

**Second Regular Session**

**Sixty-second General Assembly**

LLS NO. R00-1128.01 Chris Forsyth

**STATE OF COLORADO**

BY REPRESENTATIVE Lee

**HOUSE JOINT RESOLUTION 00-1046**

101 CONCERNING THE CREATION OF AN INTERIM COMMITTEE TO STUDY  
102 WHETHER ANY CRIME VICTIM SHOULD HAVE A RIGHT TO PETITION  
103 A COURT TO CLOSE A CRIMINAL JUSTICE RECORD OR ANY PORTION  
104 THEREOF.

WHEREAS, The right to privacy is important to all the people of Colorado, but society and the courts have recognized the public's right to know about criminal offenses; and

WHEREAS, Open public records are crucial to ensure our freedoms and our democracy, and open hearings are a cornerstone of our criminal justice system; and

WHEREAS, The people of Colorado are very well apprised of cases in the criminal justice system due to the pervasiveness of the media in our society; and

WHEREAS, Although the people of Colorado must be informed, it may not be essential that they know every single detail about every criminal case; and

WHEREAS, Many victims of crime do not take affirmative actions to place themselves in the public eye, and quite often victims of crime feel threatened by public exposure; and

WHEREAS, Many victims of crime face unwarranted dangers when their identities become known to the general public; and

WHEREAS, There are circumstances where a victim of crime should not have to give up the right to privacy merely because a criminal act has been committed against that victim; and

WHEREAS, Under current law, a victim of crime has no venue to personally attempt to protect such victim's privacy; and

WHEREAS, Given the tension between the public's right to know

and a victim's right to privacy, the General Assembly finds that it would be beneficial to examine these competing interests to see if there is a way to accommodate both rights; now, therefore,

*Be It Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate concurring herein:*

(1) That there is hereby created an interim committee to work through the 2000 interim to study whether any crime victim should have a right to petition a court to close, seal, or otherwise keep from public view a criminal justice record or any portion thereof. The interim committee shall consider, but need not be limited to, the following issues:

(a) The rationale for and public interests served by having open criminal justice records;

(b) The privacy concerns of crime victims; and

(c) The feasibility and policy considerations of allowing a crime victim to petition a court to close, seal, or otherwise keep from public view a criminal justice record, or any portion thereof.

(2) That the interim committee shall consist of eleven members as follows:

(a) Three state representatives appointed by the Speaker of the House of Representatives, no more than two of whom shall be from the same political party; and

(b) Three state senators appointed by the President of the Senate, no more than two of whom shall be from the same political party; and

(c) Five members of the public appointed by the Speaker of the House of Representatives, including a district attorney, a police officer, a crime victim, a member of the press, and a member of a group or organization that represents crime victims' interests;

(3) That the interim committee shall consult with, at a minimum, the media, crime victims, law enforcement, and related and concerned organizations;

(4) That the interim committee shall make findings and recommendations regarding the issues reviewed in this study, including but not limited to, any recommended legislation. The committee shall submit a written report of the committee's findings and recommendations to the General Assembly on or before October 15, 2000. Legislation recommended by the committee shall be treated as legislation recommended by any other legislative interim committee for purposes of any introduction deadlines or bill limitations imposed by the joint rules of the Senate and the House of Representatives.

(5) That the interim committee shall meet at least three times to fulfill its responsibilities in this study;

(6) That the legislative members of the interim committee shall be compensated as provided in section 2-2-307, Colorado Revised Statutes, for attendance at meetings of the interim committee;

(7) That the Legislative Council staff and the Office of Legislative Legal Services shall be made available to assist the interim committee in carrying out its duties. All members of law enforcement shall cooperate with the interim committee and with any persons assisting the interim committee in carrying out its duties.

(8) That all expenditures incurred while conducting this study shall be approved by the chair of the Legislative Council and paid by vouchers and warrants drawn as provided by law from moneys allocated to the Legislative Council for legislative studies from appropriations made by the General Assembly.