

Second Regular Session  
Sixty-fourth General Assembly  
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 04-0419.01 Michael Dohr

SENATE BILL 04-046

---

SENATE SPONSORSHIP

Groff,

HOUSE SPONSORSHIP

Stengel,

---

Senate Committees

Judiciary

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.*

HOUSE  
2nd Reading Unamended  
March 8, 2004

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.