

**First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0266.02 Jane Ritter x4342

**HOUSE BILL 15-1174**

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**HOUSE SPONSORSHIP**

**Carver,** McCann, Windholz, Danielson, Saine, Dore, Roupe

**SENATE SPONSORSHIP**

**Woods,** Newell

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE CONFIDENTIALITY OF PERSONAL INFORMATION FOR**  
102              **PARTICIPANTS IN THE ADDRESS CONFIDENTIALITY PROGRAM,**  
103              **AND, IN CONNECTION THEREWITH, PROTECTING VICTIMS OF**  
104              **DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING.**

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**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 extends the protections related to confidentiality of personal information on the internet that are currently in place for law enforcement officials and their immediate family to participants in the

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.*

address confidentiality program for victims of domestic violence, sexual assault, or stalking (participants).

The bill clarifies the term "actual address" to include any unique identifying information related to a participant's residential, work, or school address. Private business entities are encouraged to accept a participant's substitute address. Disclosure of unique identifying information of a participant in criminal and civil proceedings is limited to those circumstances where the potential harm to the participant is substantially outweighed by the public interest in the disclosure and when no other alternative would satisfy the necessity for disclosure.

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

2           **SECTION 1.** In Colorado Revised Statutes, 18-9-313, **amend** (1)  
3 (b); and **add** (1) (a.9) and (2.5) as follows:

4           **18-9-313. Personal information on the internet - law**  
5 **enforcement official - victims of domestic violence, sexual assault, and**  
6 **stalking.** (1) As used in this section:

7           (a.9) "PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM"  
8 MEANS AN INDIVIDUAL ACCEPTED INTO THE ADDRESS CONFIDENTIALITY  
9 PROGRAM IN ACCORDANCE WITH PART 21 OF ARTICLE 30 OF TITLE 24,  
10 C.R.S.

11           (b) "Personal information" means ~~a law enforcement official's~~ THE  
12 home address, home telephone number, personal mobile telephone  
13 number, pager number, personal e-mail address, OR A personal  
14 photograph OF A LAW ENFORCEMENT OFFICIAL OR PARTICIPANT IN THE  
15 ADDRESS CONFIDENTIALITY PROGRAM; OR directions to the HOME OF A law  
16 enforcement ~~official's home~~ OFFICIAL OR PARTICIPANT IN THE ADDRESS  
17 CONFIDENTIALITY PROGRAM; or photographs of the ~~law enforcement~~  
18 ~~official's or the official's immediate family member's~~ home or vehicle OF  
19 A LAW ENFORCEMENT OFFICIAL OR PARTICIPANT IN THE ADDRESS  
20 CONFIDENTIALITY PROGRAM.

1           (2.5) AN ADDRESS CONFIDENTIALITY PROGRAM PARTICIPANT MAY  
2           SUBMIT A WRITTEN REQUEST TO A STATE OR LOCAL GOVERNMENT  
3           OFFICIAL AND FOLLOW THE PROCESS IN SECTION 24-30-2108, C.R.S.,  
4           INCLUDING THE PRESENTATION OF A VALID ADDRESS CONFIDENTIALITY  
5           PROGRAM AUTHORIZATION CARD. IF A STATE OR LOCAL GOVERNMENT  
6           OFFICIAL HAS RECEIVED THE ABOVE INFORMATION, THEN THE STATE OR  
7           LOCAL GOVERNMENT OFFICIAL SHALL NOT KNOWINGLY MAKE AVAILABLE  
8           ON THE INTERNET PERSONAL INFORMATION ABOUT SUCH PARTICIPANT IN  
9           THE ADDRESS CONFIDENTIALITY PROGRAM OR THE ACTUAL ADDRESS, AS  
10          DEFINED IN SECTION 24-30-2103 (1), C.R.S., OF SUCH PARTICIPANT IN THE  
11          ADDRESS CONFIDENTIALITY PROGRAM.

12           **SECTION 2.** In Colorado Revised Statutes, 24-30-2102, **add** (3)  
13          as follows:

14           **24-30-2102. Legislative declaration.** (3) THE GENERAL  
15          ASSEMBLY FURTHER DECLARES THAT PRIVATE ENTITIES, INCLUDING BUT  
16          NOT LIMITED TO PRIVATE BUSINESSES, CAN HELP PROTECT PROGRAM  
17          PARTICIPANTS BY SEEKING TO PREVENT THE DISCLOSURE OF UNIQUE  
18          IDENTIFYING INFORMATION THAT COULD JEOPARDIZE THE SAFETY OF  
19          PROGRAM PARTICIPANTS. THE GENERAL ASSEMBLY RECOGNIZES THAT A  
20          LEGITIMATE NEED FOR PRIVATE ENTITIES TO REQUEST AND HAVE ACCESS  
21          TO AN INDIVIDUAL'S ACTUAL ADDRESS OFTEN EXISTS AND THAT THE  
22          OPPORTUNITY EXISTS FOR PRIVATE ENTITIES TO PARTNER WITH STATE AND  
23          LOCAL GOVERNMENTAL AGENCIES IN THE EFFORT TO PROTECT THE SAFETY  
24          OF PROGRAM PARTICIPANTS.

25           **SECTION 3.** In Colorado Revised Statutes, 24-30-2103, **amend**  
26          (1) as follows:

27           **24-30-2103. Definitions.** As used in this part 21, unless the

1 context otherwise requires:

2 (1) "Actual address" means a residential, work, or school address  
3 as specified on the individual's application to be a program participant  
4 under this part 21, and includes the county, ~~and~~ voting precinct number,  
5 AND ANY UNIQUE IDENTIFYING INFORMATION RELATED TO THE  
6 INDIVIDUAL'S RESIDENTIAL, WORK, OR SCHOOL ADDRESS.

7

8 **SECTION 4.** In Colorado Revised Statutes, 24-30-2109, **amend**  
9 (1) (a) as follows:

10 **24-30-2109. Disclosure of actual address prohibited.** (1) The  
11 executive director or his or her designee is prohibited from disclosing any  
12 address or telephone number of a program participant other than the  
13 substitute address designated by the executive director or his or her  
14 designee, except under any of the following circumstances:

15 (a) The information is required by direction of a court order  
16 PURSUANT TO SECTION 24-30-2111. However, any person to whom a  
17 program participant's address or telephone number has been disclosed  
18 shall not disclose the address or telephone number to any other person  
19 unless permitted to do so by order of the court.

20 **SECTION 5.** In Colorado Revised Statutes, **amend** 24-30-2111  
21 as follows:

22 **24-30-2111. Disclosure of address or unique identifying**  
23 **information in criminal and civil proceedings.** ~~No~~ A person shall NOT  
24 be compelled to disclose a program participant's actual address OR ANY  
25 UNIQUE IDENTIFYING INFORMATION RELATED TO THE PARTICIPANT'S  
26 RESIDENCE, WORK, OR SCHOOL during the discovery phase of or during a  
27 proceeding before a court of competent jurisdiction or administrative

1 tribunal unless the court or administrative tribunal finds, based upon a  
2 preponderance of the evidence, that the disclosure is required in the  
3 interests of justice AND THAT THE POTENTIAL HARM TO THE PROGRAM  
4 PARTICIPANT IS SUBSTANTIALLY OUTWEIGHED BY THE PUBLIC INTEREST IN  
5 THE DISCLOSURE AND THAT NO OTHER ALTERNATIVE WOULD SATISFY  
6 THAT NECESSITY. A court or administrative tribunal may seal the portion  
7 of any record that contains a program participant's actual address.  
8 Nothing in this section ~~shall prevent~~ PREVENTS a state or local  
9 government agency, in its discretion, from using a program participant's  
10 actual address in any document or record filed with a court or  
11 administrative tribunal if, at the time of filing, the document or record is  
12 not a public record.

13 **SECTION 6. Safety clause.** The general assembly hereby finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, and safety.