

## CHAPTER 20

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**CRIMINAL LAW AND PROCEDURE**

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**SENATE BILL 97-034**

BY SENATORS Perlmutter, Bishop, Coffman, Congrove, Dennis, Hernandez, Hopper, Johnson, Martinez, Matsunaka, Norton, Phillips, Powers, Schroeder, Tebedo, Wattenberg, Weddig, and Wham; also REPRESENTATIVES Agler, Adkins, Alexander, Allen, Anderson, C. Berry, G. Berry, Dean, Dyer, Epps, Faatz, Gotlieb, Hagedorn, Kaufman, Kreutz, Lawrence, Leyba, Mace, McElhany, McPherson, Miller, Musgrave, Nichol, Pfiffner, Reeser, Salaz, Schwarz, Snyder, Swenson, Taylor, Tucker, Udall, Veiga, S. Williams, and Young.

## AN ACT

CONCERNING RIGHTS OF FAMILIES OF HOMICIDE VICTIMS.

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

**SECTION 1.** 24-4.1-302.5 (1) (g), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-4.1-302.5. Rights afforded to victims.** (1) In order to preserve and protect a victim's rights to justice and due process, each victim of a crime shall have the following rights:

(g) The right to be present at the sentencing hearing, INCLUDING ANY HEARING CONDUCTED PURSUANT TO SECTION 16-11-103, C.R.S., FOR CASES INVOLVING CLASS 1 FELONIES, of any person convicted of a crime against such victim and to inform the district attorney or the court, in writing, by a victim impact statement, or in person by an oral statement, of the harm that the victim has sustained as a result of the crime;

**SECTION 2.** 16-11-103 (1) (b), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

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

**16-11-103. Imposition of sentence in class 1 felonies - appellate review.** (1) (b) All admissible evidence presented by either the prosecuting attorney or the defendant that the panel of judges deems relevant to the nature of the crime, and the character, background, and history of the defendant, including any evidence presented in the guilt phase of the trial, ~~and~~ any matters relating to any of the aggravating or mitigating factors enumerated in subsections (4) and (5) of this section, AND ANY MATTERS RELATING TO THE PERSONAL CHARACTERISTICS OF THE VICTIM AND THE IMPACT OF THE CRIMES ON THE VICTIM'S FAMILY may be presented. Any such evidence, INCLUDING BUT NOT LIMITED TO THE TESTIMONY OF MEMBERS OF THE VICTIM'S IMMEDIATE FAMILY, AS DEFINED IN SECTION 24-4.1-302 (6), C.R.S., which the panel of judges deems to have probative value may be received, as long as each party is given an opportunity to rebut such evidence. The prosecuting attorney and the defendant or the defendant's counsel shall be permitted to present arguments for or against a sentence of death.

**SECTION 3. Effective date - applicability.** This act shall take effect upon passage and shall apply to sentencing hearings conducted on or after said date.

**SECTION 4. 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 21, 1997