

## CHAPTER 96

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**COURTS**


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**HOUSE BILL 15-1183**

BY REPRESENTATIVE(S) Fields, Conti, Klingenschmitt, Lebsock, Tate, Becker K., Duran, Esgar, Foote, Garnett, Melton, Mitsch Bush, Pabon, Pettersen, Primavera, Rosenthal, Roupe, Winter, Young, Hullinghorst;  
also SENATOR(S) Guzman, Aguilar, Donovan, Heath, Jahn, Johnston, Kefalas, Kerr, Merrifield, Newell, Roberts, Todd.

**AN ACT****CONCERNING THE ADMISSION OF A CHILD'S STATEMENTS DESCRIBING ATTEMPTED ACTS OF AN UNLAWFUL SEXUAL OFFENSE.**

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

**SECTION 1.** In Colorado Revised Statutes, 13-25-129, **amend** (1) introductory portion as follows:

**13-25-129. Statements of child victim of unlawful sexual offense against a child or of child abuse - hearsay exception.** (1) An out-of-court statement made by a child, as child is defined under the statutes which are the subject of the action, describing any act OR ATTEMPTED ACT of sexual contact, intrusion, or penetration, as defined in section 18-3-401, C.R.S., performed OR ATTEMPTED TO BE PERFORMED with, by, on, or in the presence of the child declarant, not otherwise admissible by a statute or court rule which provides an exception to the objection of hearsay, is admissible in evidence in any criminal, delinquency, or civil proceedings in which a child is a victim of an unlawful sexual offense, as defined in section 18-3-411 (1), C.R.S., or is a victim of incest OR ATTEMPTED INCEST, as defined in section 18-6-301, C.R.S., when the victim was less than fifteen years of age at the time of the commission of the offense, or in which a child is the subject of a proceeding alleging that a child is neglected or dependent under section 19-1-104 (1) (b), C.R.S., and an out-of-court statement by a child, as child is defined under the statutes which are the subject of the action, describing any act of child abuse, as defined in section 18-6-401, C.R.S., to which the child declarant was subjected or which the child declarant witnessed, not otherwise admissible by a statute or court rule which provides an exception to the objection of hearsay, is admissible in evidence in any criminal, delinquency, or civil proceedings in which a child is a victim of child abuse or the subject of a proceeding alleging that a child is neglected

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

or dependent under section 19-1-104 (1) (b), C.R.S., and an out-of-court statement made by a person under thirteen years of age describing all or part of an offense contained in part 1 of article 3 of title 18, C.R.S., or describing an act of domestic violence as defined in section 18-6-800.3 (1), C.R.S., not otherwise admissible by statute or court rule which provides an exception to the objection of hearsay is admissible in evidence in any criminal, delinquency, or civil proceeding, if:

**SECTION 2.** In Colorado Revised Statutes, 18-3-411, **amend** (3) as follows:

**18-3-411. Sex offenses against children - "unlawful sexual offense" defined - limitation for commencing proceedings - evidence - statutory privilege.**

(3) Out-of-court statements made by a child describing any act OR ATTEMPTED ACT of sexual contact, intrusion, or penetration, as defined in section 18-3-401, performed OR ATTEMPTED TO BE PERFORMED with, by, or on the child declarant, not otherwise admissible by a statute or court rule which provides an exception to the objection of hearsay, may be admissible in any proceeding in which the child is a victim of an unlawful sexual offense pursuant to the provisions of section 13-25-129, C.R.S.

**SECTION 3. Applicability.** This act applies to statements introduced at any proceeding on or after the effective date of this act.

**SECTION 4. 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 10, 2015