

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 17-0378.01 Jerry Barry x4341

SENATE BILL 17-024

SENATE SPONSORSHIP

Fields,

HOUSE SPONSORSHIP

Young,

Senate Committees

Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE HEARSAY EXCEPTION FOR PERSONS WITH AN**
102 **INTELLECTUAL AND DEVELOPMENTAL DISABILITY WHEN A**
103 **DEFENDANT IS CHARGED WITH A CRIME AGAINST AN AT-RISK**
104 **PERSON.**

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/>.)

Under current law, there is an exception to the hearsay rule for a person with an intellectual and developmental disability if the out-of-court statement relates to certain specified crimes. Current law also

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
2nd Reading Unamended
January 30, 2017

provides increased penalties if certain crimes are committed against at-risk persons. The bill clarifies that the hearsay exception applies if the defendant is charged under the increased penalties for crimes against at-risk persons.

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-25-129.5, **amend**
3 (2)(b) and (4) as follows:

4 **13-25-129.5. Statements of persons with intellectual and**
5 **developmental disabilities - hearsay exception.** (2) (b) The exception
6 described in ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF
7 THIS SECTION applies to an out-of-court statement made by a person with
8 ~~a~~ AN INTELLECTUAL AND developmental disability, which statement
9 describes all or part of any of the following offenses:

10 (I) Sexual assault, as described in section 18-3-402 ~~C.R.S.~~ OR
11 18-6.5-103;

12 (II) Unlawful sexual contact, as described in section 18-3-404
13 ~~C.R.S.~~ OR 18-6.5-103;

14 (III) Sexual assault on a child, as described in section 18-3-405
15 ~~C.R.S.~~ OR 18-6.5-103;

16 (IV) Sexual assault on a child by one in a position of trust, as
17 described in section 18-3-405.3 ~~C.R.S.~~ OR 18-6.5-103;

18 (V) Internet sexual exploitation of a child, as described in section
19 18-3-405.4; ~~C.R.S.~~;

20 (VI) Sexual assault on a client by a psychotherapist, as described
21 in section 18-3-405.5 ~~C.R.S.~~ OR 18-6.5-103;

22 (VII) Incest, as described in section 18-6-301; ~~C.R.S.~~;

23 (VIII) Aggravated incest, as described in section 18-6-302;

1 ~~€:R:S.;~~
2 (IX) Human trafficking of a minor for involuntary servitude, as
3 described in section 18-3-503, ~~€:R:S.~~, or human trafficking of a minor for
4 sexual servitude, as described in section 18-3-504 (2); ~~€:R:S.~~
5 (X) Sexual exploitation of a child, as described in section
6 18-6-403; ~~€:R:S.~~
7 (XI) Indecent exposure, as described in section 18-7-302; ~~€:R:S.~~
8 or
9 (XI.5) AN OFFENSE CONTAINED IN ARTICLE 6.5 OF TITLE 18; OR
10 (XII) Criminal attempt to commit any of the acts specified in this
11 paragraph ~~(b)~~ SUBSECTION (2)(b).

12 (4) An out-of-court statement made by a person with an
13 intellectual and developmental disability, as defined in section
14 25.5-10-202 (26)(a), ~~€:R:S.~~, that describes all or part of an offense
15 contained in part 1 of article 3 of title 18 ~~€:R:S.~~ OR ARTICLE 6.5 OF TITLE
16 18, or that describes an act of domestic violence as defined in section
17 18-6-800.3 (1), ~~€:R:S.~~, not otherwise admissible by statute or court rule
18 that provides an exception to the objection of hearsay, is admissible in
19 evidence in any criminal, delinquency, or civil proceeding if the
20 conditions of subsection (5) of this section are satisfied.

21 **SECTION 2. Effective date - applicability.** This act takes effect
22 July 1, 2017, and applies to any criminal, delinquency, or civil trial,
23 hearing, or proceeding occurring on or after said date.

24 **SECTION 3. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.