

**Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 22-0391.01 Alana Rosen x2606

**SENATE BILL 22-049**

**SENATE SPONSORSHIP**

**Fields and Gardner**, Bridges, Buckner, Coleman, Cooke, Fenberg, Garcia, Ginal, Hansen, Hisey, Holbert, Jaquez Lewis, Kirkmeyer, Kolker, Lee, Liston, Lundeen, Moreno, Pettersen, Priola, Rankin, Rodriguez, Scott, Simpson, Smallwood, Sonnenberg, Story, Woodward, Zenzinger

**HOUSE SPONSORSHIP**

**Tipper and Carver**, Amabile, Bernett, Bird, Bockenfeld, Boesenecker, Catlin, Duran, Exum, Froelich, Garnett, Geitner, Gonzales-Gutierrez, Gray, Herod, Jodeh, Lindsay, Lontine, Lynch, McCluskie, McLachlan, Michaelson Jenet, Mullica, Pico, Ricks, Roberts, Sandridge, Sirota, Snyder, Soper, Titone, Valdez A., Van Beber, Weissman, Woodrow, Young

---

**Senate Committees**  
Judiciary

**House Committees**  
Judiciary

HOUSE  
3rd Reading Unamended  
April 18, 2022

HOUSE  
Amended 2nd Reading  
April 14, 2022

---

**A BILL FOR AN ACT**

101 **CONCERNING UPDATING THE "VICTIM 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://leg.colorado.gov>.)*

The bill updates the "Victim Rights Act" (act). The purpose of the act is to ensure all victims of crimes are protected by law enforcement agencies, prosecutors, and judges.

The bill updates include:

- Allowing a victim or the victim's designees to appear in court proceedings in person, by phone, or virtually via video or audio technology, or similar technology;
- Requiring defendants to attend sentencing hearings to hear

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

SENATE  
3rd Reading Unamended  
February 22, 2022

SENATE  
Amended 2nd Reading  
February 18, 2022

the victim's impact statement, unless the court excludes the defendant;

- Clarifying that a victim or the victim's designees have a right to consult with the prosecution after any crime against the victim has been charged, and the prosecutor shall explain the sentencing terms;
- Requiring the court to provide the victim or the victim's designees with translation or interpretation services as needed during all critical stages of the hearing;
- Clarifying that a victim or the victim's designees have a right to attend all parole board hearings;
- Requiring a court to order a bond hearing in any case that falls under the act; and
- Clarifying that more than one person can represent the interests of a victim who is deceased or incapacitated.

---

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 24-4.1- 300.1 as  
3 follows:

4           **24-4.1-300.1. Short title.** THE SHORT TITLE OF THIS PART 3 IS THE  
5 "VICTIM RIGHTS ACT".

6           **SECTION 2.** In Colorado Revised Statutes, 24-4.1-302, **amend**  
7 (2)(e.5) and (2)(k.3); and **add** (1)(nn) and (1)(oo) as follows:

8           **24-4.1-302. Definitions.** As used in this part 3, and for no other  
9 purpose, including the expansion of the rights of any defendant:

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

13           (nn) FIRST DEGREE ARSON, IN VIOLATION OF SECTION 18-4-102;

14           (oo) CRIMINAL INVASION OF PRIVACY, IN VIOLATION OF SECTION  
15 18-7-801.

16           (2) "Critical stages" means the following stages of the criminal  
17 justice process:

1 (e.5) Any subpoena OR APPLICATION for records concerning the  
2 victim's medical history; mental health; education; ~~or~~ victim's  
3 compensation; OR RECORDS THAT ARE        PRIVILEGED PURSUANT TO  
4 SECTION 13-90-107;

5 (k.3) The filing of any complaint, summons, or warrant FILED by  
6 the probation department; ~~for failure to report to probation or because the~~  
7 ~~location of a person convicted of a crime is unknown;~~

8 **SECTION 3.** In Colorado Revised Statutes, 24-4.1-302.5, **amend**  
9 (1)(b), (1)(b.9), (1)(d)(I), (1)(d)(VII), (1)(d.5)(I), (1)(d.5)(III),  
10 (1)(d.5)(IV), (1)(e), (1)(j), (1)(j.2), (1)(j.5)(I), (1)(j.5)(II), (1)(j.5)(III),  
11 (1)(j.5)(V), and (1)(z); and **add** (1)(e.2) as follows:

12 **24-4.1-302.5. Rights afforded to victims - definitions.** (1) In  
13 order to preserve and protect a victim's rights to justice and due process,  
14 each victim of a crime has the following rights:

15 (b) The right to be informed of and BE present BY APPEARING IN  
16 PERSON, BY PHONE, VIRTUALLY BY AUDIO OR VIDEO, OR SIMILAR  
17 TECHNOLOGY for all critical stages of the criminal justice process as  
18 specified in section 24-4.1-302 (2); except that the victim shall have the  
19 right to be informed of, without being present for, the critical stages  
20 described in section 24-4.1-302 (2)(a), (2)(a.5), (2)(a.7), (2)(e.5), (2)(k.3),  
21 (2)(n), (2)(p), (2)(q), **(2)(r)**, and (2)(u);

22 (b.9) The right to receive a free copy of the initial incident report  
23 from the investigating law enforcement agency; except that the release of  
24 a document associated with the investigation is at the discretion of the law  
25 enforcement agency based on the status of the case or security and safety  
26 concerns in a correctional facility, local jail, or private contract prison as  
27 defined in section 17-1-102. ~~C.R.S.~~; THE INITIAL INCIDENT REPORT MUST

1 CONTAIN, AT A MINIMUM, THE VICTIM'S NAME, THE OFFENDER'S NAME, THE  
2 DATE OF THE CRIME, THE CHARGES, AND A SUMMARY OF THE INCIDENT SO  
3 THE VICTIM HAS SUFFICIENT DETAIL TO HELP THE VICTIM WITH, INCLUDING  
4 BUT NOT LIMITED TO, INSURANCE CLAIMS, EMPLOYER INTERCESSION,  
5 PROTECTION ORDERS, AND LANDLORD-TENANT NOTIFICATION. THE LAW  
6 ENFORCEMENT AGENCY MAY REDACT THE NAMES OF OTHER VICTIMS  
7 INVOLVED IN THE INCIDENT WHO ARE NOT RELATED TO THE VICTIM  
8 REQUESTING THE REPORT AND ANY PERSONAL IDENTIFYING INFORMATION,  
9 INCLUDING BUT NOT LIMITED TO SOCIAL SECURITY NUMBERS, DRIVER'S  
10 LICENSE NUMBERS, TELEPHONE NUMBERS, E-MAIL ADDRESSES, AND  
11 PHYSICAL ADDRESSES RELATED TO PARTIES OR WITNESSES IN THE CASE.  
12 THE INVESTIGATING LAW ENFORCEMENT AGENCY SHALL NOTIFY THE  
13 DISTRICT ATTORNEY OF THE INFORMATION THE VICTIM RECEIVED IN THE  
14 INCIDENT REPORT AND WHEN IT WAS PROVIDED TO THE VICTIM. THE  
15 DISTRICT ATTORNEY SHALL PROVIDE THIS INFORMATION TO ANY  
16 DEFENDANT INVOLVED IN THE CASE THROUGH THE DISCOVERY PROCESS.

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

18 (I) Involving the defendant's bond as specified in section  
19 24-4.1-302 (2)(c). IF THERE IS A REQUEST TO DECREASE OR MODIFY THE  
20 BOND OR BOND CONDITIONS, THE COURT SHALL SET A HEARING PURSUANT  
21 TO SECTION 16-4-109 (1), AND THE DISTRICT ATTORNEY SHALL NOTIFY THE  
22 VICTIM OF THE HEARING.

23 (VII) Involving ANY APPLICATION TO THE COURT FOR THE  
24 ISSUANCE OF a subpoena for records concerning the victim's medical  
25 history, mental health, education, or victim compensation, or any other  
26 records that are \_\_\_ privileged pursuant to section 13-90-107;

27 (d.5) (I) If a victim or a victim's designee is unavailable to be

1 present for the critical stages described in ~~paragraph (d) of this subsection~~  
2 ~~(H)~~ SUBSECTION (1)(d) OF THIS SECTION and the victim or the victim's  
3 designee wishes to address the court, the right to request that the court,  
4 within the court's resources, arrange and provide the means for the victim  
5 and the victim's designee to provide input to the court beyond a written  
6 victim impact statement, WHICH MAY INCLUDE, BUT NEED NOT BE LIMITED  
7 TO, APPEARING BY PHONE, VIRTUALLY BY VIDEO OR AUDIO, OR SIMILAR  
8 TECHNOLOGY.

9 (III) The victim or the victim's designee shall notify the district  
10 attorney within a reasonable time that ~~he or she~~ THE VICTIM OR THE  
11 VICTIM'S DESIGNEE is unavailable to attend the court hearing. The district  
12 attorney's office shall then inform the court that the victim or the victim's  
13 designee, due to ~~his or her~~ THE VICTIM'S OR THE VICTIM'S DESIGNEE'S  
14 unavailability, is requesting the court to arrange for and provide the  
15 means to address the court, which ~~may~~ MUST include but need not be  
16 limited to appearing by phone, VIRTUALLY BY VIDEO OR AUDIO, or similar  
17 technology. The district attorney shall inform the victim or the victim's  
18 designee of the ~~court's decision regarding an alternate arrangement~~  
19 AVAILABLE OPTIONS TO APPEAR REMOTELY.

20 (IV) This subsection (1)(d.5) applies to a victim who is  
21 incarcerated or otherwise being held in a local county jail, the department  
22 of corrections, or the division of youth services in the department of  
23 human services, but is limited to participation by telephone OR APPEARING  
24 VIRTUALLY BY VIDEO OR AUDIO, OR SIMILAR TECHNOLOGY.

25 (e) The right to consult with the prosecution after any crime  
26 against the victim has been charged, PRIOR TO ANY PREFILE OR POST  
27 FILING DIVERSION OFFER, prior to any disposition of the case, or prior to

1 any trial of the case, and the right to be informed of the final disposition  
2 of the case. THE RIGHT TO CONSULT WITH THE PROSECUTION MUST  
3 INCLUDE AN EXPLANATION TO THE VICTIM OF THE POSSIBILITY THAT THE  
4 DEFENDANT MAY NOT SERVE THE DEFENDANT'S ENTIRE SENTENCE IN THE  
5 DEPARTMENT OF CORRECTIONS BECAUSE THE DEFENDANT MAY RECEIVE  
6 GOOD TIME CREDITS OR EARNED TIME WHILE INCARCERATED;

7 (e.2) THE RIGHT TO BE INFORMED IF A DISTRICT ATTORNEY GRANTS  
8 EARLY TERMINATION TO AN OFFENDER PARTICIPATING IN A DIVERSION  
9 PROGRAM AND THE DATE OF TERMINATION FROM THE DIVERSION  
10 PROGRAM;

11 (j) The right to be informed of any proceeding at which any  
12 postconviction release from confinement in a secure state correctional  
13 facility is being considered for any person convicted of a crime against  
14 the victim and the right to be PRESENT BY APPEARING IN PERSON, BY  
15 PHONE, OR VIRTUALLY BY VIDEO OR AUDIO, OR SIMILAR TECHNOLOGY,  
16 AND heard at any such proceeding or to provide written information.  
17 ~~thereto~~. For purposes of this subsection (1), "proceeding" means  
18 reconsideration of sentence, a parole hearing, a full parole board review,  
19 REVOCATION HEARING, RESCISSION HEARING, commutation of sentence,  
20 or consideration for placement in the specialized program developed by  
21 the department of corrections pursuant to section 17-34-102.

22 (j.2) The right to be informed of any request for progression from  
23 the state mental health hospital on behalf of a person in its custody as a  
24 result of a criminal case involving the victim, and the right to be PRESENT  
25 BY APPEARING IN PERSON, BY PHONE, OR VIRTUALLY BY VIDEO OR AUDIO,  
26 OR SIMILAR TECHNOLOGY, AND heard at any hearing during which a court  
27 considers such a request. For purposes of this subsection (1)(j.2), "request

1 for progression" includes any request for off-grounds or unsupervised  
2 privileges, community placement, conditional release, unconditional  
3 discharge, or a special furlough.

4 (j.5)(I) The right to provide a written victim impact statement that  
5 ~~will~~ MUST be included with any referral made by the department of  
6 corrections or a district court to place an offender in a community  
7 corrections facility or program. A community corrections board may  
8 allow a victim to provide an oral statement BY APPEARING IN PERSON, BY  
9 PHONE, OR VIRTUALLY BY VIDEO OR AUDIO, OR SIMILAR TECHNOLOGY, to  
10 the community corrections board when an offender is being considered  
11 for a direct sentence to community corrections and may place reasonable  
12 limits on the victim's oral statement.

13 (II) For purposes of this ~~paragraph~~ SUBSECTION (1)(j.5), the victim  
14 shall have the right to provide a separate oral statement BY APPEARING IN  
15 PERSON, BY PHONE, OR VIRTUALLY BY VIDEO OR AUDIO, OR SIMILAR  
16 TECHNOLOGY, to the community corrections board considering a  
17 transitional referral, but the board shall have discretion to place  
18 reasonable parameters on the victim's oral statement. If a community  
19 corrections board denies the offender's referral to community corrections,  
20 the victim's right under this ~~subparagraph (II)~~ SUBSECTION (1)(j.5)(II) to  
21 provide an oral statement ~~shall~~ MUST not take effect.

22 (III) For purposes of this subsection (1)(j.5), if a victim or a  
23 victim's designee is unavailable to be present for a proceeding to consider  
24 an offender for a direct sentence or transitional referral to community  
25 corrections as described in subsection (1)(j.5)(I) of this section, and the  
26 victim or the victim's designee wishes to address the community  
27 corrections board, the victim or the victim's designee shall notify the

1 community corrections board within a reasonable time that the victim is  
2 unavailable to attend the proceeding but would like to make a statement.  
3 Within its resources, the community corrections board shall arrange for  
4 and provide the means for the victim to address the board, which means  
5 may include, but need not be limited to, appearing ~~by phone~~ IN PERSON,  
6 BY PHONE, OR VIRTUALLY BY AUDIO OR VIDEO, or ~~via~~ similar technology.

7 (V) This subsection (1)(j.5) applies to a victim who is incarcerated  
8 or otherwise being held in a local county jail, the department of  
9 corrections, or the division of youth corrections in the department of  
10 human services but is limited to participation by ~~phone~~ APPEARING IN  
11 PERSON, BY PHONE, OR VIRTUALLY BY AUDIO OR VIDEO, or similar  
12 technology.

13 (z) The right to be notified of a hearing concerning any motion  
14 filed for or petition for sealing of records described in section 24-72-706  
15 OR 24-72-709 or 24-72-710 filed by a defendant in the criminal case  
16 whose crime falls under section 24-4.1-302 (1);

17 **SECTION 4.** In Colorado Revised Statutes, 24-4.1-303, **amend**  
18 (2), (3.5), (4), (10)(b)(IV), (11)(b.7), (13.5)(a)(VI), (14.3), and (14.5)(b);  
19 and **add** (1.5), (14.5)(a.5), (14.5)(d), and (14.5)(e) as follows:

20 **24-4.1-303. Procedures for ensuring rights of victims of**  
21 **crimes.** (1.5) IF A CRIME VICTIM IS DECEASED OR INCAPACITATED, AS  
22 DEFINED IN SECTION 24-4.1-302 (5), ONE OR MORE PEOPLE, AS DESCRIBED  
23 IN SECTION 24-4.1-302 (6), MAY REPRESENT THE INTERESTS OF THE VICTIM  
24 AS THE VICTIM'S DESIGNEE AND MAY HAVE THE RIGHT TO BE INFORMED,  
25 PRESENT, OR HEARD AT ANY PROCEEDING PURSUANT TO SECTION  
26 24-4.1-302.5 (1)(d), (1)(j), AND (1)(j.5) AND SUBSECTIONS (13.5)(a)(III),  
27 (13.5)(a)(IV), AND (14)(d) OF THIS SECTION.



1           (2) ~~Upon request of a victim,~~ All correctional officials shall keep  
2 confidential the address, telephone number, place of employment, or  
3 other personal information of such victim or members of such victim's  
4 immediate family.

5           (3.5) The district attorney's office, if practicable, shall inform the  
6 victim of any pending motion or decision by the district attorney to  
7 sequester the victim from a critical stage in the case. The district attorney  
8 shall inform the court of the victim's position on the motion or the district  
9 attorney's decision, if any. If the victim has objected, then the court,  
10 before granting the sequestration order, shall state in writing or on the  
11 record that the victim's objection was considered and state the basis for  
12 the court's decision. IF A VICTIM IS SEQUESTERED, THE DISTRICT  
13 ATTORNEY MUST UNDERTAKE BEST EFFORTS TO PRIORITIZE THE TIMING OF  
14 THE VICTIM'S TESTIMONY AND MINIMIZE THE AMOUNT OF TIME THE VICTIM  
15 IS SEQUESTERED FROM THE CRITICAL STAGES IN THE CASE.

16           (4) After a crime has been charged, OR AS PART OF A PREFILING OR  
17 POST FILING DIVERSION OFFER, unless inconsistent with the requirements  
18 of investigative activities, the district attorney shall consult, ~~where~~ IF  
19 practicable, with the victim concerning the reduction of charges,  
20 negotiated pleas, diversion, dismissal, seeking of death penalty, or other  
21 disposition. THE DISTRICT ATTORNEY SHALL EXPLAIN TO THE VICTIM THE  
22 POSSIBILITY THAT THE DEFENDANT MAY NOT SERVE THE DEFENDANT'S  
23 ENTIRE SENTENCE IN THE DEPARTMENT OF CORRECTIONS BECAUSE THE  
24 DEFENDANT MAY RECEIVE GOOD TIME CREDITS OR EARNED TIME WHILE  
25 INCARCERATED. Failure to comply with this subsection (4) ~~shall~~ DOES not  
26 invalidate any decision, agreement, or disposition. This subsection (4)  
27 ~~shall~~ MUST not be construed as a restriction on or delegation of the district

1 attorney's authority under the constitution and laws of this state.

2 (10) (b) As soon as available, the law enforcement agency shall  
3 give to each victim, as appropriate, the following information:

4 (IV) UPON REQUEST OF THE VICTIM, the law enforcement agency  
5 shall provide the victim in a cold case information concerning any change  
6 in the status of the case. In addition, the law enforcement agency shall  
7 provide an update at least annually to the victim concerning the status of  
8 a cold case involving one or more crimes for which the criminal statute  
9 of limitations is longer than three years.

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

11 (b.7) Any motion filed, UNLESS THE MOTION IS DENIED BECAUSE  
12 THE MOTION IS EITHER INSUFFICIENT OR THE DEFENDANT IS NOT ENTITLED  
13 TO RELIEF, or any hearing concerning a motion or petition for sealing of  
14 records as described in section 24-72-706, 24-72-709, or 24-72-710 that  
15 was filed by a defendant in the criminal case and whose crime falls under  
16 section 24-4.1-302 (1). The notification should be made using the last  
17 known contact information that is available for the victim.

18 (13.5) (a) Following a sentence to probation and upon the written  
19 request of a victim, the probation department shall notify the victim of the  
20 following information regarding any person who was charged with or  
21 convicted of a crime against the victim:

22 (VI) Any complaint, summons, or warrant filed by the probation  
23 department; ~~for failure to report to probation or because the location of~~  
24 ~~a person convicted of a crime is unknown;~~

25 (14.3) ~~Upon receipt of a written statement from the victim,~~ The  
26 juvenile parole board shall notify the victim of the following information  
27 regarding any person who was charged with or adjudicated of an offense

1 against the victim:

2 (a) Any scheduled juvenile parole hearings pursuant to sections  
3 19-2.5-1203 and 19-2.5-1206 regarding the person, any change in the  
4 scheduling of such a hearing in advance of the hearing, the victim's right  
5 to be present and heard at such hearings, the results of any such hearing,  
6 any parole decision to release the person, and the terms and conditions of  
7 any such release; AND

8 (b) ~~Any escape by the person while serving juvenile parole and~~  
9 ~~any subsequent recapture of the person;~~

10 (c) ~~Any placement change that occurs during the period of parole~~  
11 ~~that may impact the victim's safety or public safety as determined by the~~  
12 ~~division of youth services; and~~

13 (d) Any discharge from juvenile parole.

14 (14.5) (a.5) A PARTY ISSUING A SUBPOENA PURSUANT TO RULE 17  
15 OF THE COLORADO RULES OF CRIMINAL PROCEDURE FOR THE PRODUCTION  
16 OF THE PRIVILEGED RECORDS OF A VICTIM PURSUANT TO SECTION  
17 13-90-107 OR A SUBPOENA REQUESTING THE COMPENSATION RECORDS OF  
18 A VICTIM PURSUANT TO SECTION 24-4.1-107.5 SHALL FILE WITH THE  
19 COURT AND SERVE ON ANY OPPOSING PARTY:

20 (I) A COPY OF THE SUBPOENA;

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

23 (III) A COPY OF THE WRITTEN NOTICE SERVED ON RECIPIENTS THAT  
24 ADVISES THAT A PARTY MAY NOT RELEASE RECORDS UNTIL THE COURT  
25 ORDERS THE RELEASE OF THE RECORDS AT A HEARING AND THAT A PARTY  
26 MAY ONLY PROVIDE THE RECORDS TO THE COURT IF THE COURT ORDERS  
27 THE PARTY TO RELEASE THE RECORDS; AND

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

6 (b) (I) At a proceeding specified in section 24-4.1-302.5  
7 (1)(d)(VII), ~~involving a subpoena for records of a victim, the court shall~~  
8 ~~ascertain whether the victim received notice from the district attorney's~~  
9 ~~office of the subpoena. After considering all evidence relevant to the~~  
10 ~~subpoena, the court shall deny a request for a victim's records that are~~  
11 ~~privileged pursuant to section 13-90-107, C.R.S., unless the court makes~~  
12 ~~a finding supported by specific facts that a victim has expressly or~~  
13 ~~impliedly waived the victim's statutory privilege specified in section~~  
14 ~~13-90-107, C.R.S. AFTER CONSIDERING ALL RELEVANT EVIDENCE, THE~~  
15 ~~COURT SHALL QUASH ANY SUBPOENA AND SHALL NOT RECEIVE ANY~~  
16 ~~RECORDS PROTECTED BY PRIVILEGE PURSUANT TO SECTION 13-90-107~~  
17 ~~UNLESS THE COURT FINDS, BASED UPON EVIDENCE, THAT A VICTIM~~  
18 ~~EXPRESSLY OR IMPLIEDLY WAIVED THE STATUTORY PRIVILEGE. IN~~  
19 ~~CONSIDERING WHETHER TO RECEIVE AND RELEASE ANY RECORDS~~  
20 ~~RELATING TO THE VICTIM, THE COURT SHALL DETERMINE WHETHER:~~

21 (A) THERE IS A REASONABLE LIKELIHOOD THAT THE SUBPOENAED  
22 RECORDS EXIST;

23 (B) THE SUBPOENAED RECORDS ARE EVIDENTIARY AND RELEVANT;

24 (C) THE SUBPOENAED RECORDS CANNOT BE REASONABLY  
25 PROCURED IN ADVANCE OF THE TRIAL DESPITE DUE DILIGENCE;

26 (D) THE PARTY CANNOT PROPERLY PREPARE FOR TRIAL WITHOUT  
27 PRODUCTION AND INSPECTION OF THE SUBPOENAED RECORDS, AND

1 FAILURE TO INSPECT THE SUBPOENAED RECORDS IN ADVANCE MAY  
2 UNREASONABLY DELAY THE TRIAL; AND

3 (E) THE APPLICATION TO REVIEW THE SUBPOENAED RECORDS IS  
4 MADE IN GOOD FAITH.

5 (II) IF THE COURT CONDUCTS A HEARING ON THE APPLICATION FOR  
6 THE ISSUANCE OF SUBPOENAED RECORDS, THE COURT SHALL PROCEED  
7 ONLY AFTER INPUT FROM THE VICTIM, UNLESS THE VICTIM IS UNAVAILABLE  
8 AND THE COURT FINDS THAT THE DISTRICT ATTORNEY NOTIFIED THE  
9 VICTIM OR MADE ALL REASONABLE EFFORTS TO NOTIFY THE VICTIM.

10 (III) IF AFTER THE HEARING, THE COURT ORDERS THE PRODUCTION  
11 OF RECORDS, THE COURT SHALL ENTER ORDERS TO SET A TIMELINE OF NO  
12 LESS THAN SEVEN DAYS FOR THE PARTY TO ARRANGE PRODUCTION OF THE  
13 RECORDS TO THE COURT; EXCEPT THAT THE COURT MAY ORDER  
14 PRODUCTION IN LESS THAN SEVEN DAYS TO AVOID THE DELAY OF A JURY  
15 TRIAL.

16 (d) THE COURT SHALL PROVIDE THE VICTIM OR THE VICTIM'S  
17 DESIGNEE WITH TRANSLATION OR INTERPRETATION SERVICES AS NEEDED  
18 DURING ALL CRITICAL STAGES OF THE HEARING. THE VICTIM OR THE  
19 VICTIM'S DESIGNEE SHALL NOTIFY THE DISTRICT ATTORNEY WITHIN A  
20 REASONABLE TIME THAT THE VICTIM OR THE VICTIM'S DESIGNEE NEEDS AN  
21 INTERPRETER FOR THE CRITICAL STAGES OF THE HEARING. THE DISTRICT  
22 ATTORNEY'S OFFICE SHALL INFORM THE COURT THAT THE VICTIM OR  
23 VICTIM'S DESIGNEE REQUESTS THAT THE COURT ARRANGE FOR  
24 TRANSLATION OR INTERPRETATION SERVICES.

25 (e) THE COURT SHALL REQUIRE THE DEFENDANT TO BE PRESENT BY  
26 APPEARING IN PERSON, BY PHONE, OR VIRTUALLY BY AUDIO OR VIDEO, OR  
27 SIMILAR TECHNOLOGY, DURING THE SENTENCING HEARING TO HEAR THE

1 VICTIM'S IMPACT STATEMENT, UNLESS THE COURT EXCLUDES THE  
2 DEFENDANT.

3 **SECTION 5.** In Colorado Revised Statutes, 16-4-103, **amend** (1)  
4 as follows:

5 **16-4-103. Setting and selection type of bond - criteria.**

6 (1) (a) At the first appearance of a person in custody before any court or  
7 any person designated by the court to set bond, the court or person shall  
8 determine the type of bond and conditions of release unless the person is  
9 subject to ~~the provisions of~~ section 16-4-101.

10 (b) AT A HEARING OTHER THAN AN ADVISEMENT HEARING FOR A  
11 PERSON IN CUSTODY BEFORE ANY COURT OR ANY PERSON DESIGNATED BY  
12 THE COURT TO MODIFY OR REDUCE BOND, THE COURT SHALL CONDUCT OR  
13 SET A BOND HEARING IF THE CASE IS SUBJECT TO PART 3 OF ARTICLE 4.1 OF  
14 TITLE 24.

15 **SECTION 6.** In Colorado Revised Statutes, 16-4-109, **amend** (1)  
16 as follows:

17 **16-4-109. Reduction or increase of monetary conditions of**  
18 **bond - change in type of bond or conditions of bond - definitions.**

19 (1) Upon application by the district attorney or the defendant, the court  
20 before which the proceeding is pending may increase or decrease the  
21 financial conditions of bond, may require additional security for a bond,  
22 may dispense with security theretofore provided, or may alter any other  
23 condition of the bond. IF THE DEFENDANT APPLIES TO DECREASE THE  
24 FINANCIAL CONSIDERATIONS OF BOND OR MODIFY BOND CONDITIONS, THE  
25 COURT SHALL SET THE APPLICATION FOR HEARING IF THE CASE IS SUBJECT  
26 TO PART 3 OF ARTICLE 4.1 OF TITLE 24.

27 **SECTION 7.** In Colorado Revised Statutes, 18-1.3-301, **amend**

1 (1)(f) and (1)(h)(IV) as follows:

2 **18-1.3-301. Authority to place offenders in community**  
3 **corrections programs.** (1) (f) The probation department of the judicial  
4 district ~~in which~~ WHERE THE OFFENDER WAS SENTENCED TO a community  
5 corrections program ~~is located shall have~~ HAS jurisdiction over all  
6 offenders sentenced directly to a community corrections program,  
7 REGARDLESS OF WHERE THE COMMUNITY CORRECTIONS PROGRAM IS  
8 LOCATED. Such probation department shall initiate arrest warrants,  
9 process reports or other official documents regarding offenders at the  
10 direction of the court, coordinate with community corrections boards and  
11 community corrections programs, review offender supervision and  
12 treatment, authorize offender transfers between residential and  
13 nonresidential phases of placement,   and carry out such other duties as  
14 the court directs.

15 (h) (IV) If victim notification is required, the probation officer  
16 UNLESS THE VICTIM HAS OPTED OUT OF VICTIM NOTIFICATIONS FROM  
17 COMMUNITY CORRECTIONS, THE COMMUNITY CORRECTIONS PROGRAM  
18 AGENT FOR THE COMMUNITY CORRECTIONS PROGRAM shall provide victim  
19 notification pursuant to part 3 of article 4.1 of title 24, C.R.S.  
20 NOTIFICATIONS REGARDING AN OFFENDER'S REQUEST FOR EARLY  
21 TERMINATION OF A DIRECT SENTENCE TO COMMUNITY CORRECTIONS, IF  
22 THE OFFENDER'S CRIME FALLS UNDER SECTION 24-4.1-302 (1). THE  
23 COMMUNITY CORRECTIONS PROGRAM AGENT FOR THE COMMUNITY  
24 CORRECTIONS PROGRAM SHALL NOTIFY THE PROBATION DEPARTMENT OF  
25 THE VICTIM'S POSITION, AND THE PROBATION DEPARTMENT SHALL PROVIDE  
26 TIMELY NOTIFICATION TO THE COMMUNITY CORRECTIONS PROGRAM OF  
27 THE HEARING DATE, IF A HEARING IS SET. REGARDLESS OF WHETHER A

1 HEARING IS SET, THE PROBATION DEPARTMENT SHALL NOTIFY THE  
2 COMMUNITY CORRECTIONS PROGRAM OF THE OUTCOME OF THE  
3 OFFENDER'S MOTION FOR EARLY TERMINATION OF A DIRECT SENTENCE TO  
4 THE COMMUNITY CORRECTIONS PROGRAM AND THE COMMUNITY  
5 CORRECTIONS PROGRAM AGENT SHALL NOTIFY THE VICTIM.     

6           **SECTION 8. Safety clause.** The general assembly hereby finds,  
7 determines, and declares that this act is necessary for the immediate  
8 preservation of the public peace, health, or safety.