

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 14-0222.02 Bart Miller x2173

HOUSE BILL 14-1152

HOUSE SPONSORSHIP

Lawrence, Dore, Holbert, Joshi, Landgraf, Navarro, Rankin, Scott, Stephens, Waller,
Wilson

SENATE SPONSORSHIP

Scheffel,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PASSIVE SURVEILLANCE RECORDS OF GOVERNMENTAL**
102 **ENTITIES.**

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 requires that video or still images obtained by passive surveillance by governmental entities, such as images from monitoring cameras, must be destroyed within 6 months after the recording of the images. Exceptions are made for passive surveillance records of a criminal justice agency where the agency obtains a court order allowing retention

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.

of a passive surveillance record because it is necessary for the effective operations and activities of the criminal justice agency and passive surveillance records of any correctional facility, local jail, or private contract prison. The bill also includes a definition of "passive surveillance".

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

SECTION 1. In Colorado Revised Statutes, **add** 24-72-113 as follows:

24-72-113. Limit on retention of passive surveillance records

- definition. (1) AS USED IN THIS SECTION, "PASSIVE SURVEILLANCE" MEANS THE USE BY A GOVERNMENT ENTITY OF A DIGITAL VIDEO CAMERA, VIDEO TAPE CAMERA, CLOSED CIRCUIT TELEVISION CAMERA, FILM CAMERA, PHOTORADAR RECORDER, TOLL COLLECTION DEVICE, AUTOMATED VEHICLE IDENTIFICATION SYSTEM, OR OTHER IMAGE RECORDING DEVICE INTENDED TO CAPTURE MOVING OR STILL PICTURES OR IMAGES ON A ROUTINE BASIS OR FOR SECURITY OR OTHER PURPOSES, INCLUDING MONITORING OR RECORDING TRAFFIC, WEATHER CONDITIONS, OFFICE ACTIVITIES, TRANSIT FACILITIES, PARKING GARAGES, SPORTS VENUES, SCHOOLS, DAY CARE CENTERS, HOSPITALS OR OTHER MEDICAL FACILITIES, RECREATIONAL FACILITIES, PLAYGROUNDS, SWIMMING POOLS, OR UTILITY FACILITIES.

(2) (a) ALL RECORDS OF VIDEO OR STILL IMAGES CAPTURED BY PASSIVE SURVEILLANCE MUST BE DESTROYED BY THE CUSTODIAN, AS DEFINED IN SECTION 24-72-202, OF THOSE RECORDS WITHIN SIX MONTHS AFTER THE RECORDING OF THE IMAGES. A CRIMINAL JUSTICE AGENCY, AS DEFINED IN SECTION 24-72-302, MAY RETAIN A PASSIVE SURVEILLANCE RECORD MADE BY THE CRIMINAL JUSTICE AGENCY OR ANY OTHER SOURCE FOR MORE THAN SIX MONTHS IF THE CRIMINAL JUSTICE AGENCY OBTAINS A COURT ORDER FROM A COURT OF COMPETENT JURISDICTION ORDERING

1 RETENTION OF THE PASSIVE SURVEILLANCE RECORD BECAUSE THE RECORD
2 IS NECESSARY FOR THE EFFECTIVE OPERATIONS AND ACTIVITIES OF THE
3 CRIMINAL JUSTICE AGENCY.

4 (b) THIS SECTION DOES NOT APPLY TO PASSIVE SURVEILLANCE
5 RECORDS OF ANY CORRECTIONAL FACILITY, LOCAL JAIL, OR PRIVATE
6 CONTRACT PRISON, AS DEFINED IN SECTION 17-1-102, C.R.S.

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