

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0658.01 Richard Sweetman x4333

SENATE BILL 17-126

SENATE SPONSORSHIP

Guzman and Gardner,

HOUSE SPONSORSHIP

Hamner and Willett,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING THE COLORADO DOMESTIC VIOLENCE FATALITY REVIEW
102 BOARD.

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>.)

The bill creates the Colorado domestic violence fatality review board (board) in the department of law (department). The review board includes the attorney general or his or her designee, who acts as chair, and at least 16 other members, to be appointed by the attorney general.

The review board shall:

! Coordinate with local and regional domestic violence

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.

- review teams (review teams) to collect data;
- ! Review and analyze the data; and
- ! Prepare recommendations for the general assembly.

The board shall submit a written report of its recommendations to the health and human services and judiciary committees of the senate and the public health care and human services and judiciary committees of the house of representatives on or before December 1, 2018, and on or before December 1 each year thereafter. The report may include, but is not limited to the following:

- ! Recommendations for improving communication between public and private organizations and agencies;
- ! The number of domestic violence fatalities and near-death incidents that occurred in each county during the preceding year and the factors associated with each fatality;
- ! Recommendations for reducing the incidence of domestic violence in the state, and for improving responses to domestic violence incidents by the legal system and by communities; and
- ! Recommendations directed at primary prevention of domestic violence.

A city, county, or district court may establish a review team to review fatal and near-fatal incidents of domestic violence, related domestic violence matters, and suicides related to domestic abuse. Each review team shall collect data and report it to their communities and to the review board. A local or regional child fatality prevention review team may operate as a domestic violence review team.

The bill creates the Colorado domestic violence review board cash fund (fund) and authorizes the department and the review board to seek, accept, and expend gifts, grants, and donations to the fund from private or public sources.

The board is repealed, effective September 1, 2028. Before the repeal, the review board shall be reviewed by the department of regulatory agencies.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Domestic violence involves patterns of abuse, and may involve
5 harm with escalating levels of seriousness, including murders, suicides,
6 and near-death tragedies;

1 (b) From 2011 to 2015, at least one hundred and ninety-six
2 Coloradans died as a result of domestic violence;

3 (c) Many of these deaths may have been prevented if information
4 regarding offender containment and tools for victim safety were available
5 at the time; and

6 (d) It is necessary to establish a Colorado domestic violence
7 fatality review board to:

8 (I) Examine data collected by local and regional domestic
9 violence fatality review teams;

10 (II) Identify measures to help prevent domestic violence fatalities
11 and near-death incidents; and

12 (III) Make annual policy recommendations concerning domestic
13 violence to the general assembly.

14 (2) The general assembly acknowledges the Denver metro
15 domestic violence fatality review committee as domestic violence fatality
16 review experts based on the fact that the committee has been conducting
17 domestic violence fatality review and related research for more than
18 twenty years and has gained a local and national reputation for being the
19 most research-based domestic violence fatality review committee in the
20 country.

21 **SECTION 2.** In Colorado Revised Statutes, **add** part 7 to article
22 31 of title 24 as follows:

23 PART 7

24 COLORADO DOMESTIC VIOLENCE FATALITY

25 REVIEW BOARD

26 **24-31-701. Definitions.** AS USED IN THIS PART 7, UNLESS THE
27 CONTEXT REQUIRES OTHERWISE:

1 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF LAW.

2 (2) "FUND" MEANS THE COLORADO DOMESTIC VIOLENCE FATALITY
3 REVIEW BOARD CASH FUND CREATED IN SECTION 24-31-705.

4 (3) "REVIEW BOARD" MEANS THE COLORADO DOMESTIC VIOLENCE
5 FATALITY REVIEW BOARD CREATED IN SECTION 24-31-702.

6 (4) "REVIEW TEAM" MEANS A LOCAL OR REGIONAL DOMESTIC
7 VIOLENCE FATALITY REVIEW TEAM.

8 **24-31-702. Colorado domestic violence fatality review board**

9 **- creation - membership - purpose - duties.** (1) THE COLORADO
10 DOMESTIC VIOLENCE FATALITY REVIEW BOARD IS ESTABLISHED IN THE
11 DEPARTMENT TO:

12 (a) EXAMINE DATA COLLECTED BY REVIEW TEAMS DURING THE
13 PRECEDING YEAR;

14 (b) IDENTIFY MEASURES TO HELP PREVENT DOMESTIC VIOLENCE
15 FATALITIES AND NEAR-DEATH INCIDENTS;

16 (c) ESTABLISH UNIFORM METHODS FOR COLLECTING, ANALYZING,
17 AND STORING DATA RELATING TO DOMESTIC VIOLENCE FATALITIES AND
18 NEAR-DEATH INCIDENTS; AND

19 (d) MAKE ANNUAL POLICY RECOMMENDATIONS CONCERNING
20 DOMESTIC VIOLENCE TO THE GENERAL ASSEMBLY.

21 (2) (a) THE REVIEW BOARD INCLUDES THE ATTORNEY GENERAL OR
22 HIS OR HER DESIGNEE, WHO SHALL ACT AS CHAIR, AND AT LEAST SIXTEEN
23 BUT NOT MORE THAN NINETEEN OTHER MEMBERS, TO BE APPOINTED BY
24 THE ATTORNEY GENERAL ON OR BEFORE OCTOBER 1, 2017, AS FOLLOWS:

25 (I) A MEDICAL PROFESSIONAL WITH FORENSIC EXPERIENCE;

26 (II) A DOMESTIC VIOLENCE ADVOCATE REPRESENTING A SHELTER
27 OR OTHER DOMESTIC VIOLENCE SERVICE ORGANIZATIONS, WHO MAY NOT

1 TESTIFY WITHOUT CONSENT OF A VICTIM PURSUANT TO SECTION 13-90-107

2 (1)(k)(II);

3 (III) A REPRESENTATIVE OF A LAW ENFORCEMENT AGENCY;

4 (IV) A REPRESENTATIVE OF THE DEPARTMENT OF PUBLIC HEALTH
5 AND ENVIRONMENT;

6 (V) A REPRESENTATIVE OF A CITY ATTORNEY'S OFFICE IN
7 COLORADO WHO HAS EXPERIENCE WORKING WITH VICTIMS OF DOMESTIC
8 VIOLENCE OR PROSECUTING DOMESTIC VIOLENCE OFFENDERS;

9 (VI) A REPRESENTATIVE OF A STATEWIDE NONPROFIT
10 ORGANIZATION THAT OFFERS TRAINING AND EXPERT ADVICE TO DOMESTIC
11 VIOLENCE PROGRAMS THAT SERVE SURVIVORS OF DOMESTIC VIOLENCE,
12 DATING VIOLENCE, AND STALKING;

13 (VII) A REPRESENTATIVE OF THE DEPARTMENT OF HUMAN
14 SERVICES' ADULT PROTECTION SERVICES;

15 (VIII) A REPRESENTATIVE OF THE DEPARTMENT OF HUMAN
16 SERVICES' CHILD PROTECTION SERVICES;

17 (IX) A REPRESENTATIVE OF A PROBATION, PAROLE, OR
18 COMMUNITY CORRECTIONS PROGRAM;

19 (X) A REPRESENTATIVE DESIGNATED BY THE COLORADO DISTRICT
20 ATTORNEYS' COUNCIL;

21 (XI) A REPRESENTATIVE OF A DOMESTIC VIOLENCE TREATMENT
22 PROVIDER SPECIALIZING IN OFFENDER TREATMENT;

23 (XII) TWO DOMESTIC VIOLENCE SURVIVORS;

24 (XIII) A REPRESENTATIVE OF THE DOMESTIC VIOLENCE OFFENDER
25 MANAGEMENT BOARD CREATED IN SECTION 16-11.8-103;

26 (XIV) A REPRESENTATIVE OF THE DENVER METRO DOMESTIC
27 VIOLENCE FATALITY REVIEW COMMITTEE;

1 (XV) A JUDGE OR MAGISTRATE; AND

2 (XVI) SUCH OTHER MEMBERS AS THE ATTORNEY GENERAL MAY
3 DETERMINE, WHOSE CONTRIBUTIONS WOULD BE VALUABLE TO THE WORK
4 OF THE REVIEW BOARD; EXCEPT THAT THE ATTORNEY GENERAL MAY NOT
5 APPOINT MORE THAN TWO MEMBERS PURSUANT TO THIS SUBSECTION
6 (2)(a)(XVI).

7 (b) THE REVIEW BOARD MUST, TO THE EXTENT PRACTICABLE:

8 (I) INCLUDE MEMBERS FROM THROUGHOUT THE STATE;

9 (II) INCLUDE MEMBERS WITH DISABILITIES;

10 (III) REFLECT THE ETHNIC DIVERSITY OF THE STATE; AND

11 (IV) INCLUDE MEMBERS WHO HAVE KNOWLEDGE OF AND
12 EXPERIENCE WITH DOMESTIC VIOLENCE.

13 (c) MEMBERS OF THE REVIEW BOARD, OTHER THAN THE ATTORNEY
14 GENERAL, SERVE FOR FOUR-YEAR TERMS AND ARE ELIGIBLE FOR
15 REAPPOINTMENT NO MORE THAN TWO TIMES AT THE EXPIRATION OF A
16 FOUR-YEAR TERM.

17 (d) MEMBERS OF THE REVIEW BOARD SERVE WITHOUT
18 COMPENSATION BUT MAY RECEIVE PER DIEM AND REIMBURSEMENT FOR
19 COSTS, SUBJECT TO THE AVAILABILITY OF FUNDS.

20 (e) THE ATTORNEY GENERAL MAY FILL ANY VACANCIES ON THE
21 REVIEW BOARD AT ANY TIME.

22 (f) BEFORE COMMENCING HIS OR HER SERVICE ON THE REVIEW
23 TEAM, EACH MEMBER SHALL SUBMIT HIS OR HER FINGERPRINTS TO THE
24 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSES OF A CRIMINAL
25 BACKGROUND CHECK. THE BUREAU SHALL FORWARD THE RESULTS OF
26 EACH BACKGROUND CHECK TO THE ATTORNEY GENERAL.

27 (3) THE REVIEW BOARD SHALL CONVENE ITS FIRST MEETING ON OR

1 BEFORE NOVEMBER 1, 2017, AND SHALL MEET THEREAFTER AS
2 DETERMINED BY THE MEMBERSHIP.

3 (4) THE REVIEW BOARD SHALL COORDINATE WITH REVIEW TEAMS
4 TO COLLECT DATA, REVIEW AND ANALYZE THE DATA, AND PREPARE
5 RECOMMENDATIONS FOR THE GENERAL ASSEMBLY. THE REVIEW BOARD
6 SHALL SUBMIT A WRITTEN REPORT OF ITS RECOMMENDATIONS TO THE
7 HEALTH AND HUMAN SERVICES AND JUDICIARY COMMITTEES OF THE
8 SENATE AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES AND
9 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES, OR ANY
10 SUCCESSOR COMMITTEES, ON OR BEFORE DECEMBER 1, 2018, AND ON OR
11 BEFORE DECEMBER 1 EACH YEAR THEREAFTER. NOTWITHSTANDING THE
12 PROVISIONS OF SECTION 24-1-136 (11)(a)(I), THE REPORT REQUIRED IN
13 THIS SUBSECTION (4) EXPIRES ON SEPTEMBER 1, 2028. THE REVIEW BOARD
14 SHALL MAKE THE REPORT AVAILABLE TO THE PUBLIC ON THE
15 DEPARTMENT'S WEBSITE. THE REPORT MAY INCLUDE, BUT IS NOT LIMITED
16 TO, THE FOLLOWING:

17 (a) RECOMMENDATIONS FOR IMPROVING COMMUNICATION
18 BETWEEN PUBLIC AND PRIVATE ORGANIZATIONS AND AGENCIES;

19 (b) THE NUMBER OF DOMESTIC VIOLENCE FATALITIES AND
20 NEAR-DEATH INCIDENTS THAT OCCURRED IN EACH COUNTY DURING THE
21 PRECEDING YEAR AND THE FACTORS ASSOCIATED WITH EACH FATALITY;

22 (c) RECOMMENDATIONS FOR:

23 (I) REDUCING THE INCIDENCE OF DOMESTIC VIOLENCE IN THE
24 STATE; AND

25 (II) IMPROVING RESPONSES TO DOMESTIC VIOLENCE INCIDENTS BY
26 THE LEGAL SYSTEM AND BY COMMUNITIES; AND

27 (d) RECOMMENDATIONS DIRECTED AT PRIMARY PREVENTION OF

1 DOMESTIC VIOLENCE.

2 (5) CASE REVIEW DATA WILL BE STORED IN THE MANNER
3 DETERMINED BY THE REVIEW BOARD. THE REVIEW BOARD SHALL WORK
4 WITH REVIEW TEAMS TO INCORPORATE AND MAINTAIN EXISTING DATA
5 COLLECTION METHODS.

6 (6) IN ADDITION TO COLLABORATING WITH REVIEW TEAMS, THE
7 REVIEW BOARD MAY COLLABORATE WITH OTHER AGENCIES OR
8 ORGANIZATIONS TO FULFILL ITS DUTIES PURSUANT TO THIS PART 7.

9 (7) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, THE
10 REVIEW BOARD IS AUTHORIZED TO REVIEW CASE DATA ONLY FROM CASES
11 THAT HAVE BEEN CLOSED BY EACH LAW ENFORCEMENT AGENCY THAT
12 INVESTIGATED OR PROSECUTED EACH SUCH CASE.

13 **24-31-703. Local and regional domestic violence fatality**
14 **review teams - creation - membership - purpose - duties.** (1) A CITY,
15 COUNTY, OR DISTRICT COURT MAY ESTABLISH A REVIEW TEAM TO REVIEW
16 FATAL AND NEAR-FATAL INCIDENTS OF DOMESTIC VIOLENCE, RELATED
17 DOMESTIC VIOLENCE MATTERS, AND SUICIDES RELATED TO DOMESTIC
18 ABUSE.

19 (2) IN ESTABLISHING A REVIEW TEAM, A CITY, COUNTY, OR
20 DISTRICT COURT, TO THE EXTENT PRACTICABLE, SHALL SELECT TEAM
21 MEMBERS WITH SUBJECT-MATTER EXPERTISE FROM THE FOLLOWING
22 ENTITIES, WITH AN ATTEMPT TO REFLECT THE RACIAL AND ETHNIC MAKEUP
23 OF THE CITY, COUNTY, OR JUDICIAL DISTRICT:

- 24 (a) APPROPRIATE COUNTY DEPARTMENTS;
- 25 (b) DOMESTIC VIOLENCE SERVICE PROVIDERS;
- 26 (c) LAW ENFORCEMENT AGENCIES;
- 27 (d) PROSECUTORS' OFFICES;

- 1 (e) ONE OR MORE COUNTY DEPARTMENTS OF PUBLIC HEALTH;
- 2 (f) ONE OR MORE COUNTY DEPARTMENTS OF HUMAN OR SOCIAL
- 3 SERVICES;
- 4 (g) ONE OR MORE CORONER'S OFFICES OR COUNTY MEDICAL
- 5 EXAMINER'S OFFICES OR DESIGNEES THEREOF;
- 6 (h) BATTERER INTERVENTION SERVICES PROVIDERS;
- 7 (i) THE LOCAL PAROLE DIVISION OF THE STATE BOARD OF PAROLE;
- 8 (j) THE LOCAL PROBATION DEPARTMENT;
- 9 (k) HOSPITALS;
- 10 (l) JUDGES OF THE COUNTY AND DISTRICT COURTS;
- 11 (m) CLERKS OF THE COUNTY AND DISTRICT COURTS; AND
- 12 (n) SURVIVORS OF DOMESTIC VIOLENCE.

13 (3) (a) EACH REVIEW TEAM SHALL COLLECT DATA ON DOMESTIC
14 VIOLENCE FATALITIES AND NEAR-DEATH INCIDENTS, CONDUCT INDIVIDUAL
15 CASE REVIEWS OF DOMESTIC VIOLENCE FATALITIES AND NEAR-DEATH
16 INCIDENTS, DOCUMENT CASE CHARACTERISTICS OF THOSE CASE REVIEWS,
17 AND REPORT THIS INFORMATION TO THEIR COMMUNITIES AND TO THE
18 REVIEW BOARD.

19 (b) EACH REVIEW TEAM SHALL DETERMINE ITS OWN STRUCTURE
20 AND ACTIVITIES; EXCEPT THAT, TO ENSURE STATEWIDE CONSISTENCY,
21 EACH REVIEW TEAM SHALL USE ANY UNIFORM METHOD FOR COLLECTING,
22 ANALYZING, OR STORING DATA THAT IS ESTABLISHED BY THE REVIEW
23 BOARD PURSUANT TO SECTION 24-31-702 (1)(c).

24 (c) EACH REVIEW TEAM SHALL DETERMINE WHICH INCIDENTS TO
25 REVIEW. A REVIEW BY A REVIEW TEAM MAY INCLUDE EXAMINATION AND
26 CONSIDERATION OF:

- 27 (I) EVENTS LEADING UP TO THE DOMESTIC VIOLENCE INCIDENT;

1 (II) AVAILABLE RESOURCES OF THE CRIMINAL LEGAL SYSTEM AND
2 COMMUNITY;

3 (III) CURRENT LAWS AND POLICIES;

4 (IV) ACTIONS TAKEN BY INDIVIDUALS AND AGENCIES, INCLUDING
5 INDIVIDUALS AND AGENCIES OF THE CRIMINAL JUSTICE AND HUMAN
6 SERVICES SYSTEMS, RELATED TO THE INCIDENT AND THE PARTIES; AND

7 (V) ANY OTHER INFORMATION OR ACTION DEEMED RELEVANT BY
8 THE REVIEW TEAM, INCLUDING A REVIEW OF PUBLIC RECORDS AND
9 RECORDS FOR WHICH PUBLIC RECORDS EXEMPTIONS ARE GRANTED.

10 (4) EACH REVIEW TEAM SHALL SUBMIT DATA AND
11 RECOMMENDATIONS TO THE REVIEW BOARD:

12 (a) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR FOLLOWING THE
13 YEAR IN WHICH THE REVIEW TEAM WAS ESTABLISHED; OR

14 (b) IN THE CASE OF A REVIEW TEAM IN EXISTENCE ON THE
15 EFFECTIVE DATE OF THIS SECTION, ON OR BEFORE SEPTEMBER 1, 2018, AND
16 ON OR BEFORE SEPTEMBER 1 EACH YEAR THEREAFTER.

17 (5) (a) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, NO
18 MORE THAN ONE REVIEW TEAM MAY BE CREATED IN ANY JUDICIAL
19 DISTRICT. REVIEW TEAMS IN EXISTENCE ON THE EFFECTIVE DATE OF THIS
20 SECTION ARE RECOGNIZED AS REVIEW TEAMS UNDER THIS PART 7.

21 (b) NOTHING IN THIS SECTION REQUIRES THE FORMATION OF A
22 REVIEW TEAM.

23 (6) IF A LOCAL OR REGIONAL CHILD FATALITY PREVENTION REVIEW
24 TEAM IS CREATED IN A JUDICIAL DISTRICT PURSUANT TO SECTION
25 25-20.5-404, IT MAY OPERATE AS A DOMESTIC VIOLENCE REVIEW TEAM
26 PURSUANT TO THIS SECTION, SO LONG AS IT:

27 (a) USES A UNIFORM METHOD FOR COLLECTING, ANALYZING, OR

1 STORING DATA THAT IS ESTABLISHED BY THE REVIEW BOARD PURSUANT TO
2 SECTION 24-31-702 (1)(c); AND

3 (b) INCLUDES DOMESTIC VIOLENCE EXPERTISE FROM ENTITIES
4 DESCRIBED IN SUBSECTION (2) OF THIS SECTION.

5 (7) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, A LOCAL
6 OR REGIONAL CHILD FATALITY PREVENTION REVIEW TEAM IS AUTHORIZED
7 TO REVIEW CASE DATA ONLY FROM CASES THAT HAVE BEEN CLOSED BY
8 EACH LAW ENFORCEMENT AGENCY THAT INVESTIGATED OR PROSECUTED
9 EACH SUCH CASE.

10 **24-31-704. Access to records - confidentiality - public access**

11 **- immunity.** (1) (a) NOTWITHSTANDING ANY OTHER STATE LAW TO THE
12 CONTRARY, BUT SUBJECT TO THE REQUIREMENTS OF APPLICABLE
13 PROVISIONS OF FEDERAL LAW, THE REVIEW BOARD AND REVIEW TEAMS
14 HAVE ACCESS TO RECORDS AND INFORMATION THAT ARE RELEVANT TO A
15 REVIEW OF A DOMESTIC VIOLENCE FATALITY AND THAT ARE IN THE
16 POSSESSION OF A STATE OR LOCAL GOVERNMENTAL AGENCY.

17 (b) THE REVIEW BOARD AND REVIEW TEAMS MAY ACCESS MENTAL
18 HEALTH AND SUBSTANCE ABUSE TREATMENT RECORDS ONLY WITH THE
19 WRITTEN CONSENT OF APPROPRIATE PARTIES IN ACCORDANCE WITH
20 APPLICABLE FEDERAL AND STATE LAW.

21 (2) (a) ALL REVIEW BOARD AND REVIEW TEAM MEETINGS;
22 ACTIVITIES OF THE REVIEW BOARD AND REVIEW TEAMS, INCLUDING
23 ACTIVITIES OF ANY ISSUE-SPECIFIC PANEL OR AD HOC SUBCOMMITTEE
24 FORMED BY THE REVIEW BOARD OR BY REVIEW TEAMS; REVIEW BOARD
25 AND REVIEW TEAM MEETING NOTES AND STATEMENTS; HEALTH
26 INFORMATION AND MEDICAL RECORDS OBTAINED BY THE REVIEW BOARD
27 OR BY REVIEW TEAMS; AND ANY INFORMATION OBTAINED BY THE

1 DEPARTMENT IN CONNECTION WITH THE REVIEW BOARD OR REVIEW TEAMS
2 ARE CONFIDENTIAL AND ARE NOT SUBJECT TO:

3 (I) THE OPEN MEETINGS PROVISIONS OF THE "COLORADO SUNSHINE
4 ACT OF 1972" SET FORTH IN SECTION 24-6-402;

5 (II) THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72
6 OF TITLE 24; OR

7 (III) SUBPOENA, DISCOVERY, OR INTRODUCTION INTO EVIDENCE IN
8 ANY CIVIL OR CRIMINAL PROCEEDING, UNLESS THE INFORMATION WAS
9 OBTAINED FROM ANOTHER SOURCE THAT IS SEPARATE AND APART FROM
10 THE REVIEW BOARD OR REVIEW TEAMS.

11 (b) EACH MEMBER OF THE REVIEW BOARD, EACH MEMBER OF A
12 REVIEW TEAM, AND EACH INVITED PARTICIPANT AT A MEETING SHALL SIGN
13 A STATEMENT INDICATING AN UNDERSTANDING OF AND ADHERENCE TO
14 CONFIDENTIALITY REQUIREMENTS. A PERSON WHO KNOWINGLY VIOLATES
15 CONFIDENTIALITY REQUIREMENTS COMMITS A CLASS 3 MISDEMEANOR
16 AND, UPON CONVICTION, SHALL BE PUNISHED AS PROVIDED IN SECTION
17 18-1.3-501.

18 (c) A MEMBER OF THE REVIEW BOARD, A MEMBER OF A REVIEW
19 TEAM, A PERSON WHO ATTENDS A REVIEW TEAM MEETING, AND A PERSON
20 WHO PRESENTS INFORMATION TO A REVIEW TEAM ARE NOT SUBJECT TO
21 EXAMINATION IN ANY CIVIL OR CRIMINAL PROCEEDING CONCERNING
22 INFORMATION PRESENTED TO MEMBERS OF THE REVIEW TEAM OR OPINIONS
23 FORMED BY THE REVIEW TEAM BASED ON THAT INFORMATION. A PERSON
24 MAY, HOWEVER, BE EXAMINED CONCERNING INFORMATION REVIEWED BY
25 THE REVIEW BOARD OR A REVIEW TEAM THAT IS OTHERWISE AVAILABLE
26 TO THE PUBLIC OR THAT IS REQUIRED TO BE REVEALED BY THAT PERSON IN
27 AN OFFICIAL CAPACITY.

1 (d) INFORMATION, DOCUMENTS, RECORDS, NOTES, MEMORANDA,
2 AND DATA OF THE REVIEW BOARD AND THE REVIEW TEAMS ARE NOT
3 SUBJECT TO SUBPOENA, DISCOVERY, OR INTRODUCTION INTO EVIDENCE IN
4 ANY ACTION IN ANY COURT OR BEFORE ANY TRIBUNAL, BOARD, AGENCY,
5 OR PERSON AND MAY NOT BE EXHIBITED OR DISCLOSED IN ANY WAY BY
6 ANY PERSON UNLESS THE INFORMATION WAS OBTAINED FROM ANOTHER
7 SOURCE THAT IS SEPARATE AND APART FROM THE REVIEW BOARD OR
8 REVIEW TEAMS, EXCEPT AS MAY BE NECESSARY FOR FURTHERING THE
9 DUTIES OF THE REVIEW BOARD OR THE REVIEW TEAMS OR IN RESPONSE TO
10 AN ALLEGED VIOLATION OF A CONFIDENTIALITY AGREEMENT PURSUANT TO
11 SUBSECTION (2)(b) OF THIS SECTION.

12 (3) A MEMBER OF THE REVIEW BOARD, A MEMBER OF A REVIEW
13 TEAM, AND ANY PERSON ACTING AS A WITNESS TO, INCIDENT REPORTER
14 TO, OR INVESTIGATOR FOR THE REVIEW BOARD OR A REVIEW TEAM IS NOT
15 LIABLE FOR ANY ACT OR PROCEEDING UNDERTAKEN OR PERFORMED
16 WITHIN THE SCOPE OF THE FUNCTIONS OF THE REVIEW BOARD OR REVIEW
17 TEAM UNLESS HE OR SHE ACTED IN BAD FAITH, WITH MALICIOUS PURPOSE,
18 OR IN A MANNER EXHIBITING WANTON AND WILLFUL DISREGARD OF
19 HUMAN RIGHTS, SAFETY, OR PROPERTY.

20 **24-31-705. Colorado domestic violence fatality review board**
21 **contracts - grants - cash fund created.** (1) TO FULFILL ITS DUTIES
22 UNDER THIS PART 7 AND SUBJECT TO AVAILABLE MONEY IN THE FUND
23 CREATED IN SUBSECTION (1)(e) OF THIS SECTION, THE DEPARTMENT AND
24 THE REVIEW BOARD MAY:

25 (a) HIRE STAFF AND CONTRACT WITH CONSULTANTS WITH
26 EXPERTISE IN DOMESTIC VIOLENCE FATALITY REVIEW;

27 (b) CONTRACT WITH LOCAL ENTITIES;

1 (c) EXPEND MONEY FROM THE FUND TO PAY THE DIRECT AND
2 INDIRECT COSTS OF IMPLEMENTING THIS PART 7;

3 (d) EXPEND MONEY FROM THE FUND TO REIMBURSE LOCAL REVIEW
4 TEAMS FOR THE DIRECT AND INDIRECT COSTS OF IMPLEMENTING THIS PART
5 7;

6 (e) SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, AND DONATIONS
7 FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF ESTABLISHING
8 THE REVIEW BOARD AND CARRYING OUT ITS DUTIES. THE DEPARTMENT
9 AND THE REVIEW BOARD SHALL TRANSMIT ANY SUCH GIFT, GRANT, OR
10 DONATION TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO
11 THE COLORADO DOMESTIC VIOLENCE REVIEW BOARD CASH FUND, WHICH
12 FUND IS HEREBY CREATED. THE MONEY IN THE FUND IS APPROPRIATED
13 ANNUALLY TO THE FUND BY THE GENERAL ASSEMBLY FOR THE DIRECT AND
14 INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS PART 7.
15 ALL MONEY IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS PART
16 7 MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL
17 INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF
18 MONEY IN THE FUND IS CREDITED TO THE FUND. ANY UNEXPENDED AND
19 UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A FISCAL
20 YEAR REMAINS IN THE FUND AND MAY NOT BE CREDITED OR TRANSFERRED
21 TO THE GENERAL FUND OR ANOTHER FUND.

22 (f) THE REVIEW BOARD AND REVIEW TEAMS ARE ENCOURAGED TO
23 APPLY FOR FEDERAL GRANTS.

24 **24-31-706. Repeal of part.** THIS PART 7 IS REPEALED, EFFECTIVE
25 SEPTEMBER 1, 2028.

26 **SECTION 3. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part will not take effect
6 unless approved by the people at the general election to be held in
7 November 2018 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.