

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 15-0266.02 Jane Ritter x4342

HOUSE BILL 15-1174

HOUSE SPONSORSHIP

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

SENATE SPONSORSHIP

Woods, Newell

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unamended
March 5, 2015

HOUSE
3rd Reading Unamended
February 20, 2015

HOUSE
Amended 2nd Reading
February 19, 2015

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

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

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

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

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

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

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

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

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

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

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

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

1 context otherwise requires:

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

7

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

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

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

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

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

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

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