

CHAPTER 116

CRIMINAL LAW AND PROCEDURE

SENATE BILL 04-046

BY SENATOR(S) Groff, Arnold, Cairns, Hanna, Tapia, Tupa, Veiga, and Windels;
also REPRESENTATIVE(S) Stengel, Boyd, Carroll, Coleman, Fairbank, Jahn, McGihon, Plant, Romanoff, and Smith.

AN ACT

CONCERNING THE PROTECTION OF THE IDENTITY OF A VICTIM OF UNLAWFUL SEXUAL BEHAVIOR.

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

SECTION 1. 18-3-407, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

18-3-407. Victim's and witness' prior history - evidentiary hearing - victim's identity - protective order. (3) (a) IN A CRIMINAL PROSECUTION INCLUDING AN OFFENSE DESCRIBED IN SUBSECTION (2) OF THIS SECTION, THE COURT MAY, AT ANY TIME UPON MOTION OF THE PROSECUTION OR ON THE COURT'S OWN MOTION, ISSUE A PROTECTIVE ORDER PURSUANT TO THE COLORADO RULES OF CRIMINAL PROCEDURE CONCERNING DISCLOSURE OF INFORMATION RELATING TO THE VICTIM OR A WITNESS. THE COURT MAY PUNISH A VIOLATION OF A PROTECTIVE ORDER BY CONTEMPT OF COURT.

(b) THE VICTIM WHO WOULD BE THE SUBJECT OF THE PROTECTIVE ORDER MAY OBJECT TO THE MOTION FOR A PROTECTIVE ORDER.

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: April 8, 2004

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