Second Regular Session Sixty-eighth General Assembly STATE OF COLORADO

REVISED

This Version Includes All Amendments Adopted on Second Reading in the Second House **HOUSE BILL 12-1036**

LLS NO. 12-0464.01 Chuck Brackney x2295

HOUSE SPONSORSHIP

Kerr J.,

Boyd,

SENATE SPONSORSHIP

House Committees Judiciary

Senate Committees Judiciary

A BILL FOR AN ACT

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

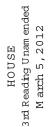
Bill Summary

(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/billsummaries.)

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.

ended 2nd Reading ay 2,2012 SENATE Σ Am



ended 2nd Reading arch 2, 2012

Am

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HOUSE

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

2 SECTION 1. In Colorado Revised Statutes, 24-72-204, <u>add</u> (2)
3 (a) (<u>IX</u>) as follows:

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

9 (IX) (A) ANY RECORDS OF ONGOING CIVIL OR ADMINISTRATIVE 10 INVESTIGATIONS CONDUCTED BY THE STATE OR AN AGENCY OF THE STATE 11 IN FURTHERANCE OF THEIR STATUTORY AUTHORITY TO PROTECT THE 12 PUBLIC HEALTH, WELFARE, OR SAFETY UNLESS THE INVESTIGATION 13 FOCUSES ON A PERSON OR PERSONS INSIDE OF THE INVESTIGATIVE AGENCY. 14 UPON CONCLUSION OF A CIVIL OR ADMINISTRATIVE **(B)** 15 INVESTIGATION THAT IS CLOSED BECAUSE NO FURTHER INVESTIGATION, 16 DISCIPLINE, OR OTHER AGENCY RESPONSE IS WARRANTED, ALL RECORDS 17 NOT EXEMPT PURSUANT TO ANY OTHER LAW ARE OPEN TO INSPECTION; 18 EXCEPT THAT THE CUSTODIAN MAY REMOVE THE NAME OR OTHER 19 PERSONAL IDENTIFYING OR FINANCIAL INFORMATION OF WITNESSES OR 20 TARGETS OF SUCH CLOSED INVESTIGATIONS FROM INVESTIGATIVE 21 **RECORDS PRIOR TO INSPECTION.** 22 (C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS 23 SUBPARAGRAPH (IX), A RECORD IS NOT SUBJECT TO WITHHOLDING ON THE 24 GROUNDS THAT IT IS MAINTAINED OR KEPT IN A CIVIL OR ADMINISTRATIVE 25 INVESTIGATIVE FILE EXCEPT PURSUANT TO PARAGRAPH (a) OF SUBSECTION 26 (6) OF THIS SECTION IF THE RECORD WAS PUBLICLY DISCLOSED; WAS FILED 27 WITH AN AGENCY OF THE STATE BY A REGULATED ENTITY UNDER A

1	STATUTORY, REGULATORY, OR PERMIT REQUIREMENT; OR WAS RECEIVED
2	FROM A GOVERNMENTAL ENTITY AND WOULD BE AVAILABLE IF REQUESTED
3	DIRECTLY FROM THE TRANSMITTING ENTITY.
4	(D) NOTHING IN THIS SUBPARAGRAPH (IX) PROHIBITS AN AGENCY
5	FROM DISCLOSING INFORMATION OR MATERIALS DURING AN OPEN
6	INVESTIGATION IF IT IS IN THE INTEREST OF PUBLIC HEALTH, WELFARE, OR
7	SAFETY.
8	SECTION 2. Applicability. The provisions of this act apply to
0	SECTION 2. Applicability. The provisions of this act apply to
o 9	cases arising on or after August 19, 2011, and nothing in this act shall be
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9	cases arising on or after August 19, 2011, and nothing in this act shall be
9 10	cases arising on or after August 19, 2011, and nothing in this act shall be interpreted in any way as evidence of legislative intent in cases arising
9 10 11	cases arising on or after August 19, 2011, and nothing in this act shall be interpreted in any way as evidence of legislative intent in cases arising prior to said date.