED WITH A COUNTY
25 CLERK AND RECORDER.

26 (9) A SCHOOL DISTRICT SHALL USE THE ACTUAL ADDRESS OF A
27 PROGRAM PARTICIPANT, AND NOT THE SUBSTITUTE ADDRESS, FOR ANY

1 PURPOSE RELATED TO STUDENT ADMISSION AND SHALL KEEP THE ACTUAL
2 ADDRESS CONFIDENTIAL FROM THE PUBLIC. FOR PURPOSES OF ANY OTHER
3 STUDENT RECORDS CREATED BY A SCHOOL DISTRICT, THE SUBSTITUTE
4 ADDRESS SHALL BE USED.

5 (10) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A
6 PROGRAM PARTICIPANT'S ACTUAL ADDRESS AND TELEPHONE NUMBER
7 MAINTAINED BY A STATE OR LOCAL GOVERNMENT AGENCY OR DISCLOSED
8 BY THE SECRETARY OF STATE IS NOT A PUBLIC RECORD THAT IS SUBJECT TO
9 INSPECTION PURSUANT TO THE PROVISIONS OF PART 2 OF ARTICLE 72 OF
10 TITLE 24. THIS SUBSECTION (10) SHALL NOT APPLY IF A PROGRAM
11 PARTICIPANT VOLUNTARILY REQUESTS THAT A STATE OR LOCAL
12 GOVERNMENT AGENCY USE THE PARTICIPANT'S ACTUAL ADDRESS.

13 **24-21-209. Disclosure of actual address prohibited.** (1) THE
14 SECRETARY OF STATE IS PROHIBITED FROM DISCLOSING ANY ADDRESS OR
15 TELEPHONE NUMBER OF A PROGRAM PARTICIPANT OTHER THAN THE
16 SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF STATE, EXCEPT
17 UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

18 (a) THE INFORMATION IS REQUIRED BY DIRECTION OF A COURT
19 ORDER. HOWEVER, ANY PERSON TO WHOM A PROGRAM PARTICIPANT'S
20 ADDRESS OR TELEPHONE NUMBER HAS BEEN DISCLOSED SHALL NOT
21 DISCLOSE THE ADDRESS OR TELEPHONE NUMBER TO ANY OTHER PERSON
22 UNLESS PERMITTED TO DO SO BY ORDER OF THE COURT.

23 (b) THE SECRETARY OF STATE GRANTS A REQUEST BY AN AGENCY
24 PURSUANT TO SECTION 24-21-210.

25 (c) THE PROGRAM PARTICIPANT IS REQUIRED TO DISCLOSE THE
26 PARTICIPANT'S ACTUAL ADDRESS AS PART OF A REGISTRATION REQUIRED
27 BY THE "COLORADO SEX OFFENDER REGISTRATION ACT", ARTICLE 22 OF

1 TITLE 16, C.R.S.

2 (2) THE SECRETARY OF STATE SHALL PROVIDE IMMEDIATE
3 NOTIFICATION OF DISCLOSURE TO A PROGRAM PARTICIPANT WHEN
4 DISCLOSURE IS MADE PURSUANT TO PARAGRAPH (a) OR (b) OF SUBSECTION
5 (1) OF THIS SECTION.

6 (3) IF, AT THE TIME OF APPLICATION, AN APPLICANT OR AN
7 INDIVIDUAL DESIGNATED IN SECTION 24-21-205 (3) (j) IS SUBJECT TO A
8 COURT ORDER RELATED TO DISSOLUTION OF MARRIAGE PROCEEDINGS,
9 CHILD SUPPORT, OR THE ALLOCATION OF PARENTAL RESPONSIBILITIES OR
10 PARENTING TIME, THE SECRETARY OF STATE SHALL NOTIFY THE COURT
11 THAT ISSUED THE ORDER OF THE CERTIFICATION OF THE PROGRAM
12 PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM AND THE
13 SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF STATE. IF, AT
14 THE TIME OF APPLICATION, AN APPLICANT OR AN INDIVIDUAL DESIGNATED
15 IN SECTION 24-21-205 (3) (j) IS INVOLVED IN A COURT ACTION RELATED TO
16 DISSOLUTION OF MARRIAGE PROCEEDINGS, CHILD SUPPORT, OR THE
17 ALLOCATION OF PARENTAL RESPONSIBILITIES OR PARENTING TIME, THE
18 SECRETARY OF STATE SHALL NOTIFY THE COURT HAVING JURISDICTION
19 OVER THE ACTION OF THE CERTIFICATION OF THE APPLICANT IN THE
20 ADDRESS CONFIDENTIALITY PROGRAM AND THE SUBSTITUTE ADDRESS
21 DESIGNATED BY THE SECRETARY OF STATE.

22 (4) NO PERSON SHALL KNOWINGLY AND INTENTIONALLY OBTAIN
23 A PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER
24 FROM THE SECRETARY OF STATE OR AN AGENCY KNOWING THAT THE
25 PERSON IS NOT AUTHORIZED TO OBTAIN THE ADDRESS INFORMATION.

26 (5) NO EMPLOYEE OF THE SECRETARY OF STATE OR AN AGENCY
27 SHALL KNOWINGLY AND INTENTIONALLY DISCLOSE A PROGRAM

1 PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER [REDACTED]
2 UNLESS THE DISCLOSURE IS PERMISSIBLE BY LAW. THIS SUBSECTION (5)
3 ONLY APPLIES WHEN AN EMPLOYEE OBTAINS A PARTICIPANT'S ACTUAL
4 ADDRESS OR TELEPHONE NUMBER DURING THE COURSE OF THE
5 EMPLOYEE'S OFFICIAL DUTIES AND, AT THE TIME OF DISCLOSURE, THE
6 EMPLOYEE HAS SPECIFIC KNOWLEDGE THAT THE ACTUAL ADDRESS OR
7 TELEPHONE NUMBER DISCLOSED BELONGS TO A PARTICIPANT.

8 (6) ANY PERSON WHO KNOWINGLY AND INTENTIONALLY OBTAINS
9 OR DISCLOSES INFORMATION IN VIOLATION OF THIS PART 2 SHALL BE
10 GUILTY OF A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS
11 PROVIDED IN SECTION 18-1.3-501, C.R.S.

12 **24-21-210. Request for disclosure.** (1) A STATE OR LOCAL
13 GOVERNMENT AGENCY REQUESTING DISCLOSURE OF A PROGRAM
14 PARTICIPANT'S ACTUAL ADDRESS PURSUANT TO THIS SECTION SHALL MAKE
15 SUCH A REQUEST IN WRITING ON AGENCY LETTERHEAD AND SHALL
16 PROVIDE THE SECRETARY OF STATE WITH THE FOLLOWING INFORMATION:

17 (a) THE NAME OF THE PROGRAM PARTICIPANT FOR WHOM THE
18 AGENCY SEEKS DISCLOSURE OF THE ACTUAL ADDRESS;

19 (b) A STATEMENT, WITH EXPLANATION, SETTING FORTH THE
20 REASON OR REASONS THAT THE AGENCY NEEDS THE PROGRAM
21 PARTICIPANT'S ACTUAL ADDRESS AND A STATEMENT THAT THE AGENCY
22 CANNOT MEET ITS STATUTORY OR ADMINISTRATIVE OBLIGATIONS
23 WITHOUT DISCLOSURE OF THE PARTICIPANT'S ACTUAL ADDRESS;

24 (c) A PARTICULAR STATEMENT OF FACTS SHOWING THAT OTHER
25 METHODS TO LOCATE THE PROGRAM PARTICIPANT OR THE PARTICIPANT'S
26 ACTUAL ADDRESS HAVE BEEN TRIED AND HAVE FAILED OR THAT THE
27 METHODS REASONABLY APPEAR TO BE UNLIKELY TO SUCCEED;

1 (d) A STATEMENT THAT THE AGENCY HAS ADOPTED A PROCEDURE
2 SETTING FORTH THE STEPS THE AGENCY WILL TAKE TO PROTECT THE
3 CONFIDENTIALITY OF THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS; AND

4 (e) ANY OTHER INFORMATION AS THE SECRETARY OF STATE MAY
5 REASONABLY REQUEST IN ORDER TO IDENTIFY THE PROGRAM PARTICIPANT
6 IN THE RECORDS OF THE SECRETARY OF STATE.

7 (2) (a) THE SECRETARY OF STATE SHALL PROVIDE THE PROGRAM
8 PARTICIPANT WITH NOTICE OF A REQUEST FOR DISCLOSURE RECEIVED
9 PURSUANT TO SUBSECTION (1) OF THIS SECTION, AND, TO THE EXTENT
10 POSSIBLE, THE PARTICIPANT SHALL BE AFFORDED AN OPPORTUNITY TO BE
11 HEARD REGARDING THE REQUEST.

12 (b) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (c) OF THIS
13 SUBSECTION (2), THE SECRETARY OF STATE SHALL PROVIDE THE PROGRAM
14 PARTICIPANT WITH WRITTEN NOTIFICATION WHENEVER A REQUEST FOR A
15 DISCLOSURE HAS BEEN GRANTED OR DENIED PURSUANT TO THIS SECTION.

16 (c) NO NOTICE OR OPPORTUNITY TO BE HEARD SHALL BE GIVEN TO
17 THE PROGRAM PARTICIPANT WHEN THE REQUEST FOR DISCLOSURE IS MADE
18 BY A STATE OR LOCAL LAW ENFORCEMENT AGENCY CONDUCTING A
19 CRIMINAL INVESTIGATION INVOLVING ALLEGED CRIMINAL CONDUCT BY
20 THE PARTICIPANT OR WHEN PROVIDING NOTICE TO THE PARTICIPANT
21 WOULD JEOPARDIZE AN ONGOING CRIMINAL INVESTIGATION OR THE
22 SAFETY OF LAW ENFORCEMENT PERSONNEL.

23 (3) THE SECRETARY OF STATE SHALL PROMPTLY CONDUCT A
24 REVIEW OF ALL REQUESTS RECEIVED PURSUANT TO THIS SECTION. IN
25 CONDUCTING A REVIEW, THE SECRETARY OF STATE SHALL CONSIDER ALL
26 INFORMATION RECEIVED PURSUANT TO SUBSECTIONS (1) AND (2) OF THIS
27 SECTION AND ANY OTHER APPROPRIATE INFORMATION THAT THE

1 SECRETARY OF STATE MAY REQUIRE.

2 (4) THE SECRETARY OF STATE SHALL GRANT A STATE OR LOCAL
3 GOVERNMENT AGENCY'S REQUEST FOR DISCLOSURE AND DISCLOSE A
4 PROGRAM PARTICIPANT'S ACTUAL ADDRESS PURSUANT TO THIS SECTION IF:

5 (a) THE AGENCY HAS A BONA FIDE STATUTORY OR
6 ADMINISTRATIVE NEED FOR THE ACTUAL ADDRESS.

7 (b) THE ACTUAL ADDRESS WILL ONLY BE USED FOR THE PURPOSE
8 STATED IN THE REQUEST.

9 (c) OTHER METHODS TO LOCATE THE PROGRAM PARTICIPANT OR
10 THE PARTICIPANT'S ACTUAL ADDRESS HAVE BEEN TRIED AND HAVE FAILED
11 OR SUCH METHODS REASONABLY APPEAR TO BE UNLIKELY TO SUCCEED.

12 (d) THE AGENCY HAS ADOPTED A PROCEDURE FOR PROTECTING
13 THE CONFIDENTIALITY OF THE ACTUAL ADDRESS OF THE PROGRAM
14 PARTICIPANT.

15 (5) UPON GRANTING A REQUEST FOR DISCLOSURE PURSUANT TO
16 THIS SECTION, THE SECRETARY OF STATE SHALL PROVIDE THE STATE OR
17 LOCAL GOVERNMENT AGENCY WITH THE DISCLOSURE THAT CONTAINS:

18 (a) THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS;

19 (b) A STATEMENT SETTING FORTH THE PERMITTED USE OF THE
20 ACTUAL ADDRESS AND THE NAMES OR CLASSES OF PERSONS PERMITTED TO
21 HAVE ACCESS TO AND USE OF THE ACTUAL ADDRESS;

22 (c) A STATEMENT THAT THE AGENCY IS REQUIRED TO LIMIT ACCESS
23 TO AND USE OF THE ACTUAL ADDRESS TO THE PERMITTED USE AND
24 PERSONS SET FORTH IN THE DISCLOSURE; AND

25 (d) THE DATE ON WHICH THE PERMITTED USE EXPIRES, IF
26 EXPIRATION IS APPROPRIATE, AFTER WHICH THE AGENCY MAY NO LONGER
27 MAINTAIN, USE, OR HAVE ACCESS TO THE ACTUAL ADDRESS.

1 (6) A STATE OR LOCAL GOVERNMENT AGENCY WHOSE REQUEST IS
2 GRANTED BY THE SECRETARY OF STATE PURSUANT TO THIS SECTION
3 SHALL:

4 (a) LIMIT THE USE OF THE PROGRAM PARTICIPANT'S ACTUAL
5 ADDRESS TO THE PURPOSES SET FORTH IN THE DISCLOSURE;

6 (b) LIMIT THE ACCESS TO THE PROGRAM PARTICIPANT'S ACTUAL
7 ADDRESS TO THE PERSONS OR CLASSES OF PERSONS SET FORTH IN THE
8 DISCLOSURE;

9 (c) CEASE TO USE AND DISPOSE OF THE PROGRAM PARTICIPANT'S
10 ACTUAL ADDRESS UPON THE EXPIRATION OF THE PERMITTED USE, IF
11 APPLICABLE; AND

12 (d) EXCEPT AS OTHERWISE SET FORTH IN THE DISCLOSURE,
13 MAINTAIN THE CONFIDENTIALITY OF A PROGRAM PARTICIPANT'S ACTUAL
14 ADDRESS.

15 (7) UPON DENIAL OF A STATE OR LOCAL GOVERNMENT AGENCY'S
16 REQUEST FOR DISCLOSURE, THE SECRETARY OF STATE SHALL PROVIDE
17 PROMPT WRITTEN NOTIFICATION TO THE AGENCY STATING THAT THE
18 AGENCY'S REQUEST HAS BEEN DENIED AND SETTING FORTH THE SPECIFIC
19 REASONS FOR THE DENIAL.

20 (8) A STATE OR LOCAL GOVERNMENT AGENCY MAY FILE WRITTEN
21 EXCEPTIONS WITH THE SECRETARY OF STATE NO MORE THAN FIFTEEN DAYS
22 AFTER WRITTEN NOTIFICATION IS PROVIDED PURSUANT TO SUBSECTION (7)
23 OF THIS SECTION. THE EXCEPTIONS SHALL RESTATE THE INFORMATION
24 CONTAINED IN THE REQUEST FOR DISCLOSURE, STATE THE GROUNDS UPON
25 WHICH THE AGENCY ASSERTS THAT THE REQUEST FOR DISCLOSURE SHOULD
26 BE GRANTED AND SPECIFICALLY RESPOND TO THE SECRETARY OF STATE'S
27 SPECIFIC REASONS FOR DENIAL.

1 (9) UNLESS THE STATE OR LOCAL GOVERNMENT AGENCY FILING
2 EXCEPTIONS AGREES OTHERWISE, THE SECRETARY OF STATE SHALL MAKE
3 A FINAL DETERMINATION REGARDING THE EXCEPTIONS WITHIN THIRTY
4 DAYS AFTER THE FILING OF EXCEPTIONS PURSUANT TO SUBSECTION (8) OF
5 THIS SECTION. PRIOR TO MAKING A FINAL DETERMINATION REGARDING
6 THE EXCEPTIONS, THE SECRETARY OF STATE MAY REQUEST ADDITIONAL
7 INFORMATION FROM THE AGENCY OR THE PROGRAM PARTICIPANT AND
8 CONDUCT A HEARING. IF THE FINAL DETERMINATION OF THE SECRETARY
9 OF STATE IS THAT THE DENIAL OF THE AGENCY'S REQUEST FOR DISCLOSURE
10 WAS PROPERLY DENIED, THE SECRETARY OF STATE SHALL PROVIDE THE
11 AGENCY WITH WRITTEN NOTIFICATION OF THIS FINAL DETERMINATION
12 STATING THAT THE AGENCY'S REQUEST HAS AGAIN BEEN DENIED AND
13 SETTING FORTH THE SPECIFIC REASONS FOR THE DENIAL. IF THE FINAL
14 DETERMINATION OF THE SECRETARY OF STATE IS THAT THE DENIAL OF THE
15 AGENCY'S REQUEST FOR DISCLOSURE HAS BEEN IMPROPERLY DENIED, THE
16 SECRETARY OF STATE SHALL GRANT THE AGENCY'S REQUEST FOR
17 DISCLOSURE IN ACCORDANCE WITH THIS SECTION. THE FINAL
18 DETERMINATION OF THE SECRETARY OF STATE SHALL CONSTITUTE FINAL
19 AGENCY ACTION.

20 (10) THE RECORD BEFORE ANY JUDICIAL REVIEW OF A FINAL
21 AGENCY ACTION PURSUANT TO SUBSECTION (9) OF THIS SECTION SHALL
22 CONSIST OF THE STATE OR LOCAL GOVERNMENT AGENCY'S REQUEST FOR
23 DISCLOSURE, THE SECRETARY OF STATE'S WRITTEN RESPONSE, THE
24 AGENCY'S EXCEPTIONS, THE HEARING TRANSCRIPT, IF ANY, AND THE
25 SECRETARY OF STATE'S FINAL DETERMINATION.

26 (11) DURING ANY PERIOD OF REVIEW, EVALUATION, OR APPEAL,
27 THE AGENCY SHALL, TO THE EXTENT POSSIBLE, ACCEPT AND USE THE

1 PROGRAM PARTICIPANT'S SUBSTITUTE ADDRESS.

2 (12) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
3 THE SECRETARY OF STATE SHALL ESTABLISH AN EXPEDITED PROCESS FOR
4 DISCLOSURE TO BE USED BY A CRIMINAL JUSTICE OFFICIAL OR AGENCY FOR
5 SITUATIONS WHERE DISCLOSURE IS REQUIRED PURSUANT TO A CRIMINAL
6 JUSTICE TRIAL, HEARING, PROCEEDING, OR INVESTIGATION INVOLVING A
7 PROGRAM PARTICIPANT. AN OFFICIAL OR AGENCY RECEIVING
8 INFORMATION PURSUANT TO THIS SUBSECTION (12) SHALL CERTIFY TO THE
9 SECRETARY OF STATE THAT THE OFFICIAL OR AGENCY HAS A SYSTEM IN
10 PLACE TO PROTECT THE CONFIDENTIALITY OF A PARTICIPANT'S ACTUAL
11 ADDRESS FROM THE PUBLIC AND FROM PERSONNEL WHO ARE NOT
12 INVOLVED IN THE TRIAL, HEARING, PROCEEDING, OR INVESTIGATION.

13 (13) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT
14 THE SECRETARY OF STATE FROM GRANTING A REQUEST FOR DISCLOSURE
15 TO A STATE OR LOCAL GOVERNMENT AGENCY PURSUANT TO THIS SECTION
16 UPON RECEIPT OF A PROGRAM PARTICIPANT'S WRITTEN CONSENT TO DO SO.

17 **24-21-211. Nondisclosure of address in criminal and civil**
18 **proceedings.** NO PERSON SHALL BE COMPELLED TO DISCLOSE A PROGRAM
19 PARTICIPANT'S ACTUAL ADDRESS DURING THE DISCOVERY PHASE OF OR
20 DURING A PROCEEDING BEFORE A COURT OF COMPETENT JURISDICTION OR
21 ADMINISTRATIVE TRIBUNAL UNLESS THE COURT OR ADMINISTRATIVE
22 TRIBUNAL FINDS, BASED UPON A PREPONDERANCE OF THE EVIDENCE, THAT
23 THE DISCLOSURE IS REQUIRED IN THE INTERESTS OF JUSTICE. A COURT OR
24 ADMINISTRATIVE TRIBUNAL MAY SEAL THE PORTION OF ANY RECORD THAT
25 CONTAINS A PROGRAM PARTICIPANT'S ACTUAL ADDRESS. NOTHING IN THIS
26 SECTION SHALL PREVENT A STATE OR LOCAL GOVERNMENT AGENCY, IN ITS
27 DISCRETION, FROM USING A PROGRAM PARTICIPANT'S ACTUAL ADDRESS IN

1 ANY DOCUMENT OR RECORD FILED WITH A COURT OR ADMINISTRATIVE
2 TRIBUNAL IF, AT THE TIME OF FILING, THE DOCUMENT OR RECORD IS NOT
3 A PUBLIC RECORD.

4 **24-21-212. Rule-making authority.** THE SECRETARY OF STATE
5 IS AUTHORIZED TO ADOPT ANY RULES IN ACCORDANCE WITH ARTICLE 4 OF
6 THIS TITLE DEEMED NECESSARY TO CARRY OUT THE PROVISIONS OF THIS
7 PART 2, EXCLUDING SECTION 24-21-213.

8 **24-21-213. Surcharge - collection and distribution - address**
9 **confidentiality program surcharge fund - creation - definitions.**

10 (1) ON AND AFTER JULY 1, 2007, EACH PERSON WHO IS CONVICTED OF THE
11 CRIMES SET FORTH IN SUBSECTION (2) OF THIS SECTION SHALL BE
12 REQUIRED TO PAY A SURCHARGE OF TWENTY-EIGHT DOLLARS TO THE
13 CLERK OF THE COURT FOR THE JUDICIAL DISTRICT IN WHICH THE
14 CONVICTION OCCURS.

15 (2) THE FOLLOWING CRIMES SHALL BE SUBJECT TO THE
16 SURCHARGE SET FORTH IN SUBSECTION (1) OF THIS SECTION:

17 (a) STALKING;

18 (b) A CRIME, THE UNDERLYING FACTUAL BASIS OF WHICH HAS
19 BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF
20 DOMESTIC VIOLENCE; OR

21 (c) CRIMINAL ATTEMPT, CONSPIRACY, OR SOLICITATION TO
22 COMMIT THE CRIMES SET FORTH IN PARAGRAPHS (a) AND (b) OF THIS
23 SUBSECTION (2).

24 (3) THE CLERK OF THE COURT SHALL ALLOCATE THE SURCHARGE
25 REQUIRED BY THIS SECTION AS FOLLOWS:

26 (a) FIVE PERCENT SHALL BE RETAINED BY THE CLERK OF THE
27 COURT FOR ADMINISTRATIVE COSTS INCURRED PURSUANT TO THIS

1 SECTION. SUCH AMOUNT RETAINED SHALL BE TRANSMITTED TO THE STATE
2 TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND
3 CREATED IN SECTION 13-32-101 (1.5), C.R.S.

4 (b) NINETY-FIVE PERCENT SHALL BE TRANSFERRED TO THE STATE
5 TREASURER, WHO SHALL CREDIT THE SAME TO THE ADDRESS
6 CONFIDENTIALITY PROGRAM SURCHARGE FUND CREATED PURSUANT TO
7 SUBSECTION (4) OF THIS SECTION.

8 (4) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
9 ADDRESS CONFIDENTIALITY PROGRAM SURCHARGE FUND, WHICH SHALL
10 CONSIST OF MONEYS RECEIVED BY THE STATE TREASURER PURSUANT TO
11 THIS SECTION, ANY MONEYS RECEIVED PURSUANT TO SECTION 24-21-204
12 (3), AND ANY GIFTS, GRANTS, OR DONATIONS RECEIVED BY THE
13 DEPARTMENT OF STATE FOR THE FUND PURSUANT TO PARAGRAPH (b) OF
14 THIS SUBSECTION (4). THE MONEYS IN THE FUND SHALL BE SUBJECT TO
15 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE
16 DEPARTMENT FOR THE PURPOSE OF PAYING FOR THE COSTS INCURRED BY
17 THE SECRETARY OF STATE IN THE ADMINISTRATION OF THE ADDRESS
18 CONFIDENTIALITY PROGRAM. ALL INTEREST DERIVED FROM THE DEPOSIT
19 AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE
20 FUND. ANY MONEYS NOT APPROPRIATED BY THE GENERAL ASSEMBLY
21 SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT
22 TO THE GENERAL FUND OF THE STATE AT THE END OF ANY FISCAL YEAR.

23 (b) THE DEPARTMENT OF STATE IS AUTHORIZED TO SEEK AND
24 ACCEPT GIFTS, GRANTS, AND DONATIONS FROM PRIVATE OR PUBLIC
25 SOURCES FOR THE IMPLEMENTATION OF THE ADDRESS CONFIDENTIALITY
26 PROGRAM. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS,
27 GRANTS, AND DONATIONS SHALL BE TRANSMITTED TO THE STATE

1 TREASURER, WHO SHALL CREDIT THE SAME TO THE ADDRESS
2 CONFIDENTIALITY PROGRAM SURCHARGE FUND.

3 (5) THE COURT MAY WAIVE ALL OR ANY PORTION OF THE
4 SURCHARGE REQUIRED BY THIS SECTION IF THE COURT FINDS THAT A
5 PERSON SUBJECT TO THE SURCHARGE IS INDIGENT OR FINANCIALLY
6 UNABLE TO PAY ALL OR ANY PORTION OF THE SURCHARGE. THE COURT
7 MAY WAIVE ONLY THAT PORTION OF THE SURCHARGE THAT THE COURT
8 FINDS THAT THE PERSON IS FINANCIALLY UNABLE TO PAY.

9 (6) AS USED IN THIS SECTION, "CONVICTED" AND "CONVICTION"
10 MEAN A PLEA OF GUILTY ACCEPTED BY THE COURT, INCLUDING A PLEA OF
11 GUILTY ENTERED PURSUANT TO A DEFERRED SENTENCE UNDER SECTION
12 18-1.3-102, C.R.S., A VERDICT OF GUILTY BY A JUDGE OR JURY, OR A PLEA
13 OF NO CONTEST ACCEPTED BY THE COURT.

14 **SECTION 5. Effective date.** This act shall take effect July 1,
15 2007.

16 **SECTION 6. Appropriation.** In addition to any other
17 appropriation, there is hereby appropriated, out of any moneys in the
18 address confidentiality program surcharge cash fund created in section
19 24-21-213 (4) (a), Colorado Revised Statutes, not otherwise appropriated,
20 to the department of state, for the fiscal year beginning July 1, 2007, the
21 sum of one hundred nine thousand seven hundred eighty-nine dollars
22 (\$109,789) and 1.5 FTE, or so much thereof as may be necessary, for the
23 implementation of this act.

24 **SECTION 7. Accountability.** Two years after this act becomes
25 law and in accordance with section 2-2-1201, Colorado Revised Statutes,
26 the legislative service agencies of the Colorado General Assembly shall
27 conduct a post-enactment review of the implementation of this act

1 utilizing the information contained in the legislative declaration set forth
2 in section 4 of this act.

3 **SECTION 8. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.