

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 16-0678.03 Debbie Haskins x2045

**HOUSE BILL 16-1377**

**HOUSE SPONSORSHIP**

**Primavera,** Joshi, Coram, Landgraf, McCann, Moreno, Tyler

**SENATE SPONSORSHIP**

**Lambert,**

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**House Committees**

Public Health Care & Human Services

**Senate Committees**

Health & Human Services

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**A BILL FOR AN ACT**

101 **CONCERNING THE CREATION OF A TASK FORCE ON THE COLLECTION**  
102 **AND SECURITY OF DIGITAL IMAGES OF EVIDENCE OF CHILD**  
103 **ABUSE OR NEGLECT.**

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**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 creates a task force on the collection and security of digital images of evidence of child abuse or neglect (task force). The task force is directed to examine the existing system of collecting, documenting, and securing digital images of evidence of suspected child abuse or neglect when employees of county departments of human or social services

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  
Amended 3rd Reading  
May 3, 2016

SENATE  
Amended 2nd Reading  
May 2, 2016

HOUSE  
3rd Reading Unamended  
April 1, 2016

HOUSE  
2nd Reading Unamended  
March 28, 2016

(county employees) are assessing allegations of child abuse or neglect, to study best practices for collecting, documenting, and securing digital images of evidence of suspected child abuse or neglect, and to make recommendations to the governor, the state department of human services, the child welfare training academy, the Colorado association of chiefs of police, the county sheriffs of Colorado, the Colorado medical society, and the general assembly for administrative and legislative changes.

The task force includes the executive director of the state department of human services or his or her designee, the child protection ombudsman, an attorney representing the office of the child's representative, an attorney representing the respondent parents' counsel, and 7 members appointed by the governor, 5 members appointed by the speaker of the house of representatives, and 5 members appointed by the president of the senate. The qualifications for the appointed members are specified in the bill. The members of the task force must be appointed on or before September 1, 2016.

The bill specifies the topics that the task force must study, including the statutes, rules, practices, and standards that govern:

- ! How a county employee who has open involvement with a child takes, maintains, and disseminates digital images of a child to document the abuse or neglect or the absence of abuse or neglect; and
- ! How, in any situation of open involvement with a county department, a county employee takes digital images of a child.

The task force must also study:

- ! Whether criteria or standards that county employees follow when documenting evidence of child abuse or neglect through digital images balance the need to collect evidence with the need to protect the privacy and constitutional rights of both parents and of children;
- ! The safeguards used by a county employee to ensure the best interests of children when documenting evidence of child abuse or neglect through digital imagery;
- ! The role of law enforcement agencies in conducting investigations jointly with county departments pursuant to cooperative agreements and whether there are best practices addressed in those cooperative agreements relating to the collecting, sharing, and handling of digital images;
- ! How county departments, law enforcement agencies, and medical professionals collaborate during assessments or investigations of suspected child abuse or neglect to collect, transmit, and share evidence, including digital

- images, without slowing down the process and while ensuring that there is no impediment to the child's safety;
- ! Whether the statute authorizing the taking of color photographs of children should be amended to include all types of digital images and what precautions should be taken regarding the transmission and storage of digital images of children;
  - ! The laws and policies that govern the taking of digital images of children on personal or county-owned cell phones, cameras, or other equipment and safeguards in place to guide county employees on how to take, maintain, and disseminate digital images;
  - ! The laws and policies governing the audiotaping and videotaping of child interviews; and
  - ! The best practices followed in other states or recommended by national child welfare experts for child welfare caseworkers collecting evidence of suspected child abuse or neglect through digital imagery to document evidence or absence of evidence of child abuse or neglect; collaborating with and sharing in the dissemination of evidence with law enforcement agencies and medical professionals and any other agencies legally authorized in the investigation of child abuse or neglect; referring a child for medical examinations; and maintaining, storing, and safeguarding digital images of children.

The task force shall submit an initial written report on its findings and progress to the governor, the state department of human services, the child welfare training academy, the Colorado association of chiefs of police, the county sheriffs of Colorado, the Colorado medical society, the joint budget committee, and the house public health care and human services committee and the senate health and human services committee, or any successor committees, on or before December 1, 2017. The task force shall submit a final written report with its findings and recommendations for administrative changes and legislative changes, if any, to those same officials and entities on or before December 1, 2018.

The task force is repealed, effective July 1, 2019.

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

2             **SECTION 1.** In Colorado Revised Statutes, **add** part 8 to article  
3     3 of title 19 as follows:

4   PART 8

1 TASK FORCE ON THE COLLECTION AND SECURITY  
2 OF DIGITAL IMAGES OF EVIDENCE  
3 OF CHILD ABUSE OR NEGLECT

4 **19-3-801. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
5 HAS A STRONG INTEREST IN THE PRACTICES, STANDARDS, AND  
6 SAFEGUARDS SURROUNDING COUNTY EMPLOYEES IN THE CHILD WELFARE  
7 SYSTEM WHO HAVE AN OPEN INVOLVEMENT WITH A CHILD RELATED TO  
8 SUSPECTED ASSAULT OR CHILD ABUSE OR NEGLECT THAT IS DOCUMENTED  
9 THROUGH DIGITAL IMAGERY.

10 (2) THE GENERAL ASSEMBLY FINDS THAT THERE IS A NEED TO  
11 BALANCE THE POLICIES AND PRACTICES USED IN DOCUMENTING  
12 SUSPECTED CHILD ABUSE OR NEGLECT THROUGH DIGITAL IMAGERY WITH  
13 THE NEED TO PROTECT THE PRIVACY RIGHTS OF CHILDREN AND PARENTS.

14 (3) DUE TO ADVANCES IN TECHNOLOGY AND IN DIGITAL IMAGERY,  
15 IT IS IMPORTANT TO EVALUATE WHETHER THE CURRENT STATUTES, RULES,  
16 AND PRACTICES RELATING TO THE COLLECTION AND STORAGE OF DIGITAL  
17 IMAGES OF CHILDREN THAT DOCUMENT SUSPECTED CHILD ABUSE OR  
18 NEGLECT ARE HANDLED IN WAYS THAT ENSURE THE PRIVACY, SAFETY,  
19 AND PROTECTION OF CHILDREN.

20 (4) IN ADDITION, THERE IS A NEED TO ENSURE THERE IS ADEQUATE  
21 GUIDANCE ABOUT THE SECURITY AND CONFIDENTIALITY OF EVIDENCE  
22 THAT MIGHT BE OBTAINED IN DOCUMENTATION OF SUSPECTED CHILD  
23 ABUSE OR NEGLECT, INCLUDING THE TAKING AND STORAGE OF DIGITAL  
24 IMAGES OF CHILDREN AND ENCOURAGING COLLABORATION BETWEEN  
25 COUNTY EMPLOYEES, LAW ENFORCEMENT, MEDICAL PERSONNEL, AND  
26 OTHER AGENCIES LEGALLY AUTHORIZED IN THE INVESTIGATION OF ABUSE  
27 AND NEGLECT OF CHILDREN. WHILE THE GENERAL ASSEMBLY

1 ACKNOWLEDGES THAT SOME PARENTS MAY HAVE CONCERNS ABOUT ANY  
2 PHOTOGRAPHS OR DIGITAL IMAGES BEING TAKEN OF THEIR CHILDREN, THE  
3 GENERAL ASSEMBLY FINDS THAT DOCUMENTATION OF ABUSE OR NEGLECT  
4 IS IMPORTANT TO PROTECT CHILDREN AND THAT ALL PHOTOGRAPHS AND  
5 DIGITAL IMAGES TAKEN OF CHILDREN SHOULD BE SAFEGUARDED AND  
6 REMAIN CONFIDENTIAL AS REQUIRED BY LAW.

7 (5) THE GENERAL ASSEMBLY RECOGNIZES THE IMPORTANCE OF  
8 ESTABLISHING CLEAR STANDARDS TO ACHIEVE CONSISTENT PRACTICES IN  
9 DOCUMENTING EVIDENCE OF ABUSE OR NEGLECT, THE NEED TO  
10 PERIODICALLY REVIEW WHETHER LAWS, RULES, AND PRACTICES  
11 REGARDING THE COLLECTION OF DIGITAL IMAGES OF CHILDREN BY  
12 GOVERNMENT EMPLOYEES NEED TO BE UPDATED TO REFLECT CHANGES IN  
13 TECHNOLOGIES AND EMERGING TECHNOLOGIES, AND THE IMPORTANCE OF  
14 ENCOURAGING COLLABORATION BETWEEN GOVERNMENT EMPLOYEES,  
15 MEDICAL PERSONNEL, AND ANY OTHER AGENCIES LEGALLY AUTHORIZED  
16 IN THE INVESTIGATION OF CHILD ABUSE OR NEGLECT.

17 (6) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT WOULD  
18 BE VALUABLE TO CREATE A TASK FORCE OF PERSONS WITH EXPERIENCE IN  
19 OR KNOWLEDGE OF THE CHILD WELFARE POLICY SYSTEM TO EXAMINE THE  
20 CURRENT POLICIES AND STATUTES GOVERNING THE COLLECTION AND  
21 SECURITY OF DIGITAL IMAGES OF EVIDENCE OF CHILD ABUSE OR NEGLECT,  
22 STUDY BEST PRACTICES ON COLLECTING AND SECURING DIGITAL IMAGES  
23 OF EVIDENCE OF CHILD ABUSE OR NEGLECT, STUDY THE BEST PRACTICES  
24 FOR DOCUMENTING EVIDENCE OF ABUSE OR NEGLECT OR THE ABSENCE OF  
25 EVIDENCE OF ABUSE OR NEGLECT IN AREAS VISIBLE OR NOT VISIBLE IN  
26 PLAIN SIGHT ON THE CHILD AND PRIVATE AREAS OF A CHILD, \_\_\_\_\_ AND  
27 MAKE RECOMMENDATIONS TO THE EXECUTIVE BRANCH AND GENERAL

1 ASSEMBLY ON ADMINISTRATIVE AND LEGISLATIVE CHANGES TO IMPROVE  
2 THE COLLECTING AND SECURING OF DIGITAL IMAGES OF EVIDENCE OF  
3 SUSPECTED CHILD ABUSE OR NEGLECT.

4 **19-3-802. Definitions.** AS USED IN THIS PART 8, UNLESS THE  
5 CONTEXT OTHERWISE REQUIRES:

6 (1) "CHILD'S PRIVATE AREAS" MEANS THE CHILD'S GENITALS, PUBIC  
7 AREA, BUTTOCKS, OR FEMALE BREAST AREA.

8 (2) "COUNTY DEPARTMENT" MEANS A COUNTY DEPARTMENT OF  
9 SOCIAL OR HUMAN SERVICES.

10 (3) "COUNTY EMPLOYEE" MEANS AN EMPLOYEE OF A COUNTY  
11 DEPARTMENT. "COUNTY EMPLOYEE" ALSO INCLUDES A PERSON WORKING  
12 AS A CONTRACTOR OR SUBCONTRACTOR WHO IS PROVIDING CASEWORKER  
13 SERVICES FOR A COUNTY.

14 (4) "DIGITAL IMAGE" OR "DIGITAL IMAGERY" MEANS ANY VISUAL  
15 DEPICTION CREATED ELECTRONICALLY OR TRANSFORMED INTO AN  
16 ELECTRONIC FORMAT, INCLUDING ANY PHOTOGRAPH, FILM, VIDEO,  
17 COMPUTER OR COMPUTER-GENERATED IMAGE OR PICTURE, OR ANY  
18 SIMILAR VISUAL DEPICTION THAT IS:

19 (a) CAPABLE OF STORAGE IN OR TRANSMISSION TO AN ELECTRONIC  
20 FORMAT, INCLUDING ON ELECTRONIC DEVICES AND APPLICATIONS, ON THE  
21 INTERNET, OR IN THE CLOUD; OR

22 (b) CAPABLE OF TRANSFORMATION FROM AN ELECTRONIC FORMAT  
23 INTO ANOTHER FORMAT, SUCH AS A PRINTED PAGE.

24 (5) "GOVERNMENT" MEANS THE STATE; ANY COUNTY, CITY AND  
25 COUNTY, MUNICIPALITY, OR LAW ENFORCEMENT AGENCY; AND ANY  
26 SCHOOL DISTRICT.

27 (6) "GOVERNMENT EMPLOYEE" MEANS A PERSON EMPLOYED BY

1 THE GOVERNMENT OR ACTING UNDER THE COLOR OF STATE LAW.

2 (7) "OPEN INVOLVEMENT" MEANS A SITUATION IN WHICH THE  
3 COUNTY DEPARTMENT CURRENTLY HAS A REFERRAL, HAS A RESPONSE TO  
4 A REPORT, HAS OPENED AN ASSESSMENT, IS PROVIDING SERVICES, OR HAS  
5 AN OPEN CASE IN THE COLORADO TRAILS SYSTEM THAT IS RELATED TO  
6 THE PROVISION OF CHILD WELFARE SERVICES, AS DEFINED IN SECTION  
7 26-5-101 (3), C.R.S.

8 (8) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF  
9 HUMAN SERVICES.

10 (9) "TASK FORCE" MEANS THE TASK FORCE ON THE COLLECTION  
11 AND SECURITY OF DIGITAL IMAGES OF CHILD ABUSE OR NEGLECT, CREATED  
12 IN SECTION 19-3-803.

13 (10) "VISIBLE IN PLAIN SIGHT ON THE CHILD" MEANS AN AREA OF  
14 THE CHILD'S BODY THAT IS \_\_ VIEWABLE BY THE PUBLIC AND THAT COULD  
15 BE OBSERVED VISUALLY WITHOUT REMOVAL OR REARRANGEMENT OF THE  
16 CHILD'S CLOTHING. "VISIBLE IN PLAIN SIGHT ON THE CHILD" DOES NOT  
17 INCLUDE A CHILD'S PRIVATE AREAS.

18 **19-3-803. Task force on the collection and security of digital**  
19 **images of child abuse or neglect - creation - membership.** (1) THERE  
20 IS HEREBY CREATED THE TASK FORCE ON THE COLLECTION AND SECURITY  
21 OF DIGITAL IMAGES OF CHILD ABUSE OR NEGLECT, FOR THE PURPOSE OF  
22 STUDYING THE ISSUES SET FORTH IN SECTION 19-3-804 AND MAKING  
23 FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR, THE STATE  
24 DEPARTMENT, THE CHILD WELFARE TRAINING ACADEMY, THE COLORADO  
25 ASSOCIATION OF CHIEFS OF POLICE, THE COUNTY SHERIFFS OF COLORADO,  
26 THE COLORADO MEDICAL SOCIETY, AND THE GENERAL ASSEMBLY ON  
27 ADMINISTRATIVE AND LEGISLATIVE CHANGES TO IMPROVE THE

1 COLLECTION AND SECURITY OF DIGITAL IMAGES OF SUSPECTED CHILD  
2 ABUSE OR NEGLECT.

3 (2) THE MEMBERSHIP OF THE TASK FORCE MUST NOT EXCEED  
4 TWENTY-ONE MEMBERS AND, TO THE EXTENT PRACTICABLE, MUST  
5 INCLUDE PERSONS FROM THROUGHOUT THE STATE AND MUST REFLECT THE  
6 ETHNIC DIVERSITY OF THE STATE. THE TASK FORCE CONSISTS OF THE  
7 FOLLOWING MEMBERS:

8 (a) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT OR HIS  
9 OR HER DESIGNEE;

10 (b) THE CHILD PROTECTION OMBUDSMAN, APPOINTED PURSUANT  
11 TO SECTION 19-3.3-102;

12 (c) AN ATTORNEY WHO IS A REPRESENTATIVE OF THE OFFICE OF  
13 THE CHILD'S REPRESENTATIVE CREATED IN SECTION 13-91-104, C.R.S.,  
14 APPOINTED BY THE DIRECTOR OF THE OFFICE OF THE CHILD'S  
15 REPRESENTATIVE;

16 (d) AN ATTORNEY WHO IS A REPRESENTATIVE OF THE RESPONDENT  
17 PARENTS' COUNSEL CREATED IN SECTION 13-92-103, C.R.S., APPOINTED BY  
18 THE DIRECTOR OF THE OFFICE OF THE RESPONDENT PARENTS' COUNSEL;

19 ==  
20 (e) A REPRESENTATIVE OF THE ATTORNEY GENERAL'S OFFICE,  
21 APPOINTED BY THE ATTORNEY GENERAL;

22 (f) A REPRESENTATIVE OF THE COLORADO DISTRICT ATTORNEYS'  
23 COUNCIL, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE COLORADO  
24 DISTRICT ATTORNEYS' COUNCIL;

25 (g) FIVE MEMBERS APPOINTED BY THE GOVERNOR. IN MAKING HIS  
26 OR HER APPOINTMENTS, THE GOVERNOR SHALL CONSIDER APPOINTING  
27 MEMBERS FROM AMONG THE FOLLOWING INDIVIDUALS OR



1 REPRESENTATIVES:

2 (I) AN INDIVIDUAL WHO IS A LICENSED PEDIATRICIAN IN THIS  
3 STATE WITH PREVIOUS EXPERIENCE WITH CHILD ABUSE OR NEGLECT CASES;

4 (II) A REPRESENTATIVE OF THE CHILD WELFARE TRAINING  
5 ACADEMY CREATED IN SECTION 26-5-109, C.R.S.;

6 (III) AN INDIVIDUAL WHO IS A DIRECTOR OR ADMINISTRATOR OF A  
7 COUNTY DEPARTMENT;

8 (IV) AN INDIVIDUAL WHO IS TRAINED AS A SEXUAL ASSAULT  
9 NURSE EXAMINER (SANE), AS DEFINED IN SECTION 23-5-143 (2) (d),  
10 C.R.S.;

11 (V) A LICENSED PSYCHIATRIST OR PSYCHOLOGIST WHO WORKS  
12 WITH CHILDREN WHO HAVE BEEN ABUSED OR NEGLECTED; AND

13 (VI) ANY OTHER INDIVIDUAL OR REPRESENTATIVE WITH RELEVANT  
14 EXPERIENCE, AS THE GOVERNOR SEES FIT.

15 (h) FIVE MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF  
16 REPRESENTATIVES. IN MAKING HIS OR HER APPOINTMENTS, THE SPEAKER  
17 SHALL CONSIDER APPOINTING MEMBERS FROM AMONG THE FOLLOWING  
18 INDIVIDUALS OR REPRESENTATIVES:

19 (I) AN INDIVIDUAL WHO IS A FORENSIC INTERVIEWER WITH AN  
20 ACCREDITED CHILD ADVOCACY CENTER WITH EXPERIENCE IN  
21 INTERVIEWING CHILDREN WHO HAVE BEEN ABUSED OR NEGLECTED;

22 (II) AN INDIVIDUAL REPRESENTING A PROFESSIONAL SOCIAL WORK  
23 ORGANIZATION WITH EXPERIENCE COUNSELING CHILDREN WHO HAVE  
24 EXPERIENCED CHILD ABUSE OR NEGLECT;

25 (III) A FOSTER PARENT WHO IS CURRENTLY CARING FOR OR HAS  
26 PREVIOUSLY CARED FOR CHILDREN IN FOSTER CARE;

27 (IV) A REPRESENTATIVE OF SCHOOLS, SUCH AS A PRINCIPAL,

1 ADMINISTRATOR, OR SCHOOL NURSE;

2 (V) AN INDIVIDUAL WHO IS A CASEWORKER FOR A COUNTY  
3 DEPARTMENT WHO CONDUCTS ASSESSMENTS OF CHILD ABUSE OR NEGLECT  
4 CASES; AND

5 (VI) ANY OTHER INDIVIDUAL OR REPRESENTATIVE WITH RELEVANT  
6 EXPERIENCE, AS THE SPEAKER SEES FIT.

7 (i) FIVE MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE.  
8 IN MAKING HIS OR HER APPOINTMENTS, THE PRESIDENT SHALL CONSIDER  
9 APPOINTING MEMBERS FROM AMONG THE FOLLOWING INDIVIDUALS AND  
10 REPRESENTATIVES:

11 (I) A REPRESENTATIVE OF LAW ENFORCEMENT WHO INVESTIGATES  
12 OR HAS EXPERIENCE WITH INVESTIGATING ALLEGATIONS OF CHILD ABUSE  
13 OR NEGLECT;

14 (II) AN INDIVIDUAL WHO SERVES AS A COURT-APPOINTED SPECIAL  
15 ADVOCATE (CASA) FOR ABUSED OR NEGLECTED CHILDREN, AS DEFINED  
16 IN SECTION 13-91-103 (3), C.R.S.;

17 (III) AN ATTORNEY IN PRIVATE PRACTICE WHO HAS EXPERIENCE  
18 DEALING WITH CHILD ABUSE OR NEGLECT CASES;

19 (IV) A COUNTY ATTORNEY WITH EXPERIENCE IN DEPENDENCY OR  
20 NEGLECT CASES;

21 (V) AN INDIVIDUAL WHO REPRESENTS A CHILD ADVOCACY  
22 ORGANIZATION ACTIVE IN THIS STATE; AND

23 (VI) ANY OTHER INDIVIDUAL OR REPRESENTATIVE WITH RELEVANT  
24 EXPERIENCE, AS THE PRESIDENT SEES FIT.

25 (3) THE APPOINTING AUTHORITIES IN SUBSECTION (2) OF THIS  
26 SECTION SHALL MAKE THEIR INITIAL APPOINTMENTS TO THE TASK FORCE  
27 NO LATER THAN SEPTEMBER 1, 2016. EACH MEMBER OF THE TASK FORCE

1 WHO IS APPOINTED PURSUANT TO SUBSECTION (2) OF THIS SECTION SERVES  
2 AT THE PLEASURE OF THE APPOINTING AUTHORITY WHO APPOINTED THE  
3 MEMBER.

4 (4) THE MEMBERS OF THE TASK FORCE SERVE WITHOUT  
5 COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

6 (5) (a) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT OR  
7 HIS OR HER DESIGNEE SHALL CONVENE THE FIRST MEETING OF THE TASK  
8 FORCE ON OR BEFORE OCTOBER 1, 2016.

9 (b) THE TASK FORCE SHALL ELECT A CHAIR AND VICE-CHAIR FROM  
10 AMONG ITS MEMBERS.

11 (c) THE TASK FORCE SHALL MEET FOUR TO SIX TIMES PER  
12 CALENDAR YEAR TO COMPLETE ITS DUTIES.

13 (d) UPON REQUEST BY THE TASK FORCE, THE STATE DEPARTMENT  
14 SHALL PROVIDE OFFICE SPACE, EQUIPMENT, AND STAFF SERVICES AS MAY  
15 BE NECESSARY TO IMPLEMENT THIS PART 8.

16 **19-3-804. Task force - purposes - issues to study - written**  
17 **reports.** (1) THE PURPOSE OF THE TASK FORCE IS TO:

18 (a) STUDY      CURRENT LAWS, RULES, AND PRACTICES FOLLOWED  
19 IN THE STATE AND BEST PRACTICES IN OTHER STATES REGARDING THE  
20 DOCUMENTATION OF EVIDENCE OR THE ABSENCE OF EVIDENCE OF  
21 SUSPECTED CHILD ABUSE THROUGH THE COLLECTION AND SECURITY OF  
22 DIGITAL IMAGES BY GOVERNMENT EMPLOYEES;

23 (b) CONSIDER WHETHER THE STATUTES AND PRACTICES  
24 CONCERNING THE COLLECTION OF EVIDENCE OF SUSPECTED ABUSE OR  
25 NEGLECT AND THE USE OF DIGITAL IMAGES ARE CONSISTENT WITH  
26 EXISTING TECHNOLOGIES AND EMERGING ELECTRONIC TECHNOLOGIES;  
27 AND

1 (c) RECOMMEND THE BEST PRACTICES TO BE USED IN THE  
2 COLLECTION AND SECURITY OF DIGITAL IMAGERY EVIDENCE OF CHILD  
3 ABUSE OR NEGLECT.

4 (2) IN CARRYING OUT THE PURPOSES OUTLINED IN SUBSECTION (1)  
5 OF THIS SECTION, THE TASK FORCE SHALL     CONSIDER:

6 (a) THE CONSTITUTIONAL STANDARDS, CASE LAW, STATUTES,  
7 RULES, PRACTICES, AND STANDARDS IN COLORADO, IF ANY, THAT GOVERN:

8 (I) HOW A COUNTY EMPLOYEE WHO HAS OPEN INVOLVEMENT WITH  
9 A CHILD TAKES, MAINTAINS, AND DISSEMINATES DIGITAL IMAGES OF A  
10 CHILD, INCLUDING THE CHILD'S PRIVATE AREAS, TO DOCUMENT THE ABUSE  
11 OR NEGLECT OR THE ABSENCE OF ABUSE OR NEGLECT; AND

12 (II) HOW A GOVERNMENT EMPLOYEE TAKES, MAINTAINS, AND  
13 DISSEMINATES DIGITAL IMAGES OF A CHILD'S BODY, INCLUDING THOSE  
14 AREAS OF A CHILD'S BODY THAT ARE VISIBLE IN PLAIN SIGHT AND THOSE  
15 THAT ARE PRIVATE AREAS.

16 (b) WHETHER THE CRITERIA OR STANDARDS THAT GOVERNMENT  
17 EMPLOYEES FOLLOW WHEN DOCUMENTING EVIDENCE OF SUSPECTED CHILD  
18 ABUSE OR NEGLECT THROUGH DIGITAL IMAGES BALANCE THE NEED TO  
19 COLLECT EVIDENCE OF SUSPECTED CHILD ABUSE OR NEGLECT WITH THE  
20 NEED TO PROTECT THE PRIVACY AND CONSTITUTIONAL RIGHTS OF BOTH  
21 PARENTS AND OF CHILDREN;

22 (c) THE SAFEGUARDS USED BY A GOVERNMENT EMPLOYEE TO  
23 ENSURE THE BEST INTERESTS OF CHILDREN WHEN DOCUMENTING  
24 EVIDENCE OF SUSPECTED CHILD ABUSE OR NEGLECT THROUGH DIGITAL  
25 IMAGERY;

26 (d) THE ROLE OF LAW ENFORCEMENT AGENCIES IN CONDUCTING A  
27 CHILD ABUSE OR NEGLECT ASSESSMENT OR INVESTIGATION JOINTLY WITH

1 COUNTY DEPARTMENTS PURSUANT TO COOPERATIVE AGREEMENTS  
2 IMPLEMENTED PURSUANT TO SECTION 19-3-308 (5.5) AND WHETHER THERE  
3 ARE BEST PRACTICES THAT HAVE BEEN DEVELOPED THROUGH  
4 COOPERATIVE AGREEMENTS RELATING TO THE COLLECTION, SHARING, AND  
5 HANDLING OF DIGITAL IMAGES;

6 (e) HOW GOVERNMENTS AND MEDICAL PROFESSIONALS  
7 COLLABORATE DURING ASSESSMENTS OR INVESTIGATIONS OF SUSPECTED  
8 CHILD ABUSE OR NEGLECT TO COLLECT, TRANSMIT, AND SHARE EVIDENCE,  
9 INCLUDING DIGITAL IMAGES, WITHOUT SLOWING DOWN THE PROCESS AND  
10 WHILE ENSURING THAT THERE IS NO IMPEDIMENT TO THE CHILD'S SAFETY;

11 (f) WHETHER SECTION 19-3-306, REGARDING THE TAKING OF  
12 COLOR PHOTOGRAPHS OF CHILDREN, SHOULD BE AMENDED TO INCLUDE  
13 ALL TYPES OF DIGITAL IMAGES AND WHAT PRECAUTIONS SHOULD BE  
14 TAKEN REGARDING THE TRANSMISSION AND STORAGE OF DIGITAL IMAGES  
15 OF CHILDREN;

16 (g) THE STATUTES, RULES, AND POLICIES THAT GOVERN THE  
17 TAKING OF DIGITAL IMAGES OF CHILDREN'S BODIES, INCLUDING PRIVATE  
18 AREAS, ON PERSONAL OR GOVERNMENT-OWNED CELL PHONES, CAMERAS,  
19 DEVICES, OR OTHER EQUIPMENT THAT CAN BE USED TO TAKE DIGITAL  
20 IMAGES, AND THE SAFEGUARDS IN PLACE TO GUIDE GOVERNMENT  
21 EMPLOYEES ON HOW TO TAKE, MAINTAIN, AND DISSEMINATE DIGITAL  
22 IMAGES;

23 (h) WHETHER DIGITAL IMAGES OF CHILDREN THAT MAY BE USED  
24 AS EVIDENCE IN CASES OF CHILD ABUSE UNDER SECTION 18-6-401, C.R.S.,  
25 SHOULD BE TRANSMITTED AND STORED THROUGH THE STATEWIDE  
26 DISCOVERY SHARING SYSTEM PURSUANT TO SECTION 16-9-702, C.R.S.,  
27 AND WHAT SAFEGUARDS SHOULD BE DEVELOPED ON THE TRANSMISSION

1 AND MAINTENANCE OF DIGITAL IMAGES THROUGH THAT SYSTEM:

2 (i) THE STATUTES, RULES, AND POLICIES THAT GOVERN THE  
3 AUDIOTAPING AND VIDEOTAPING OF A CHILD INTERVIEW AND THE  
4 STORAGE AND MAINTAINING OF THOSE CHILD INTERVIEWS; AND

5 (j) THE BEST PRACTICES FOLLOWED IN OTHER STATES OR  
6 RECOMMENDED BY NATIONAL CHILD WELFARE EXPERTS FOR CHILD  
7 WELFARE CASEWORKERS TO FOLLOW WHEN COLLECTING EVIDENCE OF  
8 SUSPECTED CHILD ABUSE OR NEGLECT THROUGH DIGITAL IMAGERY TO  
9 DOCUMENT EVIDENCE OR ABSENCE OF EVIDENCE OF CHILD ABUSE OR  
10 NEGLECT; COLLABORATING WITH AND SHARING IN THE DISSEMINATION OF  
11 EVIDENCE WITH LAW ENFORCEMENT AGENCIES, MEDICAL PROFESSIONALS,  
12 AND ANY OTHER AGENCIES LEGALLY AUTHORIZED IN THE INVESTIGATION  
13 OF CHILD ABUSE OR NEGLECT; REFERRING A CHILD FOR MEDICAL  
14 EXAMINATIONS; AND MAINTAINING, STORING, AND SAFEGUARDING  
15 DIGITAL IMAGES OF CHILDREN.

16 (3) THE TASK FORCE SHALL CONSIDER AND RECOMMEND:

17 (a) THE BEST PRACTICES AND PROCEDURES THAT GOVERNMENT  
18 EMPLOYEES SHOULD USE WHEN DOCUMENTING EVIDENCE OF SUSPECTED  
19 ABUSE OR NEGLECT ON A CHILD'S BODY, INCLUDING AREAS THAT ARE NOT  
20 VISIBLE IN PLAIN SIGHT ON THE CHILD OR THAT ARE PRIVATE AREAS OF A  
21 CHILD OR BOTH; AND

22 (b) THE BEST PRACTICES AND PROCEDURES THAT GOVERNMENT  
23 EMPLOYEES SHOULD USE WHEN OBSERVING OR ASSESSING A CHILD'S  
24 PRIVATE AREAS OR COLLECTING DIGITAL IMAGES OR OTHER EVIDENCE OF  
25 SUSPECTED ABUSE OR NEGLECT.

26 (4) THE TASK FORCE SHALL STUDY THE FOLLOWING SEQUENCE OF  
27 EVENTS AND RECOMMEND BEST PRACTICES WHEN A GOVERNMENT

1 EMPLOYEE SEEKING TO VIEW OR DOCUMENT EVIDENCE OF SUSPECTED  
2 CHILD ABUSE OR NEGLECT OF PRIVATE AREAS OF THE CHILD:

3 (a) IS REQUIRED TO OBTAIN THE CONSENT OF A PARENT,  
4 GUARDIAN, OR LEGAL CUSTODIAN OF THE CHILD; OR

5 (b) IS REQUIRED TO OBTAIN THE CONSENT OF A CHILD WHO IS  
6 FIFTEEN YEARS OF AGE OR OLDER AND LESS THAN EIGHTEEN YEARS OF  
7 AGE, IN ADDITION TO OBTAINING THE CONSENT OF THAT CHILD'S PARENT,  
8 GUARDIAN, OR LEGAL CUSTODIAN; OR

9 (c) MUST OBTAIN A COURT ORDER DIRECTING THAT THE CHILD BE  
10 PRESENTED TO AND EXAMINED AND EVALUATED BY AN INDEPENDENT  
11 MEDICAL PROVIDER, A SEXUAL ASSAULT NURSE EXAMINER (SANE), OR  
12 THE CHILD'S OWN PHYSICIAN, IF THE PARENT, GUARDIAN, OR LEGAL  
13 CUSTODIAN, OR THE CHILD, IF BETWEEN THE AGES OF FIFTEEN AND  
14 EIGHTEEN, REFUSES TO GIVE CONSENT; OR

15 (d) MAY PROCEED IN EXAMINING AND PHOTOGRAPHING THE  
16 PRIVATE AREAS OF THE CHILD WITHOUT THE PARENT'S CONSENT OR THE  
17 CHILD'S CONSENT, IF THE CHILD IS FIFTEEN YEARS OF AGE OR OLDER AND  
18 LESS THAN EIGHTEEN YEARS OF AGE, AND WITHOUT A COURT ORDER  
19 BASED UPON A REASONABLE BELIEF THAT EXIGENT CIRCUMSTANCES EXIST  
20 THAT CONSTITUTE A MEDICAL EMERGENCY, SUCH AS IN CONJUNCTION  
21 WITH A CALL TO 911, OR BASED UPON A REASONABLE SUSPICION THAT THE  
22 CHILD NEEDS TREATMENT OR IS IN IMMEDIATE THREAT OF SERIOUS BODILY  
23 INJURY.

24 (5) BASED ON THE STUDY OF THE ISSUES OUTLINED IN  
25 SUBSECTIONS (2) TO (4) OF THIS SECTION, THE TASK FORCE SHOULD  
26 DEVELOP RECOMMENDATIONS FOR ADMINISTRATIVE CHANGES THAT  
27 GOVERNMENTS \_\_\_\_\_ SHOULD UNDERTAKE AND DEVELOP SPECIFIC

1 RECOMMENDATIONS FOR LEGISLATION, IF ANY.

2       (6) ON OR BEFORE DECEMBER 1, 2017, THE TASK FORCE SHALL  
3 SUBMIT AN INITIAL WRITTEN REPORT ON ITS FINDINGS AND PROGRESS TO  
4 THE GOVERNOR; THE STATE DEPARTMENT; THE CHILD WELFARE TRAINING  
5 ACADEMY; THE COLORADO ASSOCIATION OF CHIEFS OF POLICE; THE  
6 COUNTY SHERIFFS OF COLORADO; THE COLORADO MEDICAL SOCIETY; THE  
7 JOINT BUDGET COMMITTEE; AND THE PUBLIC HEALTH CARE AND HUMAN  
8 SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE  
9 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY  
10 SUCCESSOR COMMITTEES. ON OR BEFORE DECEMBER 1, 2018, THE TASK  
11 FORCE SHALL SUBMIT A FINAL WRITTEN REPORT TO THE GOVERNOR; THE  
12 STATE DEPARTMENT; THE CHILD WELFARE TRAINING ACADEMY; THE  
13 COLORADO ASSOCIATION OF CHIEFS OF POLICE; THE COUNTY SHERIFFS OF  
14 COLORADO; THE COLORADO MEDICAL SOCIETY; THE JOINT BUDGET  
15 COMMITTEE; AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES  
16 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND  
17 HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR  
18 COMMITTEES. THE FINAL REPORT MUST INCLUDE, BUT NEED NOT BE  
19 LIMITED TO, THE TASK FORCE'S FINDINGS AND RECOMMENDATIONS FOR  
20 CHANGES IN ADMINISTRATIVE RULES AND RECOMMENDATIONS FOR  
21 LEGISLATION, IF NECESSARY.

22       **19-3-805. Repeal of part.** THIS PART 8 IS REPEALED, EFFECTIVE  
23 JULY 1, 2019.

24       **SECTION 2. Safety clause.** The general assembly hereby finds,  
25 determines, and declares that this act is necessary for the immediate  
26 preservation of the public peace, health, and safety.