

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

ENGROSSED

This Version Includes All Amendments Adopted on Second Reading in the House of Introduction 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.

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

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
Am ended 2nd Reading
March 2, 2012

1 **SECTION 1.** In Colorado Revised Statutes, 24-72-204, **amend**
2 (2) (a) (I) as follows:

3 **24-72-204. Allowance or denial of inspection - grounds -**
4 **procedure - appeal - definitions.** (2) (a) The custodian may deny the
5 right of inspection of the following records, unless otherwise provided by
6 law, on the ground that disclosure to the applicant would be contrary to
7 the public interest:

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

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

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