

**Second Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

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

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 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.