

**Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 12-0247.01 Michael Dohr x4347

HOUSE BILL 12-1053

HOUSE SPONSORSHIP

Gardner B.,

SENATE SPONSORSHIP

Giron,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE VICTIMS' RIGHTS ACT.**

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://www.leg.state.co.us/billsummaries>.)

The bill adds the following crimes to those that are included in the victims' rights statute: Trafficking in adults, trafficking in children, first degree burglary, retaliation against a judge, and retaliation against a juror. The definition of victim is expanded to include a grandchild.

The bill requires those responsible for criminal justice records to use reasonable efforts to redact social security numbers of victims and witnesses from criminal justice records. In addition, a victim or a witness

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

has the right to have his or her address redacted and the right to be informed about protection services such as the witness protection program and the address confidentiality program.

Under current law, a victim must be notified by mail and telephone of all critical stages of a criminal proceeding. Electronic communication is added as a communication option.

The bill clarifies that a victim has the right to know when the defendant is released from county jail.

The bill clarifies the public records about which a victim has a right to be informed, including a victim impact statement.

Under current law, a victim has the qualified right to be present at the trial of the defendant. The bill changes the standard for when the victim is not allowed to be present so that a court may prohibit a victim from being present if it finds by clear and convincing evidence that the victim's presence would violate the defendant's right to a fair trial.

The bill gives a victim the right to know if a subpoena is requested for records of the victim and to be heard before the ruling is made on the subpoena. A victim also has the right to be informed when the offender is transferred to a nonresidential setting or is terminated from a community corrections program.

If a victim is unable to attend a critical stage of the criminal justice process at which the victim has a right to be heard, the victim may request that the court make reasonable arrangements for the victim to provide input beyond a victim impact statement.

The bill adds postconviction DNA testing for purposes of establishing innocence to the definition of "critical stages" of the criminal proceeding about which a victim must be notified.

The bill clarifies when a victim must be notified of sentence modification matters, including probation modifications or a modification of a protection order.

A victim who turns 18 years of age may request that he or she become a point of contact for victim notification, but the victim's designee may continue to receive notification as well, unless there are extenuating circumstances.

A victim of a crime that was committed before 1993 whose offender is still serving a sentence for the crime may request notification of future critical stages.

A victim will be permitted to provide a victim impact statement when the offender is referred to community corrections, and the victim has the right to provide a written statement. For transition cases, the victim has a right to make an oral statement to the community corrections board.

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

1 **SECTION 1.** In Colorado Revised Statutes, 24-4.1-302, **amend**
2 (1) (gg), (2) (s), (2) (t), and (5); and **add** (1) (ii), (1) (jj), (1) (kk), (2) (u),
3 and (3.5) as follows:

4 **24-4.1-302. Definitions.** As used in this part 3, and for no other
5 purpose, including the expansion of the rights of any defendant:

6 (1) "Crime" means any of the following offenses, acts, and
7 violations as defined by the statutes of the state of Colorado, whether
8 committed by an adult or a juvenile:

9 (gg) Indecent exposure, in violation of section 18-7-302, C.R.S.;

10 **or**

11 (ii) TRAFFICKING IN ADULTS, IN VIOLATION OF SECTION 18-3-501,
12 C.R.S.; OR TRAFFICKING IN CHILDREN, IN VIOLATION OF SECTION 18-3-502,
13 C.R.S.;

14 (jj) FIRST DEGREE BURGLARY, IN VIOLATION OF SECTION 18-4-202,
15 C.R.S.; OR

16 (kk) RETALIATION AGAINST A JUDGE, IN VIOLATION OF SECTION
17 18-8-615, C.R.S.; OR RETALIATION AGAINST A JUROR, IN VIOLATION OF
18 SECTION 18-8-706.5, C.R.S.

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

21 (s) The execution of an offender in a capital case; **and**

22 (t) A hearing held pursuant to section 18-1-414 (2) (b), C.R.S.;

23 **AND**

24 (u) THE DECISION, WHETHER BY COURT ORDER, STIPULATION OF
25 THE PARTIES, OR OTHERWISE, TO CONDUCT POSTCONVICTION DNA
26 TESTING TO ESTABLISH THE ACTUAL INNOCENCE OF THE PERSON
27 CONVICTED OF A CRIME AGAINST THE VICTIM; THE RESULTS OF ANY SUCH

1 POSTCONVICTION DNA TESTING; AND COURT PROCEEDINGS INITIATED
2 BASED ON THE RESULT OF THE POSTCONVICTION DNA TESTING. AN
3 INMATE'S WRITTEN OR ORAL REQUEST FOR SUCH TESTING IS NOT A
4 "CRITICAL STAGE".

5 (3.5) "MODIFICATION OF SENTENCE" MEANS AN ACTION TAKEN BY
6 THE COURT TO MODIFY THE LENGTH, TERMS, OR CONDITIONS OF AN
7 OFFENDER'S SENTENCE PURSUANT TO RULE 35 (a) OR (b) OF THE
8 COLORADO RULES OF CRIMINAL PROCEDURE. ACTION TAKEN BY THE
9 COURT INCLUDES AN ORDER BY THE COURT MODIFYING AN OFFENDER'S
10 SENTENCE UPON REVIEW OF THE WRITTEN MOTION WITHOUT A HEARING
11 BUT DOES NOT INCLUDE AN ORDER DENYING A MOTION TO MODIFY A
12 SENTENCE WITHOUT A HEARING.

13 (5) "Victim" means any natural person against whom any crime
14 has been perpetrated or attempted, unless the person is accountable for the
15 crime or a crime arising from the same conduct, criminal episode, or plan
16 as crime is defined under the laws of this state or of the United States, or,
17 if such person is deceased or incapacitated, the person's spouse, parent,
18 child, sibling, grandparent, GRANDCHILD, significant other, or other lawful
19 representative. For purposes of notification under this part 3, any person
20 under the age of eighteen years is considered incapacitated, unless that
21 person is legally emancipated. It is the intent of the general assembly that
22 this definition of the term "victim" shall apply only to this part 3 and shall
23 not be applied to any other provision of the laws of the state of Colorado
24 that refer to the term "victim".

25 **SECTION 2.** In Colorado Revised Statutes, 24-4.1-302.5, **amend**
26 (1) (b), (1) (c) (II), (1) (d) (V), (1) (d) (VI), (1) (j.5) (I), (1) (m), and (1)
27 (u); and **add** (1) (d) (VII), (1) (d.5), (1) (w), (1) (x), (1) (y), and (4) as

1 follows:

2 **24-4.1-302.5. Rights afforded to victims.** (1) In order to
3 preserve and protect a victim's rights to justice and due process, each
4 victim of a crime shall have the following rights:

5 (b) The right to be informed of and present for all critical stages
6 of the criminal justice process as specified in section 24-4.1-302 (2);
7 except that the victim shall have the right to be informed of, without
8 being present for, the critical stages described in section 24-4.1-302 (2)
9 (a), (2) (a.5), (2) (e.5), (2) (k.3), (2) (n), (2) (p), ~~and~~ (2) (q), AND (2) (u);

10 (c) (II) With respect to the release, ~~or~~ discharge, OR PERMANENT
11 TRANSFER of a person from a county jail or correctional facility, the
12 provisions of subparagraph (I) of this paragraph (c) shall apply when the
13 person released, ~~or~~ discharged, OR PERMANENTLY TRANSFERRED is no
14 longer within the care and control of the supervising law enforcement or
15 correctional agency. The provisions of subparagraph (I) of this paragraph
16 (c) shall not apply to the temporary transfer of the care and control of a
17 person from a county jail or a correctional facility by the supervising law
18 enforcement or correctional agency to another equally or more secure
19 county jail or correctional facility, so long as the person will return to the
20 care and control of the transferring supervisory agency.

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

22 (V) At which the sentence of a person accused or convicted of a
23 crime against the victim is modified; ~~or~~

24 (VI) At which the defendant requests a modification of the no
25 contact provision of the mandatory criminal protection order under
26 section 18-1-1001, C.R.S., OR SECTION 19-2-707, C.R.S.; OR

27 (VII) INVOLVING A SUBPOENA FOR RECORDS CONCERNING THE

1 VICTIM'S MEDICAL HISTORY, MENTAL HEALTH, EDUCATION, OR VICTIM
2 COMPENSATION, OR ANY OTHER RECORDS THAT ARE PRIVILEGED
3 PURSUANT TO SECTION 13-90-107, C.R.S.;

4 (d.5) (I) IF A VICTIM OR A VICTIM'S DESIGNEE IS UNAVAILABLE TO
5 BE PRESENT FOR THE CRITICAL STAGES DESCRIBED IN PARAGRAPH (d) OF
6 THIS SUBSECTION (1) AND THE VICTIM OR THE VICTIM'S DESIGNEE WISHES
7 TO ADDRESS THE COURT, THE RIGHT TO REQUEST THAT THE COURT, WITHIN
8 THE COURT'S RESOURCES, ARRANGE AND PROVIDE THE MEANS FOR THE
9 VICTIM AND THE VICTIM'S DESIGNEE TO PROVIDE INPUT TO THE COURT
10 BEYOND A WRITTEN VICTIM IMPACT STATEMENT.

11 (II) FOR PURPOSES OF THIS PARAGRAPH (d.5), "UNAVAILABLE"
12 MEANS THAT THE VICTIM OR THE VICTIM'S DESIGNEE IS PHYSICALLY
13 UNABLE TO ATTEND THE COURT HEARING, MAY SUSTAIN A FINANCIAL
14 HARDSHIP TO ATTEND THE COURT HEARING, IS CONCERNED FOR HIS OR HER
15 SAFETY IF HE OR SHE ATTENDS THE COURT HEARING, MAY SUFFER
16 SIGNIFICANT EMOTIONAL IMPACT BY ATTENDING THE HEARING, OR IS
17 UNAVAILABLE FOR OTHER GOOD CAUSE.

18 (III) THE VICTIM OR THE VICTIM'S DESIGNEE SHALL NOTIFY THE
19 DISTRICT ATTORNEY WITHIN A REASONABLE TIME THAT HE OR SHE IS
20 UNAVAILABLE TO ATTEND THE COURT HEARING. THE DISTRICT
21 ATTORNEY'S OFFICE SHALL THEN INFORM THE COURT THAT THE VICTIM OR
22 THE VICTIM'S DESIGNEE, DUE TO HIS OR HER UNAVAILABILITY, IS
23 REQUESTING THE COURT TO ARRANGE FOR AND PROVIDE THE MEANS TO
24 ADDRESS THE COURT, WHICH MAY INCLUDE BUT NEED NOT BE LIMITED TO
25 APPEARING BY PHONE OR SIMILAR TECHNOLOGY. THE DISTRICT
26 ATTORNEY SHALL INFORM THE VICTIM OR THE VICTIM'S DESIGNEE OF THE
27 COURT'S DECISION REGARDING AN ALTERNATE ARRANGEMENT.

1 (IV) THIS PARAGRAPH (d.5) APPLIES TO A VICTIM OR A VICTIM'S
2 DESIGNEE WHO IS INCARCERATED OR OTHERWISE BEING HELD IN A
3 SECURED INSTITUTION OTHER THAN THE DEPARTMENT OF CORRECTIONS,
4 BUT IS LIMITED TO PARTICIPATION BY TELEPHONE.

5 (j.5) (I) The right to provide a written victim impact statement ~~an~~
6 ~~oral victim impact statement, or both,~~ that will be included with any
7 referral made by the department of corrections or a district court to place
8 an offender in a community corrections facility or program. A
9 COMMUNITY CORRECTIONS BOARD MAY ALLOW A VICTIM TO PROVIDE AN
10 ORAL STATEMENT TO THE COMMUNITY CORRECTIONS BOARD WHEN AN
11 OFFENDER IS BEING CONSIDERED FOR A DIRECT SENTENCE TO COMMUNITY
12 CORRECTIONS AND MAY PLACE REASONABLE LIMITS ON THE VICTIM'S ORAL
13 STATEMENT.

14 (m) The right to be informed about what steps can be taken by a
15 victim or a witness, INCLUDING INFORMATION REGARDING PROTECTION
16 SERVICES, in case there is any intimidation or harassment by a person
17 accused or convicted of a crime against the victim, or any other person
18 acting on behalf of the accused or convicted person;

19 (u) The right to be informed of the results of any HIV testing that
20 is ordered and performed pursuant to section 18-3-415, C.R.S.; ~~and~~

21 (w) THE RIGHT TO HAVE THE VICTIM'S SOCIAL SECURITY NUMBER
22 OR A WITNESS' SOCIAL SECURITY NUMBER EXCLUDED FROM A CRIMINAL
23 JUSTICE DOCUMENT OR, AT A MINIMUM, REDACTED FROM A CRIMINAL
24 JUSTICE DOCUMENT OR RECORD CREATED OR COMPILED AS A RESULT OF A
25 CRIMINAL INVESTIGATION, BEFORE THE DOCUMENT OR RECORD IS
26 RELEASED TO ANYONE OTHER THAN THE VICTIM, THE DEFENDANT'S
27 ATTORNEY OF RECORD, OR THE DEFENSE ATTORNEY'S AGENT, OR A

1 CRIMINAL JUSTICE AGENCY THAT HAS DUTIES UNDER THIS ARTICLE; [REDACTED]

2 (x) THE RIGHT TO BE NOTIFIED OF HOW TO REQUEST PROTECTION
3 OF THEIR ADDRESS PURSUANT TO THE COLORADO RULES OF CRIMINAL
4 PROCEDURE.

5 (y) THE RIGHT TO RECEIVE A COPY OF THE VICTIM IMPACT
6 STATEMENT FORM FROM THE DISTRICT ATTORNEY'S OFFICE.

7 (4) IF A VICTIM CONTACTS A CRIMINAL JUSTICE AGENCY
8 REGARDING A CRIME THAT OCCURRED BEFORE 1993, AND THE OFFENDER
9 WHO COMMITTED THE CRIME IS CURRENTLY SERVING A SENTENCE FOR THE
10 CRIME, THE VICTIM MAY REQUEST NOTIFICATION OF ANY FUTURE CRITICAL
11 STAGES OF THE CRIMINAL PROCEEDINGS. IN ADDITION, IF AN ARREST IS
12 MADE FOR A CRIME COMMITTED BEFORE 1993 THAT WAS PREVIOUSLY
13 UNSOLVED, THE VICTIM OF THE CRIME MAY REQUEST NOTIFICATION OF ALL
14 FUTURE CRITICAL STAGES FROM THE APPROPRIATE CRIMINAL JUSTICE
15 AGENCY. THIS PROVISION DOES NOT REQUIRE A CRIMINAL JUSTICE AGENCY
16 TO PROACTIVELY LOCATE VICTIMS OF CRIMES THAT OCCURRED BEFORE
17 1993.

18 **SECTION 3.** In Colorado Revised Statutes, 24-4.1-303, **amend**
19 (6) (a), (10) (a) introductory portion, (10) (a) (V), (11) (f), (11) (g), (12)
20 (e), (12) (f), (13.5) (a) (V), (14) introductory portion, (14) (g), (14) (h),
21 (14.5), and (15); and **add**, (11) (h), (11) (i), (12) (f.5), (12) (h), (12) (i),
22 (13.5) (a) (V.5), (14) (i), and (18) as follows:

23 **24-4.1-303. Procedures for ensuring rights of victims of**
24 **crimes.** (6) (a) A victim AND THE VICTIM'S IMMEDIATE FAMILY or an
25 individual designated by the victim may be present at all critical stages of
26 a criminal proceeding regarding any crime against ~~such~~ THE victim unless
27 the court ~~or the district attorney determines that exclusion of the victim~~

1 ~~is necessary to protect the defendant's right to a fair trial or the~~
2 ~~confidentiality of juvenile proceedings~~ FINDS BY CLEAR AND CONVINCING
3 EVIDENCE THAT THE PRESENCE OF THE VICTIM, THE VICTIM'S IMMEDIATE
4 FAMILY, OR AN INDIVIDUAL DESIGNATED BY THE VICTIM WOULD VIOLATE
5 THE DEFENDANT'S RIGHT TO A FAIR TRIAL. IF THE COURT MAKES SUCH A
6 FINDING, THE COURT SHALL IMPOSE THE LEAST EXCLUSIONARY MEANS
7 AVAILABLE TO ENSURE THE DEFENDANT'S RIGHT TO A FAIR TRIAL. A
8 VICTIM OR A MEMBER OF A VICTIM'S IMMEDIATE FAMILY MAY NOT BE
9 EXCLUDED SOLELY ON THE BASIS THAT THE VICTIM OR A MEMBER OF THE
10 VICTIM'S IMMEDIATE FAMILY HAS BEEN SUBPOENAED OR IS OTHERWISE
11 REQUIRED TO TESTIFY IN THE TRIAL OR HEARING. If the victim is present,
12 the court, at the victim's request, may permit the presence of an individual
13 to provide support to the victim.

14 (10) (a) After the initial contact between a victim and a law
15 enforcement agency responsible for investigating a crime, ~~such~~ THE
16 agency shall promptly give the victim the following information in
17 writing:

18 (V) ~~The availability of public records related to the case~~ THE
19 RIGHT OF A VICTIM TO REQUEST A COPY OF THE LAW ENFORCEMENT
20 REPORT AND OTHER DOCUMENTS RELATED TO THE CASE, INCLUDING THE
21 RIGHT TO RECEIVE A FREE COPY OF THE INITIAL INCIDENT REPORT. THE
22 RELEASE OF ANY DOCUMENTS ASSOCIATED WITH THE INVESTIGATION IS AT
23 THE DISCRETION OF THE LAW ENFORCEMENT AGENCY BASED ON THE
24 STATUS OF THE CASE.

25 (11) The district attorney shall inform a victim of the following:

26 (f) The availability of transportation to and from any court
27 proceeding for any victim, except as provided in section 24-4.1-302.5 (2);

1 and

2 (g) The availability of restorative justice practices, as defined in
3 section 18-1-901 (3) (o.5), C.R.S.; ■

4 (h) THE RIGHT TO COMPLETE A WRITTEN VICTIM IMPACT
5 STATEMENT. THE VICTIM HAS THE OPTION TO COMPLETE THE STATEMENT
6 ON A FORM PROVIDED BY THE DISTRICT ATTORNEY'S OFFICE. THE DISTRICT
7 ATTORNEY SHALL INFORM THE VICTIM THAT THE DEFENDANT HAS A RIGHT
8 TO VIEW THE VICTIM IMPACT STATEMENT;

9 (i) THE AVAILABILITY OF THE DISTRICT ATTORNEY TO SEEK A
10 COURT ORDER TO PROTECT A VICTIM'S RESIDENTIAL ADDRESS.

11 (12) Unless a victim requests otherwise, the district attorney shall
12 inform each victim of the following:

13 (e) ~~The date, time, and location, of any hearing for reconsideration~~
14 ~~of any sentence imposed~~ ANY SENTENCE IMPOSED;

15 (f) (I) ~~Any sentence imposed and any modification of such~~
16 ~~sentence; and~~ THE DATE, TIME, AND LOCATION OF ANY HEARING FOR
17 MODIFICATION OF A SENTENCE PURSUANT TO RULE 35 (a) OR RULE 35 (b)
18 OF THE COLORADO RULES OF CRIMINAL PROCEDURE OR ANY PROVISION OF
19 STATE OR FEDERAL LAW.

20 (II) IF A HEARING IS NOT SCHEDULED AND THE COURT HAS
21 REVIEWED A WRITTEN MOTION FOR MODIFICATION OF SENTENCE AND IS
22 CONSIDERING GRANTING ANY PART OF THE MOTION WITHOUT A HEARING,
23 THE COURT SHALL INFORM THE DISTRICT ATTORNEY, AND THE DISTRICT
24 ATTORNEY SHALL NOTIFY AND RECEIVE INPUT FROM THE VICTIM TO GIVE
25 TO THE COURT BEFORE THE COURT RULES ON THE MOTION.

26 (III) IF THE COURT HAS REVIEWED AND DENIED THE WRITTEN
27 MOTION WITHOUT A HEARING, THE DISTRICT ATTORNEY IS NOT REQUIRED

1 TO NOTIFY THE VICTIM REGARDING THE FILING OF OR RULING ON THE
2 MOTION.

3 (IV) THIS PARAGRAPH (f) DOES NOT MODIFY THE PROBATION
4 DEPARTMENT'S RESPONSIBILITY TO NOTIFY A VICTIM THAT HAS OPTED TO
5 RECEIVE NOTIFICATIONS DESCRIBED IN SUBSECTION (13.5) OF THIS
6 SECTION.

7 (f.5) ANY MOTION TO MODIFY THE TERMS AND CONDITIONS OF AN
8 UNSUPERVISED DEFERRED SENTENCE FOR WHICH THE DISTRICT
9 ATTORNEY'S OFFICE IS THE MONITORING AGENCY. THE PROCEDURES FOR
10 NOTIFYING VICTIMS OUTLINED IN SUBPARAGRAPHS (I) AND (II) OF
11 PARAGRAPH (f) OF THIS SUBSECTION (12) APPLY TO THE DISTRICT
12 ATTORNEY AND THE COURT WITH REGARD TO THIS MOTION.

13 (h) THE RIGHT TO RECEIVE INFORMATION FROM THE PROBATION
14 DEPARTMENT CONCERNING INFORMATION OUTLINED IN SUBSECTION (13.5)
15 OF THIS SECTION REGARDING A PERSON CONVICTED OF A CRIME AGAINST
16 THE VICTIM; AND

17 (i) THE DECISION, WHETHER BY COURT ORDER, STIPULATION OF
18 THE PARTIES, OR OTHERWISE, TO CONDUCT POSTCONVICTION DNA
19 TESTING TO ESTABLISH THE ACTUAL INNOCENCE OF THE PERSON
20 CONVICTED OF A CRIME AGAINST THE VICTIM. IF COURT PROCEEDINGS ARE
21 INITIATED BASED ON THE RESULTS OF THE POSTCONVICTION DNA
22 TESTING, THE VICTIM SHALL BE NOTIFIED OF THE COURT PROCEEDINGS BY
23 THE DISTRICT ATTORNEY'S OFFICE THAT FILED AND PROSECUTED THE
24 CHARGES RESULTING IN THE ENTRY OF THE JUDGMENT OF CONVICTION
25 CHALLENGED BY THE DEFENDANT. IF THE ATTORNEY GENERAL'S OFFICE IS
26 THE AGENCY THAT DECIDES TO CONDUCT POSTCONVICTION DNA TESTING,
27 THE ATTORNEY GENERAL'S OFFICE IS RESPONSIBLE FOR NOTIFYING THE

1 VICTIM.

2 (13.5) (a) Following a sentence to probation and upon the written
3 request of a victim, the probation department shall notify the victim of the
4 following information regarding any person who was charged with or
5 convicted of a crime against the victim:

6 (V) ~~Any change of venue or transfer of probation supervision~~
7 ~~from one jurisdiction to another~~ ANY MOTION FILED BY THE PROBATION
8 DEPARTMENT REQUESTING PERMISSION FROM THE COURT TO MODIFY THE
9 TERMS AND CONDITIONS OF PROBATION AS DESCRIBED IN SECTION
10 18-1.3-204, C.R.S., IF THE MOTION HAS NOT BEEN DENIED BY THE COURT
11 WITHOUT A HEARING;

12 (V.5) ANY CHANGE OF VENUE, TRANSFER OF PROBATION
13 SUPERVISION FROM ONE JURISDICTION TO ANOTHER, OR INTERSTATE
14 COMPACT TRANSFER OF PROBATION SUPERVISION;

15 (14) Upon receipt of a written VICTIM IMPACT statement as
16 provided in section 24-4.1-302.5 (1) (j.5), the department of corrections
17 shall include the statement with any referral made by the department of
18 corrections or a district court to place an offender in a public or private
19 community corrections facility or program. Upon written request of a
20 victim, the department of corrections or the public or private local
21 corrections authorities shall notify the victim of the following information
22 regarding any person who was charged with or convicted of a crime
23 against the victim:

24 (g) The transfer to or placement in a nonsecured facility of a
25 person convicted of a crime, any release or discharge from confinement
26 of the person, and any conditions attached to the release; ~~and~~

27 (h) The death of ~~such~~ THE person while in custody or while under

1 the jurisdiction of the state of Colorado concerning the crime; AND

2 (i) THE TRANSITION OF THE PERSON FROM A RESIDENTIAL FACILITY
3 TO A NONRESIDENTIAL SETTING.

4 (14.5) (a) At any proceeding specified in section 24-4.1-302.5 (1)
5 (d), the court shall inquire whether the victim is present and wishes to
6 address the court. The court shall advise the victim of his or her right to
7 address the court regarding issues relevant to the case.

8 (b) AT A PROCEEDING SPECIFIED IN SECTION 24-4.1-302.5 (1) (d)
9 (VII), INVOLVING A SUBPOENA FOR RECORDS OF A VICTIM, THE COURT
10 SHALL ASCERTAIN WHETHER THE VICTIM RECEIVED NOTICE FROM THE
11 DISTRICT ATTORNEY'S OFFICE OF THE SUBPOENA. AFTER CONSIDERING ALL
12 EVIDENCE RELEVANT TO THE SUBPOENA, THE COURT SHALL DENY A
13 REQUEST FOR A VICTIM'S RECORDS THAT ARE PRIVILEGED PURSUANT TO
14 SECTION 13-90-107, C.R.S., UNLESS THE COURT MAKES A FINDING
15 SUPPORTED BY SPECIFIC FACTS THAT A VICTIM HAS EXPRESSLY OR
16 IMPLIEDLY WAIVED THE VICTIM'S STATUTORY PRIVILEGE SPECIFIED IN
17 SECTION 13-90-107, C.R.S.

18 (15) (a) Unless specifically stated otherwise, the requirements of
19 this section to provide information to the victim may be satisfied by either
20 written, ELECTRONIC, or oral communication with the victim or the
21 victim's designee. The person responsible for providing ~~such~~ THE
22 information shall do so in a timely manner and advise the victim or the
23 victim's designee of any significant changes in ~~such~~ THE information. The
24 victim or the victim's designee shall keep appropriate criminal justice
25 authorities informed of the name, address, ELECTRONIC MAIL ADDRESS, IF
26 AVAILABLE, and telephone number of the person to whom ~~such~~ THE
27 information should be provided, and any changes of ~~such~~ THE name,

1 address, ELECTRONIC MAIL ADDRESS, and telephone number. THE VICTIM
2 SHALL HAVE THE RIGHT AND BE GIVEN THE OPTION TO INDICATE IN
3 WRITING OR ELECTRONICALLY HIS OR HER DESIRE TO NOT BE CONTACTED
4 BY THE DISTRICT ATTORNEY OR ANY JUDICIAL PERSONNEL AND OPT OUT OF
5 THE VICTIM RIGHTS PROCESS.

6 (a.5) A VICTIM WHO TURNS EIGHTEEN YEARS OF AGE HAS THE
7 RIGHT TO REQUEST NOTIFICATION FROM A CRIMINAL JUSTICE AGENCY AND
8 TO BECOME THE PRIMARY POINT OF CONTACT. THE DESIGNEE FOR THE
9 VICTIM SHALL ALSO CONTINUE TO RECEIVE NOTIFICATIONS IF THE
10 DESIGNEE HAS REQUESTED NOTIFICATION; EXCEPT THAT THE NOTIFYING
11 AGENCY HAS THE DISCRETION TO NOTIFY ONLY THE VICTIM IF THE VICTIM
12 SO REQUESTS OR IF THE AGENCY DEEMS THAT EXTENUATING AND
13 DOCUMENTABLE CIRCUMSTANCES JUSTIFY DISCONTINUING NOTIFICATION
14 TO THE VICTIM'S DESIGNEE. THE RIGHT OF A VICTIM'S DESIGNEE TO
15 ADDRESS THE COURT REMAINS IN EFFECT EVEN IF THE VICTIM REQUESTS
16 NOTIFICATION FROM A CRIMINAL JUSTICE AGENCY.

17 (b) An agency that is required to notify a victim under this part 3
18 shall make reasonable attempts to contact the victim or the victim's
19 designee by mail, ELECTRONIC COMMUNICATION, IF THE VICTIM OR THE
20 VICTIM'S DESIGNEE HAS PROVIDED AN ELECTRONIC MAIL ADDRESS, and by
21 telephone. If the victim or the victim's designee does not provide the
22 agency with a forwarding address, ELECTRONIC MAIL ADDRESS, and
23 telephone number and the agency is unable to locate the victim or the
24 victim's designee after reasonable attempts have been made to contact the
25 victim or the victim's designee, the agency shall be deemed to have met
26 its obligation under this part 3 and shall not be required to notify the
27 victim or victim's designee until the victim or victim's designee provides

1 the agency with the current address, ELECTRONIC MAIL ADDRESS, IF
2 AVAILABLE, and telephone of the victim and the name of the victim's
3 current designee, if applicable.

4 (c) ~~Any duties that are required to be performed by the district~~
5 ~~attorney pursuant to this part 3 may be performed by a designee of the~~
6 ~~district attorney~~ AN AGENCY THAT IS REQUIRED TO NOTIFY A VICTIM
7 UNDER THIS PART 3 MAY USE AN AUTOMATED VICTIM NOTIFICATION
8 SYSTEM.

9 (18) THE DISTRICT ATTORNEY, A LAW ENFORCEMENT AGENCY, A
10 PROBATION DEPARTMENT, A STATE OR PRIVATE CORRECTIONAL FACILITY,
11 THE DEPARTMENT OF HUMAN SERVICES, OR THE COLORADO MENTAL
12 HEALTH INSTITUTE AT PUEBLO SHALL MAKE ALL REASONABLE EFFORTS TO
13 EXCLUDE OR REDACT A VICTIM'S SOCIAL SECURITY NUMBER [REDACTED] OR A
14 WITNESS' SOCIAL SECURITY NUMBER [REDACTED] FROM ANY CRIMINAL JUSTICE
15 DOCUMENT OR RECORD CREATED OR COMPILED AS A RESULT OF A
16 CRIMINAL INVESTIGATION WHEN THE DOCUMENT OR RECORD IS RELEASED
17 TO ANYONE OTHER THAN THE VICTIM, A CRIMINAL JUSTICE AGENCY THAT
18 HAS DUTIES UNDER THIS ARTICLE, OR THE ATTORNEY FOR THE DEFENDANT.
19 [REDACTED]

20 **SECTION 4. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2012 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.