

Second Regular Session  
Sixty-fourth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 04-0419.01 Michael Dohr

**SENATE BILL 04-046**

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**SENATE SPONSORSHIP**

**Groff,**

**HOUSE SPONSORSHIP**

**Stengel,**

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**Senate Committees**

**House Committees**

Judiciary

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**A BILL FOR AN ACT**

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

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**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.

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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.*

SENATE  
3rd Reading Unamended  
February 16, 2004

SENATE  
Amended 2nd Reading  
February 13, 2004

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 CRIMINAL  
6 PROSECUTION INCLUDING AN OFFENSE DESCRIBED IN SUBSECTION (2) OF  
7 THIS SECTION, THE COURT MAY, AT ANY TIME UPON MOTION OF THE  
8 PROSECUTION OR ON THE COURT'S OWN MOTION, ISSUE A PROTECTIVE  
9 ORDER PURSUANT TO THE COLORADO RULES OF CRIMINAL PROCEDURE  
10 CONCERNING DISCLOSURE OF INFORMATION RELATING TO THE VICTIM OR  
11 A WITNESS. THE COURT MAY PUNISH A VIOLATION OF A PROTECTIVE  
12 ORDER BY CONTEMPT OF COURT.

13 (b) THE VICTIM WHO WOULD BE THE SUBJECT OF THE PROTECTIVE  
14 ORDER MAY OBJECT TO THE MOTION FOR A PROTECTIVE ORDER.

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