

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0059.01 Conrad Imel x2313

SENATE BILL 23-054

SENATE SPONSORSHIP

Danielson,

HOUSE SPONSORSHIP

(None),

Senate Committees

Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE DUTIES OF THE OFFICE OF LIAISON FOR MISSING AND**
102 **MURDERED INDIGENOUS RELATIVES.**

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 requires the office of liaison for missing and murdered Indigenous relatives (office) in the department of public safety (department) to:

- Conduct case reviews of violent or exploitative crimes against an Indigenous person and publish a report about the case reviews annually;

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.

- Communicate with relevant department divisions regarding investigations in cases involving missing or murdered Indigenous relatives;
- Review sentencing ranges for crimes relating to missing or murdered Indigenous relatives;
- Develop, publicize, and offer training for victim advocates who work on missing or murdered Indigenous relatives cases; and
- Designate one employee of the office to serve as a point of contact for families in need of support regarding ongoing or completed missing or murdered Indigenous relatives cases.

The bill grants office personnel access to relevant criminal justice records and medical, coroner, and laboratory records in the custody of state or local agencies that are necessary for the office to perform its duties. The bill permits the office to seek, accept, and expend gifts, grants, or donations in order to carry out the office's duties and to provide financial support to missing or murdered Indigenous relatives' families.

The bill requires the community volunteer advisory board within the office (advisory board) to prepare an annual report that includes a summary of the advisory board's work during the prior year, issues related to missing or murdered Indigenous relatives, and a recommendation of whether the office should remain in the department. The advisory board is required to submit its report to the judiciary and state affairs committees of the house of representatives and the senate.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-33.5-2601, **add**

3 (6) as follows:

4 **24-33.5-2601. Definitions.** As used in this part 26, unless the
5 context otherwise requires:

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

10 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-2603, **add**

11 (3.5), (4)(d), (5), and (6) as follows:

1 **24-33.5-2603. Office of liaison for missing and murdered**
2 **Indigenous relatives - director - duties - report - collaboration -**
3 **advisory board - access to records - gifts, grants, and donations.**

4 (3.5) IN ADDITION TO ANY OTHER DUTIES DESCRIBED IN THIS SECTION, THE
5 OFFICE SHALL:

6 (a) IN ORDER TO BETTER UNDERSTAND THE CAUSES OF CRIMES
7 INVOLVING A MISSING OR MURDERED INDIGENOUS PERSON, CONDUCT
8 REVIEWS OF THE PROSECUTION AND SENTENCING IN CASES OF A VIOLENT
9 OR EXPLOITATIVE CRIME AGAINST AN INDIGENOUS PERSON. THE OFFICE'S
10 CASE REVIEWS SHOULD IDENTIFY CASES IN WHICH THE PERPETRATOR IS A
11 REPEAT OFFENDER. THE OFFICE SHALL ANNUALLY PUBLISH A REPORT THAT
12 INCLUDES INFORMATION ABOUT THE CASE REVIEWS, INCLUDING THE
13 NUMBER OF CASES REVIEWED, THE JURISDICTION OF THOSE CASES, AND
14 THE DISPOSITION OF EACH CASE. THE DEPARTMENT SHALL PUBLISH THE
15 REPORT ON A PUBLICLY AVAILABLE PAGE OF ITS WEBSITE.

16 (b) DEVELOP AND MAINTAIN COMMUNICATION WITH RELEVANT
17 DIVISIONS IN THE DEPARTMENT REGARDING ANY CASES INVOLVING
18 MISSING OR MURDERED INDIGENOUS RELATIVES AND THE PROCEDURES
19 FOR INVESTIGATING CASES INVOLVING MISSING OR MURDERED
20 INDIGENOUS RELATIVES;

21 (c) REVIEW SENTENCING RANGES FOR CRIMES RELATING TO
22 MISSING OR MURDERED INDIGENOUS RELATIVES AND RECOMMEND
23 CHANGES TO THE SENTENCING RANGES TO THE HOUSE OF
24 REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE JUDICIARY
25 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES;

26 (d) DEVELOP, PUBLICIZE, AND OFFER TRAINING, AT NO COST, FOR
27 VICTIM ADVOCATES WHO WORK WITH THE FAMILIES OF MISSING OR

1 MURDERED INDIGENOUS RELATIVES; AND

2 (e) DESIGNATE ONE EMPLOYEE OF THE OFFICE, WHO IS NOT THE
3 DIRECTOR, TO SERVE AS A POINT OF CONTACT FOR FAMILIES IN NEED OF
4 ASSISTANCE WITH ONGOING OR COMPLETED MISSING OR MURDERED
5 INDIGENOUS RELATIVES CASES. THE EMPLOYEE SHALL PROVIDE A FAMILY
6 WITH INFORMATION ABOUT THE FAMILY'S CASE, INCLUDING INFORMATION
7 ABOUT THE STATUS OF THE CASE, UPCOMING COURT PROCEEDINGS, AND
8 THE INVESTIGATIVE AND JUDICIAL PROCESS, AND SHALL PROVIDE THE
9 FAMILY WITH INFORMATION ABOUT COMMUNITY RESOURCES AND SUPPORT
10 SERVICES.

11 (4)(d) THE ADVISORY BOARD SHALL PREPARE AN ANNUAL REPORT
12 THAT INCLUDES A SUMMARY OF THE ADVISORY BOARD'S WORK DURING
13 THE PRIOR YEAR, ANY ISSUES RELATED TO MISSING OR MURDERED
14 INDIGENOUS RELATIVES THAT THE ADVISORY BOARD BELIEVES THE
15 GENERAL ASSEMBLY SHOULD CONSIDER, AND A RECOMMENDATION
16 REGARDING WHETHER THE OFFICE SHOULD REMAIN WITHIN THE
17 DEPARTMENT OR BE RELOCATED. NO LATER THAN DECEMBER 31 OF EACH
18 YEAR, THE ADVISORY BOARD SHALL SUBMIT THE ANNUAL REPORT TO THE
19 HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND STATE, CIVIC,
20 MILITARY, AND VETERANS AFFAIRS COMMITTEE AND THE SENATE
21 JUDICIARY COMMITTEE AND STATE, VETERANS, AND MILITARY AFFAIRS
22 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES. NOTWITHSTANDING
23 SECTION 24-1-136 (11)(a)(I), THE REPORTING REQUIREMENT SPECIFIED IN
24 THIS SUBSECTION (4)(d) CONTINUES INDEFINITELY.

25 (5)(a) NOTWITHSTANDING ANY STATE LAW TO THE CONTRARY,
26 BUT SUBJECT TO APPLICABLE FEDERAL LAW, OFFICE PERSONNEL MAY
27 INSPECT AND HAVE ACCESS TO RELEVANT CRIMINAL JUSTICE RECORDS,

1 INCLUDING ANY CORRECTIONAL OR DETENTION RECORDS, AND ANY
2 PERTINENT MEDICAL, CORONER, AND LABORATORY RECORDS IN THE
3 CUSTODY OF ANY STATE OR LOCAL AGENCY THAT ARE NECESSARY FOR THE
4 OFFICE TO PERFORM ITS DUTIES PURSUANT TO THIS SECTION. OFFICE
5 PERSONNEL MAY ONLY REVIEW AND INSPECT RECORDS AT REASONABLE
6 TIMES AND WITH REASONABLE NOTICE UNDER THE CIRCUMSTANCES.
7 OFFICE PERSONNEL SHALL NOT HAVE ACCESS PURSUANT TO THIS
8 SUBSECTION (5) TO ANY CRIMINAL JUSTICE OR MEDICAL RECORD THAT IS
9 NOT PERTINENT, RELEVANT, OR NECESSARY FOR THE OFFICE TO PERFORM
10 ITS DUTIES DESCRIBED IN THIS SECTION.

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

16 (I) THE OFFICE MAY PUBLICLY RELEASE AGGREGATED
17 INFORMATION IN A MANNER THAT DOES NOT IDENTIFY ANY INDIVIDUAL
18 PERSON AND DOES NOT INCLUDE ANY INFORMATION THAT MAY BE LINKED
19 TO ANY INDIVIDUAL;

20 (II) THE OFFICE MAY RELEASE A RECORD OR INFORMATION
21 LEARNED FROM A RECORD TO THE PERSON WHO IS THE SUBJECT OF THE
22 RECORD;

23 (III) THE OFFICE MAY RELEASE RECORDS OR INFORMATION
24 LEARNED FROM A RECORD RELATED TO A PERSON WHO HAS BEEN MISSING
25 FOR FIVE YEARS OR MORE OR A PERSON WHOSE DEATH THE OFFICE HAS
26 CONFIRMED TO THE FOLLOWING PEOPLE WHO ARE RELATED TO THE PERSON
27 WHO IS THE SUBJECT OF THE RECORD: THE PERSON'S SPOUSE, PARENT,

1 GRANDPARENT, STEPFATHER, STEPMOTHER, CHILD, GRANDCHILD,
2 BROTHER, SISTER, HALF BROTHER, HALF SISTER, OR SPOUSE'S PARENTS,
3 INCLUDING ANY OF THOSE RELATIONSHIPS CREATED AS A RESULT OF
4 ADOPTION;

5 (IV) THE OFFICE MAY RELEASE A RECORD OR INFORMATION
6 LEARNED FROM A RECORD TO A FEDERAL, STATE, OR LOCAL LAW
7 ENFORCEMENT AGENCY, INCLUDING THE FEDERAL BUREAU OF
8 INVESTIGATION OR ANY PROSECUTOR, TO THE EXTENT NECESSARY TO
9 ASSIST ANY INVESTIGATION OR PROSECUTION RELATED TO A MISSING OR
10 MURDERED INDIGENOUS PERSON; AND

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

14 (c) OFFICE PERSONNEL WHO VIOLATE THIS SECTION BY RELEASING
15 OR MAKING PUBLIC A CONFIDENTIAL RECORD OR CONFIDENTIAL
16 INFORMATION LEARNED FROM A RECORD COMMITS A CLASS 2
17 MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED AS PROVIDED
18 IN SECTION 18-1.3-501 (1).

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

25 **SECTION 3. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, or safety.