

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 12-0464.01 Chuck Brackney x2295

HOUSE BILL 12-1036

HOUSE SPONSORSHIP

Kerr J.,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CLARIFICATION OF THE EXEMPTION FROM THE**
102 **"COLORADO OPEN RECORDS ACT" FOR INVESTIGATIVE FILES.**

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 clarifies that the current exemption from the "Colorado Open Records Act" for investigative files applies to those files compiled for any civil, administrative, or criminal law enforcement purpose.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-72-204, **amend**

3 (2) (a) (I) as follows:

4 **24-72-204. Allowance or denial of inspection - grounds -**
5 **procedure - appeal - definitions.** (2) (a) The custodian may deny the
6 right of inspection of the following records, unless otherwise provided by
7 law, on the ground that disclosure to the applicant would be contrary to
8 the public interest:

9 (I) Any records of the investigations conducted by any sheriff,
10 prosecuting attorney, or police department, any records of the intelligence
11 information or security procedures of any sheriff, prosecuting attorney,
12 or police department, or any investigatory files compiled for any other
13 law enforcement purpose, INCLUDING RECORDS OF ONGOING CIVIL OR
14 ADMINISTRATIVE INVESTIGATIONS THAT FOCUS ON A PERSON OR PERSONS
15 OUTSIDE OF THE INVESTIGATING AGENCY AND ARE CONDUCTED BY THE
16 STATE OR ITS EXECUTIVE DEPARTMENTS IN FURTHERANCE OF THEIR
17 STATUTORY AUTHORITY TO PROTECT THE PUBLIC HEALTH, WELFARE, OR
18 SAFETY; EXCEPT THAT, WITH RESPECT TO CIVIL OR ADMINISTRATIVE
19 INVESTIGATIONS THAT HAVE CONCLUDED BECAUSE NO FURTHER
20 INVESTIGATION, DISCIPLINE, OR OTHER AGENCY RESPONSE IS WARRANTED,
21 NOTHING IN THIS SUBSECTION (2) REQUIRES THE CUSTODIAN TO DISCLOSE
22 THE NAME OR OTHER PERSONAL IDENTIFYING OR FINANCIAL INFORMATION
23 OF WITNESSES, TARGETS OF SUCH CLOSED INVESTIGATIONS, OR ANY
24 RECORDS EXEMPT PURSUANT TO ANY OTHER LAW.

25 **SECTION 2. Applicability.** The provisions of this act apply to
26 cases arising on or after August 19, 2011, and nothing in this act shall be
27 interpreted in any way as evidence of legislative intent in cases arising

1 prior to said date.

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