

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

INTRODUCED

LLS NO. 15-0266.02 Jane Ritter x4342

HOUSE BILL 15-1174

HOUSE SPONSORSHIP

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

SENATE SPONSORSHIP

Woods, Newell

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

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

Bill Summary

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

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

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

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

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

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

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

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

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

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

1 (2.5) A STATE OR LOCAL GOVERNMENT OFFICIAL SHALL NOT
2 KNOWINGLY MAKE AVAILABLE ON THE INTERNET PERSONAL INFORMATION
3 ABOUT A PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM OR
4 THE ACTUAL ADDRESS, AS DEFINED IN SECTION 24-30-2103 (1), C.R.S., OF
5 A PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM.

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

8 **24-30-2102. Legislative declaration.** (3) THE GENERAL
9 ASSEMBLY FURTHER DECLARES THAT PRIVATE ENTITIES, INCLUDING BUT
10 NOT LIMITED TO PRIVATE BUSINESSES, CAN HELP PROTECT PROGRAM
11 PARTICIPANTS BY SEEKING TO PREVENT THE DISCLOSURE OF UNIQUE
12 IDENTIFYING INFORMATION THAT COULD JEOPARDIZE THE SAFETY OF
13 PROGRAM PARTICIPANTS. THE GENERAL ASSEMBLY RECOGNIZES THAT A
14 LEGITIMATE NEED FOR PRIVATE ENTITIES TO REQUEST AND HAVE ACCESS
15 TO AN INDIVIDUAL'S ACTUAL ADDRESS OFTEN EXISTS AND THAT THE
16 OPPORTUNITY EXISTS FOR PRIVATE ENTITIES TO PARTNER WITH STATE AND
17 LOCAL GOVERNMENTAL AGENCIES IN THE EFFORT TO PROTECT THE SAFETY
18 OF PROGRAM PARTICIPANTS.

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

21 **24-30-2103. Definitions.** As used in this part 21, unless the
22 context otherwise requires:

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

1 **SECTION 4.** In Colorado Revised Statutes, **add** 24-30-2108.5 as
2 follows:

3 **24-30-2108.5. Address use by private entities.** (1) UNLESS
4 OTHERWISE PROHIBITED BY LAW, A PRIVATE ENTITY MAY, AND IS
5 ENCOURAGED TO, ACCEPT A PROGRAM PARTICIPANT'S SUBSTITUTE
6 ADDRESS.

7 (2) THE PROGRAM PARTICIPANT, AND NOT THE EXECUTIVE
8 DIRECTOR OR HIS OR HER DESIGNEE, IS RESPONSIBLE FOR REQUESTING
9 THAT A PRIVATE ENTITY USE THE PARTICIPANT'S SUBSTITUTE ADDRESS AS
10 THE PARTICIPANT'S RESIDENTIAL, WORK, OR SCHOOL ADDRESS FOR ALL
11 PURPOSES FOR WHICH THE PRIVATE ENTITY REQUIRES OR REQUESTS SUCH
12 ADDRESS.

13 (3) A PRIVATE ENTITY MAY SEEK GUIDANCE FROM THE PROGRAM
14 TO IDENTIFY METHODS FOR PROTECTING A PROGRAM PARTICIPANT'S
15 ACTUAL ADDRESS WITHOUT UNNECESSARILY BURDENING THE PRIVATE
16 ENTITY.

17 **SECTION 5.** In Colorado Revised Statutes, 24-30-2109, **amend**
18 (1) (a) as follows:

19 **24-30-2109. Disclosure of actual address prohibited.** (1) The
20 executive director or his or her designee is prohibited from disclosing any
21 address or telephone number of a program participant other than the
22 substitute address designated by the executive director or his or her
23 designee, except under any of the following circumstances:

24 (a) The information is required by direction of a court order
25 PURSUANT TO SECTION 24-30-2111. However, any person to whom a
26 program participant's address or telephone number has been disclosed
27 shall not disclose the address or telephone number to any other person

1 unless permitted to do so by order of the court.

2 **SECTION 6.** In Colorado Revised Statutes, **amend** 24-30-2111
3 as follows:

4 **24-30-2111. Disclosure of address or unique identifying**
5 **information in criminal and civil proceedings.** ~~No~~ A person shall NOT
6 be compelled to disclose a program participant's actual address OR ANY
7 UNIQUE IDENTIFYING INFORMATION RELATED TO THE PARTICIPANT'S
8 RESIDENCE, WORK, OR SCHOOL during the discovery phase of or during a
9 proceeding before a court of competent jurisdiction or administrative
10 tribunal unless the court or administrative tribunal finds, based upon a
11 preponderance of the evidence, that the disclosure is required in the
12 interests of justice AND THAT THE POTENTIAL HARM TO THE PROGRAM
13 PARTICIPANT IS SUBSTANTIALLY OUTWEIGHED BY THE PUBLIC INTEREST IN
14 THE DISCLOSURE AND THAT NO OTHER ALTERNATIVE WOULD SATISFY
15 THAT NECESSITY. A court or administrative tribunal may seal the portion
16 of any record that contains a program participant's actual address.
17 Nothing in this section ~~shall prevent~~ PREVENTS a state or local
18 government agency, in its discretion, from using a program participant's
19 actual address in any document or record filed with a court or
20 administrative tribunal if, at the time of filing, the document or record is
21 not a public record.

22 **SECTION 7. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.