

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

PREAMENDED

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

LLS NO. 23-0077.01 Chelsea Princell x4335

HOUSE BILL 23-1108

HOUSE SPONSORSHIP

Duran and Evans,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A TASK FORCE TO STUDY VICTIM AND**
102 **SURVIVOR AWARENESS AND RESPONSIVENESS TRAINING**
103 **REQUIREMENTS FOR JUDICIAL PERSONNEL, AND, IN CONNECTION**
104 **THEREWITH, MAKING AN 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>.)

The bill creates a task force to study victim and survivor awareness and responsiveness training requirements for judicial personnel (task force) in the office for victims programs in the division of criminal

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.

justice. The task force consists of members who have experience representing victims and survivors of domestic violence, sexual assault, or other crimes; lived experience as a victim or survivor of domestic violence, sexual assault, or other crimes; or are members of the judicial community.

The task force is required to analyze current training provided to judicial personnel around the country on topics of domestic violence, sexual assault, and other crimes, in order to determine best practices and training requirements for judicial personnel in the state.

The task force is required to convene by July 1, 2023, and is required to meet at least 4 times but not more than 10 times. The task force is required to submit a report with its findings and recommendations to the house of representatives judiciary committee and the senate judiciary committee, or their successor committees, and the judicial department by November 1, 2023. The task force must convene its final meeting no later than October 15, 2023.

The task force is repealed, effective July 1, 2024.

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

SECTION 1. In Colorado Revised Statutes, **add** 24-33.5-534 as follows:

24-33.5-534. Task force to study victim and survivor awareness and responsiveness training requirements for judicial personnel - creation - membership - duties - report - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "JUDICIAL PERSONNEL" MEANS JUDGES, OTHER JUDICIAL OFFICERS, AND COURT STAFF, BUT DOES NOT INCLUDE DISTRICT ATTORNEYS OR PUBLIC DEFENDERS.

(b) "TASK FORCE" MEANS THE TASK FORCE TO STUDY VICTIM AND SURVIVOR AWARENESS AND RESPONSIVENESS TRAINING REQUIREMENTS FOR JUDICIAL PERSONNEL CREATED IN SUBSECTION (2) OF THIS SECTION.

(2) THERE IS CREATED IN THE OFFICE FOR VICTIMS PROGRAMS IN THE DIVISION OF CRIMINAL JUSTICE THE TASK FORCE TO STUDY VICTIM

1 AND SURVIVOR AWARENESS AND RESPONSIVENESS TRAINING
2 REQUIREMENTS FOR JUDICIAL PERSONNEL.

3 (3) THE MANAGER OF THE OFFICE FOR VICTIMS PROGRAMS SHALL
4 APPOINT THE FOLLOWING MEMBERS TO SERVE ON THE TASK FORCE:

5 (a) A VICTIM WITNESS ASSISTANT OR ADVOCATE IN A DISTRICT
6 ATTORNEY OFFICE;

7 (b) A REPRESENTATIVE FROM A DISTRICT ATTORNEY OFFICE;

8

9 (c) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT
10 SERVES OR REPRESENTS VICTIMS AND SURVIVORS OF DOMESTIC VIOLENCE;

11 (d) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT
12 SUPPORTS VICTIMS AND SURVIVORS OF CRIME OR VIOLENCE OTHER THAN
13 DOMESTIC VIOLENCE OR SEXUAL ASSAULT;

14 (e) A REPRESENTATIVE OF AN ORGANIZATION PROVIDING LEGAL
15 SERVICES TO VICTIMS AND SURVIVORS;

16 (f) A RETIRED JUDGE WHOSE DOCKET INCLUDED CRIMINAL CASES;

17 (g) A CONFIDENTIAL ADVOCATE WHO WORKS WITH SURVIVORS OF
18 DOMESTIC VIOLENCE AND SEXUAL ASSAULT;

19 (h) A FAMILY LAW ATTORNEY;

20 (i) A REPRESENTATIVE OF AN ORGANIZATION THAT PROVIDES CIVIL
21 LEGAL SERVICES;

22 (j) A SURVIVOR OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT;

23 (k) A VICTIM OF A CRIME OTHER THAN DOMESTIC VIOLENCE OR
24 SEXUAL ASSAULT;

25 (l) A CITIZEN OF A SMALL OR RURAL COMMUNITY;

26 (m) A REPRESENTATIVE OF A CULTURALLY SPECIFIC
27 ORGANIZATION THAT PROVIDES VICTIM SERVICES OR WORKS WITH VICTIMS

- 1 OR SURVIVORS OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT;
- 2 [REDACTED]
- 3 (n) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT
- 4 SERVES OR REPRESENTS SURVIVORS OF SEXUAL ASSAULT; [REDACTED]
- 5 (o) A REPRESENTATIVE OF A FAMILY JUSTICE CENTER;
- 6 (p) A REPRESENTATIVE FROM A STATEWIDE ORGANIZATION THAT
- 7 TREATS CHILDREN WHO ARE VICTIMS OF DOMESTIC VIOLENCE AND
- 8 PROVIDES EXPERTISE ON THE PREVENTION OF CHILD ABUSE AND NEGLECT;
- 9 (q) A MEMBER OF LAW ENFORCEMENT THAT WORKS DIRECTLY
- 10 WITH VICTIMS OF CHILD ABUSE OR NEGLECT AND DOMESTIC VIOLENCE;
- 11 (r) TWO PRIVATE CRIMINAL DEFENSE ATTORNEYS WITH
- 12 EXPERIENCE REPRESENTING A VICTIM OF DOMESTIC VIOLENCE OR SEXUAL
- 13 ASSAULT;
- 14 (s) A REPRESENTATIVE OF THE OFFICE OF STATE PUBLIC DEFENDER
- 15 WITH EXPERIENCE REPRESENTING A VICTIM OF DOMESTIC VIOLENCE OR
- 16 SEXUAL ASSAULT; AND
- 17 (t) A SURVIVOR OF TRAUMATIC BRAIN INJURY.
- 18 (4) THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL
- 19 APPOINT THE FOLLOWING MEMBERS TO SERVE ON THE TASK FORCE:
- 20 (a) A STATE COURT JUDGE;
- 21 (b) AN INDIVIDUAL OTHER THAN A JUDGE WHO IS COURT
- 22 PERSONNEL;
- 23 (c) A DISTRICT COURT JUDGE WITH EXPERIENCE IN DOMESTIC
- 24 MATTERS;
- 25 (d) A COUNTY COURT JUDGE; AND
- 26 (e) A JUDGE FROM A RURAL COUNTY.
- 27 (5) THE TASK FORCE SHALL ELECT A CHAIR AND VICE-CHAIR AT ITS

1 FIRST MEETING. THE MEMBERS SERVING AS CHAIR AND VICE-CHAIR SHALL
2 SERVE AS CHAIR AND VICE-CHAIR FOR THE DURATION OF THE TASK FORCE.
3 IN THE EVENT OF A VACANCY OR AN UNFORESEEN CIRCUMSTANCE THAT
4 PREVENTS THE CHAIR OR VICE-CHAIR FROM CARRYING OUT THE CHAIR'S OR
5 VICE-CHAIR'S DUTIES, THE TASK FORCE SHALL NOMINATE AND ELECT A
6 REPLACEMENT CHAIR OR VICE-CHAIR AT THE NEXT MEETING.

7 (6) THE TERM OF EACH APPOINTMENT TO THE TASK FORCE IS FOR
8 THE DURATION OF THE TASK FORCE. A VACANCY MUST BE FILLED AS SOON
9 AS POSSIBLE BY THE MANAGER OF THE OFFICE FOR VICTIMS PROGRAMS
10 AND THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT.

11 (7) THE MANAGER OF THE OFFICE FOR VICTIMS PROGRAMS AND THE
12 CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL MAKE
13 APPOINTMENTS ON OR BEFORE JUNE 1, 2023. IN MAKING APPOINTMENTS
14 TO THE TASK FORCE, THE MANAGER OF THE OFFICE FOR VICTIMS
15 PROGRAMS AND THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT
16 SHALL ENSURE THAT THE APPOINTEES INCLUDE PERSONS WHO HAVE
17 EXPERIENCE WITH OR INTEREST IN THE TASK FORCE STUDY AREAS SET
18 FORTH IN SUBSECTIONS (10) AND (11) OF THIS SECTION.

19 (8) MEMBERS OF THE TASK FORCE SERVE WITHOUT
20 COMPENSATION. HOWEVER, MEMBERS OF THE TASK FORCE MAY RECEIVE
21 REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES ASSOCIATED
22 WITH THEIR DUTIES ON THE TASK FORCE.

23 (9) THE TASK FORCE SHALL CONVENE ITS FIRST MEETING NO LATER
24 THAN JULY 1, 2023. THE TASK FORCE SHALL MEET AT LEAST FOUR TIMES
25 BUT NOT MORE THAN TEN TIMES. THE TASK FORCE SHALL CONVENE ITS
26 FINAL MEETING NO LATER THAN OCTOBER 15, 2023.

27 (10) THE TASK FORCE SHALL, AT A MINIMUM, DETERMINE AND

1 ANALYZE THE FOLLOWING:

2 (a) CURRENT JUDICIAL TRAINING AROUND THE COUNTRY ON
3 TOPICS RELATED TO SEXUAL ASSAULT, HARASSMENT, STALKING AND
4 DOMESTIC VIOLENCE;

5 (b) GAPS IN CURRENT TRAINING IN COLORADO AND HOW TO FILL
6 THOSE GAPS;

7 (c) BEST PRACTICES TO PROMOTE TRAUMA-INFORMED PRACTICES
8 AND APPROACHES IN THE COURTS;

9 (d) STRATEGIES TO ENSURE TRAINING IS EFFECTIVE FOR LEARNING
10 ABOUT VICTIMS AND SURVIVORS AND THE IMPACT THAT CRIME, DOMESTIC
11 VIOLENCE, AND SEXUAL ASSAULT HAVE ON VICTIMS AND SURVIVORS, AND
12 INCLUDES INFORMATION ON TRAUMA AND METHODS TO MINIMIZE
13 RETRAUMATIZATION OF VICTIMS AND SURVIVORS;

14 (e) APPROACHES TO BEST PROVIDE TRAINING ON GENDER-BASED
15 VIOLENCE AND ISSUES AFFECTING MARGINALIZED COMMUNITIES;

16 (f) THE AMOUNT OF TRAINING JUDICIAL PERSONNEL CURRENTLY
17 RECEIVE CONCERNING THE PROTECTION OF THE RIGHTS OF VICTIMS TO
18 ENSURE ANY IMPLEMENTED TRAINING EMPHASIZES THAT THE RIGHTS OF
19 VICTIMS ARE TO BE PROTECTED AS VIGOROUSLY AS THE RIGHTS OF
20 DEFENDANTS; ■

21 (g) THE SCOPE OF JUDICIAL EDUCATION OPPORTUNITIES ALREADY
22 PROVIDED TO JUDGES RELATED TO DOMESTIC VIOLENCE, VICTIM RIGHTS,
23 CASE MANAGEMENT, DOMESTIC RELATIONS DOCKETS, DEPENDENCY AND
24 NEGLECT DOCKETS, JUVENILE PROCEEDINGS, AND CRIMINAL PROCEEDINGS;

25 (h) THE RESOURCES NECESSARY TO PROVIDE ADDITIONAL
26 EDUCATION;

27 (i) THE RESOURCES NECESSARY TO PROVIDE THE TIME FOR JUDGES

1 TO PARTICIPATE IN ADDITIONAL EDUCATION; AND

2 (j) ANY OTHER TOPIC OR CONCERN THE TASK FORCE BELIEVES IS
3 NECESSARY TO ADEQUATELY STUDY TRAINING FOR JUDICIAL PERSONNEL
4 REGARDING VICTIMS AND SURVIVORS OF DOMESTIC VIOLENCE, SEXUAL
5 ASSAULT, AND OTHER CRIMES.

6 (11) IN ADDITION TO THE TOPIC AREAS SPECIFIED IN SUBSECTION
7 (10) OF THIS SECTION, THE TASK FORCE SHALL ENSURE THE TRAINING
8 RECOMMENDATIONS COMPLY WITH THE FEDERAL "KEEPING CHILDREN
9 SAFE FROM FAMILY VIOLENCE ACT", 34 U.S.C. SEC. 10446, AS AMENDED.
10 AT A MINIMUM, THE PORTION OF THE TRAINING THAT IMPLEMENTS THESE
11 FEDERAL REQUIREMENTS MUST:

12 (a) BE PROVIDED TO ANY JUDGE OR MAGISTRATE WHO PRESIDES
13 OVER PARENTAL RESPONSIBILITY PROCEEDINGS;

14 (b) INCLUDE NO LESS THAN TWENTY HOURS OF INITIAL TRAINING
15 AND NO LESS THAN FIFTEEN HOURS OF ONGOING TRAINING EVERY FIVE
16 YEARS;

17 (c) FOCUS ON DOMESTIC VIOLENCE AND CHILD ABUSE, INCLUDING:

18 (I) CHILD SEXUAL ABUSE;

19 (II) PHYSICAL AND EMOTIONAL ABUSE;

20 (III) COERCIVE CONTROL;

21 (IV) IMPLICIT AND EXPLICIT BIAS, INCLUDING BIASES RELATING TO
22 PARTIES WITH DISABILITIES;

23 (V) TRAUMA;

24 (VI) LONG-TERM AND SHORT-TERM IMPACTS OF DOMESTIC
25 VIOLENCE AND CHILD ABUSE ON CHILDREN; AND

26 (VII) VICTIM AND PERPETRATOR BEHAVIORAL PATTERNS AND
27 RELATIONSHIP DYNAMICS WITHIN THE CYCLE OF VIOLENCE;

1 (d) BE CONDUCTED BY A PROFESSIONAL TRAINER WHO HAS
2 SUBSTANTIAL EXPERIENCE IN ASSISTING SURVIVORS OF DOMESTIC
3 VIOLENCE OR CHILD ABUSE AND MAY INCLUDE A PROFESSIONAL
4 REPRESENTING A VICTIM SERVICES PROVIDER OR A SURVIVOR WITH LIVED
5 EXPERIENCE OF DOMESTIC VIOLENCE OR CHILD PHYSICAL OR SEXUAL
6 ABUSE. IN CONDUCTING THE TRAINING, THE PROFESSIONAL TRAINER SHALL
7 RELY ON EVIDENCE-BASED AND PEER-REVIEWED RESEARCH CONDUCTED
8 BY RECOGNIZED EXPERTS THAT FOCUSES ON THE TYPES OF ABUSE
9 DESCRIBED IN SUBSECTION (11)(c) OF THIS SECTION AND SHALL NOT
10 INCLUDE THEORIES, CONCEPTS, OR BELIEF SYSTEMS IN THE REQUIRED
11 TRAINING THAT ARE NOT SUPPORTED BY EVIDENCE-BASED AND
12 PEER-REVIEWED RESEARCH; AND

13 (e) BE DESIGNED TO IMPROVE THE ABILITY OF COURTS TO:

14 (I) RECOGNIZE AND RESPOND TO CHILD PHYSICAL ABUSE, CHILD
15 SEXUAL ASSAULT, DOMESTIC VIOLENCE, AND TRAUMA IN ALL FAMILY
16 VICTIMS, PARTICULARLY CHILDREN; AND

17 (II) MAKE APPROPRIATE CUSTODY DECISIONS THAT PRIORITIZE
18 CHILD SAFETY AND WELL-BEING AND THAT ARE CULTURALLY SENSITIVE
19 AND APPROPRIATE FOR DIVERSE COMMUNITIES.

20 (12) ON OR BEFORE NOVEMBER 1, 2023, THE TASK FORCE SHALL
21 SUBMIT A REPORT, INCLUDING ITS FINDINGS AND RECOMMENDATIONS ON
22 CONSIDERATIONS AND GUIDANCE IDENTIFIED IN SUBSECTIONS (10) AND
23 (11) OF THIS SECTION TO THE HOUSE OF REPRESENTATIVES JUDICIARY
24 COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR
25 SUCCESSOR COMMITTEES, AND THE JUDICIAL DEPARTMENT. ALL
26 RECOMMENDATIONS MADE BY THE TASK FORCE MUST BE APPROVED BY A
27 MAJORITY OF THE TASK FORCE MEMBERS IN ORDER TO BE INCLUDED IN THE

1 REPORT.

2 (13) THE TASK FORCE MAY WORK WITH OTHER GROUPS, TASK
3 FORCES, OR ORGANIZATIONS THAT HAVE EXPERIENCE WITH THE TOPICS
4 THE TASK FORCE IS RESPONSIBLE FOR STUDYING.

5 (14) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

6 **SECTION 2. Appropriation.** For the 2023-24 state fiscal year,
7 \$11,900 is appropriated to the department of public safety for use by the
8 division of criminal justice. This appropriation is from the general fund.
9 To implement this act, the division may use this appropriation for DCJ
10 administrative services.

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