

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 26-0382.01 Owen Hatch x2698

HOUSE BILL 26-1103

HOUSE SPONSORSHIP

Garcia and Goldstein,

SENATE SPONSORSHIP

Cutter,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AMENDING SPECIFIC LEGAL PROCESSES FOR CERTAIN**
102 **VULNERABLE POPULATIONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires a law enforcement entity that receives a report alleging an offense involving sexual assault or abuse of a child to contact a child advocacy center within the judicial district where the alleged crime occurred, or the nearest child advocacy center if the judicial district where the alleged crime occurred does not have a child advocacy center, within 24 hours after taking the report. The law enforcement entity is

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

required to collaborate with the child advocacy center in requesting a forensic interview for the alleged child victim.

The bill creates a rebuttable presumption that a witness who is a child or a person who has an intellectual and developmental disability will suffer serious emotional distress or trauma from courtroom testimony when the defendant is present.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-31-908 as
3 follows:

4 **24-31-908. Mandatory reporting of child sexual abuse.**

5 (1) WHEN A LOCAL LAW ENFORCEMENT AGENCY, THE COLORADO
6 STATE PATROL, OR THE COLORADO BUREAU OF INVESTIGATION, OR A
7 PEACE OFFICER THEREOF, TAKES A REPORT ALLEGING AN OFFENSE LISTED
8 IN SECTION 18-3-411 (1), THE LAW ENFORCEMENT ENTITY OR PEACE
9 OFFICER SHALL, WITHIN TWENTY-FOUR HOURS AFTER TAKING THE REPORT,
10 REPORT THE ALLEGATION TO:

11 (a) A CHILD ADVOCACY CENTER LOCATED WITHIN THE JUDICIAL
12 DISTRICT WHERE THE ALLEGED CRIME OCCURRED; OR

13 (b) IF THERE IS NOT A CHILD ADVOCACY CENTER LOCATED WITHIN
14 THE JUDICIAL DISTRICT WHERE THE ALLEGED OFFENSE OCCURRED, THE
15 NEAREST CHILD ADVOCACY CENTER, EVEN IF THE CENTER IS LOCATED
16 OUTSIDE THE STATE.

17 (2) A LOCAL LAW ENFORCEMENT AGENCY, THE COLORADO STATE
18 PATROL, OR THE COLORADO BUREAU OF INVESTIGATION, OR A PEACE
19 OFFICER THEREOF, SHALL, IN COLLABORATION WITH THE CHILD ADVOCACY
20 CENTER THAT THE LAW ENFORCEMENT ENTITY OR PEACE OFFICER
21 REPORTED THE ALLEGED OFFENSE TO, REQUEST A FORENSIC INTERVIEW
22 FOR THE ALLEGED VICTIM.

1 **SECTION 2.** In Colorado Revised Statutes, 16-10-402, **amend**
2 (1)(a) introductory portion and (1)(a)(II); and **add** (6) as follows:

3 **16-10-402. Use of closed-circuit television - child or witness**
4 **with intellectual and developmental disabilities - definition.**

5 (1) (a) When a witness at the time of a trial is a child ~~less than~~
6 ~~twelve~~ UNDER EIGHTEEN years of age, OLD or is a person who has an
7 intellectual and developmental disability as defined in section
8 25.5-10-202, ~~C.R.S.~~, the court may, upon motion of a party or upon its
9 own motion, order that the witness's testimony be taken in a room other
10 than the courtroom and be televised by closed-circuit television in the
11 courtroom if:

12 (II) The judge determines that testimony by the witness in the
13 courtroom and in the presence of the defendant would result in the
14 witness suffering serious emotional distress or trauma such that the
15 witness would not be able to reasonably communicate. THERE IS A
16 REBUTTABLE PRESUMPTION THAT TESTIMONY BY THE WITNESS IN THE
17 COURTROOM AND IN THE PRESENCE OF THE DEFENDANT WOULD RESULT IN
18 THE WITNESS SUFFERING SERIOUS EMOTIONAL DISTRESS OR TRAUMA SUCH
19 THAT THE WITNESS WOULD NOT BE ABLE TO REASONABLY COMMUNICATE;
20 and

21 (6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
22 REQUIRES, "CLOSED-CIRCUIT TELEVISION" MEANS A DIRECT, CLOSED-LOOP
23 AUDIO AND VIDEO TRANSMISSION SYSTEM THAT ALLOWS PRIVATE VIEWING
24 AND IS NOT PUBLICLY BROADCAST, AND MAY INCLUDE THE USE OF OTHER
25 DIGITAL OR WIRELESS TECHNOLOGIES.

26 **SECTION 3. Safety clause.** The general assembly finds,
27 determines, and declares that this act is necessary for the immediate

- 1 preservation of the public peace, health, or safety or for appropriations for
- 2 the support and maintenance of the departments of the state and state
- 3 institutions.