



NOTICE OF ADOPTION

Office of the Secretary of State
Address Confidentiality Program Rules
8 CCR 1505-13

January 5, 2009

Pursuant to the rulemaking provisions of the Colorado Administrative Procedure Act, section 24-4-103, C.R.S. (2008), and the specific rule-making authority granted to the Secretary of State by the Address Confidentiality Act, section 24-21-213, C.R.S., (2008), I, William Hobbs, Interim Secretary of State, do hereby adopt and give **NOTICE** of the permanent rule adoption this 5th day of January, 2009, of the amendment to Rule 5.2 of the Secretary of State Rules Concerning the Address Confidentiality Program (8 CCR 1505-13) as follows (additions to the current rules are reflected in SMALL CAPS and deletions from the current rules are shown in ~~stricken type~~):

- 5.2 In accordance with §24-21-210(12), C.R.S., ~~The~~ **THE** request must be accompanied by a notarized statement certifying that the information requested is required pursuant to a criminal justice trial, hearing, proceeding, or investigation involving a program participant and ~~describing how~~ **THAT** the participant's actual address will be protected from the public and personnel who are not involved in the trial, hearing, proceeding or investigation. In lieu of the statement, a criminal justice agency or official may submit a notarized "Emergency Disclosure of Information" form available on the address confidentiality program website.

The amended rule shall take effect twenty (20) days after publication in the Colorado Register in accordance with the State Administrative Procedures Act.

A written Statement of Basis, Purpose and Specific Statutory Authority is attached and hereby incorporated herein by reference.

Dated this 5th day of January, 2009

William A. Hobbs
Interim Secretary of State

STATE OF COLORADO

Department of State

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William A. Hobbs
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Mike Shea
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Statement of Basis, Purpose and Specific Statutory Authority

**Office of the Secretary of State
Rules Concerning the Address Confidentiality Program
8 CCR 1505-13**

January 5, 2009

1. Basis and Purpose

This statement pertains to the adoption of an amendment to Rule 5.2 of to the Colorado Secretary of State "Rules Concerning the Address Confidentiality Program" (8 CCR 1505-13) resulting from review of the current adopted rules by the Office of Legislative Legal Services, in which potential legal issues were raised with the current rule.

The amendment is necessary in order to ensure the uniform and proper administration of the Address Confidentiality Program. The adoption of specific amendment to the Colorado Secretary of State "Rules Concerning the Address Confidentiality Program" is necessary as follows:

- The amendment to Rule 5.2, concerning the expedited release of participant information to criminal justice agencies, will remove the requirement that a criminal justice agency describe how the agency will keep participant information confidential. Such a requirement may be in excess of statutory requirements.

2. Statutory Authority

Amendments and revisions to the Colorado Secretary of State "Rules Concerning the Address Confidentiality Program" (8 CCR 1505-13) are adopted pursuant to the following statutory provisions:

1. Rulemaking provisions of the Colorado Administrative Procedure Act, §24-4-103, C.R.S.
2. Section 24-21-213, C.R.S. (2008), which authorizes the Secretary of State to adopt any rules deemed necessary to carry out the provisions of the "Address Confidentiality Program Act", excluding section 24-21-214.