

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 19, 2014
Date

Committee on Judiciary.

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

HB14-1047 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend reengrossed bill, strike everything below the enacting clause and
2 substitute:
3 "SECTION 1. In Colorado Revised Statutes, **amend** 24-72-305.5
4 as follows:
5 **24-72-305.5. Access to records - denial by custodian - use of**
6 **records to obtain information for solicitation - definitions.**
7 (1) Records of official actions and criminal justice records and the
8 names, addresses, telephone numbers, and other information in such
9 records shall not be used by any person for the purpose of soliciting
10 business for pecuniary gain. The official custodian shall deny any person
11 access to records of official actions and criminal justice records unless
12 such person signs a statement which affirms that such records shall not be
13 used for the direct solicitation of business for pecuniary gain.
14 (2) (a) IT IS UNLAWFUL FOR A PERSON TO OBTAIN A COPY OF A
15 BOOKING PHOTOGRAPH IN ANY FORMAT KNOWING:
16 (I) THE BOOKING PHOTOGRAPH WILL BE PLACED IN A PUBLICATION
17 OR POSTED TO A WEB SITE; AND
18 (II) REMOVAL OF THE BOOKING PHOTOGRAPH FROM THE
19 PUBLICATION OR WEB SITE REQUIRES THE PAYMENT OF A FEE OR OTHER
20 EXCHANGE FOR PECUNIARY GAIN.
21 (b) A PERSON WHO REQUESTS A COPY OF A BOOKING PHOTOGRAPH
22 FROM AN OFFICIAL CUSTODIAN SHALL, AT THE TIME OF MAKING THE
23 REQUEST, SUBMIT THE STATEMENT REQUIRED BY SUBSECTION (1) OF THIS
24 SECTION. BY SIGNING THE STATEMENT, THE PERSON IS AFFIRMING THAT

1 THE BOOKING PHOTOGRAPH WILL NOT BE PLACED IN A PUBLICATION OR
2 POSTED TO A WEB SITE THAT REQUIRES THE PAYMENT OF A FEE OR OTHER
3 EXCHANGE FOR PECUNIARY GAIN IN ORDER TO REMOVE OR DELETE THE
4 BOOKING PHOTOGRAPH FROM THE PUBLICATION OR WEB SITE.

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

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

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

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

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