

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 11-0526.01 Richard Sweetman

HOUSE BILL 11-1080

HOUSE SPONSORSHIP

Todd,

SENATE SPONSORSHIP

King S.,

House Committees
State, Veterans, & Military Affairs
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ADDRESS CONFIDENTIALITY PROGRAM, AND MAKING**
102 **AN APPROPRIATION THEREFOR.**

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 eliminates the requirement that a renewal application to the address confidentiality program (program) be signed and dated by the application assistant who assisted in the preparation of the renewal application. The bill prohibits a person from knowingly making available on the internet the actual address of, or a legal description of property

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 17, 2011

HOUSE
Amended 2nd Reading
March 15, 2011

owned by, a program participant if the person knows that the address or described property belongs to a program participant.

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

2 **SECTION 1. Repeal.** Part 2 of article 21 of title 24, Colorado
3 Revised Statutes, is repealed.

4 **SECTION 2.** Article 30 of title 24, Colorado Revised Statutes, is
5 amended BY THE ADDITION OF A NEW PART CONTAINING
6 RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

7 **PART 21**

8 **ADDRESS CONFIDENTIALITY PROGRAM**

9 **24-30-2101. [Formerly 24-21-201] Short title.** This part 2 PART
10 21 shall be known and may be cited as the "Address Confidentiality
11 Program Act".

12 **24-30-2102. [Formerly 24-21-202] Legislative declaration.**

13 (1) The general assembly hereby finds and declares that a person
14 attempting to escape from actual or threatened domestic violence, a
15 sexual offense, or stalking frequently moves to a new address in order to
16 prevent an assailant or potential assailant from finding him or her. This
17 new address, however, is only useful if an assailant or potential assailant
18 does not discover it. Therefore, in order to help victims of domestic
19 violence, a sexual offense, or stalking, it is the intent of the general
20 assembly to establish an address confidentiality program, whereby the
21 confidentiality of a victim's address may be maintained through, among
22 other things, the use of a substitute address for purposes of public records
23 and confidential mail forwarding.

24 (2) The general assembly further finds and declares that the
25 desired result of the "Address Confidentiality Program Act" for the

1 purpose of post-enactment review is to establish a substitute address for
2 a program participant that is used by state and local government agencies
3 whenever possible; to permit agencies to have access to the participant's
4 actual address when appropriate; to establish a mail forwarding system
5 for program participants; and to ensure that there is adequate funding to
6 pay the program costs for all persons who apply to the program.

7 **24-30-2103. [Formerly 24-21-203] Definitions.** As used in this
8 ~~part 2~~ PART 21, unless the context otherwise requires:

9 (1) "Actual address" means a residential, work, or school address
10 as specified on the individual's application to be a program participant
11 under this ~~part 2~~ PART 21, and includes the county and voting precinct
12 number.

13 (2) "Address confidentiality program" or "program" means the
14 program created under this ~~part 2~~ PART 21 in the ~~office of the secretary of~~
15 ~~state~~ DEPARTMENT to protect the confidentiality of the actual address of
16 a relocated victim of domestic violence, a sexual offense, or stalking.

17 (3) "Applicant" means an individual identified as such in an
18 application received by the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS
19 OR HER DESIGNEE pursuant to ~~section 24-21-205~~ SECTION 24-30-2105.

20 (4) ~~(Deleted by amendment, L. 2008, p. 1815, § 2, effective June~~
21 ~~2, 2008.)~~

22 (5) (4) "Application assistant" means a person designated by the
23 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE to assist
24 an applicant in the preparation of an application to participate in the
25 address confidentiality program.

26 (5) "DEPARTMENT" MEANS THE DEPARTMENT OF PERSONNEL
27 CREATED IN SECTION 24-1-128.

1 (6) "Domestic violence" means an act described in section
2 18-6-800.3 (1), C.R.S.

3 (7) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
4 THE DEPARTMENT.

5 (7) (8) "Person" means any individual, corporation, limited
6 liability company, partnership, trust, estate, or other association or any
7 state, the United States, or any subdivision thereof.

8 (8) (9) "Program participant" or "participant" means an individual
9 accepted into the address confidentiality program in accordance with this
10 ~~part 2~~ PART 21.

11 (9) (10) "Public record" means all documents, papers, letters,
12 maps, books, photographs, films, sound recordings, magnetic or other
13 tapes, digital data, artifacts, or other documentary material, regardless of
14 physical form or characteristics, made or received pursuant to law or
15 ordinance in connection with the transaction of public business by a state
16 or local government agency.

17 (10) (11) "Sexual offense" means an act described in part 4 of
18 article 3, or article 6 or 7 of title 18, C.R.S.

19 (11) (12) "State or local government agency" or "agency" means
20 every elected or appointed state or local public office, public officer, or
21 official; board, commission, bureau, committee, council, department,
22 authority, agency, institution of higher education, or other unit of the
23 executive, legislative, or judicial branch of the state; or any city, county,
24 city and county, town, special district, school district, local improvement
25 district, or any other kind of municipal, quasi-municipal, or public
26 corporation.

27 (12) (13) "Stalking" means an act of harassment as described in

1 section 18-9-111, C.R.S., or stalking as described in section 18-3-602,
2 C.R.S.

3 ~~(13)~~ (14) "Substitute address" means an address designated by the
4 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE under the
5 address confidentiality program that is used instead of an actual address
6 as set forth in this ~~part 2~~ PART 21.

7 **24-30-2104. [Formerly 24-21-204] Address confidentiality**
8 **program - creation - substitute address - uses - service by mail -**
9 **application assistance centers.** (1) There is hereby created the address
10 confidentiality program in the ~~office of the secretary of state~~
11 DEPARTMENT to protect the confidentiality of the actual address of a
12 relocated victim of domestic violence, a sexual offense, or stalking and
13 to prevent the victim's assailants or potential assailants from finding the
14 victim through public records. Under the program, the ~~secretary of state~~
15 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE shall:

16 (a) Designate a substitute address for a program participant that
17 shall be used by state and local government agencies as set forth in this
18 ~~part 2~~ PART 21; and

19 (b) Receive mail sent to a program participant at a substitute
20 address and forward the mail to the participant as set forth in ~~subsection~~
21 ~~(3)~~ SUBSECTION (2) of this section.

22 ~~(2) (Deleted by amendment, L. 2008, p. 1816, § 3, effective June~~
23 ~~2, 2008.)~~

24 ~~(3)~~ (2) The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
25 DESIGNEE shall receive first-class, certified, or registered mail on behalf
26 of a program participant and forward the mail to the participant for no
27 charge. The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER

1 DESIGNEE may arrange to receive and forward other classes or kinds of
2 mail at the participant's expense. NEITHER the secretary of state
3 EXECUTIVE DIRECTOR NOR HIS OR HER DESIGNEE shall not be required to
4 track or otherwise maintain records of any mail received on behalf of a
5 participant unless the mail is certified or registered mail.

6 (4) (a) (3) (a) Notwithstanding any provision of law to the
7 contrary, a program participant may be served by registered mail or by
8 certified mail, return receipt requested, addressed to the participant at his
9 or her substitute address with any process, notice, or demand required or
10 permitted by law to be served on the program participant. Service is
11 perfected under this subsection (4) SUBSECTION (3) at the earliest of:

12 (I) The date the program participant receives the process, notice,
13 or demand; or

14 (II) Five days after the date shown on the return receipt if signed
15 on behalf of the program participant.

16 (b) This subsection (4) SUBSECTION (3) does not prescribe the only
17 means, or necessarily the required means, of serving a program
18 participant in the state.

19 (c) Whenever the laws of the state provide a program participant
20 a legal right to act within a prescribed period of ten days or less after the
21 service of a notice or other paper upon the participant and the notice or
22 paper is served upon the participant by mail pursuant to this subsection
23 (4) SUBSECTION (3) or by first-class mail as otherwise authorized by law,
24 five days shall be added to the prescribed period.

25 (5) (4) The secretary of state EXECUTIVE DIRECTOR OR HIS OR HER
26 DESIGNEE may designate as an application assistant any person who:

27 (a) Provides counseling, referral, or other services to victims of

1 domestic violence, a sexual offense, or stalking; and

2 (b) Completes any training and registration process required by
3 the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE.

4 ~~(6)~~ (5) Any assistance and counseling rendered by the ~~secretary of~~
5 ~~state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE or an application
6 assistant to an applicant related to this ~~part 2~~ PART 21 shall in no way be
7 construed as legal advice.

8 **24-30-2105. [Formerly 24-21-205] Filing and certification of**
9 **applications - authorization card.** (1) On and after July 1, 2008, ~~or an~~

10 ~~earlier date if so designated by the secretary of state,~~ upon the
11 recommendation of an application assistant, an individual may apply to
12 the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE to
13 participate in the address confidentiality program. The following
14 individuals may apply to the ~~secretary of state~~ EXECUTIVE DIRECTOR OR
15 HIS OR HER DESIGNEE to have an address designated by the ~~secretary of~~
16 ~~state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE to serve as the
17 substitute address of the individual and any individuals designated in
18 paragraph (j) of subsection (3) of this section:

19 (a) An adult individual;

20 (b) A parent or guardian acting on behalf of a minor when the
21 minor resides with the individual; or

22 (c) A guardian acting on behalf of an incapacitated individual.

23 (2) An application assistant shall assist the individual in the
24 preparation of the application. The application shall be dated, signed, and
25 verified by the applicant and shall be signed and dated by the application
26 assistant who assisted in the preparation of the application. The signature
27 of the application assistant shall serve as the recommendation by such

1 person that the applicant have an address designated by the secretary of
2 state EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE to serve as the
3 substitute address of the applicant. A minor or incapacitated individual
4 on whose behalf a parent or guardian completes an application pursuant
5 to the authority set forth in paragraph (b) or (c) of subsection (1) of this
6 section shall be considered the applicant, but any statements that are
7 required to be made by the applicant shall be made by the parent or
8 guardian acting on behalf of the minor or incapacitated individual.

9 (3) The application shall be on a form prescribed by the secretary
10 of state EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE and shall contain
11 all of the following:

12 (a) The applicant's name;

13 (b) A statement by the applicant that the applicant is a victim of
14 domestic violence, a sexual offense, or stalking and that the applicant
15 fears for his or her safety;

16 (c) Evidence that the applicant is a victim of domestic violence,
17 a sexual offense, or stalking. This evidence may include any of the
18 following:

19 (I) Law enforcement, court, or other state or local government
20 agency or federal agency records or files;

21 (II) Documentation from a domestic violence program or facility,
22 including but not limited to a battered women's shelter or safe house, if
23 the applicant is alleged to be a victim of domestic violence;

24 (III) Documentation from a sexual assault program if the applicant
25 is alleged to be a victim of a sexual offense; or

26 (IV) Documentation from a religious, medical, or other
27 professional from whom the applicant has sought assistance in dealing

- 1 with the alleged domestic violence, sexual offense, or stalking.
- 2 (d) A statement by the applicant that disclosure of the applicant's
3 actual address would endanger the applicant's safety;
- 4 (e) A statement by the applicant that the applicant has
5 confidentially relocated in the past ninety days or will confidentially
6 relocate in the state;
- 7 (f) A designation of the ~~secretary of state~~ EXECUTIVE DIRECTOR OR
8 HIS OR HER DESIGNEE as an agent for the applicant for purposes of
9 receiving certain mail;
- 10 (g) The mailing address and telephone number where the
11 applicant can be contacted by the ~~secretary of state~~ EXECUTIVE DIRECTOR
12 OR HIS OR HER DESIGNEE;
- 13 (h) The actual address that the applicant requests not to be
14 disclosed by the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
15 DESIGNEE that directly relates to the increased risk of domestic violence,
16 a sexual offense, or stalking;
- 17 (i) A statement as to whether there is any existing court order or
18 court action involving the applicant or an individual identified in
19 paragraph (j) of this subsection (3) related to dissolution of marriage
20 proceedings, child support, or the allocation of parental responsibilities
21 or parenting time and the court that issued the order or has jurisdiction
22 over the action;
- 23 (j) The name of any person who resides with the applicant who
24 also needs to be a program participant in order to ensure the safety of the
25 applicant and, if the person named in the application is eighteen years of
26 age or older, the consent of such person to be a program participant;
- 27 (k) A statement by the applicant, under penalty of perjury, that to

1 the best of the applicant's knowledge, the information contained in the
2 application is true.

3 (4) Upon determining that an application has been properly
4 completed, the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
5 DESIGNEE shall certify the applicant and any individual who is identified
6 in paragraph (j) of subsection (3) of this section as a program participant.
7 Upon certification, the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR
8 HER DESIGNEE shall issue to the participant an address confidentiality
9 program authorization card, which shall include the participant's
10 substitute address. The card shall remain valid for so long as the
11 participant remains certified under the program.

12 (5) Applicants and individuals identified in paragraph (j) of
13 subsection (3) of this section shall be certified for four years following
14 the date of filing unless the certification is withdrawn or canceled prior
15 to the end of the four-year period. A program participant may withdraw
16 the certification by filing a request for withdrawal acknowledged before
17 a notary public. A certification may be renewed by filing a renewal
18 application with the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR
19 HER DESIGNEE at least thirty days prior to expiration of the current
20 certification. The renewal application shall be dated, signed, and verified
21 by the applicant. ~~and shall be signed and dated by the application~~
22 ~~assistant who assisted in the preparation of the renewal application.~~ The
23 renewal application shall contain:

24 (a) Any statement or information that is required by subsection (3)
25 of this section that has changed from the original application or a prior
26 renewal application; and

27 (b) A statement by the applicant, under penalty of perjury, that to

1 the best of the applicant's knowledge, the information contained in the
2 renewal application and a prior application is true.

3 **24-30-2106. [Formerly 24-21-206] Change of name, address,**
4 **or telephone number.** (1) A program participant shall notify the
5 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE within
6 thirty days after the participant has obtained a legal name change by
7 providing the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
8 DESIGNEE a certified copy of any judgment or order evidencing the
9 change or any other documentation the ~~secretary of state~~ EXECUTIVE
10 DIRECTOR OR HIS OR HER DESIGNEE deems to be sufficient evidence of the
11 name change.

12 (2) A program participant shall notify the ~~secretary of state~~
13 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE of a change in address or
14 telephone number from the address or telephone number listed for the
15 participant on the application pursuant to the requirements set forth in
16 ~~section 24-21-205 (3) (g) and (3) (h)~~ SECTION 24-30-2105 (3) (g) AND (3)
17 (h) no later than seven days after the change occurs.

18 **24-30-2107. [Formerly 24-21-207] Certification cancellation**
19 **- records.** (1) The certification of a program participant shall be
20 cancelled under any of the following circumstances:

21 (a) The program participant files a request for withdrawal of the
22 certification pursuant to ~~section 24-21-205 (5)~~ SECTION 24-30-2105 (5).

23 (b) The program participant fails to notify the ~~secretary of state~~
24 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE of a change in the
25 participant's name, address, or telephone number listed on the application
26 pursuant to ~~section 24-21-206~~ SECTION 24-30-2106.

27 (c) The program participant or parent or guardian who completes

1 an application on behalf of an applicant knowingly submitted false
2 information in the program application.

3 (d) Mail forwarded to the program participant by the ~~secretary of~~
4 ~~state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE is returned as
5 undeliverable.

6 (2) If the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
7 DESIGNEE determines that there is one or more grounds for cancelling
8 certification of a program participant pursuant to subsection (1) of this
9 section, the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
10 DESIGNEE shall send notice of cancellation to the program participant.
11 Notice of cancellation shall set out the reasons for cancellation. The
12 participant shall have thirty days to appeal the cancellation decision under
13 procedures developed by the ~~secretary of state~~ EXECUTIVE DIRECTOR OR
14 HIS OR HER DESIGNEE.

15 (3) An individual who ceases to be a program participant is
16 responsible for notifying persons who use the substitute address that the
17 designated substitute address is no longer valid.

18 **24-30-2108. [Formerly 24-21-208] Address use by state or**
19 **local government agencies.** (1) The program participant, and not the
20 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE, is
21 responsible for requesting that a state or local government agency use the
22 participant's substitute address as the participant's residential, work, or
23 school address for all purposes for which the agency requires or requests
24 such residential, work, or school address.

25 (2) Except as otherwise provided in this section or unless the
26 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE grants a
27 state or local government agency's request for a disclosure pursuant to

1 ~~section 24-21-210~~ SECTION 24-30-2110, when a program participant
2 submits a current and valid address confidentiality program authorization
3 card to the agency, the agency shall accept the substitute address
4 designation by the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
5 DESIGNEE on the card as the participant's address to be used as the
6 participant's residential, work, or school address when creating a new
7 public record. The substitute address given to the agency shall be the last
8 known address for the participant used by the agency until such time that
9 the agency receives notification pursuant to ~~section 24-21-207 (3)~~
10 SECTION 24-30-2107 (3). The agency may make a photocopy of the card
11 for the records of the agency and thereafter shall immediately return the
12 card to the program participant.

13 (3) (a) A designated election official as defined in section 1-1-104
14 (8), C.R.S., shall use the actual address of a program participant for
15 precinct designation and all official election-related purposes and shall
16 keep the participant's actual address confidential from the public. The
17 election official shall use the substitute address for all correspondence
18 and mailings placed in the United States mail. The substitute address
19 shall not be used as an address for voter registration.

20 (b) A state or local government agency's access to a program
21 participant's voter registration shall be governed by the disclosure process
22 set forth in ~~section 24-21-210~~ SECTION 24-30-2110.

23 (c) The provisions of this subsection (3) shall apply only to a
24 program participant who submits a current and valid address
25 confidentiality program authorization card when registering to vote.

26 (d) The provisions of this subsection (3) shall not apply to a
27 program participant who registers to vote pursuant to section 1-2-213,

1 C.R.S.

2 (4) A program participant who completes an application to
3 register to vote at a driver's license examination facility while receiving
4 a driver's license or an identification card pursuant to section 1-2-213,
5 C.R.S., shall be required to have the participant's actual address on the
6 driver's license or identification card.

7 (5) The substitute address shall not be used for purposes of listing,
8 appraising, or assessing property taxes and collecting property taxes under
9 the provisions of title 39, C.R.S.

10 (6) Whenever a program participant is required by law to swear
11 or affirm to the participant's address, the participant may use his or her
12 substitute address.

13 (7) The substitute address shall not be used for purposes of
14 assessing any taxes or fees on a motor vehicle or for titling or registering
15 a motor vehicle. Notwithstanding any provision of section 24-72-204 (7)
16 to the contrary, any record that includes a program participant's actual
17 address pursuant to this subsection (7) shall be confidential and not
18 available for inspection by anyone other than the program participant.

19 (8) The substitute address shall not be used on any document
20 related to real property recorded with a county clerk and recorder.

21 (8.5) Repealed.

22 (9) A school district shall accept the substitute address as the
23 address of record and shall verify student enrollment eligibility through
24 the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE. The
25 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE shall
26 facilitate the transfer of student records from one school to another.

27 (10) Except as otherwise provided in this section, a program

1 participant's actual address and telephone number maintained by a state
2 or local government agency or disclosed by the ~~secretary of state~~
3 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE is not a public record that
4 is subject to inspection pursuant to the provisions of part 2 of article 72
5 of title 24. This subsection (10) shall not apply to the following:

6 (a) To any public record created more than ninety days prior to the
7 date that the program participant applied to be certified in the program;
8 or

9 (b) If a program participant voluntarily requests that a state or
10 local government agency use the participant's actual address or
11 voluntarily gives the actual address to the state or local government
12 agency.

13 (11) For any public record created within ninety days prior to the
14 date that a program participant applied to be certified in the program, a
15 state or local government agency shall redact the actual address from a
16 public record or change the actual address to the substitute address in the
17 public record, if a program participant who presents a current and valid
18 program authorization card requests the agency that maintains the public
19 record to use the substitute address instead of the actual address on the
20 public record.

21 **24-30-2109. [Formerly 24-21-209] Disclosure of actual**
22 **address prohibited.** (1) The ~~secretary of state~~ EXECUTIVE DIRECTOR OR
23 HIS OR HER DESIGNEE is prohibited from disclosing any address or
24 telephone number of a program participant other than the substitute
25 address designated by the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS
26 OR HER DESIGNEE, except under any of the following circumstances:

27 (a) The information is required by direction of a court order.

1 However, any person to whom a program participant's address or
2 telephone number has been disclosed shall not disclose the address or
3 telephone number to any other person unless permitted to do so by order
4 of the court.

5 (b) The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
6 DESIGNEE grants a request by an agency pursuant to ~~section 24-21-210~~
7 SECTION 24-30-2110.

8 (c) The program participant is required to disclose the participant's
9 actual address as part of a registration required by the "Colorado Sex
10 Offender Registration Act", article 22 of title 16, C.R.S.

11 (2) The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
12 DESIGNEE shall provide immediate notification of disclosure to a program
13 participant when disclosure is made pursuant to paragraph (a) or (b) of
14 subsection (1) of this section.

15 (3) If, at the time of application, an applicant or an individual
16 designated in ~~section 24-21-205 (3) (j)~~ SECTION 24-30-2105 (3) (j) is
17 subject to a court order related to dissolution of marriage proceedings,
18 child support, or the allocation of parental responsibilities or parenting
19 time, the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE
20 shall notify the court that issued the order of the certification of the
21 program participant in the address confidentiality program and the
22 substitute address designated by the ~~secretary of state~~ EXECUTIVE
23 DIRECTOR OR HIS OR HER DESIGNEE. If, at the time of application, an
24 applicant or an individual designated in ~~section 24-21-205 (3) (j)~~ SECTION
25 24-30-2105 (3) (j) is involved in a court action related to dissolution of
26 marriage proceedings, child support, or the allocation of parental
27 responsibilities or parenting time, the ~~secretary of state~~ EXECUTIVE

1 DIRECTOR OR HIS OR HER DESIGNEE shall notify the court having
2 jurisdiction over the action of the certification of the applicant in the
3 address confidentiality program and the substitute address designated by
4 the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE.

5 (4) No person shall knowingly and intentionally obtain a program
6 participant's actual address or telephone number from the ~~secretary of~~
7 ~~state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE or an agency
8 knowing that the person is not authorized to obtain the address
9 information.

10 (5) No employee of the ~~secretary of state~~ EXECUTIVE DIRECTOR OR
11 HIS OR HER DESIGNEE or OF an agency shall knowingly and intentionally
12 disclose a program participant's actual address or telephone number
13 unless the disclosure is permissible by law. This subsection (5) only
14 applies when an employee obtains a participant's actual address or
15 telephone number during the course of the employee's official duties and,
16 at the time of disclosure, the employee has specific knowledge that the
17 actual address or telephone number disclosed belongs to a participant.

18 (6) Any person who knowingly and intentionally obtains or
19 discloses information in violation of this ~~part 2~~ PART 21 shall be guilty of
20 a class 1 misdemeanor and shall be punished as provided in section
21 18-1.3-501, C.R.S.

22 **24-30-2110. [Formerly 24-21-210] Request for disclosure.**

23 (1) A state or local government agency requesting disclosure of a
24 program participant's actual address pursuant to this section shall make
25 such a request in writing on agency letterhead and shall provide the
26 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE with the
27 following information:

1 (a) The name of the program participant for whom the agency
2 seeks disclosure of the actual address;

3 (b) A statement, with explanation, setting forth the reason or
4 reasons that the agency needs the program participant's actual address and
5 a statement that the agency cannot meet its statutory or administrative
6 obligations without disclosure of the participant's actual address;

7 (c) A particular statement of facts showing that other methods to
8 locate the program participant or the participant's actual address have
9 been tried and have failed or that the methods reasonably appear to be
10 unlikely to succeed;

11 (d) A statement that the agency has adopted a procedure setting
12 forth the steps the agency will take to protect the confidentiality of the
13 program participant's actual address; and

14 (e) Any other information as the ~~secretary of state~~ EXECUTIVE
15 DIRECTOR OR HIS OR HER DESIGNEE may reasonably request in order to
16 identify the program participant in the records of the ~~secretary of state~~
17 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE.

18 (2) (a) The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
19 DESIGNEE shall provide the program participant with notice of a request
20 for disclosure received pursuant to subsection (1) of this section, and, to
21 the extent possible, the participant shall be afforded an opportunity to be
22 heard regarding the request.

23 (b) Except as otherwise provided in paragraph (c) of this
24 subsection (2), the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
25 DESIGNEE shall provide the program participant with written notification
26 whenever a request for a disclosure has been granted or denied pursuant
27 to this section.

1 (c) No notice or opportunity to be heard shall be given to the
2 program participant when the request for disclosure is made by a state or
3 local law enforcement agency conducting a criminal investigation
4 involving alleged criminal conduct by the participant or when providing
5 notice to the participant would jeopardize an ongoing criminal
6 investigation or the safety of law enforcement personnel.

7 (3) The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
8 DESIGNEE shall promptly conduct a review of all requests received
9 pursuant to this section. In conducting a review, the ~~secretary of state~~
10 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE shall consider all
11 information received pursuant to subsections (1) and (2) of this section
12 and any other appropriate information that the ~~secretary of state~~
13 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE may require.

14 (4) The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
15 DESIGNEE shall grant a state or local government agency's request for
16 disclosure and disclose a program participant's actual address pursuant to
17 this section if:

18 (a) The agency has a bona fide statutory or administrative need for
19 the actual address.

20 (b) The actual address will only be used for the purpose stated in
21 the request.

22 (c) Other methods to locate the program participant or the
23 participant's actual address have been tried and have failed or such
24 methods reasonably appear to be unlikely to succeed.

25 (d) The agency has adopted a procedure for protecting the
26 confidentiality of the actual address of the program participant.

27 (5) Upon granting a request for disclosure pursuant to this section,

1 the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE shall
2 provide the state or local government agency with the disclosure that
3 contains:

4 (a) The program participant's actual address;

5 (b) A statement setting forth the permitted use of the actual
6 address and the names or classes of persons permitted to have access to
7 and use of the actual address;

8 (c) A statement that the agency is required to limit access to and
9 use of the actual address to the permitted use and persons set forth in the
10 disclosure; and

11 (d) The date on which the permitted use expires, if expiration is
12 appropriate, after which the agency may no longer maintain, use, or have
13 access to the actual address.

14 (6) A state or local government agency whose request is granted
15 by the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE
16 pursuant to this section shall:

17 (a) Limit the use of the program participant's actual address to the
18 purposes set forth in the disclosure;

19 (b) Limit the access to the program participant's actual address to
20 the persons or classes of persons set forth in the disclosure;

21 (c) Cease to use and dispose of the program participant's actual
22 address upon the expiration of the permitted use, if applicable; and

23 (d) Except as otherwise set forth in the disclosure, maintain the
24 confidentiality of a program participant's actual address.

25 (7) Upon denial of a state or local government agency's request for
26 disclosure, the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
27 DESIGNEE shall provide prompt written notification to the agency stating

1 that the agency's request has been denied and setting forth the specific
2 reasons for the denial.

3 (8) A state or local government agency may file written
4 exceptions with the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
5 DESIGNEE no more than fifteen days after written notification is provided
6 pursuant to subsection (7) of this section. The exceptions shall restate the
7 information contained in the request for disclosure, state the grounds
8 upon which the agency asserts that the request for disclosure should be
9 granted and specifically respond to the ~~secretary of state's~~ EXECUTIVE
10 DIRECTOR'S OR HIS OR HER DESIGNEE'S specific reasons for denial.

11 (9) Unless the state or local government agency filing exceptions
12 agrees otherwise, the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR
13 HER DESIGNEE shall make a final determination regarding the exceptions
14 within thirty days after the filing of exceptions pursuant to subsection (8)
15 of this section. Prior to making a final determination regarding the
16 exceptions, the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER
17 DESIGNEE may request additional information from the agency or the
18 program participant and conduct a hearing. If the final determination of
19 the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE is
20 that the denial of the agency's request for disclosure was properly denied,
21 the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE shall
22 provide the agency with written notification of this final determination
23 stating that the agency's request has again been denied and setting forth
24 the specific reasons for the denial. If the final determination of the
25 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE is that
26 the denial of the agency's request for disclosure has been improperly
27 denied, the ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER

1 DESIGNEE shall grant the agency's request for disclosure in accordance
2 with this section. The final determination of the ~~secretary of state~~
3 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE shall constitute final
4 agency action.

5 (10) The record before any judicial review of a final agency action
6 pursuant to subsection (9) of this section shall consist of the state or local
7 government agency's request for disclosure, the ~~secretary of state's~~
8 EXECUTIVE DIRECTOR'S OR HIS OR HER DESIGNEE'S written response, the
9 agency's exceptions, the hearing transcript, if any, and the ~~secretary of~~
10 ~~state's~~ EXECUTIVE DIRECTOR'S OR HIS OR HER DESIGNEE'S final
11 determination.

12 (11) During any period of review, evaluation, or appeal, the
13 agency shall, to the extent possible, accept and use the program
14 participant's substitute address.

15 (12) Notwithstanding any other provision of this section, the
16 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE shall
17 establish an expedited process for disclosure to be used by a criminal
18 justice official or agency for situations where disclosure is required
19 pursuant to a criminal justice trial, hearing, proceeding, or investigation
20 involving a program participant. An official or agency receiving
21 information pursuant to this subsection (12) shall certify to the ~~secretary~~
22 ~~of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE that the official or
23 agency has a system in place to protect the confidentiality of a
24 participant's actual address from the public and from personnel who are
25 not involved in the trial, hearing, proceeding, or investigation.

26 (13) Nothing in this section shall be construed to prevent the
27 ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE from

1 granting a request for disclosure to a state or local government agency
2 pursuant to this section upon receipt of a program participant's written
3 consent to do so.

4 **24-30-2111. [Formerly 24-21-211] Nondisclosure of address**
5 **in criminal and civil proceedings.** No person shall be compelled to
6 disclose a program participant's actual address during the discovery phase
7 of or during a proceeding before a court of competent jurisdiction or
8 administrative tribunal unless the court or administrative tribunal finds,
9 based upon a preponderance of the evidence, that the disclosure is
10 required in the interests of justice. A court or administrative tribunal may
11 seal the portion of any record that contains a program participant's actual
12 address. Nothing in this section shall prevent a state or local government
13 agency, in its discretion, from using a program participant's actual address
14 in any document or record filed with a court or administrative tribunal if,
15 at the time of filing, the document or record is not a public record.

16 **24-30-2112. [Formerly 24-21-212] Participation in the**
17 **program - orders relating to allocation of parental responsibilities or**
18 **parenting time.** (1) Nothing in this ~~part 2~~ PART 21, nor participation in
19 ~~this~~ THE program, shall affect an order relating to the allocation of
20 parental responsibilities or parenting time in effect prior to or during
21 program participation.

22 (2) Program participation does not constitute evidence of domestic
23 violence, a sexual offense, or stalking and shall not be considered for
24 purposes of making an order allocating parental responsibilities or
25 parenting time; except that a court may consider practical measures to
26 keep a program participant's actual address confidential when making an
27 order allocating parental responsibilities or parenting time.

1 **24-30-2113. [Formerly 24-21-213] Rule-making authority.**
2 The ~~secretary of state~~ EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE is
3 authorized to adopt any rules in accordance with article 4 of this title
4 deemed necessary to carry out the provisions of this ~~part 2~~ PART 21,
5 excluding ~~section 24-21-214~~ SECTION 24-30-2114.

6 **24-30-2114. [Formerly 24-21-214] Surcharge - collection and**
7 **distribution - address confidentiality program surcharge fund -**
8 **creation - definitions.** (1) On and after July 1, 2007, each person who
9 is convicted of the crimes set forth in subsection (2) of this section shall
10 be required to pay a surcharge of twenty-eight dollars to the clerk of the
11 court for the judicial district in which the conviction occurs.

12 (2) The following crimes shall be subject to the surcharge set forth
13 in subsection (1) of this section:

- 14 (a) Stalking;
- 15 (b) A crime, the underlying factual basis of which has been found
16 by the court on the record to include an act of domestic violence; or
- 17 (c) Criminal attempt, conspiracy, or solicitation to commit the
18 crimes set forth in paragraphs (a) and (b) of this subsection (2).

19 (3) The clerk of the court shall allocate the surcharge required by
20 this section as follows:

- 21 (a) Five percent shall be retained by the clerk of the court for
22 administrative costs incurred pursuant to this section. Such amount
23 retained shall be transmitted to the state treasurer for deposit in the
24 judicial stabilization cash fund created in section 13-32-101 (6), C.R.S.
- 25 (b) Ninety-five percent shall be transferred to the state treasurer,
26 who shall credit the same to the address confidentiality program
27 surcharge fund created pursuant to subsection (4) of this section.

1 (4) (a) There is hereby created in the state treasury the address
2 confidentiality program surcharge fund, which shall consist of moneys
3 received by the state treasurer pursuant to this section AND any moneys
4 received pursuant to ~~section 24-21-204 (3), any gifts, grants, or donations~~
5 ~~received by the department of state for the fund pursuant to paragraph (b)~~
6 ~~of this subsection (4), and any moneys transferred to the fund from the~~
7 ~~department of state cash fund created in section 24-21-104 (3) (b)~~
8 SECTION 24-30-2104 (2). The moneys in the fund shall be subject to
9 annual appropriation by the general assembly to the department for the
10 purpose of paying for the costs incurred by the ~~secretary of state~~
11 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE in the administration of the
12 ~~address confidentiality~~ program. All interest derived from the deposit and
13 investment of moneys in the fund shall be credited to the fund. Any
14 moneys not appropriated by the general assembly shall remain in the fund
15 and shall not be transferred or revert to the general fund of the state at the
16 end of any fiscal year. ~~except that the state treasurer shall transfer~~
17 ~~unappropriated moneys to the department of state cash fund until such~~
18 ~~time that all of the transfers made from the department of state cash fund~~
19 ~~pursuant to paragraph (c) of this subsection (4) and section 24-21-104 (3)~~
20 ~~(d) (XIII) have been repaid.~~

21 (b) ~~The department of state is authorized to seek and accept gifts,~~
22 ~~grants, and donations from private or public sources for the~~
23 ~~implementation of the address confidentiality program. All private and~~
24 ~~public funds received through gifts, grants, and donations shall be~~
25 ~~transmitted to the state treasurer, who shall credit the same to the address~~
26 ~~confidentiality program surcharge fund.~~

27 (c) No general fund moneys shall be appropriated for the purpose

1 of implementing the address confidentiality program. If, during the state
2 fiscal year 2008-09, the amount of moneys in the address confidentiality
3 program surcharge fund is insufficient to cover the costs incurred by the
4 secretary of state in the administration of the address confidentiality
5 program, the secretary of state may request the state treasurer to transfer
6 moneys from the department of state cash fund created in section
7 24-21-104 (3) (b) to the address confidentiality program surcharge fund,
8 and the state treasurer shall make such transfer.

9 (5) The court may waive all or any portion of the surcharge
10 required by this section if the court finds that a person subject to the
11 surcharge is indigent or financially unable to pay all or any portion of the
12 surcharge. The court may waive only that portion of the surcharge that
13 the court finds that the person is financially unable to pay.

14 (6) As used in this section, "convicted" and "conviction" mean a
15 plea of guilty accepted by the court, including a plea of guilty entered
16 pursuant to a deferred sentence under section 18-1.3-102, C.R.S., a
17 verdict of guilty by a judge or jury, or a plea of no contest accepted by the
18 court.

19 **SECTION 3.** Part 21 of article 30 of title 24, Colorado Revised
20 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
21 read:

22 **24-30-2115. Address confidentiality program grant fund -**
23 **creation.** (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE
24 ADDRESS CONFIDENTIALITY PROGRAM GRANT FUND, REFERRED TO IN THIS
25 SECTION AS THE "FUND", WHICH SHALL CONSIST OF ANY GIFTS, GRANTS, OR
26 DONATIONS RECEIVED BY THE DEPARTMENT FOR THE FUND PURSUANT TO
27 SUBSECTION (2) OF THIS SECTION. THE MONEYS IN THE FUND SHALL BE

1 CONTINUOUSLY APPROPRIATED BY THE GENERAL ASSEMBLY TO THE
2 DEPARTMENT FOR THE PURPOSE OF PAYING FOR THE COSTS INCURRED BY
3 THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE IN THE
4 ADMINISTRATION OF THE PROGRAM. ALL INTEREST DERIVED FROM THE
5 DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED
6 TO THE FUND. ANY MONEYS NOT APPROPRIATED BY THE GENERAL
7 ASSEMBLY SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED
8 OR REVERT TO THE GENERAL FUND AT THE END OF ANY FISCAL YEAR.

9 (2) THE DEPARTMENT IS AUTHORIZED TO SEEK, ACCEPT, AND
10 EXPEND GIFTS, GRANTS, AND DONATIONS FROM PRIVATE OR PUBLIC
11 SOURCES FOR THE IMPLEMENTATION OF THE PROGRAM. ALL PRIVATE AND
12 PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, AND DONATIONS SHALL
13 BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE
14 SAME TO THE FUND.

15 **SECTION 4.** 1-2-213 (2) (e), Colorado Revised Statutes, is
16 amended to read:

17 **1-2-213. Registration at driver's license examination facilities.**

18 (2) (e) The department of revenue, through its local driver's license
19 examination facilities, shall notify a program participant, as defined in
20 ~~section 24-21-203 (8)~~ SECTION 24-30-2103 (8), C.R.S., who submits a
21 current and valid address confidentiality program authorization card, of
22 the provisions of ~~section 24-21-208 (4)~~ SECTION 24-30-2108 (4), C.R.S.,
23 and inform the participant about how he or she may use a substitute
24 address, as defined in ~~section 24-21-203 (13)~~ SECTION 24-30-2103 (13),
25 C.R.S., on the driver's license or identification card.

26 **SECTION 5.** 16-18.5-110 (1) (c.5), Colorado Revised Statutes,
27 is amended to read:

1 **16-18.5-110. Order of crediting payments.** (1) Payments
2 received shall be credited in the following order:

3 (c.5) Surcharges related to the address confidentiality program
4 pursuant to ~~section 24-21-214~~ SECTION 24-30-2114, C.R.S.;

5 **SECTION 6.** 18-1.3-204 (2.5) (i.9), Colorado Revised Statutes,
6 is amended to read:

7 **18-1.3-204. Conditions of probation.** (2.5) The order of priority
8 for any payments required of a defendant pursuant to subparagraph (IV),
9 (V), (VI), or (VI.5) of paragraph (a) of subsection (2) of this section shall
10 be as follows:

11 (i.9) Payment of a surcharge related to the address confidentiality
12 program pursuant to ~~section 24-21-214~~ SECTION 24-30-2114, C.R.S.;

13 **SECTION 7.** 24-21-104 (3) (d) (XIII) and (3) (d) (XIV),
14 Colorado Revised Statutes, are repealed as follows:

15 **24-21-104. Fees of secretary of state - repeal.**

16 (3) (d) (XIII) ~~Notwithstanding any provision of paragraph (b) of this~~
17 ~~subsection (3) to the contrary, on June 2, 2008, the state treasurer shall~~
18 ~~deduct ten thousand dollars from the department of state cash fund and~~
19 ~~transfer such sum to the address confidentiality program surcharge fund~~
20 ~~created in section 24-21-214 (4) (a).~~

21 (XIV) ~~Notwithstanding any provision of paragraph (b) of this~~
22 ~~subsection (3) to the contrary, in accordance with section 24-21-214 (4)~~
23 ~~(c), during the state fiscal year 2008-09, the state treasurer shall deduct~~
24 ~~moneys from the department of state cash fund and transfer such moneys~~
25 ~~to the address confidentiality program surcharge fund created in section~~
26 ~~24-21-214 (4) (a).~~

27 **SECTION 8. Appropriation - adjustments in 2011 long bill.**

1 (1) In addition to any other appropriation, there is hereby appropriated,
2 out of any moneys not otherwise appropriated in the address
3 confidentiality program surcharge cash fund created in section
4 24-30-2114 (4) (a), Colorado Revised Statutes, for the fiscal year
5 beginning July 1, 2011, the sum of one hundred twenty-eight thousand
6 eight hundred twenty-three dollars (\$128,823) and 2.0 FTE, or so much
7 thereof as may be necessary, for the implementation of this act.

8 (2) For the implementation of this act, the cash funds appropriation
9 made in the annual general appropriation act for the fiscal year beginning
10 July 1, 2011, to the department of state, administration division, for the
11 address confidentiality program, is decreased by one hundred sixty-four
12 thousand nine hundred sixty-one dollars (\$164,961) and 2.0 FTE.

13 **SECTION 9. 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.