

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 17-0682.01 Michael Dohr x4347

SENATE BILL 17-115

SENATE SPONSORSHIP

Cooke,

HOUSE SPONSORSHIP

Willett and Foote,

Senate Committees
Judiciary

House Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING POSSESSION OF SEXUALLY EXPLOITATIVE MATERIAL BY**
102 **PERSONS INVOLVED IN SEXUALLY EXPLOITATIVE MATERIAL**
103 **CASES.**

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>.)

Under current law there is an exception to the crime of possession of sexually exploitative material for peace officers while in the performance of their duties. The bill expands the exception to a prosecutor, criminal investigator, crime analyst, or other individual who is employed by a law enforcement agency or district attorney's office and

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 10, 2017

SENATE
2nd Reading Unamended
February 9, 2017

who performs or assists in investigative duties that may involve sexually exploitative materials and a defendant's attorney and any employee of the attorney or person retained by the attorney who assists in a case involving sexually exploitative materials.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-6-403, **amend**
3 (3)(b.5); and **add** (2)(b.5) and (2)(e.5) as follows:

4 **18-6-403. Sexual exploitation of a child - definitions.** (2) As
5 used in this section, unless the context otherwise requires:

6 (b.5) "DEFENSE COUNSEL PERSONNEL" MEANS ANY DEFENSE
7 ATTORNEY LAWFULLY REPRESENTING A DEFENDANT IN A CRIMINAL CASE
8 OR A JUVENILE IN A DELINQUENCY CASE THAT INVOLVES SEXUALLY
9 EXPLOITATIVE MATERIAL OR ANOTHER INDIVIDUAL EMPLOYED OR
10 RETAINED BY THE DEFENSE ATTORNEY WHO PERFORMS OR ASSISTS IN THE
11 DUTIES RELATING TO THE DEFENSE OF THE ACCUSED THAT MAY INVOLVE
12 SEXUALLY EXPLOITATIVE MATERIALS.

13 (e.5) "LAW ENFORCEMENT PERSONNEL" MEANS ANY PEACE
14 OFFICER, PROSECUTOR, CRIMINAL INVESTIGATOR, CRIME ANALYST, OR
15 OTHER INDIVIDUAL WHO IS EMPLOYED BY A LAW ENFORCEMENT AGENCY
16 OR DISTRICT ATTORNEY'S OFFICE AND WHO PERFORMS OR ASSISTS IN
17 INVESTIGATIVE DUTIES THAT MAY INVOLVE SEXUALLY EXPLOITATIVE
18 MATERIALS.

19 (3) A person commits sexual exploitation of a child if, for any
20 purpose, he or she knowingly:

21 (b.5) Possesses or controls any sexually exploitative material for
22 any purpose; except that this ~~paragraph (b.5)~~ SUBSECTION (3)(b.5) does
23 not apply to ~~peace officers~~ LAW ENFORCEMENT PERSONNEL, DEFENSE

1 COUNSEL PERSONNEL, or court personnel in the performance of their
2 official duties, nor does it apply to physicians, psychologists, therapists,
3 or social workers, so long as such persons are licensed in the state of
4 Colorado and the persons possess such materials in the course of a bona
5 fide treatment or evaluation program at the treatment or evaluation site;
6 or

7 **SECTION 2. Applicability.** This act applies to offenses
8 committed on or after the effective date of this act.

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