



## *State of Colorado*

October 27, 2009

Representative Steve King, House sponsor of HB 07-1350  
Senator Brandon Shaffer, President of the Senate  
Representative Terrance Carroll, Speaker of the House of Representatives  
Senator Josh Penry, Minority Leader of the Senate  
Representative Mike May, Minority Leader of the House of Representatives  
State Capitol Building  
Denver, Colorado 80203

Dear Representative King, President Shaffer, Speaker Carroll, Senator Penry, and Representative May:

As you may recall, Senate Bill 06-079 established a process for the post-enactment review of legislation. House Bill 07-1350, concerning the creation of a victim address confidentiality program, required a post-enactment review and became law upon the signature of the Governor on May 31, 2007.

To facilitate the post-enactment review of the legislation, we contacted entities affected by the legislation to notify them of the requirements of the post-enactment review and to request they provide information to us for use in the review. Specifically, we requested responses to the following questions that are set out in section 2-2-1201 (2), C.R.S., the post-enactment review statute adopted in Senate Bill 06-079:

- Whether the bill has been implemented, in whole or in part;
- If the bill has been implemented in whole or in part, how the bill has been implemented, including whether the bill has been implemented in the most efficient and cost-effective manner;
- If the bill has been implemented in part, the reasons why the bill has not been implemented in whole;
- The extent to which the desired results or benefits of the bill, as specified in the legislative declaration of the bill, are being achieved;
- Whether there have been any unintended consequences or problems caused by the implementation of the bill;
- Whether the implementation of the bill has been impeded by any existing state or federal statutes, rules, procedures, or practices;
- Whether any administrative or statutory changes are necessary to improve the implementation of the bill;
- Whether the actual costs of implementing the bill have been within the estimated costs, if any, set forth in the fiscal note for the bill;

- Whether any increase in state funding is necessary to improve the implementation of the bill.

The purpose of this letter is to provide to you the information received from the entities affected by House Bill 07-1184 regarding their implementation of the legislation.

Attached for your review is the following information, with an indication of the pages on which the information can be located:

- (1) A copy of House Bill 07-1350; pages 1-16;
- (2) The response received from the Secretary of State's office; pages 17-25; and
- (3) The response received from the Department of Revenue; pages 26-27.

We do want to bring to your attention one issue identified in the response from the Department of Revenue regarding a conflict between House Bill 07-1350 and §39-26-103 (3), C.R.S. That statutory section requires that sales tax licenses show the owner's name, residence or current mailing address, and place of business. In some situations, particularly when a person who operates a business from their home also requests the use of a substitute address under the provisions of House Bill 07-1350, a conflict arises given that the sales tax license must show the actual address. Use of the substitute address on the sales tax license is not possible given that the licenses are location-specific to ensure that the proper taxes are collected and distributed.

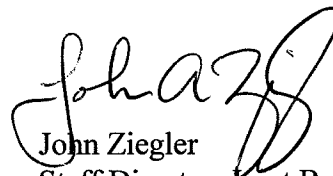
The Department noted that, as of July 22, 2009, it had not received any requests for substitute addresses to be used on taxpayer accounts, and therefore it has not had to address the conflict. When such a request is made, however, the conflict described will become reality.

If you have any questions regarding the post-enactment review of House Bill 07-1350, please feel free to contact us.

Sincerely,



Charles W. Pike  
Director, Office of Legislative Legal Services  
303-866-2045



John Ziegler  
Staff Director, Joint Budget Committee  
303-866-2061



Mike Mauer  
Director, Legislative Council  
303-866-3521

## CHAPTER 385

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**GOVERNMENT - STATE**

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**HOUSE BILL 07-1350**

BY REPRESENTATIVE(S) Romanoff and King, Jahn, Benefield, Buescher, Carroll T., Casso, Cerbo, Curry, Frangas, Gagliardi, Gallegos, Garcia, Gardner C., Gibbs, Green, Hodge, Kerr A., Kerr J., Labuda, Liston, Looper, Lundberg, Madden, Marostica, Marshall, Massey, May M., McFadyen, McGihon, McNulty, Merrifield, Mitchell V., Peniston, Primavera, Rice, Roberts, Solano, Sonnenberg, Soper, Stafford, Stephens, Summers, Todd, Vaad, White, Witwer, Balmer, Borodkin, Butcher, Carroll M., Gardner B., Hicks, Kefalas, Swalm, Weissmann, Cadman, Lambert, and Riesberg;  
also SENATOR(S) Tupa, Bacon, Boyd, Fitz-Gerald, Gordon, Groff, Hagedorn, Harvey, Isgar, Keller, Kester, Kopp, McElhany, Mitchell S., Morse, Penry, Romer, Sandoval, Shaffer, Spence, Taylor, Tochtrop, Veiga, Ward, Wiens, Williams, and Windels.

**AN ACT**

**CONCERNING THE CREATION OF A VICTIM ADDRESS CONFIDENTIALITY PROGRAM, MAKING AN APPROPRIATION THEREFOR, AND REQUIRING A POST-ENACTMENT REVIEW OF THE IMPLEMENTATION OF THIS ACT.**

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

**SECTION 1.** 1-2-213 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**1-2-213. Registration at driver's license examination facilities.** (2) (e) THE DEPARTMENT OF REVENUE, THROUGH ITS LOCAL DRIVER'S LICENSE EXAMINATION FACILITIES, SHALL NOTIFY A PROGRAM PARTICIPANT, AS DEFINED IN SECTION 24-21-203 (8), C.R.S., WHO SUBMITS A CURRENT AND VALID ADDRESS CONFIDENTIALITY PROGRAM AUTHORIZATION CARD, OF THE PROVISIONS OF SECTION 24-21-208 (4), C.R.S., AND INFORM THE PARTICIPANT ABOUT HOW HE OR SHE MAY USE A SUBSTITUTE ADDRESS, AS DEFINED IN SECTION 24-21-203 (13), C.R.S., ON THE DRIVER'S LICENSE OR IDENTIFICATION CARD.

**SECTION 2.** 16-18.5-110 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**16-18.5-110. Order of crediting payments.** (1) Payments received shall be credited in the following order:

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(c.5) SURCHARGES RELATED TO THE ADDRESS CONFIDENTIALITY PROGRAM PURSUANT TO SECTION 24-21-214, C.R.S.

**SECTION 3.** 18-1.3-204 (2.5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**18-1.3-204. Conditions of probation.** (2.5) The order of priority for any payments required of a defendant pursuant to subparagraph (IV), (V), (VI), or (VI.5) of paragraph (a) of subsection (2) of this section shall be as follows:

(i.9) PAYMENT OF A SURCHARGE RELATED TO THE ADDRESS CONFIDENTIALITY PROGRAM PURSUANT TO SECTION 24-21-214, C.R.S.

**SECTION 4.** Article 21 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 2**  
**ADDRESS CONFIDENTIALITY FOR VICTIMS**  
**OF DOMESTIC VIOLENCE, A SEXUAL OFFENSE,**  
**OR STALKING**

**24-21-201. Short title.** THIS PART 2 SHALL BE KNOWN AND MAY BE CITED AS THE "ADDRESS CONFIDENTIALITY PROGRAM ACT".

**24-21-202. Legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT A PERSON ATTEMPTING TO ESCAPE FROM ACTUAL OR THREATENED DOMESTIC VIOLENCE, A SEXUAL OFFENSE, OR STALKING FREQUENTLY MOVES TO A NEW ADDRESS IN ORDER TO PREVENT AN ASSAILANT OR POTENTIAL ASSAILANT FROM FINDING HIM OR HER. THIS NEW ADDRESS, HOWEVER, IS ONLY USEFUL IF AN ASSAILANT OR POTENTIAL ASSAILANT DOES NOT DISCOVER IT. THEREFORE, IN ORDER TO HELP VICTIMS OF DOMESTIC VIOLENCE, A SEXUAL OFFENSE, OR STALKING, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ESTABLISH AN ADDRESS CONFIDENTIALITY PROGRAM, WHEREBY THE CONFIDENTIALITY OF A VICTIM'S ADDRESS MAY BE MAINTAINED THROUGH, AMONG OTHER THINGS, THE USE OF A SUBSTITUTE ADDRESS FOR PURPOSES OF PUBLIC RECORDS AND CONFIDENTIAL MAIL FORWARDING.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT THE DESIRED RESULT OF THE "ADDRESS CONFIDENTIALITY PROGRAM ACT" FOR THE PURPOSE OF POST-ENACTMENT REVIEW IS TO ESTABLISH A SUBSTITUTE ADDRESS FOR A PROGRAM PARTICIPANT THAT IS USED BY STATE AND LOCAL GOVERNMENT AGENCIES WHENEVER POSSIBLE; TO PERMIT AGENCIES TO HAVE ACCESS TO THE PARTICIPANT'S ACTUAL ADDRESS WHEN APPROPRIATE; TO ESTABLISH A MAIL FORWARDING SYSTEM FOR PROGRAM PARTICIPANTS; AND TO ENSURE THAT THERE IS ADEQUATE FUNDING TO PAY THE PROGRAM COSTS FOR ALL PERSONS WHO APPLY TO THE PROGRAM.

**24-21-203. Definitions.** AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACTUAL ADDRESS" MEANS A RESIDENTIAL, WORK, OR SCHOOL STREET ADDRESS AS SPECIFIED ON THE INDIVIDUAL'S APPLICATION TO BE A PROGRAM

## PARTICIPANT UNDER THIS PART 2.

(2) "ADDRESS CONFIDENTIALITY PROGRAM" OR "PROGRAM" MEANS THE PROGRAM CREATED UNDER THIS PART 2 IN THE OFFICE OF THE SECRETARY OF STATE TO PROTECT THE CONFIDENTIALITY OF THE ACTUAL ADDRESS OF A RELOCATED VICTIM OF DOMESTIC VIOLENCE, A SEXUAL OFFENSE, OR STALKING.

(3) "APPLICANT" MEANS AN INDIVIDUAL IDENTIFIED AS SUCH IN AN APPLICATION RECEIVED BY THE SECRETARY OF STATE PURSUANT TO SECTION 24-21-205.

(4) "APPLICATION ASSISTANCE CENTER" MEANS AN AGENCY OR NONPROFIT ORGANIZATION THAT PROVIDES COUNSELING, REFERRAL, SHELTER, OR OTHER SPECIALIZED SERVICES TO VICTIMS OF DOMESTIC VIOLENCE, A SEXUAL OFFENSE, OR STALKING AND THAT HAS BEEN DESIGNATED BY THE SECRETARY OF STATE PURSUANT TO SECTION 24-21-204 (5).

(5) "APPLICATION ASSISTANT" MEANS A VOLUNTEER WITH OR AN EMPLOYEE OF AN APPLICATION ASSISTANCE CENTER WHO ASSISTS IN THE PREPARATION OF AN APPLICATION TO PARTICIPATE IN THE ADDRESS CONFIDENTIALITY PROGRAM.

(6) "DOMESTIC VIOLENCE" MEANS AN ACT DESCRIBED IN SECTION 18-6-800.3 (1), C.R.S.

(7) "PERSON" MEANS ANY INDIVIDUAL, CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, TRUST, ESTATE, OR OTHER ASSOCIATION OR ANY STATE, THE UNITED STATES, OR ANY SUBDIVISION THEREOF.

(8) "PROGRAM PARTICIPANT" OR "PARTICIPANT" MEANS AN INDIVIDUAL ACCEPTED INTO THE ADDRESS CONFIDENTIALITY PROGRAM IN ACCORDANCE WITH THIS PART 2.

(9) "PUBLIC RECORD" MEANS ALL DOCUMENTS, PAPERS, LETTERS, MAPS, BOOKS, PHOTOGRAPHS, FILMS, SOUND RECORDINGS, MAGNETIC OR OTHER TAPES, DIGITAL DATA, ARTIFACTS, OR OTHER DOCUMENTARY MATERIAL, REGARDLESS OF PHYSICAL FORM OR CHARACTERISTICS, MADE OR RECEIVED PURSUANT TO LAW OR ORDINANCE IN CONNECTION WITH THE TRANSACTION OF PUBLIC BUSINESS BY A STATE OR LOCAL GOVERNMENT AGENCY.

(10) "SEXUAL OFFENSE" MEANS AN ACT DESCRIBED IN PART 4 OF ARTICLE 3, OR ARTICLE 6 OR 7 OF TITLE 18, C.R.S.

(11) "STATE OR LOCAL GOVERNMENT AGENCY" OR "AGENCY" MEANS EVERY ELECTED OR APPOINTED STATE OR LOCAL PUBLIC OFFICE, PUBLIC OFFICER, OR OFFICIAL; BOARD, COMMISSION, BUREAU, COMMITTEE, COUNCIL, DEPARTMENT, AUTHORITY, AGENCY, INSTITUTION OF HIGHER EDUCATION, OR OTHER UNIT OF THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF THE STATE; OR ANY CITY, COUNTY, CITY AND COUNTY, TOWN, SPECIAL DISTRICT, SCHOOL DISTRICT, LOCAL IMPROVEMENT DISTRICT, OR ANY OTHER KIND OF MUNICIPAL, QUASI-MUNICIPAL, OR PUBLIC CORPORATION.

(12) "STALKING" MEANS AN ACT OF HARASSMENT OR STALKING AS DESCRIBED IN

## SECTION 18-9-111, C.R.S.

(13) "SUBSTITUTE ADDRESS" MEANS AN ADDRESS DESIGNATED BY THE SECRETARY OF STATE UNDER THE ADDRESS CONFIDENTIALITY PROGRAM THAT IS USED INSTEAD OF AN ACTUAL ADDRESS AS SET FORTH IN THIS PART 2.

**24-21-204. Address confidentiality program - creation - substitute address - uses - service by mail - application assistance centers.** (1) THERE IS HEREBY CREATED THE ADDRESS CONFIDENTIALITY PROGRAM IN THE OFFICE OF THE SECRETARY OF STATE TO PROTECT THE CONFIDENTIALITY OF THE ACTUAL ADDRESS OF A RELOCATED VICTIM OF DOMESTIC VIOLENCE, A SEXUAL OFFENSE, OR STALKING AND TO PREVENT THE VICTIM'S ASSAILANTS OR POTENTIAL ASSAILANTS FROM FINDING THE VICTIM THROUGH PUBLIC RECORDS. UNDER THE PROGRAM, THE SECRETARY OF STATE SHALL:

(a) DESIGNATE A SUBSTITUTE ADDRESS FOR A PROGRAM PARTICIPANT THAT SHALL BE USED BY STATE AND LOCAL GOVERNMENT AGENCIES AS SET FORTH IN THIS PART 2; AND

(b) RECEIVE MAIL SENT TO A PROGRAM PARTICIPANT AT A SUBSTITUTE ADDRESS AND FORWARD THE MAIL TO THE PARTICIPANT AS SET FORTH IN SUBSECTION (3) OF THIS SECTION.

(2) THE SUBSTITUTE ADDRESS ESTABLISHED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL CONSIST OF A POST OFFICE BOX NUMBER AND A FICTITIOUS STREET ADDRESS.

(3) THE SECRETARY OF STATE SHALL RECEIVE FIRST-CLASS, CERTIFIED, OR REGISTERED MAIL ON BEHALF OF A PROGRAM PARTICIPANT AND FORWARD THE MAIL TO THE PARTICIPANT FOR NO CHARGE. THE SECRETARY OF STATE MAY ARRANGE TO RECEIVE AND FORWARD OTHER CLASSES OR KINDS OF MAIL AT THE PARTICIPANT'S EXPENSE. THE SECRETARY OF STATE SHALL NOT BE REQUIRED TO TRACK OR OTHERWISE MAINTAIN RECORDS OF ANY MAIL RECEIVED ON BEHALF OF A PARTICIPANT UNLESS THE MAIL IS CERTIFIED OR REGISTERED MAIL.

(4) (a) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A PROGRAM PARTICIPANT MAY BE SERVED BY REGISTERED MAIL OR BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, ADDRESSED TO THE PARTICIPANT AT HIS OR HER SUBSTITUTE ADDRESS WITH ANY PROCESS, NOTICE, OR DEMAND REQUIRED OR PERMITTED BY LAW TO BE SERVED ON THE PROGRAM PARTICIPANT. SERVICE IS PERFECTED UNDER THIS SUBSECTION (4) AT THE EARLIEST OF:

(I) THE DATE THE PROGRAM PARTICIPANT RECEIVES THE PROCESS, NOTICE, OR DEMAND; OR

(II) FIVE DAYS AFTER THE DATE SHOWN ON THE RETURN RECEIPT IF SIGNED ON BEHALF OF THE PROGRAM PARTICIPANT.

(b) THIS SUBSECTION (4) DOES NOT PRESCRIBE THE ONLY MEANS, OR NECESSARILY THE REQUIRED MEANS, OF SERVING A PROGRAM PARTICIPANT IN THE STATE.

(c) WHENEVER THE LAWS OF THE STATE PROVIDE A PROGRAM PARTICIPANT A LEGAL RIGHT TO ACT WITHIN A PRESCRIBED PERIOD OF TEN DAYS OR LESS AFTER THE SERVICE OF A NOTICE OR OTHER PAPER UPON THE PARTICIPANT AND THE NOTICE OR PAPER IS SERVED UPON THE PARTICIPANT BY MAIL PURSUANT TO THIS SUBSECTION (4) OR BY FIRST-CLASS MAIL AS OTHERWISE AUTHORIZED BY LAW, FIVE DAYS SHALL BE ADDED TO THE PRESCRIBED PERIOD.

(5) THE SECRETARY OF STATE SHALL DESIGNATE APPLICATION ASSISTANCE CENTERS. A VOLUNTEER OR EMPLOYEE OF AN APPLICATION ASSISTANCE CENTER WHO PROVIDES COUNSELING, REFERRAL, OR OTHER SERVICES TO VICTIMS OF DOMESTIC VIOLENCE, A SEXUAL OFFENSE, OR STALKING SHALL BE AN APPLICATION ASSISTANT.

(6) ANY ASSISTANCE AND COUNSELING RENDERED BY THE SECRETARY OF STATE OR AN APPLICATION ASSISTANT TO AN APPLICANT RELATED TO THIS PART 2 SHALL IN NO WAY BE CONSTRUED AS LEGAL ADVICE.

**24-21-205. Filing and certification of applications - authorization card.**

(1) ON AND AFTER JULY 1, 2008, OR AN EARLIER DATE IF SO DESIGNATED BY THE SECRETARY OF STATE, UPON THE RECOMMENDATION OF AN APPLICATION ASSISTANT, AN INDIVIDUAL MAY DELIVER TO THE SECRETARY OF STATE AN APPLICATION TO PARTICIPATE IN THE ADDRESS CONFIDENTIALITY PROGRAM. THE FOLLOWING INDIVIDUALS MAY APPLY TO THE SECRETARY OF STATE TO HAVE AN ADDRESS DESIGNATED BY THE SECRETARY OF STATE TO SERVE AS THE SUBSTITUTE ADDRESS OF THE INDIVIDUAL AND ANY INDIVIDUALS DESIGNATED IN PARAGRAPH (j) OF SUBSECTION (3) OF THIS SECTION:

- (a) AN ADULT INDIVIDUAL;
- (b) A PARENT OR GUARDIAN ACTING ON BEHALF OF A MINOR WHEN THE MINOR RESIDES WITH THE INDIVIDUAL; OR
- (c) A GUARDIAN ACTING ON BEHALF OF AN INCAPACITATED INDIVIDUAL.

(2) AN APPLICATION ASSISTANT SHALL ASSIST THE INDIVIDUAL IN THE PREPARATION OF THE APPLICATION. THE APPLICATION SHALL BE DATED, SIGNED, AND VERIFIED BY THE APPLICANT AND SHALL BE SIGNED AND DATED BY THE APPLICATION ASSISTANT WHO ASSISTED IN THE PREPARATION OF THE APPLICATION. THE SIGNATURE OF THE APPLICATION ASSISTANT SHALL SERVE AS THE RECOMMENDATION BY SUCH PERSON THAT THE APPLICANT HAVE AN ADDRESS DESIGNATED BY THE SECRETARY OF STATE TO SERVE AS THE SUBSTITUTE ADDRESS OF THE APPLICANT. A MINOR OR INCAPACITATED INDIVIDUAL ON WHOSE BEHALF A PARENT OR GUARDIAN COMPLETES AN APPLICATION PURSUANT TO THE AUTHORITY SET FORTH IN PARAGRAPH (b) OR (c) OF SUBSECTION (1) OF THIS SECTION SHALL BE CONSIDERED THE APPLICANT, BUT ANY STATEMENTS THAT ARE REQUIRED TO BE MADE BY THE APPLICANT SHALL BE MADE BY THE PARENT OR GUARDIAN ACTING ON BEHALF OF THE MINOR OR INCAPACITATED INDIVIDUAL.

(3) THE APPLICATION SHALL BE ON A FORM PRESCRIBED BY THE SECRETARY OF STATE AND SHALL CONTAIN ALL OF THE FOLLOWING:

- (a) THE APPLICANT'S NAME;
- (b) A STATEMENT BY THE APPLICANT THAT THE APPLICANT IS A VICTIM OF DOMESTIC VIOLENCE, A SEXUAL OFFENSE, OR STALKING AND THAT THE APPLICANT FEARS FOR HIS OR HER SAFETY;
- (c) EVIDENCE THAT THE APPLICANT IS A VICTIM OF DOMESTIC VIOLENCE, A SEXUAL OFFENSE, OR STALKING. THIS EVIDENCE MAY INCLUDE ANY OF THE FOLLOWING:
  - (I) LAW ENFORCEMENT, COURT, OR OTHER STATE OR LOCAL GOVERNMENT AGENCY OR FEDERAL AGENCY RECORDS OR FILES;
  - (II) DOCUMENTATION FROM A DOMESTIC VIOLENCE PROGRAM OR FACILITY, INCLUDING BUT NOT LIMITED TO A BATTERED WOMEN'S SHELTER OR SAFE HOUSE, IF THE APPLICANT IS ALLEGED TO BE A VICTIM OF DOMESTIC VIOLENCE;
  - (III) DOCUMENTATION FROM A SEXUAL ASSAULT PROGRAM IF THE APPLICANT IS ALLEGED TO BE A VICTIM OF A SEXUAL OFFENSE; OR
  - (IV) DOCUMENTATION FROM A RELIGIOUS, MEDICAL, OR OTHER PROFESSIONAL FROM WHOM THE APPLICANT HAS SOUGHT ASSISTANCE IN DEALING WITH THE ALLEGED DOMESTIC VIOLENCE, A SEXUAL OFFENSE, OR STALKING.
- (d) A STATEMENT BY THE APPLICANT THAT DISCLOSURE OF THE APPLICANT'S ACTUAL ADDRESS WOULD ENDANGER THE APPLICANT'S SAFETY;
- (e) A STATEMENT BY THE APPLICANT THAT THE APPLICANT HAS CONFIDENTIALLY RELOCATED IN THE PAST NINETY DAYS OR WILL CONFIDENTIALLY RELOCATE IN THE STATE;
- (f) A DESIGNATION OF THE SECRETARY OF STATE AS AN AGENT FOR THE APPLICANT FOR PURPOSES OF RECEIVING CERTAIN MAIL;
- (g) THE MAILING ADDRESS AND TELEPHONE NUMBER WHERE THE APPLICANT CAN BE CONTACTED BY THE SECRETARY OF STATE;
- (h) THE ACTUAL ADDRESS THAT THE APPLICANT REQUESTS NOT TO BE DISCLOSED BY THE SECRETARY OF STATE THAT DIRECTLY RELATES TO THE INCREASED RISK OF DOMESTIC VIOLENCE, A SEXUAL OFFENSE, OR STALKING;
- (i) A STATEMENT AS TO WHETHER THERE IS ANY EXISTING COURT ORDER OR COURT ACTION INVOLVING THE APPLICANT OR AN INDIVIDUAL IDENTIFIED IN PARAGRAPH (j) OF THIS SUBSECTION (3) RELATED TO DISSOLUTION OF MARRIAGE PROCEEDINGS, CHILD SUPPORT, OR THE ALLOCATION OF PARENTAL RESPONSIBILITIES OR PARENTING TIME AND THE COURT THAT ISSUED THE ORDER OR HAS JURISDICTION OVER THE ACTION;
- (j) THE NAME OF A PARENT, SPOUSE, OR DEPENDENT CHILD WHO RESIDES WITH THE APPLICANT WHO ALSO NEEDS TO BE A PROGRAM PARTICIPANT IN ORDER TO ENSURE THE SAFETY OF THE APPLICANT; AND



(k) A STATEMENT BY THE APPLICANT, UNDER PENALTY OF PERJURY, THAT TO THE BEST OF THE APPLICANT'S KNOWLEDGE, THE INFORMATION CONTAINED IN THE APPLICATION IS TRUE.

(4) UPON DETERMINING THAT AN APPLICATION HAS BEEN PROPERLY COMPLETED, THE SECRETARY OF STATE SHALL CERTIFY THE APPLICANT AND ANY INDIVIDUAL WHO IS IDENTIFIED IN PARAGRAPH (j) OF SUBSECTION (3) OF THIS SECTION AS A PROGRAM PARTICIPANT. UPON CERTIFICATION, THE SECRETARY OF STATE SHALL ISSUE TO THE PARTICIPANT AN ADDRESS CONFIDENTIALITY PROGRAM AUTHORIZATION CARD, WHICH SHALL INCLUDE THE PARTICIPANT'S SUBSTITUTE ADDRESS. THE CARD SHALL REMAIN VALID FOR SO LONG AS THE PARTICIPANT REMAINS CERTIFIED UNDER THE PROGRAM.

(5) APPLICANTS AND INDIVIDUALS IDENTIFIED IN PARAGRAPH (j) OF SUBSECTION (3) OF THIS SECTION SHALL BE CERTIFIED FOR FOUR YEARS FOLLOWING THE DATE OF FILING UNLESS THE CERTIFICATION IS WITHDRAWN OR CANCELED PRIOR TO THE END OF THE FOUR-YEAR PERIOD. A PROGRAM PARTICIPANT MAY WITHDRAW THE CERTIFICATION BY FILING A REQUEST FOR WITHDRAWAL ACKNOWLEDGED BEFORE A NOTARY PUBLIC. A CERTIFICATION MAY BE RENEWED BY FILING A RENEWAL APPLICATION WITH THE SECRETARY OF STATE AT LEAST THIRTY DAYS PRIOR TO EXPIRATION OF THE CURRENT CERTIFICATION. THE RENEWAL APPLICATION SHALL BE DATED, SIGNED, AND VERIFIED BY THE APPLICANT AND SHALL BE SIGNED AND DATED BY THE APPLICATION ASSISTANT WHO ASSISTED IN THE PREPARATION OF THE RENEWAL APPLICATION. THE RENEWAL APPLICATION SHALL CONTAIN:

(a) ANY STATEMENT OR INFORMATION THAT IS REQUIRED BY SUBSECTION (3) OF THIS SECTION THAT HAS CHANGED FROM THE ORIGINAL APPLICATION OR A PRIOR RENEWAL APPLICATION; AND

(b) A STATEMENT BY THE APPLICANT, UNDER PENALTY OF PERJURY, THAT TO THE BEST OF THE APPLICANT'S KNOWLEDGE, THE INFORMATION CONTAINED IN THE RENEWAL APPLICATION AND A PRIOR APPLICATION IS TRUE.

**24-21-206. Change of name, address, or telephone number.** (1) A PROGRAM PARTICIPANT SHALL NOTIFY THE SECRETARY OF STATE WITHIN THIRTY DAYS AFTER THE PARTICIPANT HAS OBTAINED A LEGAL NAME CHANGE BY PROVIDING THE SECRETARY OF STATE A CERTIFIED COPY OF ANY JUDGMENT OR ORDER EVIDENCING THE CHANGE OR ANY OTHER DOCUMENTATION THE SECRETARY OF STATE DEEMS TO BE SUFFICIENT EVIDENCE OF THE NAME CHANGE.

(2) A PROGRAM PARTICIPANT SHALL NOTIFY THE SECRETARY OF STATE OF A CHANGE IN ADDRESS OR TELEPHONE NUMBER FROM THE ADDRESS OR TELEPHONE NUMBER LISTED FOR THE PARTICIPANT ON THE APPLICATION PURSUANT TO THE REQUIREMENTS SET FORTH IN SECTION 24-21-205 (3) (g) AND (3) (h) NO LATER THAN SEVEN DAYS AFTER THE CHANGE OCCURS.

**24-21-207. Certification cancellation - records.** (1) THE CERTIFICATION OF A PROGRAM PARTICIPANT SHALL BE CANCELLED UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

(a) THE PROGRAM PARTICIPANT FILES A REQUEST FOR WITHDRAWAL OF THE

CERTIFICATION PURSUANT TO SECTION 24-21-205 (5).

(b) THE PROGRAM PARTICIPANT FAILS TO NOTIFY THE SECRETARY OF STATE OF A CHANGE IN THE PARTICIPANT'S NAME, ADDRESS, OR TELEPHONE NUMBER LISTED ON THE APPLICATION PURSUANT TO SECTION 24-21-206.

(c) THE PROGRAM PARTICIPANT OR PARENT OR GUARDIAN WHO COMPLETES AN APPLICATION ON BEHALF OF AN APPLICANT KNOWINGLY SUBMITTED FALSE INFORMATION IN THE PROGRAM APPLICATION.

(d) MAIL FORWARDED TO THE PROGRAM PARTICIPANT BY THE SECRETARY OF STATE IS RETURNED AS UNDELIVERABLE.

(2) IF THE SECRETARY OF STATE DETERMINES THAT THERE IS ONE OR MORE GROUNDS FOR CANCELLING CERTIFICATION OF A PROGRAM PARTICIPANT PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE SECRETARY OF STATE SHALL SEND NOTICE OF CANCELLATION TO THE PROGRAM PARTICIPANT. NOTICE OF CANCELLATION SHALL SET OUT THE REASONS FOR CANCELLATION. THE PARTICIPANT SHALL HAVE THIRTY DAYS TO APPEAL THE CANCELLATION DECISION UNDER PROCEDURES DEVELOPED BY THE SECRETARY OF STATE.

(3) AN INDIVIDUAL WHO CEASES TO BE A PROGRAM PARTICIPANT IS RESPONSIBLE FOR NOTIFYING PERSONS WHO USE THE SUBSTITUTE ADDRESS THAT THE DESIGNATED SUBSTITUTE ADDRESS IS NO LONGER VALID.

**24-21-208. Address use by state or local government agencies.** (1) THE PROGRAM PARTICIPANT, AND NOT THE SECRETARY OF STATE, IS RESPONSIBLE FOR REQUESTING THAT A STATE OR LOCAL GOVERNMENT AGENCY USE THE PARTICIPANT'S SUBSTITUTE ADDRESS AS THE PARTICIPANT'S RESIDENTIAL, WORK, OR SCHOOL ADDRESS FOR ALL PURPOSES FOR WHICH THE AGENCY REQUIRES OR REQUESTS SUCH RESIDENTIAL, WORK, OR SCHOOL ADDRESS.

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION OR UNLESS THE SECRETARY OF STATE GRANTS A STATE OR LOCAL GOVERNMENT AGENCY'S REQUEST FOR A DISCLOSURE PURSUANT TO SECTION 24-21-210, WHEN A PROGRAM PARTICIPANT SUBMITS A CURRENT AND VALID ADDRESS CONFIDENTIALITY PROGRAM AUTHORIZATION CARD TO THE AGENCY, THE AGENCY SHALL ACCEPT THE SUBSTITUTE ADDRESS DESIGNATION BY THE SECRETARY OF STATE ON THE CARD AS THE PARTICIPANT'S ADDRESS TO BE USED AS THE PARTICIPANT'S RESIDENTIAL, WORK, OR SCHOOL ADDRESS WHEN CREATING A NEW PUBLIC RECORD. THE SUBSTITUTE ADDRESS GIVEN TO THE AGENCY SHALL BE THE LAST KNOWN ADDRESS FOR THE PARTICIPANT USED BY THE AGENCY UNTIL SUCH TIME THAT THE AGENCY RECEIVES NOTIFICATION PURSUANT TO SECTION 24-21-207 (3). THE AGENCY MAY MAKE A PHOTOCOPY OF THE CARD FOR THE RECORDS OF THE AGENCY AND THEREAFTER SHALL IMMEDIATELY RETURN THE CARD TO THE PROGRAM PARTICIPANT.

(3) (a) A DESIGNATED ELECTION OFFICIAL AS DEFINED IN SECTION 1-1-104 (8), C.R.S., SHALL USE THE ACTUAL ADDRESS OF A PROGRAM PARTICIPANT FOR PRECINCT DESIGNATION AND ALL OFFICIAL ELECTION-RELATED PURPOSES AND SHALL KEEP THE PARTICIPANT'S ADDRESS AND PRECINCT NUMBER CONFIDENTIAL FROM THE PUBLIC. THE ELECTION OFFICIAL SHALL USE THE SUBSTITUTE ADDRESS FOR ALL

CORRESPONDENCE AND MAILINGS PLACED IN THE UNITED STATES MAIL. THE SUBSTITUTE ADDRESS SHALL NOT BE USED AS AN ADDRESS FOR VOTER REGISTRATION.

(b) ANY PUBLIC RECORD FOR A PROGRAM PARTICIPANT THAT IS REQUIRED TO BE MADE, MAINTAINED, OR KEPT PURSUANT TO SECTIONS 1-2-227 AND 1-2-301, C.R.S., SHALL AUTOMATICALLY BE CONFIDENTIAL IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-72-204 (3.5); EXCEPT THAT THE EXCEPTIONS TO SUCH CONFIDENTIALITY SET FORTH IN SECTION 24-72-204 (3.5) (c) SHALL NOT APPLY TO A PROGRAM PARTICIPANT. A STATE OR LOCAL GOVERNMENT AGENCY'S ACCESS TO A PROGRAM PARTICIPANT'S VOTER REGISTRATION SHALL BE GOVERNED BY THE DISCLOSURE PROCESS SET FORTH IN SECTION 24-21-210.

(c) THE PROVISIONS OF THIS SUBSECTION (3) SHALL APPLY ONLY TO A PROGRAM PARTICIPANT WHO SUBMITS A CURRENT AND VALID ADDRESS CONFIDENTIALITY PROGRAM AUTHORIZATION CARD WHEN REGISTERING TO VOTE.

(d) THE PROVISIONS OF THIS SUBSECTION (3) SHALL NOT APPLY TO A PROGRAM PARTICIPANT WHO REGISTERS TO VOTE PURSUANT TO SECTION 1-2-213, C.R.S.

(4) A PROGRAM PARTICIPANT WHO COMPLETES AN APPLICATION TO REGISTER TO VOTE AT A DRIVER'S LICENSE EXAMINATION FACILITY WHILE RECEIVING A DRIVER'S LICENSE OR AN IDENTIFICATION CARD PURSUANT TO SECTION 1-2-213, C.R.S., SHALL BE REQUIRED TO HAVE THE PARTICIPANT'S ACTUAL ADDRESS ON THE DRIVER'S LICENSE OR IDENTIFICATION CARD.

(5) THE SUBSTITUTE ADDRESS SHALL NOT BE USED FOR PURPOSES OF LISTING, APPRAISING, OR ASSESSING PROPERTY TAXES AND COLLECTING PROPERTY TAXES UNDER THE PROVISIONS OF TITLE 39, C.R.S.

(6) WHENEVER A PROGRAM PARTICIPANT IS REQUIRED BY LAW TO SWEAR OR AFFIRM TO THE PARTICIPANT'S ADDRESS, THE PARTICIPANT MAY USE HIS OR HER SUBSTITUTE ADDRESS.

(7) THE SUBSTITUTE ADDRESS SHALL NOT BE USED FOR PURPOSES OF ASSESSING ANY TAXES OR FEES ON A MOTOR VEHICLE OR FOR TITLING OR REGISTERING A MOTOR VEHICLE. NOTWITHSTANDING ANY PROVISION OF SECTION 24-72-204 (7) TO THE CONTRARY, ANY RECORD THAT INCLUDES A PROGRAM PARTICIPANT'S ACTUAL ADDRESS PURSUANT TO THIS SUBSECTION (7) SHALL BE CONFIDENTIAL AND NOT AVAILABLE FOR INSPECTION BY ANYONE OTHER THAN THE PROGRAM PARTICIPANT.

(8) THE SUBSTITUTE ADDRESS SHALL NOT BE USED ON ANY DOCUMENT RELATED TO REAL PROPERTY RECORDED WITH A COUNTY CLERK AND RECORDER.

(9) A SCHOOL DISTRICT SHALL USE THE ACTUAL ADDRESS OF A PROGRAM PARTICIPANT, AND NOT THE SUBSTITUTE ADDRESS, FOR ANY PURPOSE RELATED TO STUDENT ADMISSION AND SHALL KEEP THE ACTUAL ADDRESS CONFIDENTIAL FROM THE PUBLIC. FOR PURPOSES OF ANY OTHER STUDENT RECORDS CREATED BY A SCHOOL DISTRICT, THE SUBSTITUTE ADDRESS SHALL BE USED.

(10) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PROGRAM

PARTICIPANT'S ACTUAL ADDRESS AND TELEPHONE NUMBER MAINTAINED BY A STATE OR LOCAL GOVERNMENT AGENCY OR DISCLOSED BY THE SECRETARY OF STATE IS NOT A PUBLIC RECORD THAT IS SUBJECT TO INSPECTION PURSUANT TO THE PROVISIONS OF PART 2 OF ARTICLE 72 OF TITLE 24. THIS SUBSECTION (10) SHALL NOT APPLY TO THE FOLLOWING:

(a) TO ANY PUBLIC RECORD CREATED MORE THAN NINETY DAYS PRIOR TO THE DATE THAT THE PROGRAM PARTICIPANT APPLIED TO BE CERTIFIED IN THE PROGRAM;  
OR

(b) IF A PROGRAM PARTICIPANT VOLUNTARILY REQUESTS THAT A STATE OR LOCAL GOVERNMENT AGENCY USE THE PARTICIPANT'S ACTUAL ADDRESS OR VOLUNTARILY GIVES THE ACTUAL ADDRESS TO THE STATE OR LOCAL GOVERNMENT AGENCY.

(11) FOR ANY PUBLIC RECORD CREATED WITHIN NINETY DAYS PRIOR TO THE DATE THAT A PROGRAM PARTICIPANT APPLIED TO BE CERTIFIED IN THE PROGRAM, A STATE OR LOCAL GOVERNMENT AGENCY SHALL REDACT THE ACTUAL ADDRESS FROM A PUBLIC RECORD OR CHANGE THE ACTUAL ADDRESS TO THE SUBSTITUTE ADDRESS IN THE PUBLIC RECORD, IF A PROGRAM PARTICIPANT WHO PRESENTS A CURRENT AND VALID PROGRAM AUTHORIZATION CARD REQUESTS THE AGENCY THAT MAINTAINS THE PUBLIC RECORD TO USE THE SUBSTITUTE ADDRESS INSTEAD OF THE ACTUAL ADDRESS ON THE PUBLIC RECORD.

**24-21-209. Disclosure of actual address prohibited.** (1) THE SECRETARY OF STATE IS PROHIBITED FROM DISCLOSING ANY ADDRESS OR TELEPHONE NUMBER OF A PROGRAM PARTICIPANT OTHER THAN THE SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF STATE, EXCEPT UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

(a) THE INFORMATION IS REQUIRED BY DIRECTION OF A COURT ORDER. HOWEVER, ANY PERSON TO WHOM A PROGRAM PARTICIPANT'S ADDRESS OR TELEPHONE NUMBER HAS BEEN DISCLOSED SHALL NOT DISCLOSE THE ADDRESS OR TELEPHONE NUMBER TO ANY OTHER PERSON UNLESS PERMITTED TO DO SO BY ORDER OF THE COURT.

(b) THE SECRETARY OF STATE GRANTS A REQUEST BY AN AGENCY PURSUANT TO SECTION 24-21-210.

(c) THE PROGRAM PARTICIPANT IS REQUIRED TO DISCLOSE THE PARTICIPANT'S ACTUAL ADDRESS AS PART OF A REGISTRATION REQUIRED BY THE "COLORADO SEX OFFENDER REGISTRATION ACT", ARTICLE 22 OF TITLE 16, C.R.S.

(2) THE SECRETARY OF STATE SHALL PROVIDE IMMEDIATE NOTIFICATION OF DISCLOSURE TO A PROGRAM PARTICIPANT WHEN DISCLOSURE IS MADE PURSUANT TO PARAGRAPH (a) OR (b) OF SUBSECTION (1) OF THIS SECTION.

(3) IF, AT THE TIME OF APPLICATION, AN APPLICANT OR AN INDIVIDUAL DESIGNATED IN SECTION 24-21-205 (3) (j) IS SUBJECT TO A COURT ORDER RELATED TO DISSOLUTION OF MARRIAGE PROCEEDINGS, CHILD SUPPORT, OR THE ALLOCATION OF PARENTAL RESPONSIBILITIES OR PARENTING TIME, THE SECRETARY OF STATE SHALL NOTIFY THE COURT THAT ISSUED THE ORDER OF THE CERTIFICATION OF THE PROGRAM PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM AND THE SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF STATE. IF, AT THE TIME

OF APPLICATION, AN APPLICANT OR AN INDIVIDUAL DESIGNATED IN SECTION 24-21-205 (3) (j) IS INVOLVED IN A COURT ACTION RELATED TO DISSOLUTION OF MARRIAGE PROCEEDINGS, CHILD SUPPORT, OR THE ALLOCATION OF PARENTAL RESPONSIBILITIES OR PARENTING TIME, THE SECRETARY OF STATE SHALL NOTIFY THE COURT HAVING JURISDICTION OVER THE ACTION OF THE CERTIFICATION OF THE APPLICANT IN THE ADDRESS CONFIDENTIALITY PROGRAM AND THE SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF STATE.

(4) NO PERSON SHALL KNOWINGLY AND INTENTIONALLY OBTAIN A PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER FROM THE SECRETARY OF STATE OR AN AGENCY KNOWING THAT THE PERSON IS NOT AUTHORIZED TO OBTAIN THE ADDRESS INFORMATION.

(5) NO EMPLOYEE OF THE SECRETARY OF STATE OR AN AGENCY SHALL KNOWINGLY AND INTENTIONALLY DISCLOSE A PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER UNLESS THE DISCLOSURE IS PERMISSIBLE BY LAW. THIS SUBSECTION (5) ONLY APPLIES WHEN AN EMPLOYEE OBTAINS A PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER DURING THE COURSE OF THE EMPLOYEE'S OFFICIAL DUTIES AND, AT THE TIME OF DISCLOSURE, THE EMPLOYEE HAS SPECIFIC KNOWLEDGE THAT THE ACTUAL ADDRESS OR TELEPHONE NUMBER DISCLOSED BELONGS TO A PARTICIPANT.

(6) ANY PERSON WHO KNOWINGLY AND INTENTIONALLY OBTAINS OR DISCLOSES INFORMATION IN VIOLATION OF THIS PART 2 SHALL BE GUILTY OF A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S.

**24-21-210. Request for disclosure.** (1) A STATE OR LOCAL GOVERNMENT AGENCY REQUESTING DISCLOSURE OF A PROGRAM PARTICIPANT'S ACTUAL ADDRESS PURSUANT TO THIS SECTION SHALL MAKE SUCH A REQUEST IN WRITING ON AGENCY LETTERHEAD AND SHALL PROVIDE THE SECRETARY OF STATE WITH THE FOLLOWING INFORMATION:

(a) THE NAME OF THE PROGRAM PARTICIPANT FOR WHOM THE AGENCY SEEKS DISCLOSURE OF THE ACTUAL ADDRESS;

(b) A STATEMENT, WITH EXPLANATION, SETTING FORTH THE REASON OR REASONS THAT THE AGENCY NEEDS THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS AND A STATEMENT THAT THE AGENCY CANNOT MEET ITS STATUTORY OR ADMINISTRATIVE OBLIGATIONS WITHOUT DISCLOSURE OF THE PARTICIPANT'S ACTUAL ADDRESS;

(c) A PARTICULAR STATEMENT OF FACTS SHOWING THAT OTHER METHODS TO LOCATE THE PROGRAM PARTICIPANT OR THE PARTICIPANT'S ACTUAL ADDRESS HAVE BEEN TRIED AND HAVE FAILED OR THAT THE METHODS REASONABLY APPEAR TO BE UNLIKELY TO SUCCEED;

(d) A STATEMENT THAT THE AGENCY HAS ADOPTED A PROCEDURE SETTING FORTH THE STEPS THE AGENCY WILL TAKE TO PROTECT THE CONFIDENTIALITY OF THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS; AND

(e) ANY OTHER INFORMATION AS THE SECRETARY OF STATE MAY REASONABLY

REQUEST IN ORDER TO IDENTIFY THE PROGRAM PARTICIPANT IN THE RECORDS OF THE SECRETARY OF STATE.

(2) (a) THE SECRETARY OF STATE SHALL PROVIDE THE PROGRAM PARTICIPANT WITH NOTICE OF A REQUEST FOR DISCLOSURE RECEIVED PURSUANT TO SUBSECTION (1) OF THIS SECTION, AND, TO THE EXTENT POSSIBLE, THE PARTICIPANT SHALL BE AFFORDED AN OPPORTUNITY TO BE HEARD REGARDING THE REQUEST.

(b) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (2), THE SECRETARY OF STATE SHALL PROVIDE THE PROGRAM PARTICIPANT WITH WRITTEN NOTIFICATION WHENEVER A REQUEST FOR A DISCLOSURE HAS BEEN GRANTED OR DENIED PURSUANT TO THIS SECTION.

(c) NO NOTICE OR OPPORTUNITY TO BE HEARD SHALL BE GIVEN TO THE PROGRAM PARTICIPANT WHEN THE REQUEST FOR DISCLOSURE IS MADE BY A STATE OR LOCAL LAW ENFORCEMENT AGENCY CONDUCTING A CRIMINAL INVESTIGATION INVOLVING ALLEGED CRIMINAL CONDUCT BY THE PARTICIPANT OR WHEN PROVIDING NOTICE TO THE PARTICIPANT WOULD JEOPARDIZE AN ONGOING CRIMINAL INVESTIGATION OR THE SAFETY OF LAW ENFORCEMENT PERSONNEL.

(3) THE SECRETARY OF STATE SHALL PROMPTLY CONDUCT A REVIEW OF ALL REQUESTS RECEIVED PURSUANT TO THIS SECTION. IN CONDUCTING A REVIEW, THE SECRETARY OF STATE SHALL CONSIDER ALL INFORMATION RECEIVED PURSUANT TO SUBSECTIONS (1) AND (2) OF THIS SECTION AND ANY OTHER APPROPRIATE INFORMATION THAT THE SECRETARY OF STATE MAY REQUIRE.

(4) THE SECRETARY OF STATE SHALL GRANT A STATE OR LOCAL GOVERNMENT AGENCY'S REQUEST FOR DISCLOSURE AND DISCLOSE A PROGRAM PARTICIPANT'S ACTUAL ADDRESS PURSUANT TO THIS SECTION IF:

(a) THE AGENCY HAS A BONA FIDE STATUTORY OR ADMINISTRATIVE NEED FOR THE ACTUAL ADDRESS.

(b) THE ACTUAL ADDRESS WILL ONLY BE USED FOR THE PURPOSE STATED IN THE REQUEST.

(c) OTHER METHODS TO LOCATE THE PROGRAM PARTICIPANT OR THE PARTICIPANT'S ACTUAL ADDRESS HAVE BEEN TRIED AND HAVE FAILED OR SUCH METHODS REASONABLY APPEAR TO BE UNLIKELY TO SUCCEED.

(d) THE AGENCY HAS ADOPTED A PROCEDURE FOR PROTECTING THE CONFIDENTIALITY OF THE ACTUAL ADDRESS OF THE PROGRAM PARTICIPANT.

(5) UPON GRANTING A REQUEST FOR DISCLOSURE PURSUANT TO THIS SECTION, THE SECRETARY OF STATE SHALL PROVIDE THE STATE OR LOCAL GOVERNMENT AGENCY WITH THE DISCLOSURE THAT CONTAINS:

(a) THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS;

(b) A STATEMENT SETTING FORTH THE PERMITTED USE OF THE ACTUAL ADDRESS AND THE NAMES OR CLASSES OF PERSONS PERMITTED TO HAVE ACCESS TO AND USE

OF THE ACTUAL ADDRESS;

(c) A STATEMENT THAT THE AGENCY IS REQUIRED TO LIMIT ACCESS TO AND USE OF THE ACTUAL ADDRESS TO THE PERMITTED USE AND PERSONS SET FORTH IN THE DISCLOSURE; AND

(d) THE DATE ON WHICH THE PERMITTED USE EXPIRES, IF EXPIRATION IS APPROPRIATE, AFTER WHICH THE AGENCY MAY NO LONGER MAINTAIN, USE, OR HAVE ACCESS TO THE ACTUAL ADDRESS.

(6) A STATE OR LOCAL GOVERNMENT AGENCY WHOSE REQUEST IS GRANTED BY THE SECRETARY OF STATE PURSUANT TO THIS SECTION SHALL:

(a) LIMIT THE USE OF THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS TO THE PURPOSES SET FORTH IN THE DISCLOSURE;

(b) LIMIT THE ACCESS TO THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS TO THE PERSONS OR CLASSES OF PERSONS SET FORTH IN THE DISCLOSURE;

(c) CEASE TO USE AND DISPOSE OF THE PROGRAM PARTICIPANT'S ACTUAL ADDRESS UPON THE EXPIRATION OF THE PERMITTED USE, IF APPLICABLE; AND

(d) EXCEPT AS OTHERWISE SET FORTH IN THE DISCLOSURE, MAINTAIN THE CONFIDENTIALITY OF A PROGRAM PARTICIPANT'S ACTUAL ADDRESS.

(7) UPON DENIAL OF A STATE OR LOCAL GOVERNMENT AGENCY'S REQUEST FOR DISCLOSURE, THE SECRETARY OF STATE SHALL PROVIDE PROMPT WRITTEN NOTIFICATION TO THE AGENCY STATING THAT THE AGENCY'S REQUEST HAS BEEN DENIED AND SETTING FORTH THE SPECIFIC REASONS FOR THE DENIAL.

(8) A STATE OR LOCAL GOVERNMENT AGENCY MAY FILE WRITTEN EXCEPTIONS WITH THE SECRETARY OF STATE NO MORE THAN FIFTEEN DAYS AFTER WRITTEN NOTIFICATION IS PROVIDED PURSUANT TO SUBSECTION (7) OF THIS SECTION. THE EXCEPTIONS SHALL RESTATE THE INFORMATION CONTAINED IN THE REQUEST FOR DISCLOSURE, STATE THE GROUNDS UPON WHICH THE AGENCY ASSERTS THAT THE REQUEST FOR DISCLOSURE SHOULD BE GRANTED AND SPECIFICALLY RESPOND TO THE SECRETARY OF STATE'S SPECIFIC REASONS FOR DENIAL.

(9) UNLESS THE STATE OR LOCAL GOVERNMENT AGENCY FILING EXCEPTIONS AGREES OTHERWISE, THE SECRETARY OF STATE SHALL MAKE A FINAL DETERMINATION REGARDING THE EXCEPTIONS WITHIN THIRTY DAYS AFTER THE FILING OF EXCEPTIONS PURSUANT TO SUBSECTION (8) OF THIS SECTION. PRIOR TO MAKING A FINAL DETERMINATION REGARDING THE EXCEPTIONS, THE SECRETARY OF STATE MAY REQUEST ADDITIONAL INFORMATION FROM THE AGENCY OR THE PROGRAM PARTICIPANT AND CONDUCT A HEARING. IF THE FINAL DETERMINATION OF THE SECRETARY OF STATE IS THAT THE DENIAL OF THE AGENCY'S REQUEST FOR DISCLOSURE WAS PROPERLY DENIED, THE SECRETARY OF STATE SHALL PROVIDE THE AGENCY WITH WRITTEN NOTIFICATION OF THIS FINAL DETERMINATION STATING THAT THE AGENCY'S REQUEST HAS AGAIN BEEN DENIED AND SETTING FORTH THE SPECIFIC REASONS FOR THE DENIAL. IF THE FINAL DETERMINATION OF THE SECRETARY OF STATE IS THAT THE DENIAL OF THE AGENCY'S REQUEST FOR DISCLOSURE HAS BEEN

IMPROPERLY DENIED, THE SECRETARY OF STATE SHALL GRANT THE AGENCY'S REQUEST FOR DISCLOSURE IN ACCORDANCE WITH THIS SECTION. THE FINAL DETERMINATION OF THE SECRETARY OF STATE SHALL CONSTITUTE FINAL AGENCY ACTION.

(10) THE RECORD BEFORE ANY JUDICIAL REVIEW OF A FINAL AGENCY ACTION PURSUANT TO SUBSECTION (9) OF THIS SECTION SHALL CONSIST OF THE STATE OR LOCAL GOVERNMENT AGENCY'S REQUEST FOR DISCLOSURE, THE SECRETARY OF STATE'S WRITTEN RESPONSE, THE AGENCY'S EXCEPTIONS, THE HEARING TRANSCRIPT, IF ANY, AND THE SECRETARY OF STATE'S FINAL DETERMINATION.

(11) DURING ANY PERIOD OF REVIEW, EVALUATION, OR APPEAL, THE AGENCY SHALL, TO THE EXTENT POSSIBLE, ACCEPT AND USE THE PROGRAM PARTICIPANT'S SUBSTITUTE ADDRESS.

(12) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE SECRETARY OF STATE SHALL ESTABLISH AN EXPEDITED PROCESS FOR DISCLOSURE TO BE USED BY A CRIMINAL JUSTICE OFFICIAL OR AGENCY FOR SITUATIONS WHERE DISCLOSURE IS REQUIRED PURSUANT TO A CRIMINAL JUSTICE TRIAL, HEARING, PROCEEDING, OR INVESTIGATION INVOLVING A PROGRAM PARTICIPANT. AN OFFICIAL OR AGENCY RECEIVING INFORMATION PURSUANT TO THIS SUBSECTION (12) SHALL CERTIFY TO THE SECRETARY OF STATE THAT THE OFFICIAL OR AGENCY HAS A SYSTEM IN PLACE TO PROTECT THE CONFIDENTIALITY OF A PARTICIPANT'S ACTUAL ADDRESS FROM THE PUBLIC AND FROM PERSONNEL WHO ARE NOT INVOLVED IN THE TRIAL, HEARING, PROCEEDING, OR INVESTIGATION.

(13) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT THE SECRETARY OF STATE FROM GRANTING A REQUEST FOR DISCLOSURE TO A STATE OR LOCAL GOVERNMENT AGENCY PURSUANT TO THIS SECTION UPON RECEIPT OF A PROGRAM PARTICIPANT'S WRITTEN CONSENT TO DO SO.

**24-21-211. Nondisclosure of address in criminal and civil proceedings.** NO PERSON SHALL BE COMPELLED TO DISCLOSE A PROGRAM PARTICIPANT'S ACTUAL ADDRESS DURING THE DISCOVERY PHASE OF OR DURING A PROCEEDING BEFORE A COURT OF COMPETENT JURISDICTION OR ADMINISTRATIVE TRIBUNAL UNLESS THE COURT OR ADMINISTRATIVE TRIBUNAL FINDS, BASED UPON A PREPONDERANCE OF THE EVIDENCE, THAT THE DISCLOSURE IS REQUIRED IN THE INTERESTS OF JUSTICE. A COURT OR ADMINISTRATIVE TRIBUNAL MAY SEAL THE PORTION OF ANY RECORD THAT CONTAINS A PROGRAM PARTICIPANT'S ACTUAL ADDRESS. NOTHING IN THIS SECTION SHALL PREVENT A STATE OR LOCAL GOVERNMENT AGENCY, IN ITS DISCRETION, FROM USING A PROGRAM PARTICIPANT'S ACTUAL ADDRESS IN ANY DOCUMENT OR RECORD FILED WITH A COURT OR ADMINISTRATIVE TRIBUNAL IF, AT THE TIME OF FILING, THE DOCUMENT OR RECORD IS NOT A PUBLIC RECORD.

**24-21-212. Participation in the program - orders relating to allocation of parental responsibilities or parenting time.** (1) NOTHING IN THIS PART 2, NOR PARTICIPATION IN THIS PROGRAM, SHALL AFFECT AN ORDER RELATING TO THE ALLOCATION OF PARENTAL RESPONSIBILITIES OR PARENTING TIME IN EFFECT PRIOR TO OR DURING PROGRAM PARTICIPATION.

(2) PROGRAM PARTICIPATION DOES NOT CONSTITUTE EVIDENCE OF DOMESTIC



VIOLENCE, A SEXUAL OFFENSE, OR STALKING AND SHALL NOT BE CONSIDERED FOR PURPOSES OF MAKING AN ORDER ALLOCATING PARENTAL RESPONSIBILITIES OR PARENTING TIME; EXCEPT THAT A COURT MAY CONSIDER PRACTICAL MEASURES TO KEEP A PROGRAM PARTICIPANT'S ACTUAL ADDRESS CONFIDENTIAL WHEN MAKING AN ORDER ALLOCATING PARENTAL RESPONSIBILITIES OR PARENTING TIME.

**24-21-213. Rule-making authority.** THE SECRETARY OF STATE IS AUTHORIZED TO ADOPT ANY RULES IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE DEEMED NECESSARY TO CARRY OUT THE PROVISIONS OF THIS PART 2, EXCLUDING SECTION 24-21-214.

**24-21-214. Surcharge - collection and distribution - address confidentiality program surcharge fund - creation - definitions.** (1) ON AND AFTER JULY 1, 2007, EACH PERSON WHO IS CONVICTED OF THE CRIMES SET FORTH IN SUBSECTION (2) OF THIS SECTION SHALL BE REQUIRED TO PAY A SURCHARGE OF TWENTY-EIGHT DOLLARS TO THE CLERK OF THE COURT FOR THE JUDICIAL DISTRICT IN WHICH THE CONVICTION OCCURS.

(2) THE FOLLOWING CRIMES SHALL BE SUBJECT TO THE SURCHARGE SET FORTH IN SUBSECTION (1) OF THIS SECTION:

(a) STALKING;

(b) A CRIME, THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF DOMESTIC VIOLENCE; OR

(c) CRIMINAL ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT THE CRIMES SET FORTH IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (2).

(3) THE CLERK OF THE COURT SHALL ALLOCATE THE SURCHARGE REQUIRED BY THIS SECTION AS FOLLOWS:

(a) FIVE PERCENT SHALL BE RETAINED BY THE CLERK OF THE COURT FOR ADMINISTRATIVE COSTS INCURRED PURSUANT TO THIS SECTION. SUCH AMOUNT RETAINED SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (1.5), C.R.S.

(b) NINETY-FIVE PERCENT SHALL BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE ADDRESS CONFIDENTIALITY PROGRAM SURCHARGE FUND CREATED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

(4) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE ADDRESS CONFIDENTIALITY PROGRAM SURCHARGE FUND, WHICH SHALL CONSIST OF MONEYS RECEIVED BY THE STATE TREASURER PURSUANT TO THIS SECTION, ANY MONEYS RECEIVED PURSUANT TO SECTION 24-21-204 (3), AND ANY GIFTS, GRANTS, OR DONATIONS RECEIVED BY THE DEPARTMENT OF STATE FOR THE FUND PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (4). THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE PURPOSE OF PAYING FOR THE COSTS INCURRED BY THE SECRETARY OF STATE IN THE ADMINISTRATION OF THE ADDRESS CONFIDENTIALITY PROGRAM. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS

IN THE FUND SHALL BE CREDITED TO THE FUND. ANY MONEYS NOT APPROPRIATED BY THE GENERAL ASSEMBLY SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF ANY FISCAL YEAR.

(b) THE DEPARTMENT OF STATE IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, AND DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE IMPLEMENTATION OF THE ADDRESS CONFIDENTIALITY PROGRAM. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, AND DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE ADDRESS CONFIDENTIALITY PROGRAM SURCHARGE FUND.

(c) IF THE AMOUNT OF MONEYS IN THE ADDRESS CONFIDENTIALITY PROGRAM SURCHARGE FUND IS INSUFFICIENT TO COVER THE COSTS INCURRED BY THE SECRETARY OF STATE IN THE ADMINISTRATION OF THE ADDRESS CONFIDENTIALITY PROGRAM, THE GENERAL ASSEMBLY MAY APPROPRIATE ADDITIONAL GENERAL FUND MONEYS TO COVER SUCH COSTS AFTER EXHAUSTING ALL MONEYS IN THE ADDRESS CONFIDENTIALITY PROGRAM SURCHARGE FUND.

(5) THE COURT MAY WAIVE ALL OR ANY PORTION OF THE SURCHARGE REQUIRED BY THIS SECTION IF THE COURT FINDS THAT A PERSON SUBJECT TO THE SURCHARGE IS INDIGENT OR FINANCIALLY UNABLE TO PAY ALL OR ANY PORTION OF THE SURCHARGE. THE COURT MAY WAIVE ONLY THAT PORTION OF THE SURCHARGE THAT THE COURT FINDS THAT THE PERSON IS FINANCIALLY UNABLE TO PAY.

(6) AS USED IN THIS SECTION, "CONVICTED" AND "CONVICTION" MEAN A PLEA OF GUILTY ACCEPTED BY THE COURT, INCLUDING A PLEA OF GUILTY ENTERED PURSUANT TO A DEFERRED SENTENCE UNDER SECTION 18-1.3-102, C.R.S., A VERDICT OF GUILTY BY A JUDGE OR JURY, OR A PLEA OF NO CONTEST ACCEPTED BY THE COURT.

**SECTION 5. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the address confidentiality program surcharge cash fund created in section 24-21-214 (4) (a), Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2007, the sum of one hundred nine thousand seven hundred eighty-nine dollars (\$109,789) and 1.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

**SECTION 6. Accountability.** Two years after this act becomes law and in accordance with section 2-2-1201, Colorado Revised Statutes, the legislative service agencies of the Colorado General Assembly shall conduct a post-enactment review of the implementation of this act utilizing the information contained in the legislative declaration set forth in section 4 of this act.

**SECTION 7. Effective date.** This act shall take effect July 1, 2007.

**SECTION 8. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 31, 2007

**STATE OF COLORADO**  
**Department of State**

1700 Broadway  
Suite 250  
Denver, CO 80290



**Bernie Buescher**  
Secretary of State

**William A. Hobbs**  
Deputy Secretary of State

**TO:** Office of Legislative Legal Services  
Legislative Council Staff

**FROM:** Bernie Buescher

**DATE:** June 30, 2009

**RE:** *Post Enactment Review of HB 07-1350*

**INTRODUCTION**

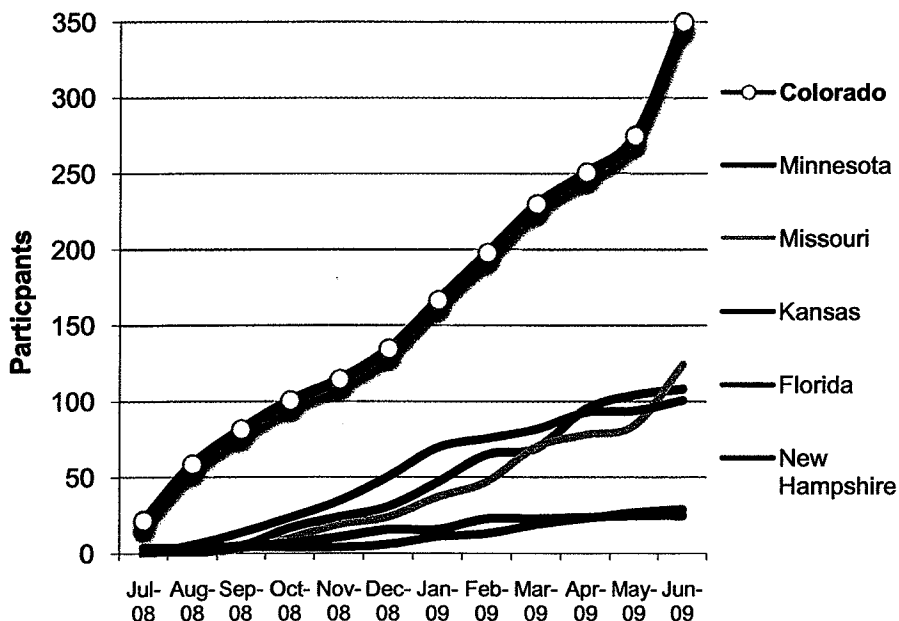
HB 07-1350 created the Colorado Address Confidentiality Program ("ACP"). The purpose of the program is to enhance the safety plan of domestic violence, sexual offense, and stalking survivors by protecting the confidentiality of a victim's location through the use of a substitute address and confidential mail forwarding system. For purposes of post-enactment review, the legislative declaration expressly provides that the desired results of the bill are as follows:

- to establish a substitute address for a program participant that is used by state and local government agencies whenever possible;
- to permit agencies to have access to the participant's actual address when appropriate;
- to establish a mail forwarding system for program participants; and
- to ensure that there is adequate funding to pay the program costs for all persons who apply to the program.

Section 24-21-202 (2), C.R.S.

**State Comparison In First Year of Operation**

*Current as of June 30, 2009*



The ACP is able to provide full services today due to efforts of victim service organizations and individuals who have donated time, money, and resources to this program; other state programs that generously shared ideas and materials; and spending from the Department of State's discretionary fund. Without the donated resources and funds, HB 07-1350 would not have been fully implemented.

The ACP has experienced extraordinary growth in its first year of operation. In fact, it has been touted as the most successful launch of an ACP program in the country. A comparison to Texas, who implemented an ACP one month prior to Colorado, illustrates the overwhelming success of the Colorado program. Although the

Texas program was provided with significantly more funding and resources, Colorado has outpaced Texas in every major category including participants enrolled, households represented, and trained application assistants. The Texas version of the program is staffed with 3.5 FTE and has enrolled 220 participants. In comparison, Colorado's ACP is staffed by 1.0 FTE and has enrolled 350 participants. States such as Arizona, New Mexico, and New York have contacted the Department seeking to emulate Colorado's success.

In spite of Colorado's appearance of a successful implementation, funding issues have restricted the program's expansion into the four corners of the state. Presently, nearly 75% of all participants in the program reside in the greater Denver metro area. To implement the legislative mandate state-wide and to continue providing resources in the greater Denver metro area, the program will need additional funding. The increase in program participation levels has led to a surge in mail forwarding costs that has significantly complicated the program's financial quagmire. Resolving the financial dilemma will be crucial to ensuring that this program continues to fulfill its legislative mandate.

**QUESTIONS PRESENTED BY SECTION 2-2-1201 (2), C.R.S.**

**HAS THE BILL HAS BEEN IMPLEMENTED, IN WHOLE OR IN PART?**

The bill has been fully implemented. The ACP opened its doors as scheduled on July 1, 2008, and began accepting applications for enrollment. The first participant was enrolled on July 8, 2008.

**HOW HAS THE BILL BEEN IMPLEMENTED?**

Program development preceded implementation. The program manager was hired in August of 2007, which allowed the framework and processes of the program to be in place by the date the program was intended to begin accepting applicants.

**Research and Development** began by contacting every other address confidentiality program in the country. The programs clearly split into two categories: programs that barely survived, having 50 or fewer participants, and those that were actively growing, improving, or maintaining a solid and credible reputation. Before financial restrictions were imposed, the program manager was authorized to visit two programs.

- **Summary of the visit to the Oklahoma ACP** – The purpose of the visit was to observe the daily operations of the newest program in the country and learn how Oklahoma had implemented its program. The Oklahoma observation took place on September 14, 2007, and was completed in 24 hours. The Oklahoma program began in 2003, and had approximately 300 participants. By spending a day with the Oklahoma program, the Colorado ACP was able to obtain valuable information that would have been difficult or impossible to obtain in any other manner, such as:
  - How Oklahoma utilized and organized its program space.
  - How information was stored and kept secure.
  - How to sort, repackage, post, and resend participant mail.
  - Observing the office equipment and materials needed for program implementation and operation.
  - Receiving hands-on database instruction and information about how Colorado could improve certain features.
  - Observing the Application Assistant training.
  - Observing and discussing Oklahoma's internal program policies and procedures.

- Discussing the importance of having participants understand and utilize the program correctly, the dangers of not correctly using the program and how participants can avoid being located through lesser-known means.
- How to request voluntary program participation from important private entities such as utility companies or federal entities such as HUD.
- Learning about potential program barriers, such as service provider and participant mistrust of state agencies, and how to overcome those barriers.

In addition to the above, Oklahoma also provided the Colorado ACP with copies of all of its address confidentiality program materials, letter templates along with permission to modify and/or reproduce them, and invaluable insight into how to avoid the pitfalls Oklahoma experienced in starting its program. The Colorado ACP is modeled after many of the processes gleaned from the Oklahoma trip.

- **Summary of the visit to the Washington state ACP:**

Washington is the “gold standard” of address confidentiality programs. Washington’s ACP is the oldest, largest, and most respected program in the country. The Washington visit took place over two days: Thursday, September 20, 2007 and Friday, September 21, 2007. During the course of the visit, every aspect of the Washington program was reviewed and observed.

The Washington ACP has approximately 3500 participants. This program has spent almost 20 years resolving problems and refining processes. Fortunately, Washington’s ACP staff were willing to share their insights and materials that have evolved over a couple of decades.

Colorado used the information gained from our observations to structure the Colorado program in a manner that exceeds Washington’s standard. The trip to Washington saved Colorado time and money in the following ways:

- We observed security gaps in the Washington mail collection and forwarding system and used that information to structure the Colorado mail system in a more secure manner. Washington ACP staff had to continually monitor their physical surroundings while in the post office and watch for cars that may be following them back to the program. While sorting the mail, Washington ACP staff have to keep an eye out for suspicious packages and mail. Based on our Washington observations, the Colorado ACP uses the state mail system, which scans mail for dangerous substances and provides secure mail delivery and pick up.
- By observing Washington’s volume and type of mail received, we could visibly see how mail is sorted on a large scale. Washington only forwards first class mail (with a few exceptions). Based on the pile of mail they were not forwarding, we could see how forwarding that extra pile of mail would significantly increase program postage costs.
- Washington recently revised its program database, which was created specifically for the ACP. One of the most financially beneficial aspects of this trip was receiving a copy of Washington’s new database. Washington’s IT contact agreed to share the database and codes with Colorado’s IT contact. By obtaining permission to copy and use Washington’s database, Colorado planned to save a tremendous amount of IT time, labor, and expense. Unfortunately, no funding has been allocated to convert this database for the ACP’s use.

- Washington provided multiple examples of how program credibility depends on attention to detail, and provided Colorado with constructive ideas for maintaining best practice standards. For example, something as simple as placing the date on the bottom of each sheet of address labels provided a way to know exactly how many times mail was forwarded from a given date, and identified participants who were not utilizing the mail forwarding.
- Washington shared its voting and election processes and materials. Colorado's current voter registration process was implemented using many of Washington's ideas.
- The Washington staff shared some of the common problems they have experienced over the years and provided us with copies of the letters they have drafted and processes they have developed to resolve some of those problems.
- We reviewed the Washington application assistant training and began to understand the importance of having application assistants conduct good participant assessments. This observation led Colorado to propose a bill requiring training for application assistants. HB 08-1274 embodied this and other changes in the ACP Act.

In addition to observing these two programs, Colorado spoke with and requested materials from various other states.

In short, the Colorado ACP has adopted the best ideas and best practices from various programs across the country. The program was able to apply the knowledge it gleaned from other states to achieve impressive results: Colorado has enrolled more participants in its first year than any other program in the country, including Washington.

## **Implementation**

Implementation of this program required extensive outreach to governmental agencies and non-governmental agencies. The sheer volume and diversity of the groups potentially impacted by HB 07-1350 was (and is) staggering.

Governmental agencies were contacted because the bill directly addressed their interaction with participants. In particular, HB 07-1350 created a program that potentially interfaces with "all state and local government agencies," organizations, and persons that serve victims of domestic violence, sexual offenses and stalking, and the victims themselves. Section 24-21-202, C.R.S.

Implementation consisted roughly and generally of these major activities:

- **Contacting and collaborating with state and local government agencies**

State and local government agencies were directly affected by HB 07-1350. Under the ACP law, government agencies were required to accommodate participants seeking to redact public records made within the 90 days prior to the participant's request and accept the substitute address. In September 2007, a letter was sent out to every state agency from Secretary of State Mike Coffman alerting agencies to the program and requesting a meeting to discuss implementation of the law. Only one agency responded – the Department of Regulatory Agencies. The ACP then contacted state agencies by telephone and e-mail. Most agencies were not aware of the bill until staff was personally contacted by the ACP.

The Department of Revenue was the first agency that implemented HB 07-1350. The Department of Revenue, Driver's Licensing Division made changes to its system software, developed processes to accommodate

participants, and educated its “front line” personnel on how to assist a participant who presented an ACP identification card. To the Department’s knowledge, not one participant has encountered difficulties obtaining a new driver’s license, ID, or revisions to a motor vehicle title or registration.

- **Conducting outreach and training within the victim services community**

Outreach and training continues to be a vital and ongoing part of growing this program. Before the program began accepting participants, the ACP met with victim service providers to introduce them to the program. Victim service providers, who are certified as application assistants, are the only people who may enroll program participants. Therefore, their support was key to the success of this program.

The victim services community was very supportive of the program and helped coordinate statewide trainings. In-person training was conducted with the assistance of the two major victim coalitions - the Colorado Coalition Against Domestic Violence (CCADV) and the Colorado Organization for Victim Assistance (COVA). These two coalitions organized and hosted regional trainings specifically for the purpose of training application assistants.

The ACP also developed an online application assistant training. The on-line training was developed with the assistance of the Kansas program and the donated resources of the Colorado Department of Public Health and Environment (CDPHE). The on-line training was created at no cost to the ACP, and is provided free to those who wish to take the training.

The ACP currently has about 350 application assistants who can enroll participants. There are still approximately 20 counties in need of outreach and training.

#### **Website construction**

The program recognized that the website was likely to be the victim’s first interaction with the program. Accordingly, the program initially built a website geared entirely to future participants. However, it became clear that not only victims were visiting the site, but also people seeking to become application assistants, state agencies, as well as private organizations not required to comply with the law. Accordingly, the site was modified to accommodate all these groups.

The requirements document for the site was cobbled together by visiting other state program’s websites and drafting content which became boilerplate language for most of the publicity surrounding the program.

There was a conscious decision within the Department to depart from the look and the feel of the Secretary of State’s pages and emulate the State portal more closely. This was done as a security measure to prevent perpetrators from presenting themselves at the Secretary of State’s office.

#### **Create a substitute address and a mail forwarding system**

After contacting and researching other state programs, the Colorado ACP met with State Central Services to discuss the program’s mail needs and identify the most secure distribution method. The ACP, Denver Postal Inspector, and Central Services Operations and Mail Security staff collaborated to develop a substitute address and mail routing and distribution plan. This plan was memorialized in a contract between the Department of State and Department of Personnel Administration.

The Colorado Department of Central Services has provided the Colorado ACP with the most secure, unique, substitute address and mail forwarding system in the country.

### Create and print all program promotional materials

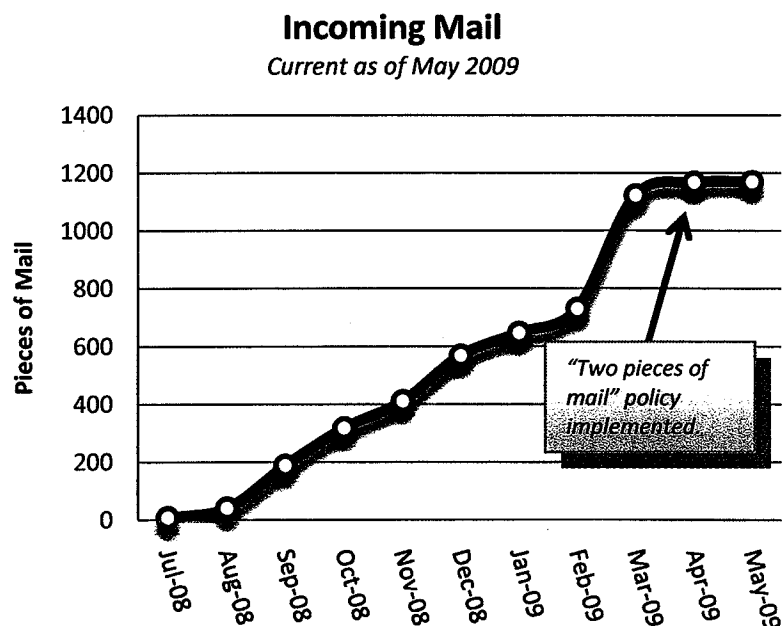
All brochures and outreach materials were created and printed in-house. All forms, handbooks, and guides were developed by the ACP and printed with allotted discretionary funds provided by the Secretary of State.

### Legislative changes

After researching effective programs in other states, it was clear that the initial legislation, HB 07-1350, contained some deficiencies. These deficiencies were remedied by the passage of HB 08-1274 and HB 09-1179. HB 08-1274 was drafted and proposed in collaboration with the Colorado Coalition against Domestic Violence. The bill effectively allowed the ACP to (1) designate a substitute address, (2) require application assistants to be trained, and (3) included schools to the list of agencies that must accept the substitute address. HB 09-1179 was initiated at the request of Representative Labuda and changed the ACP Act to permit application assistants to enroll "any person (as opposed to a parent, spouse, dependent child, or other family member as stated in the initial legislation) who resides with the applicant who also needs to be a program participant in order to ensure the safety of the applicant." Section 24-21-205, C.R.S.

### HOW HAS THE BILL BEEN IMPLEMENTED IN THE MOST EFFICIENT AND COST-EFFECTIVE MANNER?

- The ACP created a free online application assistant training with the assistance of the Kansas confidential address program and the donated resources of CDPHE. This medium has been used to train approximately 60 application assistants across the state. Colorado is now the second program in the country to offer free, online application assistant training.
- Letters, materials, and processes (including database code) were donated to the Colorado ACP by Oklahoma and Washington. The relationships established by visiting these states have been invaluable. Colorado has the benefit of ongoing guidance as a result of these established relationships.
- In-person trainings were organized and hosted by state coalitions. The coalitions gathered advocates from various regions of the state and provided the training facilities. The coalitions also covered the costs of occasional overnight stays and transportation. Both coalitions invited the ACP to provide training at their annual conferences.
- To ease the surging costs of mail forwarding, the Department implemented a "two pieces of mail" policy. Accordingly, under this procedure, the ACP does not forward mail to a participant unless the participant or participant's family receive at least two pieces of mail. Regardless of whether the participant receives two pieces of mail by the end of the week, all mail is sent on Friday to ensure that the participant's mail is not excessively delayed. The two pieces of mail strategy was





implemented in April, and it appears to have helped stem the surge of mail costs.

- The ACP printed folder labels using old label stickers that had been sitting unused for years.
- Participant guides, materials, and authorization cards were made using colored paper at a cost of \$3.62 per 500 sheets. Logos on the card and letterhead were developed in house by Department staff.
- Due to insufficient spending authority, the ACP staff and supervisors on occasion used their own money for stamps, travel costs, and supplies.

**IF THE BILL WAS ONLY IMPLEMENTED IN PART, PROVIDE REASONS WHY**

HB 07-1350 has been fully implemented by the Department of State. However, because this program potentially impacts so many agencies, government-wide implementation is ongoing. As anticipated, the ACP continues to act as a go-between for participants who are interacting with those agencies that remain unfamiliar with this program. As agencies become familiar with the program, the need for ACP intervention should lessen.

**TO WHAT EXTENT ARE THE DESIRED RESULTS OR BENEFITS, AS STATED IN THE LEGISLATIVE DECLARATION, BEING ACHIEVED?**

As previously noted, the legislative declaration states the following desired results:

- to establish a substitute address for a program participant that is used by state and local government agencies whenever possible;
- to permit agencies to have access to the participant's actual address when appropriate;
- to establish a mail forwarding system for program participants; and
- to ensure that there is adequate funding to pay the program costs for all persons who apply to the program.

Except for funding, the desired results are generally being achieved. The ACP is serving the current participants as intended. Program participants are able to use the substitute address for public records (as well as many private records) and the ACP forwards all first-class mail.

Although government agencies are prepared or are preparing to accommodate participants throughout the state, current participants tend to reside in predominantly urban areas. This fact indicates a lack of state-wide program availability. Until the program receives adequate spending authority that provides for travel and training, relatively rural portions of Colorado, including most of the Western slope, will remain underserved.

However, the stated goal of ensuring adequate funding has not yet been achieved. The problems with funding are discussed more fully in the responses to the last two questions.

**HAVE THERE BEEN ANY UNINTENDED CONSEQUENCES OR PROBLEMS DUE TO THE IMPLEMENTATION OF HB 07-1350?**

Attempting to implement HB 07-1350 within current appropriation levels has created unintended consequences for current participants and victims who are in need of this program's services. For example:

- The ACP was unable to fulfill a conference training request from the Department of Health Care Policy and Financing due to the ACP funding deficit. Two other state agencies offered to assist with ACP expenses, but since the ACP could not contribute any amount to cover costs, the presentation was cancelled.

- In order to reduce postage costs, the ACP has been holding participant mail if the participant only receives one item, and then forwards the mail when two items can be sent at once. This practice means that participant mail is delayed more than necessary.

We have no information to suggest that the implementation of HB 07-1350 has created any unintended problems or consequences for other state agencies other than the inconvenience of accommodating the new law.

**HAS HB 07-1350 BEEN IMPEDED BY ANY EXISTING STATE OR FEDERAL STATUTES, RULES, PROCEDURES, OR PRACTICES?**

HB 08-1274 was introduced during the 2007-2008 as a bill that would enhance the intent of HB 07-1350. HB 08-1274 was often referred to as "the ACP clean-up bill."

During Senate third reading, this amendment was proposed:

THE SUBSTITUTE ADDRESS SHALL NOT BE USED IN THE ADMINISTRATION OF ANY PUBLIC ASSISTANCE, SOCIAL SERVICES, WELFARE, OR MEDICAL ASSISTANCE PROGRAM WHERE THE ACTUAL ADDRESS AND OTHER INDIVIDUAL IDENTIFYING INFORMATION IS CONFIDENTIAL AND PROTECTED FROM PUBLIC DISCLOSURE PURSUANT TO SECTIONS 25.5-1-116 AND 26-1-114, C.R.S.

The Department of Human Services (DHS) and the Department of Health Care Policy and Financing (HCPF) had not responded to ACP meeting requests and had mistakenly thought that HB 07-1350 would not impact their agencies. Both agencies became concerned that they would not have time to implement the program, and had missed the opportunity to attach a fiscal note to HB 07-1350.

The ACP strongly objected to the above amendment. As a result of negotiations with the Department, a sunset provision was added that repealed the amendment effective July 1, 2009.

The statutory changes provided DHS and HCPF with an additional year to implement the ACP. This delay has created known and unknown hardships for ACP participants, who were expecting to use their authorization cards for DHS/HCPF services.

In November of 2008, the DHS/HCPF/ACP implementation committee was created. This committee has assisted participants on a case-by-case basis while implementation processes are developed.

**ARE ANY ADMINISTRATIVE OR STATUTORY CHANGES NECESSARY TO IMPROVE THE IMPLEMENTATION OF THE BILL?**

The statutory changes embodied in HB 08-1274 and HB 09-1179 made the required improvements.

**HAVE THE ACTUAL COSTS OF IMPLEMENTING THE BILL BEEN WITHIN THE ESTIMATED COSTS SET FORTH IN THE FISCAL NOTE?**

For the 2007-08 fiscal year, the actual costs of implementing the ACP state-wide would have likely been within the original appropriation of \$109,789. However, during the 2008 legislative session, the appropriation for the ACP was reduced to approximately \$65,000. Accounting for personal services and basic administrative costs, this appropriation left inadequate funding for state-wide implementation and basic start-up costs such as program equipment, office supplies, and educational outreach.

In the 2008-09 fiscal year, the program was allocated \$75,337. This appropriation was intended to fund all program operating costs, including postage costs. The 2008-09 budget allocated no money for printing materials, office supplies, outreach, or general education about the program. Five hundred dollars was appropriated for postage costs.

The ACP requested a supplemental appropriation but despite a surplus in the program's cash fund, the program was only appropriated an additional \$2,878. The supplemental appropriation was dedicated almost entirely to mounting postage costs and did not provide enough funding to make basic purchases such as the envelopes in which to forward the mail. As a result, the ACP was projected to finish the fiscal year over budget.

#### **IS AN INCREASE IN STATE FUNDING NECESSARY TO IMPROVE THE IMPLEMENTATION OF THE BILL?**

For full implementation of this program to be realized, funding considerations must be pegged to the program's exceptional growth. The ACP anticipates that the program will continue to experience growth for several years before participant levels plateau. Clearly, as the program grows, so do mail forwarding costs and the manpower required to complete this process. The current and projected appropriation stunts the growth of the program in the greater Denver metro area and bars the program from providing this service state-wide. For the ACP to achieve the legislative mandate set forth in HB 07-1350, it is imperative that this program receive an increase in spending authority from the program's cash fund.

There is an adequate fund balance and stable revenue stream in the ACP cash fund to support an increase in spending authority as necessary to accommodate program growth. The ACP cash fund demonstrated a balance of \$14,017.85 in fiscal year 2007-08. Presently, the program will conclude the 2008-09 fiscal year with a surcharge fund balance of \$40,940.48 (current as of June 29, 2009). The average monthly revenue for this program is \$9,917.16. The amount reserved in the cash fund coupled with robust and steady monthly revenue appears to indicate that the revenue stream for this program is capable of sustaining the program's growth.

In sum, an increase in state funding necessary to accommodate program growth is both necessary and easily achievable.

# STATE OF COLORADO

## DEPARTMENT OF REVENUE

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Bill Ritter, Jr.  
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Roxanne Huber  
Executive Director

July 22, 2009

Mr. Charles W. Pike  
Mr. John Ziegler  
Mr. Mike Mauer  
Office of Legislative Legal Services  
Attn: Post-enactment Review Section  
091 State Capitol Building  
Denver, CO 80203

Dear Gentlemen,

This letter is in response to your request for post-enactment review information relating to HB07-1350, the Victim Address Confidentiality Program.

The passage and implementation of HB07-1350 had an impact on programs administered by the Department of Revenue. The Enforcement groups within the Department - Division of Gaming, Racing Division, Liquor Enforcement Division and the Auto Industry Division - reported that they can accept substitute addresses on license applications; however, the use of substitute addresses may impact their ability to complete the necessary background checks required prior to issuing licenses of any kind. At this time, the Enforcement agencies within the Department have not received requests for the use of substitute addresses.

The sections within the Department primarily impacted by HB07-1350 are the Titles and Registrations Section, the Driver License Section, and the Taxpayer Services Division.

Programming changes to the computer system used by the Titles and Registrations section were necessary. Per statute, name and address information gathered from titling and registering vehicles is public information for certain entities authorized under the Driver Privacy Protection Act. Therefore, programming changes were made that allow the actual (legal) address to be initially captured to ensure the proper calculation of taxes and fees for registration. Once the taxes and fees are calculated, the actual address is replaced with the substitute address. This change in process was communicated through memos, newsletters and training to the county motor vehicle staff, internal Titles and Registrations staff and tow carriers that use motor vehicle records to notify owners of abandoned vehicles. Additionally, information was added to the Titles and Registrations website concerning the implementation of HB07-1350. The Titles and Registrations section did not request funding to implement this legislation. The IT programming costs were estimated to be minimal and were absorbed within the existing budget.

In the Driver's License Section, programming was completed to allow a program participant's record to be marked as confidential using the substitute address. Any query of the participant's driver license record then provides the substitute address as the current address. In the event of certain departmental actions, based on a citation being issued, correspondence is sent to the address on the citation and the address on the record if the addresses are

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different. This would be the only case in which the Driver License Section would send mail to the participant's actual address if the participant gave the enforcement officer their actual address at the time the citation was issued. Dual mailing to both addresses is a statutory requirement. This programming change was completed by DOR IT staff. The Department's fiscal note worksheet estimated 420 hours of programming needed to update the Driver License System (DLS) to accommodate this legislation. The programming hours were underestimated in the fiscal note worksheet and an additional 200+ hours were needed to make the necessary changes; however no adjustment was requested to the expenditure amount originally identified. The program manager for the Driver Confidentiality program in the Driver License Administration office has reported that the program has been successful in allowing individuals to request a substitute address to be used on their driver license record. The substitute address remains on the participant's record until they request their address be changed and a new driver's license is issued. There have been no unintended consequences reported to the Driver License Administration.

The third area in the Department impacted by this legislation is the sales tax section of the Taxpayer Services Division. Taxpayer Service Centers were provided with information regarding the program and the certification documents from the Secretary of State's Office. As of this time, the Taxpayer Services Division has not had any requests from a program participant to use a substitute address on his/her sales tax account; however, it should be noted that a technical issue with the language of HB07-1350 was identified during the review process and reported on the Department's fiscal note worksheet as a critical technical. This issue was not addressed prior to the enactment of the bill. The technical issue is as follows:

*Certain requirements of the proposed legislation would create a conflict with current CRS 39-26-103 (3) which indicates that sales tax licenses must show the owner's name, residence or mailing address, and place of business. For individual owners, particularly those who operate from their homes, possibly general partnerships (when those businesses include VAC program participants), and those who must have a sales tax license, a conflict emerges. Sales tax licenses are considered public record information and DOR maintains a website where such licenses can be verified. This web application displays the trade or owner name (if there is no owner name). It also displays the physical address of the business place. Sales tax licenses are "location-specific" to ensure that the proper taxes are collected and distributed. Thus, the actual (and not the substitute) address must be maintained on records.*

Because there have been no requests for substitute addresses to be used on taxpayer accounts, this conflict in statute has not yet become an issue; however if a request is made for a sales tax license by a program participant, use of the substitute address would be problematic.

Please feel free to contact Sue Spriggs at 303-866-3089 or [sspriggs@spike.dor.state.co.us](mailto:sspriggs@spike.dor.state.co.us) for any additional information or to answer any questions that you may have.

Sincerely,



Roxy Huber  
Executive Director  
Colorado Department of Revenue

Cc: Legislative Council Staff