

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 5, 2025
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB25-1114 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, line 8, after "CASE" insert "AT ANY LOCATION
2 OPERATED BY OR UNDER CONTRACT WITH THE LAW ENFORCEMENT
3 AGENCY".

4 Page 2, line 13, after "ITEM." add "A LAW ENFORCEMENT
5 REPRESENTATIVE SHALL BE PRESENT TO DOCUMENT THE CHAIN OF
6 CUSTODY AND ENSURE THE INTEGRITY OF THE EVIDENCE.".

7 Page 2, lines 16 and 17, strike "A PERSON OR ENTITY SHALL NOT RECORD
8 THE DEFENSE WHILE THEY VIEW OR INSPECT THE TANGIBLE OBJECT.".

9 Page 2, strike lines 18 through 27 and substitute:

10 "(c) IF LAW ENFORCEMENT RECORDS EVIDENCE VIEWING OR
11 HANDLING BY THE PROSECUTION OR THE DEFENSE, THE RECORDING MUST
12 BE FOR THE PURPOSE OF ENSURING THE CHAIN OF CUSTODY, INTEGRITY, OR
13 SAFETY OF THE EVIDENCE HELD BY THE LAW ENFORCEMENT AGENCY. IF
14 LAW ENFORCEMENT RECORDS, BY AUDIO OR VISUAL MEANS, ANY
15 EVIDENCE VIEWING OR HANDLING AT ANY LOCATION OPERATED BY OR
16 UNDER CONTRACT WITH THE LAW ENFORCEMENT AGENCY, LAW
17 ENFORCEMENT SHALL PROVIDE NOTICE THAT A RECORDING WAS MADE TO
18 THE PROSECUTING AUTHORITY, WHO SHALL PROVIDE A COPY OF THE
19 NOTICE IN DISCOVERY TO THE DEFENSE. THE RECORDING SHALL NOT BE
20 PLACED IN DISCOVERY OR REVIEWED BY LAW ENFORCEMENT, THE
21 PROSECUTION, OR THE DEFENSE UNLESS ORDERED BY THE COURT WHEN A
22 GOOD FAITH ISSUE THAT THE EVIDENCE VIEWING AFFECTED THE INTEGRITY
23 OF THE EVIDENCE IS RAISED BY ANY PARTY. IF THE COURT ALLOWS ACCESS
24 TO THE RECORDING, THE COURT MAY ENTER PROTECTIVE ORDERS AS

1 NECESSARY TO PROTECT ANY PARTIES' CONVERSATIONS OR WORK
2 PRODUCT.

3 (2) UPON THE REQUEST BY EITHER THE DEFENSE OR THE
4 PROSECUTING AUTHORITY, AND SUBJECT TO CONSTITUTIONAL
5 LIMITATIONS, THE COURT MAY ISSUE ORDERS RELATING TO THE EVIDENCE
6 VIEWING BY THE PROSECUTION OR DEFENSE BASED ON THE INDIVIDUAL
7 CIRCUMSTANCES OF THE EVIDENCE OR THE CASE AT ISSUE CONSISTENT
8 WITH THIS SECTION, THE COLORADO RULES OF CRIMINAL PROCEDURE, AND
9 OTHER APPLICABLE LAW."

10 Page 3, strike lines 1 through 3.

11 Page 3, after line 6 add:

12 "(4) THIS SECTION DOES NOT APPLY TO THE INSPECTION, VIEWING,
13 AND EXAMINATION OF SEXUALLY EXPLOITATIVE MATERIAL PURSUANT TO
14 SECTION 16-9-601."

15 Page 3, line 15, after "CASE." add "WHEN THE DEFENSE VIEWS OR
16 INSPECTS EVIDENCE PURSUANT TO SECTION 16-9-801, IT IS NOT AN
17 INTERACTION WITH THE PUBLIC INITIATED BY THE PEACE OFFICER, AND
18 THE DEFENSE, INCLUDING MEMBERS OF THE DEFENSE TEAM, ARE NOT
19 MEMBERS OF THE PUBLIC. IT IS ALSO NOT FOR THE PURPOSE OF ENFORCING
20 THE LAW OR INVESTIGATING POSSIBLE VIOLATIONS OF THE LAW."

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