

CHAPTER 4

GOVERNMENT - STATE

HOUSE BILL 24-1090

BY REPRESENTATIVE(S) Titone and Ricks, Weissman, Amabile, Bacon, Boesenecker, Clifford, Duran, English, Froelich, Garcia, Hamrick, Hernandez, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Mabrey, Sirota, Story, Willford, McCluskie; also SENATOR(S) Exum and Fields, Cutter, Gardner, Gonzales, Priola.

AN ACT**CONCERNING RELEASE OF IDENTIFYING INFORMATION IN CRIMINAL JUSTICE RECORDS.**

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

SECTION 1. In Colorado Revised Statutes, 24-72-304, **amend** (4)(a) and (4.5)(a); and **add** (4.5)(f) as follows:

24-72-304. Inspection of criminal justice records - repeal. (4) (a) ~~THE~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE name and any other information that would identify any victim of sexual assault or of alleged sexual assault or attempted sexual assault or alleged attempted sexual assault shall be deleted from any criminal justice record prior to the release of such record to any individual or agency other than a criminal justice agency OR THE NAMED VICTIM OR VICTIM'S DESIGNEE OR VICTIM'S LAWFUL REPRESENTATIVE AS DEFINED IN 24-4.1-302 when such record bears the notation "SEXUAL ASSAULT" prescribed by this subsection (4).

(4.5) (a) (I) Except as otherwise provided in this section, the name and any other information that would identify any child victim or any child witness of offenses, alleged offenses, attempted offenses, or allegedly attempted offenses shall be deleted from any criminal justice record prior to the release of the record to any individual or agency other than a criminal justice agency, THE OFFICE OF THE STATE PUBLIC DEFENDER, THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL, THE OFFICE OF RESPONDENT PARENTS' COUNSEL, THE OFFICE OF THE CHILD'S REPRESENTATIVE, MUNICIPAL ATTORNEYS, COUNTY ATTORNEYS, ~~the named child victim or child victim's designee;~~ DESIGNEE OR VICTIM'S LAWFUL REPRESENTATIVE AS DEFINED IN 24-4.1-302, the named child witness or child witness's designee, or except when shared pursuant to subsection (4.5)(d) of this section. This subsection (4.5)(a) does not apply to criminal justice records that solely involve traffic offenses.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(II) (A) THE PROCESS FOR RELEASING RECORDS TO THE OFFICE OF THE STATE PUBLIC DEFENDER, THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL, THE OFFICE OF RESPONDENT PARENTS' COUNSEL, THE OFFICE OF THE CHILD'S REPRESENTATIVE, MUNICIPAL ATTORNEYS, AND COUNTY ATTORNEYS PURSUANT TO THIS SUBSECTION (4.5)(a) SHALL BE IMPLEMENTED NO LATER THAN JULY 1, 2024.

(B) THIS SUBSECTION (4.5)(a)(II) IS REPEALED EFFECTIVE JULY 1, 2025.

(f) THE PROVISIONS OF SUBSECTIONS (4.5)(a) AND (4.5)(c) OF THIS SECTION, AS AMENDED BY SENATE BILL 23-075, ENACTED IN 2023, AND THE PROVISIONS OF SUBSECTION (4.5)(a.5) OF THIS SECTION, AS ADDED BY SENATE BILL 23-075, ENACTED IN 2023, APPLY TO RECORDS PERTAINING TO OFFENSES COMMITTED ON OR AFTER JANUARY 1, 2024. FOR RECORDS PERTAINING TO OFFENSES COMMITTED PRIOR TO JANUARY 1, 2024, THIS SUBSECTION (4.5) AS IT EXISTED PRIOR TO JANUARY 1, 2024, APPLIES.

SECTION 2. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: February 20, 2024