

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 10, 2015
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB15-139 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, line 15, strike the second "and".
- 2 Page 2, after line 15, insert:
 - 3 "(d) Requiring a court to make probable cause determination that
 - 4 the safe2tell program was used in the commission of a felony establishes
 - 5 a high standard for revealing the identity of the person responsible while
 - 6 hopefully not creating a substantial barrier to determining the identity of
 - 7 the responsible party; and".
- 8 Reletter succeeding paragraph accordingly.
- 9 Page 3, after line 2, insert:
 - 10 "**SECTION 2.** In Colorado Revised Statutes, 24-31-603, **amend**
 - 11 (4) as follows:
 - 12 **24-31-603. Definitions.** As used in this article, unless the context
 - 13 otherwise requires:
 - 14 (4) "Program" means the safe2tell program AND ANY VENDORS
 - 15 THE PROGRAM CONTRACTS WITH."
- 16 Renumber succeeding sections accordingly.
- 17 Page 3, line 5, strike "**fraudulent reports.**" and substitute "**felonies.**".

1 Page 3, lines 8 through 11, strike "THE IDENTITY OF A PERSON, OR ANY
2 INFORMATION THE PROGRAM HAS THAT MAY HELP IDENTIFY THE PERSON
3 IF HIS OR HER IDENTITY IS UNKNOWN, WHO MAKES A FRAUDULENT
4 REPORT" and substitute "INFORMATION THAT MAY ASSIST LAW
5 ENFORCEMENT IN IDENTIFYING A PERSON OR JUVENILE WHO COMMITTED
6 A FELONY PURSUANT TO SUBSECTION (2) OF THIS SECTION".

7 Page 3, line 12, strike "A SUBPOENA TO REQUEST RECORDS" and substitute
8 "A SEARCH WARRANT REQUEST".

9 Page 3, line 14, strike "SUBPOENA" and substitute "SEARCH WARRANT".

10 Page 3, line 16, strike "DETERMINES THAT:" and substitute "OF ALL THE
11 SAFE2TELL REPORTS, INVESTIGATION REPORTS, AND ALL OTHER RELEVANT
12 EVIDENCE DETERMINES THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT
13 A PERSON OR JUVENILE KNOWINGLY USED SAFE2TELL IN THE COMMISSION
14 OF THE FOLLOWING FELONIES:

- 15 (a) STALKING, AS DESCRIBED IN SECTION 18-3-602, C.R.S.; OR
- 16 (b) FALSE REPORT OF EXPLOSIVES, WEAPONS, OR HARMFUL
17 SUBSTANCES, AS DESCRIBED IN SECTION 18-8-110, C.R.S."

18 Page 3, strike lines 17 though 23 and substitute:

19 "(3) A WARRANT ISSUED PURSUANT TO THIS SECTION AND THE
20 EVIDENCE USED TO OBTAIN THE WARRANT SHALL BE SEALED.

21 (4) THE PROGRAM SHALL PROVIDE THE INFORMATION IDENTIFIED
22 IN SUBSECTION (1) OF THIS SECTION UNDER SEAL. THE SEAL MAY ONLY BE
23 LIFTED UPON MOTION BY A DISTRICT ATTORNEY UPON A SHOWING OF GOOD
24 CAUSE FOLLOWING IN CAMERA REVIEW OF THE INFORMATION BY THE
25 COURT. THE DISTRICT ATTORNEY SHALL GIVE THE DEPARTMENT NOTICE OF
26 A MOTION TO LIFT THE SEAL FILED PURSUANT TO THIS SECTION AT THE
27 TIME THE MOTION IS FILED."

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