

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0330.01 Zach Blaes x4348

SENATE BILL 23-075

SENATE SPONSORSHIP

Fields and Exum,

HOUSE SPONSORSHIP

Ricks and Titone,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE DELETION OF CHILDREN'S IDENTIFYING**
102 **INFORMATION FROM CRIMINAL JUSTICE RECORDS RELEASED TO**
103 **THE PUBLIC, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **APPROPRIATION.**

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>.)

Current law requires that a child's name and identifying information be deleted from criminal justice records released to the public if the child was a victim of certain enumerated sexual offenses. The bill

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.

SENATE
Amended 2nd Reading
April 21, 2023

removes the limitation that a child be a victim of an enumerated sexual offense for the child's name and identifying information to be deleted from a criminal justice record released to the public. The bill also requires that the name and identifying information of a child who witnesses a criminal offense be deleted from criminal justice records released to the public.

Under current law, a criminal justice agency must make the notation "CHILD VICTIM" on a criminal justice record involving a child victim when the child victim's name is disclosed during proceedings related to the criminal justice record or when the child victim or child victim's guardian requests the notation. The bill requires that a criminal justice agency make the notation "CHILD WITNESS" on a criminal justice record involving a child witness under the same circumstances.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-72-304, **amend**
3 (4.5)(a) and (4.5)(c); **add (4.5)(a.5);** and **repeal** (4.5)(b) as follows:

4 **24-72-304. Inspection of criminal justice records.**

5 (4.5) (a) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, the name and
6 any other information that would identify any child victim OR ANY CHILD
7 WITNESS of offenses, alleged offenses, attempted offenses, or allegedly
8 attempted offenses ~~identified in paragraph (b) of this subsection (4.5) or~~
9 ~~under paragraph (c) of this subsection (4.5)~~ shall be deleted from any
10 criminal justice record prior to the release of ~~such~~ THE record to any
11 individual or agency other than a criminal justice agency, ~~or~~ the named
12 CHILD victim or CHILD victim's designee, ~~when such record bears the~~
13 ~~notation "CHILD VICTIM" required by this subsection (4.5)~~ THE NAMED
14 CHILD WITNESS OR CHILD WITNESS'S DESIGNEE, OR EXCEPT WHEN SHARED
15 PURSUANT TO SUBSECTION (4.5)(d) OF THIS SECTION. THIS SUBSECTION
16 (4.5)(a) DOES NOT APPLY TO CRIMINAL JUSTICE RECORDS THAT SOLELY
17 INVOLVE TRAFFIC OFFENSES.

18 (a.5) Good cause exception. DISCLOSURE OF THE NAME AND

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

14 (b) ~~A criminal justice agency or custodian of criminal justice~~
15 ~~records shall make the notation "CHILD VICTIM" on any record of~~
16 ~~official action and on the file containing such record when the official~~
17 ~~action is related to the commission or the alleged commission of any of~~
18 ~~the offenses in the following statutes:~~

19 (I) ~~Part 4 of article 6 of title 18, C.R.S.;~~

20 (II) ~~Internet sexual exploitation of a child under section~~
21 ~~18-3-405.4, C.R.S.;~~

22 (III) ~~Enticement of a child under section 18-3-305, C.R.S.;~~

23 (IV) ~~Internet luring of a child under section 18-3-306, C.R.S.;~~

24 (V) ~~Soliciting for child prostitution under section 18-7-402,~~
25 ~~C.R.S.;~~

26 (VI) ~~Pandering of a child under section 18-7-403, C.R.S.;~~

27 (VII) ~~Procurement of a child under section 18-7-403.5, C.R.S.;~~

1 ~~(VIII) Keeping a place of child prostitution under section~~
2 ~~18-7-404, C.R.S.;~~

3 ~~(IX) Pimping of a child under section 18-7-405, C.R.S.;~~

4 ~~(X) Inducement of child prostitution under section 18-7-405.5,~~
5 ~~C.R.S.;~~

6 ~~(XI) Patronizing a prostituted child under section 18-7-406,~~
7 ~~C.R.S.;~~

8 ~~(XII) Human trafficking of a minor for involuntary servitude~~
9 ~~under section 18-3-503, C.R.S.;~~

10 ~~(XIII) Human trafficking of a minor for sexual servitude under~~
11 ~~section 18-3-504 (2), C.R.S.; and~~

12 ~~(XIV) An attempt to commit any of the offenses listed in~~
13 ~~subparagraphs (I) to (XIII) of this paragraph (b).~~

14 (c) A criminal justice agency or custodian of criminal justice
15 records shall make the notation "CHILD VICTIM" OR "CHILD
16 WITNESS" on any record of official action and on the file containing
17 ~~such~~ THE record when the official action involves a child victim OR CHILD
18 WITNESS when:

19 (I) Any employee of the court, officer of the court, or judicial
20 officer notifies ~~such~~ THE agency or custodian of the name of a child
21 victim OR CHILD WITNESS when ~~such a~~ THE name is disclosed to or
22 obtained by ~~such~~ THE employee or officer during the course of
23 proceedings related to ~~such~~ THE official action; or

24 (II) The record or file contains the name of a child victim OR
25 CHILD WITNESS and the child victim, THE CHILD WITNESS, or the child's
26 legal guardian requests THAT the custodian of the criminal justice record
27 ~~to~~ make such a notation.

1 **SECTION 2. In Colorado Revised Statutes, 24-4.1-302, add**
2 **(2)(a.3) as follows:**

3 **24-4.1-302. Definitions. As used in this part 3, and for no other**
4 **purpose, including the expansion of the rights of any defendant:**

5 **(2) "Critical stages" means the following stages of the criminal**
6 **justice process:**

7 **(a.3) ANY HEARING FOR THE DISCLOSURE OF THE NAME AND**
8 **IDENTIFYING INFORMATION OF A CHILD VICTIM OR CHILD WITNESS**
9 **PURSUANT TO SECTION 24-72-304 (4.5)(a.5).**

10 **SECTION 3. In Colorado Revised Statutes, 24-4.1-302.5, add**
11 **(1)(d)(I.5) as follows:**

12 **24-4.1-302.5. Rights afforded to victims - definitions. (1) In**
13 **order to preserve and protect a victim's rights to justice and due process,**
14 **each victim of a crime has the following rights:**

15 **(d) The right to be heard at any court proceeding:**
16 **(I.5) INVOLVING A HEARING FOR THE DISCLOSURE OF THE NAME**
17 **AND IDENTIFYING INFORMATION OF A CHILD VICTIM OR CHILD WITNESS**
18 **PURSUANT TO SECTION 24-72-304 (4.5)(a.5).**

19 **SECTION 4. In Colorado Revised Statutes, 24-4.1-303, add**
20 **(11)(b.3) as follows:**

21 **24-4.1-303. Procedures for ensuring rights of victims of**
22 **crimes. (11) The district attorney shall inform a victim of the following:**

23 **(b.3) ANY HEARING FOR THE DISCLOSURE OF THE NAME AND**
24 **IDENTIFYING INFORMATION OF A CHILD VICTIM OR CHILD WITNESS**
25 **PURSUANT TO SECTION 24-72-304 (4.5)(a.5).**

26 **SECTION 5. Appropriation. (1) For the 2023-24 state fiscal**
27 **year, \$387,449 is appropriated to the judicial department. This**

1 appropriation is from the general fund. To implement this act, the
2 department may use this appropriation as follows:

3 (a) \$337,479 for trial court programs, which amount is based on
4 an assumption that the department will require an additional 5.6 FTE; and

5 (b) \$49,970 for use by courts administration for capital outlay.

6 **SECTION 6. Act subject to petition - effective date -**
7 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
8 the expiration of the ninety-day period after final adjournment of the
9 general assembly; except that, if a referendum petition is filed pursuant
10 to section 1 (3) of article V of the state constitution against this act or an
11 item, section, or part of this act within such period, then the act, item,
12 section, or part will not take effect unless approved by the people at the
13 general election to be held in November 2024 and, in such case, will take
14 effect on the date of the official declaration of the vote thereon by the
15 governor.

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