

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 16-1019.01 Jane Ritter x4342

HOUSE BILL 16-1384

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HOUSE SPONSORSHIP

Danielson,

SENATE SPONSORSHIP

(None),

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING ESTABLISHING A LEGAL PRIVILEGE RELATED TO  
102 TESTIFYING WITHOUT CONSENT FOR DISABILITY ADVOCATES.

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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://www.leg.state.co.us/billsummaries>.)*

The bill establishes a legal privilege related to testifying without consent for disability advocates (advocate). The privilege applies if a communication made to the advocate was by a person with a disability who had retained the services of the advocate, and the communication was directly related to providing effective communication accommodation, as that term is defined by the "Americans with

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

Disabilities Act of 1990".

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-90-107, **add** (1)  
3 (n) as follows:

4 **13-90-107. Who may not testify without consent - definitions.**

5 (1) There are particular relations in which it is the policy of the law to  
6 encourage confidence and to preserve it inviolate; therefore, a person  
7 shall not be examined as a witness in the following cases:

8 (n) (I) IF A COMMUNICATION IS BETWEEN A DISABILITY ADVOCATE  
9 AND A PERSON WITH A DISABILITY WHO HAS RETAINED THE SERVICES OF  
10 THE DISABILITY ADVOCATE AND THE COMMUNICATION IS DIRECTLY  
11 RELATED TO PROVIDING EFFECTIVE COMMUNICATION SUPPORT  
12 ACCOMMODATION, AS THAT TERM IS DEFINED IN THE FEDERAL  
13 "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET  
14 SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING REGULATIONS,  
15 THE DISABILITY ADVOCATE SHALL NOT BE EXAMINED AS TO SUCH  
16 COMMUNICATION WITHOUT THE CONSENT OF THE PERSON WITH THE  
17 DISABILITY.

18 (II) FOR PURPOSES OF THIS PARAGRAPH (n), A "DISABILITY  
19 ADVOCATE" MEANS A PERSON EMPLOYED BY A DISABILITY ADVOCACY  
20 AGENCY FOR PERSONS WITH DISABILITIES:

21 (A) WHOSE PRIMARY FUNCTION IS TO PROVIDE ONGOING  
22 EFFECTIVE COMMUNICATION SUPPORT ACCOMMODATION TO PERSONS WITH  
23 DISABILITIES, INCLUDING RENDERING ADVICE, COUNSEL, OR ASSISTANCE;  
24 AND

25 (B) WHO UNDERGOES A MINIMUM OF EIGHT HOURS ANNUALLY OF

1 SPECIALIZED TRAINING.

2           **SECTION 2. Safety clause.** The general assembly hereby finds,  
3 determines, and declares that this act is necessary for the immediate  
4 preservation of the public peace, health, and safety.