



# Legislative Council Staff

## Research Note

Version: Final

Date: 5/16/2017

### Bill Number

**Senate Bill 17-115**

### Sponsors

**Senator Cooke**  
**Representatives Willett & Foote**

### Short Title

**Expand Law Enforcement  
Exception Sexual Material**

### Research Analyst

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### Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on April 18, 2017.

### Background

Under existing law, any person who possesses or controls sexually exploitative material commits a class 5 felony. It is a class 4 felony if it is a second or subsequent offense, or if the possession is of a video, recording or broadcast of moving visual images, or motion picture or more than 20 different items qualifying as sexually exploitative material. "Sexually exploitative material" is defined in Colorado law as any photograph, motion picture, video, recording or broadcast of moving visual images, print, negative, slide, or other mechanically, electronically, chemically, or digitally reproduced visual material that depicts a child engaged in, participating in, observing, or being used for explicit sexual conduct.

Peace officers and court personnel are exempted from this law if the possession and control occurs in the performance of their official duties, as are physicians, psychologists, therapists, or social workers, so long as such persons are licensed in Colorado and the persons possess such materials in the course of a bona fide treatment or evaluation program at the treatment or evaluation site.

### Senate Action

**Senate Judiciary Committee (February 6, 2017).** At the hearing, the committee heard testimony in favor of the bill from representatives of the Department of Public Safety, the County

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Sheriffs of Colorado, the Colorado District Attorneys' Council, the Colorado Association of the Chiefs of Police, the Office of the State Public Defender, and the Colorado Criminal Defense Bar. The committee referred the bill to the Committee of the Whole, with a recommendation that it be placed on the consent calendar.

**Senate second reading (February 9, 2017).** The Senate passed the bill on second reading.

**Senate third reading (February 10, 2017).** The Senate passed the bill on third reading with no amendments.

**Senate consideration of House amendments (April 5, 2017).** The Senate concurred with House amendments, and repassed the bill.

## House Action

**House Judiciary Committee (March 30, 2017).** At the hearing, the committee heard testimony in favor of the bill from representatives of the Department of Public Safety, the County Sheriffs of Colorado, and the Colorado District Attorneys' Council. The committee adopted amendment L.001, which amended the bill title, and referred the bill, as amended, to the House Committee of the Whole.

**House second reading (April 3, 2017).** The House adopted the House Judiciary Committee report and passed the bill on second reading.

**House third reading (April 4, 2017).** The House passed the bill on third reading with no amendments.

## Relevant Research

Legislative Council Staff, *Laws Governing Sex Offenders in Colorado*, December 2016: [http://leg.colorado.gov/sites/default/files/laws\\_governing\\_sex\\_offenders\\_in\\_colorado2016.pdf](http://leg.colorado.gov/sites/default/files/laws_governing_sex_offenders_in_colorado2016.pdf).