

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB23-1182 be amended as follows:

1 Amend proposed committee amendment (HB1182_L.003), page 1, line
2 3, strike "OR".

3 Page 1, line 6, strike "OBSERVATION." and substitute "OBSERVATION;
4 OR".

5 Page 1, after line 6 insert:

6 "(IV) AFTER A REQUEST BY A PARTY, WITNESS, OR VICTIM, THE
7 COURT MAKES FINDINGS ON THE RECORD BASED ON THE PARTICULAR
8 FACTS AND CIRCUMSTANCES OF THE CASE THAT:

9 (A) THERE IS A REASONABLE LIKELIHOOD REMOTE OBSERVATION
10 OF LIVE PROCEEDINGS RISKS COMPROMISING THE SAFETY OF ANY PERSON,
11 THE DEFENDANT'S RIGHT TO A FAIR TRIAL, OR THE VICTIM'S RIGHTS
12 PURSUANT TO SECTION 24-4.1-302.5 (1)(a);

13 (B) THERE IS NO LESS RESTRICTIVE ALTERNATIVE THAT PRESERVES
14 THE PUBLIC INTEREST IN REMOTE OBSERVATION WHILE MITIGATING THE
15 IDENTIFIED RISK. AS USED IN THIS SUBSECTION (3.5)(a)(IV)(B), "LESS
16 RESTRICTIVE ALTERNATIVE" INCLUDES ALLOWING REMOTE AUDIO-ONLY
17 OBSERVATION WHILE DISABLING VIDEO OBSERVATION OR TURNING OFF
18 REMOTE OBSERVATION FOR PARTICULAR WITNESSES OR DISCRETE
19 PORTIONS OF THE PROCEEDING.

20 (b) AS USED IN THIS SECTION, "RISKS COMPROMISING THE SAFETY"
21 INCLUDE RISKS TO PHYSICAL AND EMOTIONAL SAFETY, INTIMIDATION, AND
22 HARASSMENT.

23 (c) WHEN ALLOWING REMOTE OBSERVATION, COURTS SHALL TAKE
24 REASONABLE STEPS TO ENSURE THERE IS NO AUDIO OR VISUAL RECORDING,
25 INCLUDING PHOTOGRAPHY OR SCREENSHOTS OF THE PROCEEDINGS,
26 WITHOUT EXPLICIT PERMISSION OF THE COURT. AS USED IN THIS
27 SUBSECTION (3.5)(c), "REASONABLE STEPS" MAY INCLUDE THE COURT
28 ISSUING A VERBAL OR ON-SCREEN WARNING AND PROHIBITING REMOTE
29 OBSERVATION BY SPECIFIC INDIVIDUALS WHOM THE COURT HAS REASON
30 TO BELIEVE MAY VIOLATE THIS RULE.

31 Reletter succeeding paragraph accordingly.

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