

**Second 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. 24-0924.01 Anna Petrini x5497

HOUSE BILL 24-1090

HOUSE SPONSORSHIP

Titone and Ricks, Weissman

SENATE SPONSORSHIP

Exum and Fields,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING RELEASE OF IDENTIFYING INFORMATION IN CRIMINAL**
102 **JUSTICE RECORDS.**

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>.)

Subject to limited exceptions, current law requires that a victim's name and identifying information be deleted from criminal justice records released to the public if the person was a victim of certain sexual offenses. The bill permits the release of unredacted records to the named victim or victim's designee.

Subject to limited exceptions, current law requires that a child's

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.

HOUSE
Amended 2nd Reading
January 29, 2024

name and identifying information be deleted from criminal justice records released to the public if the child was a victim of or witness to a criminal offense. The bill permits the release of unredacted records to the office of the state public defender and the office of the alternate defense counsel. The bill clarifies that changes in 2023 to the law related to records of child victims and child witnesses apply to records pertaining to offenses committed on or after January 1, 2024.

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)(a) and (4.5)(a); and **add** (4.5)(f) as follows:

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

5 (4) (a) ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE name
6 and any other information that would identify any victim of sexual assault
7 or of alleged sexual assault or attempted sexual assault or alleged
8 attempted sexual assault shall be deleted from any criminal justice record
9 prior to the release of such record to any individual or agency other than
10 a criminal justice agency OR THE NAMED VICTIM OR VICTIM'S DESIGNEE OR
11 VICTIM'S LAWFUL REPRESENTATIVE AS DEFINED IN 24-4.1-302 when such
12 record bears the notation "SEXUAL ASSAULT" prescribed by this
13 subsection (4).

14 (4.5) (a) (I) Except as otherwise provided in this section, the name
15 and any other information that would identify any child victim or any
16 child witness of offenses, alleged offenses, attempted offenses, or
17 allegedly attempted offenses shall be deleted from any criminal justice
18 record prior to the release of the record to any individual or agency other
19 than a criminal justice agency, THE OFFICE OF THE STATE PUBLIC
20 DEFENDER, THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL, THE OFFICE
21 OF RESPONDENT PARENTS' COUNSEL, THE OFFICE OF THE CHILD'S
22 REPRESENTATIVE, MUNICIPAL ATTORNEYS, COUNTY ATTORNEYS, the

1 named child victim or child victim's ~~designee~~, DESIGNEE OR VICTIM'S
2 LAWFUL REPRESENTATIVE AS DEFINED IN 24-4.1-302, the named child
3 witness or child witness's designee, or except when shared pursuant to
4 subsection (4.5)(d) of this section. This subsection (4.5)(a) does not apply
5 to criminal justice records that solely involve traffic offenses.

6 (II) (A) THE PROCESS FOR RELEASING RECORDS TO THE OFFICE OF
7 THE STATE PUBLIC DEFENDER, THE OFFICE OF THE ALTERNATE DEFENSE
8 COUNSEL, THE OFFICE OF RESPONDENT PARENTS' COUNSEL, THE OFFICE OF
9 THE CHILD'S REPRESENTATIVE, MUNICIPAL ATTORNEYS, AND COUNTY
10 ATTORNEYS PURSUANT TO THIS SUBSECTION (4.5)(a) SHALL BE
11 IMPLEMENTED NO LATER THAN JULY 1, 2024.

12 (B) THIS SUBSECTION (4.5)(a)(II) IS REPEALED EFFECTIVE JULY 1,
13 2025.

14 (f) THE PROVISIONS OF SUBSECTIONS (4.5)(a) AND (4.5)(c) OF THIS
15 SECTION, AS AMENDED BY SENATE BILL 23-075, ENACTED IN 2023, AND
16 THE PROVISIONS OF SUBSECTION (4.5)(a.5) OF THIS SECTION, AS ADDED BY
17 SENATE BILL 23-075, ENACTED IN 2023, APPLY TO RECORDS PERTAINING
18 TO OFFENSES COMMITTED ON OR AFTER JANUARY 1, 2024. FOR RECORDS
19 PERTAINING TO OFFENSES COMMITTED PRIOR TO JANUARY 1, 2024, THIS
20 SUBSECTION (4.5) AS IT EXISTED PRIOR TO JANUARY 1, 2024, APPLIES.

21 **SECTION 2. Safety clause.** The general assembly finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety or for appropriations for
24 the support and maintenance of the departments of the state and state
25 institutions.