

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 25-0700.01 Owen Hatch x2698

HOUSE BILL 25-1114

HOUSE SPONSORSHIP

Carter and Espenoza,

SENATE SPONSORSHIP

Gonzales J.,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ALLOWING THE DEFENSE TO REVIEW A TANGIBLE OBJECT**
102 **IN PREPARATION FOR A CRIMINAL TRIAL.**

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 grants a right for defense counsel to review a tangible object related to a criminal case at least 35 days before a trial and create confidential work product following their review. Law enforcement officers and other state officials are prohibited from recording the defense's review of the tangible object.

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
Amended 2nd Reading
February 14, 2025

1 THE PROSECUTING AUTHORITY, WHO SHALL PROVIDE A COPY OF THE
2 NOTICE IN DISCOVERY TO THE DEFENSE. THE RECORDING SHALL NOT BE
3 PLACED IN DISCOVERY OR REVIEWED BY LAW ENFORCEMENT, EXCEPT AS
4 PROVIDED IN SUBSECTION (1)(d) OF THIS SECTION; THE PROSECUTION; OR
5 THE DEFENSE UNLESS ORDERED BY THE COURT WHEN A GOOD FAITH ISSUE
6 THAT THE EVIDENCE VIEWING AFFECTED THE INTEGRITY OF THE EVIDENCE
7 IS RAISED BY ANY PARTY. IF THE COURT ALLOWS ACCESS TO THE
8 RECORDING, THE COURT MAY ENTER PROTECTIVE ORDERS AS NECESSARY
9 TO PROTECT ANY PARTIES' CONVERSATIONS OR WORK PRODUCT.

10 (d) LAW ENFORCEMENT MAY VIEW A RECORDING OF AN EVIDENCE
11 VIEWING BY THE PROSECUTION OR DEFENSE AS NECESSARY TO PROPERLY
12 ORGANIZE, CATALOGUE, MAINTAIN, OR OTHERWISE PROPERLY STORE THE
13 RECORDING IF THE REVIEW IS NOT FOR THE PURPOSE OF REVIEWING THE
14 PROSECUTION'S OR DEFENSE'S PREPARATION OR STRATEGY FOR TRIAL.
15 LAW ENFORCEMENT MAY ALSO VIEW A RECORDING OF AN EVIDENCE
16 VIEWING AS AUTHORIZED BY A COURT ORDER.

17 (2) UPON THE REQUEST BY EITHER THE DEFENSE OR THE
18 PROSECUTING AUTHORITY, AND SUBJECT TO CONSTITUTIONAL
19 LIMITATIONS, THE COURT MAY ISSUE ORDERS RELATING TO THE EVIDENCE
20 VIEWING BY THE PROSECUTION OR DEFENSE BASED ON THE INDIVIDUAL
21 CIRCUMSTANCES OF THE EVIDENCE OR THE CASE AT ISSUE CONSISTENT
22 WITH THIS SECTION, THE COLORADO RULES OF CRIMINAL PROCEDURE, AND
23 OTHER APPLICABLE LAW.

24 (3) THIS SECTION DOES NOT LIMIT THE ABILITY OF THE DEFENSE TO
25 REQUEST DEFENSE TESTING OR THE COURT'S ABILITY TO CONDUCT A
26 HEARING RELATED TO THE REQUEST.

27 (4) THIS SECTION DOES NOT APPLY TO THE INSPECTION, VIEWING,
28 AND EXAMINATION OF SEXUALLY EXPLOITATIVE MATERIAL PURSUANT TO

1 SECTION 16-9-601.

2 SECTION 2. In Colorado Revised Statutes, 24-31-902, add
3 (1)(a)(II)(E) as follows:

4 24-31-902. Incident recordings - release - tampering - fine.

5 (1) (a) (II) (E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
6 SECTION, A PEACE OFFICER SHALL NOT ACTIVATE A BODY-WORN CAMERA
7 OR DASH CAMERA AND CAPTURE, VIEW, OR OTHERWISE RECORD THE
8 DEFENSE VIEWING, INSPECTING, OR DISCUSSING THE VIEWING OR
9 INSPECTION OF A TANGIBLE OBJECT HELD IN CONNECTION WITH A
10 CRIMINAL CASE. WHEN THE DEFENSE VIEWS OR INSPECTS EVIDENCE
11 PURSUANT TO SECTION 16-9-801, IT IS NOT AN INTERACTION WITH THE
12 PUBLIC INITIATED BY THE PEACE OFFICER, AND THE DEFENSE, INCLUDING
13 MEMBERS OF THE DEFENSE TEAM, ARE NOT MEMBERS OF THE PUBLIC. IT IS
14 ALSO NOT FOR THE PURPOSE OF ENFORCING THE LAW OR INVESTIGATING
15 POSSIBLE VIOLATIONS OF THE LAW.

16 SECTION 3. Effective date. This act takes effect July 1, 2025.

17 SECTION 4. Safety clause. The general assembly finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety or for appropriations for
20 the support and maintenance of the departments of the state and state
21 institutions.