

CLHB1053.005

DRAFT
4.30.12

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB12-1053

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB12-1053,
concerning the victims' rights act, has met and reports that it has agreed
upon the following:

That the House accede to the Senate amendments made to the bill,
as the amendments appear in the rerevised bill, with the following
changes:

Amend rerevised bill, page 8, line 27, strike "(9) (f)," and substitute "(6)
(a), (9) (f),".

Page 9, strike line 5 and substitute:

"crimes. (6) (a) (I) A victim or an individual designated by the victim
may be present at all critical stages of a criminal proceeding regarding
any crime against such THE victim. ~~unless the court or the district attorney
determines that exclusion of the victim is necessary to protect the
defendant's right to a fair trial or the confidentiality of juvenile
proceedings~~ IN THE EVENT A VICTIM OR A MEMBER OF A VICTIM'S
IMMEDIATE FAMILY IS NAMED AS A WITNESS, PRIOR TO THE EXCLUSION OF
THE WITNESS, THE COURT SHALL DETERMINE WHETHER EXCLUSION OF THE
VICTIM OR FAMILY MEMBERS IS NECESSARY TO PROTECT THE DEFENDANT'S
RIGHT TO A FAIR TRIAL, AND, IF SO, THE COURT SHALL IMPOSE THE LEAST
EXCLUSIONARY MEANS NECESSARY TO PROTECT THE RIGHTS OF THE
DEFENDANT. If the victim is present, the court, at the victim's request, may
permit the presence of an individual to provide support to the victim.

(9) The district attorney and any law enforcement agency shall".

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Respectfully submitted,