

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

INTRODUCED

LLS NO. 25-0700.01 Owen Hatch x2698

HOUSE BILL 25-1114

HOUSE SPONSORSHIP

Carter,

SENATE SPONSORSHIP

Gonzales J.,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ALLOWING THE DEFENSE TO REVIEW A TANGIBLE OBJECT**
102 **IN PREPARATION FOR A CRIMINAL TRIAL.**

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 grants a right for defense counsel to review a tangible object related to a criminal case at least 35 days before a trial and create confidential work product following their review. Law enforcement officers and other state officials are prohibited from recording the defense's review of the tangible object.

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** part 8 to article
3 9 of title 16 as follows:

4 **PART 8**

5 **DEFENSE ACCESS TO PHYSICAL EVIDENCE**

6 **16-9-801. Viewing and inspecting objects held in evidence.**

7 (1) (a) THE DEFENSE HAS THE RIGHT TO VIEW AND INSPECT ANY TANGIBLE
8 OBJECT HELD BY LAW ENFORCEMENT IN CONNECTION WITH A CASE AS
9 SOON AS PRACTICABLE, BUT NO LATER THAN THIRTY-FIVE DAYS BEFORE
10 TRIAL. AFTER THE DEFENSE MAKES A REQUEST TO THE LAW ENFORCEMENT
11 AGENCY THAT POSSESSES A TANGIBLE ITEM HELD IN CONNECTION WITH A
12 CASE, THE AGENCY SHALL ALLOW THE DEFENSE TO VIEW AND INSPECT THE
13 ITEM.

14 (b) WHEN INSPECTING THE TANGIBLE ITEM, THE DEFENSE MUST
15 HAVE THE OPPORTUNITY TO HAVE CONFIDENTIAL CONVERSATIONS AND
16 CREATE CONFIDENTIAL WORK PRODUCT. A PERSON OR ENTITY SHALL NOT
17 RECORD THE DEFENSE WHILE THEY VIEW OR INSPECT A TANGIBLE OBJECT.

18 (c) WHEN THE DEFENSE IS INSPECTING A TANGIBLE OBJECT HELD
19 BY LAW ENFORCEMENT AS DESCRIBED IN RULE 16 OF THE COLORADO
20 RULES OF CRIMINAL PROCEDURE, A LAW ENFORCEMENT REPRESENTATIVE
21 SHALL BE PRESENT TO DOCUMENT THE CHAIN OF CUSTODY AND ENSURE
22 THE INTEGRITY OF THE EVIDENCE.

23 (2) UPON REQUEST BY EITHER THE DEFENSE OR THE PROSECUTING
24 AUTHORITY, AND SUBJECT TO CONSTITUTIONAL LIMITATIONS, THE COURT
25 MAY ISSUE ORDERS EFFECTUATING EQUITABLE DEFENSE ACCESS TO VIEW
26 OR INSPECT EVIDENCE, WHICH PROTECTS INTERNAL COMMUNICATIONS AND
27 ACTIVITIES OF THE DEFENSE TEAM AND THEIR ABILITY TO CREATE

1 CONFIDENTIAL WORK PRODUCT WHILE VIEWING EVIDENCE WHILE ALSO
2 REASONABLY PROTECTING THE CHAIN OF CUSTODY, THE INTEGRITY OF THE
3 EVIDENCE, AND THE FAIRNESS OF THE PROCEEDINGS.

4 (3) THIS SECTION DOES NOT LIMIT THE ABILITY OF THE DEFENSE TO
5 REQUEST DEFENSE TESTING OR THE COURT'S ABILITY TO CONDUCT A
6 HEARING RELATED TO THE REQUEST.

7 **SECTION 2.** In Colorado Revised Statutes, 24-31-902, **add**
8 (1)(a)(II)(E) as follows:

9 **24-31-902. Incident recordings - release - tampering - fine.**

10 (1) (a) (II) (E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
11 SECTION, A PEACE OFFICER SHALL NOT ACTIVATE A BODY-WORN CAMERA
12 OR DASH CAMERA AND CAPTURE, VIEW, OR OTHERWISE RECORD THE
13 DEFENSE VIEWING, INSPECTING, OR DISCUSSING THE VIEWING OR
14 INSPECTION OF A TANGIBLE OBJECT HELD IN CONNECTION WITH A
15 CRIMINAL CASE.

16 **SECTION 3. Effective date.** This act takes effect July 1, 2025.

17 **SECTION 4. Safety clause.** The general assembly finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety or for appropriations for
20 the support and maintenance of the departments of the state and state
21 institutions.