

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

An Act

HOUSE BILL 14-1152

BY REPRESENTATIVE(S) Lawrence, Dore, Holbert, Joshi, Landgraf, Navarro, Rankin, Scott, Stephens, Waller, Wilson, Kagan, Labuda, Lebsack, Mitsch Bush, Murray, Pettersen, Salazar, Ferrandino, Gardner, Gerou, McCann, McNulty, Nordberg, Saine, Schafer, Wright; also SENATOR(S) Scheffel, Aguilar, Balmer, Brophy, Cadman, Crowder, Grantham, Guzman, Harvey, Heath, Herpin, Hill, Jahn, Johnston, Jones, Kefalas, Kerr, King, Lambert, Lundberg, Marble, Newell, Nicholson, Roberts, Steadman, Tochtrop, Todd, Ulibarri, Carroll.

CONCERNING PASSIVE SURVEILLANCE RECORDS OF GOVERNMENTAL ENTITIES.

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, PHOTO RADAR RECORDER, OR OTHER IMAGE RECORDING DEVICE POSITIONED TO CAPTURE MOVING OR STILL PICTURES OR IMAGES OF HUMAN ACTIVITY ON

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

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. "PASSIVE SURVEILLANCE" DOES NOT INCLUDE SURVEILLANCE TRIGGERED BY A CERTAIN EVENT OR ACTIVITY AND THAT DOES NOT MONITOR AT REGULAR INTERVALS. "PASSIVE SURVEILLANCE" DOES NOT INCLUDE THE USE OF TOLL COLLECTION CAMERAS.

(2) (a) THE CUSTODIAN, AS DEFINED IN SECTION 24-72-202, MAY ONLY ACCESS A PASSIVE SURVEILLANCE RECORD BEYOND THE FIRST ANNIVERSARY AFTER THE DATE OF THE CREATION OF THE PASSIVE SURVEILLANCE RECORD, AND UP TO THE THIRD ANNIVERSARY AFTER THE DATE OF THE CREATION OF THE PASSIVE SURVEILLANCE RECORD, IF THERE HAS BEEN A NOTICE OF CLAIM FILED, OR AN ACCIDENT OR OTHER SPECIFIC INCIDENT THAT MAY CAUSE THE PASSIVE SURVEILLANCE RECORD TO BECOME EVIDENCE IN ANY CIVIL, LABOR, ADMINISTRATIVE, OR FELONY CRIMINAL PROCEEDING, IN WHICH CASE THE PASSIVE SURVEILLANCE RECORD MAY BE RETAINED. THE CUSTODIAN SHALL PRESERVE A RECORD OF THE REASON FOR WHICH THE PASSIVE SURVEILLANCE RECORD WAS ACCESSED AND THE PERSON WHO ACCESSED THE PASSIVE SURVEILLANCE RECORD BEYOND THE FIRST ANNIVERSARY AFTER ITS CREATION. ALL PASSIVE SURVEILLANCE RECORDS MUST BE DESTROYED AFTER THE THIRD ANNIVERSARY AFTER THE DATE OF THE CREATION OF THE PASSIVE SURVEILLANCE RECORD UNLESS RETENTION IS AUTHORIZED BY THIS SECTION.

(b) THIS SECTION DOES NOT APPLY TO PASSIVE SURVEILLANCE RECORDS OF ANY CORRECTIONAL FACILITY, LOCAL JAIL, OR PRIVATE CONTRACT PRISON, AS DEFINED IN SECTION 17-1-102, C.R.S., ANY JUVENILE FACILITY OPERATED BY THE COLORADO DEPARTMENT OF HUMAN SERVICES, AS LISTED IN SECTIONS 19-2-402, 19-2-403, AND 19-2-406 THROUGH 19-2-408, C.R.S., OR ANY PASSIVE SURVEILLANCE RECORDS MADE OR MAINTAINED AS REQUIRED UNDER FEDERAL LAW.

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

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