



**FINAL  
FISCAL NOTE**

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**Drafting Number:** LLS 12-0464**Date:** June 26, 2012**Prime Sponsor(s):** Rep. Kerr J.  
Sen. Boyd**Bill Status:** Signed into Law**Fiscal Analyst:** Kirk Mlinek (303-866-4782)

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**TITLE:** CONCERNING CLARIFICATION OF THE EXEMPTION FROM THE "COLORADO OPEN RECORDS ACT" FOR INVESTIGATIVE FILES.

### **Summary of Legislation**

The bill clarifies the circumstances under which requests made pursuant to the Colorado Open Records Act (CORA) may be denied for records that are associated with investigative files. The bill provides additional circumstances under which a custodian of records may withhold certain investigative files, or related information, on the grounds that disclosure would be contrary to the public interest. The bill:

- exempts from inspection any records of ongoing civil or administrative investigations conducted by the state unless the investigation focuses on a person or persons inside the investigative agency;
- allows a custodian to redact the name and any other personal identifying or financial information of witnesses or targets of any civil or administrative investigation that has been closed, the record of which is otherwise open to inspection;
- states that a record is not subject to withholding on the grounds that it is maintained or kept in a civil or administrative investigative file except on the grounds that disclosure would to substantial injury to public interest once the record is publicly disclosed; was filed with an agency of the state by a regulated entity under a statutory, regulatory or permit requirement; or was received from a governmental entity and would be available if requested directly from the transmitting entity; and
- states that nothing prohibits an agency from disclosing information or materials during an open investigation if it is in the interest of public health, welfare, or safety.

The bill was signed into law by the Governor and took effect June 7, 2012, and applies to cases arising on or after August 19, 2011.

### **Assessment**

This clarification of when files may be withheld from requests under CORA is an administrative change that will not affect the revenues or expenditures of any state agency, therefore, the bill is assessed as having no fiscal impact. The bill is not expected to impact the number of court filings related to denial of open records requests.

**Departments Contacted**

Corrections  
Local Affairs  
Colorado Counties  
Natural Resources

Judicial  
Public Safety  
Colorado Municipal League

Law  
Sheriffs  
Higher Education