

SB 17-115**Expand Law Enforcement Exception Sexual Material****Cooke/Foote & Willett**

Bill Summary:

- Current law includes an exemption for possession and control of sexually exploitative materials for peace officers and court personnel in the performance of their official duties; however, the exemption does not apply to any other individuals who may view these materials during the course of their official duties (e.g. criminal analysts, computer forensic examiners, prosecutors, etc.). This means that some individuals employed by law enforcement could be subject to criminal penalties for possessing sexually exploitative materials even though it is a part of their job.
- HB 17-115 clarifies that the exemption for possession of sexually exploitative materials applies to an expanded number of law enforcement personnel (including criminal analysts, computer forensic examiners, prosecutors, etc.), not just peace officers. The bill also includes an exemption for defense attorneys since, during the course of their professional duties, they may also possess the materials.
- **SB 115 the Senate unanimously.**

Key Points:

- Without this clarification a number of individuals who possess this material during the performance of their official duties, could remain subject to criminal penalties simply for performing their jobs.
 - This clarification provides them with statutory protection and ensures that they can perform their jobs with peace of mind.
- Specific to CDPS, criminal intelligence analysts are trained to assist with child pornography and other computer cases. Having to remove them from cases due to concern about liability could hamper pursuit and prosecution of child pornographers.
- By creating a tight definition of "law enforcement personnel", this bill ensures that only individuals who may have to possess and analyze these materials due to their professional duties are given an exemption.
- Additionally, to address concerns that this creates a loophole for some folks to inappropriately possess child pornography and not be prosecuted, the bill explicitly says that exempted personnel may only possess this material in the performance of their official duties.

Groups that Support SB 115:

CDAC

Office of the Public Defender

Colorado Defense Bar

County Sheriffs of Colorado

Colorado Association of Chiefs of Police