

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0059.01 Conrad Imel x2313

SENATE BILL 23-054

SENATE SPONSORSHIP

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Lewis, Kolker, Marchman, Priola, Sullivan, Winter F.

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Senate Committees

Judiciary
Appropriations

House Committees

Public & Behavioral Health & Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE DUTIES OF THE OFFICE OF LIAISON FOR MISSING AND**
102 **MURDERED INDIGENOUS RELATIVES, AND, IN CONNECTION**
103 **THEREWITH, MAKING AN 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 requires the office of liaison for missing and murdered Indigenous relatives (office) in the department of public safety (department) to:

- Conduct case reviews of violent or exploitative crimes against an Indigenous person and publish a report about the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
3rd Reading Unamended
May 6, 2023

HOUSE
Amended 2nd Reading
May 3, 2023

SENATE
3rd Reading Unamended
April 14, 2023

SENATE
Amended 2nd Reading
April 13, 2023

- case reviews annually;
- Communicate with relevant department divisions regarding investigations in cases involving missing or murdered Indigenous relatives;
- Review sentencing ranges for crimes relating to missing or murdered Indigenous relatives;
- Develop, publicize, and offer training for victim advocates who work on missing or murdered Indigenous relatives cases; and
- Designate one employee of the office to serve as a point of contact for families in need of support regarding ongoing or completed missing or murdered Indigenous relatives cases.

The bill grants office personnel access to relevant criminal justice records and medical, coroner, and laboratory records in the custody of state or local agencies that are necessary for the office to perform its duties. The bill permits the office to seek, accept, and expend gifts, grants, or donations in order to carry out the office's duties and to provide financial support to missing or murdered Indigenous relatives' families.

The bill requires the community volunteer advisory board within the office (advisory board) to prepare an annual report that includes a summary of the advisory board's work during the prior year, issues related to missing or murdered Indigenous relatives, and a recommendation of whether the office should remain in the department. The advisory board is required to submit its report to the judiciary and state affairs committees of the house of representatives and the senate.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-33.5-2601, **add**
 3 (6) as follows:

4 **24-33.5-2601. Definitions.** As used in this part 26, unless the
 5 context otherwise requires:

6 (6) "OFFICE PERSONNEL" MEANS THE DIRECTOR OF THE OFFICE AND
 7 ANY EMPLOYEE OR AGENT OF THE OFFICE. "OFFICE PERSONNEL" DOES NOT
 8 INCLUDE A MEMBER OF THE COMMUNITY VOLUNTEER ADVISORY BOARD
 9 ESTABLISHED IN SECTION 24-33.5-2603 (4).

10 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-2603, **add**

1 (3.5), (4)(d), (5), and (6) as follows:

2 **24-33.5-2603. Office of liaison for missing and murdered**
3 **Indigenous relatives - director - duties - report - collaboration -**
4 **advisory board - access to records - gifts, grants, and donations.**

5 (3.5) IN ADDITION TO ANY OTHER DUTIES DESCRIBED IN THIS SECTION, THE
6 OFFICE SHALL:

7 (a) IN ORDER TO BETTER UNDERSTAND THE CAUSES OF CRIMES
8 INVOLVING A MISSING OR MURDERED INDIGENOUS PERSON, CONDUCT
9 COMPREHENSIVE REVIEWS OF ___ SENTENCING IN CASES OF A VIOLENT OR
10 EXPLOITATIVE CRIME AGAINST AN INDIGENOUS PERSON. THE OFFICE'S
11 CASE REVIEWS SHOULD IDENTIFY CASES IN WHICH THE PERPETRATOR IS A
12 REPEAT OFFENDER. THE REVIEWS MUST INCLUDE CONSULTATIONS WITH
13 THE LEAD INVESTIGATIVE AGENCY AND DISTRICT ATTORNEY AND
14 COLLECTION AND REVIEW OF ALL ___ SENTENCING INFORMATION RELATED
15 TO THE CASE. THE OFFICE SHALL ANNUALLY PUBLISH A REPORT THAT
16 INCLUDES INFORMATION ABOUT THE CASE REVIEWS, INCLUDING THE
17 NUMBER OF CASES REVIEWED, THE JURISDICTION OF THOSE CASES, AND
18 THE DISPOSITION OF EACH CASE. THE DEPARTMENT SHALL PUBLISH THE
19 REPORT ON A PUBLICLY AVAILABLE PAGE OF ITS WEBSITE.

20 (b) DEVELOP AND MAINTAIN COMMUNICATION WITH RELEVANT
21 DIVISIONS IN THE DEPARTMENT REGARDING ANY CASES INVOLVING
22 MISSING OR MURDERED INDIGENOUS RELATIVES;

23 (c) SEEK A POSITION FOR A REPRESENTATIVE OF THE INDIGENOUS
24 COMMUNITY ON THE SENTENCING REFORM TASK FORCE OF THE COLORADO
25 COMMISSION ON CRIMINAL AND JUVENILE JUSTICE;

26 (d) COLLABORATE WITH INDIGENOUS-LED ORGANIZATIONS AND
27 THE COLORADO DISTRICT ATTORNEYS' COUNCIL TO ASSIST THE COLORADO

1 DISTRICT ATTORNEYS' COUNCIL IN DEVELOPING AND PROVIDING TRAINING
2 TO VICTIM ADVOCATES IN DISTRICT ATTORNEYS' OFFICES AND LAW
3 ENFORCEMENT AGENCIES WHO WORK WITH THE FAMILIES OF MISSING OR
4 MURDERED INDIGENOUS RELATIVES; AND ___

5 (e) DESIGNATE ONE EMPLOYEE OF THE OFFICE, IN ADDITION TO THE
6 DIRECTOR, TO SERVE AS A POINT OF CONTACT FOR FAMILIES IN NEED OF
7 ASSISTANCE WITH ONGOING OR COMPLETED MISSING OR MURDERED
8 INDIGENOUS RELATIVES CASES. FOR EACH FAMILY THE EMPLOYEE WORKS
9 WITH, THE EMPLOYEE SHALL LIAISE WITH THE VICTIM SERVICES
10 COORDINATOR IN A DISTRICT ATTORNEY'S OFFICE WHO IS ASSIGNED TO THE
11 FAMILY'S CASE AND ANY OTHER ADVOCATE ASSIGNED BY A STATE OR
12 LOCAL AGENCY TO THE FAMILY'S CASE; PROVIDE TO THE FAMILY █
13 AVAILABLE INFORMATION ABOUT THE FAMILY'S CASE; FACILITATE
14 CONNECTIONS WITH LOCAL LAW ENFORCEMENT, ADVOCACY, AND VICTIM
15 SERVICES ORGANIZATIONS, AND WHEN NECESSARY ADVOCATE FOR THE
16 FAMILY WITH THOSE ENTITIES AND FOLLOW-UP WITH THOSE ENTITIES; AND
17 █ PROVIDE THE FAMILY WITH INFORMATION ABOUT COMMUNITY
18 RESOURCES AND SUPPORT SERVICES.

19 (4) (d) THE ADVISORY BOARD SHALL PREPARE AN ANNUAL REPORT
20 THAT INCLUDES A SUMMARY OF THE ADVISORY BOARD'S WORK DURING
21 THE PRIOR YEAR AND THE ADVISORY BOARD'S RECOMMENDATIONS ABOUT
22 ANY ISSUE RELATED TO THE OFFICE TO IMPROVE ANY ASPECT OF THE
23 OFFICE, ITS OPERATION, OR PROCEDURES IN FURTHERANCE OF THE OFFICE'S
24 MISSION. █ ___ No LATER THAN DECEMBER 31 OF EACH YEAR, THE
25 ADVISORY BOARD SHALL SUBMIT THE ANNUAL REPORT TO THE HOUSE OF
26 REPRESENTATIVES JUDICIARY COMMITTEE AND STATE, CIVIC, MILITARY,
27 AND VETERANS AFFAIRS COMMITTEE AND THE SENATE JUDICIARY

1 COMMITTEE AND STATE, VETERANS, AND MILITARY AFFAIRS COMMITTEE,
2 OR THEIR SUCCESSOR COMMITTEES. NOTWITHSTANDING SECTION 24-1-136
3 (11)(a)(I), THE REPORTING REQUIREMENT SPECIFIED IN THIS SUBSECTION
4 (4)(d) CONTINUES INDEFINITELY.

5 (5) (a) SUBJECT TO APPLICABLE STATE OR FEDERAL LAW, AND,
6 SUBJECT TO THE CUSTODIAN BALANCING THE NEEDS OF THE OFFICE, THE
7 FAMILIES OF MISSING PERSONS, AND LAW ENFORCEMENT'S INTEREST IN
8 PROTECTING THE INTEGRITY OF AN INVESTIGATION, OFFICE PERSONNEL
9 MAY INSPECT RELEVANT CRIMINAL JUSTICE RECORDS, INCLUDING ANY
10 CORRECTIONAL OR DETENTION RECORDS, AND ANY PERTINENT MEDICAL,
11 CORONER, AND LABORATORY RECORDS IN THE CUSTODY OF ANY STATE OR
12 LOCAL AGENCY THAT ARE NECESSARY FOR THE OFFICE TO PERFORM ITS
13 DUTIES PURSUANT TO THIS SECTION. A LAW ENFORCEMENT AGENCY SHALL
14 COMPLY WITH A REQUEST FOR DATA FROM THE DEPARTMENT OF PUBLIC
15 SAFETY TO THE EXTENT CONSISTENT WITH THE "COLORADO OPEN
16 RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, AND THE CRIMINAL
17 JUSTICE RECORDS ACT, PART 3 OF ARTICLE 72 OF TITLE 24. OFFICE
18 PERSONNEL MAY ONLY REVIEW AND INSPECT RECORDS AT REASONABLE
19 TIMES AND WITH REASONABLE NOTICE UNDER THE CIRCUMSTANCES.
20 OFFICE PERSONNEL SHALL NOT HAVE ACCESS PURSUANT TO THIS
21 SUBSECTION (5) TO ANY CRIMINAL JUSTICE OR MEDICAL RECORD THAT IS
22 NOT PERTINENT, RELEVANT, OR NECESSARY FOR THE OFFICE TO PERFORM
23 ITS DUTIES DESCRIBED IN THIS SECTION.

24 (b) ANY RECORD INSPECTED, ACCESSED, OR OTHERWISE OBTAINED
25 OR REVIEWED BY OFFICE PERSONNEL PURSUANT TO THIS SUBSECTION (5)
26 IS CONFIDENTIAL. THE OFFICE SHALL NOT RELEASE, SHARE, OR MAKE
27 PUBLIC THE RECORDS OR ANY INFORMATION CONTAINED IN THE RECORDS,

1 EXCEPT AS FOLLOWS:

2 (I) THE OFFICE MAY PUBLICLY RELEASE AGGREGATED
3 INFORMATION ON A PUBLICLY AVAILABLE PAGE OF THE DEPARTMENT'S
4 WEBSITE IN A MANNER THAT DOES NOT IDENTIFY ANY INDIVIDUAL PERSON
5 AND DOES NOT INCLUDE ANY INFORMATION THAT MAY BE LINKED TO ANY
6 INDIVIDUAL;

7

8 (II) THE OFFICE MAY RELEASE RECORDS OR INFORMATION
9 LEARNED FROM A RECORD RELATED TO A PERSON WHO HAS BEEN MISSING
10 FOR FIVE YEARS OR MORE OR A PERSON WHOSE DEATH THE OFFICE HAS
11 CONFIRMED TO THE FOLLOWING PEOPLE WHO ARE RELATED TO THE PERSON
12 WHO IS THE SUBJECT OF THE RECORD: THE PERSON'S SPOUSE, PARENT,
13 GRANDPARENT, STEPFATHER, STEPMOTHER, CHILD, GRANDCHILD,
14 BROTHER, SISTER, HALF BROTHER, HALF SISTER, OR SPOUSE'S PARENTS,
15 INCLUDING ANY OF THOSE RELATIONSHIPS CREATED AS A RESULT OF
16 ADOPTION. IN DETERMINING WHETHER TO RELEASE RECORDS, THE OFFICE
17 SHALL BALANCE THE NEEDS OF THE OFFICE, THE FAMILIES OF MISSING
18 PERSONS, AND LAW ENFORCEMENT'S INTEREST IN PROTECTING THE
19 INTEGRITY OF AN INVESTIGATION.

20

21 (III) IF THE OFFICE IS ORDERED TO RELEASE A RECORD PURSUANT
22 TO A SEARCH WARRANT, SUBPOENA, OR OTHER COURT ORDER, THE OFFICE
23 SHALL RELEASE THE RECORD TO THE EXTENT ORDERED.

24 (c) OFFICE PERSONNEL WHO VIOLATE THIS SECTION BY RELEASING
25 OR MAKING PUBLIC A CONFIDENTIAL RECORD OR CONFIDENTIAL
26 INFORMATION LEARNED FROM A RECORD COMMITS A CLASS 2
27 MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED AS PROVIDED

1 IN SECTION 18-1.3-501 (1).

2 (6) THE OFFICE MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,
3 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES TO CARRY OUT ANY OF
4 THE OFFICE'S DUTIES AND TO PROVIDE FINANCIAL SUPPORT TO MISSING OR
5 MURDERED INDIGENOUS RELATIVES' FAMILIES. THE SUPPORT MAY
6 INCLUDE, BUT IS NOT LIMITED TO, ASSISTANCE WITH PAYMENT FOR THE
7 COST OF RECORD RETRIEVAL, TRAVEL EXPENSES, LODGING, GAS, OR
8 FUNERAL COSTS.

9 **SECTION 3.** In Colorado Revised Statutes, **add 24-33.5-2606** as
10 follows:

11 **24-33.5-2606. Missing or murdered indigenous relatives phone**
12 **line.** THE STATE'S FUSION CENTER IN THE OFFICE OF PREVENTION AND
13 SECURITY, CREATED IN SECTION 24-33.5-1606, SHALL CREATE A
14 DEDICATED PHONE LINE FOR MISSING OR MURDERED INDIGENOUS
15 RELATIVES. THE PHONE LINE MUST OPERATE TWENTY-FOUR HOURS A DAY,
16 SEVEN DAYS A WEEK. THE PHONE LINE MUST FACILITATE CONNECTING A
17 CALLER WITH THE APPROPRIATE CONTACT AT EITHER THE OFFICE OR THE
18 COLORADO BUREAU OF INVESTIGATION.

19 **SECTION 4. Appropriation.** (1) For the 2023-24 state fiscal
20 year, \$191,973 is appropriated to the department of public safety. This
21 appropriation is from the general fund. To implement this act, the
22 department may use this appropriation as follows:

23 (a) \$166,973 for administrative services related to the division of
24 criminal justice, which amount is based on an assumption that the
25 division will require an additional 1.4 FTE; and

26 (b) \$25,000 for use by the office of prevention and security for
27 operating expenses related to the division of homeland security and

1 emergency management. █

2 (2) For the 2023-24 state fiscal year, \$170,601 is appropriated to
3 the judicial department. This appropriation is from the general fund. To
4 implement this act, the department may use this appropriation for
5 information technology infrastructure.

6 **SECTION 5. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, or safety.