

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 22-169

BY SENATOR(S) Donovan, Bridges, Buckner, Coleman, Ginal, Gonzales, Hansen, Jaquez Lewis, Kolker, Lee, Moreno, Priola, Rankin, Rodriguez, Simpson, Story, Winter, Zenzinger, Fenberg;
also REPRESENTATIVE(S) Will and Hooton, Bernett, Bird, Bockenfeld, Cutter, Jodeh, Kipp, Lindsay, Lontine, McCluskie, McCormick, McLachlan, Michaelson Jenet, Ricks, Sirota, Titone, Valdez D.

CONCERNING THE NONDISCLOSURE OF SENSITIVE SPECIES INFORMATION
UNDER THE "COLORADO OPEN RECORDS ACT".

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that Colorado's wildlife and natural areas are cherished by the people of this state and draw visitors from across the world. Careful management of wildlife, sensitive plant species, and natural habitat is critical to their long-term success and viability. Information about the specific locations of these resources should be safeguarded because:

(a) Publication of wildlife location data can result in detrimental public pressure, harassment of wildlife, and destruction of sensitive natural habitat;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(b) Increased public pressure and harassment negatively impacts the survival and reproductive success of all wildlife, including game and nongame species;

(c) Location data may be used improperly to locate game animals, undermining principles of fair chase; and

(d) Sensitive plant species location data may be used by collectors to unlawfully obtain specimens of the species.

SECTION 2. In Colorado Revised Statutes, 24-72-204, **add** (2)(a)(X) as follows:

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

(X) ANY RECORDS CONTAINING DATA OR INFORMATION THAT REVEALS THE SPECIFIC LOCATION OR COULD BE USED TO DETERMINE THE SPECIFIC LOCATION OF:

(A) A PLANT SPECIES IDENTIFIED AS A COLORADO PLANT OF GREATEST CONSERVATION NEED IN COLORADO'S STATE WILDLIFE ACTION PLAN;

(B) AN INDIVIDUAL ANIMAL OR A GROUP OF ANIMALS; OR

(C) AN INDIVIDUAL ANIMAL'S OR GROUP OF ANIMAL'S BREEDING OR NESTING HABITAT.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general

election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to records requested on or after the applicable effective date of this act.

Steve Fenberg
PRESIDENT OF
THE SENATE

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO