

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. 17-0658.01 Richard Sweetman x4333

SENATE BILL 17-126

SENATE SPONSORSHIP

Guzman and Gardner,

HOUSE SPONSORSHIP

Hamner and Willett,

Senate Committees

Judiciary
Appropriations

House Committees

Public Health Care & Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE COLORADO DOMESTIC VIOLENCE FATALITY REVIEW**
102 **BOARD, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

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:

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
April 10, 2017

SENATE
Amended 2nd Reading
April 7, 2017

- ! Coordinate with local and regional domestic violence 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,

1 and near-death tragedies;

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

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

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

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

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

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

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

22 **SECTION 2.** In Colorado Revised Statutes, **add** part 7 to article
23 31 of title 24 as follows:

24 **PART 7**

25 **COLORADO DOMESTIC VIOLENCE FATALITY**

26 **REVIEW BOARD**

27 **24-31-701. Definitions.** AS USED IN THIS PART 7, UNLESS THE

1 CONTEXT REQUIRES OTHERWISE:

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

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

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

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

9 **24-31-702. Colorado domestic violence fatality review board**
10 **- creation - membership - purpose - duties.** (1) THE COLORADO
11 DOMESTIC VIOLENCE FATALITY REVIEW BOARD IS ESTABLISHED IN THE
12 DEPARTMENT TO:

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

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

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

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

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

27 (I) A MEDICAL PROFESSIONAL WITH FORENSIC EXPERIENCE;

1 (II) A DOMESTIC VIOLENCE ADVOCATE REPRESENTING A SHELTER
2 OR OTHER DOMESTIC VIOLENCE SERVICE ORGANIZATIONS, WHO MAY NOT
3 TESTIFY WITHOUT CONSENT OF A VICTIM PURSUANT TO SECTION 13-90-107
4 (1)(k)(II);

5 (III) A CRIMINAL DEFENSE ATTORNEY;

6 (IV) A REPRESENTATIVE OF A LAW ENFORCEMENT AGENCY;

7 (V) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
8 HEALTH AND ENVIRONMENT, OR HIS OR HER DESIGNEE;

9 (VI) A REPRESENTATIVE OF A CITY ATTORNEY'S OFFICE IN
10 COLORADO WHO HAS EXPERIENCE WORKING WITH VICTIMS OF DOMESTIC
11 VIOLENCE OR PROSECUTING DOMESTIC VIOLENCE OFFENDERS;

12 (VII) A REPRESENTATIVE OF A STATEWIDE NONPROFIT
13 ORGANIZATION THAT OFFERS TRAINING AND EXPERT ADVICE TO DOMESTIC
14 VIOLENCE PROGRAMS THAT SERVE SURVIVORS OF DOMESTIC VIOLENCE,
15 DATING VIOLENCE, AND STALKING;

16 (VIII) A REPRESENTATIVE OF THE DEPARTMENT OF HUMAN
17 SERVICES' ADULT PROTECTION SERVICES;

18 (IX) A REPRESENTATIVE OF THE DEPARTMENT OF HUMAN
19 SERVICES' CHILD PROTECTION SERVICES;

20 (X) A REPRESENTATIVE OF A PROBATION, PAROLE, OR COMMUNITY
21 CORRECTIONS PROGRAM;

22 (XI) A REPRESENTATIVE DESIGNATED BY THE COLORADO DISTRICT
23 ATTORNEYS' COUNCIL;

24 (XII) A REPRESENTATIVE OF A DOMESTIC VIOLENCE TREATMENT
25 PROVIDER SPECIALIZING IN OFFENDER TREATMENT;

26 (XIII) TWO DOMESTIC VIOLENCE SURVIVORS;

27 (XIV) A REPRESENTATIVE OF THE DOMESTIC VIOLENCE OFFENDER

1 MANAGEMENT BOARD CREATED IN SECTION 16-11.8-103;

2 (XV) A REPRESENTATIVE OF THE DENVER METRO DOMESTIC
3 VIOLENCE FATALITY REVIEW COMMITTEE;

4 (XVI) A JUDGE OR MAGISTRATE; AND

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

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

11 (I) INCLUDE MEMBERS FROM THROUGHOUT THE STATE;

12 (II) INCLUDE MEMBERS WITH DISABILITIES;

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

14 (IV) INCLUDE MEMBERS WHO HAVE KNOWLEDGE OF AND
15 EXPERIENCE WITH DOMESTIC VIOLENCE.

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

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

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

25 (f) BEFORE COMMENCING HIS OR HER SERVICE ON THE REVIEW
26 TEAM, EACH MEMBER SHALL SUBMIT HIS OR HER FINGERPRINTS TO THE
27 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSES OF A CRIMINAL

1 BACKGROUND CHECK. THE BUREAU SHALL FORWARD THE RESULTS OF
2 EACH BACKGROUND CHECK TO THE ATTORNEY GENERAL.

3 (3) THE REVIEW BOARD SHALL CONVENE ITS FIRST MEETING ON OR
4 BEFORE NOVEMBER 1, 2017, AND SHALL MEET THEREAFTER AS
5 DETERMINED BY THE MEMBERSHIP.

6 (4) THE REVIEW BOARD SHALL COORDINATE WITH REVIEW TEAMS
7 TO COLLECT DATA, REVIEW AND ANALYZE THE DATA, AND PREPARE
8 RECOMMENDATIONS FOR THE GENERAL ASSEMBLY. THE REVIEW BOARD
9 SHALL SUBMIT A WRITTEN REPORT OF ITS RECOMMENDATIONS TO THE
10 HEALTH AND HUMAN SERVICES AND JUDICIARY COMMITTEES OF THE
11 SENATE AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES AND
12 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES, OR ANY
13 SUCCESSOR COMMITTEES, ON OR BEFORE DECEMBER 1, 2018, AND ON OR
14 BEFORE DECEMBER 1 EACH YEAR THEREAFTER. NOTWITHSTANDING THE
15 PROVISIONS OF SECTION 24-1-136 (11)(a)(I), THE REPORT REQUIRED IN
16 THIS SUBSECTION (4) EXPIRES ON SEPTEMBER 1, 2022. THE REVIEW BOARD
17 SHALL MAKE THE REPORT AVAILABLE TO THE PUBLIC ON THE
18 DEPARTMENT'S WEBSITE. THE REPORT MAY INCLUDE, BUT IS NOT LIMITED
19 TO, THE FOLLOWING:

20 (a) RECOMMENDATIONS FOR IMPROVING COMMUNICATION
21 BETWEEN PUBLIC AND PRIVATE ORGANIZATIONS AND AGENCIES;

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

25 (c) RECOMMENDATIONS FOR:

26 (I) REDUCING THE INCIDENCE OF DOMESTIC VIOLENCE IN THE
27 STATE; AND

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

3 (d) RECOMMENDATIONS DIRECTED AT PRIMARY PREVENTION OF
4 DOMESTIC VIOLENCE.

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

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

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

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

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

27 (a) APPROPRIATE COUNTY DEPARTMENTS;

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

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

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

27 (c) EACH REVIEW TEAM SHALL DETERMINE WHICH INCIDENTS TO

1 REVIEW. A REVIEW BY A REVIEW TEAM MAY INCLUDE EXAMINATION AND
2 CONSIDERATION OF:

- 3 (I) EVENTS LEADING UP TO THE DOMESTIC VIOLENCE INCIDENT;
- 4 (II) AVAILABLE RESOURCES OF THE CRIMINAL LEGAL SYSTEM AND
5 COMMUNITY;
- 6 (III) CURRENT LAWS AND POLICIES;
- 7 (IV) ACTIONS TAKEN BY INDIVIDUALS AND AGENCIES, INCLUDING
8 INDIVIDUALS AND AGENCIES OF THE CRIMINAL JUSTICE AND HUMAN
9 SERVICES SYSTEMS, RELATED TO THE INCIDENT AND THE PARTIES; AND
- 10 (V) ANY OTHER INFORMATION OR ACTION DEEMED RELEVANT BY
11 THE REVIEW TEAM, INCLUDING A REVIEW OF PUBLIC RECORDS AND
12 RECORDS FOR WHICH PUBLIC RECORDS EXEMPTIONS ARE GRANTED.

13 (4) EACH REVIEW TEAM SHALL SUBMIT DATA AND
14 RECOMMENDATIONS TO THE REVIEW BOARD:

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

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

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

24 (b) NOTHING IN THIS SECTION REQUIRES THE FORMATION OF A
25 REVIEW TEAM.

26 (6) IF A LOCAL OR REGIONAL CHILD FATALITY PREVENTION REVIEW
27 TEAM IS CREATED IN A JUDICIAL DISTRICT PURSUANT TO SECTION

1 25-20.5-404, IT MAY OPERATE AS A DOMESTIC VIOLENCE REVIEW TEAM
2 PURSUANT TO THIS SECTION, SO LONG AS IT:

3 (a) USES A UNIFORM METHOD FOR COLLECTING, ANALYZING, OR
4 STORING DATA THAT IS ESTABLISHED BY THE REVIEW BOARD PURSUANT TO
5 SECTION 24-31-702 (1)(c); AND

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

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

13 **24-31-704. Access to records - confidentiality - public access**
14 **- immunity.** (1) (a) NOTWITHSTANDING ANY OTHER STATE LAW TO THE
15 CONTRARY, BUT SUBJECT TO THE REQUIREMENTS OF APPLICABLE
16 PROVISIONS OF FEDERAL LAW, THE REVIEW BOARD AND REVIEW TEAMS
17 HAVE ACCESS TO RECORDS AND INFORMATION THAT ARE RELEVANT TO A
18 REVIEW OF A DOMESTIC VIOLENCE FATALITY AND THAT ARE IN THE
19 POSSESSION OF A STATE OR LOCAL GOVERNMENTAL AGENCY.

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

24 (2) (a) ALL REVIEW BOARD AND REVIEW TEAM MEETINGS;
25 ACTIVITIES OF THE REVIEW BOARD AND REVIEW TEAMS, INCLUDING
26 ACTIVITIES OF ANY ISSUE-SPECIFIC PANEL OR AD HOC SUBCOMMITTEE
27 FORMED BY THE REVIEW BOARD OR BY REVIEW TEAMS; REVIEW BOARD

1 AND REVIEW TEAM MEETING NOTES AND STATEMENTS; HEALTH
2 INFORMATION AND MEDICAL RECORDS OBTAINED BY THE REVIEW BOARD
3 OR BY REVIEW TEAMS; AND ANY INFORMATION OBTAINED BY THE
4 DEPARTMENT IN CONNECTION WITH THE REVIEW BOARD OR REVIEW TEAMS
5 ARE CONFIDENTIAL AND ARE NOT SUBJECT TO:

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

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

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

14 (b) EACH MEMBER OF THE REVIEW BOARD, EACH MEMBER OF A
15 REVIEW TEAM, AND EACH INVITED PARTICIPANT AT A MEETING SHALL SIGN
16 A STATEMENT INDICATING AN UNDERSTANDING OF AND ADHERENCE TO
17 CONFIDENTIALITY REQUIREMENTS. A PERSON WHO KNOWINGLY VIOLATES
18 CONFIDENTIALITY REQUIREMENTS COMMITS A CLASS 3 MISDEMEANOR
19 AND, UPON CONVICTION, SHALL BE PUNISHED AS PROVIDED IN SECTION
20 18-1.3-501.

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

1 THE REVIEW BOARD OR A REVIEW TEAM THAT IS OTHERWISE AVAILABLE
2 TO THE PUBLIC OR THAT IS REQUIRED TO BE REVEALED BY THAT PERSON IN
3 AN OFFICIAL CAPACITY.

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

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

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

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

3 (b) CONTRACT WITH LOCAL ENTITIES;

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

6 (d) EXPEND MONEY FROM THE FUND TO REIMBURSE LOCAL REVIEW
7 TEAMS FOR THE DIRECT AND INDIRECT COSTS OF IMPLEMENTING THIS PART
8 7;

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

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

27 **24-31-706. Repeal of part.** THIS PART 7 IS REPEALED, EFFECTIVE

1 SEPTEMBER 1, 2022.

2 **SECTION 3. Appropriation.** For the 2017-18 state fiscal year,
3 \$19,750 is appropriated to the department of law. This appropriation
4 consists of \$17,250 from the general fund and \$2,500 from the Colorado
5 domestic violence review board cash fund created in section 24-31-705
6 (1)(e), C.R.S. To implement this act, the department may use this
7 appropriation for the office of community engagement.

8 **SECTION 4. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly (August
11 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
12 referendum petition is filed pursuant to section 1 (3) of article V of the
13 state constitution against this act or an item, section, or part of this act
14 within such period, then the act, item, section, or part will not take effect
15 unless approved by the people at the general election to be held in
16 November 2018 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.