

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

January 22, 2018
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB18-014 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 6, strike lines 7 through 10 and substitute:

2 "(c) (I) IF THE PROSECUTING ATTORNEY DISAGREES WITH THE
3 EXECUTIVE DIRECTOR'S DETERMINATION THAT A FACTOR APPLIES, THEN
4 THE EXECUTIVE DIRECTOR HAS THIRTY DAYS TO REVIEW THE NOTICE OF
5 DISAGREEMENT. IF, AFTER SUCH REVIEW, THE EXECUTIVE DIRECTOR STILL
6 DETERMINES THAT A FACTOR APPLIES AND THE INMATE'S LOCATION
7 SHOULD NOT BE DISCLOSED, THE DEPARTMENT SHALL NOTIFY THE
8 PROSECUTOR OF SUCH FACT AND NOTIFY ANY REGISTERED VICTIMS THAT
9 THE PROSECUTOR DISAGREES WITH THE EXECUTIVE DIRECTOR'S
10 DETERMINATION.

11 (II) EITHER THE PROSECUTOR OR ANY REGISTERED VICTIM OF THE
12 INMATE MAY BRING AN ACTION IN THE DISTRICT COURT FROM WHICH THE
13 INMATE'S SENTENCE WAS ISSUED FOR THE COURT TO DETERMINE WHETHER
14 A SUBSTANTIAL BASIS EXISTED AND STILL EXISTS TO SUPPORT THE
15 EXECUTIVE DIRECTOR'S DETERMINATION. IF THE DISTRICT COURT FINDS
16 THAT NO SUBSTANTIAL BASIS EXISTS, THE EXECUTIVE DIRECTOR SHALL
17 DISCLOSE THE INMATE'S LOCATION TO ANY REGISTERED VICTIMS, AS
18 DESCRIBED IN SUBSECTION (2) OF THIS SECTION. ANY HEARING
19 CONDUCTED FOR THE PURPOSE OF THIS SUBSECTION (4)(c)(II) MUST BE
20 HELD IN CAMERA.

21 (III) IN AN ACTION BROUGHT PURSUANT TO THIS SUBSECTION
22 (4)(c), THE PARTIES ARE ENTITLED TO FULL DISCOVERY UNDER THE
23 COLORADO RULES OF CIVIL PROCEDURE THAT ARE APPLICABLE TO

1 ACTIONS FOR DECLARATORY JUDGMENT; EXCEPT THAT THE EXECUTIVE
2 DIRECTOR IS NOT REQUIRED TO DISCLOSE THE LOCATION OF THE INMATE
3 PENDING THE RESOLUTION OF THE CIVIL ACTION AND ANY APPEALS. ANY
4 APPEAL OF A JUDGMENT FROM AN ACTION BROUGHT UNDER THIS
5 SUBSECTION (4)(c) MUST BE MADE PURSUANT TO THE RULES OF APPELLATE
6 PROCEDURE."

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