

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.

An Act

HOUSE BILL 26-1052

BY REPRESENTATIVE(S) Woog and Stewart R., Bacon, Boesenecker, Caldwell, Clifford, Duran, Gonzalez R., Hamrick, Hartsook, Jackson, Keltie, Lieder, Lindsay, Lukens, Nguyen, Richardson, Ricks, Rutinel, Suckla, Taggart, Winter T., McCluskie;
also SENATOR(S) Carson and Wallace, Ball, Benavidez, Bright, Catlin, Cutter, Daugherty, Exum, Frizell, Gonzales J., Jodeh, Kipp, Kirkmeyer, Kolker, Lindstedt, Marchman, Mullica, Pelton R., Rich, Roberts, Rodriguez, Snyder, Sullivan, Weissman, Coleman.

CONCERNING CHANGES TO THE "VICTIM RIGHTS ACT".

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

SECTION 1. In Colorado Revised Statutes, 24-4.1-302, **amend** (2)(e.5) and (3); and **add** (2)(aa), (2)(bb), and (2)(cc) as follows:

24-4.1-302. Definitions.

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

(2) "Critical stages" means the following stages of the criminal

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.

justice process:

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

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

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

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

(3) "Lawful representative" means ~~any person~~ AN INDIVIDUAL who is designated by the victim or appointed by the court to act in the best interests of the victim; EXCEPT THAT IF THE VICTIM IS A CHILD OR AN AT-RISK ADULT, AS DEFINED IN SECTION 18-6.5-102, "LAWFUL REPRESENTATIVE" DOES NOT INCLUDE THE DEFENDANT OR ALLEGED OFFENDER IN THE UNDERLYING CASE.

SECTION 2. In Colorado Revised Statutes, 24-4.1-302.5, **amend** (1)(b), (1)(d) introductory portion, (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.

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

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

(b) The right to be informed of and be present by appearing in person, by phone, virtually by audio or video, or similar technology for all

critical stages of the criminal justice process as specified in section 24-4.1-302 (2); except that the victim ~~shall have~~ HAS the right to be informed of, without being present for, the critical stages described in section 24-4.1-302 (2)(a), (2)(a.5), (2)(a.7), (2)(e.5), (2)(k.3), (2)(n), (2)(p), (2)(q), (2)(r), ~~and~~ (2)(u), AND (2)(aa);

(d) The right to be heard at ~~any~~ A court proceeding:

(VII) Involving ~~any~~ AN application to the court for the issuance of a subpoena for records concerning the victim's medical history, mental health, OR education; ~~or~~ victim compensation RECORDS; or any other records that are privileged pursuant to section 13-90-107;

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

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

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

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

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

(1.5) If a crime victim is deceased or incapacitated, ~~as defined in section 24-4.1-302 (5); one or more people, as described in section 24-4.1-302 (6);~~ MEMBERS OF THE VICTIM'S IMMEDIATE FAMILY may represent the interests of the victim as the victim's designee. ~~and may have~~ A VICTIM'S DESIGNEE HAS the right to be informed, present, or heard at any proceeding pursuant to section 24-4.1-302.5 (1)(d), (1)(j), and (1)(j.5) and subsections (13.5)(a)(III), (13.5)(a)(IV), and (14)(d) of this section. IF THE VICTIM IS A CHILD OR AN AT-RISK ADULT, AS DEFINED IN SECTION 18-6.5-102, THE VICTIM'S DESIGNEE MUST NOT BE THE DEFENDANT OR THE ALLEGED OFFENDER IN THE UNDERLYING CASE.

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

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

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

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

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

16-12-307. Duty to notify victims.

(1) When a district attorney receives a notice that a crime laboratory employee engaged in wrongful action and a criminal case identified in the notice involves a crime listed in section 24-4.1-302 (1), the district attorney shall ~~as required in subsection (2) of this section,~~ notify each victim of the crime ~~about the investigation and the nature of the alleged wrongful action~~ PURSUANT TO SECTION 24-4.1-302.5 (1)(b). THE DISTRICT ATTORNEY SHALL NOTIFY, PURSUANT TO SECTION 24-4.1-302.5 (1)(b), THE VICTIM OF A CRIME LISTED IN SECTION 24-4.1-302 (1) IF AN EVIDENTIARY HEARING ON POST-CONVICTION PETITION FOR RELIEF IS HELD PURSUANT TO SECTION 16-12-312.

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

SECTION 5. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August

12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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