

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0750.01 Jerry Barry x4341

HOUSE BILL 23-1155

HOUSE SPONSORSHIP

Weissman, Soper

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ADVISEMENT OF RIGHTS DURING A CUSTODIAL**
102 **INVESTIGATION.**

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 requires that, for a statement made during a custodial interrogation to be admissible against the accused in a criminal proceeding, the accused must be advised of specified rights prior to making the statement.

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

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 16-3-406 as
3 follows:

4 **16-3-406. Custodial interrogation - admissibility - definition.**

5 (1) AS USED IN THIS SECTION, "CUSTODIAL INTERROGATION" HAS THE
6 SAME MEANING AS SET FORTH IN SECTION 16-3-601.

7 (2) A COURT SHALL NOT ADMIT A STATEMENT MADE BY THE
8 ACCUSED AS A RESULT OF A CUSTODIAL INTERROGATION AS EVIDENCE
9 AGAINST THE ACCUSED IN ANY CRIMINAL PROCEEDING UNLESS THE
10 ACCUSED, PRIOR TO MAKING THE STATEMENT, RECEIVED FROM THE
11 PERSON TO WHOM THE STATEMENT IS MADE, THE FOLLOWING
12 ADVISEMENT:

13 (a) YOU HAVE THE RIGHT TO REMAIN SILENT;

14 (b) ANYTHING YOU SAY CAN BE USED AGAINST YOU IN COURT;

15 (c) YOU HAVE THE RIGHT TO HAVE A LAWYER PRESENT TO ADVISE
16 YOU BEFORE AND DURING ANY QUESTIONING;

17 (d) IF YOU CANNOT AFFORD TO HIRE A LAWYER, YOU HAVE THE
18 RIGHT TO HAVE THE COURT APPOINT A LAWYER TO ADVISE YOU BEFORE
19 AND DURING ANY QUESTIONING; AND

20 (e) YOU CAN STOP THE INTERVIEW AND REQUEST A LAWYER AT
21 ANY TIME.

22 (3) THE PROSECUTION HAS THE BURDEN OF ESTABLISHING BY A
23 PREPONDERANCE OF THE EVIDENCE THAT THE ACCUSED MADE A KNOWING,
24 INTELLIGENT, AND VOLUNTARY WAIVER OF THE RIGHTS DESCRIBED IN
25 SUBSECTION (2) OF THIS SECTION.

26 (4) NOTHING IN THIS SECTION PRECLUDES THE ADMISSION OF A
27 VOLUNTARY STATEMENT TO IMPEACH THE CREDIBILITY OF THE ACCUSED

1 AS A WITNESS.

2 **SECTION 2. Effective date.** This act takes effect July 1, 2023.

3 **SECTION 3. 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, or safety.