



Colorado Department of Public Safety

**SB 17-115 Clarify Law Enforcement Exemption Regarding
Sexually Exploitative Materials Possession
(Cooke/Foote & Willett)**

- **Issue:**

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 other individuals who may view these materials during the course of their official duties (including criminal analysts and district attorneys). This means that certain individuals could be subject to criminal penalties for possessing sexually exploitative materials even though it is a part of their job.

- **Proposed Change:**

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 and district attorneys), 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.

- **Fiscal Impact:**

No fiscal impact or FTE change.

- **Reasons to Support:**

- 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.
- By creating tight definitions of “law enforcement personnel” and “defense counsel personnel”, the bill ensures that only individuals who may have to possess and analyze these materials due to their professional duties are given an exemption. Additionally, this exemption only applies in the performance of their official duties.