

CHAPTER 141

CRIMINAL LAW AND PROCEDURE

SENATE BILL 17-115

BY SENATOR(S) Cooke, Crowder, Fields, Gardner, Kagan, Lambert, Lundberg, Martinez Humenik, Todd, Grantham;
also REPRESENTATIVE(S) Willett and Foote.

AN ACT

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

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

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

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

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

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

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

(b.5) Possesses or controls any sexually exploitative material for any purpose; except that this ~~paragraph (b.5)~~ SUBSECTION (3)(b.5) does not apply to ~~peace~~

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

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

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

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 18, 2017