

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0059.01 Conrad Imel x2313

SENATE BILL 23-054

SENATE SPONSORSHIP

Danielson,

HOUSE SPONSORSHIP

(None),

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE DUTIES OF THE OFFICE OF LIAISON FOR MISSING AND**
102 **MURDERED INDIGENOUS RELATIVES.**

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 case reviews annually;

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.

- 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**
 11 (3.5), (4)(d), (5), and (6) as follows:

1 **24-33.5-2603. Office of liaison for missing and murdered**
2 **Indigenous relatives - director - duties - report - collaboration -**
3 **advisory board - access to records - gifts, grants, and donations.**

4 (3.5) IN ADDITION TO ANY OTHER DUTIES DESCRIBED IN THIS SECTION, THE
5 OFFICE SHALL:

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

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

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

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

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

4 (e) DESIGNATE ONE EMPLOYEE OF THE OFFICE, WHO IS NOT THE
5 DIRECTOR, TO SERVE AS A POINT OF CONTACT FOR FAMILIES IN NEED OF
6 ASSISTANCE WITH ONGOING OR COMPLETED MISSING OR MURDERED
7 INDIGENOUS RELATIVES CASES. FOR EACH FAMILY THE EMPLOYEE WORKS
8 WITH, THE EMPLOYEE SHALL LIAISE WITH THE VICTIM SERVICES
9 COORDINATOR IN A DISTRICT ATTORNEY'S OFFICE WHO IS ASSIGNED TO THE
10 FAMILY'S CASE AND ANY OTHER ADVOCATE ASSIGNED BY A STATE OR
11 LOCAL AGENCY TO THE FAMILY'S CASE; PROVIDE TO THE FAMILY ALL
12 AVAILABLE INFORMATION ABOUT THE FAMILY'S CASE, INCLUDING
13 INFORMATION ABOUT THE STATUS OF THE CASE, UPCOMING COURT
14 PROCEEDINGS, AND THE INVESTIGATIVE AND JUDICIAL PROCESS; AND
15 PROVIDE THE FAMILY WITH INFORMATION ABOUT COMMUNITY RESOURCES
16 AND SUPPORT SERVICES.

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

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

4 (5) (a) SUBJECT TO APPLICABLE STATE OR FEDERAL LAW, OFFICE
5 PERSONNEL MAY INSPECT AND HAVE ACCESS TO RELEVANT CRIMINAL
6 JUSTICE RECORDS, INCLUDING ANY CORRECTIONAL OR DETENTION
7 RECORDS, AND ANY PERTINENT MEDICAL, CORONER, AND LABORATORY
8 RECORDS IN THE CUSTODY OF ANY STATE OR LOCAL AGENCY THAT ARE
9 NECESSARY FOR THE OFFICE TO PERFORM ITS DUTIES PURSUANT TO THIS
10 SECTION. OFFICE PERSONNEL MAY ONLY REVIEW AND INSPECT RECORDS
11 AT REASONABLE TIMES AND WITH REASONABLE NOTICE UNDER THE
12 CIRCUMSTANCES. OFFICE PERSONNEL SHALL NOT HAVE ACCESS PURSUANT
13 TO THIS SUBSECTION (5) TO ANY CRIMINAL JUSTICE OR MEDICAL RECORD
14 THAT IS NOT PERTINENT, RELEVANT, OR NECESSARY FOR THE OFFICE TO
15 PERFORM ITS DUTIES DESCRIBED IN THIS SECTION.

16 (b) ANY RECORD INSPECTED, ACCESSED, OR OTHERWISE OBTAINED
17 OR REVIEWED BY OFFICE PERSONNEL PURSUANT TO THIS SUBSECTION (5)
18 IS CONFIDENTIAL. THE OFFICE SHALL NOT RELEASE, SHARE, OR MAKE
19 PUBLIC THE RECORDS OR ANY INFORMATION CONTAINED IN THE RECORDS,
20 EXCEPT AS FOLLOWS:

21 (I) THE OFFICE MAY PUBLICLY RELEASE AGGREGATED
22 INFORMATION IN A MANNER THAT DOES NOT IDENTIFY ANY INDIVIDUAL
23 PERSON AND DOES NOT INCLUDE ANY INFORMATION THAT MAY BE LINKED
24 TO ANY INDIVIDUAL;

25 ==
26 (II) THE OFFICE MAY RELEASE RECORDS OR INFORMATION
27 LEARNED FROM A RECORD RELATED TO A PERSON WHO HAS BEEN MISSING

1 FOR FIVE YEARS OR MORE OR A PERSON WHOSE DEATH THE OFFICE HAS
2 CONFIRMED TO THE FOLLOWING PEOPLE WHO ARE RELATED TO THE PERSON
3 WHO IS THE SUBJECT OF THE RECORD: THE PERSON'S SPOUSE, PARENT,
4 GRANDPARENT, STEPFATHER, STEPMOTHER, CHILD, GRANDCHILD,
5 BROTHER, SISTER, HALF BROTHER, HALF SISTER, OR SPOUSE'S PARENTS,
6 INCLUDING ANY OF THOSE RELATIONSHIPS CREATED AS A RESULT OF
7 ADOPTION; AND

8
9 (III) IF THE OFFICE IS ORDERED TO RELEASE A RECORD PURSUANT
10 TO A SEARCH WARRANT, SUBPOENA, OR OTHER COURT ORDER, THE OFFICE
11 SHALL RELEASE THE RECORD TO THE EXTENT ORDERED.

12 (c) OFFICE PERSONNEL WHO VIOLATE THIS SECTION BY RELEASING
13 OR MAKING PUBLIC A CONFIDENTIAL RECORD OR CONFIDENTIAL
14 INFORMATION LEARNED FROM A RECORD COMMITS A CLASS 2
15 MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED AS PROVIDED
16 IN SECTION 18-1.3-501 (1).

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

24 **SECTION 3. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, or safety.