

CHAPTER 310

GOVERNMENT - STATE

HOUSE BILL 93-1349

BY REPRESENTATIVES Agler, Chlouber, Dyer, George, Lawrence, Lyle, Pierson, Taylor, and Tucker;
also SENATORS Blickensderfer, Bishop, Johnson, Mares, Mutzebaugh, Weissmann, and Wham.

AN ACT

CONCERNING THE IMPLEMENTATION OF A REQUIREMENT THAT CERTAIN CRIMINAL JUSTICE RECORDS RELATING TO THE COMMISSION OF SEXUAL ASSAULT OFFENSES BEAR THE NOTATION "SEXUAL ASSAULT".

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

SECTION 1. 24-72-304 (4), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-72-304. Inspection of criminal justice records. (4) (a) The name of any victim of sexual assault or of alleged sexual assault shall be deleted from any criminal justice record prior to the release of such record ~~WHEN SUCH RECORD BEARS THE NOTATION "SEXUAL ASSAULT" PRESCRIBED BY THIS SUBSECTION (4).~~

(b) (I) A CRIMINAL JUSTICE AGENCY OR CUSTODIAN OF CRIMINAL JUSTICE RECORDS SHALL MAKE THE NOTATION "SEXUAL ASSAULT" ON ANY RECORD OF OFFICIAL ACTION AND ON THE FILE CONTAINING SUCH RECORD WHEN THE OFFICIAL ACTION IS RELATED TO THE COMMISSION OR THE ALLEGED COMMISSION OF ANY OF THE FOLLOWING OFFENSES:

- (A) SEXUAL ASSAULT IN THE FIRST DEGREE UNDER SECTION 18-3-402, C.R.S.;
- (B) SEXUAL ASSAULT IN THE SECOND DEGREE UNDER SECTION 18-3-403, C.R.S.;
- (C) SEXUAL ASSAULT IN THE THIRD DEGREE UNDER SECTION 18-3-404, C.R.S.;
- (D) SEXUAL ASSAULT ON A CHILD UNDER SECTION 18-3-405, C.R.S.;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(E) SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST UNDER SECTION 18-3-405.3, C.R.S.; OR

(F) SEXUAL ASSAULT ON A CLIENT BY A PSYCHOTHERAPIST UNDER SECTION 18-3-405.5, C.R.S.

(II) THE NOTATION REQUIRED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) SHALL BE MADE WHEN:

(A) ANY RECORD OR FILE OR BOTH OF OFFICIAL ACTION IS PREPARED RELATING TO THE COMMISSION OR ALLEGED COMMISSION OF AN OFFENSE ENUMERATED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b); OR

(B) THE NAME OF ANY VICTIM OF THE COMMISSION OR ALLEGED COMMISSION OF ANY OFFENSE ENUMERATED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) FOR WHICH OFFICIAL ACTION WAS TAKEN APPEARS ON THE CRIMINAL INFORMATION OR INDICTMENT.

(c) A CRIMINAL JUSTICE AGENCY OR CUSTODIAN OF CRIMINAL JUSTICE RECORDS SHALL MAKE THE NOTATION "SEXUAL ASSAULT" ON ANY RECORD OF OFFICIAL ACTION AND ON THE FILE CONTAINING SUCH RECORD WHEN:

(I) ANY EMPLOYEE OF THE COURT, OFFICER OF THE COURT, OR JUDICIAL OFFICER NOTIFIES SUCH AGENCY OR CUSTODIAN OF THE NAME OF ANY VICTIM OF THE COMMISSION OR ALLEGED COMMISSION OF ANY OFFENSE ENUMERATED IN SUBPARAGRAPH (I) OF PARAGRAPH (b) OF THIS SUBSECTION (4) WHEN SUCH VICTIM'S NAME IS DISCLOSED TO OR OBTAINED BY SUCH EMPLOYEE OR OFFICER DURING THE COURSE OF PROCEEDINGS RELATED TO SUCH OFFICIAL ACTION; OR

(II) SUCH RECORD OR FILE CONTAINS THE NAME OF A VICTIM OF THE COMMISSION OR ALLEGED COMMISSION OF ANY SUCH OFFENSE AND THE VICTIM REQUESTS THE CUSTODIAN OF CRIMINAL JUSTICE RECORDS TO MAKE SUCH A NOTATION.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 6, 1993