

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0645.01 Jacob Baus x2173

HOUSE BILL 19-1064

HOUSE SPONSORSHIP

Sullivan,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ELIMINATING REQUIREMENTS THAT VICTIMS MUST OPT
102 IN TO EFFECT THEIR RIGHTS IN CRIMINAL PROCEEDINGS.

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>.)

The bill eliminates requirements that victims must opt in to effect their rights in criminal proceedings involving their alleged offender or offender.

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 **SECTION 1.** In Colorado Revised Statutes, 16-8-115, **amend**
2 (4)(i)(II) as follows:

3 **16-8-115. Release from commitment after verdict of not guilty**
4 **by reason of insanity or not guilty by reason of impaired mental**
5 **condition.** (4) (i) (II) Upon the filing of a petition pursuant to this
6 ~~paragraph (i)~~ SUBSECTION (4)(i), the court shall set a date for a hearing on
7 the petition. The defendant shall notify the local law enforcement agency
8 with which the defendant is required to register and the prosecuting
9 attorney for the jurisdiction in which the local law enforcement agency is
10 located of the filing of the petition and the hearing date. ~~Upon the victim's~~
11 ~~request,~~ The court shall notify the victim of the filing of the petition and
12 the hearing date. At the hearing, the court shall give opportunity to the
13 victim to provide written or oral testimony. If the court enters an order
14 discontinuing the defendant's duty to register, the defendant shall send a
15 copy of the order to the local law enforcement agency and the Colorado
16 bureau of investigation.

17 **SECTION 2.** In Colorado Revised Statutes, 16-8-118, **amend**
18 (2)(d)(II) as follows:

19 **16-8-118. Temporary removal for treatment and**
20 **rehabilitation.** (2) (d) (II) Upon the filing of a petition pursuant to this
21 ~~paragraph (d)~~ SUBSECTION (2)(d), the court shall set a date for a hearing
22 on the petition. The defendant shall notify the local law enforcement
23 agency with which the defendant is required to register and the
24 prosecuting attorney for the jurisdiction in which the local law
25 enforcement agency is located of the filing of the petition and the hearing
26 date. ~~Upon the victim's request,~~ The court shall notify the victim of the
27 filing of the petition and the hearing date. At the hearing, the court shall

1 give opportunity to the victim to provide written or oral testimony. If the
2 court enters an order discontinuing the defendant's duty to register, the
3 defendant shall send a copy of the order to the local law enforcement
4 agency and the Colorado bureau of investigation.

5 **SECTION 3.** In Colorado Revised Statutes, 17-2-214, **amend** (2)
6 as follows:

7 **17-2-214. Right to attend parole hearings.** (2) (a) ~~In the case of~~
8 ~~any offenses against the person, as specified in article 3 of title 18,~~
9 ~~C.R.S.,~~ Notice of any parole proceeding ~~shall~~ MUST be sent by the
10 department of corrections, working in cooperation with the board, to any
11 victim of the crime or relative of the victim, if the victim has died, at least
12 sixty days before the hearing. Such notice ~~shall~~ MUST be sent to the last
13 address in the possession of the department of corrections or the board,
14 and the victim of the crime or relative of the victim, if the victim has died,
15 has the duty to keep the department of corrections or the board informed
16 of his or her most current address.

17 ~~(b) In the case of any offenses other than offenses against the~~
18 ~~person as specified in article 3 of title 18, C.R.S., notice of any parole~~
19 ~~proceeding shall be sent by the department of corrections, working in~~
20 ~~cooperation with the board, only upon request to the department of~~
21 ~~corrections or the board, to any victim of the crime or relative of a victim,~~
22 ~~if the victim has died, who makes such a request at least sixty days before~~
23 ~~the hearing. Such notice shall be sent to the last address in the possession~~
24 ~~of the department of corrections or the board, and the victim of the crime~~
25 ~~or relative of the victim, if the victim has died, has the duty to keep the~~
26 ~~department of corrections or the board informed of his or her most current~~
27 ~~address.~~

1 **SECTION 4.** In Colorado Revised Statutes, 24-4.1-302.5, **amend**
2 (1)(c)(I), (1)(j), (1)(q), and (1)(r); and **repeal** (1)(b.5) as follows:

3 **24-4.1-302.5. Rights afforded to victims - definitions.** (1) In
4 order to preserve and protect a victim's rights to justice and due process,
5 each victim of a crime has the following rights:

6 ~~(b.5) The right to be informed of and present for the critical stages~~
7 ~~described in section 24-4.1-302 (2)(k) to (2)(q) and (2)(s), upon the~~
8 ~~written request of the victim; except that the victim shall have the right~~
9 ~~to be informed of the critical stage described in section 24-4.1-302 (2)(l)~~
10 ~~without submitting a written request for notification;~~

11 (c) (I) Except as otherwise provided in ~~subparagraph (H) of this~~
12 ~~paragraph (c)~~ SUBSECTION (1)(c)(II) OF THIS SECTION:

13 (A) The right to be informed ~~upon request by the victim~~, when a
14 person who is accused or convicted of a crime against the victim is
15 released or discharged from county jail;

16 (B) The right to be informed ~~upon written request by the victim~~,
17 when a person who is accused or convicted of a crime against the victim
18 is released or discharged from custody other than county jail, is paroled,
19 escapes from a secure or nonsecure correctional facility or program, or
20 absconds from probation or parole.

21 (j) The right to be informed ~~upon written request from the victim~~,
22 of any proceeding at which any postconviction release from confinement
23 in a secure state correctional facility is being considered for any person
24 convicted of a crime against the victim and the right to be heard at any
25 such proceeding or to provide written information thereto. For purposes
26 of this subsection (1), "proceeding" means reconsideration of sentence,
27 a parole hearing, a full parole board review, commutation of sentence, or

1 consideration for placement in the specialized program developed by the
2 department of corrections pursuant to section 17-34-102.

3 (q) The right to be informed ~~upon written request by the victim,~~
4 when a person convicted of a crime against the victim is placed in or
5 transferred to a less secure public or private correctional facility or
6 program;

7 (r) The right to be informed ~~upon written request by the victim,~~
8 when a person who is or was charged with or convicted of a crime against
9 the victim escapes or is permanently or conditionally transferred or
10 released from any public hospital, private hospital, or state hospital;

11 **SECTION 5.** In Colorado Revised Statutes, 24-4.1-303, **amend**
12 (10)(b)(III), (10)(b)(IV), (13.5)(a) introductory portion, (14) introductory
13 portion, (14.1) introductory portion, and (14.2) introductory portion as
14 follows:

15 **24-4.1-303. Procedures for ensuring rights of victims of**
16 **crimes.** (10) (b) As soon as available, the law enforcement agency shall
17 give to each victim, as appropriate, the following information:

18 (III) Unless such information would be inconsistent with the
19 requirements of the investigation, information as to whether a suspect has
20 been taken into custody and, if known, whether the suspect has been
21 released, any conditions imposed upon such release, and ~~information as~~
22 ~~to how the victim may request~~ further notification THAT MAY BE
23 REQUIRED pursuant to section 24-4.1-302.5 (1)(c);

24 (IV) The law enforcement agency shall provide the victim in a
25 cold case information concerning any change in the status of the case. In
26 addition, ~~upon the written request of the victim,~~ the law enforcement
27 agency shall provide an update at least annually to the victim concerning

1 the status of a cold case involving one or more crimes for which the
2 criminal statute of limitations is longer than three years.

3 (13.5) (a) Following a sentence to probation, ~~and upon the written~~
4 ~~request of a victim,~~ the probation department shall notify the victim of the
5 following information regarding any person who was charged with or
6 convicted of a crime against the victim:

7 (14) Upon receipt of a written victim impact statement as
8 provided in section 24-4.1-302.5 (1)(j.5), the department of corrections
9 shall include the statement with any referral made by the department of
10 corrections or a district court to place an offender in a public or private
11 community corrections facility or program. ~~Upon written request of a~~
12 ~~victim, the~~ THE department of corrections or the public or private local
13 corrections authorities shall notify the victim of the following information
14 regarding any person who was charged with or convicted of a crime
15 against the victim:

16 (14.1) ~~Upon the written request of a victim, the~~ THE Colorado
17 mental health institute at Pueblo, or the Colorado mental health institute
18 at Fort Logan, as may be applicable, shall notify the victim of the
19 following information regarding any person who was charged with or
20 convicted of a crime against the victim:

21 (14.2) Upon receipt of a written statement as provided in section
22 24-4.1-302.5 (1)(j.5), the department of human services, division of youth
23 corrections, shall include the statement with any referral made by the
24 department of human services or a district court to place an offender in
25 a public or private community corrections facility or program. ~~Upon~~
26 ~~written request of the victim, the~~ THE department of human services and
27 any state hospital shall notify the victim of the following information

1 regarding any person who was charged with or adjudicated of a crime
2 against the victim:

3 **SECTION 6. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.