

CHAPTER 242

GOVERNMENT - STATE

SENATE BILL 23-075

BY SENATOR(S) Fields and Exum, Bridges, Buckner, Coleman, Cutter, Gardner, Ginal, Gonzales, Hansen, Jaquez Lewis, Lundeen, Marchman, Moreno, Mullica, Priola, Roberts, Rodriguez, Smallwood, Will, Winter F.; also REPRESENTATIVE(S) Ricks and Titone, Amabile, Bacon, Bird, Boesenecker, Bradley, Brown, Daugherty, deGruy Kennedy, Dickson, Duran, English, Frizell, Froelich, Garcia, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Lukens, Lynch, Mabrey, Marshall, Martinez, Mauro, McCormick, McLachlan, Michaelson Jenet, Ortiz, Pugliese, Sharbini, Sirota, Snyder, Soper, Story, Taggart, Valdez, Velasco, Vigil, Weinberg, Weissman, Willford, Wilson, Woodrow, Young, McCluskie.

AN ACT

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

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

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

24-72-304. Inspection of criminal justice records. (4.5) (a) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, the name and any other information that would identify any child victim OR ANY CHILD WITNESS of offenses, alleged offenses, attempted offenses, or allegedly attempted offenses ~~identified in paragraph (b) of this subsection (4.5) or under paragraph (c) of this subsection (4.5)~~ shall be deleted from any criminal justice record prior to the release of ~~such~~ THE record to any individual or agency other than a criminal justice agency, ~~or the named CHILD victim or CHILD victim's designee, when such record bears the notation "CHILD VICTIM" required by this subsection (4.5)~~ THE NAMED CHILD WITNESS OR CHILD WITNESS'S DESIGNEE, OR EXCEPT WHEN SHARED PURSUANT TO SUBSECTION (4.5)(d) OF THIS SECTION. THIS SUBSECTION (4.5)(a) DOES NOT APPLY TO CRIMINAL JUSTICE RECORDS THAT SOLELY INVOLVE TRAFFIC OFFENSES.

(a.5) **Good cause exception.** DISCLOSURE OF THE NAME AND IDENTIFYING INFORMATION OF A CHILD VICTIM OR CHILD WITNESS IS PERMITTED ONLY WHEN AUTHORIZED BY A DISTRICT COURT FOR GOOD CAUSE AFTER NOTICE IS PROVIDED TO

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

THE CHILD VICTIM, CHILD WITNESS, CHILD VICTIM'S LEGAL GUARDIAN, OR CHILD WITNESS'S LEGAL GUARDIAN AND A HEARING IS CONDUCTED. ANY PERSON MAY PETITION A DISTRICT COURT FOR THE DISCLOSURE OF THE NAME AND IDENTIFYING INFORMATION OF A CHILD WITNESS OR CHILD VICTIM. FOR PURPOSES OF THIS SUBSECTION (4.5)(a.5), "GOOD CAUSE" MEANS A FINDING THAT THE PERSON SEEKING DISCLOSURE HAS ESTABLISHED THAT THE PUBLIC INTEREST IN ACCESSING THE NAME AND IDENTIFYING INFORMATION OF A CHILD VICTIM OR CHILD WITNESS SUBSTANTIALLY OUTWEIGHS THE HARM TO THE PRIVACY INTEREST OF THE CHILD VICTIM, CHILD WITNESS, CHILD VICTIM'S LEGAL GUARDIAN, OR CHILD WITNESS'S LEGAL GUARDIAN.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) **Short title.** THE SHORT TITLE OF THIS SUBSECTION (4.5) IS "RILEY'S LAW".

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

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

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

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

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

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

(d) The right to be heard at any court proceeding:

(I.5) INVOLVING A HEARING FOR THE DISCLOSURE OF THE NAME AND IDENTIFYING INFORMATION OF A CHILD VICTIM OR CHILD WITNESS PURSUANT TO SECTION 24-72-304 (4.5)(a.5).

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

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

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

SECTION 5. Appropriation. (1) For the 2023-24 state fiscal year, \$387,449 is appropriated to the judicial department. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

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

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

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

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

Approved: May 23, 2023