

CHAPTER 90

GOVERNMENT - STATE

SENATE BILL 16-110

BY SENATOR(S) Woods, Marble, Tate, Holbert, Cooke, Martinez Humenik, Neville T., Lundberg, Aguilar, Baumgardner, Crowder, Grantham, Guzman, Heath, Hill, Jahn, Kefalas, Kerr, Lambert, Merrifield, Newell, Roberts, Scheffel, Scott, Sonnenberg, Todd, Cadman;
 also REPRESENTATIVE(S) Lundeen, Nordberg, Ransom, Dore, Becker J., Rankin, Willett, Arndt, Brown, Carver, Court, Fields, Foote, Joshi, Kagan, Lawrence, Lontine, Neville P., Pettersen, Rosenthal, Van Winkle, Williams, Wist.

AN ACT**CONCERNING PROTECTING THE PRIVACY OF CHILD VICTIMS WHEN RELEASING CRIMINAL JUSTICE RECORDS.**

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

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

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

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

- (I) PART 4 OF ARTICLE 6 OF TITLE 18, C.R.S.;
- (II) INTERNET SEXUAL EXPLOITATION OF A CHILD UNDER SECTION 18-3-405.4,

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

C.R.S.;

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

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

(V) SOLICITING FOR CHILD PROSTITUTION UNDER SECTION 18-7-402, C.R.S.;

(VI) PANDERING OF A CHILD UNDER SECTION 18-7-403, C.R.S.;

(VII) PROCUREMENT OF A CHILD UNDER SECTION 18-7-403.5, C.R.S.;

(VIII) KEEPING A PLACE OF CHILD PROSTITUTION UNDER SECTION 18-7-404, C.R.S.;

(IX) PIMPING OF A CHILD UNDER SECTION 18-7-405, C.R.S.;

(X) INDUCEMENT OF CHILD PROSTITUTION UNDER SECTION 18-7-405.5, C.R.S.;

(XI) PATRONIZING A PROSTITUTED CHILD UNDER SECTION 18-7-406, C.R.S.;

(XII) HUMAN TRAFFICKING OF A MINOR FOR INVOLUNTARY SERVITUDE UNDER SECTION 18-3-503, C.R.S.;

(XIII) HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE UNDER SECTION 18-3-504 (2), C.R.S.; AND

(XIV) AN ATTEMPT TO COMMIT ANY OF THE OFFENSES LISTED IN SUBPARAGRAPHS (I) TO (XIII) OF THIS PARAGRAPH (b).

(c) A CRIMINAL JUSTICE AGENCY OR CUSTODIAN OF CRIMINAL JUSTICE RECORDS SHALL MAKE THE NOTATION "CHILD VICTIM" ON ANY RECORD OF OFFICIAL ACTION AND ON THE FILE CONTAINING SUCH RECORD WHEN THE OFFICIAL ACTION INVOLVES A CHILD VICTIM WHEN:

(I) ANY EMPLOYEE OF THE COURT, OFFICER OF THE COURT, OR JUDICIAL OFFICER NOTIFIES SUCH AGENCY OR CUSTODIAN OF THE NAME OF A CHILD VICTIM WHEN SUCH A NAME IS DISCLOSED TO OR OBTAINED BY SUCH EMPLOYEE OR OFFICER DURING THE COURSE OF PROCEEDINGS RELATED TO SUCH OFFICIAL ACTION; OR

(II) THE RECORD OR FILE CONTAINS THE NAME OF A CHILD VICTIM AND THE CHILD VICTIM OR THE CHILD'S LEGAL GUARDIAN REQUESTS THE CUSTODIAN OF THE CRIMINAL JUSTICE RECORD TO MAKE SUCH A NOTATION.

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

(I) CRIMINAL JUSTICE AGENCIES, SCHOOL DISTRICTS, STATE INSTITUTION OF HIGHER EDUCATION POLICE DEPARTMENTS AND AUTHORIZED UNIVERSITY ADMINISTRATORS PURSUANT TO SECTION 23-5-141, C.R.S., ASSESSMENT CENTERS FOR CHILDREN AS DEFINED IN SECTION 19-1-103 (10.5), C.R.S., OR SOCIAL SERVICES

AGENCIES AS AUTHORIZED BY SECTION 22-32-109.1 (3), C.R.S.;

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

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

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

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 14, 2016