

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 26-0519.01 Shelby Ross x4510

HOUSE BILL 26-1052

HOUSE SPONSORSHIP

Woog and Stewart R.,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CHANGES TO THE "VICTIM RIGHTS ACT".**

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>.)

For purposes of the "Victim Rights Act", the bill prohibits a defendant or alleged offender from being the "lawful representative" of a victim or the victim's designee if the victim is a child or an at-risk adult.

The bill creates new rights for a victim under the "Victim Rights Act", including the right to:

- Be notified by the district attorney if the district attorney receives a notice that a crime laboratory employee engaged in a wrongful action that includes a crime against 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.

victim and a notice that an evidentiary hearing on post-conviction petition for relief is held;

- Be referred to by an abbreviation, pseudonym, initials, or another preferred name during hearings and in communications;
- Request forensic medical evidence collected be retested if a crime laboratory employee engaged in wrongful action; and
- Be heard at a court proceeding involving an application to the court for the issuance of a subpoena for restitution records.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-4.1-302, **amend**

3 (2)(e.5) and (3); and **add** (2)(aa), (2)(bb), and (2)(cc) as follows:

4 **24-4.1-302. Definitions.**

5 As used in this part 3, and for no other purpose, including the
6 expansion of the rights of any defendant:

7 (2) "Critical stages" means the following stages of the criminal
8 justice process:

9 (e.5) Any subpoena or application for records concerning the
10 victim's medical history, mental health, OR education; victim's
11 compensation RECORDS; [REDACTED] or records that are privileged pursuant to
12 section 13-90-107;

13 (aa) RECEIPT BY A DISTRICT ATTORNEY OF A NOTICE THAT A CRIME
14 LABORATORY EMPLOYEE ENGAGED IN A WRONGFUL ACTION, AS DESCRIBED
15 IN SECTION 16-12-307 (1);

16 (bb) AN EVIDENTIARY HEARING ON POST-CONVICTION PETITION
17 FOR RELIEF HELD PURSUANT TO SECTION 16-12-312; AND

18 (cc) A RESTITUTION ASSESSMENT HEARING HELD PURSUANT TO
19 SECTION 18-1.3-603.

SECTION 2. In Colorado Revised Statutes, 24-4.1-302.5, amend (1)(b), (1)(b.4), (1)(d) introductory portion, and (1)(d)(VII), (1)(d)(X), and (1)(d)(XI); and **add** (1)(a.5) and (1)(d)(XII) as follows:

24-4.1-302.5. Rights afforded to victims - definitions.

11 (1) In order to preserve and protect a victim's rights to justice and
12 due process, each victim of a crime has the following rights:

13 (a.5) THE RIGHT TO REQUEST, IN ORDER TO PROTECT THE SAFETY
14 OR PRIVACY OF A VICTIM, TO HAVE THE VICTIM REFERRED TO BY AN
15 ABBREVIATION, PSEUDONYM, INITIALS, OR ANOTHER PREFERRED NAME
16 DURING HEARINGS;

24 (b.4) The right to be informed, pursuant to section 16-12-307, of
25 wrongful action by a crime laboratory employee in a case involving a
26 crime listed in section 24-4.1-302 (1). CONFER WITH THE DISTRICT
27 ATTORNEY AND REQUEST TO RETEST FORENSIC MEDICAL EVIDENCE

1 COLLECTED IF A CRIME LABORATORY EMPLOYEE ENGAGED IN WRONGFUL
2 ACTION PURSUANT TO SECTION 16-12-305, THE CRIME LABORATORY
3 EMPLOYEE WAS INVOLVED IN THE VICTIM'S CASE, AND THE CRIME
4 LABORATORY EMPLOYEE'S WRONGFUL ACTION LIKELY IMPACTED THE
5 REPORTED RESULTS. THE DISTRICT ATTORNEY SHALL CONSIDER AND MAKE
6 A DETERMINATION REGARDING THE REQUEST TO RETEST THE FORENSIC
7 MEDICAL EVIDENCE COLLECTED AND NOTIFY THE VICTIM OF THE DISTRICT
8 ATTORNEY'S DETERMINATION.

9 (d) The right to be heard at ~~any~~ A court proceeding:
10 (VII) Involving ~~any~~ AN application to the court for the issuance of
11 a subpoena for records concerning the victim's medical history, mental
12 health, OR education; ~~or~~ victim compensation RECORDS; or any other
13 records that are privileged pursuant to section 13-90-107;

14 (X) Involving a hearing held pursuant to section 24-72-706,
15 24-72-709, or 24-72-710; ~~or~~

16 (XI) Involving a hearing held pursuant to section 18-1.3-103.7 or
17 19-2.5-1118.5; ~~OR~~

18 (XII) INVOLVING A HEARING HELD PURSUANT TO SECTION
19 18-1.3-603.

20 **SECTION 3.** In Colorado Revised Statutes, 24-4.1-303, **amend**
21 (1.5); and **add** (11)(j), (11)(k), and (11)(l) as follows:

22 **24-4.1-303. Procedures for ensuring rights of victims of**
23 **crimes.**

24 (1.5) If a crime victim is deceased or incapacitated, ~~as defined in~~
25 ~~section 24-4.1-302 (5)~~; one or more ~~people, as described in section~~
26 ~~24-4.1-302 (6)~~; MEMBERS OF THE VICTIM'S IMMEDIATE FAMILY may
27 represent the interests of the victim as the victim's designee. ~~and may~~

1 have A VICTIM'S DESIGNEE HAS the right to be informed, present, or heard
2 at any proceeding pursuant to section 24-4.1-302.5 (1)(d), (1)(j), and
3 (1)(j.5) and subsections (13.5)(a)(III), (13.5)(a)(IV), and (14)(d) of this
4 section. IF THE VICTIM IS A CHILD OR AN AT-RISK ADULT, AS DEFINED IN
5 SECTION 18-6.5-102, THE VICTIM'S DESIGNEE MUST NOT BE THE
6 DEFENDANT OR THE ALLEGED OFFENDER IN THE UNDERLYING CASE.

7 (11) The district attorney shall inform a victim of the following:

8 (j) THAT THE DISTRICT ATTORNEY RECEIVED NOTICE PURSUANT TO
9 SECTION 16-12-307(1) THAT A CRIME LABORATORY EMPLOYEE ENGAGED
10 IN WRONGFUL ACTION AND A CRIMINAL CASE IDENTIFIED IN THE NOTICE
11 INVOLVES A CRIME AGAINST THE VICTIM;

12 (k) AN EVIDENTIARY HEARING ON POST-CONVICTION PETITION FOR
13 RELIEF HELD PURSUANT TO SECTION 16-12-312; AND

14 (l) THE VICTIM'S RIGHT TO REQUEST THE USE OF THE VICTIM'S
15 PREFERRED NAME DURING HEARINGS PURSUANT TO SECTION 24-4.1-302.5
16 (1)(a.5).

17 

18 **SECTION 4.** In Colorado Revised Statutes, amend 16-12-307 as
19 follows:

20 **16-12-307. Duty to notify victims.**

21 (1) When a district attorney receives a notice that a crime
22 laboratory employee engaged in wrongful action and a criminal case
23 identified in the notice involves a crime listed in section 24-4.1-302 (1),
24 the district attorney shall as required in subsection (2) of this section,
25 notify each victim of the crime about the investigation and the nature of
26 the alleged wrongful action PURSUANT TO SECTION 24-4.1-302.5 (1)(b).

27 THE DISTRICT ATTORNEY SHALL NOTIFY, PURSUANT TO SECTION

1 24-4.1-302.5 (1)(b), THE VICTIM OF A CRIME LISTED IN SECTION 24-4.1-302
2 (1) IF AN EVIDENTIARY HEARING ON POST-CONVICTION PETITION FOR
3 RELIEF IS HELD PURSUANT TO SECTION 16-12-312.

4 (2) ~~The district attorney shall notify a victim pursuant to this~~
5 ~~section by personal service or registered mail at the victim's last-known~~
6 ~~address. The district attorney shall notify victims pursuant to this section~~
7 ~~in cases in which charges have been filed against the defendant but a~~
8 ~~criminal trial has not begun. The district attorney shall notify the victim~~
9 ~~as soon as practicable but not later than ninety-one days after the district~~
10 ~~attorney received the notice from the crime laboratory director or prior to~~
11 ~~the start of the trial if trial starts before the ninety-one days ends.~~

12 **SECTION 5. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part will not take effect
19 unless approved by the people at the general election to be held in
20 November 2026 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.