



April 26, 2023

Senate Judiciary Committee
Colorado General Assembly
200 E. Colfax Ave.
Denver, CO 80203
Submitted online only

Re: HB23-1182

Dear Members:

This week is National Crime Victims' Rights Week, which has a national theme of Survivor Voices: Elevate. Engage. Effect Change. Rocky Mountain Victim Law Center (RMVLC) has a similar mission to elevate victims' voices, champion their rights, and transform the systems impacting them. Unfortunately, we are unable to testify in person or remotely today as we celebrate National Crime Victims' Rights Week, but wanted to share our support of the proposed amended language on HB23-1182.

RMVLC is a non-profit law firm that provides free legal services to more than 2000 victims of crime in Colorado each year. We do this in criminal cases, to ensure the Victim Rights Act (VRA) is upheld, in Title IX proceedings, and on some civil matters. Ensuring victims and survivors have their privacy protected and their rights upheld in all of those spaces is essential.

While we appreciate the interest in increased transparency in the criminal legal system, that can not be done at the expense of crime victims who have unique privacy and safety needs. Of note, "the full and voluntary cooperation of victims of and witnesses to crimes...is imperative for the general effectiveness and well-being of the criminal justice system..." (C.R.S. 24-4.1-301). Such participation is so valuable that last year, in SB22-049, important additions were made to the VRA to ensure victims have "the right to be present in-person, by phone, or virtually by video or audio, or similar technology."

RMVLC has participated in stakeholder work related to this bill, highlighting the privacy and safety concerns of crime victims, as well as their existing right to appear virtually for court proceedings. However, absent additional protections related to privacy and safety, RMVLC has been in opposition to the bill as written.

Chief Justice Directive (CJD) 23-02, regarding virtual proceedings, more effectively addresses the existing rights of victims, and removes the presumption of live streaming from evidentiary

hearings trials, bench conferences, in camera hearings, problem solving dockets, and juvenile cases. These measures provide important protection to the privacy of all participants in those cases.

RMvlc supports the amendment proposed by the Office of the State Public Defender (OSPD), which brings this bill in to better alignment with the CJD, and the interest of victims. Requiring a request for expanded access of particularly sensitive proceedings (as detailed in the CJD and the amendment), and ensuring victims have a right to be informed and heard on those requests, would bring RMvlc's position on the bill to neutral. We do, respectfully, also request that these hearings be added to the VRA in sections 24-4.1-302(2) (critical stages), 24-4.1-302.5(1)(d) (right to be heard), and 24-4.1-303(11) (procedures for ensuring rights).

I thank you for your consideration of this important feedback and ask you to support the OSPD amendment to HB23-1182.

Sincerely,



Emily Tofte Nestaval
Executive Director