

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 26-0382.01 Owen Hatch x2698

**HOUSE BILL 26-1103**

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**HOUSE SPONSORSHIP**

**Garcia and Goldstein,**

**SENATE SPONSORSHIP**

**Cutter,**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**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.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) This act seeks to provide further pathways for justice and  
5 healing for child victims and does not usurp or otherwise interfere with  
6 the current mandatory reporting structure; and

7 (b) This act does not impose a required timeline for an  
8 investigation, or for a forensic interview to be completed, but instead  
9 ensures that a child victim receives professional care as early as is  
10 feasible after an allegation of sexual abuse.

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

13 **24-31-908. Mandatory reporting of child sexual abuse.**

14 (1) WHEN A LOCAL LAW ENFORCEMENT AGENCY, THE COLORADO  
15 STATE PATROL, OR THE COLORADO BUREAU OF INVESTIGATION, OR A  
16 PEACE OFFICER THEREOF, TAKES A REPORT ALLEGING AN OFFENSE LISTED  
17 IN SECTION 18-3-411 (1), THE LAW ENFORCEMENT ENTITY OR PEACE  
18 OFFICER SHALL, WITHIN **ONE WEEK** AFTER TAKING THE REPORT, REPORT  
19 THE ALLEGATION TO:

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

22 (b) IF THERE IS NOT A CHILD ADVOCACY CENTER LOCATED WITHIN

1 THE JUDICIAL DISTRICT WHERE THE ALLEGED OFFENSE OCCURRED, THE  
2 NEAREST CHILD ADVOCACY CENTER WITHIN THE STATE OF COLORADO.

3 (2) IF EXTENUATING CIRCUMSTANCES EXIST THAT PROHIBIT THE  
4 LAW ENFORCEMENT ENTITY OR PEACE OFFICER FROM REPORTING THE  
5 ALLEGATION TO THE CHILD ADVOCACY CENTER WITHIN ONE WEEK, THE  
6 LAW ENFORCEMENT ENTITY OR PEACE OFFICER MUST EXPLAIN THE  
7 EXTENUATING CIRCUMSTANCES TO THE CHILD ADVOCACY CENTER WHEN  
8 THE ENTITY OR OFFICER REPORTS THE ALLEGATION.

9 (3) A LOCAL LAW ENFORCEMENT AGENCY, THE COLORADO STATE  
10 PATROL, OR THE COLORADO BUREAU OF INVESTIGATION, OR A PEACE  
11 OFFICER THEREOF, SHALL, IN COLLABORATION WITH THE CHILD ADVOCACY  
12 CENTER THAT THE LAW ENFORCEMENT ENTITY OR PEACE OFFICER  
13 REPORTED THE ALLEGED OFFENSE TO, REQUEST A FORENSIC INTERVIEW  
14 FOR THE ALLEGED VICTIM, IF THE LAW ENFORCEMENT ENTITY OR PEACE  
15 OFFICER DEEMS A FORENSIC INTERVIEW NECESSARY AND APPROPRIATE.

16 **SECTION 3.** In Colorado Revised Statutes, 16-10-402, **amend**  
17 (1)(a) introductory portion and (1)(a)(II); and **add** (6) as follows:

18 **16-10-402. Use of closed-circuit television - child or witness**  
19 **with intellectual and developmental disabilities - definition.**

20 (1) (a) When a witness at the time of a trial is a child ~~less than~~  
21 ~~twelve~~ UNDER EIGHTEEN years of age, OLD or is a person who has an  
22 intellectual and developmental disability as defined in section  
23 25.5-10-202, ~~C.R.S.~~, the court may, upon motion of a party or upon its  
24 own motion, order that the witness's testimony be taken in a room other  
25 than the courtroom and be televised by closed-circuit television in the  
26 courtroom if:

27 (II) The judge determines that testimony by the witness in the

1 courtroom and in the presence of the defendant would result in the  
2 witness suffering serious emotional distress or trauma such that the  
3 witness would not be able to reasonably communicate. **THE TRIAL**  
4 **COURT SHALL MAKE FINDINGS ON THE RECORD REGARDING THE WITNESS'S**  
5 **ABILITY TO TESTIFY IN THE COURTROOM AND IN THE PRESENCE OF THE**  
6 **DEFENDANT; and**

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

12 **SECTION 4. Safety clause.** The general assembly finds,  
13 determines, and declares that this act is necessary for the immediate  
14 preservation of the public peace, health, or safety or for appropriations for  
15 the support and maintenance of the departments of the state and state  
16 institutions.