

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 16-0898.01 Michael Dohr x4347

SENATE BILL 16-110

SENATE SPONSORSHIP

Woods, Marble, Tate, Holbert, Cooke, Martinez Humenik, Neville T., Lundberg

HOUSE SPONSORSHIP

Lundeen, Nordberg, Ransom, Dore, Becker J., Rankin, Willett

Senate Committees
Judiciary

House Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING PROTECTING THE PRIVACY OF CHILD VICTIMS WHEN**
102 **RELEASING CRIMINAL JUSTICE RECORDS.**

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://www.leg.state.co.us/billsummaries>.)

The bill requires that, before releasing a criminal justice record related to a child-victim crime, the releasing agency delete the name and any other information that would identify a child victim of the offense. The bill specifies the crimes that are child-victim crimes. The bill makes an exception for sharing information between identified government entities.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
February 23, 2016

SENATE
Amended 2nd Reading
February 22, 2016

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-72-304, **add** (4.5)
3 as follows:

4 **24-72-304. Inspection of criminal justice records.** (4.5) (a) THE
5 NAME AND ANY OTHER INFORMATION THAT WOULD IDENTIFY ANY CHILD
6 VICTIM OF OFFENSES, ALLEGED OFFENSES, ATTEMPTED OFFENSES, OR
7 ALLEGEDLY ATTEMPTED OFFENSES IDENTIFIED IN PARAGRAPH (b) OF THIS
8 SUBSECTION (4.5) OR UNDER PARAGRAPH (c) OF THIS SUBSECTION (4.5)
9 SHALL BE DELETED FROM ANY CRIMINAL JUSTICE RECORD PRIOR TO THE
10 RELEASE OF SUCH RECORD TO ANY INDIVIDUAL OR AGENCY OTHER THAN
11 A CRIMINAL JUSTICE AGENCY OR THE NAMED VICTIM OR VICTIM'S
12 DESIGNEE, WHEN SUCH RECORD BEARS THE NOTATION "CHILD VICTIM"
13 REQUIRED BY THIS SUBSECTION (4.5).

14 (b) A CRIMINAL JUSTICE AGENCY OR CUSTODIAN OF CRIMINAL
15 JUSTICE RECORDS SHALL MAKE THE NOTATION "CHILD VICTIM" ON ANY
16 RECORD OF OFFICIAL ACTION AND ON THE FILE CONTAINING SUCH RECORD
17 WHEN THE OFFICIAL ACTION IS RELATED TO THE COMMISSION OR THE
18 ALLEGED COMMISSION OF ANY OF THE OFFENSES IN THE FOLLOWING
19 STATUTES:

20 (I) PART 4 OF ARTICLE 6 OF TITLE 18, C.R.S.;

21 (II) INTERNET SEXUAL EXPLOITATION OF A CHILD UNDER SECTION
22 18-3-405.4, C.R.S.;

23 (III) ENTICEMENT OF A CHILD UNDER SECTION 18-3-305, C.R.S.;

24 (IV) INTERNET LURING OF A CHILD UNDER SECTION 18-3-306,
25 C.R.S.;

26 (V) SOLICITING FOR CHILD PROSTITUTION UNDER SECTION

- 1 18-7-402, C.R.S.;
- 2 (VI) PANDERING OF A CHILD UNDER SECTION 18-7-403, C.R.S.;
- 3 (VII) PROCUREMENT OF A CHILD UNDER SECTION 18-7-403.5,
- 4 C.R.S.;
- 5 (VIII) KEEPING A PLACE OF CHILD PROSTITUTION UNDER SECTION
- 6 18-7-404, C.R.S.;
- 7 (IX) PIMPING OF A CHILD UNDER SECTION 18-7-405, C.R.S.;
- 8 (X) INDUCEMENT OF CHILD PROSTITUTION UNDER SECTION
- 9 18-7-405.5, C.R.S.;
- 10 (XI) PATRONIZING A PROSTITUTED CHILD UNDER SECTION
- 11 18-7-406, C.R.S.;
- 12 (XII) HUMAN TRAFFICKING OF A MINOR FOR INVOLUNTARY
- 13 SERVITUDE UNDER SECTION 18-3-503, C.R.S.;
- 14 (XIII) HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE
- 15 UNDER SECTION 18-3-504 (2), C.R.S.; AND
- 16 (XIV) AN ATTEMPT TO COMMIT ANY OF THE OFFENSES LISTED IN
- 17 SUBPARAGRAPHS (I) TO (XIII) OF THIS PARAGRAPH (b).
- 18 (c) A CRIMINAL JUSTICE AGENCY OR CUSTODIAN OF CRIMINAL
- 19 JUSTICE RECORDS SHALL MAKE THE NOTATION "CHILD VICTIM" ON ANY
- 20 RECORD OF OFFICIAL ACTION AND ON THE FILE CONTAINING SUCH RECORD
- 21 WHEN THE OFFICIAL ACTION INVOLVES A CHILD VICTIM WHEN:
- 22 (I) ANY EMPLOYEE OF THE COURT, OFFICER OF THE COURT, OR
- 23 JUDICIAL OFFICER NOTIFIES SUCH AGENCY OR CUSTODIAN OF THE NAME OF
- 24 A CHILD VICTIM WHEN SUCH A NAME IS DISCLOSED TO OR OBTAINED BY
- 25 SUCH EMPLOYEE OR OFFICER DURING THE COURSE OF PROCEEDINGS
- 26 RELATED TO SUCH OFFICIAL ACTION; OR
- 27 (II) THE RECORD OR FILE CONTAINS THE NAME OF A CHILD VICTIM

1 AND THE CHILD VICTIM OR THE CHILD'S LEGAL GUARDIAN REQUESTS THE
2 CUSTODIAN OF THE CRIMINAL JUSTICE RECORD TO MAKE SUCH A
3 NOTATION.

4 (d) THE PROVISIONS OF THIS SUBSECTION (4.5) SHALL NOT APPLY
5 TO THE SHARING OF INFORMATION BETWEEN:

6 (I) CRIMINAL JUSTICE AGENCIES, SCHOOL DISTRICTS, STATE
7 INSTITUTION OF HIGHER EDUCATION POLICE DEPARTMENTS AND
8 AUTHORIZED UNIVERSITY ADMINISTRATORS PURSUANT TO SECTION
9 23-5-141, C.R.S., ASSESSMENT CENTERS FOR CHILDREN AS DEFINED IN
10 SECTION 19-1-103 (10.5), C.R.S., OR SOCIAL SERVICES AGENCIES AS
11 AUTHORIZED BY SECTION 22-32-109.1 (3), C.R.S.;

12 (II) PUBLIC SCHOOLS AND SCHOOL DISTRICTS FOR THE PURPOSES
13 OF SUSPENSION, EXPULSION, AND REENROLLMENT DETERMINATIONS
14 PURSUANT TO SECTIONS 22-33-105 (5) (a), 22-33-106 (1.2) AND (4) (a),
15 AND 19-1-303, C.R.S.; AND

16 (III) THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN, THE
17 OFFICE OF THE CHILD'S REPRESENTATIVE, THE OFFICE OF THE RESPONDENT
18 PARENTS' COUNSEL, CHILD FATALITY REVIEW TEAMS AS DEFINED IN
19 SECTIONS 25-20.5-404, 25-20.5-406, AND 26-1-139, C.R.S., AND STATE OR
20 COUNTY DEPARTMENTS OF HUMAN OR SOCIAL SERVICES IN THE EXERCISE
21 OF THEIR DUTIES.

22 **SECTION 2. Effective date - applicability.** This act takes effect
23 September 1, 2016, and the notation requirement applies to offenses
24 committed on or after said date. Criminal justice agencies and custodians
25 of criminal justice records shall make reasonable efforts to comply with
26 this act for offenses committed prior to September 1, 2016.

27 **SECTION 3. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.