

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

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

**Senate Committees**

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.*

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

- ! images, without slowing down the process and while ensuring that there is no impediment to the child's safety;
- ! Whether the statute authorizing the taking of color photographs of children should be amended to include all types of digital images and what precautions should be taken regarding the transmission and storage of digital images of children;
- ! The laws and policies that govern the taking of digital images of children on personal or county-owned cell phones, cameras, or other equipment and safeguards in place to guide county employees on how to take, maintain, and disseminate digital images;
- ! The laws and policies governing the audiotaping and videotaping of child interviews; and
- ! The best practices followed in other states or recommended by national child welfare experts for child welfare caseworkers collecting evidence of suspected child abuse or neglect through digital imagery to document evidence or absence of evidence of child abuse or neglect; collaborating with and sharing in the dissemination of evidence with law enforcement agencies and medical professionals and any other agencies legally authorized in the investigation of child abuse or neglect; referring a child for medical examinations; and maintaining, storing, and safeguarding digital images of children.

The task force shall submit an initial written report on its findings and progress 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, the joint budget committee, and the house public health care and human services committee and the senate health and human services committee, or any successor committees, on or before December 1, 2017. The task force shall submit a final written report with its findings and recommendations for administrative changes and legislative changes, if any, to those same officials and entities on or before December 1, 2018.

The task force is repealed, effective July 1, 2019.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 8 to article  
 3 3 of title 19 as follows:

4 **PART 8**

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 REGARDING WHEN DOCUMENTATION OF EVIDENCE OF ABUSE OR NEGLECT  
25 IS LIMITED TO AREAS VISIBLE IN PLAIN SIGHT ON THE CHILD AND WHEN  
26 DOCUMENTATION OF EVIDENCE MAY EXTEND TO A CHILD'S PRIVATE  
27 AREAS, AND MAKE RECOMMENDATIONS TO THE EXECUTIVE BRANCH AND

1 GENERAL ASSEMBLY ON ADMINISTRATIVE AND LEGISLATIVE CHANGES TO  
2 IMPROVE THE COLLECTING AND SECURING OF DIGITAL IMAGES OF  
3 EVIDENCE OF CHILD 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 (e) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

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

22 (II) A LAW ENFORCEMENT OFFICER OR INVESTIGATOR FROM AN  
23 URBAN AREA WHO INVESTIGATES ALLEGATIONS OF CHILD ABUSE OR  
24 NEGLECT;

25 (III) A LAW ENFORCEMENT OFFICER OR INVESTIGATOR FROM A  
26 RURAL AREA WHO INVESTIGATES ALLEGATIONS OF CHILD ABUSE OR  
27 NEGLECT;



1 (IV) A REPRESENTATIVE WHO OVERSEES THE CHILD WELFARE  
2 TRAINING ACADEMY CREATED IN SECTION 26-5-109, C.R.S.;

3 (V) AN INDIVIDUAL WHO IS A DIRECTOR OR ADMINISTRATOR OF A  
4 COUNTY DEPARTMENT;

5 (VI) AN INDIVIDUAL WHO IS TRAINED AS A SEXUAL ASSAULT  
6 NURSE EXAMINER (SANE), AS DEFINED IN SECTION 23-5-143 (2) (d),  
7 C.R.S.; AND

8 (VII) A LICENSED CHILD PSYCHIATRIST OR PSYCHOLOGIST WHO  
9 WORKS WITH CHILDREN THAT HAVE BEEN ABUSED OR NEGLECTED;

10 (f) THE FOLLOWING MEMBERS APPOINTED BY THE SPEAKER OF THE  
11 HOUSE OF REPRESENTATIVES:

12 (I) AN INDIVIDUAL WHO IS A FORENSIC INTERVIEWER WITH AN  
13 ACCREDITED CHILD ADVOCACY CENTER WITH EXPERIENCE IN  
14 INTERVIEWING CHILDREN THAT HAVE BEEN ABUSED OR NEGLECTED;

15 (II) AN INDIVIDUAL REPRESENTING A STATEWIDE PROFESSIONAL  
16 SOCIAL WORK ORGANIZATION WHO HOLDS THE DEGREE OF A MASTER OF  
17 SOCIAL WORK WITH EXPERIENCE COUNSELING CHILDREN THAT HAVE  
18 EXPERIENCED CHILD ABUSE OR NEGLECT;

19 (III) A CERTIFIED FOSTER PARENT WHO IS CURRENTLY CARING FOR  
20 CHILDREN IN FOSTER CARE;

21 (IV) AN INDIVIDUAL WHO REPRESENTS A LAW AND POLICY  
22 ADVOCACY GROUP OR CHILD ADVOCACY AGENCY IN THIS STATE; AND

23 (V) AN INDIVIDUAL WHO IS A CASEWORKER FOR A COUNTY  
24 DEPARTMENT IN AN URBAN AREA THAT CONDUCTS ASSESSMENTS OF CHILD  
25 ABUSE OR NEGLECT CASES;

26 (g) THE FOLLOWING MEMBERS APPOINTED BY THE PRESIDENT OF  
27 THE SENATE:

1 (I) A COUNTY ATTORNEY WITH EXPERIENCE IN DEPENDENCY OR  
2 NEGLECT CASES;

3 (II) A PERSON REPRESENTING SCHOOLS, SUCH AS A PRINCIPAL,  
4 ADMINISTRATOR, OR SCHOOL NURSE;

5 (III) A REPRESENTATIVE OF A NATIONALLY RECOGNIZED LOCAL  
6 ORGANIZATION THAT WORKS TO PREVENT AND TREAT CHILD ABUSE OR  
7 NEGLECT;

8 (IV) AN INDIVIDUAL WHO SERVES AS A COURT-APPOINTED SPECIAL  
9 ADVOCATE (CASA) FOR ABUSED OR NEGLECTED CHILDREN, AS DEFINED  
10 IN SECTION 13-91-103 (3), C.R.S.; AND

11 (V) AN INDIVIDUAL WHO IS A CASEWORKER FOR A COUNTY  
12 DEPARTMENT IN A RURAL AREA THAT CONDUCTS ASSESSMENTS OF CHILD  
13 ABUSE OR NEGLECT CASES.

14 (3) THE APPOINTING AUTHORITIES IN SUBSECTION (2) OF THIS  
15 SECTION SHALL MAKE THEIR INITIAL APPOINTMENTS TO THE TASK FORCE  
16 NO LATER THAN SEPTEMBER 1, 2016. EACH MEMBER OF THE TASK FORCE  
17 WHO IS APPOINTED PURSUANT TO SUBSECTION (2) OF THIS SECTION SERVES  
18 AT THE PLEASURE OF THE APPOINTING AUTHORITY WHO APPOINTED THE  
19 MEMBER.

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

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

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

27 (c) THE TASK FORCE SHALL MEET FOUR TO SIX TIMES PER

1 CALENDAR YEAR TO COMPLETE ITS DUTIES.

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

5 **19-3-804. Task force - purposes - issues to study - written**  
6 **reports.** (1) THE PURPOSE OF THE TASK FORCE IS TO:

7 (a) STUDY AND INVESTIGATE CURRENT LAWS, RULES, AND  
8 PRACTICES FOLLOWED IN THE STATE AND BEST PRACTICES IN OTHER  
9 STATES REGARDING THE DOCUMENTATION OF EVIDENCE OR THE ABSENCE  
10 OF EVIDENCE OF SUSPECTED CHILD ABUSE THROUGH THE COLLECTION AND  
11 SECURITY OF DIGITAL IMAGES BY GOVERNMENT EMPLOYEES;

12 (b) CONSIDER WHETHER THE STATUTES AND PRACTICES  
13 CONCERNING THE COLLECTION OF EVIDENCE OF ABUSE OR NEGLECT AND  
14 THE USE OF DIGITAL IMAGES ARE CONSISTENT WITH EXISTING  
15 TECHNOLOGIES AND EMERGING ELECTRONIC TECHNOLOGIES; AND

16 (c) RECOMMEND THE BEST PRACTICES TO BE USED IN THE  
17 COLLECTION AND SECURITY OF DIGITAL IMAGERY EVIDENCE OF CHILD  
18 ABUSE OR NEGLECT.

19 (2) IN CARRYING OUT THE PURPOSES OUTLINED IN SUBSECTION (1)  
20 OF THIS SECTION, THE TASK FORCE SHALL INVESTIGATE AND CONSIDER:

21 (a) THE STATUTES, RULES, PRACTICES, AND STANDARDS IN  
22 COLORADO, IF ANY, THAT GOVERN:

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

27 (II) HOW A GOVERNMENT EMPLOYEE TAKES, MAINTAINS, AND

1 DISSEMINATES DIGITAL IMAGES OF A CHILD'S BODY, INCLUDING PRIVATE  
2 AREAS.

3 (b) WHETHER THE CRITERIA OR STANDARDS THAT GOVERNMENT  
4 EMPLOYEES FOLLOW WHEN DOCUMENTING EVIDENCE OF CHILD ABUSE OR  
5 NEGLECT THROUGH DIGITAL IMAGES BALANCE THE NEED TO COLLECT  
6 EVIDENCE OF CHILD ABUSE OR NEGLECT WITH THE NEED TO PROTECT THE  
7 PRIVACY AND CONSTITUTIONAL RIGHTS OF BOTH PARENTS AND OF  
8 CHILDREN;

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

12 (d) THE ROLE OF LAW ENFORCEMENT AGENCIES IN CONDUCTING A  
13 CHILD ABUSE OR NEGLECT ASSESSMENT OR INVESTIGATION JOINTLY WITH  
14 COUNTY DEPARTMENTS PURSUANT TO COOPERATIVE AGREEMENTS  
15 IMPLEMENTED PURSUANT TO SECTION 19-3-308 (5.5) AND WHETHER THERE  
16 ARE BEST PRACTICES THAT HAVE BEEN DEVELOPED THROUGH  
17 COOPERATIVE AGREEMENTS RELATING TO THE COLLECTION, SHARING, AND  
18 HANDLING OF DIGITAL IMAGES;

19 (e) HOW GOVERNMENTS AND MEDICAL PROFESSIONALS  
20 COLLABORATE DURING ASSESSMENTS OR INVESTIGATIONS OF SUSPECTED  
21 CHILD ABUSE OR NEGLECT TO COLLECT, TRANSMIT, AND SHARE EVIDENCE,  
22 INCLUDING DIGITAL IMAGES, WITHOUT SLOWING DOWN THE PROCESS AND  
23 WHILE ENSURING THAT THERE IS NO IMPEDIMENT TO THE CHILD'S SAFETY;

24 (f) WHETHER SECTION 19-3-306, REGARDING THE TAKING OF  
25 COLOR PHOTOGRAPHS OF CHILDREN, SHOULD BE AMENDED TO INCLUDE  
26 ALL TYPES OF DIGITAL IMAGES AND WHAT PRECAUTIONS SHOULD BE  
27 TAKEN REGARDING THE TRANSMISSION AND STORAGE OF DIGITAL IMAGES

1 OF CHILDREN;

2 (g) THE STATUTES, RULES, AND POLICIES THAT GOVERN THE  
3 TAKING OF DIGITAL IMAGES OF CHILDREN'S BODIES, INCLUDING PRIVATE  
4 AREAS, ON PERSONAL OR COUNTY-OWNED CELL PHONES, CAMERAS,  
5 DEVICES, OR OTHER EQUIPMENT THAT CAN BE USED TO TAKE DIGITAL  
6 IMAGES, AND THE SAFEGUARDS IN PLACE TO GUIDE GOVERNMENT  
7 EMPLOYEES ON HOW TO TAKE, MAINTAIN, AND DISSEMINATE DIGITAL  
8 IMAGES;

9 (h) THE STATUTES, RULES, AND POLICIES THAT GOVERN THE  
10 AUDIOTAPING AND VIDEOTAPING OF A CHILD INTERVIEW AND THE  
11 STORAGE AND MAINTAINING OF THOSE CHILD INTERVIEWS; AND

12 (i) THE BEST PRACTICES FOLLOWED IN OTHER STATES OR  
13 RECOMMENDED BY NATIONAL CHILD WELFARE EXPERTS FOR CHILD  
14 WELFARE CASEWORKERS TO FOLLOW WHEN COLLECTING EVIDENCE OF  
15 SUSPECTED CHILD ABUSE OR NEGLECT THROUGH DIGITAL IMAGERY TO  
16 DOCUMENT EVIDENCE OR ABSENCE OF EVIDENCE OF CHILD ABUSE OR  
17 NEGLECT; COLLABORATING WITH AND SHARING IN THE DISSEMINATION OF  
18 EVIDENCE WITH LAW ENFORCEMENT AGENCIES, MEDICAL PROFESSIONALS,  
19 AND ANY OTHER AGENCIES LEGALLY AUTHORIZED IN THE INVESTIGATION  
20 OF CHILD ABUSE OR NEGLECT; REFERRING A CHILD FOR MEDICAL  
21 EXAMINATIONS; AND MAINTAINING, STORING, AND SAFEGUARDING  
22 DIGITAL IMAGES OF CHILDREN.

23 (3) THE TASK FORCE SHALL STUDY AND RECOMMEND:

24 (a) THE BEST PRACTICES REGARDING WHEN DOCUMENTATION OF  
25 EVIDENCE BY A GOVERNMENT EMPLOYEE IS LIMITED TO AREAS VISIBLE IN  
26 PLAIN SIGHT ON THE CHILD AND WHEN DOCUMENTATION OF EVIDENCE  
27 MAY EXTEND TO PRIVATE AREAS OF THE CHILD;

1           (b) UNDER WHAT CIRCUMSTANCES A GOVERNMENT EMPLOYEE CAN  
2 EXAMINE, UNCLOTHE, OR REARRANGE CLOTHING COVERING PRIVATE  
3 AREAS OR ASK THE CHILD TO REMOVE OR REARRANGE HIS OR HER  
4 CLOTHING COVERING PRIVATE AREAS.

5           (4) THE TASK FORCE SHALL STUDY AND RECOMMEND WHEN A  
6 GOVERNMENT EMPLOYEE SEEKING TO DOCUMENT EVIDENCE OF SUSPECTED  
7 CHILD ABUSE OR NEGLECT OF PRIVATE AREAS OF THE CHILD:

8           (a) IS REQUIRED TO OBTAIN THE CONSENT OF A PARENT,  
9 GUARDIAN, OR LEGAL CUSTODIAN OF THE CHILD OR OBTAIN CONSENT  
10 FROM A CHILD WHO IS FIFTEEN YEARS OF AGE OR OLDER AND LESS THAN  
11 EIGHTEEN YEARS OF AGE; OR

12           (b) MUST OBTAIN A COURT ORDER DIRECTING THAT THE CHILD BE  
13 PRESENTED TO AND EXAMINED AND EVALUATED BY AN INDEPENDENT  
14 MEDICAL PROVIDER, A SEXUAL ASSAULT NURSE EXAMINER (SANE), OR  
15 THE CHILD'S OWN PHYSICIAN, IF THE PARENT, GUARDIAN, OR LEGAL  
16 CUSTODIAN, OR THE CHILD, IF BETWEEN THE AGES OF FIFTEEN AND  
17 EIGHTEEN, REFUSES TO GIVE CONSENT; OR

18           (c) MAY PROCEED IN EXAMINING AND PHOTOGRAPHING THE  
19 PRIVATE AREAS OF THE CHILD WITHOUT THE PARENT'S CONSENT OR  
20 WITHOUT A COURT ORDER BASED UPON A REASONABLE BELIEF THAT  
21 EXIGENT CIRCUMSTANCES EXIST THAT CONSTITUTE A MEDICAL  
22 EMERGENCY, SUCH AS IN CONJUNCTION WITH A CALL TO 911, OR BASED  
23 UPON A REASONABLE SUSPICION THAT THE CHILD NEEDS TREATMENT OR  
24 IS IN IMMEDIATE THREAT OF SERIOUS BODILY INJURY.

25           (5) BASED ON THE STUDY OF THE ISSUES OUTLINED IN  
26 SUBSECTIONS (2) TO (4) OF THIS SECTION, THE TASK FORCE SHOULD  
27 DEVELOP RECOMMENDATIONS FOR ADMINISTRATIVE CHANGES THAT

1 GOVERNMENTS \_\_\_\_\_ SHOULD UNDERTAKE AND DEVELOP SPECIFIC  
2 RECOMMENDATIONS FOR LEGISLATION, IF ANY.

3 (6) ON OR BEFORE DECEMBER 1, 2017, THE TASK FORCE SHALL  
4 SUBMIT AN INITIAL WRITTEN REPORT ON ITS FINDINGS AND PROGRESS TO  
5 THE GOVERNOR; THE STATE DEPARTMENT; THE CHILD WELFARE TRAINING  
6 ACADEMY; THE COLORADO ASSOCIATION OF CHIEFS OF POLICE; THE  
7 COUNTY SHERIFFS OF COLORADO; THE COLORADO MEDICAL SOCIETY; THE  
8 JOINT BUDGET COMMITTEE; AND THE PUBLIC HEALTH CARE AND HUMAN  
9 SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE  
10 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY  
11 SUCCESSOR COMMITTEES. ON OR BEFORE DECEMBER 1, 2018, THE TASK  
12 FORCE SHALL SUBMIT A FINAL WRITTEN REPORT TO THE GOVERNOR; THE  
13 STATE DEPARTMENT; THE CHILD WELFARE TRAINING ACADEMY; THE  
14 COLORADO ASSOCIATION OF CHIEFS OF POLICE; THE COUNTY SHERIFFS OF  
15 COLORADO; THE COLORADO MEDICAL SOCIETY; THE JOINT BUDGET  
16 COMMITTEE; AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES  
17 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND  
18 HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR  
19 COMMITTEES. THE FINAL REPORT MUST INCLUDE, BUT NEED NOT BE  
20 LIMITED TO, THE TASK FORCE'S FINDINGS AND RECOMMENDATIONS FOR  
21 CHANGES IN ADMINISTRATIVE RULES AND RECOMMENDATIONS FOR  
22 LEGISLATION, IF NECESSARY.

23 **19-3-805. Repeal of part.** THIS PART 8 IS REPEALED, EFFECTIVE  
24 JULY 1, 2019.

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