

NOTE: The governor signed this measure on 4/11/2014.

An Act

HOUSE BILL 14-1047

BY REPRESENTATIVE(S) Becker, Court, Fields, Fischer, Ginal, Hamner, Hullinghorst, Kagan, Labuda, McLachlan, Melton, Mitsch Bush, Moreno, Pettersen, Primavera, Ryden, Salazar, Schafer, Singer, Williams, Young, Kraft-Tharp;
also SENATOR(S) Guzman, Aguilar, Heath, Jahn, Johnston, Jones, Kefalas, Kerr, Newell, Nicholson, Schwartz, Todd, Zenzinger.

CONCERNING RESTRICTIONS ON THE PUBLISHING OF BASIC IDENTIFICATION INFORMATION ON COMMERCIAL WEB SITES.

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

SECTION 1. In Colorado Revised Statutes, **amend** 24-72-305.5 as follows:

24-72-305.5. Access to records - denial by custodian - use of records to obtain information for solicitation - definitions. (1) Records of official actions and criminal justice records and the names, addresses, telephone numbers, and other information in such records shall not be used by any person for the purpose of soliciting business for pecuniary gain. The official custodian shall deny any person access to records of official actions and criminal justice records unless such person signs a statement which affirms that such records shall not be used for the direct solicitation of

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

business for pecuniary gain.

(2) (a) IT IS UNLAWFUL FOR A PERSON TO OBTAIN A COPY OF A BOOKING PHOTOGRAPH IN ANY FORMAT KNOWING:

(I) THE BOOKING PHOTOGRAPH WILL BE PLACED IN A PUBLICATION OR POSTED TO A WEB SITE; AND

(II) REMOVAL OF THE BOOKING PHOTOGRAPH FROM THE PUBLICATION OR WEB SITE REQUIRES THE PAYMENT OF A FEE OR OTHER EXCHANGE FOR PECUNIARY GAIN.

(b) A PERSON WHO REQUESTS A COPY OF A BOOKING PHOTOGRAPH FROM AN OFFICIAL CUSTODIAN SHALL, AT THE TIME OF MAKING THE REQUEST, SUBMIT THE STATEMENT REQUIRED BY SUBSECTION (1) OF THIS SECTION. BY SIGNING THE STATEMENT, THE PERSON IS AFFIRMING THAT THE BOOKING PHOTOGRAPH WILL NOT BE PLACED IN A PUBLICATION OR POSTED TO A WEB SITE THAT REQUIRES THE PAYMENT OF A FEE OR OTHER EXCHANGE FOR PECUNIARY GAIN IN ORDER TO REMOVE OR DELETE THE BOOKING PHOTOGRAPH FROM THE PUBLICATION OR WEB SITE.

(c) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-72-309, A PERSON WHO VIOLATES A PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (2) OR WHO SUBMITS A FALSE STATEMENT PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) COMMITS AN UNCLASSIFIED MISDEMEANOR AND SHALL BE PUNISHED BY A FINE OF UP TO ONE THOUSAND DOLLARS.

(d) AS USED IN THIS SUBSECTION (2), UNLESS THE CONTEXT OTHERWISE REQUIRES, "BOOKING PHOTOGRAPH" MEANS A PHOTOGRAPH OR OTHER IMAGE OF A PERSON TAKEN BY A CRIMINAL JUSTICE AGENCY AT THE TIME THAT A PERSON IS ARRESTED OR DETAINED BY A CRIMINAL JUSTICE AGENCY AND PRIOR TO CONVICTION.

SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect September 1, 2014; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014

and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to offenses committed on or after the applicable effective date of this act.

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Morgan Carroll
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO