

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 14-0396.01 Jerry Barry x4341

HOUSE BILL 14-1047

HOUSE SPONSORSHIP

Becker,

SENATE SPONSORSHIP

Guzman,

House Committees

Business, Labor, Economic, & Workforce Development

Senate Committees

Judiciary

A BILL FOR AN ACT

101 CONCERNING RESTRICTIONS ON THE PUBLISHING OF BASIC
102 IDENTIFICATION INFORMATION ON COMMERCIAL WEB SITES.

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 requires a person who publishes booking photographs or other basic identification information on a publicly available commercial web site, upon request and without compensation, to remove the booking photograph and basic identification information of a person who is not charged, whose charges are dismissed, or who is acquitted of the charges.

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.

SENATE
Amended 2nd Reading
March 24, 2014

HOUSE
3rd Reading Unamended
February 4, 2014

HOUSE
Amended 2nd Reading
February 3, 2014

The bill authorizes a person whose booking photograph or information is not removed to file a civil action to recover any damages caused by the failure.

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

2 **SECTION 1. In Colorado Revised Statutes, amend 24-72-305.5**
3 **as follows:**

4 **24-72-305.5. Access to records - denial by custodian - use of**
5 **records to obtain information for solicitation - definitions.**

6 **(1) Records of official actions and criminal justice records and the**
7 **names, addresses, telephone numbers, and other information in such**
8 **records shall not be used by any person for the purpose of soliciting**
9 **business for pecuniary gain. The official custodian shall deny any person**
10 **access to records of official actions and criminal justice records unless**
11 **such person signs a statement which affirms that such records shall not be**
12 **used for the direct solicitation of business for pecuniary gain.**

13 **(2) (a) IT IS UNLAWFUL FOR A PERSON TO OBTAIN A COPY OF A**
14 **BOOKING PHOTOGRAPH IN ANY FORMAT KNOWING:**

15 **(I) THE BOOKING PHOTOGRAPH WILL BE PLACED IN A PUBLICATION**
16 **OR POSTED TO A WEB SITE; AND**

17 **(II) REMOVAL OF THE BOOKING PHOTOGRAPH FROM THE**
18 **PUBLICATION OR WEB SITE REQUIRES THE PAYMENT OF A FEE OR OTHER**
19 **EXCHANGE FOR PECUNIARY GAIN.**

20 **(b) A PERSON WHO REQUESTS A COPY OF A BOOKING PHOTOGRAPH**
21 **FROM AN OFFICIAL CUSTODIAN SHALL, AT THE TIME OF MAKING THE**
22 **REQUEST, SUBMIT THE STATEMENT REQUIRED BY SUBSECTION (1) OF THIS**
23 **SECTION. BY SIGNING THE STATEMENT, THE PERSON IS AFFIRMING THAT**
24 **THE BOOKING PHOTOGRAPH WILL NOT BE PLACED IN A PUBLICATION OR**

1 POSTED TO A WEB SITE THAT REQUIRES THE PAYMENT OF A FEE OR OTHER
2 EXCHANGE FOR PECUNIARY GAIN IN ORDER TO REMOVE OR DELETE THE
3 BOOKING PHOTOGRAPH FROM THE PUBLICATION OR WEB SITE.

4 (c) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-72-309, A
5 PERSON WHO VIOLATES A PROVISION OF PARAGRAPH (a) OF THIS
6 SUBSECTION (2) OR WHO SUBMITS A FALSE STATEMENT PURSUANT TO
7 PARAGRAPH (b) OF THIS SUBSECTION (2) COMMITS AN UNCLASSIFIED
8 MISDEMEANOR AND SHALL BE PUNISHED BY A FINE OF UP TO ONE
9 THOUSAND DOLLARS.

10 (d) AS USED IN THIS SUBSECTION (2), UNLESS THE CONTEXT
11 OTHERWISE REQUIRES, "BOOKING PHOTOGRAPH" MEANS A PHOTOGRAPH
12 OR OTHER IMAGE OF A PERSON TAKEN BY A CRIMINAL JUSTICE AGENCY AT
13 THE TIME THAT A PERSON IS ARRESTED OR DETAINED BY A CRIMINAL
14 JUSTICE AGENCY AND PRIOR TO CONVICTION.

15 **SECTION 2. Act subject to petition - effective date -**
16 **applicability.** (1) This act takes effect September 1, 2014; except that,
17 if a referendum petition is filed pursuant to section 1 (3) of article V of
18 the state constitution against this act or an item, section, or part of this act
19 within the ninety-day period after final adjournment of the general
20 assembly, then the act, item, section, or part will not take effect unless
21 approved by the people at the general election to be held in November
22 2014 and, in such case, will take effect on the date of the official
23 declaration of the vote thereon by the governor.

24 (2) This act applies to offenses committed on or after the
25 applicable effective date of this act.