

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 24, 2012
Date

Committee on Judiciary.

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

HB12-1036 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 2, line 2, strike "**amend**" and substitute
2 "**add**".

3 Page 2, line 3, strike "(I)" and substitute "(IX)".

4 Page 2, strike lines 9 through 24 and substitute:

5 "(IX) (A) ANY RECORDS OF ONGOING CIVIL OR ADMINISTRATIVE
6 INVESTIGATIONS CONDUCTED BY THE STATE OR AN AGENCY OF THE STATE
7 IN FURTHERANCE OF THEIR STATUTORY AUTHORITY TO PROTECT THE
8 PUBLIC HEALTH, WELFARE, OR SAFETY UNLESS THE INVESTIGATION
9 FOCUSES ON A PERSON OR PERSONS INSIDE OF THE INVESTIGATIVE AGENCY.

10 (B) UPON CONCLUSION OF A CIVIL OR ADMINISTRATIVE
11 INVESTIGATION THAT IS CLOSED BECAUSE NO FURTHER INVESTIGATION,
12 DISCIPLINE, OR OTHER AGENCY RESPONSE IS WARRANTED, ALL RECORDS
13 NOT EXEMPT PURSUANT TO ANY OTHER LAW ARE OPEN TO INSPECTION;
14 EXCEPT THAT THE CUSTODIAN MAY REMOVE THE NAME OR OTHER
15 PERSONAL IDENTIFYING OR FINANCIAL INFORMATION OF WITNESSES OR
16 TARGETS OF SUCH CLOSED INVESTIGATIONS FROM INVESTIGATIVE
17 RECORDS PRIOR TO INSPECTION.

18 (C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
19 SUBPARAGRAPH (IX), A RECORD IS NOT SUBJECT TO WITHHOLDING ON THE
20 GROUNDS THAT IT IS MAINTAINED OR KEPT IN A CIVIL OR ADMINISTRATIVE
21 INVESTIGATIVE FILE EXCEPT PURSUANT TO PARAGRAPH (a) OF SUBSECTION

1 (6) OF THIS SECTION IF THE RECORD WAS PUBLICLY DISCLOSED; WAS FILED
2 WITH AN AGENCY OF THE STATE BY A REGULATED ENTITY UNDER A
3 STATUTORY, REGULATORY, OR PERMIT REQUIREMENT; OR WAS RECEIVED
4 FROM A GOVERNMENTAL ENTITY AND WOULD BE AVAILABLE IF REQUESTED
5 DIRECTLY FROM THE TRANSMITTING ENTITY.

6 (D) NOTHING IN THIS SUBPARAGRAPH (IX) PROHIBITS AN AGENCY
7 FROM DISCLOSING INFORMATION OR MATERIALS DURING AN OPEN
8 INVESTIGATION IF IT IS IN THE INTEREST OF PUBLIC HEALTH, WELFARE, OR
9 SAFETY."

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