TITLE 24
GOVERNMENT - STATE

PART 21
ADDRESS CONFIDENTIALITY PROGRAM

24-30-2101. Short title. This part 21 shall be known and may be cited as the "Address Confidentiality Program Act".

24-30-2102. Legislative declaration. (1) The general assembly hereby finds and declares that a person attempting to escape from actual or threatened domestic violence, a sexual offense, or stalking frequently moves to a new address in order to prevent an assailant or potential assailant from finding him or her. This new address, however, is only useful if an assailant or potential assailant does not discover it. Therefore, in order to help victims of domestic violence, a sexual offense, or stalking, it is the intent of the general assembly to establish an address confidentiality program, whereby the confidentiality of a victim's address may be maintained through, among other things, the use of a substitute address for purposes of public records and confidential mail forwarding.

(2) The general assembly further finds and declares that the desired result of the "Address Confidentiality Program Act" for the purpose of post-enactment review is to establish a substitute address for a program participant that is used by state and local government agencies whenever possible; to permit agencies to have access to the participant's actual address when appropriate; to establish a mail forwarding system for program participants; and to ensure that there is adequate funding to pay the program costs for all persons who apply to the program.

(3) The general assembly further declares that private entities, including but not limited to private businesses, can help protect program participants by seeking to prevent the disclosure of unique identifying information that could jeopardize the safety of program participants. The general assembly recognizes that a legitimate need for private entities to request and have access to an individual's actual address often exists and that the opportunity exists for private entities to partner with state and local governmental agencies in the effort to protect the safety of program participants.

24-30-2103. Definitions. As used in this part 21, unless the context otherwise requires:

(1) "Actual address" means a residential, work, or school address as specified on the individual's application to be a program participant under this part 21, and includes the county, voting precinct number, and any unique identifying information related to the individual's residential, work, or school address.

(2) "Address confidentiality program" or "program" means the program created under this part 21 in the department to protect the confidentiality of the actual address of a relocated victim of domestic violence, a sexual offense, or stalking.

(3) "Applicant" means an individual identified as such in an application received by the executive director or his or her designee pursuant to section 24-30-2105.

(4) "Application assistant" means a person designated by the executive director or his or her designee to assist an applicant in the preparation of an application to participate in the address confidentiality program.

(5) "Department" means the department of personnel created in section 24-1-128.

(6) "Domestic violence" means an act described in section 18-6-800.3 (1), C.R.S.

(7) "Executive director" means the executive director of the department.

(8) "Person" means any individual, corporation, limited liability company, partnership,

trust, estate, or other association or any state, the United States, or any subdivision thereof.

(9) "Program participant" or "participant" means an individual accepted into the address confidentiality program in accordance with this part 21.

(10) "Public record" means all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, digital data, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by a state or local government agency.

(11) "Sexual offense" means an act described in part 4 of article 3, or article 6 or 7 of title 18, C.R.S.

(12) "Stalking" means an act of harassment as described in section 18-9-111, C.R.S., or stalking as described in section 18-3-602, C.R.S.

(13) "State or local government agency" or "agency" means every elected or appointed state or local public office, public officer, or official; board, commission, bureau, committee, council, department, authority, agency, institution of higher education, or other unit of the executive, legislative, or judicial branch of the state; or any city, county, city and county, town, special district, school district, local improvement district, or any other kind of municipal, quasi-municipal, or public corporation.

(14) "Substitute address" means an address designated by the executive director or his or her designee under the address confidentiality program that is used instead of an actual address as set forth in this part 21.

24-30-2104. Address confidentiality program - creation - substitute address - uses - service by mail - application assistance centers. (1) There is hereby created the address confidentiality program in the department to protect the confidentiality of the actual address of a relocated victim of domestic violence, a sexual offense, or stalking and to prevent the victim's assailants or potential assailants from finding the victim through public records. Under the program, the executive director or his or her designee shall:

(a) Designate a substitute address for a program participant that shall be used by state and local government agencies as set forth in this part 21; and

(b) Receive mail sent to a program participant at a substitute address and forward the mail to the participant as set forth in subsection (2) of this section.

(2) The executive director or his or her designee shall receive first-class, certified, or registered mail on behalf of a program participant and forward the mail to the participant for no charge. The executive director or his or her designee may arrange to receive and forward other classes or kinds of mail at the participant's expense. Neither the executive director nor his or her designee shall be required to track or otherwise maintain records of any mail received on behalf of a participant unless the mail is certified or registered mail.

(3) (a) Notwithstanding any provision of law to the contrary, a program participant may be served by registered mail or by certified mail, return receipt requested, addressed to the participant at his or her substitute address with any process, notice, or demand required or permitted by law to be served on the program participant. Service is perfected under this subsection (3) at the earliest of:

(I) The date the program participant receives the process, notice, or demand; or

(II) Five days after the date shown on the return receipt if signed on behalf of the program participant.

(b) This subsection (3) does not prescribe the only means, or necessarily the required means, of serving a program participant in the state.

(c) Whenever the laws of the state provide a program participant a legal right to act

within a prescribed period of ten days or less after the service of a notice or other paper upon the participant and the notice or paper is served upon the participant by mail pursuant to this subsection (3) or by first-class mail as otherwise authorized by law, five days shall be added to the prescribed period.

(4) The executive director or his or her designee may designate as an application assistant any person who:

(a) Provides counseling, referral, or other services to victims of domestic violence, a sexual offense, or stalking; and

(b) Completes any training and registration process required by the executive director or his or her designee.

(5) Any assistance and counseling rendered by the executive director or his or her designee or an application assistant to an applicant related to this part 21 shall in no way be construed as legal advice.

24-30-2105. Filing and certification of applications - authorization card. (1) On and after July 1, 2008, upon the recommendation of an application assistant, an individual may apply to the executive director or his or her designee to participate in the address confidentiality program. The following individuals may apply to the executive director or his or her designee to have an address designated by the executive director or his or her designee to serve as the substitute address of the individual and any individuals designated in paragraph (j) of subsection (3) of this section:

(a) An adult individual;

(b) A parent or guardian acting on behalf of a minor when the minor resides with the individual; or

(c) A guardian acting on behalf of an incapacitated individual.

(2) An application assistant shall assist the individual in the preparation of the application. The application shall be dated, signed, and verified by the applicant and shall be signed and dated by the application assistant who assisted in the preparation of the application. The signature of the application assistant shall serve as the recommendation by such person that the applicant have an address designated by the executive director or his or her designee to serve as the substitute address of the applicant. A minor or incapacitated individual on whose behalf a parent or guardian completes an application pursuant to the authority set forth in paragraph (b) or (c) of subsection (1) of this section shall be considered the applicant, but any statements that are required to be made by the applicant shall be made by the parent or guardian acting on behalf of the minor or incapacitated individual.

(3) The application shall be on a form prescribed by the executive director or his or her designee and shall contain all of the following:

(a) The applicant's name;

(b) A statement by the applicant that the applicant is a victim of domestic violence, a sexual offense, or stalking and that the applicant fears for his or her safety;

(c) Evidence that the applicant is a victim of domestic violence, a sexual offense, or stalking. This evidence may include any of the following:

(I) Law enforcement, court, or other state or local government agency or federal agency records or files;

(II) Documentation from a domestic violence program or facility, including but not limited to a battered women's shelter or safe house, if the applicant is alleged to be a victim of domestic violence;

(III) Documentation from a sexual assault program if the applicant is alleged to be a victim of a sexual offense; or

(IV) Documentation from a religious, medical, or other professional from whom the applicant has sought assistance in dealing with the alleged domestic violence, sexual offense, or stalking.

(d) A statement by the applicant that disclosure of the applicant's actual address would endanger the applicant's safety;

(e) A statement by the applicant that the applicant has confidentially relocated in the past ninety days or will confidentially relocate in the state;

(f) A designation of the executive director or his or her designee as an agent for the applicant for purposes of receiving certain mail;

(g) The mailing address and telephone number where the applicant can be contacted by the executive director or his or her designee;

(h) The actual address that the applicant requests not to be disclosed by the executive director or his or her designee that directly relates to the increased risk of domestic violence, a sexual offense, or stalking;

(i) A statement as to whether there is any existing court order or court action involving the applicant or an individual identified in paragraph (j) of this subsection (3) related to dissolution of marriage proceedings, child support, or the allocation of parental responsibilities or parenting time and the court that issued the order or has jurisdiction over the action;

(j) The name of any person who resides with the applicant who also needs to be a program participant in order to ensure the safety of the applicant and, if the person named in the application is eighteen years of age or older, the consent of such person to be a program participant;

(k) A statement by the applicant, under penalty of perjury, that to the best of the applicant's knowledge, the information contained in the application is true.

(4) Upon determining that an application has been properly completed, the executive director or his or her designee shall certify the applicant and any individual who is identified in paragraph (j) of subsection (3) of this section as a program participant. Upon certification, the executive director or his or her designee shall issue to the participant an address confidentiality program authorization card, which shall include the participant's substitute address. The card shall remain valid for so long as the participant remains certified under the program.

(5) Applicants and individuals identified in paragraph (j) of subsection (3) of this section shall be certified for four years following the date of filing unless the certification is withdrawn or canceled prior to the end of the four-year period. A program participant may withdraw the certification by filing a request for withdrawal acknowledged before a notary public. A certification may be renewed by filing a renewal application with the executive director or his or her designee at least thirty days prior to expiration of the current certification. The renewal application shall be dated, signed, and verified by the applicant. The renewal application shall contain:

(a) Any statement or information that is required by subsection (3) of this section that has changed from the original application or a prior renewal application; and

(b) A statement by the applicant, under penalty of perjury, that to the best of the applicant's knowledge, the information contained in the renewal application and a prior application is true.

24-30-2106. Change of name, address, or telephone number. (1) A program participant shall notify the executive director or his or her designee within thirty days after the participant has obtained a legal name change by providing the executive director or his or her designee a certified copy of any judgment or order evidencing the change or any other documentation the executive director or his or her designee deems to be sufficient evidence of

the name change.

(2) A program participant shall notify the executive director or his or her designee of a change in address or telephone number from the address or telephone number listed for the participant on the application pursuant to the requirements set forth in section 24-30-2105 (3) (g) and (3) (h) no later than seven days after the change occurs.

24-30-2107. Certification cancellation - records. (1) The certification of a program participant shall be cancelled under any of the following circumstances:

(a) The program participant files a request for withdrawal of the certification pursuant to section 24-30-2105 (5).

(b) The program participant fails to notify the executive director or his or her designee of a change in the participant's name, address, or telephone number listed on the application pursuant to section 24-30-2106.

(c) The program participant or parent or guardian who completes an application on behalf of an applicant knowingly submitted false information in the program application.

(d) Mail forwarded to the program participant by the executive director or his or her designee is returned as undeliverable.

(2) If the executive director or his or her designee determines that there is one or more grounds for cancelling certification of a program participant pursuant to subsection (1) of this section, the executive director or his or her designee shall send notice of cancellation to the program participant. Notice of cancellation shall set out the reasons for cancellation. The participant shall have thirty days to appeal the cancellation decision under procedures developed by the executive director or his or her designee.

(3) An individual who ceases to be a program participant is responsible for notifying persons who use the substitute address that the designated substitute address is no longer valid.

24-30-2108. Address use by state or local government agencies. (1) The program participant, and not the executive director or his or her designee, is responsible for requesting that a state or local government agency use the participant's substitute address as the participant's residential, work, or school address for all purposes for which the agency requires or requests such residential, work, or school address.

(2) Except as otherwise provided in this section or unless the executive director or his or her designee grants a state or local government agency's request for a disclosure pursuant to section 24-30-2110, when a program participant submits a current and valid address confidentiality program authorization card to the agency, the agency shall accept the substitute address designation by the executive director or his or her designee on the card as the participant's address to be used as the participant's residential, work, or school address when creating a new public record. The substitute address given to the agency shall be the last known address for the participant used by the agency until such time that the agency receives notification pursuant to section 24-30-2107 (3). The agency may make a photocopy of the card for the records of the agency and thereafter shall immediately return the card to the program participant.

(3) (a) A designated election official as defined in section 1-1-104 (8), C.R.S., shall use the actual address of a program participant for precinct designation and all official election-related purposes and shall keep the participant's actual address confidential from the public. The election official shall use the substitute address for all correspondence and mailings placed in the United States mail. The substitute address shall not be used as an address for voter registration.

(b) A state or local government agency's access to a program participant's voter

registration shall be governed by the disclosure process set forth in section 24-30-2110.

(c) The provisions of this subsection (3) shall apply only to a program participant who submits a current and valid address confidentiality program authorization card when registering to vote.

(d) The provisions of this subsection (3) shall not apply to a program participant who registers to vote pursuant to section 1-2-213, C.R.S.

(4) A program participant who completes an application to register to vote at a driver's license examination facility while receiving a driver's license or an identification card pursuant to section 1-2-213, C.R.S., shall be required to have the participant's actual address on the driver's license or identification card.

(5) The substitute address shall not be used for purposes of listing, appraising, or assessing property taxes and collecting property taxes under the provisions of title 39, C.R.S.

(6) Whenever a program participant is required by law to swear or affirm to the participant's address, the participant may use his or her substitute address.

(7) The substitute address shall not be used for purposes of assessing any taxes or fees on a motor vehicle or for titling or registering a motor vehicle. Notwithstanding any provision of section 24-72-204 (7) to the contrary, any record that includes a program participant's actual address pursuant to this subsection (7) shall be confidential and not available for inspection by anyone other than the program participant.

(8) The substitute address shall not be used on any document related to real property recorded with a county clerk and recorder.

(9) A school district shall accept the substitute address as the address of record and shall verify student enrollment eligibility through the executive director or his or her designee. The executive director or his or her designee shall facilitate the transfer of student records from one school to another.

(10) Except as otherwise provided in this section, a program participant's actual address and telephone number maintained by a state or local government agency or disclosed by the executive director or his or her designee is not a public record that is subject to inspection pursuant to the provisions of part 2 of article 72 of title 24. This subsection (10) shall not apply to the following:

(a) To any public record created more than ninety days prior to the date that the program participant applied to be certified in the program; or

(b) If a program participant voluntarily requests that a state or local government agency use the participant's actual address or voluntarily gives the actual address to the state or local government agency.

(11) For any public record created within ninety days prior to the date that a program participant applied to be certified in the program, a state or local government agency shall redact the actual address from a public record or change the actual address to the substitute address in the public record, if a program participant who presents a current and valid program authorization card requests the agency that maintains the public record to use the substitute address instead of the actual address on the public record.

24-30-2109. Disclosure of actual address prohibited. (1) The executive director or his or her designee is prohibited from disclosing any address or telephone number of a program participant other than the substitute address designated by the executive director or his or her designee, except under any of the following circumstances:

(a) The information is required by direction of a court order pursuant to section 24-30-2111. However, any person to whom a program participant's address or telephone number has been disclosed shall not disclose the address or telephone number to any other person unless

permitted to do so by order of the court.

(b) The executive director or his or her designee grants a request by an agency pursuant to section 24-30-2110.

(c) The program participant is required to disclose the participant's actual address as part of a registration required by the "Colorado Sex Offender Registration Act", article 22 of title 16, C.R.S.

(2) The executive director or his or her designee shall provide immediate notification of disclosure to a program participant when disclosure is made pursuant to paragraph (a) or (b) of subsection (1) of this section.

(3) If, at the time of application, an applicant or an individual designated in section 24-30-2105 (3) (j) is subject to a court order related to dissolution of marriage proceedings, child support, or the allocation of parental responsibilities or parenting time, the executive director or his or her designee shall notify the court that issued the order of the certification of the program participant in the address confidentiality program and the substitute address designated by the executive director or his or her designee. If, at the time of application, an applicant or an individual designated in section 24-30-2105 (3) (j) is involved in a court action related to dissolution of marriage proceedings, child support, or the allocation of parental responsibilities or parenting time, the executive director or his or her designee shall notify the court having jurisdiction over the action of the certification of the applicant in the address confidentiality program and the substitute address designated by the executive director or his or her designee.

(4) No person shall knowingly and intentionally obtain a program participant's actual address or telephone number from the executive director or his or her designee or an agency knowing that the person is not authorized to obtain the address information.

(5) No employee of the executive director or his or her designee or of an agency shall knowingly and intentionally disclose a program participant's actual address or telephone number unless the disclosure is permissible by law. This subsection (5) only applies when an employee obtains a participant's actual address or telephone number during the course of the employee's official duties and, at the time of disclosure, the employee has specific knowledge that the actual address or telephone number disclosed belongs to a participant.

(6) Any person who knowingly and intentionally obtains or discloses information in violation of this part 21 shall be guilty of a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

24-30-2110. Request for disclosure. (1) A state or local government agency requesting disclosure of a program participant's actual address pursuant to this section shall make such a request in writing on agency letterhead and shall provide the executive director or his or her designee with the following information:

(a) The name of the program participant for whom the agency seeks disclosure of the actual address;

(b) A statement, with explanation, setting forth the reason or reasons that the agency needs the program participant's actual address and a statement that the agency cannot meet its statutory or administrative obligations without disclosure of the participant's actual address;

(c) A particular statement of facts showing that other methods to locate the program participant or the participant's actual address have been tried and have failed or that the methods reasonably appear to be unlikely to succeed;

(d) A statement that the agency has adopted a procedure setting forth the steps the agency will take to protect the confidentiality of the program participant's actual address; and

(e) Any other information as the executive director or his or her designee may reasonably request in order to identify the program participant in the records of the executive director or his

or her designee.

(2) (a) The executive director or his or her designee shall provide the program participant with notice of a request for disclosure received pursuant to subsection (1) of this section, and, to the extent possible, the participant shall be afforded an opportunity to be heard regarding the request.

(b) Except as otherwise provided in paragraph (c) of this subsection (2), the executive director or his or her designee shall provide the program participant with written notification whenever a request for a disclosure has been granted or denied pursuant to this section.

(c) No notice or opportunity to be heard shall be given to the program participant when the request for disclosure is made by a state or local law enforcement agency conducting a criminal investigation involving alleged criminal conduct by the participant or when providing notice to the participant would jeopardize an ongoing criminal investigation or the safety of law enforcement personnel.

(3) The executive director or his or her designee shall promptly conduct a review of all requests received pursuant to this section. In conducting a review, the executive director or his or her designee shall consider all information received pursuant to subsections (1) and (2) of this section and any other appropriate information that the executive director or his or her designee may require.

(4) The executive director or his or her designee shall grant a state or local government agency's request for disclosure and disclose a program participant's actual address pursuant to this section if:

(a) The agency has a bona fide statutory or administrative need for the actual address.

(b) The actual address will only be used for the purpose stated in the request.

(c) Other methods to locate the program participant or the participant's actual address have been tried and have failed or such methods reasonably appear to be unlikely to succeed.

(d) The agency has adopted a procedure for protecting the confidentiality of the actual address of the program participant.

(5) Upon granting a request for disclosure pursuant to this section, the executive director or his or her designee shall provide the state or local government agency with the disclosure that contains:

(a) The program participant's actual address;

(b) A statement setting forth the permitted use of the actual address and the names or classes of persons permitted to have access to and use of the actual address;

(c) A statement that the agency is required to limit access to and use of the actual address to the permitted use and persons set forth in the disclosure; and

(d) The date on which the permitted use expires, if expiration is appropriate, after which the agency may no longer maintain, use, or have access to the actual address.

(6) A state or local government agency whose request is granted by the executive director or his or her designee pursuant to this section shall:

(a) Limit the use of the program participant's actual address to the purposes set forth in the disclosure;

(b) Limit the access to the program participant's actual address to the persons or classes of persons set forth in the disclosure;

(c) Cease to use and dispose of the program participant's actual address upon the expiration of the permitted use, if applicable; and

(d) Except as otherwise set forth in the disclosure, maintain the confidentiality of a program participant's actual address.

(7) Upon denial of a state or local government agency's request for disclosure, the executive director or his or her designee shall provide prompt written notification to the agency

stating that the agency's request has been denied and setting forth the specific reasons for the denial.

(8) A state or local government agency may file written exceptions with the executive director or his or her designee no more than fifteen days after written notification is provided pursuant to subsection (7) of this section. The exceptions shall restate the information contained in the request for disclosure, state the grounds upon which the agency asserts that the request for disclosure should be granted and specifically respond to the executive director's or his or her designee's specific reasons for denial.

(9) Unless the state or local government agency filing exceptions agrees otherwise, the executive director or his or her designee shall make a final determination regarding the exceptions within thirty days after the filing of exceptions pursuant to subsection (8) of this section. Prior to making a final determination regarding the exceptions, the executive director or his or her designee may request additional information from the agency or the program participant and conduct a hearing. If the final determination of the executive director or his or her designee is that the denial of the agency's request for disclosure was properly denied, the executive director or his or her designee shall provide the agency with written notification of this final determination stating that the agency's request has again been denied and setting forth the specific reasons for the denial. If the final determination of the executive director or his or her designee is that the denial of the agency's request for disclosure has been improperly denied, the executive director or his or her designee shall grant the agency's request for disclosure in accordance with this section. The final determination of the executive director or his or her designee shall constitute final agency action.

(10) The record before any judicial review of a final agency action pursuant to subsection (9) of this section shall consist of the state or local government agency's request for disclosure, the executive director's or his or her designee's written response, the agency's exceptions, the hearing transcript, if any, and the executive director's or his or her designee's final determination.

(11) During any period of review, evaluation, or appeal, the agency shall, to the extent possible, accept and use the program participant's substitute address.

(12) Notwithstanding any other provision of this section, the executive director or his or her designee shall establish an expedited process for disclosure to be used by a criminal justice official or agency for situations where disclosure is required pursuant to a criminal justice trial, hearing, proceeding, or investigation involving a program participant. An official or agency receiving information pursuant to this subsection (12) shall certify to the executive director or his or her designee that the official or agency has a system in place to protect the confidentiality of a participant's actual address from the public and from personnel who are not involved in the trial, hearing, proceeding, or investigation.

(13) Nothing in this section shall be construed to prevent the executive director or his or her designee from granting a request for disclosure to a state or local government agency pursuant to this section upon receipt of a program participant's written consent to do so.

24-30-2111. Disclosure of address or unique identifying information in criminal and civil proceedings. A person shall not be compelled to disclose a program participant's actual address or any unique identifying information related to the participant's residence, work, or school during the discovery phase of or during a proceeding before a court of competent jurisdiction or administrative tribunal unless the court or administrative tribunal finds, based upon a preponderance of the evidence, that the disclosure is required in the interests of justice and that the potential harm to the program participant is substantially outweighed by the public interest in the disclosure and that no other alternative would satisfy that necessity. A court or administrative tribunal may seal the portion of any record that contains a program participant's

actual address. Nothing in this section prevents a state or local government agency, in its discretion, from using a program participant's actual address in any document or record filed with a court or administrative tribunal if, at the time of filing, the document or record is not a public record.

24-30-2112. Participation in the program - orders relating to allocation of parental responsibilities or parenting time. (1) Nothing in this part 21, nor participation in the program, shall affect an order relating to the allocation of parental responsibilities or parenting time in effect prior to or during program participation.

(2) Program participation does not constitute evidence of domestic violence, a sexual offense, or stalking and shall not be considered for purposes of making an order allocating parental responsibilities or parenting time; except that a court may consider practical measures to keep a program participant's actual address confidential when making an order allocating parental responsibilities or parenting time.

24-30-2113. Rule-making authority. The executive director or his or her designee is authorized to adopt any rules in accordance with article 4 of this title deemed necessary to carry out the provisions of this part 21, excluding section 24-30-2114.

24-30-2114. Surcharge - collection and distribution - address confidentiality program surcharge fund - creation - definitions. (1) On and after July 1, 2007, each person who is convicted of the crimes set forth in subsection (2) of this section shall be required to pay a surcharge of twenty-eight dollars to the clerk of the court for the judicial district in which the conviction occurs.

(2) The following crimes shall be subject to the surcharge set forth in subsection (1) of this section:

(a) Stalking;

(b) A crime, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence; or

(c) Criminal attempt, conspiracy, or solicitation to commit the crimes set forth in paragraphs (a) and (b) of this subsection (2).

(3) The clerk of the court shall allocate the surcharge required by this section as follows:

(a) Five percent shall be retained by the clerk of the court for administrative costs incurred pursuant to this section. Such amount retained shall be transmitted to the state treasurer for deposit in the judicial stabilization cash fund created in section 13-32-101 (6), C.R.S.

(b) Ninety-five percent shall be transferred to the state treasurer, who shall credit the same to the address confidentiality program surcharge fund created pursuant to subsection (4) of this section.

(4) (a) There is hereby created in the state treasury the address confidentiality program surcharge fund, which shall consist of moneys received by the state treasurer pursuant to this section. The moneys in the fund shall be subject to annual appropriation by the general assembly to the department for the purpose of paying for the costs incurred by the executive director or his or her designee in the administration of the program. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any moneys not appropriated by the general assembly shall remain in the fund and shall not be transferred or revert to the general fund at the end of any fiscal year.

(b) (Deleted by amendment, L. 2011, (HB 11-1080), ch. 256, p. 1121, § 2, effective June 2, 2011.)

(c) Repealed.

(5) The court may waive all or any portion of the surcharge required by this section if the court finds that a person subject to the surcharge is indigent or financially unable to pay all or any portion of the surcharge. The court may waive only that portion of the surcharge that the court finds that the person is financially unable to pay.

(6) As used in this section, "convicted" and "conviction" mean a plea of guilty accepted by the court, including a plea of guilty entered pursuant to a deferred sentence under section 18-1.3-102, C.R.S., a verdict of guilty by a judge or jury, or a plea of no contest accepted by the court.

24-30-2115. Address confidentiality program grant fund - creation. (1) There is hereby created in the state treasury the address confidentiality program grant fund, referred to in this section as the "fund", which shall consist of any gifts, grants, or donations received by the department for the fund pursuant to subsection (2) of this section. The moneys in the fund shall be continuously appropriated by the general assembly to the department for the purpose of paying for the costs incurred by the executive director or his or her designee in the administration of the program. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any moneys not appropriated by the general assembly shall remain in the fund and shall not be transferred or revert to the general fund at the end of any fiscal year.

(2) The department is authorized to seek, accept, and expend gifts, grants, and donations from private or public sources for the implementation of the program. All private and public funds received through gifts, grants, and donations shall be transmitted to the state treasurer, who shall credit the same to the fund.