

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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 THE PROSECUTING AUTHORITY, WHO SHALL PROVIDE A COPY OF THE
2 NOTICE IN DISCOVERY TO THE DEFENSE. THE RECORDING SHALL NOT BE
3 PLACED IN DISCOVERY OR REVIEWED BY LAW ENFORCEMENT, THE
4 PROSECUTION, OR THE DEFENSE UNLESS ORDERED BY THE COURT WHEN A
5 GOOD FAITH ISSUE THAT THE EVIDENCE VIEWING AFFECTED THE INTEGRITY
6 OF THE EVIDENCE IS RAISED BY ANY PARTY. IF THE COURT ALLOWS ACCESS
7 TO THE RECORDING, THE COURT MAY ENTER PROTECTIVE ORDERS AS
8 NECESSARY TO PROTECT ANY PARTIES' CONVERSATIONS OR WORK
9 PRODUCT.

10 (2) UPON THE REQUEST BY EITHER THE DEFENSE OR THE
11 PROSECUTING AUTHORITY, AND SUBJECT TO CONSTITUTIONAL
12 LIMITATIONS, THE COURT MAY ISSUE ORDERS RELATING TO THE EVIDENCE
13 VIEWING BY THE PROSECUTION OR DEFENSE BASED ON THE INDIVIDUAL
14 CIRCUMSTANCES OF THE EVIDENCE OR THE CASE AT ISSUE CONSISTENT
15 WITH THIS SECTION, THE COLORADO RULES OF CRIMINAL PROCEDURE, AND
16 OTHER APPLICABLE LAW.

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

20 (4) THIS SECTION DOES NOT APPLY TO THE INSPECTION, VIEWING,
21 AND EXAMINATION OF SEXUALLY EXPLOITATIVE MATERIAL PURSUANT TO
22 SECTION 16-9-601.

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

25 **24-31-902. Incident recordings - release - tampering - fine.**

26 (1) (a) (II) (E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
27 SECTION, A PEACE OFFICER SHALL NOT ACTIVATE A BODY-WORN CAMERA
28 OR DASH CAMERA AND CAPTURE, VIEW, OR OTHERWISE RECORD THE

1 DEFENSE VIEWING, INSPECTING, OR DISCUSSING THE VIEWING OR
2 INSPECTION OF A TANGIBLE OBJECT HELD IN CONNECTION WITH A
3 CRIMINAL CASE. WHEN THE DEFENSE VIEWS OR INSPECTS EVIDENCE
4 PURSUANT TO SECTION 16-9-801, IT IS NOT AN INTERACTION WITH THE
5 PUBLIC INITIATED BY THE PEACE OFFICER, AND THE DEFENSE, INCLUDING
6 MEMBERS OF THE DEFENSE TEAM, ARE NOT MEMBERS OF THE PUBLIC. IT IS
7 ALSO NOT FOR THE PURPOSE OF ENFORCING THE LAW OR INVESTIGATING
8 POSSIBLE VIOLATIONS OF THE LAW.

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

10 **SECTION 4. Safety clause.** The general assembly finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, or safety or for appropriations for
13 the support and maintenance of the departments of the state and state
14 institutions.