

HB1251_L.002

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

Date

Committee on Judiciary.

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

HB09-1251 be amended as follows:

- 1 Amend printed bill, page 2, line 6, strike "(5.5)" and substitute "(5.5) (a)";
- 2 line 11, strike "(a)" and substitute "(I)";
- 3 line 14, strike "(b)" and substitute "(II)";
- 4 line 15, strike "(c)" and substitute "(III)";
- 5 line 18, strike "(d)" and substitute "(IV)".
- 6 Page 3, line 1, strike "(e)" and substitute "(V)";
- 7 after line 3, insert the following:

8 "(b) IF THE CUSTODIAN DENIES ACCESS TO ANY CRIMINAL JUSTICE
9 RECORDS, AND, IN RESPONSE TO A WRITTEN REQUEST FOR A WRITTEN
10 STATEMENT OF THE GROUNDS FOR THE DENIAL AS SET FORTH IN
11 SUBSECTION (6) OF THIS SECTION, THE CUSTODIAN FAILS TO PROVIDE SUCH
12 STATEMENT WITHIN SEVENTY-TWO HOURS, THE REQUESTER MAY APPLY TO
13 THE DISTRICT COURT AS PROVIDED IN SUBSECTION (7) OF THIS SECTION.
14 JUDICIAL REVIEW OF SUCH DENIAL UPON SUCH APPLICATION SHALL, IN
15 THOSE CIRCUMSTANCES, BE CONDUCTED DE NOVO BY THE DISTRICT
16 COURT."

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