

## HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Clifford

1 Amend printed bill, page 33, line 19, strike "(1)(b.7),".

2 Page 33, strike lines 25 through 27.

3 Page 34, strike lines 1 through 10.

4 Page 37, after line 7 insert:

5 **"SECTION 18.** In Colorado Revised Statutes, **add** 18-9-313.7 as  
6 follows:

7 **18-9-313.7. Personal information on the internet - elected**  
8 **officials - definitions.**

9 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
10 REQUIRES:

11 (a) (I) "ELECTED OFFICIAL" MEANS THE GOVERNOR, THE  
12 LIEUTENANT GOVERNOR, THE ATTORNEY GENERAL, THE SECRETARY OF  
13 STATE, THE STATE TREASURER, A MEMBER OF THE GENERAL ASSEMBLY, A  
14 SCHOOL DISTRICT DIRECTOR, AND AN ELECTED OR APPOINTED OFFICIAL OF  
15 A LOCAL GOVERNMENT.

16 (II) "ELECTED OFFICIAL" DOES NOT INCLUDE AN INDIVIDUAL WHO  
17 IS A CANDIDATE FOR THE OFFICE OF ANY ELECTED OFFICIAL.

18 (III) "ELECTED OFFICIAL" INCLUDES:

19 (A) AN INDIVIDUAL WHO HOLDS AN OFFICE SPECIFIED IN  
20 SUBSECTION (1)(a)(I) OF THIS SECTION, WHETHER THE INDIVIDUAL WAS  
21 ELECTED OR APPOINTED BY A VACANCY COMMITTEE; AND

22 (B) AN INDIVIDUAL WHO HAS HELD AN OFFICE SPECIFIED IN  
23 SUBSECTION (1)(a)(I) OF THIS SECTION WITHIN THE LAST FOUR YEARS.

24 (b) "EXEMPT PARTY" MEANS ANY PARTY TO THE RECORD, A  
25 SETTLEMENT SERVICE, A TITLE INSURANCE COMPANY, A TITLE INSURANCE  
26 AGENCY, A MORTGAGE SERVICER OR A MORTGAGE SERVICER'S QUALIFIED  
27 AGENT, AN ATTORNEY LICENSED AND IN GOOD STANDING IN THE STATE OF  
28 COLORADO TO PRACTICE LAW AND WHO IS ENGAGED IN A REAL ESTATE  
29 MATTER, AND ANY OTHER INDIVIDUAL WHO PROVIDES IDENTIFYING  
30 INFORMATION AND CERTIFIES THAT THE INFORMATION WILL NOT BE USED  
31 FOR THE PURPOSE OF HARASSMENT, INTIMIDATION, OR COMMERCIAL  
32 PURPOSES, INCLUDING THE SALE OR RESALE OF INFORMATION.

33 (c) "IMMEDIATE FAMILY" MEANS:

34 (I) AN ELECTED OFFICIAL'S SPOUSE, CHILD, OR PARENT; OR

35 (II) ANY OTHER PERSON WHO LIVES IN THE SAME RESIDENCE AS  
36 THE ELECTED OFFICIAL.

37 (d) "MORTGAGE SERVICER" HAS THE MEANING SET FORTH IN  
38 SECTION 5-21-103 (4).

1 (e) "PERSONAL INFORMATION" MEANS A PERSON'S HOME ADDRESS,  
2 HOME TELEPHONE NUMBER, PERSONAL MOBILE TELEPHONE NUMBER,  
3 PAGER NUMBER, OR PERSONAL EMAIL ADDRESS; DIRECTIONS TO A  
4 PERSON'S HOME; OR A PHOTOGRAPH OR DESCRIPTION OF A PERSON'S HOME,  
5 VEHICLE, OR VEHICLE LICENSE PLATE.

6 (f) "SETTLEMENT SERVICE" MEANS A SERVICE LISTED IN SECTION  
7 10-11-102 (6.7)(a) TO (6.7)(f).

8 (g) "TITLE INSURANCE AGENCY" HAS THE MEANING SET FORTH IN  
9 SECTION 10-11-102 (8.5).

10 (h) "TITLE INSURANCE COMPANY" HAS THE MEANING SET FORTH  
11 IN SECTION 10-11-102 (10).

12 (2) (a) IT IS UNLAWFUL FOR A PERSON TO KNOWINGLY MAKE  
13 AVAILABLE ON THE INTERNET PERSONAL INFORMATION ABOUT AN  
14 ELECTED OFFICIAL OR AN ELECTED OFFICIAL'S IMMEDIATE FAMILY IF THE  
15 DISSEMINATION OF PERSONAL INFORMATION POSES AN IMMINENT AND  
16 SERIOUS THREAT TO THE SAFETY OF THE ELECTED OFFICIAL OR THE  
17 ELECTED OFFICIAL'S IMMEDIATE FAMILY AND THE PERSON MAKING THE  
18 INFORMATION AVAILABLE ON THE INTERNET KNOWS OR REASONABLY  
19 SHOULD KNOW OF THE IMMINENT AND SERIOUS THREAT.

20 (b) A VIOLATION OF THIS SUBSECTION (2) IS A CLASS 1  
21 MISDEMEANOR; EXCEPT THAT THIS SUBSECTION (2)(b) DOES NOT APPLY TO  
22 A PERSON WHO IS A STATE OR LOCAL GOVERNMENT OFFICIAL WHO IS  
23 ACTING IN THE COURSE AND SCOPE OF THEIR DUTIES.

24 (3) (a) AN ELECTED OFFICIAL MAY SUBMIT A WRITTEN REQUEST  
25 PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION TO A STATE OR LOCAL  
26 GOVERNMENT OFFICIAL TO REDACT THE ELECTED OFFICIAL'S PERSONAL  
27 INFORMATION FROM RECORDS THAT THE STATE OR LOCAL GOVERNMENT  
28 OFFICIAL MAKES AVAILABLE ON THE INTERNET. IF A STATE OR LOCAL  
29 GOVERNMENT OFFICIAL RECEIVES THE WRITTEN REQUEST, THE STATE OR  
30 LOCAL GOVERNMENT OFFICIAL SHALL NOT KNOWINGLY MAKE AVAILABLE  
31 ON THE INTERNET PERSONAL INFORMATION ABOUT THE ELECTED OFFICIAL.

32 (b) AN ELECTED OFFICIAL'S WRITTEN REQUEST TO A STATE OR  
33 LOCAL GOVERNMENT OFFICIAL TO REDACT PERSONAL INFORMATION FROM  
34 RECORDS THAT THE STATE OR LOCAL GOVERNMENT OFFICIAL MAKES  
35 AVAILABLE ON THE INTERNET MUST INCLUDE:

36 (I) THE ELECTED OFFICIAL'S FULL NAME AND HOME ADDRESS;

37 (II) THE SPECIFIC PERSONAL INFORMATION THAT THE ELECTED  
38 OFFICIAL IS REQUESTING BE REDACTED AND THE LOCATION OF THE  
39 RECORDS THAT INCLUDE THE PERSONAL INFORMATION;

40 (III) EVIDENCE THAT THE PERSON SUBMITTING THE REQUEST IS AN  
41 ELECTED OFFICIAL; AND

42 (IV) AN AFFIRMATION STATING THAT THE ELECTED OFFICIAL  
43 SUBMITTING THE REQUEST HAS REASON TO BELIEVE THAT THE

1 DISSEMINATION OF THE PERSONAL INFORMATION CONTAINED IN THE  
2 RECORDS THAT THE STATE OR LOCAL GOVERNMENT OFFICIAL MAKES  
3 AVAILABLE ON THE INTERNET POSES AN IMMINENT AND SERIOUS THREAT  
4 TO THE SAFETY OF THE ELECTED OFFICIAL.

5 (c) SUBJECT TO THE PROVISIONS OF SUBSECTION (3)(e) OF THIS  
6 SECTION, AN EXEMPT PARTY MAY ACCESS A RECORD THAT INCLUDES  
7 INFORMATION OTHERWISE SUBJECT TO REDACTION PURSUANT TO THIS  
8 SUBSECTION (3) AND THAT IS MAINTAINED BY THE COUNTY RECORDER,  
9 COUNTY ASSESSOR, OR COUNTY TREASURER IF THE PERSON SEEKING  
10 ACCESS TO THE RECORD PROVIDES EVIDENCE AND AN AFFIRMATION UNDER  
11 PENALTY OF PERJURY THAT THEY ARE AN EXEMPT PARTY.

12 (d) EACH COUNTY RECORDER, COUNTY ASSESSOR, OR COUNTY  
13 TREASURER SHALL GRANT AN EXEMPT PARTY ACCESS TO THE RECORD  
14 BASED ON EXISTING PROCESSES OR SHALL ADOPT A PROCESS TO GRANT  
15 ACCESS IF ONE IS NOT ALREADY IN PLACE. EACH COUNTY RECORDER,  
16 COUNTY ASSESSOR, OR COUNTY TREASURER MAY ASSESS ADMINISTRATIVE  
17 COSTS RELATED TO GRANTING ACCESS TO THE EXEMPT PARTY REQUESTING  
18 THE RECORD.

19 (e) (I) THE SECRETARY OF STATE MAY ADOPT RULES AND  
20 ESTABLISH CONDITIONS GOVERNING ACCESS TO AND USE OF INFORMATION  
21 OBTAINED BY AN EXEMPT PARTY PURSUANT TO SUBSECTION (3)(c) OF THIS  
22 SECTION TO PREVENT HARASSMENT, INTIMIDATION, OR COMMERCIAL  
23 EXPLOITATION.

24 (II) IF THE COUNTY RECORDER, COUNTY ASSESSOR, OR COUNTY  
25 TREASURER DENIES AN EXEMPT PARTY'S REQUEST FOR ACCESS TO A  
26 RECORD THAT INCLUDES INFORMATION THAT IS OTHERWISE SUBJECT TO  
27 REDACTION PURSUANT TO THIS SUBSECTION (3), THE COUNTY RECORDER,  
28 COUNTY ASSESSOR, OR COUNTY TREASURER, AS APPLICABLE, SHALL  
29 PROVIDE A WRITTEN STATEMENT OF THE BASIS FOR THE DENIAL.

30 (III) EACH COUNTY RECORDER, COUNTY ASSESSOR, AND COUNTY  
31 TREASURER SHALL KEEP AND TRANSMIT QUARTERLY TO THE SECRETARY  
32 OF STATE, A RECORD OF EXEMPT PARTIES WHO HAVE REQUESTED ACCESS  
33 TO A RECORD THAT INCLUDES INFORMATION OTHERWISE SUBJECT TO  
34 REDACTION PURSUANT TO THIS SUBSECTION (3)."

35 Renumber succeeding sections accordingly.

36 Page 61, line 3, strike "18 to 23" and substitute "19 to 24".

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