

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

INTRODUCED

LLS NO. 26-0519.01 Shelby Ross x4510

HOUSE BILL 26-1052

HOUSE SPONSORSHIP

Woog and Stewart R.,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CHANGES TO 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>.)

For purposes of the "Victim Rights Act", the bill prohibits a defendant or alleged offender from being the "lawful representative" of a victim or the victim's designee if the victim is a child or an at-risk adult.

The bill creates new rights for a victim under the "Victim Rights Act", including the right to:

- Be notified by the district attorney if the district attorney receives a notice that a crime laboratory employee engaged in a wrongful action that includes a crime against the

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.

- victim and a notice that an evidentiary hearing on post-conviction petition for relief is held;
- Be referred to by an abbreviation, pseudonym, initials, or another preferred name during hearings and in communications;
- Request forensic medical evidence collected be retested if a crime laboratory employee engaged in wrongful action; and
- Be heard at a court proceeding involving an application to the court for the issuance of a subpoena for restitution records.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-4.1-302, **amend**
3 (2)(e.5) and (3); and **add** (2)(aa) and (2)(bb) as follows:

4 **24-4.1-302. Definitions.**

5 As used in this part 3, and for no other purpose, including the
6 expansion of the rights of any defendant:

7 (2) "Critical stages" means the following stages of the criminal
8 justice process:

9 (e.5) Any subpoena or application for records concerning the
10 victim's medical history, mental health, OR education; victim's
11 compensation RECORDS; RESTITUTION RECORDS; or records that are
12 privileged pursuant to section 13-90-107;

13 (aa) RECEIPT BY A DISTRICT ATTORNEY OF A NOTICE THAT A CRIME
14 LABORATORY EMPLOYEE ENGAGED IN A WRONGFUL ACTION, AS DESCRIBED
15 IN SECTION 16-12-307 (1);

16 (bb) AN EVIDENTIARY HEARING ON POST-CONVICTION PETITION
17 FOR RELIEF HELD PURSUANT TO SECTION 16-12-312.

18 (3) "Lawful representative" means ~~any person~~ AN INDIVIDUAL who
19 is designated by the victim or appointed by the court to act in the best

1 interests of the victim; EXCEPT THAT IF THE VICTIM IS A CHILD OR AN
2 AT-RISK ADULT, "LAWFUL REPRESENTATIVE" DOES NOT INCLUDE THE
3 DEFENDANT OR ALLEGED OFFENDER.

4 **SECTION 2.** In Colorado Revised Statutes, 24-4.1-302.5, **amend**
5 (1)(b), (1)(b.4), (1)(d) introductory portion, and (1)(d)(VII); and **add**
6 (1)(a.5) as follows:

7 **24-4.1-302.5. Rights afforded to victims - definitions.**

8 (1) In order to preserve and protect a victim's rights to justice and
9 due process, each victim of a crime has the following rights:

10 (a.5) THE RIGHT, IN ORDER TO PROTECT THE SAFETY OR PRIVACY
11 OF A VICTIM, TO HAVE THE VICTIM REFERRED TO BY AN ABBREVIATION,
12 PSEUDONYM, INITIALS, OR ANOTHER PREFERRED NAME DURING HEARINGS
13 AND IN COMMUNICATIONS;

14 (b) The right to be informed of and be present by appearing in
15 person, by phone, virtually by audio or video, or similar technology for
16 all critical stages of the criminal justice process as specified in section
17 24-4.1-302 (2); except that the victim ~~shall have~~ HAS the right to be
18 informed of, without being present for, the critical stages described in
19 section 24-4.1-302 (2)(a), (2)(a.5), (2)(a.7), (2)(e.5), (2)(k.3), (2)(n),
20 (2)(p), (2)(q), (2)(r), ~~and~~ (2)(u), AND (2)(aa);

21 (b.4) The right to ~~be informed, pursuant to section 16-12-307, of~~
22 ~~wrongful action by~~ REQUEST THE FORENSIC MEDICAL EVIDENCE
23 COLLECTED IN THE VICTIM'S CASE BE RETESTED IF a crime laboratory
24 employee ~~in a case involving a crime listed in section 24-4.1-302 (1)~~
25 ENGAGED IN WRONGFUL ACTION PURSUANT TO SECTION 16-12-305;

26 (d) The right to be heard at ~~any~~ A court proceeding:

27 (VII) Involving ~~any~~ AN application to the court for the issuance of

1 a subpoena for records concerning the victim's medical history, mental
2 health, OR education; ~~or~~ RESTITUTION RECORDS; victim compensation
3 RECORDS; or any other records that are privileged pursuant to section
4 13-90-107;

5 **SECTION 3.** In Colorado Revised Statutes, 24-4.1-303, **amend**
6 (1.5) and (14.5)(a.5) introductory portion; and **add** (11)(j) and (11)(k) as
7 follows:

8 **24-4.1-303. Procedures for ensuring rights of victims of**
9 **crimes.**

10 (1.5) If a crime victim is deceased or incapacitated, ~~as defined in~~
11 ~~section 24-4.1-302 (5), one or more people, as described in section~~
12 ~~24-4.1-302 (6),~~ MEMBERS OF THE VICTIM'S IMMEDIATE FAMILY may
13 represent the interests of the victim as the victim's designee. ~~and may~~
14 ~~have~~ A VICTIM'S DESIGNEE HAS the right to be informed, present, or heard
15 at any proceeding pursuant to section 24-4.1-302.5 (1)(d), (1)(j), and
16 (1)(j.5) and subsections (13.5)(a)(III), (13.5)(a)(IV), and (14)(d) of this
17 section. IF THE VICTIM IS A CHILD OR AN AT-RISK ADULT, THE VICTIM'S
18 DESIGNEE MUST NOT BE THE DEFENDANT OR THE ALLEGED OFFENDER.

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

20 (j) THAT THE DISTRICT ATTORNEY RECEIVED NOTICE PURSUANT TO
21 SECTION 16-12-307 (1) THAT A CRIME LABORATORY EMPLOYEE ENGAGED
22 IN WRONGFUL ACTION AND A CRIMINAL CASE IDENTIFIED IN THE NOTICE
23 INVOLVES A CRIME AGAINST THE VICTIM; AND

24 (k) AN EVIDENTIARY HEARING ON POST-CONVICTION PETITION FOR
25 RELIEF HELD PURSUANT TO SECTION 16-12-312.

26 (14.5) (a.5) A party issuing a subpoena pursuant to rule 17 of the
27 Colorado rules of criminal procedure for the production of the privileged

1 records of a victim pursuant to section 13-90-107 or a subpoena
2 requesting the compensation records of a victim pursuant to section
3 24-4.1-107.5 OR RESTITUTION RECORDS OF A VICTIM PURSUANT TO
4 SECTION 18-1.3-603 shall file with the court and serve on ~~any~~ AN
5 opposing party:

6 **SECTION 4.** In Colorado Revised Statutes, **amend** 16-12-307 as
7 follows:

8 **16-12-307. Duty to notify victims.**

9 (1) When a district attorney receives a notice that a crime
10 laboratory employee engaged in wrongful action and a criminal case
11 identified in the notice involves a crime listed in section 24-4.1-302 (1),
12 the district attorney shall ~~as required in subsection (2) of this section,~~
13 notify each victim of the crime ~~about the investigation and the nature of~~
14 ~~the alleged wrongful action~~ PURSUANT TO SECTION 24-4.1-302.5 (1)(b).
15 THE DISTRICT ATTORNEY SHALL NOTIFY, PURSUANT TO SECTION
16 24-4.1-302.5 (1)(b), THE VICTIM OF A CRIME LISTED IN SECTION 24-4.1-302
17 (1) IF AN EVIDENTIARY HEARING ON POST-CONVICTION PETITION FOR
18 RELIEF IS HELD PURSUANT TO SECTION 16-12-312.

19 (2) ~~The district attorney shall notify a victim pursuant to this~~
20 ~~section by personal service or registered mail at the victim's last-known~~
21 ~~address. The district attorney shall notify victims pursuant to this section~~
22 ~~in cases in which charges have been filed against the defendant but a~~
23 ~~criminal trial has not begun. The district attorney shall notify the victim~~
24 ~~as soon as practicable but not later than ninety-one days after the district~~
25 ~~attorney received the notice from the crime laboratory director or prior to~~
26 ~~the start of the trial if trial starts before the ninety-one days ends.~~

27 **SECTION 5. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2026 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.