

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 11-0526.01 Richard Sweetman

HOUSE BILL 11-1080

HOUSE SPONSORSHIP

Todd,

SENATE SPONSORSHIP

King S.,

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ADDRESS CONFIDENTIALITY PROGRAM.**

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

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.** The introductory portion to 24-21-205 (5), Colorado
3 Revised Statutes, is amended to read:

4 **24-21-205. Filing and certification of applications -**
5 **authorization card.** (5) Applicants and individuals identified in
6 paragraph (j) of subsection (3) of this section shall be certified for four
7 years following the date of filing unless the certification is withdrawn or
8 canceled prior to the end of the four-year period. A program participant
9 may withdraw the certification by filing a request for withdrawal
10 acknowledged before a notary public. A certification may be renewed by
11 filing a renewal application with the secretary of state at least thirty days
12 prior to expiration of the current certification. The renewal application
13 shall be dated, signed, and verified by the applicant. ~~and shall be signed~~
14 ~~and dated by the application assistant who assisted in the preparation of~~
15 ~~the renewal application.~~ The renewal application shall contain:

16 **SECTION 2.** 24-21-209, Colorado Revised Statutes, is amended
17 BY THE ADDITION OF A NEW SUBSECTION to read:

18 **24-21-209. Disclosure of actual address prohibited -**
19 **notification to custodians of records.** (5.5) (a) (I) IT IS UNLAWFUL FOR
20 A CUSTODIAN OF RECORDS TO KNOWINGLY AND INTENTIONALLY DISCLOSE
21 A PROGRAM PARTICIPANT'S ACTUAL ADDRESS ON THE INTERNET IF THE
22 CUSTODIAN OF RECORDS HAS RECEIVED NOTIFICATION FROM THE
23 PROGRAM PARTICIPANT THAT HE OR SHE DOES NOT WANT HIS OR HER
24 ACTUAL ADDRESS TO BE DISCLOSED ON THE INTERNET, AS DESCRIBED IN
25 PARAGRAPH (b) OF THIS SUBSECTION (5.5), AND THE CUSTODIAN HAS NOT
26 RECEIVED NOTICE FROM THE PROGRAM PARTICIPANT OR FROM THE

1 SECRETARY OF STATE THAT THE PROGRAM PARTICIPANT HAS WITHDRAWN
2 FROM THE PROGRAM.

3 (II) A CUSTODIAN OF RECORDS WHO DISCLOSES ON THE INTERNET
4 THE ACTUAL ADDRESS OF A PERSON WITHOUT KNOWLEDGE OR
5 NOTIFICATION THAT THE PERSON IS A PROGRAM PARTICIPANT SHALL NOT
6 BE DEEMED TO HAVE COMMITTED A VIOLATION UNDER THIS SUBSECTION
7 (5.5).

8 (b) A PROGRAM PARTICIPANT MAY NOTIFY A CUSTODIAN OF
9 RECORDS THAT THE PROGRAM PARTICIPANT DOES NOT WANT HIS OR HER
10 ACTUAL ADDRESS TO BE DISCLOSED ON THE INTERNET. IF A PROGRAM
11 PARTICIPANT NOTIFIES A CUSTODIAN OF RECORDS THAT THE PROGRAM
12 PARTICIPANT DOES NOT WANT HIS OR HER ACTUAL ADDRESS TO BE
13 DISCLOSED ON THE INTERNET, THE PROGRAM PARTICIPANT SHALL ALSO:

14 (I) SUBMIT A CURRENT AND VALID ADDRESS CONFIDENTIALITY
15 PROGRAM AUTHORIZATION CARD FOR THE CUSTODIAN OF RECORDS TO
16 EXAMINE FOR THE PURPOSE OF CONFIRMING THE PERSON IS A PROGRAM
17 PARTICIPANT; AND

18 (II) UPON THE PROGRAM PARTICIPANT'S WITHDRAWAL FROM THE
19 PROGRAM, NOTIFY THE CUSTODIAN OF RECORDS OF SUCH WITHDRAWAL ON
20 OR BEFORE THIRTY DAYS AFTER THE DATE OF SAID WITHDRAWAL.

21 (c) IF A PROGRAM PARTICIPANT NOTIFIES A CUSTODIAN OF
22 RECORDS THAT THE PROGRAM PARTICIPANT DOES NOT WANT HIS OR HER
23 ACTUAL ADDRESS TO BE DISCLOSED ON THE INTERNET, AND THE PROGRAM
24 PARTICIPANT LATER WITHDRAWS FROM THE PROGRAM BUT FAILS TO
25 NOTIFY THE CUSTODIAN OF RECORDS OF SUCH WITHDRAWAL ON OR BEFORE
26 THIRTY DAYS AFTER THE DATE OF SAID WITHDRAWAL AS DESCRIBED IN
27 SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (5.5), THE

1 SECRETARY OF STATE MAY NOTIFY THE CUSTODIAN OF RECORDS OF SUCH
2 WITHDRAWAL.

3 (d) AS USED IN THIS SECTION, "CUSTODIAN OF RECORDS" MEANS:

4 (I) A COUNTY ASSESSOR;

5 (II) A COUNTY TREASURER;

6 (III) A COUNTY CLERK AND RECORDER; AND

7 (IV) A PUBLIC TRUSTEE.

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