

CHAPTER 68

COURTS

HOUSE BILL 94-1153

BY REPRESENTATIVES Keller, Benavidez, Eisenach, Greenwood, Knox, Linkhart, Lyle, Mattingly, Pierson, Rupert, Tanner, and Williams;
also SENATORS Hopper, Casey, Gallagher, Mares, Mutzebaugh, Weissmann, and Wham.

AN ACT

CONCERNING THE ADMISSIBILITY IN EVIDENCE OF COMMUNICATIONS THROUGH TELECOMMUNICATIONS DEVICES FOR PERSONS WITH DISABILITIES.

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

SECTION 1. Article 25 of title 13, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

13-25-133. Telecommunications devices for the deaf and teletype - inadmissibility in evidence - exception. (1) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, THE CONTENTS OF ANY COMMUNICATION MADE DIRECTLY OR INDIRECTLY THROUGH A TELECOMMUNICATIONS DEVICE FOR THE DEAF (COMMONLY KNOWN AS TDD) OR TELETYPE (COMMONLY KNOWN AS TTY) AND ANY WRITING OR RECORDING RESULTING FROM THE COMMUNICATION ARE INADMISSIBLE AS EVIDENCE OF THE EXISTENCE OR CONTENTS OF THE COMMUNICATION IN ANY COURT OF LAW, LEGAL PROCEEDING, OR ADMINISTRATIVE HEARING.

(2) FOR THE PURPOSES OF THIS SECTION, "TELECOMMUNICATIONS DEVICE FOR THE DEAF OR TELETYPE" MEANS ANY AUXILIARY AID OR SERVICE CONSISTING OF LISTENING OR TRANSCRIPTION SYSTEMS THAT ALLOW THE RECEPTION OR TRANSMISSION OF AURALLY DELIVERED COMMUNICATION AND MATERIALS FOR THE BENEFIT OF INDIVIDUALS WITH HEARING, SPEECH, OR PHYSICAL IMPAIRMENTS.

(3) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO ANY COMMUNICATION INTERCEPTED PURSUANT TO A LAWFUL COURT ORDER.

SECTION 2. Effective date - applicability. This act shall take effect upon

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

passage and shall apply to any communication made on or after said date.

SECTION 3. 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: March 29, 1994