



**Revised Proposed Statement of Basis, Purpose and Specific Statutory
Authority**

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

December 16, 2008

1. Basis and Purpose

This statement pertains to the proposed 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 Secretary of State therefore finds that the permanent adoption of the amendment to Rule 5.2 of the Colorado Secretary of State “Rules Concerning the Address Confidentiality Program” is necessary in order to ensure the uniform and proper administration of the 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. The amendment will remove the requirement that a criminal justice agency describe how the agency will keep participant information confidential, which 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” Office of the Secretary of State, Division of Licensing, 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.