

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB24-1072 be amended as follows:

1 Amend printed bill, page 2, after line 1 insert:

2 "SECTION 1. **Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) Sexual violence is a significant public safety and health
5 concern in Colorado;

6 (b) Sexual violence has a serious long-term impact on mental and
7 physical health, resulting in trillions of dollars in costs in the United
8 States;

9 (c) Sexual crimes are the most unreported crimes due to many
10 factors, including fear of retaliation, feelings of shame, self-blame, fear of
11 blame, fear of disbelief, fear of the criminal justice process, and complex
12 trauma caused by experiencing sexual violence committed by an intimate
13 partner or friend;

14 (d) The successful prosecution of sexual offenders is abysmally
15 low due to societal myths about sexual crimes resulting in victim blaming,
16 as well as the high rate of victims opting not to participate in the criminal
17 justice system because of a lack of protection from harassment and
18 humiliation;

19 (e) The purpose of section 18-3-407, Colorado Revised Statutes,
20 amended in this act and commonly referred to as the "rape shield statute",
21 is to protect victims and witnesses of sexual crimes from humiliation
22 caused by public disclosure of their intimate lives absent a preliminary
23 showing that evidence will be relevant and that the probative value of the
24 evidence is not substantially outweighed by the presumed prejudicial
25 impact of the evidence on the victim's or witness's privacy and to confuse
26 the issues in the case; and

27 (f) Victims and witnesses of sexual crimes should not be subjected
28 to psychological or emotional abuse in the courtroom as a price for their
29 cooperation in the prosecution, and the defendant must be provided due
30 process in defending against the allegations. Unless victims and witnesses
31 are protected from unnecessary and humiliating inquiries into their sexual
32 history, they will continue to remain silent regarding sexual abuse.

33 (2) Therefore, the general assembly declares it necessary to protect
34 victims and witnesses from irrelevant, humiliating, and degrading
35 interrogation while simultaneously protecting an accused person's right to
36 present a defense. Accordingly, section 18-3-407, Colorado Revised
37 Statutes, must be strengthened and clarified to address barriers that
38 victims face in reporting and participating in the criminal justice process."

39 Renumber succeeding sections accordingly.

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