

Colorado Revised Statutes: Title 18: Criminal Proceedings:
18-8-114. Abuse of Public Records.

TITLE 18. CRIMINAL CODE.

ARTICLE 8. OFFENSES - GOVERNMENTAL OPERATIONS.

PART 1. OBSTRUCTION OF PUBLIC JUSTICE, OFFENSES INVOLVING FRAUD.

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(1) A person commits a class 1 misdemeanor if:

(a) The person knowingly makes a false entry in or falsely alters any public record; or

(b) Knowing the person lacks the authority to do so, the person knowingly destroys, mutilates, conceals, removes, or impairs the availability of any public record; or

(c) Knowing the person lacks the authority to retain the record, the person refuses to deliver up a public record in the person's possession upon proper request of any person lawfully entitled to receive such record; or

(d) Knowing the person has not been authorized by the custodian of the public record to do so, the person knowingly alters any public record.

(2) As used in this section, the term "public record" includes all official books, papers, or records created, received, or used by or in any governmental office or agency.

Case Notes, Annotation:

Applicability of section. This section applies only to records after they are created, received, or used by a public office. *People v. Trujillo*, 189 Colo. 23, 536 P.2d 46 (1975).

Records in custody or control of public agency. A violation of this section occurs only where a person falsifies or otherwise corrupts a record which is in, or is required by law to be in, the custody or control of a public agency at the time of falsification. *People v. Trujillo*, 185 Colo. 14, 521 P.2d 769 (1974).

Limitation imposed on section improper. Imposing limitation that criminal liability for a violation of this section hinges on whether the document in question is open to public inspection is not proper. *People v. Trujillo*, 185 Colo. 14, 521 P.2d 769 (1974).

Comparison with section 18-5-114. Abuse of public records under this section was not meant to cover the offense of offering a false instrument for recording under § 18-5-114. *People v. Trujillo*, 189 Colo. 23, 536 P.2d 46 (1975).

Term "record" includes civil service examination questions with answers. The word, "record", in the sense in which the word is used in this section, includes examination questions of the state personnel system with the answers of applicants thereto, but does not include unused examination question. *Shimmel v. People*, 108 Colo. 592, 121 P.2d 491 (1942) (decided under former CSA, C. 48, § 151).

Personal book kept by probate judge for his own information and convenience which contained records not germane to his office was not a public record. *Downing v. Brown*, 3 Colo. 571 (1877) (decided under former R.S. p. 208, § 69).

Incorrect information on application for college admission was not included within the offense covered by this section. *People v. Trujillo*, 189 Colo. 23, 536 P.2d 46 (1975).