

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 14-0501.01 Michael Dohr x4347

HOUSE BILL 14-1148

HOUSE SPONSORSHIP

Fields,

SENATE SPONSORSHIP

Jahn,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING GUIDELINES FOR ENSURING THE RIGHTS OF VICTIMS OF**
102 **CRIME TO PARTICIPATE IN THE CRIMINAL JUSTICE SYSTEM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The definition of crime determines when the victims' rights act applies. The bill adds violations of civil protection orders in sex offense cases, coercion of involuntary servitude, and all child prostitution offenses to the definition of crime.

The bill clarifies when a modification of sentence including

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.

probation is a critical stage and adds a hearing on record sealing as a critical stage.

Currently, a crime victim has the right to be informed about receiving a copy of the initial incident report. The bill creates a specific right to receive the copy of the initial incident report. The bill creates a right to be heard at a hearing on record sealing. Under current law, a crime victim who is in the department of corrections has a right to be heard. The bill adds that right to crime victims who are in the division of youth corrections.

Current law allows a victim of a crime committed prior to 1993 that was previously unsolved to request victim notification. The bill makes victim notification automatic.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-4.1-302, **amend**
3 (1) (ii), (1) (jj), (2) (j), and (5); and **add** (1) (ll) and (2) (j.5) as follows:

4
5 **24-4.1-302. Definitions.** As used in this part 3, and for no other
6 purpose, including the expansion of the rights of any defendant:

7 (1) "Crime" means any of the following offenses, acts, and
8 violations as defined by the statutes of the state of Colorado, whether
9 committed by an adult or a juvenile:

10
11 (ii) Trafficking in adults, in violation of section 18-3-501, C.R.S.;
12 or trafficking in children, in violation of section 18-3-502, C.R.S.; OR
13 COERCION OF INVOLUNTARY SERVITUDE, IN VIOLATION OF SECTION
14 18-3-503, C.R.S.;

15 (jj) First degree burglary, in violation of section 18-4-202, C.R.S.;

16 **or**
17 (ll) CHILD PROSTITUTION, IN VIOLATION OF SECTION 18-7-401,
18 C.R.S.; SOLICITING FOR CHILD PROSTITUTION, IN VIOLATION OF SECTION
19 18-7-402, C.R.S.; PROCUREMENT OF A CHILD FOR SEXUAL EXPLOITATION,

1 IN VIOLATION OF SECTION 18-6-404, C.R.S.; PIMPING OF A CHILD, IN
2 VIOLATION OF SECTION 18-7-405, C.R.S.; INDUCEMENT OF CHILD
3 PROSTITUTION, IN VIOLATION OF SECTION 18-7-405.5, C.R.S.; OR
4 PATRONIZING A PROSTITUTED CHILD, IN VIOLATION OF SECTION 18-7-406,
5 C.R.S.

6 (2) "Critical stages" means the following stages of the criminal
7 justice process:

8 (j) Any ~~subsequent~~ modification of the sentence PURSUANT TO
9 RULE 35 (a) OR 35 (b) OF THE COLORADO RULES OF CRIMINAL PROCEDURE
10 OR ANY OTHER PROVISION OF STATE OR FEDERAL LAW;

11 (j.5) ANY COURT-ORDERED MODIFICATION OF THE TERMS AND
12 CONDITIONS OF PROBATION AS DESCRIBED IN SECTION 18-1.3-204, C.R.S.,
13 AND AS OUTLINED IN SECTION 24-4.1-303 (13.5) (a);

14 

15 (5) "Victim" means any natural person against whom any crime
16 has been perpetrated or attempted, unless the person is accountable for the
17 crime or a crime arising from the same conduct ~~criminal episode~~, or plan
18 as crime is defined under the laws of this state or of the United States, or,
19 if such person is deceased or incapacitated, the person's spouse, parent,
20 LEGAL GUARDIAN, child, sibling, grandparent, grandchild, significant
21 other, or other lawful representative. For purposes of notification under
22 this part 3, any person under the age of eighteen years is considered
23 incapacitated, unless that person is legally emancipated. It is the intent of
24 the general assembly that this definition of the term "victim" shall apply
25 only to this part 3 and shall not be applied to any other provision of the
26 laws of the state of Colorado that refer to the term "victim".

27 **SECTION 2.** In Colorado Revised Statutes, 24-4.1-302.5, **amend**

1 (1) (d.5) (IV) and (4); and **add** (1) (b.9) and (1) (z) as follows:

2 **24-4.1-302.5. Rights afforded to victims.** (1) In order to
3 preserve and protect a victim's rights to justice and due process, each
4 victim of a crime shall have the following rights:

5 (b.9) THE RIGHT TO RECEIVE A FREE COPY OF THE INITIAL INCIDENT
6 REPORT FROM THE INVESTIGATING LAW ENFORCEMENT AGENCY; EXCEPT
7 THAT THE RELEASE OF A DOCUMENT ASSOCIATED WITH THE
8 INVESTIGATION IS AT THE DISCRETION OF THE LAW ENFORCEMENT AGENCY
9 BASED ON THE STATUS OF THE CASE OR SECURITY AND SAFETY CONCERNS
10 IN A CORRECTIONAL FACILITY, LOCAL JAIL, OR PRIVATE CONTRACT PRISON
11 AS DEFINED IN SECTION 17-1-102, C.R.S.

12 [REDACTED] [REDACTED]
13 (d.5) (IV) This paragraph (d.5) applies to a victim who is
14 incarcerated or otherwise being held in a local county jail, or the
15 department of corrections, OR THE DIVISION OF YOUTH CORRECTIONS IN
16 THE DEPARTMENT OF HUMAN SERVICES, but is limited to participation by
17 telephone.

18 (z) THE RIGHT TO BE NOTIFIED OF A HEARING CONCERNING A
19 PETITION FOR SEALING OF RECORDS DESCRIBED IN SECTION 24-72-308
20 FILED BY A DEFENDANT IN THE CRIMINAL CASE AND WHOSE CRIME FALLS
21 UNDER SECTION 24-4.1-302 (1).

22 (4) (a) If a victim contacts a criminal justice agency regarding a
23 crime that occurred before 1993, and the offender who committed the
24 crime is currently serving a sentence for the crime, the victim may request
25 notification of any future critical stages of the criminal proceedings. THIS
26 PROVISION DOES NOT REQUIRE A CRIMINAL JUSTICE AGENCY TO
27 PROACTIVELY LOCATE VICTIMS OF CRIMES THAT OCCURRED BEFORE 1993.

1 (b) ~~In addition, If an arrest is made for a crime committed before~~
2 ~~1993 that was previously unsolved, the victim of the crime may request~~
3 ~~notification of all future critical stages from the appropriate criminal~~
4 ~~justice agency. This provision does not require a criminal justice agency~~
5 ~~to proactively locate victims of crimes that occurred before 1993~~ THE
6 APPROPRIATE CRIMINAL JUSTICE AGENCY SHALL NOTIFY THE CRIME VICTIM
7 OF ALL FUTURE CRITICAL STAGES.

8 **SECTION 3.** In Colorado Revised Statutes, 24-4.1-303, **add** (11)
9 (b.7) and (13.5) (a) **(IX)** as follows:

10 **24-4.1-303. Procedures for ensuring rights of victims of**
11 **crimes.** (11) The district attorney shall inform a victim of the following:

12 (b.7) ANY HEARING CONCERNING A PETITION FOR SEALING OF
13 RECORDS AS DESCRIBED IN SECTION 24-72-308 THAT WAS FILED BY A
14 DEFENDANT IN THE CRIMINAL CASE AND WHOSE CRIME FALLS UNDER
15 SECTION 24-4.1-302 (1). THE NOTIFICATION SHOULD BE MADE USING THE
16 LAST KNOWN CONTACT INFORMATION THAT IS AVAILABLE FOR THE VICTIM.

17 [REDACTED]

18 (13.5) (a) Following a sentence to probation and upon the written
19 request of a victim, the probation department shall notify the victim of the
20 following information regarding any person who was charged with or
21 convicted of a crime against the victim:

22 (IX) ANY COURT-ORDERED MODIFICATION OF THE TERMS AND
23 CONDITIONS OF PROBATION AS DESCRIBED IN SECTION 18-1.3-204, C.R.S.;

24 **SECTION 4. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2014 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.