An Act

SENATE BILL 17-024

BY SENATOR(S) Fields, Aguilar, Baumgardner, Cooke, Crowder, Fenberg, Gardner, Guzman, Hill, Jahn, Jones, Kefalas, Kerr, Marble, Merrifield, Moreno, Priola, Scott, Todd, Williams A., Grantham;
also REPRESENTATIVE(S) Young, Arndt, Becker K., Benavidez, Buckner, Foote, Ginal, Hamner, Hansen, Herod, Hooton, Jackson, Kennedy, Lee, Lontine, Melton, Michaelson Jenet, Pettersen, Salazar, Duran.

CONCERNING THE HEARSAY EXCEPTION FOR PERSONS WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY WHEN A DEFENDANT IS CHARGED WITH A CRIME AGAINST AN AT-RISK PERSON.

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

SECTION 1. In Colorado Revised Statutes, 13-25-129.5, **amend** (2)(b) and (4) as follows:

13-25-129.5. Statements of persons with intellectual and developmental disabilities - hearsay exception. (2) (b) The exception described in paragraph (a) of this subsection (2) SUBSECTION (2)(a) OF THIS SECTION applies to an out-of-court statement made by a person with a AN INTELLECTUAL AND developmental disability, which statement describes all

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Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

or part of any of the following offenses:

(I)   Sexual assault, as described in section 18-3-402 ~~C.R.S.~~ OR 18-6.5-103;

(II)   Unlawful sexual contact, as described in section 18-3-404 ~~C.R.S.~~ OR 18-6.5-103;

(III)   Sexual assault on a child, as described in section 18-3-405 ~~C.R.S.~~ OR 18-6.5-103;

(IV)   Sexual assault on a child by one in a position of trust, as described in section 18-3-405.3 ~~C.R.S.~~ OR 18-6.5-103;

(V)   Internet sexual exploitation of a child, as described in section 18-3-405.4; ~~C.R.S.;~~

(VI)   Sexual assault on a client by a psychotherapist, as described in section 18-3-405.5 ~~C.R.S.~~ OR 18-6.5-103;

(VII)   Incest, as described in section 18-6-301; ~~C.R.S.;~~

(VIII)   Aggravated incest, as described in section 18-6-302; ~~C.R.S.;~~

(IX)   Human trafficking of a minor for involuntary servitude, as described in section 18-3-503, ~~C.R.S.,~~ or human trafficking of a minor for sexual servitude, as described in section 18-3-504 (2); ~~C.R.S.;~~

(X)   Sexual exploitation of a child, as described in section 18-6-403; ~~C.R.S.;~~

(XI)   Indecent exposure, as described in section 18-7-302; ~~C.R.S.; or~~

(XI.5)   AN OFFENSE CONTAINED IN ARTICLE 6.5 OF TITLE 18; OR

(XII)   Criminal attempt to commit any of the acts specified in this ~~paragraph (b)~~ SUBSECTION (2)(b).

(4)   An out-of-court statement made by a person with an intellectual

and developmental disability, as defined in section 25.5-10-202 (26)(a), C.R.S., that describes all or part of an offense contained in part 1 of article 3 of title 18 C.R.S. OR ARTICLE 6.5 OF TITLE 18, or that describes an act of domestic violence as defined in section 18-6-800.3 (1), C.R.S., not otherwise admissible by statute or court rule that provides an exception to the objection of hearsay, is admissible in evidence in any criminal, delinquency, or civil proceeding if the conditions of subsection (5) of this section are satisfied.

SECTION 2. Effective date - applicability. This act takes effect July 1, 2017, and applies to any criminal, delinquency, or civil trial, hearing, or proceeding occurring on or after said date.

SECTION 3. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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Kevin J. Grantham   Crisanta Duran
PRESIDENT OF   SPEAKER OF THE HOUSE
THE SENATE   OF REPRESENTATIVES

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Effie Ameen   Marilyn Eddins
SECRETARY OF   CHIEF CLERK OF THE HOUSE
THE SENATE   OF REPRESENTATIVES

APPROVED_____

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John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO