

CHAPTER 215

GOVERNMENT - STATE

HOUSE BILL 07-1340

BY REPRESENTATIVE(S) Gardner B., Butcher, Carroll T., Frangas, Green, Hicks, Jahn, Kerr J., Marshall, Romanoff, Solano, and Stafford;
also SENATOR(S) Veiga.

AN ACT

CONCERNING MODIFICATIONS TO THE GUIDELINES CONTAINED IN PART 3 OF ARTICLE 4.1 OF TITLE 24, COLORADO REVISED STATUTES, THAT ENSURE CRIME VICTIMS ARE ABLE TO PARTICIPATE IN THE CRIMINAL JUSTICE PROCESS.

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

SECTION 1. 24-4.1-302 (2) (l), Colorado Revised Statutes, is amended to read:

24-4.1-302. Definitions. As used in this part 3, and for no other purpose, including the expansion of the rights of any defendant:

(2) "Critical stages" means the following stages of the criminal justice process:

(l) ~~Any~~ AN attack on a judgment or conviction FOR WHICH A COURT HEARING IS SET;

SECTION 2. 24-4.1-302.5 (1) (b.5), Colorado Revised Statutes, 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:

(b.5) The right to be informed of and present for the critical stages described in section 24-4.1-302 (2) (k) to (2) (q) AND (2) (s), upon the written request of the victim; EXCEPT THAT THE VICTIM SHALL HAVE THE RIGHT TO BE INFORMED OF THE CRITICAL STAGE DESCRIBED IN SECTION 24-4.1-302 (2) (l) WITHOUT SUBMITTING A WRITTEN REQUEST FOR NOTIFICATION.

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

SECTION 3. 24-4.1-302.5 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH 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:

(b.7) FOR A VICTIM OF A SEX OFFENSE, THE RIGHT TO BE INFORMED OF THE FILING OF A PETITION BY THE PERPETRATOR OF THE OFFENSE TO TERMINATE SEX OFFENDER REGISTRATION PURSUANT TO SECTION 16-22-113 (2) (c), C.R.S.

SECTION 4. The introductory portion to 24-4.1-303 (14.2), Colorado Revised Statutes, is amended to read:

24-4.1-303. Procedures for assuring rights of victims of crimes. (14.2) Upon receipt of a written statement as provided in section 24-4.1-302.5 (1) (j.5), THE DEPARTMENT OF HUMAN SERVICES SHALL INCLUDE THE STATEMENT WITH ANY REFERRAL MADE BY THE DEPARTMENT OF HUMAN SERVICES OR A DISTRICT COURT TO PLACE AN OFFENDER IN A PUBLIC OR PRIVATE COMMUNITY CORRECTIONS FACILITY OR PROGRAM. UPON WRITTEN REQUEST OF THE VICTIM, the department of human services and any state hospital shall notify the victim of the following information regarding any person who was charged with or convicted of a crime against the victim:

SECTION 5. 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: May 14, 2007