

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB25-1114 be amended as follows:

1 Amend printed bill, page 2, line 8, after "CASE" insert "AT ANY LOCATION
2 OPERATED BY OR UNDER CONTRACT WITH THE LAW ENFORCEMENT
3 AGENCY".

4 Page 2, line 13, after "ITEM." add "A LAW ENFORCEMENT
5 REPRESENTATIVE SHALL BE PRESENT TO DOCUMENT THE CHAIN OF
6 CUSTODY AND ENSURE THE INTEGRITY OF THE EVIDENCE.".

7 Page 2, lines 16 and 17, strike "A PERSON OR ENTITY SHALL NOT RECORD
8 THE DEFENSE WHILE THEY VIEW OR INSPECT THE TANGIBLE OBJECT.".

9 Page 2, strike lines 18 through 22 and substitute:

10 "(c) IF LAW ENFORCEMENT RECORDS EVIDENCE VIEWING OR
11 HANDLING BY THE PROSECUTION OR THE DEFENSE, THE RECORDING MUST
12 BE FOR THE PURPOSE OF ENSURING THE CHAIN OF CUSTODY, INTEGRITY, OR
13 SAFETY OF THE EVIDENCE HELD BY THE LAW ENFORCEMENT AGENCY. IF
14 LAW ENFORCEMENT RECORDS, BY AUDIO OR VISUAL MEANS, ANY
15 EVIDENCE VIEWING OR HANDLING AT ANY LOCATION OPERATED BY OR
16 UNDER CONTRACT WITH THE LAW ENFORCEMENT AGENCY, LAW
17 ENFORCEMENT SHALL PROVIDE NOTICE THAT A RECORDING WAS MADE TO
18 THE PROSECUTING AUTHORITY, WHO SHALL PROVIDE A COPY OF THE
19 NOTICE IN DISCOVERY TO THE DEFENSE. THE RECORDING SHALL NOT BE
20 PLACED IN DISCOVERY OR REVIEWED BY LAW ENFORCEMENT, THE
21 PROSECUTION, OR THE DEFENSE UNLESS ORDERED BY THE COURT WHEN A
22 GOOD FAITH ISSUE THAT THE EVIDENCE VIEWING AFFECTED THE INTEGRITY
23 OF THE EVIDENCE IS RAISED BY ANY PARTY. IF THE COURT ALLOWS ACCESS
24 TO THE RECORDING, THE COURT MAY ENTER PROTECTIVE ORDERS AS
25 NECESSARY TO PROTECT ANY PARTIES' CONVERSATIONS OR WORK
26 PRODUCT.".

27 Page 2, strike lines 23 through 27.

28 Page 3, strike lines 1 through 3 and substitute:

29 "(2) UPON THE REQUEST BY EITHER THE DEFENSE OR THE
30 PROSECUTING AUTHORITY, AND SUBJECT TO CONSTITUTIONAL
31 LIMITATIONS, THE COURT MAY ISSUE ORDERS RELATING TO THE EVIDENCE
32 VIEWING BY THE PROSECUTION OR DEFENSE BASED ON THE INDIVIDUAL
33 CIRCUMSTANCES OF THE EVIDENCE OR THE CASE AT ISSUE CONSISTENT
34 WITH THIS SECTION, THE COLORADO RULES OF CRIMINAL PROCEDURE, AND
35 OTHER APPLICABLE LAW.".

36 Page 3, line 15, strike "CASE." and substitute "CASE, AS PROVIDED IN
37 SECTION 16-9-801 (1)(a).".

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