

Allows a peace officer, judge, magistrate, or prosecutor to request that a real property record be kept confidential if the person has reason to believe he or she or his or her family could be the victim of harassment or in danger of bodily harm. Describes the process for making the request. Permits the custodian of the record to charge a processing fee for the request.

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

2 **SECTION 1.** 18-9-313 (1) and (2), Colorado Revised Statutes,
3 are amended to read:

4 **18-9-313. Personal information on the internet - law**
5 **enforcement official.** (1) As used in this section:

6 (a) "Immediate family" means a ~~peace officer's~~ LAW
7 ENFORCEMENT OFFICIAL'S spouse, child, or parent or any other blood
8 relative who lives in the same residence as the ~~peace officer~~ LAW
9 ENFORCEMENT OFFICIAL.

10 (a.5) "LAW ENFORCEMENT OFFICIAL" MEANS A PEACE OFFICER AS
11 DESCRIBED IN SECTION 16-2.5-101, C.R.S., A JUDGE, A MAGISTRATE, OR A
12 PROSECUTOR.

13 (b) "Personal information" means a ~~peace officer's~~ LAW
14 ENFORCEMENT OFFICIAL'S home address, home telephone number, pager
15 number, personal photograph, directions to the ~~peace officer's~~ LAW
16 ENFORCEMENT OFFICIAL'S home, or photographs of the ~~peace officer's~~
17 LAW ENFORCEMENT OFFICIAL'S home or vehicle.

18 (2) It is unlawful for a person TO knowingly to make available on
19 the internet personal information about a ~~peace officer as described in~~
20 ~~section 16-2.5-101, C.R.S.~~, LAW ENFORCEMENT OFFICIAL, if the
21 dissemination of the personal information poses an imminent and serious
22 threat to the ~~peace officer's~~ LAW ENFORCEMENT OFFICIAL'S safety or the

1 safety of the ~~peace officer's~~ LAW ENFORCEMENT OFFICIAL'S immediate
2 family and the person making the information available on the internet
3 knows or reasonably should know of the imminent and serious threat.

4 **SECTION 2.** 24-72-204, Colorado Revised Statutes, is amended
5 BY THE ADDITION OF A NEW SUBSECTION to read:

6 **24-72-204. Allowance or denial of inspection - grounds -**
7 **procedure - appeal - definitions.** (3.7) (a) (I) A LAW ENFORCEMENT
8 OFFICIAL AS DEFINED IN SECTION 18-9-313 (1) (a.5), C.R.S., MAY REQUEST
9 THAT THE CUSTODIAN OF A PUBLIC RECORD THAT CONTAINS THE ADDRESS
10 AND TELEPHONE NUMBER OF THAT INDIVIDUAL KEEP CONFIDENTIAL THE
11 INDIVIDUAL'S PERSONAL INFORMATION IF THE INDIVIDUAL HAS REASON TO
12 BELIEVE THAT THE INDIVIDUAL, OR ANY MEMBER OF THE INDIVIDUAL'S
13 IMMEDIATE FAMILY WHO RESIDES IN THE SAME HOUSEHOLD AS THE
14 INDIVIDUAL, WILL BE EXPOSED TO CRIMINAL HARASSMENT AS PROHIBITED
15 IN SECTION 18-9-111, C.R.S., OR OTHERWISE BE IN DANGER OF BODILY
16 HARM, IF THE INDIVIDUAL'S PERSONAL INFORMATION IS NOT KEPT
17 CONFIDENTIAL IN ACCORDANCE WITH THIS SUBSECTION (3.7).

18 (II) AN INDIVIDUAL REQUESTING CONFIDENTIALITY WITH RESPECT
19 TO RECORDS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a)
20 SHALL MAKE THE REQUEST IN PERSON AT THE OFFICE OF THE CUSTODIAN
21 WITH CUSTODY OF THE PUBLIC RECORD BY FILING AN APPLICATION FORM
22 APPROVED BY THE SECRETARY OF STATE, AFTER CONSULTATION WITH
23 COUNTY CLERK AND RECORDERS. THE APPLICATION FORM SHALL PROVIDE
24 SPACE FOR THE INDIVIDUAL TO PROVIDE HIS OR HER NAME AND ADDRESS,
25 DATE OF BIRTH, AND ANY OTHER IDENTIFYING INFORMATION DETERMINED
26 BY THE SECRETARY OF STATE TO BE NECESSARY TO CARRY OUT THE
27 PROVISIONS OF THIS SUBSECTION (3.7). IN ADDITION, AN AFFIRMATION

1 SHALL BE PRINTED ON THE FORM, IN THE AREA IMMEDIATELY ABOVE A
2 LINE FOR THE INDIVIDUAL'S SIGNATURE AND THE DATE, STATING THE
3 FOLLOWING: "I SWEAR OR AFFIRM, UNDER PENALTY OF PERJURY, THAT I
4 HAVE REASON TO BELIEVE THAT I, OR A MEMBER OF MY IMMEDIATE
5 FAMILY WHO RESIDES IN MY HOUSEHOLD, WILL BE EXPOSED TO CRIMINAL
6 HARASSMENT, OR OTHERWISE BE IN DANGER OF BODILY HARM, IF MY
7 ADDRESS AND TELEPHONE NUMBER ARE NOT KEPT CONFIDENTIAL."
8 IMMEDIATELY BELOW THE SIGNATURE LINE, THERE SHALL BE PRINTED A
9 NOTICE, IN A TYPE THAT IS LARGER THAN THE OTHER INFORMATION
10 CONTAINED ON THE FORM, STATING THAT THE INDIVIDUAL MAY BE
11 PROSECUTED FOR PERJURY IN THE SECOND DEGREE UNDER SECTION
12 18-8-503, C.R.S., IF THE INDIVIDUAL SIGNS THE AFFIRMATION AND DOES
13 NOT BELIEVE THE AFFIRMATION TO BE TRUE.

14 (III) THE PUBLIC CUSTODIAN SHALL COLLECT A PROCESSING FEE IN
15 AN AMOUNT OF UP TO FIVE DOLLARS FROM AN INDIVIDUAL WHO FILES AN
16 APPLICATION PURSUANT TO THIS PARAGRAPH (a).

17 (b) THE CUSTODIAN OF ANY RECORDS DESCRIBED IN PARAGRAPH
18 (a) OF THIS SUBSECTION (3.7) THAT CONCERN AN INDIVIDUAL WHO HAS
19 REQUESTED CONFIDENTIALITY PURSUANT TO THIS SUBSECTION (3.7) AND
20 PAID THE REQUIRED PROCESSING FEE SHALL DENY THE RIGHT OF
21 INSPECTION OF THE INDIVIDUAL'S ADDRESS AND TELEPHONE NUMBER
22 CONTAINED IN THE RECORDS ON THE GROUNDS THAT DISCLOSURE WOULD
23 BE CONTRARY TO THE PUBLIC INTEREST OR, IN THE CASE OF A REAL
24 PROPERTY PUBLIC RECORD, DENY THE RIGHT OF INSPECTION AS TO THE
25 INDIVIDUAL'S IDENTITY CONTAINED IN THE RECORD ON THE GROUNDS
26 THAT DISCLOSURE WOULD BE CONTRARY TO THE PUBLIC INTEREST; EXCEPT
27 THAT THE CUSTODIAN SHALL ALLOW THE INSPECTION OF THE RECORDS BY

1 THE INDIVIDUAL, BY ANY PERSON AUTHORIZED IN WRITING BY THE
2 INDIVIDUAL, AND BY ANY PERSON EMPLOYED BY ONE OF THE FOLLOWING
3 ENTITIES WHO MAKES A REQUEST TO THE CUSTODIAN TO INSPECT THE
4 RECORDS AND WHO PROVIDES EVIDENCE SATISFACTORY TO THE
5 CUSTODIAN THAT THE INSPECTION IS REASONABLY RELATED TO THE
6 AUTHORIZED PURPOSE OF THE EMPLOYING ENTITY:

7 (I) A CRIMINAL JUSTICE AGENCY, AS DEFINED IN SECTION
8 24-72-302 (3);

9 (II) AN AGENCY OF THE UNITED STATES, THE STATE OF
10 COLORADO, OR OF ANY POLITICAL SUBDIVISION OR AUTHORITY THEREOF;

11 (III) A PERSON REQUIRED TO OBTAIN THE INDIVIDUAL'S ADDRESS
12 AND TELEPHONE NUMBER IN ORDER TO COMPLY WITH FEDERAL OR STATE
13 LAW OR REGULATIONS ADOPTED PURSUANT THERETO;

14 (IV) AN INSURANCE COMPANY THAT HAS A VALID CERTIFICATE OF
15 AUTHORITY TO TRANSACT INSURANCE BUSINESS IN COLORADO AS
16 REQUIRED IN SECTION 10-3-105 (1), C.R.S.;

17 (V) A COLLECTION AGENCY THAT HAS A VALID LICENSE AS
18 REQUIRED BY SECTION 12-14-115 (1), C.R.S.;

19 (VI) A SUPERVISED LENDER LICENSED AS DESCRIBED IN SECTION
20 5-1-301 (46), C.R.S.;

21 (VII) A BANK AS DEFINED IN SECTION 11-101-401 (5), C.R.S., AN
22 INDUSTRIAL BANK AS DEFINED IN SECTION 11-108-101 (1), C.R.S., A TRUST
23 COMPANY AS DEFINED IN SECTION 11-109-101 (11), C.R.S., A CREDIT
24 UNION AS DEFINED IN SECTION 11-30-101 (1), C.R.S., A DOMESTIC
25 SAVINGS AND LOAN ASSOCIATION AS DEFINED IN SECTION 11-40-102 (5),
26 C.R.S., A FOREIGN SAVINGS AND LOAN ASSOCIATION AS DEFINED IN
27 SECTION 11-40-102 (8), C.R.S., OR A BROKER-DEALER AS DEFINED IN

1 SECTION 11-51-201 (2), C.R.S.;

2 (VIII) AN ATTORNEY LICENSED TO PRACTICE LAW IN COLORADO
3 OR HIS OR HER REPRESENTATIVE AUTHORIZED IN WRITING TO INSPECT THE
4 RECORDS ON BEHALF OF THE ATTORNEY; OR

5 (IX) A MANUFACTURER OF ANY VEHICLE REQUIRED TO BE
6 REGISTERED PURSUANT TO THE PROVISIONS OF ARTICLE 3 OF TITLE 42,
7 C.R.S., OR A DESIGNATED AGENT OF THE MANUFACTURER. THE
8 INSPECTION REQUESTED BY A VEHICLE MANUFACTURER PURSUANT TO THIS
9 SUBPARAGRAPH (IX) SHALL BE ALLOWED ONLY FOR THE PURPOSE OF
10 IDENTIFYING, LOCATING, AND NOTIFYING THE REGISTERED OWNERS OF THE
11 VEHICLES IN THE EVENT OF A PRODUCT RECALL OR PRODUCT ADVISORY
12 AND MAY ALSO BE ALLOWED FOR STATISTICAL PURPOSES WHERE THE
13 ADDRESS IS NOT DISCLOSED BY THE MANUFACTURER OR DESIGNATED
14 AGENT. A PERSON WHO OBTAINS THE ADDRESS OF AN INDIVIDUAL
15 PURSUANT TO THIS SUBPARAGRAPH (IX) SHALL NOT DISCLOSE THE
16 INFORMATION EXCEPT AS NECESSARY TO ACCOMPLISH SAID PURPOSES.

17 (c) NOTWITHSTANDING ANY PROVISIONS OF THIS SUBSECTION (3.7)
18 TO THE CONTRARY, ANY PERSON WHO APPEARS IN PERSON IN THE OFFICE
19 OF A CUSTODIAN OF RECORDS DESCRIBED IN PARAGRAPH (a) OF THIS
20 SUBSECTION (3.7) AND WHO PRESENTS DOCUMENTARY EVIDENCE
21 SATISFACTORY TO THE CUSTODIAN THAT THE PERSON IS A DULY
22 ACCREDITED REPRESENTATIVE OF THE NEWS MEDIA MAY VERIFY THE
23 PERSONAL INFORMATION OF AN INDIVIDUAL WHOSE PERSONAL
24 INFORMATION IS OTHERWISE PROTECTED FROM INSPECTION IN
25 ACCORDANCE WITH THIS SUBSECTION (3.7). THE VERIFICATION SHALL BE
26 LIMITED TO THE CUSTODIAN CONFIRMING OR DENYING THAT THE
27 PERSONAL INFORMATION OF AN INDIVIDUAL AS KNOWN TO THE

1 REPRESENTATIVE OF THE NEWS MEDIA IS THE PERSONAL INFORMATION OF
2 THE INDIVIDUAL AS SHOWN BY THE RECORDS OF THE CUSTODIAN.

3 (d) A PERSON SHALL NOT MAKE A FALSE STATEMENT IN
4 REQUESTING ANY INFORMATION PURSUANT TO PARAGRAPH (a) OR (b) OF
5 THIS SUBSECTION (3.7).

6 (e) A REQUEST OF CONFIDENTIALITY MADE PURSUANT TO THIS
7 SUBSECTION (3.7) SHALL BE KEPT CONFIDENTIAL AND SHALL NOT BE OPEN
8 TO INSPECTION AS A PUBLIC RECORD UNLESS A WRITTEN RELEASE IS
9 EXECUTED BY THE PERSON WHO MADE THE REQUEST.

10 (f) PRIOR TO THE RELEASE OF ANY INFORMATION REQUIRED TO BE
11 KEPT CONFIDENTIAL PURSUANT TO THIS SUBSECTION (3.7), THE CUSTODIAN
12 SHALL REQUIRE THE PERSON REQUESTING THE INFORMATION TO PRODUCE
13 A VALID COLORADO DRIVER'S LICENSE OR IDENTIFICATION CARD AND
14 WRITTEN AUTHORIZATION FROM AN ENTITY AUTHORIZED TO RECEIVE
15 INFORMATION UNDER THIS SUBSECTION (3.7). THE CUSTODIAN SHALL
16 KEEP A RECORD OF THE REQUESTING PERSON'S NAME, ADDRESS, AND DATE
17 OF BIRTH AND SHALL MAKE THE INFORMATION AVAILABLE TO THE
18 INDIVIDUAL REQUESTING CONFIDENTIALITY UNDER THIS SUBSECTION (3.7)
19 OR ANY PERSON AUTHORIZED BY THE INDIVIDUAL.

20 **SECTION 3. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.