

Section 24-72-402 is amended as follows:

(5)(a) Except as provided in subsection (5.5) of this section, any person denied the right to inspect any record covered by this part 2 or who alleges a violation of [section 24-72-203\(3.5\)](#) may REQUEST THAT THE ATTORNEY GENERAL REVIEW THE DENIAL OF INSPECTION AS PROVIDED IN SUBSECTION (5.3) OF THIS SECTION, OR MAY apply to the district court of the district wherein the record is found for an order directing the custodian of such record to show cause why the custodian should not permit the inspection of such record; except that, at least fourteen days prior to filing an application with the district court, the person who has been denied the right to inspect the record shall file a written notice with the custodian who has denied the right to inspect the record informing the custodian that the person intends to file an application with the district court. During the fourteen-day period before the person may file an application with the district court under this subsection (5)(a), the custodian who has denied the right to inspect the record shall either meet in person or communicate on the telephone with the person who has been denied access to the record to determine if the dispute may be resolved without filing an application with the district court. The meeting may include recourse to any method of dispute resolution that is agreeable to both parties. Any common expense necessary to resolve the dispute must be apportioned equally between or among the parties unless the parties have agreed to a different method of allocating the costs between or among them. If the person who has been denied access to inspect a record states in the required written notice to the custodian that the person needs to pursue access to the record on an expedited basis, the person must provide such written notice, including a factual basis of the expedited need for the record, to the custodian at least three business days prior to the date on which the person files the application with the district court and, in such circumstances, no meeting to determine if the dispute may be resolved without filing an application with the district court is required.

(5.3) (A) EXCEPT AS PROVIDED IN SUBSECTION (5.5) OF THIS SECTION, ANY PERSON DENIED THE RIGHT TO INSPECT ANY RECORD COVERED BY THIS PART 2 MAY REQUEST THAT THE ATTORNEY GENERAL CONDUCT A REVIEW OF THE DECISION TO DENY INSPECTION.

(B)THE ATTORNEY GENERAL MAY CHARGE A FEE OF \$50 FOR SUCH A REQUEST.

(C) UPON RECEIVING SUCH A REQUEST PURSUANT TO THIS SUBSECTION (5.3), THE ATTORNEY GENERAL SHALL NOTIFY THE OFFICIAL CUSTODIAN OR CUSTODIANS OF THE RECORDS REQUESTED THAT THE ATTORNEY GENERAL HAS RECEIVED A REQUEST TO REVIEW THE DECISION OF THE OFFICIAL CUSTODIAN TO DENY INSPECTION.

(D) WITHIN 15 BUSINESS DAYS OF RECEIVING NOTICE FROM THE ATTORNEY GENERAL, THE OFFICIAL CUSTODIAN SHALL SUBMIT TO THE ATTORNEY GENERAL:

(I) WRITTEN COMMENTS STATING THE REASONS WHY THE OFFICIAL CUSTODIAN HAS DENIED INSPECTION;

(II) A COPY OF ANY CORRESPONDENCE WITH THE PERSON REQUESTING REVIEW PURSUANT TO THIS SUBSECTION (5.3);

(III) A COPY OF THE RECORDS REQUESTED, OR SUBMIT REPRESENTATIVE SAMPLES OF THE RECORDS IF A VOLUMINOUS AMOUNT OF INFORMATION WAS REQUESTED, AND LABEL THAT COPY OF THE RECORDS, OR OF THE REPRESENTATIVE SAMPLES, TO INDICATE WHICH EXCEPTIONS APPLY TO WHICH PARTS OF THE COPY.

(IV) THE IDENTITY OF ANY PERSON OF INTEREST WITH RESPECT TO THE RECORDS, INCLUDING THEIR ADDRESS, EMAIL ADDRESS, AND PHONE NUMBER.

(V) PROOF OF SERVICE ON THE PERSON REQUESTING THE REVIEW AND ANY PERSON OF INTEREST OF THE MATERIALS SPECIFIED IN SUBSECTIONS (I), (II), AND (IV) OF THIS SUBSECTION (D), AND A COPY OF THIS SECTION.

(E) ANY INFORMATION PROVIDED PURSUANT TO SUBSECTION (III) OF SUBSECTION (D) OF THIS SUBSECTION (5) SHALL NOT BE RELEASED BY THE ATTORNEY GENERAL

(F) ANY PERSON REQUESTING REVIEW PURSUANT TO THIS SUBSECTION AN ANY PARTY OF INTEREST MAY PROVIDE THE ATTORNEY GENERAL WITH WRITTEN COMMENTS IN RESPONSE TO THE INFORMATION PROVIDED BY THE ATTORNEY GENERAL. THE PERSON REQUESTING REVIEW AND ANY PERSON OF INTEREST SHALL HAVE 15 BUSINESS DAYS TO PROVIDE ANY RESPONSE TO THE ATTORNEY GENERAL, WHICH MUST BE ACCOMPANIED BY PROOF OF SERVICE UPON THE OFFICIAL CUSTODIAN.

(G) UPON RECEIPT OF THE REQUEST FOR REVIEW, THE ATTORNEY GENERAL SHALL POST ON THE ATTORNEY GENERAL'S WEBSITE THE ORIGINAL REQUEST FOR INFORMATION, THE MATERIALS SPECIFIED IN SUBSECTIONS (I) AND (II) OF SUBSECTION (D), AND ANY RESPONSES SUBMITTED PURSUANT TO SUBSECTION

(F). ANY PERSON MAY SUBMIT WRITTEN COMMENTS TO THE ATTORNEY GENERAL STATING REASONS WHY THE INFORMATION AT ISSUE IN A REQUEST FOR AN ATTORNEY GENERAL DECISION SHOULD OR SHOULD NOT BE RELEASED WITHIN SEVEN BUSINESS DAYS OF THE ATTORNEY GENERAL POSTING ALL THE MATERIALS ON THE ATTORNEY GENERAL'S WEBSITE, AND THE ATTORNEY GENERAL MAY PROVIDE FOR THE ABILITY OF THE PUBLIC TO SUBMIT COMMENTS VIA THE ATTORNEY GENERAL'S WEBSITE. UPON RECEIPT OF COMMENTS FROM THE PUBLIC, THE ATTORNEY GENERAL SHALL POST THE COMMENTS ON THE ATTORNEY GENERAL'S WEBSITE AND PROVIDE COPIES OF THE COMMENTS TO THE OFFICIAL CUSTODIAN, THE PERSON REQUESTING REVIEW, AND ANY PERSON OF INTEREST, ALL OF WHOM SHALL HAVE 7 BUSINESS DAYS TO SUBMIT ANY RESPONSES.

(H) UPON EXPIRATION OF THE DEADLINE TO SUBMIT PUBLIC COMMENTS IF NO PUBLIC COMMENTS ARE SUBMITTED, OR UPON THE EXPIRATION OF THE DEADLINE TO RESPOND TO PUBLIC COMMENTS IF PUBLIC COMMENTS ARE SUBMITTED, THE ATTORNEY GENERAL SHALL RENDER AN A WRITTEN OPINION AS TO WHETHER THE OFFICIAL CUSTODIAN PROPERLY DENIED INSPECTION OF THE RECORD, WHICH SHALL BE POSTED ON THE ATTORNEY GENERAL'S WEBSITE AND SERVED ON THE OFFICIAL CUSTODIAN, THE PARTY REQUESTING REVIEW, AND ANY PERSON OF INTEREST. IF THE ATTORNEY GENERAL DETERMINES THAT THE OFFICIAL CUSTODIAN IMPROPERLY DENIED INSPECTION, THE OFFICIAL CUSTODIAN SHALL ALLOW INSPECTION OF THE RECORDS WITHIN SEVEN BUSINESS DAYS, UNLESS THE OFFICIAL CUSTODIAN OR ANY PERSON OF INTEREST SERVES NOTICE OF INTENT TO SEEK REVIEW IN THE DISTRICT COURT UPON THE ATTORNEY GENERAL, THE OFFICIAL CUSTODIAN, THE PERSON REQUESTING REVIEW, AND ANY PERSON OF INTEREST, ALL OF WHOM MAY APPEAR AS A PARTY IN ANY ACTION IN THE DISTRICT COURT. ANY REVIEW IN THE DISTRICT COURT SHALL BE DE NOVO AND CONDUCTED PURSUANT TO THE COLORADO RULES OF CIVIL PROCEDURE. ANY APPEAL FROM THE DISTRICT COURT SHALL BE SUBJECT TO THE COLORADO RULES OF APPELLATE PROCEDURE. IF THE ATTORNEY GENERAL DETERMINES THAT THE OFFICIAL CUSTODIAN PROPERLY DENIED INSPECTION, OR CANNOT MAKE A DETERMINATION BASED ON THE INFORMATION AVAILABLE, THE PARTY SEEKING REVIEW MAY MAKE APPLICATION PURSUANT TO SUBSECTION (5) OF THIS SECTION.

(I) IN THE EVENT THAT THE ATTORNEY GENERAL IS THE OFFICIAL CUSTODIAN DENYING INSPECTION, OR IF THE ATTORNEY GENERAL DETERMINES THAT THERE IS A CONFLICT OF INTEREST WITH RESPECT TO THE ATTORNEY GENERAL CARRYING OUT THE ATTORNEY GENERAL'S RESPONSIBILITIES DESCRIBED IN THIS SUBSECTION (5.3), THE RESPONSIBILITIES OF THE ATTORNEY GENERAL SHALL BE CARRIED OUT BY THE DISTRICT ATTORNEY OF THE JUDICIAL DISTRICT WHERE THE PERSON REQUESTING REVIEW RESIDES, OR IF SUCH PERSON RESIDES OUTSIDE OF THE STATE OF COLORADO, ANY DISTRICT ATTORNEY SELECTED BY THE ATTORNEY GENERAL.