

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0589.01 Bob Lackner x4350

HOUSE BILL 13-1041

HOUSE SPONSORSHIP

Pettersen,

SENATE SPONSORSHIP

Kefalas,

House Committees
Local Government

Senate Committees
Local Government

A BILL FOR AN ACT

101 **CONCERNING PROCEDURES GOVERNING THE TRANSMISSION OF PUBLIC**
102 **RECORDS THAT ARE COPIED IN RESPONSE TO A REQUEST FOR**
103 **INSPECTION OF SUCH RECORDS UNDER THE "COLORADO OPEN**
104 **RECORDS 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://www.leg.state.co.us/billsummaries>.)

Upon request by a person seeking a copy of any public record for which a right to inspection exists under the "Colorado Open Records Act"

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
February 4, 2013

HOUSE
Amended 2nd Reading
February 1, 2013

(CORA), the records custodian must transmit a copy of the record by United States mail or by any other practicable means of delivery.

No fees related to transmission may be charged to the record requester for transmitting public records via electronic mail.

The custodian shall notify the record requester that a copy of the record is available but will only be sent to the requester once the custodian receives payment for postage if the copy is transmitted by United States mail, or payment for the cost of delivery if the copy is transmitted other than by United States mail, and payment for any other supplies used in the mailing, delivery, or transmission of the record and for all other costs associated with producing the record. Upon receiving such payment, the custodian shall send the record to the requester as soon as practicable but no more than 3 business days after receipt of such payment.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-72-205, **amend**

3 (1) as follows:

4 **24-72-205. Copy, printout, or photograph of a public record.**

5 (1) (a) In all cases in which a person has the right to inspect a public
6 record, the person may request a copy, printout, or photograph of the
7 record. The custodian shall furnish a copy, printout, or photograph and
8 may charge a fee determined in accordance with subsection (5) of this
9 section; except that, when the custodian is the secretary of state, fees shall
10 be determined and collected pursuant to section 24-21-104 (3), and when
11 the custodian is the executive director of the department of personnel,
12 fees shall be determined and collected pursuant to section 24-80-102 (10).
13 Where the fee for a certified copy or other copy, printout, or photograph
14 of a record is specifically prescribed by law, the specific fee shall apply.

15 (b) UPON REQUEST FOR RECORDS TRANSMISSION BY A PERSON
16 SEEKING A COPY OF ANY PUBLIC RECORD, THE CUSTODIAN SHALL
17 TRANSMIT A COPY OF THE RECORD BY UNITED STATES MAIL, OTHER

1 DELIVERY SERVICE, FACSIMILE, OR ELECTRONIC MAIL. NO TRANSMISSION
2 FEES MAY BE CHARGED TO THE RECORD REQUESTER FOR TRANSMITTING
3 PUBLIC RECORDS VIA ELECTRONIC MAIL. WITHIN THE PERIOD SPECIFIED IN
4 SECTION 24-72-203 (3) (a), THE CUSTODIAN SHALL NOTIFY THE RECORD
5 REQUESTER THAT A COPY OF THE RECORD IS AVAILABLE BUT WILL ONLY
6 BE SENT TO THE REQUESTER ONCE THE CUSTODIAN EITHER RECEIVES
7 PAYMENT OR MAKES ARRANGEMENTS FOR RECEIVING PAYMENT FOR ALL
8 COSTS ASSOCIATED WITH RECORDS TRANSMISSION AND FOR ALL OTHER
9 FEES LAWFULLY ALLOWED, UNLESS RECOVERY OF ALL OR ANY PORTION OF
10 SUCH COSTS OR FEES HAS BEEN WAIVED BY THE CUSTODIAN. UPON EITHER
11 RECEIVING SUCH PAYMENT OR MAKING ARRANGEMENTS TO RECEIVE SUCH
12 PAYMENT AT A LATER DATE, THE CUSTODIAN SHALL SEND THE RECORD TO
13 THE REQUESTER AS SOON AS PRACTICABLE BUT NO MORE THAN THREE
14 BUSINESS DAYS AFTER RECEIPT OF, OR MAKING ARRANGEMENTS TO
15 RECEIVE, SUCH PAYMENT.

16 **SECTION 2. Applicability.** This act applies to any record
17 request made on or after the effective date of this act.

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