

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB22-049 be amended as follows:

1 Amend reengrossed bill, page 11, strike lines 14 through 17 and
2 substitute:

3 "(14.5) (a.5) A PARTY ISSUING A SUBPOENA PURSUANT TO RULE 17
4 OF THE COLORADO RULES OF CRIMINAL PROCEDURE FOR THE PRODUCTION
5 OF THE PRIVILEGED RECORDS OF A VICTIM PURSUANT TO SECTION
6 13-90-107 OR A SUBPOENA REQUESTING THE COMPENSATION RECORDS OF
7 A VICTIM PURSUANT TO SECTION 24-4.1-107.5 SHALL FILE WITH THE
8 COURT AND SERVE ON ANY OPPOSING PARTY:

9 (I) A COPY OF THE SUBPOENA;

10 (II) A CERTIFICATE STATING THAT THE PARTY HAS A GOOD-FAITH
11 BELIEF THAT THERE IS A LAWFUL BASIS FOR ISSUING THE SUBPOENA;

12 (III) A COPY OF THE WRITTEN NOTICE SERVED ON RECIPIENTS THAT
13 ADVISES THAT A PARTY MAY NOT RELEASE RECORDS UNTIL THE COURT
14 ORDERS THE RELEASE OF THE RECORDS AT A HEARING AND THAT A PARTY
15 MAY ONLY PROVIDE THE RECORDS TO THE COURT IF THE COURT ORDERS
16 THE PARTY TO RELEASE THE RECORDS; AND

17 (IV) A MOTION STATING THE PARTY'S LAWFUL BASIS FOR THE
18 SUBPOENA AND, IF SUBJECT TO A CLAIM OF PRIVILEGE PURSUANT TO
19 SECTION 13-90-107, A GOOD-FAITH CLAIM THAT THE VICTIM HAS
20 EXPRESSLY OR IMPLIEDLY WAIVED ANY PRIVILEGE TO ALLOW THE COURT
21 TO PROPERLY RECEIVE THE RECORDS."

22 Page 11, strike line 27 and substitute "COURT SHALL QUASH ANY
23 SUBPOENA AND SHALL NOT RECEIVE ANY RECORDS PROTECTED BY
24 PRIVILEGE PURSUANT TO SECTION 13-90-107 UNLESS THE COURT FINDS,
25 BASED UPON EVIDENCE, THAT A VICTIM EXPRESSLY OR IMPLIEDLY WAIVED
26 THE STATUTORY PRIVILEGE. IN CONSIDERING WHETHER TO RECEIVE AND
27 RELEASE ANY RECORDS RELATING TO THE VICTIM, THE COURT SHALL
28 DETERMINE WHETHER:".

29 Page 12, strike lines 1 through 5.

30 Page 12, after line 21 insert:

31 "(III) IF AFTER THE HEARING, THE COURT ORDERS THE PRODUCTION
32 OF RECORDS, THE COURT SHALL ENTER ORDERS TO SET A TIMELINE OF NO
33 LESS THAN SEVEN DAYS FOR THE PARTY TO ARRANGE PRODUCTION OF THE
34 RECORDS TO THE COURT; EXCEPT THAT THE COURT MAY ORDER
35 PRODUCTION IN LESS THAN SEVEN DAYS TO AVOID THE DELAY OF A JURY
36 TRIAL."

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