

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 21-0627.01 Michael Dohr x4347

**SENATE BILL 21-081**

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**SENATE SPONSORSHIP**

**Kolker,**

**HOUSE SPONSORSHIP**

**Michaelson Jenet,**

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**Senate Committees**  
Judiciary

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING PROCEDURAL MEASURES TO PREVENT THE MISUSE OF**  
102 **THE SAFE2TELL PROGRAM.**

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**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>.)*

The bill allows the attorney general to disclose to law enforcement personnel any materials or information obtained through the implementation or operation of the safe2tell program (program) if the attorney general reasonably deems such disclosure necessary for the prevention of imminent physical harm or serious bodily injury to one or more persons.

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.

The bill permits a court to issue a search warrant upon the request of a law enforcement agency, public safety agency, or district attorney, under seal, for program materials identifying a reporting party if the court, following an in camera review, determines probable cause exists that a reporting party to the program knowingly used the program in the commission of false reporting of an emergency. The court may lift the sealing only on a motion of a district attorney upon showing of good cause following an in camera review of the information.

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

2           **SECTION 1.** In Colorado Revised Statutes, 24-31-607, **add** (3)  
3 and (4) as follows:

4           **24-31-607. In camera review - confidentiality of materials -**  
5 **criminal penalty.** (3) NOTWITHSTANDING ANY PROVISION TO THE  
6 CONTRARY, UPON REQUEST BY A LAW ENFORCEMENT AGENCY, THE  
7 ATTORNEY GENERAL MAY DISCLOSE TO LAW ENFORCEMENT PERSONNEL  
8 ANY MATERIALS OR INFORMATION OBTAINED THROUGH THE  
9 IMPLEMENTATION OR OPERATION OF THE PROGRAM IF THE ATTORNEY  
10 GENERAL REASONABLY DEEMS SUCH DISCLOSURE NECESSARY FOR THE  
11 PREVENTION OF IMMINENT PHYSICAL HARM OR SERIOUS BODILY INJURY TO  
12 ONE OR MORE PERSONS.

13           (4) (a) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, A  
14 DISTRICT COURT MAY ISSUE A SEARCH WARRANT ON REQUEST, UNDER  
15 SEAL OF A LAW ENFORCEMENT AGENCY, PUBLIC SAFETY AGENCY, OR  
16 DISTRICT ATTORNEY, FOR PROGRAM MATERIALS IDENTIFYING A REPORTING  
17 PARTY IF THE COURT, FOLLOWING AN IN CAMERA REVIEW OF THE  
18 MATERIALS, RELATED MATERIALS, OR ANY OTHER RELEVANT EVIDENCE,  
19 INCLUDING A SWORN AFFIDAVIT OF THE REQUESTING PARTY, DETERMINES  
20 PROBABLE CAUSE EXISTS THAT A REPORTING PARTY TO THE PROGRAM  
21 KNOWINGLY USED THE PROGRAM IN THE COMMISSION OF FALSE REPORTING

1 OF AN EMERGENCY, AS DEFINED IN SECTION 18-8-111 (2).

2 (b) (I) A COURT SHALL ORDER THAT A WARRANT ISSUED PURSUANT  
3 TO SUBSECTION (4)(a) OF THIS SECTION, AND ANY RELATED EVIDENCE  
4 USED TO OBTAIN SUCH WARRANT, BE SEALED. THE PROGRAM AND ANY  
5 LAW ENFORCEMENT AGENCY, PUBLIC SAFETY AGENCY, OR DISTRICT  
6 ATTORNEY THAT RECEIVES INFORMATION PURSUANT TO SUBSECTION (4)(a)  
7 OF THIS SECTION SHALL KEEP THE INFORMATION CONFIDENTIAL.

8 (II) A COURT MAY LIFT THE SEALING AND CONFIDENTIALITY OF  
9 THE INFORMATION ONLY ON A MOTION OF A DISTRICT ATTORNEY UPON  
10 SHOWING OF GOOD CAUSE FOLLOWING AN IN CAMERA REVIEW OF THE  
11 INFORMATION. THE DISTRICT ATTORNEY SHALL NOTIFY THE DEPARTMENT  
12 OF ANY MOTION TO LIFT THE SEAL FILED PURSUANT TO THIS SECTION.

13 **SECTION 2. 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, or safety.