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SENATE BILL 23-054

BY SENATOR(S) Danielson, Buckner, Coleman, Cutter, Exum, Fields, Ginal, Gonzales, Hinrichsen, Jaquez Lewis, Kolker, Marchman, Moreno, Priola, Sullivan, Winter F.;

also REPRESENTATIVE(S) Garcia and Velasco, Amabile, Bacon, Bird, Brown, Daugherty, deGruy Kennedy, Dickson, Duran, English, Froelich, Gonzales-Gutierrez, Hamrick, Herod, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Lukens, Mabrey, Marshall, Martinez, McCormick, McLachlan, Michaelson Jenet, Ricks, Sharbini, Sirota, Story, Titone, Valdez, Vigil, Weissman, Willford, Woodrow, Young, McCluskie.

CONCERNING THE DUTIES OF THE OFFICE OF LIAISON FOR MISSING AND MURDERED INDIGENOUS RELATIVES, 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, 24-33.5-2601, **add** (6) as follows:

24-33.5-2601. Definitions. As used in this part 26, unless the context otherwise requires:

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.

(6) "OFFICE PERSONNEL" MEANS THE DIRECTOR OF THE OFFICE AND ANY EMPLOYEE OR AGENT OF THE OFFICE. "OFFICE PERSONNEL" DOES NOT INCLUDE A MEMBER OF THE COMMUNITY VOLUNTEER ADVISORY BOARD ESTABLISHED IN SECTION 24-33.5-2603 (4).

SECTION 2. In Colorado Revised Statutes, 24-33.5-2603, **add** (3.5), (4)(d), (5), and (6) as follows:

24-33.5-2603. Office of liaison for missing and murdered Indigenous relatives - director - duties - report - collaboration - advisory board - access to records - gifts, grants, and donations.
(3.5) IN ADDITION TO ANY OTHER DUTIES DESCRIBED IN THIS SECTION, THE OFFICE SHALL:

(a) IN ORDER TO BETTER UNDERSTAND THE CAUSES OF CRIMES INVOLVING A MISSING OR MURDERED INDIGENOUS PERSON, CONDUCT COMPREHENSIVE REVIEWS OF SENTENCING IN CASES OF A VIOLENT OR EXPLOITATIVE CRIME AGAINST AN INDIGENOUS PERSON. THE OFFICE'S CASE REVIEWS SHOULD IDENTIFY CASES IN WHICH THE PERPETRATOR IS A REPEAT OFFENDER. THE REVIEWS MUST INCLUDE CONSULTATIONS WITH THE LEAD INVESTIGATIVE AGENCY AND DISTRICT ATTORNEY AND COLLECTION AND REVIEW OF ALL SENTENCING INFORMATION RELATED TO THE CASE. THE OFFICE SHALL ANNUALLY PUBLISH A REPORT THAT INCLUDES INFORMATION ABOUT THE CASE REVIEWS, INCLUDING THE NUMBER OF CASES REVIEWED, THE JURISDICTION OF THOSE CASES, AND THE DISPOSITION OF EACH CASE. THE DEPARTMENT SHALL PUBLISH THE REPORT ON A PUBLICLY AVAILABLE PAGE OF ITS WEBSITE.

(b) DEVELOP AND MAINTAIN COMMUNICATION WITH RELEVANT DIVISIONS IN THE DEPARTMENT REGARDING ANY CASES INVOLVING MISSING OR MURDERED INDIGENOUS RELATIVES;

(c) SEEK A POSITION FOR A REPRESENTATIVE OF THE INDIGENOUS COMMUNITY ON THE SENTENCING REFORM TASK FORCE OF THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE;

(d) COLLABORATE WITH INDIGENOUS-LED ORGANIZATIONS AND THE COLORADO DISTRICT ATTORNEYS' COUNCIL TO ASSIST THE COLORADO DISTRICT ATTORNEYS' COUNCIL IN DEVELOPING AND PROVIDING TRAINING TO VICTIM ADVOCATES IN DISTRICT ATTORNEYS' OFFICES AND LAW

ENFORCEMENT AGENCIES WHO WORK WITH THE FAMILIES OF MISSING OR MURDERED INDIGENOUS RELATIVES; AND

(e) DESIGNATE ONE EMPLOYEE OF THE OFFICE, IN ADDITION TO THE DIRECTOR, TO SERVE AS A POINT OF CONTACT FOR FAMILIES IN NEED OF ASSISTANCE WITH ONGOING OR COMPLETED MISSING OR MURDERED INDIGENOUS RELATIVES CASES. FOR EACH FAMILY THE EMPLOYEE WORKS WITH, THE EMPLOYEE SHALL LIAISE WITH THE VICTIM SERVICES COORDINATOR IN A DISTRICT ATTORNEY'S OFFICE WHO IS ASSIGNED TO THE FAMILY'S CASE AND ANY OTHER ADVOCATE ASSIGNED BY A STATE OR LOCAL AGENCY TO THE FAMILY'S CASE; PROVIDE TO THE FAMILY AVAILABLE INFORMATION ABOUT THE FAMILY'S CASE; FACILITATE CONNECTIONS WITH LOCAL LAW ENFORCEMENT, ADVOCACY, AND VICTIM SERVICES ORGANIZATIONS, AND WHEN NECESSARY ADVOCATE FOR THE FAMILY WITH THOSE ENTITIES AND FOLLOW-UP WITH THOSE ENTITIES; AND PROVIDE THE FAMILY WITH INFORMATION ABOUT COMMUNITY RESOURCES AND SUPPORT SERVICES.

(4) (d) THE ADVISORY BOARD SHALL PREPARE AN ANNUAL REPORT THAT INCLUDES A SUMMARY OF THE ADVISORY BOARD'S WORK DURING THE PRIOR YEAR AND THE ADVISORY BOARD'S RECOMMENDATIONS ABOUT ANY ISSUE RELATED TO THE OFFICE TO IMPROVE ANY ASPECT OF THE OFFICE, ITS OPERATION, OR PROCEDURES IN FURTHERANCE OF THE OFFICE'S MISSION. NO LATER THAN DECEMBER 31 OF EACH YEAR, THE ADVISORY BOARD SHALL SUBMIT THE ANNUAL REPORT TO THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND STATE, CIVIC, MILITARY, AND VETERANS AFFAIRS COMMITTEE AND THE SENATE JUDICIARY COMMITTEE AND STATE, VETERANS, AND MILITARY AFFAIRS COMMITTEE, OR THEIR SUCCESSOR COMMITTEES. NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORTING REQUIREMENT SPECIFIED IN THIS SUBSECTION (4)(d) CONTINUES INDEFINITELY.

(5) (a) SUBJECT TO APPLICABLE STATE OR FEDERAL LAW, AND, SUBJECT TO THE CUSTODIAN BALANCING THE NEEDS OF THE OFFICE, THE FAMILIES OF MISSING PERSONS, AND LAW ENFORCEMENT'S INTEREST IN PROTECTING THE INTEGRITY OF AN INVESTIGATION, OFFICE PERSONNEL MAY INSPECT RELEVANT CRIMINAL JUSTICE RECORDS, INCLUDING ANY CORRECTIONAL OR DETENTION RECORDS, AND ANY PERTINENT MEDICAL, CORONER, AND LABORATORY RECORDS IN THE CUSTODY OF ANY STATE OR LOCAL AGENCY THAT ARE NECESSARY FOR THE OFFICE TO PERFORM ITS

DUTIES PURSUANT TO THIS SECTION. A LAW ENFORCEMENT AGENCY SHALL COMPLY WITH A REQUEST FOR DATA FROM THE DEPARTMENT OF PUBLIC SAFETY TO THE EXTENT CONSISTENT WITH THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, AND THE CRIMINAL JUSTICE RECORDS ACT, PART 3 OF ARTICLE 72 OF TITLE 24. OFFICE PERSONNEL MAY ONLY REVIEW AND INSPECT RECORDS AT REASONABLE TIMES AND WITH REASONABLE NOTICE UNDER THE CIRCUMSTANCES. OFFICE PERSONNEL SHALL NOT HAVE ACCESS PURSUANT TO THIS SUBSECTION (5) TO ANY CRIMINAL JUSTICE OR MEDICAL RECORD THAT IS NOT PERTINENT, RELEVANT, OR NECESSARY FOR THE OFFICE TO PERFORM ITS DUTIES DESCRIBED IN THIS SECTION.

(b) ANY RECORD INSPECTED, ACCESSED, OR OTHERWISE OBTAINED OR REVIEWED BY OFFICE PERSONNEL PURSUANT TO THIS SUBSECTION (5) IS CONFIDENTIAL. THE OFFICE SHALL NOT RELEASE, SHARE, OR MAKE PUBLIC THE RECORDS OR ANY INFORMATION CONTAINED IN THE RECORDS, EXCEPT AS FOLLOWS:

(I) THE OFFICE MAY PUBLICLY RELEASE AGGREGATED INFORMATION ON A PUBLICLY AVAILABLE PAGE OF THE DEPARTMENT'S WEBSITE IN A MANNER THAT DOES NOT IDENTIFY ANY INDIVIDUAL PERSON AND DOES NOT INCLUDE ANY INFORMATION THAT MAY BE LINKED TO ANY INDIVIDUAL;

(II) THE OFFICE MAY RELEASE RECORDS OR INFORMATION LEARNED FROM A RECORD RELATED TO A PERSON WHO HAS BEEN MISSING FOR FIVE YEARS OR MORE OR A PERSON WHOSE DEATH THE OFFICE HAS CONFIRMED TO THE FOLLOWING PEOPLE WHO ARE RELATED TO THE PERSON WHO IS THE SUBJECT OF THE RECORD: THE PERSON'S SPOUSE, PARENT, GRANDPARENT, STEPFATHER, STEPMOTHER, CHILD, GRANDCHILD, BROTHER, SISTER, HALF BROTHER, HALF SISTER, OR SPOUSE'S PARENTS, INCLUDING ANY OF THOSE RELATIONSHIPS CREATED AS A RESULT OF ADOPTION. IN DETERMINING WHETHER TO RELEASE RECORDS, THE OFFICE SHALL BALANCE THE NEEDS OF THE OFFICE, THE FAMILIES OF MISSING PERSONS, AND LAW ENFORCEMENT'S INTEREST IN PROTECTING THE INTEGRITY OF AN INVESTIGATION.

(III) IF THE OFFICE IS ORDERED TO RELEASE A RECORD PURSUANT TO A SEARCH WARRANT, SUBPOENA, OR OTHER COURT ORDER, THE OFFICE SHALL RELEASE THE RECORD TO THE EXTENT ORDERED.

(c) OFFICE PERSONNEL WHO VIOLATE THIS SECTION BY RELEASING

OR MAKING PUBLIC A CONFIDENTIAL RECORD OR CONFIDENTIAL INFORMATION LEARNED FROM A RECORD COMMITS A CLASS 2 MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501 (1).

(6) THE OFFICE MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES TO CARRY OUT ANY OF THE OFFICE'S DUTIES AND TO PROVIDE FINANCIAL SUPPORT TO MISSING OR MURDERED INDIGENOUS RELATIVES' FAMILIES. THE SUPPORT MAY INCLUDE, BUT IS NOT LIMITED TO, ASSISTANCE WITH PAYMENT FOR THE COST OF RECORD RETRIEVAL, TRAVEL EXPENSES, LODGING, GAS, OR FUNERAL COSTS.

SECTION 3. In Colorado Revised Statutes, **add 24-33.5-2606** as follows:

24-33.5-2606. Missing or murdered indigenous relatives phone line. THE STATE'S FUSION CENTER IN THE OFFICE OF PREVENTION AND SECURITY, CREATED IN SECTION 24-33.5-1606, SHALL CREATE A DEDICATED PHONE LINE FOR MISSING OR MURDERED INDIGENOUS RELATIVES. THE PHONE LINE MUST OPERATE TWENTY-FOUR HOURS A DAY, SEVEN DAYS A WEEK. THE PHONE LINE MUST FACILITATE CONNECTING A CALLER WITH THE APPROPRIATE CONTACT AT EITHER THE OFFICE OR THE COLORADO BUREAU OF INVESTIGATION.

SECTION 4. Appropriation. (1) For the 2023-24 state fiscal year, \$191,973 is appropriated to the department of public safety. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$166,973 for administrative services related to the division of criminal justice, which amount is based on an assumption that the division will require an additional 1.4 FTE; and

(b) \$25,000 for use by the office of prevention and security for operating expenses related to the division of homeland security and emergency management.

(2) For the 2023-24 state fiscal year, \$170,601 is appropriated to the judicial department. This appropriation is from the general fund. To implement this act, the department may use this appropriation for

information technology infrastructure.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO