



## Notice of Adoption

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

August 19, 2011

#### I. Rule Repeal

In accordance with the State Administrative Procedure Act<sup>1</sup>, this office gives notice that the Colorado Secretary of State Address Confidentiality Program Rules<sup>2</sup> are repealed.

(Additions to the current rules are reflected in SMALL CAPS and deletions from current rules are shown in ~~stricken type~~. Annotations may be included):

8 CCR 1505-13 is repealed in whole as follows:

#### DEPARTMENT OF STATE

#### Secretary of State

#### ADDRESS CONFIDENTIALITY PROGRAM RULES

#### 8 CCR 1505-13

REPEALED.

*(Repeal was effective on the date that the Department of Personnel and Administration Address Confidentiality Program Rules [1 CCR 103-6] became permanently effective.)*

#### ~~1.0 Introduction~~

#### ~~1.1 Authority~~

~~These regulations are adopted pursuant to the authority in §24-21-201, et seq., C.R.S., (the "Address Confidentiality Program Act") and are intended to be consistent with the requirements of the State Administrative Procedure Act, §24-4-101, et seq. (the "APA").~~

#### ~~1.2 Scope and Purpose~~

~~These rules are intended to clarify and carry out the provisions of the Address Confidentiality Program Act [ §24-21-201, et seq.].~~

#### ~~1.3 Specific Authority~~

<sup>1</sup> Section 24-4-103(3)(a), C.R.S. (2010).

<sup>2</sup> 8 CCR 1505-13.

Specific authority for rule making is provided by §24-21-213, C.R.S.

## **2.0 Definitions**

- 2.1 ~~“Other Family Member” as used in §24-21-205(3)(j), “other family member” means a person who resides with the victim and defines himself or herself as a family member regardless of any blood or marital relationship.~~

## **3.0 Application Assistant Designation**

- 3.1 ~~The Application Assistant training and registration process consists of:~~
- a) ~~Attending an in-person training conducted by or on behalf of the Address Confidentiality Program or completing the online training provided on the Address Confidentiality Program website and;~~
  - b) ~~Submitting a signed and completed Application Assistant Agreement.~~
- 3.2 ~~The Application Assistant designation is valid for a two-year period, and may be renewed by submitting a new Application Assistant Agreement prior to the end of the two-year term.~~
- 3.3 ~~Application Assistants must provide the Address Confidentiality Program with current employer and contact information.~~
- 3.4 ~~Application Assistants who change employment may retain their designation as long as they continue to meet the statutory criteria for an Application Assistant.~~
- 3.5 ~~The Address Confidentiality Program will notify Application Assistants in writing prior to the expiration of their designation using the employment contact information on record with the program.~~
- 3.6 ~~An Application Assistant designation will expire if the notice to renew the designation is returned as undeliverable.~~
- 3.7 ~~An Application Assistant may cancel his or her designation at any time by submitting a notice of resignation, in writing, to the address confidentiality program.~~

## **4.0 Participant Telephone Number and Address Changes**

- 4.1 ~~Participants must notify the Address Confidentiality Program of any changes in address or telephone number in writing. Participants may use the “Change of Information Form” provided by the program or any other written format, so long as the notification contains the signature of the participant (or the parent or guardian of the participant) requesting the change.~~

## **5.0 Expedited release of Participant Information to Criminal Justice Officials or Agencies**

- 5.1 ~~Expedited release of participant information shall be granted in response to a written request setting forth the reason(s) requiring the expedited release of information to the criminal justice agency. The request must be on agency letterhead and signed by the employee of the criminal justice agency requesting such information and his or her direct supervisor, or acting supervisor if the employee’s direct supervisor is unavailable.~~

~~5.2 In accordance with §24-21-210(12), C.R.S., 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 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.~~

#### **~~6.0 Public School Enrollment and Record Transfers~~**

~~6.1 At the request of an enrolling school, the Address Confidentiality Program will determine the student/participant's school district and eligible schools based on the residential address on record with the program.~~

~~6.2 The Address Confidentiality Program will notify the enrolling school of its findings in writing.~~

~~6.3 The Address Confidentiality Program will request a student's records for the purpose of transferring such records from one school to another upon receiving the written request and authorization from the student's parent or legal guardian.~~

#### **II. Basis, Purpose, and Specific Statutory Authority**

A Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

#### **III. Effective Date of the Rule Repeal**

Repeal of the rules is permanently effective twenty days after publication in the Colorado Register.<sup>3</sup>

Dated this 19th day of August, 2011,



William A. Hobbs  
Deputy Secretary of State

For

Scott Gessler  
Colorado Secretary of State

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<sup>3</sup> Section 24-4-103(5), C.R.S. (2010).



## **Statement of Basis, Purpose, and Specific Statutory Authority**

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

**August 19, 2011**

#### **I. Basis and Purpose**

This statement is about the repeal of the Colorado Secretary of State Address Confidentiality Program rules.<sup>4</sup> This repeal is necessary to implement changes made by the passage of House Bill 11-1080 that transferred the Colorado Address Confidentiality Program from the Secretary of State to the Department of Personnel and Administration, including the transfer of rulemaking authority.

The Executive Director of the Department of Personnel and Administration has adopted Address Confidentiality Program rules with appropriate amendments.<sup>5</sup> Repeal of the Colorado Secretary of State Address Confidentiality Program Rules will take effect on the date that the rules adopted by the Department of Personnel and Administration become permanently effective.

#### **II. Statutory Authority**

The Secretary repeals these rules in accordance with House Bill 11-1080<sup>6</sup> and the Colorado Administrative Procedure Act.<sup>7</sup>

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<sup>4</sup> 8 CCR 1505-13.

<sup>5</sup> CCR Tracking Number 2011-00462. Address Confidentiality Program Rules [1 CCR 103-6].

<sup>6</sup> Session Laws of Colorado 2011, chapter 256.

<sup>7</sup> Section 24-4-103, C.R.S. (2010).