

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 16-0678.03 Debbie Haskins x2045

HOUSE BILL 16-1377

HOUSE SPONSORSHIP

Primavera, Joshi, Coram, Landgraf, McCann, Moreno, Tyler

SENATE SPONSORSHIP

Lambert,

House Committees

Public Health Care & Human Services

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Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A TASK FORCE ON THE COLLECTION**
102 **AND SECURITY OF DIGITAL IMAGES OF EVIDENCE OF CHILD**
103 **ABUSE OR NEGLECT.**

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://www.leg.state.co.us/bills summaries>.)

The bill creates a task force on the collection and security of digital images of evidence of child abuse or neglect (task force). The task force is directed to examine the existing system of collecting, documenting, and securing digital images of evidence of suspected child abuse or neglect when employees of county departments of human or social services

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
May 2, 2016

HOUSE
3rd Reading Unamended
April 1, 2016

HOUSE
2nd Reading Unamended
March 28, 2016

(county employees) are assessing allegations of child abuse or neglect, to study best practices for collecting, documenting, and securing digital images of evidence of suspected child abuse or neglect, and to make recommendations to the governor, the state department of human services, the child welfare training academy, the Colorado association of chiefs of police, the county sheriffs of Colorado, the Colorado medical society, and the general assembly for administrative and legislative changes.

The task force includes the executive director of the state department of human services or his or her designee, the child protection ombudsman, an attorney representing the office of the child's representative, an attorney representing the respondent parents' counsel, and 7 members appointed by the governor, 5 members appointed by the speaker of the house of representatives, and 5 members appointed by the president of the senate. The qualifications for the appointed members are specified in the bill. The members of the task force must be appointed on or before September 1, 2016.

The bill specifies the topics that the task force must study, including the statutes, rules, practices, and standards that govern:

- ! How a county employee who has open involvement with a child takes, maintains, and disseminates digital images of a child to document the abuse or neglect or the absence of abuse or neglect; and
- ! How, in any situation of open involvement with a county department, a county employee takes digital images of a child.

The task force must also study:

- ! Whether criteria or standards that county employees follow when documenting evidence of child abuse or neglect through digital images balance the need to collect evidence with the need to protect the privacy and constitutional rights of both parents and of children;
- ! The safeguards used by a county employee to ensure the best interests of children when documenting evidence of child abuse or neglect through digital imagery;
- ! The role of law enforcement agencies in conducting investigations jointly with county departments pursuant to cooperative agreements and whether there are best practices addressed in those cooperative agreements relating to the collecting, sharing, and handling of digital images;
- ! How county departments, law enforcement agencies, and medical professionals collaborate during assessments or investigations of suspected child abuse or neglect to collect, transmit, and share evidence, including digital

1 TASK FORCE ON THE COLLECTION AND SECURITY
2 OF DIGITAL IMAGES OF EVIDENCE
3 OF CHILD ABUSE OR NEGLECT

4 **19-3-801. Legislative declaration.** (1) THE GENERAL ASSEMBLY
5 HAS A STRONG INTEREST IN THE PRACTICES, STANDARDS, AND
6 SAFEGUARDS SURROUNDING COUNTY EMPLOYEES IN THE CHILD WELFARE
7 SYSTEM WHO HAVE AN OPEN INVOLVEMENT WITH A CHILD RELATED TO
8 SUSPECTED ASSAULT OR CHILD ABUSE OR NEGLECT THAT IS DOCUMENTED
9 THROUGH DIGITAL IMAGERY.

10 (2) THE GENERAL ASSEMBLY FINDS THAT THERE IS A NEED TO
11 BALANCE THE POLICIES AND PRACTICES USED IN DOCUMENTING CHILD
12 ABUSE OR NEGLECT THROUGH DIGITAL IMAGERY WITH THE NEED TO
13 PROTECT THE PRIVACY RIGHTS OF CHILDREN AND PARENTS.

14 (3) DUE TO ADVANCES IN TECHNOLOGY AND IN DIGITAL IMAGERY,
15 IT IS IMPORTANT TO EVALUATE WHETHER THE CURRENT STATUTES, RULES,
16 AND PRACTICES RELATING TO THE COLLECTION AND STORAGE OF DIGITAL
17 IMAGES OF CHILDREN THAT DOCUMENT CHILD ABUSE OR NEGLECT ARE
18 HANDLED IN WAYS THAT ENSURE THE PRIVACY, SAFETY, AND PROTECTION
19 OF CHILDREN.

20 (4) IN ADDITION, THERE IS A NEED TO ENSURE THERE IS ADEQUATE
21 GUIDANCE ABOUT THE SECURITY AND CONFIDENTIALITY OF EVIDENCE
22 THAT MIGHT BE OBTAINED IN DOCUMENTATION OF CHILD ABUSE OR
23 NEGLECT, INCLUDING THE TAKING AND STORAGE OF DIGITAL IMAGES OF
24 CHILDREN AND ENCOURAGING COLLABORATION BETWEEN COUNTY
25 EMPLOYEES, LAW ENFORCEMENT, MEDICAL PERSONNEL, AND OTHER
26 AGENCIES LEGALLY AUTHORIZED IN THE INVESTIGATION OF ABUSE AND
27 NEGLECT OF CHILDREN. WHILE THE GENERAL ASSEMBLY ACKNOWLEDGES

1 THAT SOME PARENTS MAY HAVE CONCERNS ABOUT ANY PHOTOGRAPHS OR
2 DIGITAL IMAGES BEING TAKEN OF THEIR CHILDREN, THE GENERAL
3 ASSEMBLY FINDS THAT DOCUMENTATION OF ABUSE OR NEGLECT IS
4 IMPORTANT TO PROTECT CHILDREN AND THAT ALL PHOTOGRAPHS AND
5 DIGITAL IMAGES TAKEN OF CHILDREN SHOULD BE SAFEGUARDED AND
6 REMAIN CONFIDENTIAL AS REQUIRED BY LAW.

7 (5) THE GENERAL ASSEMBLY RECOGNIZES THE IMPORTANCE OF
8 ESTABLISHING CLEAR STANDARDS TO ACHIEVE CONSISTENT PRACTICES IN
9 DOCUMENTING EVIDENCE OF ABUSE OR NEGLECT, THE NEED TO
10 PERIODICALLY REVIEW WHETHER LAWS, RULES, AND PRACTICES
11 REGARDING THE COLLECTION OF DIGITAL IMAGES OF CHILDREN BY
12 GOVERNMENT EMPLOYEES NEED TO BE UPDATED TO REFLECT CHANGES IN
13 TECHNOLOGIES AND EMERGING TECHNOLOGIES, AND THE IMPORTANCE OF
14 ENCOURAGING COLLABORATION BETWEEN GOVERNMENT EMPLOYEES,
15 MEDICAL PERSONNEL, AND ANY OTHER AGENCIES LEGALLY AUTHORIZED
16 IN THE INVESTIGATION OF CHILD ABUSE OR NEGLECT.

17 (6) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT WOULD
18 BE VALUABLE TO CREATE A TASK FORCE OF PERSONS WITH EXPERIENCE IN
19 OR INTEREST IN THE CHILD WELFARE POLICY SYSTEM TO EXAMINE THE
20 CURRENT POLICIES AND STATUTES GOVERNING THE COLLECTION AND
21 SECURITY OF DIGITAL IMAGES OF EVIDENCE OF CHILD ABUSE OR NEGLECT,
22 STUDY BEST PRACTICES ON COLLECTING AND SECURING DIGITAL IMAGES
23 OF EVIDENCE OF CHILD ABUSE OR NEGLECT, STUDY THE BEST PRACTICES
24 FOR DOCUMENTING EVIDENCE OF ABUSE OR NEGLECT OR THE ABSENCE OF
25 EVIDENCE OF ABUSE OR NEGLECT IN AREAS VISIBLE IN PLAIN SIGHT ON THE
26 CHILD AND PRIVATE AREAS OF A CHILD, AND MAKE AND MAKE
27 RECOMMENDATIONS TO THE EXECUTIVE BRANCH AND GENERAL ASSEMBLY

1 ON ADMINISTRATIVE AND LEGISLATIVE CHANGES TO IMPROVE THE
2 COLLECTING AND SECURING OF DIGITAL IMAGES OF EVIDENCE OF CHILD
3 ABUSE OR NEGLECT.

4 **19-3-802. Definitions.** AS USED IN THIS PART 8, UNLESS THE
5 CONTEXT OTHERWISE REQUIRES:

6 (1) "CHILD'S PRIVATE AREAS" MEANS THE CHILD'S GENITALS, PUBIC
7 AREA, BUTTOCKS, OR FEMALE BREAST AREA.

8 (2) "COUNTY DEPARTMENT" MEANS A COUNTY DEPARTMENT OF
9 SOCIAL OR HUMAN SERVICES.

10 (3) "COUNTY EMPLOYEE" MEANS AN EMPLOYEE OF A COUNTY
11 DEPARTMENT. "COUNTY EMPLOYEE" ALSO INCLUDES A PERSON WORKING
12 AS A CONTRACTOR OR SUBCONTRACTOR WHO IS PROVIDING CASEWORKER
13 SERVICES FOR A COUNTY.

14 (4) "DIGITAL IMAGE" OR "DIGITAL IMAGERY" MEANS ANY VISUAL
15 DEPICTION CREATED ELECTRONICALLY OR TRANSFORMED INTO AN
16 ELECTRONIC FORMAT, INCLUDING ANY PHOTOGRAPH, FILM, VIDEO,
17 COMPUTER OR COMPUTER-GENERATED IMAGE OR PICTURE, OR ANY
18 SIMILAR VISUAL DEPICTION THAT IS:

19 (a) CAPABLE OF STORAGE IN OR TRANSMISSION TO AN ELECTRONIC
20 FORMAT, INCLUDING ON ELECTRONIC DEVICES AND APPLICATIONS, ON THE
21 INTERNET, OR IN THE CLOUD; OR

22 (b) CAPABLE OF TRANSFORMATION FROM AN ELECTRONIC FORMAT
23 INTO ANOTHER FORMAT, SUCH AS A PRINTED PAGE.

24 (5) "GOVERNMENT" MEANS THE STATE; ANY COUNTY, CITY AND
25 COUNTY, MUNICIPALITY, OR LAW ENFORCEMENT AGENCY; AND ANY
26 SCHOOL DISTRICT.

27 (6) "GOVERNMENT EMPLOYEE" MEANS A PERSON EMPLOYED BY

1 THE GOVERNMENT OR ACTING UNDER THE COLOR OF STATE LAW.

2 (7) "OPEN INVOLVEMENT" MEANS A SITUATION IN WHICH THE
3 COUNTY DEPARTMENT CURRENTLY HAS A REFERRAL, HAS A RESPONSE TO
4 A REPORT, HAS OPENED AN ASSESSMENT, IS PROVIDING SERVICES, OR HAS
5 AN OPEN CASE IN THE COLORADO TRAILS SYSTEM THAT IS RELATED TO
6 THE PROVISION OF CHILD WELFARE SERVICES, AS DEFINED IN SECTION
7 26-5-101 (3), C.R.S.

8 (8) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF
9 HUMAN SERVICES.

10 (9) "TASK FORCE" MEANS THE TASK FORCE ON THE COLLECTION
11 AND SECURITY OF DIGITAL IMAGES OF CHILD ABUSE OR NEGLECT, CREATED
12 IN SECTION 19-3-803.

13 (10) "VISIBLE IN PLAIN SIGHT ON THE CHILD" MEANS AN AREA OF
14 THE CHILD'S BODY THAT IS NORMALLY VIEWABLE BY THE PUBLIC AND
15 THAT COULD BE OBSERVED VISUALLY WITHOUT REMOVAL OR
16 REARRANGEMENT OF THE CHILD'S CLOTHING. "VISIBLE IN PLAIN SIGHT ON
17 THE CHILD" DOES NOT INCLUDE A CHILD'S PRIVATE AREAS.

18 **19-3-803. Task force on the collection and security of digital**
19 **images of child abuse or neglect - creation - membership.** (1) THERE
20 IS HEREBY CREATED THE TASK FORCE ON THE COLLECTION AND SECURITY
21 OF DIGITAL IMAGES OF CHILD ABUSE OR NEGLECT, FOR THE PURPOSE OF
22 STUDYING THE ISSUES SET FORTH IN SECTION 19-3-804 AND MAKING
23 FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR, THE STATE
24 DEPARTMENT, THE CHILD WELFARE TRAINING ACADEMY, THE COLORADO
25 ASSOCIATION OF CHIEFS OF POLICE, THE COUNTY SHERIFFS OF COLORADO,
26 THE COLORADO MEDICAL SOCIETY, AND THE GENERAL ASSEMBLY ON
27 ADMINISTRATIVE AND LEGISLATIVE CHANGES TO IMPROVE THE

1 COLLECTION AND SECURITY OF DIGITAL IMAGES OF CHILD ABUSE OR
2 NEGLECT.

3 (2) THE MEMBERSHIP OF THE TASK FORCE MUST NOT EXCEED
4 TWENTY-ONE MEMBERS AND, TO THE EXTENT PRACTICABLE, MUST
5 INCLUDE PERSONS FROM THROUGHOUT THE STATE AND MUST REFLECT THE
6 ETHNIC DIVERSITY OF THE STATE. THE TASK FORCE CONSISTS OF THE
7 FOLLOWING MEMBERS:

8 (a) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT OR HIS
9 OR HER DESIGNEE;

10 (b) THE CHILD PROTECTION OMBUDSMAN, APPOINTED PURSUANT
11 TO SECTION 19-3.3-102;

12 (c) AN ATTORNEY WHO IS A REPRESENTATIVE OF THE OFFICE OF
13 THE CHILD'S REPRESENTATIVE CREATED IN SECTION 13-91-104, C.R.S.,
14 APPOINTED BY THE DIRECTOR OF THE OFFICE OF THE CHILD'S
15 REPRESENTATIVE;

16 (d) AN ATTORNEY WHO IS A REPRESENTATIVE OF THE RESPONDENT
17 PARENTS' COUNSEL CREATED IN SECTION 13-92-103, C.R.S., APPOINTED BY
18 THE DIRECTOR OF THE OFFICE OF THE RESPONDENT PARENTS' COUNSEL;

19 ==
20 (e) A REPRESENTATIVE OF THE ATTORNEY GENERAL'S OFFICE,
21 APPOINTED BY THE ATTORNEY GENERAL;

22 (f) A REPRESENTATIVE OF THE COLORADO DISTRICT ATTORNEYS'
23 COUNCIL, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE COLORADO
24 DISTRICT ATTORNEYS' COUNCIL;

25 (g) FIVE MEMBERS APPOINTED BY THE GOVERNOR. IN MAKING HIS
26 OR HER APPOINTMENTS, THE GOVERNOR SHALL CONSIDER APPOINTING
27 MEMBERS FROM AMONG THE FOLLOWING INDIVIDUALS OR

1 REPRESENTATIVES:

2 (I) AN INDIVIDUAL WHO IS A LICENSED PEDIATRICIAN IN THIS
3 STATE WITH PREVIOUS EXPERIENCE WITH CHILD ABUSE OR NEGLECT CASES;

4 (II) A REPRESENTATIVE OF THE CHILD WELFARE TRAINING
5 ACADEMY CREATED IN SECTION 26-5-109, C.R.S.;

6 (III) AN INDIVIDUAL WHO IS A DIRECTOR OR ADMINISTRATOR OF A
7 COUNTY DEPARTMENT;

8 (IV) AN INDIVIDUAL WHO IS TRAINED AS A SEXUAL ASSAULT
9 NURSE EXAMINER (SANE), AS DEFINED IN SECTION 23-5-143 (2) (d),
10 C.R.S.;

11 (V) A LICENSED PSYCHIATRIST OR PSYCHOLOGIST WHO WORKS
12 WITH CHILDREN WHO HAVE BEEN ABUSED OR NEGLECTED; AND

13 (VI) ANY OTHER INDIVIDUAL OR REPRESENTATIVE WITH RELEVANT
14 EXPERIENCE, AS THE GOVERNOR SEES FIT.

15 (h) FIVE MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF
16 REPRESENTATIVES. IN MAKING HIS OR HER APPOINTMENTS, THE SPEAKER
17 SHALL CONSIDER APPOINTING MEMBERS FROM AMONG THE FOLLOWING
18 INDIVIDUALS OR REPRESENTATIVES:

19 (I) AN INDIVIDUAL WHO IS A FORENSIC INTERVIEWER WITH AN
20 ACCREDITED CHILD ADVOCACY CENTER WITH EXPERIENCE IN
21 INTERVIEWING CHILDREN WHO HAVE BEEN ABUSED OR NEGLECTED;

22 (II) AN INDIVIDUAL REPRESENTING A PROFESSIONAL SOCIAL WORK
23 ORGANIZATION WITH EXPERIENCE COUNSELING CHILDREN WHO HAVE
24 EXPERIENCED CHILD ABUSE OR NEGLECT;

25 (III) A FOSTER PARENT WHO IS CURRENTLY CARING FOR OR HAS
26 PREVIOUSLY CARED FOR CHILDREN IN FOSTER CARE;

27 (IV) A REPRESENTATIVE OF SCHOOLS, SUCH AS A PRINCIPAL,

1 ADMINISTRATOR, OR SCHOOL NURSE;

2 (V) AN INDIVIDUAL WHO IS A CASEWORKER FOR A COUNTY
3 DEPARTMENT WHO CONDUCTS ASSESSMENTS OF CHILD ABUSE OR NEGLECT
4 CASES; AND

5 (VI) ANY OTHER INDIVIDUAL OR REPRESENTATIVE WITH RELEVANT
6 EXPERIENCE, AS THE SPEAKER SEES FIT.

7 (i) FIVE MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE.
8 IN MAKING HIS OR HER APPOINTMENTS, THE PRESIDENT SHALL CONSIDER
9 APPOINTING MEMBERS FROM AMONG THE FOLLOWING INDIVIDUALS AND
10 REPRESENTATIVES:

11 (I) A REPRESENTATIVE OF LAW ENFORCEMENT WHO INVESTIGATES
12 OR HAS EXPERIENCE WITH INVESTIGATING ALLEGATIONS OF CHILD ABUSE
13 OR NEGLECT;

14 (II) AN INDIVIDUAL WHO SERVES AS A COURT-APPOINTED SPECIAL
15 ADVOCATE (CASA) FOR ABUSED OR NEGLECTED CHILDREN, AS DEFINED
16 IN SECTION 13-91-103 (3), C.R.S.;

17 (III) AN ATTORNEY IN PRIVATE PRACTICE WHO HAS EXPERIENCE
18 DEALING WITH CHILD ABUSE OR NEGLECT CASES;

19 (IV) A COUNTY ATTORNEY WITH EXPERIENCE IN DEPENDENCY OR
20 NEGLECT CASES;

21 (V) AN INDIVIDUAL WHO REPRESENTS A CHILD ADVOCACY
22 ORGANIZATION ACTIVE IN THIS STATE; AND

23 (VI) ANY OTHER INDIVIDUAL OR REPRESENTATIVE WITH RELEVANT
24 EXPERIENCE, AS THE PRESIDENT SEES FIT.

25 (3) THE APPOINTING AUTHORITIES IN SUBSECTION (2) OF THIS
26 SECTION SHALL MAKE THEIR INITIAL APPOINTMENTS TO THE TASK FORCE
27 NO LATER THAN SEPTEMBER 1, 2016. EACH MEMBER OF THE TASK FORCE

1 WHO IS APPOINTED PURSUANT TO SUBSECTION (2) OF THIS SECTION SERVES
2 AT THE PLEASURE OF THE APPOINTING AUTHORITY WHO APPOINTED THE
3 MEMBER.

4 (4) THE MEMBERS OF THE TASK FORCE SERVE WITHOUT
5 COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

6 (5) (a) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT OR
7 HIS OR HER DESIGNEE SHALL CONVENE THE FIRST MEETING OF THE TASK
8 FORCE ON OR BEFORE OCTOBER 1, 2016.

9 (b) THE TASK FORCE SHALL ELECT A CHAIR AND VICE-CHAIR FROM
10 AMONG ITS MEMBERS.

11 (c) THE TASK FORCE SHALL MEET FOUR TO SIX TIMES PER
12 CALENDAR YEAR TO COMPLETE ITS DUTIES.

13 (d) UPON REQUEST BY THE TASK FORCE, THE STATE DEPARTMENT
14 SHALL PROVIDE OFFICE SPACE, EQUIPMENT, AND STAFF SERVICES AS MAY
15 BE NECESSARY TO IMPLEMENT THIS PART 8.

16 **19-3-804. Task force - purposes - issues to study - written**
17 **reports.** (1) THE PURPOSE OF THE TASK FORCE IS TO:

18 (a) STUDY CURRENT LAWS, RULES, AND PRACTICES FOLLOWED
19 IN THE STATE AND BEST PRACTICES IN OTHER STATES REGARDING THE
20 DOCUMENTATION OF EVIDENCE OR THE ABSENCE OF EVIDENCE OF
21 SUSPECTED CHILD ABUSE THROUGH THE COLLECTION AND SECURITY OF
22 DIGITAL IMAGES BY GOVERNMENT EMPLOYEES;

23 (b) CONSIDER WHETHER THE STATUTES AND PRACTICES
24 CONCERNING THE COLLECTION OF EVIDENCE OF ABUSE OR NEGLECT AND
25 THE USE OF DIGITAL IMAGES ARE CONSISTENT WITH EXISTING
26 TECHNOLOGIES AND EMERGING ELECTRONIC TECHNOLOGIES; AND

27 (c) RECOMMEND THE BEST PRACTICES TO BE USED IN THE

1 COLLECTION AND SECURITY OF DIGITAL IMAGERY EVIDENCE OF CHILD
2 ABUSE OR NEGLECT.

3 (2) IN CARRYING OUT THE PURPOSES OUTLINED IN SUBSECTION (1)
4 OF THIS SECTION, THE TASK FORCE SHALL CONSIDER:

5 (a) THE CONSTITUTIONAL STANDARDS, CASE LAW, STATUTES,
6 RULES, PRACTICES, AND STANDARDS IN COLORADO, IF ANY, THAT GOVERN:

7 (I) HOW A COUNTY EMPLOYEE WHO HAS OPEN INVOLVEMENT WITH
8 A CHILD TAKES, MAINTAINS, AND DISSEMINATES DIGITAL IMAGES OF A
9 CHILD, INCLUDING THE CHILD'S PRIVATE AREAS, TO DOCUMENT THE ABUSE
10 OR NEGLECT OR THE ABSENCE OF ABUSE OR NEGLECT; AND

11 (II) HOW A GOVERNMENT EMPLOYEE TAKES, MAINTAINS, AND
12 DISSEMINATES DIGITAL IMAGES OF A CHILD'S BODY, INCLUDING THOSE
13 AREAS OF A CHILD'S BODY THAT ARE VISIBLE IN PLAIN SIGHT AND THOSE
14 THAT ARE PRIVATE AREAS.

15 (b) WHETHER THE CRITERIA OR STANDARDS THAT GOVERNMENT
16 EMPLOYEES FOLLOW WHEN DOCUMENTING EVIDENCE OF CHILD ABUSE OR
17 NEGLECT THROUGH DIGITAL IMAGES BALANCE THE NEED TO COLLECT
18 EVIDENCE OF CHILD ABUSE OR NEGLECT WITH THE NEED TO PROTECT THE
19 PRIVACY AND CONSTITUTIONAL RIGHTS OF BOTH PARENTS AND OF
20 CHILDREN;

21 (c) THE SAFEGUARDS USED BY A GOVERNMENT EMPLOYEE TO
22 ENSURE THE BEST INTERESTS OF CHILDREN WHEN DOCUMENTING
23 EVIDENCE OF CHILD ABUSE OR NEGLECT THROUGH DIGITAL IMAGERY;

24 (d) THE ROLE OF LAW ENFORCEMENT AGENCIES IN CONDUCTING A
25 CHILD ABUSE OR NEGLECT ASSESSMENT OR INVESTIGATION JOINTLY WITH
26 COUNTY DEPARTMENTS PURSUANT TO COOPERATIVE AGREEMENTS
27 IMPLEMENTED PURSUANT TO SECTION 19-3-308 (5.5) AND WHETHER THERE

1 ARE BEST PRACTICES THAT HAVE BEEN DEVELOPED THROUGH
2 COOPERATIVE AGREEMENTS RELATING TO THE COLLECTION, SHARING, AND
3 HANDLING OF DIGITAL IMAGES;

4 (e) How GOVERNMENTS AND MEDICAL PROFESSIONALS
5 COLLABORATE DURING ASSESSMENTS OR INVESTIGATIONS OF SUSPECTED
6 CHILD ABUSE OR NEGLECT TO COLLECT, TRANSMIT, AND SHARE EVIDENCE,
7 INCLUDING DIGITAL IMAGES, WITHOUT SLOWING DOWN THE PROCESS AND
8 WHILE ENSURING THAT THERE IS NO IMPEDIMENT TO THE CHILD'S SAFETY;

9 (f) WHETHER SECTION 19-3-306, REGARDING THE TAKING OF
10 COLOR PHOTOGRAPHS OF CHILDREN, SHOULD BE AMENDED TO INCLUDE
11 ALL TYPES OF DIGITAL IMAGES AND WHAT PRECAUTIONS SHOULD BE
12 TAKEN REGARDING THE TRANSMISSION AND STORAGE OF DIGITAL IMAGES
13 OF CHILDREN;

14 (g) THE STATUTES, RULES, AND POLICIES THAT GOVERN THE
15 TAKING OF DIGITAL IMAGES OF CHILDREN'S BODIES, INCLUDING PRIVATE
16 AREAS, ON PERSONAL OR GOVERNMENT-OWNED CELL PHONES, CAMERAS,
17 DEVICES, OR OTHER EQUIPMENT THAT CAN BE USED TO TAKE DIGITAL
18 IMAGES, AND THE SAFEGUARDS IN PLACE TO GUIDE GOVERNMENT
19 EMPLOYEES ON HOW TO TAKE, MAINTAIN, AND DISSEMINATE DIGITAL
20 IMAGES;

21 (h) WHETHER DIGITAL IMAGES OF CHILDREN THAT MAY BE USED
22 AS EVIDENCE IN CASES OF CHILD ABUSE UNDER SECTION 18-6-401, C.R.S.,
23 SHOULD BE TRANSMITTED AND STORED THROUGH THE STATEWIDE
24 DISCOVERY SHARING SYSTEM PURSUANT TO SECTION 16-9-702, C.R.S.,
25 AND WHAT SAFEGUARDS SHOULD BE DEVELOPED ON THE TRANSMISSION
26 AND MAINTENANCE OF DIGITAL IMAGES THROUGH THAT SYSTEM;

27 (i) THE STATUTES, RULES, AND POLICIES THAT GOVERN THE

1 AUDIOTAPING AND VIDEOTAPING OF A CHILD INTERVIEW AND THE
2 STORAGE AND MAINTAINING OF THOSE CHILD INTERVIEWS; AND

3 (j) THE BEST PRACTICES FOLLOWED IN OTHER STATES OR
4 RECOMMENDED BY NATIONAL CHILD WELFARE EXPERTS FOR CHILD
5 WELFARE CASEWORKERS TO FOLLOW WHEN COLLECTING EVIDENCE OF
6 SUSPECTED CHILD ABUSE OR NEGLECT THROUGH DIGITAL IMAGERY TO
7 DOCUMENT EVIDENCE OR ABSENCE OF EVIDENCE OF CHILD ABUSE OR
8 NEGLECT; COLLABORATING WITH AND SHARING IN THE DISSEMINATION OF
9 EVIDENCE WITH LAW ENFORCEMENT AGENCIES, MEDICAL PROFESSIONALS,
10 AND ANY OTHER AGENCIES LEGALLY AUTHORIZED IN THE INVESTIGATION
11 OF CHILD ABUSE OR NEGLECT; REFERRING A CHILD FOR MEDICAL
12 EXAMINATIONS; AND MAINTAINING, STORING, AND SAFEGUARDING
13 DIGITAL IMAGES OF CHILDREN.

14 (3) THE TASK FORCE SHALL CONSIDER AND RECOMMEND:

15 (a) THE BEST PRACTICES AND PROCEDURES THAT GOVERNMENT
16 EMPLOYEES SHOULD USE WHEN DOCUMENTING EVIDENCE OF ABUSE OR
17 NEGLECT ON A CHILD'S BODY, INCLUDING AREAS THAT ARE NOT VISIBLE IN
18 PLAIN SIGHT ON THE CHILD OR THAT ARE PRIVATE AREAS OF A CHILD OR
19 BOTH; AND

20 (b) THE BEST PRACTICES AND PROCEDURES THAT GOVERNMENT
21 EMPLOYEES SHOULD USE WHEN OBSERVING OR ASSESSING A CHILD'S
22 PRIVATE AREAS OR COLLECTING DIGITAL IMAGES OR OTHER EVIDENCE OF
23 SUSPECTED ABUSE OR NEGLECT.

24 (4) THE TASK FORCE SHALL STUDY AND RECOMMEND WHEN A
25 GOVERNMENT EMPLOYEE SEEKING TO VIEW OR DOCUMENT EVIDENCE OF
26 SUSPECTED CHILD ABUSE OR NEGLECT OF PRIVATE AREAS OF THE CHILD:

27 (a) IS REQUIRED TO OBTAIN THE CONSENT OF A PARENT.

1 GUARDIAN, OR LEGAL CUSTODIAN OF THE CHILD; OR

2 (b) IS REQUIRED TO OBTAIN THE CONSENT OF A CHILD WHO IS
3 FIFTEEN YEARS OF AGE OR OLDER AND LESS THAN EIGHTEEN YEARS OF
4 AGE, IN ADDITION TO OBTAINING THE CONSENT OF THAT CHILD'S PARENT,
5 GUARDIAN, OR LEGAL CUSTODIAN; OR

6 (c) MUST OBTAIN A COURT ORDER DIRECTING THAT THE CHILD BE
7 PRESENTED TO AND EXAMINED AND EVALUATED BY AN INDEPENDENT
8 MEDICAL PROVIDER, A SEXUAL ASSAULT NURSE EXAMINER (SANE), OR
9 THE CHILD'S OWN PHYSICIAN, IF THE PARENT, GUARDIAN, OR LEGAL
10 CUSTODIAN, OR THE CHILD, IF BETWEEN THE AGES OF FIFTEEN AND
11 EIGHTEEN, REFUSES TO GIVE CONSENT; OR

12 (d) MAY PROCEED IN EXAMINING AND PHOTOGRAPHING THE
13 PRIVATE AREAS OF THE CHILD WITHOUT THE PARENT'S CONSENT OR THE
14 CHILD'S CONSENT, IF THE CHILD IS FIFTEEN YEARS OF AGE OR OLDER AND
15 LESS THAN EIGHTEEN YEARS OF AGE, AND WITHOUT A COURT ORDER
16 BASED UPON A REASONABLE BELIEF THAT EXIGENT CIRCUMSTANCES EXIST
17 THAT CONSTITUTE A MEDICAL EMERGENCY, SUCH AS IN CONJUNCTION
18 WITH A CALL TO 911, OR BASED UPON A REASONABLE SUSPICION THAT THE
19 CHILD NEEDS TREATMENT OR IS IN IMMEDIATE THREAT OF SERIOUS BODILY
20 INJURY.

21 (5) BASED ON THE STUDY OF THE ISSUES OUTLINED IN
22 SUBSECTIONS (2) TO (4) OF THIS SECTION, THE TASK FORCE SHOULD
23 DEVELOP RECOMMENDATIONS FOR ADMINISTRATIVE CHANGES THAT
24 GOVERNMENTS _____ SHOULD UNDERTAKE AND DEVELOP SPECIFIC
25 RECOMMENDATIONS FOR LEGISLATION, IF ANY.

26 (6) ON OR BEFORE DECEMBER 1, 2017, THE TASK FORCE SHALL
27 SUBMIT AN INITIAL WRITTEN REPORT ON ITS FINDINGS AND PROGRESS TO

1 THE GOVERNOR; THE STATE DEPARTMENT; THE CHILD WELFARE TRAINING
2 ACADEMY; THE COLORADO ASSOCIATION OF CHIEFS OF POLICE; THE
3 COUNTY SHERIFFS OF COLORADO; THE COLORADO MEDICAL SOCIETY; THE
4 JOINT BUDGET COMMITTEE; AND THE PUBLIC HEALTH CARE AND HUMAN
5 SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
6 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY
7 SUCCESSOR COMMITTEES. ON OR BEFORE DECEMBER 1, 2018, THE TASK
8 FORCE SHALL SUBMIT A FINAL WRITTEN REPORT TO THE GOVERNOR; THE
9 STATE DEPARTMENT; THE CHILD WELFARE TRAINING ACADEMY; THE
10 COLORADO ASSOCIATION OF CHIEFS OF POLICE; THE COUNTY SHERIFFS OF
11 COLORADO; THE COLORADO MEDICAL SOCIETY; THE JOINT BUDGET
12 COMMITTEE; AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES
13 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND
14 HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR
15 COMMITTEES. THE FINAL REPORT MUST INCLUDE, BUT NEED NOT BE
16 LIMITED TO, THE TASK FORCE'S FINDINGS AND RECOMMENDATIONS FOR
17 CHANGES IN ADMINISTRATIVE RULES AND RECOMMENDATIONS FOR
18 LEGISLATION, IF NECESSARY.

19 **19-3-805. Repeal of part.** THIS PART 8 IS REPEALED, EFFECTIVE
20 JULY 1, 2019.

21 **SECTION 2. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.