

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0421.01 Michael Dohr x4347

HOUSE BILL 20-1268

HOUSE SPONSORSHIP

Tipper,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CREATION OF THE "UNIFORM CRIMINAL RECORDS
102 ACCURACY ACT".

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://leg.colorado.gov/>.)

Colorado Commission on Uniform State Laws. The bill imposes duties on governmental law enforcement agencies and courts that collect, store, and use criminal history records to ensure the accuracy of the criminal history record information. The bill provides that Colorado create a central repository and mandates that any criminal history record information be submitted to the central repository no later than 5 days

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

after the information is collected.

The bill requires the collection of biometric information, such as fingerprints, for purposes of identification when permitted or required by other law. The use of biometric information may help ensure more complete and accurate records.

The bill limits the dissemination of criminal history record information only as permitted by the bill or by other law. A dissemination log must be maintained to record all disclosures.

The bill gives individuals the right to see their criminal history record information. Individuals have the right to correct errors in their criminal history record information. The bill requires the creation and maintenance of a mistaken identity prevention registry. The mistaken identity prevention registry can give an individual whose name is similar to and confused with a person who is the subject of criminal history record information a certification to minimize the possibility of a mistaken arrest.

The bill establishes procedures for conducting periodic audits of criminal history record information. The bill includes remedies for enforcement for noncompliance.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 72.2 to
3 title 24 as follows:

4 **ARTICLE 72.2**

5 **Uniform Criminal Records Accuracy Act**

6 **PART 1**

7 **GENERAL PROVISIONS**

8 **24-72.2-101. Short title.** THIS ARTICLE 72.2 MAY BE CITED AS THE
9 "UNIFORM CRIMINAL RECORDS ACCURACY ACT".

10 **24-72.2-102. Definitions.** IN THIS ARTICLE 72.2:

11 (1) "ACCURATE CRIMINAL HISTORY RECORD INFORMATION" MEANS
12 CRIMINAL HISTORY RECORD INFORMATION THAT CORRECTLY REFLECTS
13 ALL REPORTABLE EVENTS RELATING TO A SUBJECT.

14 (2) "ADMINISTRATION OF CRIMINAL JUSTICE" MEANS DETECTION,

1 APPREHENSION, DETENTION, PRETRIAL RELEASE, POST-TRIAL RELEASE,
2 PROSECUTION, ADJUDICATION, CORRECTIONAL SUPERVISION, OR
3 REHABILITATION OF A SUBJECT. THE TERM INCLUDES CRIMINAL
4 IDENTIFICATION ACTIVITIES AND COLLECTION, STORAGE, MAINTENANCE,
5 SUBMISSION, AND DISSEMINATION OF CRIMINAL HISTORY RECORD
6 INFORMATION.

7 (3) "BIOMETRIC INFORMATION" MEANS FINGERPRINTS AND OTHER
8 UNIQUE BIOLOGICAL OR PHYSICAL CHARACTERISTICS OF AN INDIVIDUAL
9 THAT A CONTRIBUTING JUSTICE AGENCY IS REQUIRED OR PERMITTED BY
10 LAW OTHER THAN THIS ARTICLE 72.2 TO USE FOR IDENTIFICATION.

11 (4) "CENTRAL REPOSITORY" MEANS THE COLORADO BUREAU OF
12 INVESTIGATION.

13 (5) "CONTRIBUTING JUSTICE AGENCY" MEANS A COURT, POLITICAL
14 SUBDIVISION OR AGENT OF A POLITICAL SUBDIVISION, GOVERNING ENTITY
15 OF THIS STATE, OR ANY GOVERNMENTAL AGENCY DESIGNATED BY THE
16 COLORADO BUREAU OF INVESTIGATION THAT IS AUTHORIZED TO ENGAGE
17 IN THE ADMINISTRATION OF CRIMINAL JUSTICE. THE TERM DOES NOT
18 INCLUDE THE CENTRAL REPOSITORY.

19 (6) "CRIMINAL HISTORY RECORD INFORMATION" MEANS
20 INFORMATION, CONSISTING OF A DESCRIPTION OF A SUBJECT AND
21 NOTATION OF A REPORTABLE EVENT, COLLECTED, RECEIVED, STORED,
22 MAINTAINED, SUBMITTED, OR DISSEMINATED BY A CONTRIBUTING JUSTICE
23 AGENCY OR THE CENTRAL REPOSITORY. THE TERM INCLUDES BIOMETRIC
24 INFORMATION. THE TERM DOES NOT INCLUDE NONCRIMINAL HISTORY
25 RECORD INFORMATION.

26 (7) "DISSEMINATION" OR "DISSEMINATE" MEANS ORAL, WRITTEN,
27 OR ELECTRONIC TRANSMISSION OR OTHER DISCLOSURE OF CRIMINAL

1 HISTORY RECORD INFORMATION TO A PERSON OTHER THAN THE CENTRAL
2 REPOSITORY.

3 (8) "NONCRIMINAL HISTORY RECORD INFORMATION" MEANS
4 INFORMATION COLLECTED:

5 (a) AS A RESULT OF AN INQUIRY ABOUT AN ACTIVITY, HABIT,
6 PRACTICE, POSSESSION, ASSOCIATION, OR FINANCIAL STATUS OF AN
7 INDIVIDUAL; AND

8 (b) TO ANTICIPATE, PREVENT, MONITOR, OR INVESTIGATE
9 CRIMINAL ACTIVITY.

10 (9) "PERSON" MEANS AN INDIVIDUAL, ESTATE, BUSINESS OR
11 NONPROFIT ENTITY, PUBLIC CORPORATION, GOVERNMENT OR
12 GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY, OR OTHER
13 LEGAL ENTITY.

14 (10) "REPORTABLE EVENT" MEANS ANY OF THE FOLLOWING
15 RELATING TO A FELONY OR MISDEMEANOR, OTHER THAN A NONCRIMINAL
16 OFFENSE, PETTY OFFENSE, TRAFFIC VIOLATION, OR JUVENILE
17 ADJUDICATION:

18 (a) ARREST RESULTING IN BOOKING INTO A DETENTION FACILITY
19 OR COLLECTION OF BIOMETRIC INFORMATION;

20 (b) DISPOSITION AFTER AN ARREST DESCRIBED IN SUBSECTION
21 (10)(a) OF THIS SECTION WITHOUT INITIATION OF A CRIMINAL PROCEEDING;

22 (c) INITIATION OF A CRIMINAL PROCEEDING;

23 (d) DISPOSITION OF A CRIMINAL PROCEEDING, INCLUDING
24 DIVERSION, DISMISSAL, INDEFINITE POSTPONEMENT, ACQUITTAL, GUILTY
25 PLEA, CONVICTION, SENTENCING, MODIFICATION, REVERSAL, AND
26 REVOCATION OF THE DISPOSITION;

27 (e) COMMITMENT TO OR RELEASE FROM A PLACE OF DETENTION OR

1 CUSTODIAL SUPERVISION;
2 (f) COMMENCEMENT OR CONCLUSION OF NONCUSTODIAL
3 SUPERVISION;
4 (g) COMPLETION OF A SENTENCE;
5 (h) EXPUNGEMENT, SEALING, OR SETTING ASIDE OF CRIMINAL
6 HISTORY RECORD INFORMATION;
7 (i) GRANT OF CLEMENCY, INCLUDING PARDON OR COMMUTATION,
8 OR RESTORATION OF RIGHTS; OR
9 (j) FINDING OF LEGAL INCAPACITY BY A COURT AT ANY STAGE OF
10 A CRIMINAL PROCEEDING.

11 (11) "STATE" MEANS A STATE OF THE UNITED STATES, THE
12 DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN
13 ISLANDS, OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE
14 JURISDICTION OF THE UNITED STATES. THE TERM INCLUDES A FEDERALLY
15 RECOGNIZED INDIAN TRIBE.

16 (12) "SUBJECT" MEANS AN INDIVIDUAL ABOUT WHOM CRIMINAL
17 HISTORY RECORD INFORMATION IS COLLECTED, STORED, MAINTAINED,
18 SUBMITTED, OR DISSEMINATED AS REQUIRED OR PERMITTED BY THIS
19 ARTICLE 72.2 OR LAW OTHER THAN THIS ARTICLE 72.2.

20 **24-72.2-103. Public records.** EXCEPT AS OTHERWISE PROVIDED
21 BY LAW OTHER THAN THIS ARTICLE 72.2 OR COURT RULE OR ORDER, THE
22 COURT DOCKET, COURT FILE, AND INFORMATION CONTAINED IN A DOCKET
23 OR FILE ARE PUBLIC RECORDS.

24 **24-72.2-104. Dissemination log.** (1) A DISSEMINATION LOG
25 REQUIRED BY SECTION 24-72.2-205 OR 24-72.2-304 MUST INCLUDE EACH
26 CRIMINAL HISTORY RECORD INFORMATION REQUEST AND DISSEMINATION
27 TO A PERSON IDENTIFIABLE BY THE CONTRIBUTING JUSTICE AGENCY OR

1 CENTRAL REPOSITORY.

2 (2) A DISSEMINATION LOG REQUIRED BY SECTION 24-72.2-205 OR
3 24-72.2-304 MUST BE SEPARATE FROM NONCRIMINAL HISTORY RECORD
4 INFORMATION AND CRIMINAL HISTORY RECORD INFORMATION. THE LOG
5 MUST INCLUDE AT LEAST:

6 (a) THE NAME OF THE SUBJECT ABOUT WHOM CRIMINAL HISTORY
7 RECORD INFORMATION IS REQUESTED;

8 (b) THE NAME OF THE PERSON MAKING THE REQUEST AND THE
9 PERSON'S ASSOCIATED ADDRESS;

10 (c) THE NAME OF THE INDIVIDUAL MAKING THE DISSEMINATION;

11 (d) THE DATE OF THE REQUEST;

12 (e) THE DATE OF THE DISSEMINATION; AND

13 (f) A STATEMENT WHETHER THE INFORMATION WAS DISSEMINATED
14 FOR A PURPOSE OTHER THAN THE ADMINISTRATION OF CRIMINAL JUSTICE.

15 (3) A DISSEMINATION LOG REQUIRED BY SECTION 24-72.2-205 OR
16 24-72.2-304 IS AVAILABLE TO THE PUBLIC ONLY AS PROVIDED BY LAW
17 OTHER THAN THIS ARTICLE 72.2.

18 (4) AN ENTRY IN A DISSEMINATION LOG REQUIRED BY SECTION
19 24-72.2-205 OR 24-72.2-304 MUST BE MAINTAINED AS LONG AS THE
20 ASSOCIATED CRIMINAL HISTORY RECORD INFORMATION IS MAINTAINED.

21 **24-72.2-105. Establishment of procedures.** THE RULE-MAKING
22 REQUIREMENTS OF PART 1 OF ARTICLE 4 OF THIS TITLE 24 DO NOT APPLY
23 TO ESTABLISHMENT OF PROCEDURES UNDER THIS ARTICLE 72.2.

24 PART 2

25 CONTRIBUTING JUSTICE AGENCY

26 **24-72.2-201. Collection and submission of information to**
27 **central repository.** A CONTRIBUTING JUSTICE AGENCY THAT HAS

1 CUSTODY OF, OR CONTROL, AUTHORITY, OR JURISDICTION OVER, AN
2 INDIVIDUAL FOR A REPORTABLE EVENT SHALL COLLECT, STORE, AND
3 MAINTAIN CRIMINAL HISTORY RECORD INFORMATION ON THE EVENT. NOT
4 LATER THAN FIVE DAYS AFTER THE AGENCY COLLECTS THE INFORMATION,
5 THE AGENCY SHALL SUBMIT THE INFORMATION TO THE CENTRAL
6 REPOSITORY IN COMPLIANCE WITH PROCEDURES ESTABLISHED BY THE
7 CENTRAL REPOSITORY.

8 **24-72.2-202. Collection and submission of biometric**
9 **information.** (1) A CONTRIBUTING JUSTICE AGENCY THAT HAS CUSTODY
10 OF, OR CONTROL, AUTHORITY, OR JURISDICTION OVER, AN INDIVIDUAL AS
11 A RESULT OF THE INDIVIDUAL'S INVOLVEMENT IN A REPORTABLE EVENT
12 SHALL DETERMINE WHETHER BIOMETRIC INFORMATION ABOUT THE
13 INDIVIDUAL HAS BEEN COLLECTED AND SUBMITTED TO THE CENTRAL
14 REPOSITORY FOR THE EVENT. IF THE CONTRIBUTING JUSTICE AGENCY IS A
15 COURT, THE CONTRIBUTING JUSTICE AGENCY REPRESENTING THIS STATE
16 BEFORE THE COURT SHALL MAKE THE DETERMINATION AND REPORT THE
17 RESULTS OF ITS DETERMINATION TO THE COURT.

18 (2) IF A CONTRIBUTING JUSTICE AGENCY DETERMINES UNDER
19 SUBSECTION (1) OF THIS SECTION THAT BIOMETRIC INFORMATION HAS NOT
20 BEEN COLLECTED AND SUBMITTED TO THE CENTRAL REPOSITORY, THE
21 AGENCY, USING ANY PROCEDURE AVAILABLE TO IT UNDER LAW OTHER
22 THAN THIS ARTICLE 72.2, SHALL COLLECT THE MISSING BIOMETRIC
23 INFORMATION. NOT LATER THAN FIVE DAYS AFTER COLLECTION, THE
24 AGENCY SHALL SUBMIT THE INFORMATION TO THE CENTRAL REPOSITORY
25 IN COMPLIANCE WITH PROCEDURES ESTABLISHED BY THE CENTRAL
26 REPOSITORY.

27 **24-72.2-203. Accuracy and correction of information.** (1) A

1 CONTRIBUTING JUSTICE AGENCY SHALL COLLECT, STORE, MAINTAIN,
2 SUBMIT, AND DISSEMINATE ACCURATE CRIMINAL HISTORY RECORD
3 INFORMATION IN COMPLIANCE WITH PROCEDURES ESTABLISHED BY THE
4 CENTRAL REPOSITORY.

5 (2) NOT LATER THAN FOURTEEN DAYS AFTER A CONTRIBUTING
6 JUSTICE AGENCY DISCOVERS THAT IT POSSESSES INACCURATE CRIMINAL
7 HISTORY RECORD INFORMATION, THE AGENCY SHALL:

8 (a) CORRECT ITS RECORDS;

9 (b) NOTIFY THE CENTRAL REPOSITORY OF THE INACCURACY AND
10 CORRECTION; AND

11 (c) IF ANOTHER CONTRIBUTING JUSTICE AGENCY RECEIVED THE
12 INFORMATION UNDER SECTION 24-72.2-204 (2) WITHIN ONE YEAR BEFORE
13 THE DISCOVERY, NOTIFY THE AGENCY OF THE INACCURACY AND
14 CORRECTION.

15 **24-72.2-204. Dissemination of criminal history record**
16 **information.** (1) A CONTRIBUTING JUSTICE AGENCY MAY DISSEMINATE
17 CRIMINAL HISTORY RECORD INFORMATION ONLY AS REQUIRED OR
18 PERMITTED BY THIS ARTICLE 72.2 OR BY LAW OTHER THAN THIS ARTICLE
19 72.2.

20 (2) A CONTRIBUTING JUSTICE AGENCY MAY DISSEMINATE
21 CRIMINAL HISTORY RECORD INFORMATION TO ANOTHER CONTRIBUTING
22 JUSTICE AGENCY ON REQUEST OF THE OTHER AGENCY IN CONNECTION
23 WITH THE DUTIES OF THE REQUESTING AGENCY.

24 **24-72.2-205. Dissemination log of contributing justice agency.**
25 A CONTRIBUTING JUSTICE AGENCY SHALL CREATE, STORE, AND MAINTAIN
26 A DISSEMINATION LOG COMPLYING WITH SECTION 24-72.2-104. NOT LATER
27 THAN FOURTEEN DAYS AFTER THE AGENCY DISSEMINATES CRIMINAL

1 HISTORY RECORD INFORMATION, THE AGENCY SHALL ENTER THE
2 INFORMATION REQUIRED BY SECTION 24-72.2-104 IN THE DISSEMINATION
3 LOG.

4 PART 3

5 CENTRAL REPOSITORY

6 **24-72.2-301. Duty of central repository.** (1) THE CENTRAL
7 REPOSITORY SHALL RECEIVE, STORE, MAINTAIN, AND DISSEMINATE
8 CRIMINAL HISTORY RECORD INFORMATION REPORTED TO THE CENTRAL
9 REPOSITORY UNDER THIS ARTICLE 72.2.

10 (2) THE CENTRAL REPOSITORY MAY DISSEMINATE CRIMINAL
11 HISTORY RECORD INFORMATION ONLY AS REQUIRED OR PERMITTED BY THIS
12 ARTICLE 72.2 OR LAW OTHER THAN THIS ARTICLE 72.2.

13 (3) THE CENTRAL REPOSITORY SHALL RECEIVE, STORE, MAINTAIN,
14 AND DISSEMINATE ACCURATE CRIMINAL HISTORY RECORD INFORMATION
15 IN COMPLIANCE WITH PROCEDURES ESTABLISHED BY THE COLORADO
16 BUREAU OF INVESTIGATION UNDER SECTION 24-72.2-702.

17 (4) THE CENTRAL REPOSITORY SHALL ESTABLISH PROCEDURES TO
18 RESOLVE DATA CONFLICTS AND DISCOVER MISSING DATA FOR ACCURATE
19 CRIMINAL HISTORY RECORD INFORMATION.

20 **24-72.2-302. Dissemination of information to subject.** (1) NOT
21 LATER THAN FOURTEEN DAYS AFTER THE CENTRAL REPOSITORY RECEIVES
22 A REQUEST FROM A SUBJECT FOR THE SUBJECT'S CRIMINAL HISTORY
23 RECORD INFORMATION, THE CENTRAL REPOSITORY SHALL SEARCH ITS
24 RECORDS AND:

25 (a) IF THE SEARCH DISCLOSES CRIMINAL HISTORY RECORD
26 INFORMATION ABOUT THE SUBJECT, DISSEMINATE THE INFORMATION TO
27 THE SUBJECT; OR

1 (b) IF THE SEARCH DOES NOT DISCLOSE CRIMINAL HISTORY RECORD
2 INFORMATION ABOUT THE SUBJECT, NOTIFY THE SUBJECT OF THE FACT.

3 (2) CRIMINAL HISTORY RECORD INFORMATION DISSEMINATED
4 UNDER THIS SECTION MUST INCLUDE A CONSPICUOUS NOTICE THAT IT IS
5 PROVIDED FOR REVIEW BY THE SUBJECT AND MAY NOT BE RELIED ON OR
6 CONSIDERED CURRENT FOR USE BY ANOTHER PERSON.

7 **24-72.2-303. Dissemination of information to person**
8 **authorized by subject.** (1) A SUBJECT MAY AUTHORIZE ANOTHER
9 PERSON TO RECEIVE THE SUBJECT'S CRIMINAL HISTORY RECORD
10 INFORMATION FROM THE CENTRAL REPOSITORY.

11 (2) BEFORE THE CENTRAL REPOSITORY DISSEMINATES CRIMINAL
12 HISTORY RECORD INFORMATION UNDER SUBSECTION (1) OF THIS SECTION,
13 THE CENTRAL REPOSITORY SHALL DETERMINE WHETHER THE INFORMATION
14 CONTAINS:

15 (a) A DISPOSITION AFTER AN ARREST WITHOUT INITIATION OF A
16 CRIMINAL PROCEEDING; OR

17 (b) A DISPOSITION OF A CRIMINAL PROCEEDING, INCLUDING
18 DIVERSION, DISMISSAL, INDEFINITE POSTPONEMENT, ACQUITTAL, GUILTY
19 PLEA, CONVICTION, SENTENCING, MODIFICATION, REVERSAL, OR
20 REVOCATION OF THE DISPOSITION, FOR EVERY ARREST OR INITIATION OF A
21 CRIMINAL PROCEEDING.

22 (3) IF THE CENTRAL REPOSITORY DETERMINES UNDER SUBSECTION
23 (2) OF THIS SECTION THAT THE INFORMATION DOES NOT CONTAIN A
24 DISPOSITION, THE CENTRAL REPOSITORY SHALL ATTEMPT TO DETERMINE
25 THE DISPOSITION AND, IF THE CENTRAL REPOSITORY DETERMINES THE
26 DISPOSITION, INCLUDE THAT DISPOSITION IN:

27 (a) THE RELEVANT RECORDS MAINTAINED BY THE CENTRAL

1 REPOSITORY; AND

2 (b) THE INFORMATION TO BE DISSEMINATED.

3 (4) AFTER COMPLYING WITH SUBSECTION (3) OF THIS SECTION, AND
4 BEFORE THE CENTRAL REPOSITORY DISSEMINATES INFORMATION UNDER
5 THIS SECTION, THE CENTRAL REPOSITORY SHALL REMOVE FROM THE
6 INFORMATION TO BE DISSEMINATED ANY NOTATION OF AN ARREST OR
7 INITIATION OF CRIMINAL PROCEEDINGS IF:

8 (a) EIGHTEEN MONTHS HAVE ELAPSED SINCE THE LATER OF THE
9 DATE OF THE ARREST OR INITIATION OF CRIMINAL PROCEEDINGS;

10 (b) A DISPOSITION HAS NOT BEEN IDENTIFIED WITH RESPECT TO THE
11 ARREST;

12 (c) A WARRANT IS NOT OUTSTANDING WITH RESPECT TO THE
13 ARREST; AND

14 (d) A PROCEEDING IS NOT PENDING WITH RESPECT TO THE ARREST
15 THAT MAY RESULT IN A CONVICTION.

16 (5) SUBSECTION (4) OF THIS SECTION DOES NOT APPLY IF LAW
17 OTHER THAN THIS ARTICLE 72.2 REQUIRES THAT THE PERSON RECEIVE ALL
18 CRIMINAL HISTORY RECORD INFORMATION ABOUT THE SUBJECT.

19 (6) NOT LATER THAN FIVE DAYS AFTER THE CENTRAL REPOSITORY
20 DISSEMINATES INFORMATION UNDER THIS SECTION, THE CENTRAL
21 REPOSITORY SHALL SEND THE SAME INFORMATION TO THE SUBJECT, BASED
22 ON THE CONTACT INFORMATION PROVIDED BY THE PERSON REQUESTING
23 THE INFORMATION.

24 **24-72.2-304. Dissemination log of central repository.** THE
25 CENTRAL REPOSITORY SHALL CREATE, STORE, AND MAINTAIN A
26 DISSEMINATION LOG COMPLYING WITH SECTION 24-72.2-104. NOT LATER
27 THAN FOURTEEN DAYS AFTER THE CENTRAL REPOSITORY DISSEMINATES

1 CRIMINAL HISTORY RECORD INFORMATION, THE CENTRAL REPOSITORY
2 SHALL ENTER THE INFORMATION REQUIRED BY SECTION 24-72.2-104 IN
3 THE DISSEMINATION LOG.

4 **24-72.2-305. Correction of inaccurate information.** NOT LATER
5 THAN FOURTEEN DAYS AFTER THE CENTRAL REPOSITORY DETERMINES
6 THAT IT POSSESSES INACCURATE CRIMINAL HISTORY RECORD
7 INFORMATION, THE CENTRAL REPOSITORY SHALL FOLLOW THE
8 PROCEDURES IN SECTION 24-72.2-403 (1).

9 **24-72.2-306. Establishment of procedures.** (1) THE CENTRAL
10 REPOSITORY SHALL ESTABLISH PROCEDURES:

11 (a) NECESSARY TO CARRY OUT ITS POWERS AND DUTIES UNDER
12 THIS ARTICLE 72.2;

13 (b) FOR THE MANNER AND FORM IN WHICH A CONTRIBUTING
14 JUSTICE AGENCY COLLECTS, STORES, MAINTAINS, SUBMITS, AND
15 DISSEMINATES CRIMINAL HISTORY RECORD INFORMATION, INCLUDING
16 BIOMETRIC INFORMATION;

17 (c) TO ENSURE THAT ALL CRIMINAL HISTORY RECORD
18 INFORMATION FOR THE SAME SUBJECT IS LINKED; AND

19 (d) FOR REPORTING, EXCHANGING, AND SEEKING CORRECTION OF
20 CRIMINAL HISTORY RECORD INFORMATION UNDER THIS ARTICLE 72.2,
21 INCLUDING FORMS.

22 **24-72.2-307. Dissemination of information for statistical or**
23 **research purposes.** (1) CONSISTENT WITH LAW OF THIS STATE OTHER
24 THAN THIS ARTICLE 72.2 AND THE UNITED STATES, THE CENTRAL
25 REPOSITORY MAY:

26 (a) SUBJECT TO SUBSECTION (1)(b) OF THIS SECTION, DISSEMINATE
27 CRIMINAL HISTORY RECORD INFORMATION, INCLUDING PERSONALLY

1 IDENTIFIABLE INFORMATION, FOR A STATISTICAL OR RESEARCH PURPOSE;
2 AND

3 (b) LIMIT THE USE AND SUBSEQUENT DISSEMINATION OF
4 INFORMATION DISSEMINATED UNDER THIS SECTION AND THE PROCEDURES
5 ESTABLISHED BY THE CENTRAL REPOSITORY.

6 **24-72.2-308. Public information.** (1) THE CENTRAL REPOSITORY
7 SHALL INFORM THE PUBLIC OF THE EXISTENCE AND ACCESSIBILITY OF
8 CRIMINAL HISTORY RECORD INFORMATION COLLECTED, STORED,
9 MAINTAINED, AND DISSEMINATED BY CONTRIBUTING JUSTICE AGENCIES
10 AND THE CENTRAL REPOSITORY.

11 (2) THE CENTRAL REPOSITORY SHALL INFORM THE PUBLIC, AT
12 LEAST ANNUALLY, CONCERNING THE:

13 (a) EXTENT AND GENERAL NATURE OF CRIMINAL HISTORY RECORD
14 INFORMATION COLLECTED, STORED, MAINTAINED, AND DISSEMINATED IN
15 THIS STATE;

16 (b) NUMBER OF CORRECTIONS TO CRIMINAL HISTORY RECORD
17 INFORMATION MADE BY THE CENTRAL REPOSITORY;

18 (c) RESULTS OF AUDITS UNDER SECTION 24-72.2-602 AND THE
19 STATUS OF ANY CORRECTION OF DEFICIENCIES IDENTIFIED; AND

20 (d) REQUIREMENTS AND FORMS FOR A SUBJECT TO ACCESS,
21 REVIEW, AND SEEK CORRECTION OF CRIMINAL HISTORY RECORD
22 INFORMATION RECEIVED, STORED, OR MAINTAINED BY THE CENTRAL
23 REPOSITORY, INCLUDING THE RIGHT TO APPEAL AN ADVERSE
24 DETERMINATION.

25 **24-72.2-309. Training.** (1) THE CENTRAL REPOSITORY
26 REGULARLY SHALL PROVIDE TRAINING TO CONTRIBUTING JUSTICE
27 AGENCIES CONCERNING SUBMITTING INFORMATION ON A REPORTABLE

1 EVENT AND THE IMPORTANCE OF THE INFORMATION TO SUBJECTS, THE
2 PUBLIC, AND THE CRIMINAL JUSTICE SYSTEM.

3 (2) THE CENTRAL REPOSITORY PERIODICALLY SHALL IDENTIFY,
4 AND PROVIDE REMEDIAL TRAINING TO, ANY CONTRIBUTING JUSTICE
5 AGENCY THAT DOES NOT MEET THE REQUIREMENTS OF THIS ARTICLE 72.2.

6 PART 4

7 CORRECTION OF CRIMINAL HISTORY

8 RECORD INFORMATION

9 **24-72.2-401. Request to correct.** A SUBJECT MAY SEEK
10 CORRECTION OF CRIMINAL HISTORY RECORD INFORMATION BY SENDING
11 THE CONTRIBUTING JUSTICE AGENCY STORING THE INFORMATION OR THE
12 CENTRAL REPOSITORY A REQUEST FOR CORRECTION, SPECIFYING THE
13 INFORMATION ALLEGED TO BE INACCURATE AND PROVIDING THE
14 ALLEGEDLY CORRECT INFORMATION. A CONTRIBUTING JUSTICE AGENCY
15 THAT RECEIVES THE REQUEST SHALL INFORM THE SUBJECT THAT ONLY THE
16 CENTRAL REPOSITORY CAN ACT ON THE SUBJECT'S REQUEST AND THAT THE
17 CONTRIBUTING JUSTICE AGENCY SHALL FORWARD THE REQUEST TO THE
18 CENTRAL REPOSITORY. NOT LATER THAN FIVE DAYS AFTER RECEIVING THE
19 REQUEST, THE CONTRIBUTING JUSTICE AGENCY SHALL FORWARD TO THE
20 CENTRAL REPOSITORY THE REQUEST AND ANY CRIMINAL HISTORY RECORD
21 INFORMATION RELATING TO THE SUBJECT.

22 **24-72.2-402. Review of request.** (1) NOT LATER THAN FORTY
23 DAYS AFTER RECEIPT OF A REQUEST UNDER SECTION 24-72.2-401, THE
24 CENTRAL REPOSITORY SHALL REVIEW AND APPROVE OR DENY THE
25 REQUEST. THE DIRECTOR OF THE CENTRAL REPOSITORY MAY EXTEND THE
26 TIME TO REVIEW AND ACT ON THE REQUEST FOR UP TO TWENTY-ONE DAYS
27 IF THE DIRECTOR CERTIFIES THAT THERE IS GOOD CAUSE FOR AN

1 EXTENSION AND NOTIFIES THE SUBJECT. THE EXTENSION MAY NOT BE
2 RENEWED UNLESS THE SUBJECT AGREES.

3 (2) IF THE CENTRAL REPOSITORY DOES NOT ACT WITHIN THE
4 PERIOD PROVIDED IN SUBSECTION (1) OF THIS SECTION, THE REQUEST IS
5 DEEMED DENIED.

6 (3) SECTION 24-4-106 GOVERNS REVIEW OF ACTION OR NONACTION
7 BY THE CENTRAL REPOSITORY CONCERNING A REQUEST UNDER SECTION
8 24-72.2-401. NOTWITHSTANDING SECTION 24-4-106, IF THE REQUEST IS
9 DEEMED DENIED UNDER SUBSECTION (2) OF THIS SECTION, THE CENTRAL
10 REPOSITORY HAS THE BURDEN OF PROOF IN A SUBSEQUENT REVIEW.

11 **24-72.2-403. Correction of record.** (1) IF THE CENTRAL
12 REPOSITORY APPROVES A REQUEST UNDER SECTION 24-72.2-401, NOT
13 LATER THAN FOURTEEN DAYS AFTER THE DECISION UNDER SECTION
14 24-72.2-402 BECOMES FINAL AND NOT SUBJECT TO APPEAL, THE CENTRAL
15 REPOSITORY SHALL:

16 (a) CORRECT ITS RECORDS;

17 (b) DISSEMINATE NOTICE OF THE INACCURACY AND CORRECTION
18 TO THE SUBJECT AND EACH PERSON TO WHOM THE CENTRAL REPOSITORY
19 DISSEMINATED INACCURATE INFORMATION FOR A PURPOSE OF
20 ADMINISTRATION OF CRIMINAL JUSTICE WITHIN ONE YEAR BEFORE THE
21 DATE OF APPROVAL OF THE CORRECTION;

22 (c) NOTIFY THE CONTRIBUTING JUSTICE AGENCY THAT PROVIDED
23 THE INACCURATE INFORMATION OF THE INACCURACY AND CORRECTION;

24 AND

25 (d) ON REQUEST OF THE SUBJECT:

26 (I) DISSEMINATE NOTICE OF THE INACCURACY AND CORRECTION
27 TO EACH PERSON THE SUBJECT IDENTIFIES AS HAVING RECEIVED THE

1 INACCURATE INFORMATION UNDER SECTION 24-72.2-303; AND

2 (II) PROVIDE THE SUBJECT AT NO COST ONE CERTIFIED COPY OF
3 THE ACCURATE INFORMATION.

4 PART 5

5 MISTAKEN IDENTITY PREVENTION REGISTRY

6 **24-72.2-501. Creation and maintenance of registry.** (1) THE
7 CENTRAL REPOSITORY SHALL CREATE AND MAINTAIN A MISTAKEN
8 IDENTITY PREVENTION REGISTRY:

9 (a) CONSISTING OF INFORMATION VOLUNTARILY PROVIDED BY:

10 (I) A VICTIM OF MISTAKEN IDENTITY; OR

11 (II) AN INDIVIDUAL WHOSE NAME OR OTHER IDENTIFYING
12 CHARACTERISTIC IS SIMILAR TO THAT OF ANOTHER INDIVIDUAL WHO IS THE
13 SUBJECT OF CRIMINAL HISTORY RECORD INFORMATION; AND

14 (b) DESIGNED TO PREVENT:

15 (I) CREATION OF INACCURATE CRIMINAL HISTORY RECORD
16 INFORMATION;

17 (II) INACCURATE MODIFICATION OF CRIMINAL HISTORY RECORD
18 INFORMATION;

19 (III) MISTAKEN ARREST; AND

20 (IV) CONFUSION OF AN INDIVIDUAL WITH ANOTHER INDIVIDUAL
21 WHEN CRIMINAL HISTORY RECORD INFORMATION IS SEARCHED.

22 **24-72.2-502. Requirements for registry.** (1) THE CENTRAL
23 REPOSITORY SHALL ESTABLISH PROCEDURES FOR ENTRY OF INFORMATION
24 CONCERNING AN INDIVIDUAL IN THE MISTAKEN IDENTITY PREVENTION
25 REGISTRY. THE PROCEDURES MUST REQUIRE:

26 (a) SUBMISSION BY THE INDIVIDUAL OF A REQUEST TO BE ENTERED
27 IN THE REGISTRY; AND

1 (b) COLLECTION OF BIOMETRIC INFORMATION FROM THE
2 INDIVIDUAL.

3 (2) USING THE PROCEDURES UNDER SUBSECTION (1) OF THIS
4 SECTION, THE CENTRAL REPOSITORY SHALL DETERMINE WHETHER THE
5 INDIVIDUAL HAS A NAME OR OTHER IDENTIFYING CHARACTERISTIC SIMILAR
6 TO THAT OF ANOTHER INDIVIDUAL WHO IS THE SUBJECT OF CRIMINAL
7 HISTORY RECORD INFORMATION. IF THE CENTRAL REPOSITORY
8 DETERMINES THE INDIVIDUAL DOES HAVE SUCH A NAME OR
9 CHARACTERISTIC, THE CENTRAL REPOSITORY SHALL ENTER THE
10 INFORMATION CONCERNING THE INDIVIDUAL IN THE MISTAKEN IDENTITY
11 PREVENTION REGISTRY. IF THE CENTRAL REPOSITORY DETERMINES THE
12 INDIVIDUAL DOES NOT HAVE SUCH A NAME OR CHARACTERISTIC, THE
13 INDIVIDUAL MAY SEEK RELIEF UNDER SECTION 24-4-106.

14 **24-72.2-503. Certification.** NOT LATER THAN FOURTEEN DAYS
15 AFTER ENTERING INFORMATION CONCERNING AN INDIVIDUAL IN THE
16 MISTAKEN IDENTITY PREVENTION REGISTRY UNDER SECTION 24-72.2-502,
17 THE CENTRAL REPOSITORY SHALL PROVIDE THE INDIVIDUAL A
18 CERTIFICATION THAT THE INDIVIDUAL IS NOT A SPECIFIED INDIVIDUAL
19 WITH A SIMILAR NAME OR IDENTIFYING CHARACTERISTIC WHO IS THE
20 SUBJECT OF CRIMINAL HISTORY RECORD INFORMATION. THE
21 CERTIFICATION IS PRIMA FACIE EVIDENCE OF THE FACTS CERTIFIED. A
22 PERSON MAY RELY ON THE ACCURACY OF THE INFORMATION IN THE
23 CERTIFICATION.

24 **24-72.2-504. Dissemination of registry information.** (1) THE
25 CENTRAL REPOSITORY MAY NOT USE OR DISSEMINATE INFORMATION FROM
26 THE MISTAKEN IDENTITY PREVENTION REGISTRY, EXCEPT AS PROVIDED IN
27 THIS ARTICLE 72.2.

1 (2) THE CENTRAL REPOSITORY SHALL DISSEMINATE INFORMATION
2 FROM THE MISTAKEN IDENTITY PREVENTION REGISTRY TO A
3 CONTRIBUTING JUSTICE AGENCY IF THE CENTRAL REPOSITORY HAS REASON
4 TO BELIEVE THAT IDENTIFYING INFORMATION ON A REPORTABLE EVENT
5 MAY BE INACCURATE OR INCORRECTLY ASSOCIATED WITH AN INDIVIDUAL.

6 (3) THE CENTRAL REPOSITORY MAY DISSEMINATE INFORMATION
7 FROM THE MISTAKEN IDENTITY PREVENTION REGISTRY TO A NATIONAL
8 MISTAKEN IDENTITY PREVENTION REGISTRY IF THE NATIONAL REGISTRY IS
9 CREATED AND MAINTAINED BY A FEDERAL LAW ENFORCEMENT AGENCY
10 WITH A PURPOSE AND PROTECTIONS SIMILAR TO THE REGISTRY CREATED
11 IN THIS ARTICLE 72.2.

12 **24-72.2-505. Verification of identity.** IF A CONTRIBUTING JUSTICE
13 AGENCY SEEKS TO ESTABLISH THE IDENTITY OF AN INDIVIDUAL AND THE
14 INDIVIDUAL PRESENTS A CERTIFICATION ISSUED UNDER SECTION
15 24-72.2-503, THE AGENCY SHALL ACCEPT THE CERTIFICATION OF THE
16 INDIVIDUAL'S IDENTITY UNLESS THE AGENCY HAS A REASONABLE BASIS TO
17 DOUBT THE INDIVIDUAL'S IDENTITY OR THE AUTHENTICITY OF THE
18 CERTIFICATION, IN WHICH CASE THE AGENCY SHALL CONTACT THE
19 CENTRAL REPOSITORY TO VERIFY THE AUTHENTICITY OF THE
20 CERTIFICATION USING PROCEDURES ESTABLISHED BY THE CENTRAL
21 REPOSITORY.

22 **24-72.2-506. Limitation on use of registry information.** (1) A
23 CONTRIBUTING JUSTICE AGENCY AND THE CENTRAL REPOSITORY MAY
24 ACCESS OR USE INFORMATION FROM THE MISTAKEN IDENTITY PREVENTION
25 REGISTRY ONLY TO:

26 (a) IDENTIFY ACCURATELY AN INDIVIDUAL ABOUT WHOM THE
27 AGENCY HAS REQUESTED OR RECEIVED REGISTRY INFORMATION; OR

1 (b) INVESTIGATE, PROSECUTE, OR ADJUDICATE AN INDIVIDUAL FOR
2 AN OFFENSE RELATING TO PARTICIPATING IN, USING, OR OPERATING THE
3 REGISTRY.

4 (2) IF INFORMATION IN THE MISTAKEN IDENTITY PREVENTION
5 REGISTRY IS ACCESSED OR USED FOR A PURPOSE OTHER THAN PERMITTED
6 UNDER SUBSECTION (1) OF THIS SECTION:

7 (a) THE INFORMATION AND ANY INFORMATION ACQUIRED AS A
8 RESULT OF THE IMPROPER ACCESS OR USE IS NOT ADMISSIBLE IN ANY
9 CRIMINAL OR CIVIL ACTION; AND

10 (b) THE CENTRAL REPOSITORY SHALL NOTIFY THE INDIVIDUAL
11 WHOSE INFORMATION WAS ACCESSED OR USED IMPROPERLY NOT LATER
12 THAN FIVE DAYS AFTER IT DISCOVERS THE ACCESS OR USE.

13 **24-72.2-507. Removal of information from registry.** (1) THE
14 CENTRAL REPOSITORY SHALL ESTABLISH PROCEDURES REGARDING A
15 REQUEST TO REMOVE INFORMATION FROM THE MISTAKEN IDENTITY
16 PREVENTION REGISTRY.

17 (2) NOT LATER THAN FOURTEEN DAYS AFTER RECEIVING A
18 REQUEST COMPLYING WITH PROCEDURES ESTABLISHED UNDER
19 SUBSECTION (1) OF THIS SECTION FROM AN INDIVIDUAL FOR REMOVAL OF
20 INFORMATION THE INDIVIDUAL VOLUNTARILY SUBMITTED UNDER SECTION
21 24-72.2-502 (1), THE CENTRAL REPOSITORY SHALL REMOVE THE
22 INFORMATION FROM THE MISTAKEN IDENTITY PREVENTION REGISTRY.

23 PART 6

24 SYSTEMS SECURITY AND AUDIT

25 **24-72.2-601. Security requirements.** (1) TO PROMOTE THE
26 CONFIDENTIALITY AND SECURITY OF CRIMINAL HISTORY RECORD
27 INFORMATION COLLECTED, RECEIVED, STORED, MAINTAINED, SUBMITTED,

1 AND DISSEMINATED UNDER THIS ARTICLE 72.2, THE CENTRAL REPOSITORY
2 SHALL ESTABLISH PROCEDURES TO:

- 3 (a) PROTECT INFORMATION FROM LOSS OR DAMAGE;
- 4 (b) ALLOW ONLY AN AUTHORIZED PERSON ACCESS TO THE
5 INFORMATION;
- 6 (c) SELECT, SUPERVISE, AND TRAIN INDIVIDUALS AUTHORIZED TO
7 ACCESS THE INFORMATION;
- 8 (d) IF COMPUTERIZED DATA PROCESSING IS USED, MEET THE
9 TECHNICAL GUIDANCE FOR THE SECURITY OF SYSTEMS ESTABLISHED BY
10 THE COLORADO BUREAU OF INVESTIGATION; AND
- 11 (e) MAINTAIN AN INDEX OF EACH DATA BREACH.

12 **24-72.2-602. Audit.** (1) THE STATE AUDITOR SHALL CAUSE AN
13 AUDIT TO BE CONDUCTED ANNUALLY OF A SAMPLE OF CONTRIBUTING
14 JUSTICE AGENCIES AND AT LEAST ONCE EVERY THREE YEARS OF THE
15 CENTRAL REPOSITORY.

16 (2) IF THE STATE AUDITOR CERTIFIES THAT AN AUDIT REQUIRED BY
17 AN ENTITY OF THE UNITED STATES SATISFIES THE REQUIREMENTS OF THIS
18 SECTION, AN ADDITIONAL AUDIT IS NOT REQUIRED OF THE CENTRAL
19 REPOSITORY OR CONTRIBUTING JUSTICE AGENCY SUBJECT TO THE AUDIT.

- 20 (3) AN AUDIT UNDER THIS SECTION MUST:
- 21 (a) ASSESS OPERATIONAL PRACTICES OF THE CENTRAL REPOSITORY
22 FOR CONSISTENCY, EFFICIENCY, AND SECURITY;
 - 23 (b) ASSESS THE INTEGRITY OF EACH COMPUTERIZED SYSTEM AND
24 DATABASE AND EACH PHYSICAL LOCATION WHERE CRIMINAL HISTORY
25 RECORD INFORMATION IS STORED;
 - 26 (c) ASSESS ANY DATA BREACH IN THE CENTRAL REPOSITORY AND
27 THE RESPONSE TO THE BREACH; AND

1 (d) REVIEW A REPRESENTATIVE SAMPLE OF CRIMINAL HISTORY
2 RECORD INFORMATION STORED BY A CONTRIBUTING JUSTICE AGENCY OR
3 THE CENTRAL REPOSITORY AND DETERMINE THE NUMBER OF MISSING
4 REPORTABLE EVENTS AND AMOUNT AND NATURE OF MISSING BIOMETRIC
5 INFORMATION IN THE SAMPLE, IN PART BY EXAMINING PUBLIC RECORDS OF
6 THE COURTS OF THIS STATE.

7 (4) A CONTRIBUTING JUSTICE AGENCY AND THE CENTRAL
8 REPOSITORY SHALL GIVE THE STATE AUDITOR ACCESS TO THE RECORDS,
9 REPORTS, LISTINGS, AND INFORMATION REQUIRED TO CONDUCT AN AUDIT
10 UNDER THIS SECTION. AN OFFICER, EMPLOYEE, OR CONTRACTOR OF THIS
11 STATE OR A POLITICAL SUBDIVISION OF THIS STATE WITH RELEVANT
12 INFORMATION SHALL COOPERATE WITH THE STATE AUDITOR AND PROVIDE
13 INFORMATION REQUESTED FOR AN AUDIT.

14 (5) THE STATE AUDITOR SHALL PREPARE AND MAKE AVAILABLE A
15 PUBLIC REPORT CONTAINING THE RESULTS OF AUDITS UNDER THIS SECTION
16 AND A LIST OF ANY DEFICIENCIES AND RECOMMENDATIONS FOR
17 CORRECTION OF DEFICIENCIES.

18 PART 7

19 ENFORCEMENT AND IMPLEMENTATION

20 **24-72.2-701. Remedies.** (1) THE COLORADO BUREAU OF
21 INVESTIGATION, THE CENTRAL REPOSITORY, OR A SUBJECT, IN ADDITION TO
22 OTHER REMEDIES PROVIDED BY THIS ARTICLE 72.2 AND LAW OTHER THAN
23 THIS ARTICLE 72.2, MAY COMMENCE AN ACTION TO COMPEL COMPLIANCE
24 WITH OR ENJOIN A VIOLATION OF THIS ARTICLE 72.2. THE COURT MAY
25 AWARD TO A SUBJECT WHO PREVAILS IN THE ACTION REASONABLE FEES
26 AND EXPENSES OF ATTORNEYS AND COURT COSTS.

27 (2) A SUBJECT HAS A CAUSE OF ACTION FOR AN INTENTIONAL OR

1 RECKLESS VIOLATION OF THIS ARTICLE 72.2 OR PROCEDURES ESTABLISHED
2 UNDER THIS ARTICLE 72.2. THIS SUBSECTION (2) DOES NOT AFFECT OTHER
3 REMEDIES AS PROVIDED BY THIS ARTICLE 72.2 OR LAW OTHER THAN THIS
4 ARTICLE 72.2. IF THE COURT FINDS BY A PREPONDERANCE OF THE
5 EVIDENCE THAT THE SUBJECT WAS INJURED BY AN INTENTIONAL OR
6 RECKLESS VIOLATION, THE COURT SHALL AWARD:

- 7 (a) THE GREATER OF:
- 8 (I) ACTUAL DAMAGES; OR
- 9 (II) FIVE HUNDRED DOLLARS FOR EACH VIOLATION UP TO TWO
10 THOUSAND DOLLARS IN THE ACTION; AND
- 11 (b) REASONABLE FEES AND EXPENSES OF ATTORNEYS AND COURT
12 COSTS.

13 **24-72.2-702. Duties and authority of the Colorado bureau of**
14 **investigation.** (1) THE COLORADO BUREAU OF INVESTIGATION SHALL
15 ESTABLISH PROCEDURES TO IMPLEMENT THIS ARTICLE 72.2. THE
16 PROCEDURES MUST INCLUDE PROVISIONS THAT:

- 17 (a) GOVERN THE ACCURACY, DISSEMINATION, AND REVIEW OF,
18 AND INDIVIDUAL ACCESS TO, CRIMINAL HISTORY RECORD INFORMATION;
- 19 (b) ELECTRONIC DATA, INCLUDING BIOMETRIC INFORMATION,
20 MUST BE STORED IN A MANNER THAT COMPLIES WITH THE PROCEDURES
21 ESTABLISHED UNDER SECTION 24-72.2-601;
- 22 (c) ESTABLISH TECHNICAL GUIDANCE FOR THE SECURITY OF
23 SYSTEMS DESCRIBED IN SUBSECTIONS (1)(a) AND (1)(b) OF THIS SECTION;
24 AND
- 25 (d) SET A REASONABLE MAXIMUM FEE FOR THE COST OF
26 DISSEMINATING CRIMINAL HISTORY RECORD INFORMATION AND PROVIDE
27 A SUBJECT FREE ACCESS TO THE SUBJECT'S INFORMATION AT LEAST ONCE

1 EACH CALENDAR YEAR.

2 (2) THE COLORADO BUREAU OF INVESTIGATION MAY DESIGNATE
3 ANY GOVERNMENTAL AGENCY, OTHER THAN THE CENTRAL REPOSITORY OR
4 A COURT, AS A CONTRIBUTING JUSTICE AGENCY.

5 (3) THE COLORADO BUREAU OF INVESTIGATION MAY INVESTIGATE
6 ANY MATTER RELATING TO THE ADMINISTRATION AND ENFORCEMENT OF
7 THIS ARTICLE 72.2.

8 PART 8

9 MISCELLANEOUS PROVISIONS

10 **24-72.2-801. Uniformity of application and construction.** IN
11 APPLYING AND CONSTRUING THIS ARTICLE 72.2, CONSIDERATION MUST BE
12 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT
13 TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

14 **24-72.2-802. Transitional provision.** SECTIONS 24-72.2-203,
15 24-72.2-305, 24-72.2-401, 24-72.2-402, AND 24-72.2-403 APPLY TO
16 CRIMINAL HISTORY RECORD INFORMATION THAT IS IN EXISTENCE BEFORE,
17 ON, OR AFTER THE EFFECTIVE DATE OF THIS ARTICLE 72.2 REGARDLESS OF
18 THE DATE THE INFORMATION WAS CREATED OR WHEN THE REPORTABLE
19 EVENT OCCURRED.

20 **24-72.2-803. Severability.** IF ANY PROVISION OF THIS ARTICLE
21 72.2 OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD
22 INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR
23 APPLICATIONS OF THIS ARTICLE 72.2, WHICH CAN BE GIVEN EFFECT
24 WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE
25 PROVISIONS OF THIS ARTICLE 72.2 ARE SEVERABLE.

26 **SECTION 2. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part will not take effect
6 unless approved by the people at the general election to be held in
7 November 2020 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.