PREAMENDED

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

LLS NO. 24-0924.01 Anna Petrini x5497   **HOUSE BILL 24-1090**

HOUSE SPONSORSHIP

Titone and Ricks, Weissman

SENATE SPONSORSHIP

Exum and Fields,

House Committees	Senate Committees
Judiciary	

A BILL FOR AN ACT

101 CONCERNING RELEASE OF IDENTIFYING INFORMATION IN CRIMINAL
102   JUSTICE RECORDS.

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.)

Subject to limited exceptions, current law requires that a victim's name and identifying information be deleted from criminal justice records released to the public if the person was a victim of certain sexual offenses. The bill permits the release of unredacted records to the named victim or victim's designee.

Subject to limited exceptions, current law requires that a child's

name and identifying information be deleted from criminal justice records released to the public if the child was a victim of or witness to a criminal offense. The bill permits the release of unredacted records to the office of the state public defender and the office of the alternate defense counsel. The bill clarifies that changes in 2023 to the law related to records of child victims and child witnesses apply to records pertaining to offenses committed on or after January 1, 2024.

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

2   **SECTION 1.** In Colorado Revised Statutes, 24-72-304, **amend**

3   (4)(a) and (4.5)(a); and **add** (4.5)(f) as follows:

4   **24-72-304. Inspection of criminal justice records.** (4) (a) ~~The~~

5   EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE name and any

6   other information that would identify any victim of sexual assault or of

7   alleged sexual assault or attempted sexual assault or alleged attempted

8   sexual assault shall be deleted from any criminal justice record prior to

9   the release of such record to any individual or agency other than a

10   criminal justice agency OR THE NAMED VICTIM OR VICTIM'S DESIGNEE

11   when such record bears the notation "SEXUAL ASSAULT" prescribed

12   by this subsection (4).

13   (4.5) (a) Except as otherwise provided in this section, the name

14   and any other information that would identify any child victim or any

15   child witness of offenses, alleged offenses, attempted offenses, or

16   allegedly attempted offenses shall be deleted from any criminal justice

17   record prior to the release of the record to any individual or agency other

18   than a criminal justice agency, THE OFFICE OF THE STATE PUBLIC

19   DEFENDER, THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL, the named

20   child victim or child victim's designee, the named child witness or child

21   witness's designee, or except when shared pursuant to subsection (4.5)(d)

22   of this section. This subsection (4.5)(a) does not apply to criminal justice

1 records that solely involve traffic offenses.

2 (f) THE PROVISIONS OF SUBSECTIONS (4.5)(a) AND (4.5)(c) OF THIS

3 SECTION, AS AMENDED BY SENATE BILL 23-075, ENACTED IN 2023, AND

4 THE PROVISIONS OF SUBSECTION (4.5)(a.5) OF THIS SECTION, AS ADDED BY

5 SENATE BILL 23-075, ENACTED IN 2023, APPLY TO RECORDS PERTAINING

6 TO OFFENSES COMMITTED ON OR AFTER JANUARY 1, 2024. FOR RECORDS

7 PERTAINING TO OFFENSES COMMITTED PRIOR TO JANUARY 1, 2024, THIS

8 SUBSECTION (4.5) AS IT EXISTED PRIOR TO JANUARY 1, 2024, APPLIES.

9 **SECTION 2. Safety clause.** The general assembly finds,

10 determines, and declares that this act is necessary for the immediate

11 preservation of the public peace, health, or safety or for appropriations for

12 the support and maintenance of the departments of the state and state

13 institutions.