

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0464.01 Chuck Brackney x2295

HOUSE BILL 12-1036

HOUSE SPONSORSHIP

Kerr J.,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CLARIFICATION OF THE EXEMPTION FROM THE
102 "COLORADO OPEN RECORDS ACT" FOR INVESTIGATIVE FILES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billssummaries>.)

The bill clarifies that the current exemption from the "Colorado Open Records Act" for investigative files applies to those files compiled for any civil, administrative, or criminal law enforcement purpose.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-72-204, **amend**

3 (2) (a) (I) as follows:

4 **24-72-204. Allowance or denial of inspection - grounds -**
5 **procedure - appeal - definitions.** (2) (a) The custodian may deny the
6 right of inspection of the following records, unless otherwise provided by
7 law, on the ground that disclosure to the applicant would be contrary to
8 the public interest:

9 (I) Any records of the investigations conducted by any sheriff,
10 prosecuting attorney, or police department, any records of the intelligence
11 information or security procedures of any sheriff, prosecuting attorney,
12 or police department, or any investigatory files compiled for any other
13 CIVIL, ADMINISTRATIVE, OR CRIMINAL law enforcement purpose;

14 **SECTION 2. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part will not take effect
21 unless approved by the people at the general election to be held in
22 November 2012 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.