

Second Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 04-0419.01 Michael Dohr

SENATE BILL 04-046

SENATE SPONSORSHIP

Groff

HOUSE SPONSORSHIP

(None)

Senate Committees

House Committees

Judiciary

A BILL FOR AN ACT

101 CONCERNING THE PROTECTION OF THE IDENTITY OF A VICTIM OF
102 UNLAWFUL SEXUAL BEHAVIOR.

Bill Summary

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

Allows the prosecution, in an unlawful sexual behavior case, to motion the court for a protective order protecting the identity of the victim and requiring the use of a pseudonym. Requires the court to grant the motion upon cause shown. Allows the court to sanction a party for repeated violations or a wilful violation of the order.

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.

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

2 **SECTION 1.** 18-3-407, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **18-3-407. Victim's and witness' prior history - evidentiary**
5 **hearing - victim's identity - protective order.** (3) (a) IN A CASE
6 CHARGING AN OFFENSE DESCRIBED IN THIS PART 4, THE PROSECUTION MAY
7 MOTION THE COURT FOR A PROTECTIVE ORDER WHICH SHALL REQUIRE
8 THAT THE VICTIM'S IDENTITY BE KEPT CONFIDENTIAL AND MAY REQUIRE
9 EACH PARTY TO REFER TO THE VICTIM, IN ALL FILINGS AND PROCEEDINGS,
10 BY THE PSEUDONYM "JOHN DOE" OR "JANE DOE".

11 (b) THE COURT MAY, UPON CAUSE SHOWN, ISSUE THE PROTECTIVE
12 ORDER OR ISSUE ANOTHER ORDER THAT IS APPROPRIATE AFTER REVIEW OF
13 THE MOTION, A RESPONSE, IF ANY, AND OTHER RELEVANT INFORMATION.
14 IF THE COURT DETERMINES A HEARING ON THE MOTION IS NECESSARY, THE
15 COURT SHALL HOLD THE HEARING IN CAMERA.

16 (c) THE COURT MAY SANCTION A PARTY FOR REPEATED
17 VIOLATIONS OF THE PROTECTIVE ORDER OR A WILFUL VIOLATION OF THE
18 PROTECTIVE ORDER.

19 **SECTION 2. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.