



Legislative Council Staff

Research Note

Version: Final

Date: 10/19/2016

Bill Number

Senate Bill 16-110

Sponsors

Senator Woods
Representative Lundeen

Short Title

**Child Victim Privacy Criminal
Justice Records**

Research Analyst

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Status

This research note reflects the final version of the bill, which was signed by the Governor and became law on April 14, 2016.

Summary

Under the bill, a criminal justice agency or custodian of criminal justice records is required to make a notation of "child victim" on any record of official action and on the file when the name is disclosed during the course of official proceedings, or when the records are requested. An exception is made when information is shared between certain state and local government agencies. The bill applies to the following crimes:

- internet sexual exploitation of a child;
- enticement of a child;
- internet luring of a child;
- soliciting for child prostitution;
- pandering of a child;
- procurement of a child;
- keeping a place of child prostitution;
- pimping of a child;
- inducement of child prostitution;
- patronizing a prostituted child;
- human trafficking of a minor for involuntary servitude or sexual servitude; and
- an attempt to commit any of the above offenses.

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Background

Under Section 24-72-304, C.R.S., all criminal justice records, at the discretion of the official custodian, may be open for inspection by any person at reasonable times. The custodian may make such rules and regulations with reference to the inspection of such records as are reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or his or her office. Under existing law, the name and other identifying information for victims of sexual assault must be deleted prior to the release of any record.

Senate Action

Senate Judiciary Committee (February 17, 2016). At the hearing, the committee received testimony in support of the bill from a representative of the Colorado Attorney General's Office. The committee adopted amendments L.001, L.003, and L.004, and referred the bill, as amended, to the Senate Committee of the Whole, with a recommendation that it be placed on the consent calendar.

Amendment L.001 makes the bill effective on September 1, 2016. Amendment L.003 permits the name of a child victim to remain on a record when the record is released to the named victim or the victim's designee. Amendment L.004 exempts information shared between assessment centers for children and other exempt organizations from the provisions of the bill, and removes the exemption for the "juvenile justice system."

Senate second reading (February 22, 2016). The Senate Committee of the Whole adopted the Senate Judiciary Committee report and passed the bill on second reading.

Senate third reading (February 23, 2016). The Senate passed the bill on third reading.

Senate consideration of House amendments (March 29, 2016). The Senate concurred with the House amendments and repassed the bill.

House Action

House Judiciary Committee (March 17, 2016). At the hearing, the committee received testimony in support of the bill from representatives of the Colorado Attorney General's Office, Office of the Child's Representative, and Jefferson County Board of Commissioners. The committee adopted amendment L.005, and referred the bill, as amended, to the House Committee of the Whole.

Amendment L.005 clarifies that the notation requirement in the bill applies to offenses committed on or after the effective date, and requires criminal justice agencies and custodians of criminal records to make reasonable efforts to comply with the bill's provisions for offenses committed prior to the effective date.

House second reading (March 24, 2016). The House Committee of the Whole adopted the House Judiciary Committee report, and passed the bill on second reading.

House third reading (March 28, 2016). The House passed the bill on third reading.

Relevant Research

Legislative Council Staff, Laws Governing Sex Offenders In Colorado, Research Report, March 2016: <http://tinyurl.com/h2uvcq5> (pdf).

Legislative Council Staff, *Sealing Adult and Juvenile Criminal Records*, Interested Persons Memo, September 2012: <http://tinyurl.com/gkvbfo6> (pdf).

Legislative council Staff, Jessica's and Amber's Laws in Colorado, Interested Persons Memo, March 2012: <http://tinyurl.com/gnvj63p> (pdf).