

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

INTRODUCED

LLS NO. 23-0330.01 Zach Blaes x4348

SENATE BILL 23-075

SENATE SPONSORSHIP

Fields and Exum,

HOUSE SPONSORSHIP

Ricks,

Senate Committees
Judiciary

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.**

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 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

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.*

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); and **repeal** (4.5)(b) as follows:

4 **24-72-304. Inspection of criminal justice records.** (4.5) (a) The
5 name and any other information that would identify any child victim OR
6 ANY CHILD WITNESS of offenses, alleged offenses, attempted offenses, or
7 allegedly attempted offenses ~~identified in paragraph (b) of this subsection~~
8 ~~(4.5) or under paragraph (c) of this subsection (4.5)~~ shall be deleted from
9 any criminal justice record prior to the release of ~~such~~ THE record to any
10 individual or agency other than a criminal justice agency, ~~or the named~~
11 CHILD victim or CHILD victim's designee, ~~when such record bears the~~
12 ~~notation "CHILD VICTIM" required by this subsection (4.5)~~ THE NAMED
13 CHILD WITNESS OR CHILD WITNESS'S DESIGNEE, OR EXCEPT WHEN SHARED
14 PURSUANT TO SUBSECTION (4.5)(d) OF THIS SECTION.

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

- 1 ~~(I) Part 4 of article 6 of title 18, C.R.S.;~~
- 2 ~~(II) Internet sexual exploitation of a child under section~~
3 ~~18-3-405.4, C.R.S.;~~
- 4 ~~(III) Enticement of a child under section 18-3-305, C.R.S.;~~
- 5 ~~(IV) Internet luring of a child under section 18-3-306, C.R.S.;~~
- 6 ~~(V) Soliciting for child prostitution under section 18-7-402,~~
7 ~~C.R.S.;~~
- 8 ~~(VI) Pandering of a child under section 18-7-403, C.R.S.;~~
- 9 ~~(VII) Procurement of a child under section 18-7-403.5, C.R.S.;~~
- 10 ~~(VIII) Keeping a place of child prostitution under section~~
11 ~~18-7-404, C.R.S.;~~
- 12 ~~(IX) Pimping of a child under section 18-7-405, C.R.S.;~~
- 13 ~~(X) Inducement of child prostitution under section 18-7-405.5,~~
14 ~~C.R.S.;~~
- 15 ~~(XI) Patronizing a prostituted child under section 18-7-406,~~
16 ~~C.R.S.;~~
- 17 ~~(XII) Human trafficking of a minor for involuntary servitude~~
18 ~~under section 18-3-503, C.R.S.;~~
- 19 ~~(XIII) Human trafficking of a minor for sexual servitude under~~
20 ~~section 18-3-504 (2), C.R.S.; and~~
- 21 ~~(XIV) An attempt to commit any of the offenses listed in~~
22 ~~subparagraphs (I) to (XIII) of this paragraph (b).~~
- 23 (c) A criminal justice agency or custodian of criminal justice
24 records shall make the notation "CHILD VICTIM" OR "CHILD
25 WITNESS" on any record of official action and on the file containing
26 ~~such~~ THE record when the official action involves a child victim OR CHILD
27 WITNESS when:

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

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

10 **SECTION 2. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly; except
13 that, if a referendum petition is filed pursuant to section 1 (3) of article V
14 of the state constitution against this act or an item, section, or part of this
15 act within such period, then the act, item, section, or part will not take
16 effect unless approved by the people at the general election to be held in
17 November 2024 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.