

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-0740.01 Megan McCall x4215

HOUSE BILL 25-1242

HOUSE SPONSORSHIP

Garcia Sander,

SENATE SPONSORSHIP

Pelton B.,

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING GOVERNMENT TRANSPARENCY LAWS.**

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://leg.colorado.gov>.)

Section 1 of the bill repeals provisions in the Colorado open meetings law that specifically apply to the general assembly that were enacted in 2024 by Senate Bill 24-157.

Section 2 requires that the database created and maintained by the peace officer standards and training board that includes specified information related to peace officer conduct and discipline be sortable in addition to being searchable and that it be available upon request to any member of the public with only personal information of peace officers

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

redacted at no cost to the requester.

Sections 3, 4, and 5 make the following changes to the Colorado open records act (CORA):

- Specifies the manner in which service of requests for public records must be made;
- Requires that a requester of public records submit with the request an affidavit of service, which creates a rebuttable presumption of the date that service is made;
- Clarifies that any rules made by a custodian for the inspection of public records cannot increase any costs charged to a requester and cannot expand the date and time for inspection of public records;
- Removes the requirement that a requester must request that the custodian notify the requester that requested public records are in active use, in storage, or otherwise not readily available;
- Clarifies that computation of time for response periods is in accordance with the generally applicable law for computation of time and does not include the day that service is made;
- Permits computation of time for a request that was mailed to begin on the third day after the date of mailing;
- Changes the reasonable time to respond to a request for public records from 3 working days to 5 days;
- For a custodian to not be required to produce a digital public record in a searchable or sortable format, requires documentary evidence that producing the record in that format would violate the terms of a copyright or licensing agreement or documentary evidence, including an opinion from legal counsel, that producing the record in that format would result in the release of a third party's proprietary information;
- Although a custodian is allowed to deny inspection of a personnel file, allows inspection of any writings that reflect or discuss the exercise of official government functions by any public employee subject to certain permissible redactions;
- Allows for the first 5 hours of time expended in connection with the research and retrieval of public records to be free of charge to the requester;
- Caps the amount of the hourly fee that can be imposed for research and retrieval of public records to \$25;
- Allows a \$50 fee to be imposed for attorney review which is limited to review of requested public records for attorney-client privileged communication; and

- Invalidates any fee imposed by a custodian if the custodian does not provide information in writing to the requester concerning an estimate of time to be expended and fees to be charged in connection with responding to the request.

Sections 6, 7, 8, and 9 make the following changes to the Colorado Criminal Justice Records Act (CCJRA):

- Adds to the definition of "official record" any incident report or other record of an interaction between any on-duty peace officer and any member of the public;
- Modifies the provisions on the response period to state that a custodian shall respond to a request for criminal justice records 3 days after the day the request is received unless extenuating circumstances apply, in which case the 3-day response period may be extended for a period not to exceed 10 days. The extenuating circumstances set forth in CORA are the extenuating circumstances applicable for requests under the CCJRA.
- Requires that records in a completed internal investigation be available for public inspection within 21 days of a request being submitted and whether or not the investigation involved a member of the public;
- Removes the court's discretion and the requirement that the court find that improper denial of records is arbitrary or capricious to award court costs and attorney fees; and
- Applies the same parameters as those established under CORA for search and retrieval and attorney fees.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-6-402, **repeal**
 3 (2.5) as follows:

4 **24-6-402. Meetings - open to public - legislative declaration -**
 5 **definitions.** (2.5) ~~(a) For purposes of applying subsections (2)(c)(I) and~~
 6 ~~(2)(d)(I) of this section to a meeting of a state public body of the general~~
 7 ~~assembly, a quorum must be contemporaneous.~~

8 ~~(b) Notwithstanding subsections (1)(b) and (2)(d)(III) of this~~
 9 ~~section, any form of written communication, electronic or otherwise,~~
 10 ~~exchanged by two or more members of the general assembly is not~~

1 subject to this part 4, but any records of the communication are subject to
2 disclosure to the extent required by the "Colorado Open Records Act",
3 part 2 of article 72 of title 24.

4 (c) For purposes of the application of this part 4 to the general
5 assembly, "public business":

6 (I) Means:

7 (A) Introduced legislation, including bills, resolutions, and
8 memorials;

9 (B) Proposed legislation, which includes a bill, resolution, or
10 memorial, if a draft of the proposed legislation prepared by the office of
11 legislative legal services is being discussed by a quorum of a statutory
12 committee or a committee of reference during a regular or special
13 legislative session of the general assembly or by a quorum of any type of
14 interim committee; or

15 (C) Other matters before a statutory committee, any type of
16 interim committee, or a committee of reference; and

17 (H) Does not include matters that are by nature interpersonal,
18 administrative, or logistical or that concern personnel, planning, process,
19 training, or operations, if the merits or substance of matters set forth in
20 subsection (2.5)(c)(I) of this section are not discussed. As used in this
21 subsection (2.5)(c)(H), "merits or substance" has the same meaning as set
22 forth in subsection (2)(d)(III) of this section.

23 **SECTION 2.** In Colorado Revised Statutes, 24-31-303, **amend**
24 (1)(r)(I) introductory portion; and **add** (1)(r)(V) as follows:

25 **24-31-303. Duties - powers of the P.O.S.T. board - definition.**

26 (1) The P.O.S.T. board has the following duties:

27 (r) (I) Subject to available appropriations, beginning on January

1 1, 2022, to create and maintain a database, in a searchable AND SORTABLE
2 format to be published on its website, containing information related to
3 a peace officer's:

4 (V) UPON REQUEST, THE DATABASE MUST BE AVAILABLE TO ANY
5 MEMBER OF THE PUBLIC AT NO COST TO THE REQUESTER WITH ONLY
6 PERSONAL INFORMATION OF THE PEACE OFFICERS REDACTED.

7 **SECTION 3.** In Colorado Revised Statutes, 24-72-203, **amend**
8 (1)(a), (3)(a), (3)(b) introductory portion, (3)(b)(I), (3)(b)(II) introductory
9 portion, (3)(b)(III), (3)(d)(I), (3)(d)(II), and (3.5)(b)(I); and **add** (1.5) as
10 follows:

11 **24-72-203. Public records open to inspection.** (1) (a) All public
12 records ~~shall be~~ ARE open for inspection by any person at reasonable
13 times, except as provided in this part 2 or as otherwise provided by law,
14 but the official custodian of any public records may make ~~such~~ rules with
15 reference to the inspection of ~~such~~ PUBLIC records as are reasonably
16 necessary for the protection of ~~such~~ THE PUBLIC records and the
17 prevention of unnecessary interference with the regular discharge of the
18 duties of the custodian or the custodian's office; EXCEPT THAT NO RULE
19 MAY INCREASE ANY COSTS CHARGED TO A REQUESTER MAKING A REQUEST
20 FOR PUBLIC RECORDS PURSUANT TO THIS PART 2 OR EXPAND THE DATE OR
21 TIME FOR THE INSPECTION OF PUBLIC RECORDS UNDER THIS PART 2. Except
22 as otherwise required by section 24-72-204 (3.5)(g), and except when a
23 record requested is confidential and accessible only on the basis that the
24 requester is the person in interest, a custodian of public records shall not
25 require a requester to provide the custodian with any form of
26 identification to request or inspect records pursuant to this part 2.

27 (1.5) (a) A REQUESTER SHALL SERVE A REQUEST FOR PUBLIC

1 RECORDS ON A CUSTODIAN OF THE REQUESTED PUBLIC RECORDS AS
2 FOLLOWS:

3 (I) DELIVERING A COPY OF THE REQUEST FOR PUBLIC RECORDS TO
4 THE CUSTODIAN BY:

5 (A) HANDING IT TO THE CUSTODIAN; OR

6 (B) LEAVING IT AT THE CUSTODIAN'S OFFICE WITH A CLERK OR
7 OTHER PERSON IN CHARGE, OR IF NO ONE IS IN CHARGE, LEAVING IT IN A
8 CONSPICUOUS PLACE IN THE OFFICE;

9 (II) MAILING A COPY OF THE REQUEST FOR PUBLIC RECORDS TO
10 THE CUSTODIAN'S BUSINESS ADDRESS. SERVICE BY MAIL IS COMPLETE ON
11 MAILING; OR

12 (III) DELIVERING A COPY OF THE REQUEST FOR PUBLIC RECORDS BY
13 ANY OTHER MEANS, INCLUDING ANY ELECTRONIC MEANS OR A
14 DESIGNATED OVERNIGHT COURIER, CONSENTED TO IN WRITING BY THE
15 PERSON SERVED. SERVICE BY OTHER ELECTRONIC MEANS IS COMPLETE ON
16 TRANSMISSION; SERVICE BY OTHER CONSENTED MEANS IS COMPLETE WHEN
17 THE PERSON MAKING SERVICE DELIVERS THE COPY TO THE AGENCY
18 DESIGNATED TO MAKE DELIVERY.

19 (b) SERVICE PURSUANT TO SUBSECTION (1.5)(a) OF THIS SECTION
20 IS NOT EFFECTIVE IF THE REQUESTER LEARNS THAT THE ATTEMPTED
21 SERVICE DID NOT REACH THE CUSTODIAN.

22 (c) THE REQUESTER SHALL SUBMIT WITH THE REQUEST FOR PUBLIC
23 RECORDS AN AFFIDAVIT OF SERVICE WHICH MUST INCLUDE THE METHOD
24 BY WHICH SERVICE WAS MADE ON THE CUSTODIAN AND THE DATE THAT
25 SERVICE WAS MADE. THE AFFIDAVIT OF SERVICE CREATES A REBUTTABLE
26 PRESUMPTION OF THE DATE THAT SERVICE WAS MADE ON THE CUSTODIAN
27 BY THE REQUESTER.

1 (d) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
2 (1.5)(d)(II) OF THIS SECTION, PERIODS SET FORTH IN SUBSECTION (3) OF
3 THIS SECTION ARE COMPUTED IN ACCORDANCE WITH SECTION 2-4-108.

4 (II) IN COMPUTING PERIODS SET FORTH IN SUBSECTION (3) OF THIS
5 SECTION:

6 (A) THE DAY THAT SERVICE IS MADE IS NOT INCLUDED; AND

7 (B) IF SERVICE OF A REQUEST FOR PUBLIC RECORDS IS MADE BY
8 MAIL IN ACCORDANCE WITH SUBSECTION (1.5)(a)(II) OF THIS SECTION, THE
9 COMPUTATION OF TIME DOES NOT START UNTIL THE THIRD DAY AFTER THE
10 DATE OF MAILING.

11 (3) (a) If the public records requested are in the custody and
12 control of the person to whom application is made but are in active use,
13 in storage, or otherwise not readily available at the time an applicant asks
14 to examine them, the custodian shall forthwith notify the applicant of this
15 fact in writing. ~~if requested by the applicant.~~ If requested by the applicant,
16 the custodian shall set a date and hour at which time the records will be
17 available for inspection IN ACCORDANCE WITH SUBSECTION (3)(b) OF THIS
18 SECTION.

19 (b) The date and hour set for the inspection of records not readily
20 available at the time of the request ~~shall~~ MUST be within a reasonable time
21 after SERVICE OF the request. As used in this subsection (3), a "reasonable
22 time" ~~shall be~~ IS presumed to be ~~three~~ FIVE ~~working~~ days or less. Such
23 period may be extended if extenuating circumstances exist. However,
24 such period of extension shall not exceed seven ~~working~~ days. A finding
25 that extenuating circumstances exist ~~shall~~ MUST be made in writing by the
26 custodian and ~~shall~~ MUST be provided to the person making the request
27 within the ~~three-day~~ FIVE-DAY period. Extenuating circumstances ~~shall~~

1 apply only when:

2 (I) A broadly stated request is made that encompasses all or
3 substantially all of a large category of records and the request is without
4 sufficient specificity to allow the custodian reasonably to prepare or
5 gather the records within the ~~three-day~~ FIVE-DAY period; or

6 (II) A broadly stated request is made that encompasses all or
7 substantially all of a large category of records and the agency is unable to
8 prepare or gather the records within the ~~three-day~~ FIVE-DAY period
9 because:

10 (III) A request involves such a large volume of records that the
11 custodian cannot reasonably prepare or gather the records within the
12 ~~three-day~~ FIVE-DAY period without substantially interfering with the
13 custodian's obligation to perform his or her other public service
14 responsibilities.

15 (d) Notwithstanding any other provision of this section, if the
16 public records requested are election-related and are in the custody and
17 control of a county clerk and recorder but are in active use, in storage, or
18 otherwise not readily available at the time a requester asks to examine
19 them, and the request is made during an election for which the county
20 clerk and recorder is the designated election official, the county clerk and
21 recorder may, at the county clerk and recorder's discretion, take additional
22 time to fulfill the request as specified in this subsection (3)(d); except that
23 the provisions of this subsection (3)(d) do not apply if the requester of the
24 public records is a mass medium organization as defined in section
25 13-90-119 (1)(a), or a newsperson, as defined in section 13-90-119 (1)(c).
26 The county clerk and recorder may take additional time to fulfill the
27 request as follows:

1 (I) During the period beginning on the sixtieth day before election
2 day and concluding with the date by which the county clerk and recorder
3 certifies the final official abstract of votes cast for the applicable election,
4 the county clerk and recorder may extend the period for production of
5 records up to an additional ten ~~working~~ days past the seven-day extension
6 allowed under subsection (3)(b) of this section;

7 (II) The county clerk and recorder shall provide written notice of
8 the extension to the requester within ~~three working~~ FIVE days from the
9 date of the request;

10 (3.5) (b) A custodian is not required to produce a digital public
11 record in a searchable or sortable format in accordance with subsection
12 (3.5)(a) of this section if:

13 (I) Producing the record in the requested format would violate the
14 terms of any copyright or licensing agreement between the custodian and
15 a third party or result in the release of a third party's proprietary
16 information. ~~or~~ THE CUSTODIAN SHALL PROVIDE THE REQUESTER, AS
17 APPLICABLE, DOCUMENTARY EVIDENCE OF A COPYRIGHT OR LICENSE
18 AGREEMENT OR DOCUMENTARY EVIDENCE THAT THE REQUEST WILL
19 RESULT IN THE RELEASE OF A THIRD PARTY'S PROPRIETARY INFORMATION,
20 WHICH MUST INCLUDE AN OPINION FROM LEGAL COUNSEL THAT INCLUDES
21 A DESCRIPTION OF THE INFORMATION, THE PARTIES TO THE INFORMATION,
22 AND THE BASIS OF ANY PROPRIETARY CLAIM.

23 **SECTION 4.** In Colorado Revised Statutes, 24-72-204, **amend**
24 (3)(a)(IV); and **add** (3)(a)(II)(C) as follows:

25 **24-72-204. Allowance or denial of inspection - grounds -**
26 **procedure - appeal - definitions - repeal.** (3) (a) The custodian shall
27 deny the right of inspection of the following records, unless otherwise

1 provided by law; except that the custodian shall make any of the
2 following records, other than letters of reference concerning employment,
3 licensing, or issuance of permits, available to the person in interest in
4 accordance with this subsection (3):

5 (II) (C) THE PROVISIONS OF THIS SUBSECTION (3)(a)(II) DO NOT
6 PREVENT THE PUBLIC INSPECTION OF ANY WRITINGS THAT REFLECT OR
7 DISCUSS THE EXERCISE OF OFFICIAL GOVERNMENT FUNCTIONS BY ANY
8 PUBLIC EMPLOYEE, NOTWITHSTANDING THE RANK, POSITION, OR TITLE OF
9 THE EMPLOYEE. PUBLIC INSPECTION OF THE PUBLIC RECORDS SET FORTH
10 IN THIS SUBSECTION (3)(a)(II)(C) MAY BE SUBJECT TO REDACTION ONLY
11 OF THE PUBLIC EMPLOYEE'S HOME ADDRESS, HOME TELEPHONE NUMBER,
12 PERSONAL CELL PHONE NUMBER, PERSONAL EMAIL ADDRESS, AND
13 PERSONAL IDENTIFYING INFORMATION.

14 (IV) Trade secrets, privileged information, and confidential
15 commercial, financial, geological, or geophysical data, including a social
16 security number unless disclosure of the number is required, permitted,
17 or authorized by state or federal law, furnished by or obtained from any
18 person. THE CUSTODIAN SHALL PROVIDE THE REQUESTER, AS APPLICABLE,
19 DOCUMENTARY EVIDENCE OF A COPYRIGHT OR LICENSE AGREEMENT OR
20 DOCUMENTARY EVIDENCE THAT THE REQUEST WILL RESULT IN THE
21 RELEASE OF A THIRD PARTY'S PROPRIETARY INFORMATION, WHICH MUST
22 INCLUDE AN OPINION FROM LEGAL COUNSEL THAT INCLUDES A
23 DESCRIPTION OF THE INFORMATION, THE PARTIES TO THE INFORMATION,
24 AND THE BASIS OF ANY PROPRIETARY CLAIM.

25 **SECTION 5.** In Colorado Revised Statutes, 24-72-205, **amend**
26 (6); and **add** (8) as follows:

27 **24-72-205. Copy, printout, or photograph of a public record**

1 **- imposition of research and retrieval fee.** (6) (a) A custodian may
2 impose a fee in response to a request for the research and retrieval of
3 public records only if the custodian has, prior to the date of receiving the
4 request, either posted on the custodian's website or otherwise published
5 a written policy that specifies the applicable conditions concerning the
6 research and retrieval of public records by the custodian, including the
7 amount of any current fee. Under any such policy, the custodian shall not
8 impose a charge for the first ~~hour~~ FIVE HOURS of time expended in
9 connection with the research and retrieval of public records. After the
10 first ~~hour~~ FIVE HOURS of time ~~has~~ HAVE been expended, the custodian
11 may charge a fee for the research and retrieval of public records that shall
12 not exceed ~~thirty~~ TWENTY-FIVE dollars per hour.

13 (b) ~~On July 1, 2019, and by July 1 of every five-year period~~
14 ~~thereafter, the director of research of the legislative council appointed~~
15 ~~pursuant to section 2-3-304 (1) shall adjust the maximum hourly fee~~
16 ~~specified in subsection (6)(a) of this section in accordance with the~~
17 ~~percentage change over the period in the United States department of~~
18 ~~labor, bureau of labor statistics, consumer price index for~~
19 ~~Denver-Aurora-Lakewood for all items and all urban consumers, or its~~
20 ~~successor index. The director of research shall post the adjusted~~
21 ~~maximum hourly fee on the website of the general assembly.~~

22 (c) A CUSTODIAN MAY IMPOSE A FEE IN AN AMOUNT NOT TO
23 EXCEED FIFTY DOLLARS FOR ATTORNEY REVIEW OF REQUESTED PUBLIC
24 RECORDS IF THE CUSTODIAN HAS, PRIOR TO THE DATE OF RECEIVING THE
25 REQUEST, EITHER POSTED ON THE CUSTODIAN'S WEBSITE OR OTHERWISE
26 PUBLISHED A WRITTEN POLICY THAT SPECIFIES THE APPLICABLE
27 CONDITIONS CONCERNING ATTORNEY REVIEW, INCLUDING THE AMOUNT OF

1 ANY CURRENT FEE. THE FEE ALLOWED BY THIS SUBSECTION (6)(c) ONLY
2 APPLIES TO REVIEW OF REQUESTED PUBLIC RECORDS BY THE ATTORNEY
3 FOR ATTORNEY-CLIENT PRIVILEGED INFORMATION.

4 (8) (a) NO FEE ALLOWED BY THIS SECTION IS VALID UNLESS THE
5 CUSTODIAN HAS COMPLIED WITH THE REQUIREMENTS OF THIS SUBSECTION
6 (8).

7 (b) PRIOR TO THE END OF THE RESPONSE PERIOD FOR THE
8 REQUESTED PUBLIC RECORDS, THE CUSTODIAN SHALL PROVIDE TO THE
9 REQUESTER IN WRITING:

10 (I) IF APPLICABLE, NOTICE THAT ATTORNEY REVIEW OF THE
11 REQUESTED PUBLIC RECORDS IS REQUIRED AND CONTACT INFORMATION
12 FOR THE ATTORNEY THAT WILL PERFORM THE REVIEW;

13 (II) AN ESTIMATE OF THE TOTAL NUMBER OF HOURS THAT THE
14 CUSTODIAN EXPECTS ARE REQUIRED TO RESPOND TO THE REQUEST;

15 (III) THE HOURLY RATE FOR THE RESEARCH AND RETRIEVAL OF
16 THE PUBLIC RECORDS THAT THE CUSTODIAN IMPOSES PURSUANT TO
17 SUBSECTION (6) OF THIS SECTION;

18 (IV) AN ESTIMATE OF ANY OTHER FEES ALLOWED BY THIS SECTION
19 THAT THE CUSTODIAN ANTICIPATES WILL APPLY TO THE REQUEST; AND

20 (V) A TOTAL ESTIMATE OF THE AMOUNT THE REQUESTER WILL BE
21 CHARGED FOR PRODUCTION OF THE REQUESTED PUBLIC RECORDS.

22 **SECTION 6.** In Colorado Revised Statutes, 24-72-302, **amend**
23 (7) as follows:

24 **24-72-302. Definitions.** As used in this part 3, unless the context
25 otherwise requires:

26 (7) (a) "Official action" means an arrest; indictment; charging by
27 information; disposition; pretrial or posttrial release from custody;

1 judicial determination of mental or physical condition; decision to grant,
2 order, or terminate probation, parole, or participation in correctional or
3 rehabilitative programs; and any decision to formally discipline,
4 reclassify, or relocate any person under criminal sentence.

5 (b) "OFFICIAL ACTION" ALSO MEANS ANY INCIDENT REPORT OR
6 OTHER RECORD OF AN INTERACTION BETWEEN ANY PEACE OFFICER, WHILE
7 ON DUTY, AND ANY MEMBER OF THE PUBLIC.

8 **SECTION 7.** In Colorado Revised Statutes, 24-72-303, **amend**
9 (3) and (4)(a); and **add** (4)(a.5) as follows:

10 **24-72-303. Records of official actions required - open to**
11 **inspection - applicability.** (3) (a) If the requested record of official
12 action of a criminal justice agency is in the custody and control of the
13 person to whom application is made but is in active use or in storage and
14 therefore not available at the time an applicant asks to examine it, the
15 custodian shall forthwith notify the applicant of this fact in writing, if
16 requested by the applicant. ~~If requested by the applicant,~~ EXCEPT AS
17 OTHERWISE PROVIDED IN SUBSECTION (3)(b) OF THIS SECTION, the
18 custodian shall set a date and hour within three ~~working~~ days AFTER THE
19 DAY THAT THE REQUEST IS RECEIVED at which time the record will be
20 available for inspection.

21 (b) THE THREE-DAY PERIOD SET FORTH IN SUBSECTION (3)(a) OF
22 THIS SECTION MAY BE EXTENDED FOR A PERIOD NOT TO EXCEED TEN DAYS
23 IF EXTENUATING CIRCUMSTANCES EXIST. FOR PURPOSES OF THIS
24 SUBSECTION (3)(b), EXTENUATING CIRCUMSTANCES EXIST ONLY AS SET
25 FORTH IN SECTION 24-72-203 (3)(b)(I), (3)(b)(II), OR (3)(b)(III).
26 EXTENUATING CIRCUMSTANCES DO NOT APPLY TO A REQUEST THAT
27 RELATES TO A SINGLE, SPECIFICALLY IDENTIFIED DOCUMENT.

1 (4)(a) Upon completion of an internal investigation, including any
2 appeals process, that examines the in-uniform or on-duty conduct of a
3 peace officer, as described in part 1 of article 2.5 of title 16, related to an
4 incident of alleged misconduct ~~involving a member of the public~~, the
5 entire investigation file, including the witness interviews, video and audio
6 recordings, transcripts, documentary evidence, investigative notes, and
7 final departmental decision is open for public inspection upon request;
8 except that the custodian may first provide the requester with a summary
9 of the investigation file and if, after reviewing the summary, the requester
10 requests access to the investigation file, the custodian shall provide access
11 to the entire investigation file subject to the provisions of subsections
12 (4)(b), (4)(c), and (4)(d) of this section.

13 (a.5) NOTWITHSTANDING THE PERIODS SET FORTH IN SUBSECTION
14 (3) OF THIS SECTION, CRIMINAL JUSTICE RECORDS OF AN INTERNAL
15 INVESTIGATION REQUESTED PURSUANT TO THIS SUBSECTION (4) SHALL BE
16 AVAILABLE FOR PUBLIC INSPECTION WITHIN TWENTY-ONE DAYS OF A
17 REQUEST BEING SUBMITTED TO THE CUSTODIAN.

18 **SECTION 8.** In Colorado Revised Statutes, 24-72-305, **amend**
19 (7) as follows:

20 **24-72-305. Allowance or denial of inspection - grounds -**
21 **procedure - appeal.** (7) Any person denied access to inspect any
22 criminal justice record covered by this part 3 may apply to the district
23 court of the district wherein the record is found for an order directing the
24 custodian of such record to show cause why said custodian should not
25 permit the inspection of such record. A hearing on such application shall
26 be held at the earliest practical time. Unless the court finds that the denial
27 of inspection was proper, it shall order the custodian to permit such

1 inspection and ~~upon a finding that the denial was arbitrary or capricious,~~
2 it ~~may~~ SHALL order the custodian to pay the applicant's court costs and
3 attorney fees in an amount to be determined by the court. Upon a finding
4 that the denial of inspection of a record of an official action was arbitrary
5 or capricious, the court may also order the custodian personally to pay to
6 the applicant a penalty in an amount not to exceed twenty-five dollars for
7 each day that access was improperly denied.

8 **SECTION 9.** In Colorado Revised Statutes, 24-72-306, **amend**
9 (1) as follows:

10 **24-72-306. Copies, printouts, or photographs of criminal**
11 **justice records - fees authorized.** (1) (a) SUBJECT TO SUBSECTION (1)(c)
12 OF THIS SECTION, criminal justice agencies may assess reasonable fees,
13 not to exceed actual costs, including but not limited to personnel and
14 equipment, for the search, retrieval, and redaction of criminal justice
15 records requested pursuant to this part 3 and may waive fees at their
16 discretion.

17 (b) In addition TO ANY FEES ASSESSED IN ACCORDANCE WITH
18 SUBSECTION (1)(a) OF THIS SECTION, criminal justice agencies may charge
19 a fee not to exceed twenty-five cents per standard page for a copy of a
20 criminal justice record or a fee not to exceed the actual cost of providing
21 a copy, printout, or photograph of a criminal justice record in a format
22 other than a standard page. Where fees for certified copies or other
23 copies, printouts, or photographs of criminal justice records are
24 specifically prescribed by law, such specific fees shall apply. Where the
25 criminal justice agency is an agency or department of any county or
26 municipality, the amount of such fees shall be established by the
27 governing body of the county or municipality in accordance with this

1 subsection (1).

2 (c) A FEE, OR A PORTION OF A FEE, FOR SEARCH AND RETRIEVAL AS
3 SET FORTH IN SUBSECTION (1)(a) OF THIS SECTION MAY BE IMPOSED ONLY
4 IF THE CRIMINAL JUSTICE AGENCY HAS, PRIOR TO THE DATE OF RECEIVING
5 THE REQUEST, EITHER POSTED ON THE AGENCY'S WEBSITE OR OTHERWISE
6 PUBLISHED A WRITTEN POLICY THAT SPECIFIES THE APPLICABLE
7 CONDITIONS CONCERNING THE RESEARCH AND RETRIEVAL OF REQUESTED
8 CRIMINAL JUSTICE RECORDS BY THE AGENCY, INCLUDING THE AMOUNT OF
9 ANY CURRENT FEE RELATED TO RESEARCH AND RETRIEVAL. THE POLICY
10 MUST PROVIDE THAT THERE IS NO CHARGE FOR THE FIRST FIVE HOURS OF
11 TIME EXPENDED IN CONNECTION WITH THE RESEARCH AND RETRIEVAL OF
12 CRIMINAL JUSTICE RECORDS. AFTER THE FIRST FIVE HOURS OF TIME HAVE
13 BEEN EXPENDED, THE CRIMINAL JUSTICE AGENCY MAY CHARGE A FEE FOR
14 THE RESEARCH AND RETRIEVAL OF CRIMINAL JUSTICE RECORDS IN AN
15 AMOUNT NOT TO EXCEED TWENTY-FIVE DOLLARS PER HOUR.

16 (d) IN ADDITION TO THE FEES ALLOWED PURSUANT TO THIS
17 SECTION, A CRIMINAL JUSTICE AGENCY MAY IMPOSE A FEE IN AN AMOUNT
18 NOT TO EXCEED FIFTY DOLLARS FOR ATTORNEY REVIEW OF REQUESTED
19 CRIMINAL JUSTICE RECORDS IF THE AGENCY HAS, PRIOR TO THE DATE OF
20 RECEIVING THE REQUEST, EITHER POSTED ON THE AGENCY'S WEBSITE OR
21 OTHERWISE PUBLISHED A WRITTEN POLICY THAT SPECIFIES THE
22 APPLICABLE CONDITIONS CONCERNING ATTORNEY REVIEW, INCLUDING THE
23 AMOUNT OF ANY CURRENT FEE. THE FEE ALLOWED BY THIS SUBSECTION
24 (1)(d) ONLY APPLIES TO REVIEW OF REQUESTED PUBLIC RECORDS BY THE
25 ATTORNEY FOR ATTORNEY-CLIENT PRIVILEGED INFORMATION.

26 **SECTION 10. Act subject to petition - effective date -**
27 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following

1 the expiration of the ninety-day period after final adjournment of the
2 general assembly; except that, if a referendum petition is filed pursuant
3 to section 1 (3) of article V of the state constitution against this act or an
4 item, section, or part of this act within such period, then the act, item,
5 section, or part will not take effect unless approved by the people at the
6 general election to be held in November 2026 and, in such case, will take
7 effect on the date of the official declaration of the vote thereon by the
8 governor.

9 (2) Sections 2 through 9 of this act apply to requests for records
10 made on or after the applicable effective date of this act.