

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB23-1182 be amended as follows:

1 Amend proposed committee amendment (HB1182\_L.003), page 1, line  
2 3, strike "OR".

3 Page 1, line 6, strike "OBSERVATION." and substitute "OBSERVATION;  
4 OR".

5 Page 1, after line 6 insert:

6 "(IV) AFTER A REQUEST BY A PARTY, WITNESS, OR VICTIM, THE  
7 COURT MAKES FINDINGS ON THE RECORD BASED ON THE PARTICULAR  
8 FACTS AND CIRCUMSTANCES OF THE CASE THAT:

9 (A) THERE IS A REASONABLE LIKELIHOOD REMOTE OBSERVATION  
10 OF LIVE PROCEEDINGS RISKS COMPROMISING THE SAFETY OF ANY PERSON,  
11 THE DEFENDANT'S RIGHT TO A FAIR TRIAL, OR THE VICTIM'S RIGHTS  
12 PURSUANT TO SECTION 24-4.1-302.5 (1)(a);

13 (B) THERE IS NO LESS RESTRICTIVE ALTERNATIVE THAT PRESERVES  
14 THE PUBLIC INTEREST IN REMOTE OBSERVATION WHILE MITIGATING THE  
15 IDENTIFIED RISK. AS USED IN THIS SUBSECTION (3.5)(a)(IV)(B), "LESS  
16 RESTRICTIVE ALTERNATIVE" INCLUDES ALLOWING REMOTE AUDIO-ONLY  
17 OBSERVATION WHILE DISABLING VIDEO OBSERVATION OR TURNING OFF  
18 REMOTE OBSERVATION FOR PARTICULAR WITNESSES OR DISCRETE  
19 PORTIONS OF THE PROCEEDING.

20 (b) AS USED IN THIS SECTION, "RISKS COMPROMISING THE SAFETY"  
21 INCLUDE RISKS TO PHYSICAL AND EMOTIONAL SAFETY, INTIMIDATION, AND  
22 HARASSMENT.

23 (c) WHEN ALLOWING REMOTE OBSERVATION, COURTS SHALL TAKE  
24 REASONABLE STEPS TO ENSURE THERE IS NO AUDIO OR VISUAL RECORDING,  
25 INCLUDING PHOTOGRAPHY OR SCREENSHOTS OF THE PROCEEDINGS,  
26 WITHOUT EXPLICIT PERMISSION OF THE COURT. AS USED IN THIS  
27 SUBSECTION (3.5)(c), "REASONABLE STEPS" MAY INCLUDE THE COURT  
28 ISSUING A VERBAL OR ON-SCREEN WARNING AND PROHIBITING REMOTE  
29 OBSERVATION BY SPECIFIC INDIVIDUALS WHOM THE COURT HAS REASON  
30 TO BELIEVE MAY VIOLATE THIS RULE.

31 Reletter succeeding paragraph accordingly.

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