

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0391.02 Richard Sweetman x4333

HOUSE BILL 26-1255

HOUSE SPONSORSHIP

Story,

SENATE SPONSORSHIP

Cutter,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROTECTIONS FOR USERS OF ELECTRONIC MEDIA, AND,**
102 **IN CONNECTION THEREWITH, REQUIRING AN OPERATOR OF A**
103 **SOCIAL MEDIA PLATFORM TO ENSURE THE SOCIAL MEDIA**
104 **PLATFORM PROVIDES A STREAMLINED PROCESS TO ALLOW A**
105 **LAW ENFORCEMENT AGENCY TO CONTACT THE SOCIAL MEDIA**
106 **PLATFORM CONCERNING A SEARCH WARRANT AND REQUIRING**
107 **AN OPERATOR TO REPORT TO A LOCAL LAW ENFORCEMENT**
108 **AGENCY IF THE OPERATOR'S SOCIAL MEDIA PLATFORM**
109 **RECEIVES A NOTICE THAT A USER HAS POSTED CONTENT THAT**
110 **THREATENS IMMINENT AND SPECIFIC HARM TO THEMSELF OR**
111 **ANOTHER INDIVIDUAL, EXPRESSES AN INTENT TO COMMIT A**
112 **CRIME, OR ATTEMPTS TO ENTICE AN INDIVIDUAL TO COMMIT A**
113 **CRIME.**

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires an operator of a social media platform (operator) to ensure that its social media platform provides a streamlined process to allow law enforcement agencies to contact the social media platform. The process must be available to law enforcement agencies at all times and make available a staffed hotline for the purposes of:

- Receiving and responding to questions about search warrants;
- Acknowledging the receipt of a search warrant within 8 hours after receipt; and
- Providing status updates on search warrant compliance to a requesting law enforcement agency.

An operator must comply with a search warrant within 24 hours if certain conditions apply. A court may reasonably extend this time if the court makes a written finding that the operator or social media platform has shown good cause for the extension and that an extension would not cause an adverse result. The bill sets forth enforcement options for the attorney general regarding operators' compliance with search warrants.

The bill also requires an operator to report to a social media platform user's (user's) local law enforcement agency within 24 hours if the operator's social media platform receives a flag or other notice that the user has posted content that:

- Threatens imminent and specific harm to themselves or another individual;
- Expresses an intention to commit an imminent and specific crime under Colorado law; or
- Attempts to entice an individual to commit an imminent and specific crime under Colorado law.

A violation of the reporting requirement is a violation of the "Colorado Consumer Protection Act".

In current law, "social media platform" is defined as an internet-based service, website, or application that satisfies certain criteria, including having more than 100,000 active users in Colorado. The bill removes this criterion.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 16-3-313 as
3 follows:

4 **16-3-313. Search warrants served on social media platforms**
5 **- process required - definitions.**

6 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

8 (a) "OPERATOR" MEANS A PERSON, BUSINESS, OR OTHER LEGAL
9 ENTITY THAT OPERATES OR PROVIDES A SOCIAL MEDIA PLATFORM.

10 (b) "SOCIAL MEDIA PLATFORM" HAS THE MEANING SET FORTH IN
11 SECTION 6-1-1601 (4); EXCEPT THAT "SOCIAL MEDIA PLATFORM" INCLUDES
12 AN INTERNET-BASED SERVICE OR APPLICATION IN WHICH THE
13 PREDOMINANT OR EXCLUSIVE FUNCTION IS INTERACTIVE GAMING, VIRTUAL
14 GAMING, OR AN ONLINE SERVICE THAT ALLOWS THE CREATION AND
15 UPLOADING OF CONTENT FOR THE PURPOSE OF INTERACTIVE OR VIRTUAL
16 GAMING, AS DESCRIBED IN SECTION 6-1-1601 (4)(b)(VII).

17 (c) "USER" MEANS A USER OF A SOCIAL MEDIA PLATFORM IN
18 COLORADO WHO IS NOT ACTING AS AN OPERATOR, OR AN AGENT OR
19 AFFILIATE OF AN OPERATOR, OF THE SOCIAL MEDIA PLATFORM OR ANY
20 PORTION OF THE SOCIAL MEDIA PLATFORM.

21 (2) AN OPERATOR SHALL ENSURE THAT ITS SOCIAL MEDIA
22 PLATFORM PROVIDES A STREAMLINED PROCESS TO ALLOW LAW
23 ENFORCEMENT AGENCIES TO CONTACT THE SOCIAL MEDIA PLATFORM. THE
24 PROCESS MUST, AT A MINIMUM:

25 (a) BE AVAILABLE TO LAW ENFORCEMENT AGENCIES AT ALL TIMES;

26 AND

27 (b) MAKE AVAILABLE AT ALL TIMES A STAFFED HOTLINE FOR LAW

1 ENFORCEMENT OFFICERS FOR THE PURPOSES OF:

2 (I) RECEIVING AND RESPONDING TO QUESTIONS ABOUT SEARCH
3 WARRANTS;

4 (II) ACKNOWLEDGING THE RECEIPT OF A SEARCH WARRANT WITHIN
5 EIGHT HOURS AFTER RECEIPT; AND

6 (III) PROVIDING STATUS UPDATES ON SEARCH WARRANT
7 COMPLIANCE TO A REQUESTING LAW ENFORCEMENT AGENCY.

8 (3) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION OR
9 ANY OTHER LAW, INCLUDING SECTION 32 OF ARTICLE II OF THE STATE
10 CONSTITUTION; THE "COLORADO PRIVACY ACT", PART 13 OF ARTICLE 1 OF
11 TITLE 6; SECTION 16-3-301 (4); AND THE "REPRODUCTIVE HEALTH EQUITY
12 ACT", PART 4 OF ARTICLE 6 OF TITLE 25, AN OPERATOR SHALL COMPLY
13 WITH A SEARCH WARRANT WITHIN TWENTY-FOUR HOURS AFTER RECEIVING
14 THE SEARCH WARRANT IF ALL OF THE FOLLOWING APPLY:

15 (a) THE SEARCH WARRANT IS PROVIDED TO THE OPERATOR OR THE
16 OPERATOR'S SOCIAL MEDIA PLATFORM BY A LAW ENFORCEMENT AGENCY;

17 (b) THE SUBJECT OF THE SEARCH WARRANT IS INFORMATION
18 ASSOCIATED WITH A USER'S ACCOUNT ON A SOCIAL MEDIA PLATFORM
19 OPERATED BY THE OPERATOR; AND

20 (c) THE INFORMATION IS CONTROLLED BY A USER OR OPERATOR OF
21 THE SOCIAL MEDIA PLATFORM.

22 (4) A COURT MAY REASONABLY EXTEND THE TIME REQUIRED TO
23 COMPLY WITH A SEARCH WARRANT ISSUED PURSUANT TO SUBSECTION (3)
24 OF THIS SECTION IF THE COURT MAKES A WRITTEN FINDING THAT THE
25 OPERATOR OR SOCIAL MEDIA PLATFORM HAS SHOWN GOOD CAUSE FOR THE
26 EXTENSION AND THAT AN EXTENSION WOULD NOT CAUSE AN ADVERSE
27 RESULT, AS DEFINED IN 18 U.S.C. SEC. 2705 (a)(2).

1 (5) ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, IF IT
2 APPEARS TO THE ATTORNEY GENERAL, UPON COMPLAINT OR OTHERWISE,
3 THAT ANY PERSON WITHIN OR OUTSIDE THE STATE HAS VIOLATED THIS
4 SECTION, THE ATTORNEY GENERAL MAY BRING AN ACTION OR PROCEEDING
5 TO:

6 (a) ENJOIN THE VIOLATION;

7 (b) OBTAIN RESTITUTION OF ANY MONEY OR PROPERTY OBTAINED
8 DIRECTLY OR INDIRECTLY AS A RESULT OF THE VIOLATION;

9 (c) OBTAIN DISGORGEMENT OF ANY PROFITS OR GAINS OBTAINED
10 DIRECTLY OR INDIRECTLY AS A RESULT OF THE VIOLATION;

11 (d) OBTAIN DAMAGES CAUSED DIRECTLY OR INDIRECTLY BY THE
12 VIOLATION;

13 (e) OBTAIN CIVIL PENALTIES OF UP TO TWO HUNDRED FIFTY
14 THOUSAND DOLLARS PER VIOLATION; AND

15 (f) OBTAIN SUCH OTHER RELIEF AS THE COURT MAY DEEM PROPER,
16 INCLUDING PRELIMINARY RELIEF.

17 **SECTION 2.** In Colorado Revised Statutes, **add** 6-1-1602 as
18 follows:

19 **6-1-1602. Social media platforms - duty to report adverse**
20 **actions to local law enforcement agency - definitions - rules.**

21 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
22 REQUIRES:

23 (a) "ADVERSE ACTION" MEANS AN ACTION TAKEN BY A SOCIAL
24 MEDIA PLATFORM AGAINST A USER IN RESPONSE TO THE USER POSTING
25 CONTENT IN VIOLATION OF THE SOCIAL MEDIA PLATFORM'S POLICIES
26 CONCERNING THREATENING OR CRIMINAL BEHAVIOR. "ADVERSE ACTION"
27 INCLUDES A RESTRICTION, SUSPENSION, OR TERMINATION OF A USER'S

1 ACCOUNT ON A SOCIAL MEDIA PLATFORM.

2 (b) "LOCAL LAW ENFORCEMENT AGENCY" MEANS EITHER:

3 (I) THE MUNICIPAL LAW ENFORCEMENT AGENCY OF THE
4 MUNICIPALITY IN WHICH A USER RESIDES; OR

5 (II) THE COUNTY SHERIFF OF THE COUNTY IN WHICH A USER
6 RESIDES.

7 (c) "OPERATOR" MEANS A PERSON, BUSINESS, OR OTHER LEGAL
8 ENTITY THAT OPERATES OR PROVIDES A SOCIAL MEDIA PLATFORM.

9 (d) "SOCIAL MEDIA PLATFORM" HAS THE MEANING SET FORTH IN
10 SECTION 6-1-1601 (4).

11 (e) "USER" MEANS A USER OF A SOCIAL MEDIA PLATFORM IN
12 COLORADO WHO IS NOT ACTING AS AN OPERATOR, OR AN AGENT OR
13 AFFILIATE OF AN OPERATOR, OF THE SOCIAL MEDIA PLATFORM OR ANY
14 PORTION OF THE SOCIAL MEDIA PLATFORM.

15 (2) NOT LATER THAN TWENTY-FOUR HOURS AFTER A SOCIAL MEDIA
16 PLATFORM TAKES AN ADVERSE ACTION AGAINST A USER, THE OPERATOR
17 OF THE SOCIAL MEDIA PLATFORM SHALL REPORT THE ADVERSE ACTION TO
18 THE LOCAL LAW ENFORCEMENT AGENCY, INCLUDING THE CONTENT IN
19 QUESTION THAT WAS ALLEGEDLY POSTED BY THE USER.

20 (3) A PERSON THAT VIOLATES THIS SECTION COMMITS AN UNFAIR
21 OR DECEPTIVE TRADE PRACTICE, AS DESCRIBED IN SECTION 6-1-105
22 (1)(qqqq).

23 (4) THE ATTORNEY GENERAL MAY ADOPT RULES FOR THE PURPOSE
24 OF CARRYING OUT THIS SECTION.

25 **SECTION 3.** In Colorado Revised Statutes, 6-1-105, **add**
26 (1)(qqqq) as follows:

27 **6-1-105. Unfair or deceptive trade practices - definitions.**

1 (1) A person engages in a deceptive trade practice when, in the
2 course of the person's business, vocation, or occupation, the person:

3 (qqqq) VIOLATES SECTION 6-1-1602.

4 **SECTION 4.** In Colorado Revised Statutes, 6-1-1601, **amend**
5 (4)(a)(I) as follows:

6 **6-1-1601. Social media platform - youth users - definition.**

7 (4) (a) As used in this section, "social media platform" means an
8 internet-based service, website, or application that:

9 (I) Has ONE OR more ~~than one hundred thousand~~ active users in
10 Colorado;

11 **SECTION 5. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2026 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.