

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 12-0464.01 Chuck Brackney x2295

**HOUSE BILL 12-1036**

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**HOUSE SPONSORSHIP**

**Kerr J.,**

**SENATE SPONSORSHIP**

**Boyd,**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING CLARIFICATION OF THE EXEMPTION FROM THE**  
102 **"COLORADO OPEN RECORDS ACT" FOR INVESTIGATIVE FILES.**

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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 clarifies that the current exemption from the "Colorado Open Records Act" for investigative files applies to those files compiled for any civil, administrative, or criminal law enforcement purpose.

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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.*

HOUSE  
3rd Reading Unamended  
March 5, 2012

HOUSE  
Amended 2nd Reading  
March 2, 2012

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-72-204, **amend**  
3 (2) (a) (I) as follows:

4 **24-72-204. Allowance or denial of inspection - grounds -**  
5 **procedure - appeal - definitions.** (2) (a) The custodian may deny the  
6 right of inspection of the following records, unless otherwise provided by  
7 law, on the ground that disclosure to the applicant would be contrary to  
8 the public interest:

9 (I) Any records of the investigations conducted by any sheriff,  
10 prosecuting attorney, or police department, any records of the intelligence  
11 information or security procedures of any sheriff, prosecuting attorney,  
12 or police department, or any investigatory files compiled for any other  
13 law enforcement purpose, INCLUDING RECORDS OF ONGOING CIVIL OR  
14 ADMINISTRATIVE INVESTIGATIONS THAT FOCUS ON A PERSON OR PERSONS  
15 OUTSIDE OF THE INVESTIGATING AGENCY AND ARE CONDUCTED BY THE  
16 STATE OR ITS EXECUTIVE DEPARTMENTS IN FURTHERANCE OF THEIR  
17 STATUTORY AUTHORITY TO PROTECT THE PUBLIC HEALTH, WELFARE, OR  
18 SAFETY; EXCEPT THAT, WITH RESPECT TO CIVIL OR ADMINISTRATIVE  
19 INVESTIGATIONS THAT HAVE CONCLUDED BECAUSE NO FURTHER  
20 INVESTIGATION, DISCIPLINE, OR OTHER AGENCY RESPONSE IS WARRANTED,  
21 NOTHING IN THIS SUBSECTION (2) REQUIRES THE CUSTODIAN TO DISCLOSE  
22 THE NAME OR OTHER PERSONAL IDENTIFYING OR FINANCIAL INFORMATION  
23 OF WITNESSES, TARGETS OF SUCH CLOSED INVESTIGATIONS, OR ANY  
24 RECORDS EXEMPT PURSUANT TO ANY OTHER LAW.

25 **SECTION 2. Applicability.** The provisions of this act apply to  
26 cases arising on or after August 19, 2011, and nothing in this act shall be  
27 interpreted in any way as evidence of legislative intent in cases arising

1 prior to said date.

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