

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 07-0645.01 Michael Dohr

HOUSE BILL 07-1272

HOUSE SPONSORSHIP

Rice, and King

SENATE SPONSORSHIP

Morse,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ON-GOING INVESTIGATION OF HOMICIDE CASES,**
102 **AND, IN CONNECTION THEREWITH, CREATING A COLD CASE**
103 **TEAM IN THE COLORADO BUREAU OF INVESTIGATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Creates a cold case team ("team") in the Colorado bureau of investigation. Requires the team to develop a database that will contain the homicide files of all open homicide cases in the state. Requires all law enforcement agencies in the state to provide a copy of all homicide investigation files for cases that have been open for more than 3 years to the team for inclusion in the database. Permits the team to investigate the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

cases in cooperation with the law enforcement agency that has jurisdiction of the case upon request of the law enforcement agency or a family member of the victim. Requires written notification in a case where the team decides not to investigate or the law enforcement agency does not want the assistance of the team.

Creates the cold case oversight task force ("task force"). Permits the task force to review homicide investigation methods and take testimony from victims' family members and the public. Beginning October 1, 2008, requires the task force to report annually to the general assembly.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Part 4 of article 33.5 of title 24, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **24-33.5-425. Cold case homicide team.** (1) THERE IS HEREBY
6 CREATED A COLD CASE HOMICIDE TEAM IN THE BUREAU, REFERRED TO IN
7 THIS SECTION AS THE "TEAM".

8 (2) (a) THE TEAM SHALL DEVELOP A DATABASE THAT SHALL
9 CONTAIN INFORMATION RELATED TO EACH HOMICIDE INVESTIGATION THAT
10 IS OPEN IN A COLORADO JURISDICTION FOR MORE THAN THREE YEARS
11 FROM THE DATE OF THE COMMISSION OF THE CRIME AND WAS COMMITTED
12 SINCE 1970. THE BUREAU SHALL ADOPT RULES THAT SPECIFY THE
13 INFORMATION THAT SHALL BE COLLECTED AND MAINTAINED IN THE
14 DATABASE, INCLUDING THE INFORMATION REQUIRED PURSUANT TO
15 PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION.

16 (b) EACH LAW ENFORCEMENT AGENCY IN THE STATE SHALL
17 PROVIDE THE INFORMATION REQUIRED FOR INCLUSION IN THE DATABASE
18 FOR EACH HOMICIDE INVESTIGATION THAT IS OPEN IN A COLORADO
19 JURISDICTION FOR MORE THAN THREE YEARS FROM THE DATE OF THE
20 COMMISSION OF THE CRIME AND WAS COMMITTED SINCE 1970. THE LAW

1 ENFORCEMENT AGENCY SHALL MAINTAIN THE PHYSICAL EVIDENCE AND
2 INVESTIGATION FILE FOR EACH SUCH CASE UNLESS OTHERWISE AGREED BY
3 THE LAW ENFORCEMENT AGENCY AND THE BUREAU.

4 (3) (a) THE TEAM MAY PROVIDE ASSISTANCE TO LOCAL LAW
5 ENFORCEMENT AGENCIES, UPON REQUEST AND WITHIN EXISTING
6 APPROPRIATIONS, ON HOMICIDE INVESTIGATIONS. IF THE TEAM DECLINES
7 TO PROVIDE ASSISTANCE TO A LOCAL LAW ENFORCEMENT AGENCY AFTER
8 A REQUEST IS MADE PURSUANT TO THIS SUBSECTION (3), THE TEAM SHALL
9 PROVIDE THE LOCAL LAW ENFORCEMENT AGENCY WITH A WRITTEN
10 EXPLANATION FOR ITS DECISION, WHICH MAY INCLUDE BUT NEED NOT BE
11 LIMITED TO LACK OF RESOURCES.

12 (b) A FAMILY MEMBER OF A HOMICIDE VICTIM MAY REQUEST THAT
13 THE LOCAL LAW ENFORCEMENT AGENCY INVESTIGATING THE HOMICIDE
14 ASK THE TEAM FOR ASSISTANCE IN INVESTIGATING THE HOMICIDE. THE
15 LOCAL LAW ENFORCEMENT AGENCY SHALL DECIDE WHETHER TO ASK THE
16 TEAM FOR ASSISTANCE. WITHIN THIRTY DAYS AFTER RECEIVING A
17 REQUEST FROM A FAMILY MEMBER, THE LOCAL LAW ENFORCEMENT
18 AGENCY SHALL NOTIFY THE FAMILY MEMBER WHETHER IT WILL SEEK THE
19 ASSISTANCE OF THE TEAM. IF THE LOCAL LAW ENFORCEMENT AGENCY
20 DECIDES NOT TO SEEK THE ASSISTANCE OF THE TEAM, IT SHALL INFORM
21 THE FAMILY MEMBER OF ITS REASONS FOR THE DECISION IN WRITING AND
22 PROVIDE THAT SAME INFORMATION IN WRITING TO THE BUREAU FOR
23 INCLUSION IN THE DATABASE CREATED IN SUBSECTION (2) OF THIS
24 SECTION. IF THE LOCAL LAW ENFORCEMENT AGENCY DECIDES TO SEEK
25 THE ASSISTANCE OF THE TEAM, IT SHALL CONTACT THE TEAM AND
26 REQUEST THE ASSISTANCE. WITHIN THIRTY DAYS AFTER RECEIVING A
27 REQUEST FROM A LOCAL LAW ENFORCEMENT AGENCY, THE TEAM SHALL

1 NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY REGARDING WHETHER IT
2 WILL OFFER ASSISTANCE TO THE LOCAL LAW ENFORCEMENT AGENCY. IF
3 THE TEAM DECIDES NOT TO OFFER ASSISTANCE TO THE LOCAL LAW
4 ENFORCEMENT AGENCY, IT SHALL INFORM THE LOCAL LAW ENFORCEMENT
5 AGENCY OF THE REASONS FOR ITS DECISION IN WRITING AND INCLUDE
6 THOSE REASONS IN THE DATABASE CREATED IN SUBSECTION (2) OF THIS
7 SECTION.

8 **SECTION 2.** Part 1 of article 33.5 of title 24, Colorado Revised
9 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
10 read:

11 **24-33.5-109. Cold case oversight task force - creation - rules**
12 **- repeal.** (1) (a) THERE IS HEREBY CREATED IN THE DEPARTMENT OF
13 PUBLIC SAFETY THE COLD CASE TASK FORCE, REFERRED TO IN THIS
14 SECTION AS THE "TASK FORCE", TO REVIEW GENERAL COLD CASE HOMICIDE
15 INVESTIGATION TACTICS AND PRACTICES.

16 (b) THE TASK FORCE SHALL EXERCISE ITS POWERS AND PERFORM
17 ITS DUTIES AND FUNCTIONS AS IF THE SAME WERE TRANSFERRED TO THE
18 DEPARTMENT OF PUBLIC SAFETY BY A **TYPE 2** TRANSFER, AS SUCH
19 TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF
20 1968", ARTICLE 1 OF THIS TITLE.

21 (2) THE TASK FORCE SHALL CONSIST OF FIFTEEN MEMBERS, AS
22 FOLLOWS:

23 (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
24 SAFETY, OR HIS OR HER DESIGNEE, WHO SHALL CHAIR THE TASK FORCE;

25 (b) THE ATTORNEY GENERAL, OR HIS OR HER DESIGNEE;

26 (c) THREE DISTRICT ATTORNEYS, OR THEIR DESIGNEES, WHO SHALL
27 BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT

1 ATTORNEYS COUNCIL, ONE OF WHOM SHALL BE FROM AN URBAN JUDICIAL
2 DISTRICT, ONE OF WHOM SHALL BE FROM A SUBURBAN JUDICIAL DISTRICT,
3 AND ONE OF WHOM SHALL BE FROM A RURAL JUDICIAL DISTRICT;

4 (d) TWO MEMBERS WHO REPRESENT A STATEWIDE VICTIMS
5 ADVOCACY ORGANIZATION AND WHO SHALL BE APPOINTED BY THE
6 GOVERNOR;

7 (e) ONE SHERIFF AND ONE POLICE CHIEF WHO SHALL BE APPOINTED
8 BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

9 (f) ONE SHERIFF AND ONE POLICE CHIEF WHO SHALL BE APPOINTED
10 BY THE PRESIDENT OF THE SENATE;

11 (g) TWO REPRESENTATIVES FROM VICTIMS' FAMILIES WHO SHALL
12 BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES; AND

13 (h) TWO REPRESENTATIVES FROM VICTIMS' FAMILIES WHO SHALL
14 BE APPOINTED BY THE PRESIDENT OF THE SENATE.

15 (3) (a) THE THIRTEEN APPOINTED MEMBERS OF THE TASK FORCE
16 SHALL SERVE TERMS OF THREE YEARS; EXCEPT THAT THE MEMBERS FIRST
17 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE
18 PRESIDENT OF THE SENATE SHALL EACH SERVE A TWO-YEAR TERM.

19 (b) THE MEMBERS SHALL BE APPOINTED BY THEIR APPOINTING
20 AUTHORITY WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS
21 SECTION. AN APPOINTED MEMBER SHALL NOT SERVE MORE THAN TWO
22 CONSECUTIVE FULL TERMS, IN ADDITION TO ANY PARTIAL TERM. IN THE
23 EVENT OF A VACANCY IN AN APPOINTED POSITION BY DEATH,
24 RESIGNATION, REMOVAL FOR MISCONDUCT, INCOMPETENCE, OR NEGLECT
25 OF DUTY, OR OTHERWISE, THE APPOINTING AUTHORITY SHALL APPOINT A
26 MEMBER WITHIN SIXTY DAYS TO FILL THE POSITION FOR THE REMAINDER
27 OF THE UNEXPIRED TERM.

1 (4) THE MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT
2 COMPENSATION BUT ARE ENTITLED TO REIMBURSEMENT FOR ACTUAL AND
3 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES
4 PURSUANT TO THIS SECTION.

5 (5) THE TASK FORCE SHALL MEET AT LEAST FOUR TIMES A YEAR
6 BEGINNING OCTOBER 1, 2007.

7 (6) THE TASK FORCE SHALL REVIEW COLD CASE HOMICIDE
8 INVESTIGATION STRATEGIES AND PRACTICES AND MAKE
9 RECOMMENDATIONS ON BEST PRACTICES.

10 (7) MEMBERS OF THE TASK FORCE, EMPLOYEES, AND
11 CONSULTANTS SHALL BE IMMUNE FROM SUIT IN ANY CIVIL ACTION BASED
12 UPON ANY OFFICIAL ACT PERFORMED IN GOOD FAITH PURSUANT TO THIS
13 SECTION.

14 (8) ON OR BEFORE OCTOBER 1, 2008, AND ANNUALLY EACH YEAR
15 THEREAFTER, THE TASK FORCE SHALL REPORT TO THE JUDICIARY
16 COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR
17 ANY SUCCESSOR COMMITTEES, ON THE IMPLEMENTATION OF THIS SECTION.

18 (9) (a) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2012.

19 (b) PRIOR TO SAID REPEAL, THE TASK FORCE SHALL BE REVIEWED
20 AS PROVIDED IN SECTION 24-34-104.

21 **SECTION 3.** 24-34-104 (43), Colorado Revised Statutes, is
22 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

23 **24-34-104. General assembly review of regulatory agencies**
24 **and functions for termination, continuation, or reestablishment.**

25 (43) The following agencies, functions, or both, shall terminate on July
26 1, 2012:

27 (c) THE COLD CASE OVERSIGHT TASK FORCE CREATED IN SECTION

1 24-33.5-109.

2 **SECTION 4.** 24-1-128.6, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **24-1-128.6. Department of public safety - creation.** (7) THE
5 COLD CASE OVERSIGHT TASK FORCE, CREATED IN SECTION 24-33.5-109,
6 SHALLEXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS
7 IF THE SAME WERE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE
8 DEPARTMENT OF PUBLIC SAFETY.

9 **SECTION 5. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, and safety.