

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

February 13, 2023  
Date

Committee on Judiciary.

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

SB23-075 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, line 3, after "(4.5)(c);" insert "**add**  
2 (4.5)(a.5);".

3 Page 2, line 4, strike "The" and substitute "EXCEPT AS OTHERWISE  
4 PROVIDED IN THIS SECTION, the".

5 Page 2, after line 14 insert:

6           "(a.5) **Good cause exception.** DISCLOSURE OF THE NAME AND  
7 IDENTIFYING INFORMATION OF A CHILD VICTIM OR CHILD WITNESS IS  
8 PERMITTED ONLY WHEN AUTHORIZED BY A DISTRICT COURT FOR GOOD  
9 CAUSE AFTER NOTICE IS PROVIDED TO THE CHILD VICTIM, CHILD WITNESS,  
10 CHILD VICTIM'S LEGAL GUARDIAN, OR CHILD WITNESS'S LEGAL GUARDIAN  
11 AND A HEARING IS CONDUCTED. ANY PERSON MAY PETITION A DISTRICT  
12 COURT FOR THE DISCLOSURE OF THE NAME AND IDENTIFYING  
13 INFORMATION OF A CHILD WITNESS OR CHILD VICTIM. FOR PURPOSES OF  
14 THIS SUBSECTION (4.5)(a.5), "GOOD CAUSE" MEANS A FINDING THAT THE  
15 PERSON SEEKING DISCLOSURE HAS ESTABLISHED THAT THE PUBLIC  
16 INTEREST IN ACCESSING THE NAME AND IDENTIFYING INFORMATION OF A  
17 CHILD VICTIM OR CHILD WITNESS SUBSTANTIALLY OUTWEIGHS THE HARM  
18 TO THE PRIVACY INTEREST OF THE CHILD VICTIM, CHILD WITNESS, CHILD  
19 VICTIM'S LEGAL GUARDIAN, OR CHILD WITNESS'S LEGAL GUARDIAN."

20 Page 4, strike lines 10 through 18 and substitute:

21           "**SECTION 2. Act subject to petition - effective date -**  
22 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
23 the expiration of the ninety-day period after final adjournment of the

1 general assembly; except that, if a referendum petition is filed pursuant  
2 to section 1 (3) of article V of the state constitution against this act or an  
3 item, section, or part of this act within such period, then the act, item,  
4 section, or part will not take effect unless approved by the people at the  
5 general election to be held in November 2024 and, in such case, will take  
6 effect on the date of the official declaration of the vote thereon by the  
7 governor.

8 (2) This act applies to any criminal justice record released on or  
9 after January 1, 2024."

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