

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 26-1103

BY REPRESENTATIVE(S) Garcia and Goldstein, Bacon, Boesenecker, Camacho, Clifford, Duran, English, Espenosa, Froelich, Gilchrist, Gonzalez R., Hamrick, Jackson, Lindsay, Lukens, Mabrey, Marshall, Nguyen, Rutinel, Sirota, Stewart K., Story, Titone, McCluskie, Brown, Carter, Joseph, Lieder, Phillips, Zokaie;
also SENATOR(S) Cutter, Amabile, Benavidez, Exum, Gonzales J., Hinrichsen, Jodeh, Kipp, Wallace, Weissman, Coleman.

CONCERNING AMENDING SPECIFIC LEGAL PROCESSES FOR CERTAIN
VULNERABLE POPULATIONS.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) This act seeks to provide further pathways for justice and healing for child victims and does not usurp or otherwise interfere with the current mandatory reporting structure; and

(b) This act does not impose a required timeline for an investigation, or for a forensic interview to be completed, but instead ensures that a child victim receives professional care as early as is feasible after an allegation

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

of sexual abuse.

SECTION 2. In Colorado Revised Statutes, **add 24-31-908** as follows:

24-31-908. Required notification of child sexual abuse - definition.

(1) WHEN A LOCAL LAW ENFORCEMENT AGENCY, THE COLORADO STATE PATROL, OR THE COLORADO BUREAU OF INVESTIGATION, OR A PEACE OFFICER THEREOF, TAKES A REPORT ALLEGING AN OFFENSE LISTED IN SECTION 18-3-411 (1) AND CONDUCTS A MINIMAL FACTS INTERVIEW WITH THE ALLEGED VICTIM, THE LAW ENFORCEMENT ENTITY OR PEACE OFFICER SHALL, WITHIN ONE WEEK AFTER CONDUCTING THE MINIMAL FACTS INTERVIEW, NOTIFY THE FOLLOWING OF THE ALLEGATION:

(a) A CHILD ADVOCACY CENTER LOCATED WITHIN THE JUDICIAL DISTRICT WHERE THE ALLEGED CRIME OCCURRED; OR

(b) IF THE ALLEGED OFFENSE OCCURRED IN A JURISDICTION OTHER THAN THE JURISDICTION IN WHICH IT WAS REPORTED, THE CHILD ADVOCACY CENTER IN THE APPROPRIATE JURISDICTION, AS DETERMINED BY THE RECEIVING LAW ENFORCEMENT ENTITY OR PEACE OFFICER. IN ALL CASES, A LAW ENFORCEMENT ENTITY OR PEACE OFFICER SHALL NOTIFY A CHILD ADVOCACY CENTER WITHIN THE STATE.

(2) A LAW ENFORCEMENT ENTITY OR PEACE OFFICER SHALL INCLUDE THE FOLLOWING INFORMATION WHEN NOTIFYING A CHILD ADVOCACY CENTER REGARDING AN ALLEGATION PURSUANT TO THIS SECTION:

(a) THE CHILD'S NAME;

(b) THE CHILD'S FAMILY MEMBER OR GUARDIAN'S CONTACT INFORMATION;

(c) THE ALLEGED OFFENDER'S NAME;

(d) THE APPROXIMATE DATE OF THE ALLEGED OFFENSE; AND

(e) A SUMMARY OF THE ALLEGED INCIDENT.

(3) IF EXTENUATING CIRCUMSTANCES EXIST THAT PROHIBIT THE LAW ENFORCEMENT ENTITY OR PEACE OFFICER FROM NOTIFYING THE CHILD ADVOCACY CENTER OF THE ALLEGATION WITHIN ONE WEEK, THE LAW ENFORCEMENT ENTITY OR PEACE OFFICER MUST PROVIDE INFORMATION ABOUT THE EXTENUATING CIRCUMSTANCES TO THE CHILD ADVOCACY CENTER WHEN THE ENTITY OR OFFICER REPORTS THE ALLEGATION.

(4) A LOCAL LAW ENFORCEMENT AGENCY, THE COLORADO STATE PATROL, OR THE COLORADO BUREAU OF INVESTIGATION, OR A PEACE OFFICER THEREOF, SHALL, IN COLLABORATION WITH THE CHILD ADVOCACY CENTER THAT THE LAW ENFORCEMENT ENTITY OR PEACE OFFICER REPORTED THE ALLEGED OFFENSE TO, COORDINATE A FORENSIC INTERVIEW PURSUANT TO THE REQUIREMENTS SET FORTH IN SECTION 19-3-308.5 FOR THE ALLEGED VICTIM, IF THE LAW ENFORCEMENT ENTITY OR PEACE OFFICER DEEMS A FORENSIC INTERVIEW NECESSARY AND APPROPRIATE.

(5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "MINIMAL FACTS INTERVIEW" MEANS A SHORT, LIMITED CONVERSATION WITH A CHILD CONDUCTED BY A LAW ENFORCEMENT OFFICER IN THE FIELD TO GATHER BASIC FACTS NECESSARY TO DETERMINE WHETHER ABUSE OR NEGLECT MAY HAVE OCCURRED, ASSESS IMMEDIATE SAFETY CONCERNS, AND DECIDE WHETHER A FORENSIC INTERVIEW OR FURTHER INVESTIGATION IS NEEDED.

SECTION 3. In Colorado Revised Statutes, 16-10-402, **amend** (1)(a) introductory portion and (1)(a)(II); and **add** (6) as follows:

16-10-402. Use of closed-circuit television - child or witness with intellectual and developmental disabilities - definition.

(1) (a) When a witness at the time of a trial is a child ~~less than twelve~~ UNDER EIGHTEEN years ~~of age~~, OLD or is a person who has an intellectual and developmental disability as defined in section 25.5-10-202, ~~C.R.S.~~, the court may, upon motion of a party or upon its own motion, order that the witness's testimony be taken in a room other than the courtroom and be televised by closed-circuit television in the courtroom if:

(II) The judge determines that testimony by the witness in the courtroom and in the presence of the defendant would result in the witness suffering serious emotional distress or trauma. ~~such that the witness would~~

~~not be able to reasonably communicate~~ THE TRIAL COURT SHALL MAKE FINDINGS ON THE RECORD REGARDING THE WITNESS'S ABILITY TO TESTIFY IN THE COURTROOM AND IN THE PRESENCE OF THE DEFENDANT; and

(6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "CLOSED-CIRCUIT TELEVISION" MEANS A DIRECT, CLOSED-LOOP AUDIO AND VIDEO TRANSMISSION SYSTEM THAT ALLOWS PRIVATE VIEWING AND IS NOT PUBLICLY BROADCAST, AND MAY INCLUDE THE USE OF OTHER DIGITAL OR WIRELESS TECHNOLOGIES.

SECTION 4. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO