

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

ENGROSSED

This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction

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/bills summaries>.)

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.

HOUSE
Amended 2nd Reading
February 21, 2014

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".

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

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

4 **24-72-113. Limit on retention of passive surveillance records**

5 **- definition.** (1) AS USED IN THIS SECTION, "PASSIVE SURVEILLANCE"
6 MEANS THE USE BY A GOVERNMENT ENTITY OF A DIGITAL VIDEO CAMERA,
7 VIDEO TAPE CAMERA, CLOSED CIRCUIT TELEVISION CAMERA, FILM CAMERA,
8 PHOTO RADAR RECORDER, OR OTHER IMAGE RECORDING DEVICE
9 POSITIONED TO CAPTURE MOVING OR STILL PICTURES OR IMAGES OF HUMAN
10 ACTIVITY ON A ROUTINE BASIS OR FOR SECURITY OR OTHER PURPOSES,
11 INCLUDING MONITORING OR RECORDING TRAFFIC, WEATHER CONDITIONS,
12 OFFICE ACTIVITIES, TRANSIT FACILITIES, PARKING GARAGES, SPORTS
13 VENUES, SCHOOLS, DAY CARE CENTERS, HOSPITALS OR OTHER MEDICAL
14 FACILITIES, RECREATIONAL FACILITIES, PLAYGROUNDS, SWIMMING POOLS,
15 OR UTILITY FACILITIES. "PASSIVE SURVEILLANCE" DOES NOT INCLUDE
16 SURVEILLANCE TRIGGERED BY A CERTAIN EVENT OR ACTIVITY AND THAT
17 DOES NOT MONITOR AT REGULAR INTERVALS. "PASSIVE SURVEILLANCE"
18 DOES NOT INCLUDE THE USE OF TOLL COLLECTION CAMERAS.

19 (2) (a) THE CUSTODIAN, AS DEFINED IN SECTION 24-72-202, MAY
20 ONLY ACCESS A PASSIVE SURVEILLANCE RECORD BEYOND THE FIRST
21 ANNIVERSARY AFTER THE DATE OF THE CREATION OF THE PASSIVE
22 SURVEILLANCE RECORD, AND UP TO THE THIRD ANNIVERSARY AFTER THE
23 DATE OF THE CREATION OF THE PASSIVE SURVEILLANCE RECORD, IF THERE

1 HAS BEEN A NOTICE OF CLAIM FILED, OR AN ACCIDENT OR OTHER SPECIFIC
2 INCIDENT THAT MAY CAUSE THE PASSIVE SURVEILLANCE RECORD TO
3 BECOME EVIDENCE IN ANY CIVIL, LABOR, ADMINISTRATIVE, OR FELONY
4 CRIMINAL PROCEEDING, IN WHICH CASE THE PASSIVE SURVEILLANCE
5 RECORD MAY BE RETAINED. THE CUSTODIAN SHALL PRESERVE A RECORD
6 OF THE REASON FOR WHICH THE PASSIVE SURVEILLANCE RECORD WAS
7 ACCESSED AND THE PERSON WHO ACCESSED THE PASSIVE SURVEILLANCE
8 RECORD BEYOND THE FIRST ANNIVERSARY AFTER ITS CREATION. ALL
9 PASSIVE SURVEILLANCE RECORDS MUST BE DESTROYED AFTER THE THIRD
10 ANNIVERSARY AFTER THE DATE OF THE CREATION OF THE PASSIVE
11 SURVEILLANCE RECORD UNLESS RETENTION IS AUTHORIZED BY THIS
12 SECTION.

13 (b) THIS SECTION DOES NOT APPLY TO PASSIVE SURVEILLANCE
14 RECORDS OF ANY CORRECTIONAL FACILITY, LOCAL JAIL, OR PRIVATE
15 CONTRACT PRISON, AS DEFINED IN SECTION 17-1-102, C.R.S., OR TO ANY
16 PASSIVE SURVEILLANCE RECORDS MADE OR MAINTAINED AS REQUIRED
17 UNDER FEDERAL LAW.

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