

Colorado Revised Statutes
24-4.1-302. Definitions.

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

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

- (a) Murder in the first degree, in violation of section 18-3-102, C.R.S.;
- (b) Murder in the second degree, in violation of section 18-3-103, C.R.S.;
- (c) Manslaughter, in violation of section 18-3-104, C.R.S.;
- (d) Criminally negligent homicide, in violation of section 18-3-105, C.R.S.;
- (e) Vehicular homicide, in violation of section 18-3-106, C.R.S.;
- (f) Assault in the first degree, in violation of section 18-3-202, C.R.S.;
- (g) Assault in the second degree, in violation of section 18-3-203, C.R.S.;
- (h) Assault in the third degree, in violation of section 18-3-204, C.R.S.;
- (i) Vehicular assault, in violation of section 18-3-205, C.R.S.;
- (j) Menacing, in violation of section 18-3-206, C.R.S.;
- (k) (Deleted by amendment, L. 95, p. 1256, § 22, effective July 1, 1995.)
- (l) First degree kidnapping, in violation of section 18-3-301, C.R.S.;
- (m) Second degree kidnapping, in violation of section 18-3-302, C.R.S.;
- (n) (I) Sexual assault, in violation of section 18-3-402, C.R.S.; or
(II) Sexual assault in the first degree, in violation of section 18-3-402, C.R.S., as it existed prior to July 1, 2000;
- (o) Sexual assault in the second degree, in violation of section 18-3-403, C.R.S., as it existed prior to July 1, 2000;
- (p) (I) Unlawful sexual contact, in violation of section 18-3-404, C.R.S.; or

- (II) Sexual assault in the third degree, in violation of section 18-3-404, C.R.S., as it existed prior to July 1, 2000;
- (q) Sexual assault on a child, in violation of section 18-3-405, C.R.S.;
- (r) Sexual assault on a child by one in a position of trust, in violation of section 18-3-405.3, C.R.S.;
- (s) Sexual assault on a client by a psychotherapist, in violation of section 18-3-405.5, C.R.S.;
- (t) Robbery, in violation of section 18-4-301, C.R.S.;
- (u) Aggravated robbery, in violation of section 18-4-302, C.R.S.;
- (v) Aggravated robbery of controlled substances, in violation of section 18-4-303, C.R.S.;
- (w) Repealed.
- (x) Incest, in violation of section 18-6-301, C.R.S.;
- (y) Aggravated incest, in violation of section 18-6-302, C.R.S.;
- (z) Child abuse, in violation of section 18-6-401, C.R.S.;
- (aa) Sexual exploitation of children, in violation of section 18-6-403, C.R.S.;
- (bb) Crimes against at-risk adults or at-risk juveniles, in violation of section 18-6.5-103, C.R.S.;
- (bb.3) Any crime identified by law enforcement prior to the filing of charges as domestic violence, as defined in section 18-6-800.3 (1), C.R.S.;
- (bb.7) An act identified by a district attorney in a formal criminal charge as domestic violence, as defined in section 18-6-800.3 (1), C.R.S.;
- (cc) Any crime, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3 (1), C.R.S., pursuant to section 18-6-801 (1), C.R.S.;
- (cc.1) Stalking, in violation of section 18-9-111 (4), C.R.S.;
- (cc.3) A bias-motivated crime, in violation of section 18-9-121, C.R.S.;
- (cc.6) Failure to stop at the scene of an accident, in violation of section 42-4-1601, C.R.S., where the accident results in the death of another person;

(dd) Any criminal attempt, as described in section 18-2-101, C.R.S., any conspiracy, as described in section 18-2-201, C.R.S., any criminal solicitation, as described in section 18-2-301, C.R.S., and any accessory to a crime, as described in section 18-8-105, C.R.S., involving any of the crimes specified in this subsection (1);

(ee) Retaliation against a witness or victim, in violation of section 18-8-706, C.R.S.;

(ee.3) Intimidating a witness or a victim, in violation of section 18-8-704, C.R.S.;

(ee.7) Aggravated intimidation of a witness or a victim, in violation of section 18-8-705, C.R.S.;

(ff) Tampering with a witness or victim, in violation of section 18-8-707, C.R.S.;

(gg) Indecent exposure, in violation of section 18-7-302, C.R.S.; or

(hh) Violation of a protection order issued under section 18-1-1001, C.R.S., against a person charged with committing sexual assault, in violation of section 18-3-402, C.R.S.; sexual assault on a child, in violation of section 18-3-405, C.R.S.; sexual assault on a child by one in a position of trust, in violation of section 18-3-405.3, C.R.S.; or sexual assault on a client by a psychotherapist, in violation of section 18-3-405.5, C.R.S.

(1.2) "Cold case" means a felony crime reported to law enforcement that has remained unsolved for over one year after the crime was initially reported to law enforcement and for which the applicable statute of limitations has not expired.

(1.3) "Correctional facility" means any private or public entity providing correctional services to offenders pursuant to a court order including, but not limited to a county jail, a community corrections provider, the division of youth corrections, and the department of corrections.

(1.5) "Correctional official" means any employee of a correctional facility.

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

(a) The filing of charges against a person accused of a crime;

(a.5) The decision not to file charges against a person accused of a crime;

(b) The preliminary hearing

(c) Any bond reduction or modification hearing in which the request is made:

(I) For a bond lower than the scheduled or customary amount for the specific charge;

- (II) For a change in the type or condition of a bond;
- (III) For an alternative to a bond; or
- (IV) To appear without posting of a bond;
- (d) The arraignment of a person accused of a crime;
- (e) Any hearing on motions concerning evidentiary matters or pre-plea or post-plea relief;
- (e.5) Any subpoena for records concerning the victim's medical history, mental health, education, or victim's compensation;
- (f) Any disposition of the complaint or charges against the person accused;
- (g) The trial;
- (h) Any sentencing hearing;
- (i) Any appellate review or appellate decision;
- (j) Any subsequent modification of the sentence;
- (k) Any probation revocation hearing;
- (k.3) The filing of any complaint, summons, or warrant by the probation department for failure to report to probation or because the location of a person convicted of a crime is unknown;
- (k.5) The change of venue or transfer of probation supervision from one jurisdiction to another;
- (k.7) The request for any release from probation supervision prior to the expiration of the defendant's sentence;
- (l) An attack on a judgment or conviction for which a court hearing is set;
- (m) Any parole application hearing;
- (n) The parole, release, or discharge from imprisonment of a person convicted of a crime;
- (o) Any parole revocation hearing;
- (p) The transfer to or placement of a person convicted of a crime in a non-secured facility;

(q) The transfer, release, or escape of a person charged with or convicted of a crime from any state hospital;

(r) Any petition by a sex offender to terminate sex offender registration; and

(s) The execution of an offender in a capital case.

(3) "Lawful representative" means any person who is designated by the victim or appointed by the court to act in the best interests of the victim.

(4) "Significant other" means any person who is in a family-type living arrangement with a victim and who would constitute a spouse of the victim if the victim and such person were married.

(5) "Victim" means any natural person against whom any crime has been perpetrated or attempted, unless the person is accountable for the crime or a crime arising from the same conduct, criminal episode, or plan as crime is defined under the laws of this state or of the United States, or, if such person is deceased or incapacitated, the person's spouse, parent, child, sibling, grandparent, significant other, or other lawful representative. For purposes of notification under this part 3, any person under the age of eighteen years is considered incapacitated, unless that person is legally emancipated. It is the intent of the general assembly that this definition of the term "victim" shall apply only to this part 3 and shall not be applied to any other provision of the laws of the state of Colorado that refer to the term "victim".

(6) "Victim's immediate family" means the spouse, any child by birth or adoption, any stepchild, the parent, the stepparent, a sibling, a legal guardian, significant other, or a lawful representative of the victim.

(7) "Witness" means any natural person:

(a) Having knowledge of the existence or nonexistence of facts relating to any crime;

(b) Whose declaration under oath is received or has been received as evidence for any purpose;

(c) Who has reported any crime to any peace officer, correctional officer, or judicial officer;

(d) Who has been served with a subpoena issued under the authority of any court in this state, of any other state, or of the United States; or

(e) Who would be believed by any reasonable person to be an individual described in paragraph (a), (b), (c), or (d) of this subsection (7).

Source: L. 84: Entire part added, p. 654, § 3, effective May 14. L. 87: (2) amended, p. 1581, § 35, effective July 10. L. 92: Entire section amended, p. 415, § 2, effective January 14, 1993. L. 93: (1)(k) and (1)(w) amended, p. 1653, § 53, effective July 1. L. 95: (1)(w) repealed, p. 1110, § 64, effective May 31; IP(1), (1)(bb), (1)(cc), (2)(c), (2)(e), (2)(l), and (5) amended and (1)(dd) added, p. 1402, § 4, effective July 1; (1)(k) and (1)(bb) amended, p. 1256, § 22, effective July 1. L. 97: (1)(cc) and (1)(dd) amended and (1)(cc.1), (1)(cc.3), (1)(cc.5), (1)(cc.6), (2)(k.3), (2)(k.5), and (2)(k.7) added, pp. 1560, 1561, §§ 4, 5, effective July 1. L. 99: (1)(cc.1) amended, p. 794, § 2, effective July 1. L. 2000: (1)(cc.6) amended and (1)(ee), (1)(ff), (1.3), and (1.5) added, pp. 241, 240, §§ 4, 3, effective March 29; (1)(n), (1)(o), and (1)(p) amended, p. 707, § 34, effective July 1. L. 2005: (1)(cc.3) amended, p. 1501, § 6, effective July 1. L. 2006: IP(1), (1)(ee), (2)(k.5), (2)(k.7), and (2)(p) amended and (1)(bb.3), (1)(bb.7), (1)(ee.3), (1)(ee.7), (1)(gg), (1)(hh), (1.2), (2)(a.5), (2)(e.5), (2)(r), and (2)(s) added, pp. 643, 644, §§ 1, 2, 3, effective July 1. L. 2007: (2)(l) amended, p. 839, § 1, effective May 14.

Editor's note: Amendments to subsection (1)(bb) by House Bill 95-1070 and House Bill 95-1346 were harmonized.

24-4.1-302.5. Rights afforded to victims.

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

(a) The right to be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process;

(b) The right to be informed of and present for all critical stages of the criminal justice process as specified in section 24-4.1-302 (2); except that the victim shall have the right to be informed of, without being present for, the critical stages described in section 24-4.1-302 (2) (a), (2) (a.5), (2) (e.5), (2) (k.3), (2) (n), (2) (p), and (2) (q);

(b.5) The right to be informed of and present for the critical stages described in section 24-4.1-302 (2) (k) to (2) (q) and (2) (s), upon the written request of the victim; except that the victim shall have the right to be informed of the critical stage described in section 24-4.1-302 (2) (l) without submitting a written request for notification;

(b.7) For a victim of a sex offense, the right to be informed of the filing of a petition by the perpetrator of the offense to terminate sex offender registration pursuant to section 16-22-113 (2) (c), C.R.S.;

(c) (I) Except as otherwise provided in subparagraph (II) of this paragraph (c):

(A) The right to be informed, upon request by the victim, when a person who is accused or convicted of a crime against the victim is released or discharged from county jail;

(B) The right to be informed, upon written request by the victim, when a person who is accused or convicted of a crime against the victim is released or discharged from custody

other than county jail, is paroled, escapes from a secure or non-secure correctional facility or program, or absconds from probation or parole.

(II) With respect to the release or discharge of a person from a county jail or correctional facility, the provisions of subparagraph (I) of this paragraph (c) shall apply when the person released or discharged is no longer within the care and control of the supervising law enforcement or correctional agency. The provisions of subparagraph (I) of this paragraph (c) shall not apply to the temporary transfer of the care and control of a person from a county jail or a correctional facility by the supervising law enforcement or correctional agency to another equally or more secure county jail or correctional facility, so long as the person will return to the care and control of the transferring supervisory agency.

(d) The right to be heard at any court proceeding that involves a bond reduction or modification, the acceptance of a negotiated plea agreement, or the sentencing or any modification of sentence of any person accused or convicted of a crime against such victim;

(e) The right to consult with the prosecution after any crime against the victim has been charged, prior to any disposition of the case, or prior to any trial of the case, and the right to be informed of the final disposition of the case;

(f) The right to be informed by local law enforcement agencies, prior to the filing of charges with the court, or by the district attorney, after the filing of charges with the court, of the status of any case concerning a crime against the victim, and any scheduling changes or cancellations, if such changes or cancellations are known in advance;

(g) The right to be present at the sentencing hearing, including any hearing conducted pursuant to section 18-1.3-1201 or 18-1.4-102, C.R.S., for cases involving class 1 felonies, of any person convicted of a crime against such victim, and to inform the district attorney and the court, in writing, by a victim impact statement, and by an oral statement, of the harm that the victim has sustained as a result of the crime, with the determination of whether the victim makes written input or oral input, or both, to be made at the sole discretion of the victim;

(h) The right to have the court determine the amount, if any, of restitution to be paid to a victim pursuant to part 6 of article 1.3 of title 18, C.R.S., by any person convicted of a crime against such victim for the actual pecuniary damages that resulted from the commission of the crime;

(i) The right to be informed of the victim's right to pursue a civil judgment against any person convicted of a crime against the victim for any damages incurred by the victim as a result of the commission of the crime regardless of whether the court has ordered such person to make restitution to the victim;

(i.5) (Deleted by amendment, L. 2006, p. 645, § 4, effective July 1, 2006.)

(j) The right to be informed, upon written request from the victim, of any proceeding at which any post-conviction release from confinement in a secure state correctional facility is being considered for any person convicted of a crime against the victim and the right to be heard at any such proceeding or to provide written information thereto. For purposes of this subsection (1), "proceeding" means reconsideration of sentence, a parole hearing, or commutation of sentence.

(j.3) The right to be notified of a referral of an offender to community corrections;

(j.5) (I) The right to provide a written victim impact statement, an oral victim impact statement, or both, that will be included with any referral made by the department of corrections or a district court to place an offender in a community corrections facility or program.

(II) For purposes of this paragraph (j.5), the community corrections board considering the referral shall have discretion to determine whether a victim may provide a separate oral statement to the board and to place reasonable parameters on the provision of an oral statement by the victim. If a community corrections board denies the offender's referral to community corrections, the victim's right under this subparagraph (II) to provide an oral statement at the discretion of the board shall not take effect.

(j.7) The right, at the discretion of the district attorney, to view all or a portion of the presentence report of the probation department;

(k) The right to promptly receive any property that belongs to a victim and that is being held by a prosecutorial or law enforcement agency unless there are evidentiary reasons for the retention of such property;

(l) The right to be informed of the availability of financial assistance and community services for victims, the immediate families of victims, and witnesses, which assistance and community services shall include, but shall not be limited to, crisis intervention services, victim compensation funds, victim assistance resources, legal resources, mental health services, social services, medical resources, rehabilitative services, and financial assistance services, and the right to be informed about the application process for such services;

(m) The right to be informed about what steps can be taken by a victim or a witness in case there is any intimidation or harassment by a person accused or convicted of a crime against the victim, or any other person acting on behalf of the accused or convicted person;

(n) The right to be provided with appropriate employer intercession services to encourage the victim's employer to cooperate with the criminal justice system in order to minimize the loss of employment, pay, or other benefits resulting from a victim's court appearances or other required meetings with criminal justice officials;

(o) The right to be assured that in any criminal proceeding the court, the prosecutor, and other law enforcement officials will take appropriate action to achieve a swift and fair resolution of the proceedings;

(p) The right to be provided, whenever practicable, with a secure waiting area during court proceedings that does not require a victim or a witness to be seen or to be in close proximity to the person accused or convicted of a crime against the victim or such person's family or friends;

(q) The right to be informed, upon written request by the victim, when a person convicted of a crime against the victim is placed in or transferred to a less secure public or private correctional facility or program;

(r) The right to be informed, upon written request by the victim, when a person who is or was charged with or convicted of a crime against the victim escapes or is permanently or conditionally transferred or released from any public hospital, private hospital, or state hospital;

(r) The right to be informed, upon written request by the victim, when a person who is or was charged with or convicted of a crime against the victim escapes or is permanently or conditionally transferred or released from any public hospital, private hospital, or state hospital;

(s) The right to be informed of any rights which the victim has pursuant to the constitution of the United States or the state of Colorado;

(t) The right to be informed of the process for enforcing compliance with this article pursuant to section 24-4.1-303 (17);

(u) The right to be informed of the results of any HIV testing that is ordered and performed pursuant to section 18-3-415, C.R.S.; and

(v) The right to prevent any party at any court proceeding from compelling testimony regarding the current address, telephone number, place of employment, or other locating information of the victim unless the victim consents or the court orders disclosure upon a finding that a reasonable and articulable need for the information exists. Any proceeding conducted by the court concerning whether to order disclosure shall be in camera.

(2) Subsection (1) of this section shall not be construed to imply that any victim who is incarcerated by the department of corrections or any local law enforcement agency has a right to be released to attend any hearing or that the department of corrections or the local law enforcement agency has any duty to transport such incarcerated victim to any hearing.

(3) Municipalities and municipal courts shall be encouraged to adopt policies which afford the rights granted to crime victims pursuant to this section to crime victims at the municipal court level, to the extent the adoption of such policies is practicable in the particular municipality.

Source: L. 92: Entire section added, p. 418, § 3, effective January 14, 1993. L. 94: (1)(i.5) added, p. 2042, § 25, effective July 1. L. 95: (1)(b), (1)(c), (1)(e), (1)(h), (1)(i.5), (1)(j), and (1)(p) to (1)(r) amended and (1)(j.5) added, p. 1403, § 5, effective July 1. L. 97: (1)(g) amended, p. 47, § 1, effective March 21; (1)(r) and (1)(s) amended and (1)(t) added, p. 1561, § 6, effective July 1. L. 2000: (1)(d), (1)(q), and (1)(r) amended and (1)(j.7) and (1)(u) added, p. 241, § 5, effective March 29; (1)(h) amended, p. 1051, § 21, effective September 1. L. 2002: (1)(g) amended, p. 1530, § 240, effective October 1. L. 2002, 3rd Ex. Sess.: (1)(g) amended, p. 34, § 31, effective July 12 and (1)(g) amended, p. 34, § 32, effective October 1. L. 2006: (1)(b), (1)(c), (1)(g), (1)(h), (1)(i.5), (1)(j.5), (1)(k), (1)(t), and (1)(u) amended and (1)(b.5), (1)(j.3), and (1)(v) added, p. 645, § 4, effective July 1. L. 2007: (1)(b.5) amended and (1)(b.7) added, pp. 839, 840, §§ 2, 3, effective May 14.

Cross references: (1) For the legislative declaration contained in the 2002 act amending subsection (1)(g), see section 1 of chapter 318, Session Laws of Colorado 2002.

(2) For the legislative declaration contained in the 2002 Third Extraordinary Session act amending subsection (1)(g), see section 16 of chapter 1, Session Laws of Colorado 2002, Third Extraordinary Session.

ANNOTATION

A victim's right to be present at all critical stages of the criminal justice process under § 16a of article II of the state constitution and subsection (1)(d) takes precedence over a party's right to sequester witnesses under C.R.E. 615. The father of a murder victim who testified in the defendant's trial was wrongly excluded from subsequent portions of the trial. *People v. Coney*, 98 P.3d 930 (Colo. App. 2004).

A victim's "right to be heard" under Colo. Const. art. II § 16a is limited by subsection (1)(d) to "any court proceeding which involves a bond reduction or modification, the acceptance of a negotiated plea agreement, or the sentencing of any person accused or convicted of a crime" against the victim. *Ganz v. People*, 888 P.2d 256 (Colo. 1995).

Colo. Const art. II § 16a authorizes the general assembly to define "all terminology". The enactment of subsection (1)(d) reflects a legislative determination as to when a victim's input would be relevant, and, therefore, when a right to be heard would be appropriate. *Ganz v. People*, 888 P.2d 256 (Colo. 1995).

Colo. Const. art. II § 16a does not grant an alleged crime victim standing or the right to contest a district attorney's decision to dismiss criminal charges or the right to appellate review of the order dismissing the charges, nor does that section and the enabling legislation under this section grant an alleged crime victim the right to be heard on a

district attorney's motion to dismiss a criminal charge. *Gansz v. People*, 888 P.2d 256 (Colo. 1995).

Mother convicted of contributing to the delinquency of her minor son was required to pay restitution since he was the victim of the crime. *People v. Miller*, 830 P.2d 1092 (Colo. App. 1991).

The general assembly did not act improperly in limiting the proceedings in which a victim has the right to be heard. Since § 16a of article II of the state constitution grants the general assembly the power to define "critical stages" and "right to be heard", the constitution does not guarantee a victim the right to be heard at all stages of the trial. *People v. Herron*, 874 P.2d 435 (Colo. App. 1993).

In implementing § 16a of article II of the state constitution, the general assembly did not give victims the right to appeal a district attorney's decision to dismiss the charges. *People v. Herron*, 874 P.2d 435 (Colo. App. 1993).

24-4.1-303. Procedures for assuring rights of victims of crimes.

(1) Law enforcement agencies, prosecutorial agencies, judicial agencies, and correctional agencies shall assure that victims of crimes are afforded the rights described in section 24-4.1-302.5.

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

(3) The district attorney's office, if practicable, shall inform the victim of any pending motion that may substantially delay the prosecution. The district attorney shall inform the court of the victim's position on the motion, if any. If the victim has objected, the court shall state in writing or on the record prior to granting any delay that the objection was considered.

(4) After a crime has been charged, unless inconsistent with the requirements of investigative activities, the district attorney shall consult, where practicable, with the victim concerning the reduction of charges, negotiated pleas, diversion, dismissal, seeking of death penalty, or other disposition. Failure to comply with this subsection (4) shall not invalidate any decision, agreement, or disposition. This subsection (4) shall not be construed as a restriction on or delegation of the district attorney's authority under the constitution and laws of this state.

(5) All reasonable attempts shall be made to protect any victim or the victim's immediate family from harm, harassment, intimidation, or retaliation arising from cooperating in the reporting, investigation, and prosecution of a crime. Law enforcement officials and the district attorney shall provide reasonable efforts to minimize contact between the victim and the victim's immediate family and the defendant and the relatives of the defendant

before, during, and immediately after a judicial proceeding. Whenever possible, a waiting area shall be provided that is separate in both proximity and sight from that of the defendant, the defendant's relatives, and any defense witnesses.

(6) (a) A victim or an individual designated by the victim may be present at all critical stages of a criminal proceeding regarding any crime against such victim unless the court or the district attorney determines that exclusion of the victim is necessary to protect the defendant's right to a fair trial or the confidentiality of juvenile proceedings. If the victim is present, the court, at the victim's request, may permit the presence of an individual to provide support to the victim.

(b) A victim may be present at the phase of the trial at which the defendant is determined to be guilty or not guilty and may be heard at such phase of the trial if called to testify by the district attorney, defense, or court if any such statement would be relevant.

(c) The court shall make all reasonable efforts to accommodate the victim upon the return of a verdict by the jury. If the court is informed by the district attorney that the victim is en route to the courtroom for the reading of the verdict, the court shall state on the record that it has considered the information provided by the district attorney prior to the return of the verdict by the jury.

(7) When a victim's property is no longer needed for evidentiary reasons, the district attorney or any law enforcement agency shall, upon request of the victim, return such property to the victim within five working days unless the property is contraband or subject to forfeiture proceedings.

(8) An employer may not discharge or discipline any victim or a member of a victim's immediate family for honoring a subpoena to testify in a criminal proceeding or for participating in the preparation of a criminal proceeding.

(9) The district attorney and any law enforcement agency shall inform each victim as to the availability of the following services:

(a) Follow-up support for the victim and the victim's immediate family in order to assure that the necessary assistance is received by such persons;

(b) Services for child victims and elderly victims, and services for victims who are persons with disabilities, which are directed to the special needs of such victims;

(c) Referral to special counseling facilities and community service agencies by providing the names and telephone numbers of such facilities or agencies, whether public or private, which provide such services as crisis intervention services, victim compensation funds, victim assistance resources, legal resources, mental health services, social services, medical resources, rehabilitative services, financial assistance, and other support services;

(d) Transportation and household assistance to promote the participation of any victim or the victim's immediate family in the criminal proceedings;

(e) Assistance in dealing with creditors and credit reporting agencies to deal with any financial setbacks caused by the commission of a crime;

(f) Interpretation services and information printed in languages other than the English language; and

(g) Child care services to enable a victim or the victim's immediate family to give testimony or otherwise cooperate in the prosecution of a criminal proceeding.

(10) (a) After the initial contact between a victim and a law enforcement agency responsible for investigating a crime, such agency shall promptly give the victim the following information in writing:

(I) A statement of the victim's rights as enumerated in this article;

(II) Information concerning the availability of victim assistance, medical, and emergency services;

(III) Information concerning the availability of compensatory benefits pursuant to this article and the name, address, and telephone number of any person to contact to obtain such benefits;

(IV) The availability of protection for the victim from the person accused of committing a crime against the victim, including protective court orders; and

(V) The availability of public records related to the case.

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

(I) The business address and business telephone number of the office of the district attorney;

(II) The file number of the case and the name, business address, and business telephone number of any law enforcement officer assigned to investigate the case;

(III) Unless such information would be inconsistent with the requirements of the investigation, information as to whether a suspect has been taken into custody and, if known, whether the suspect has been released and any conditions imposed upon such release;

(IV) The law enforcement agency shall provide the victim in a cold case information concerning any change in the status of the case. In addition, upon the written request of

the victim, the law enforcement agency shall provide an update at least annually to the victim concerning the status of a cold case involving one or more crimes for which the criminal statute of limitations is longer than three years.

(V) Any final decision not to file misdemeanor charges against a person accused of committing any crime specified in section 24-4.1-302 (1) against the victim unless law enforcement and the district attorney's office in a judicial district have developed a policy specifying the manner in which to inform victims of decisions not to file charges in a case.

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

(a) The filing of charges against a person accused of committing any of the crimes specified in section 24-4.1-302 (1) against the victim, including an explanation of the charges when necessary; or a final decision not to file felony charges against a person for whom law enforcement has requested, pursuant to section 16-21-103 (2) (a), C.R.S., the filing of charges for any of the crimes specified in section 24-4.1-302 (1) committed against the victim unless law enforcement and the district attorney's office in a judicial district have developed a policy specifying the manner in which to inform victims of decisions not to file charges in a case;

(b) Any of the critical stages specified in section 24-4.1-302 (2) (a) to (2) (j) and (2) (l) of a criminal proceeding relating to a person accused of a crime against the victim; except that the district attorney shall not be obligated to inform the victim of any appellate review undertaken by the attorney general's office;

(c) The assignment of any case regarding a crime against the victim, including the file number of such case and, if available, the name, business address, and business telephone number of any deputy district attorney assigned to the case, and the court room to which the case is assigned;

(d) The date, time, and place of any of the critical stages specified in section 24-4.1-302

(2) (a) to (2) (j) and (2) (l) of the proceeding;

(e) The availability of benefits pursuant to this article and the name, address, and telephone number of any person to contact to obtain such benefits; and

(f) The availability of transportation to and from any court proceeding for any victim, except as provided in section 24-4.1-302.5 (2).

(12) Unless a victim requests otherwise, the district attorney shall inform each victim of the following:

(a) The function of a pre-sentence report, including the name and telephone number of the probation office preparing any such report regarding a person convicted of a crime

against the victim, and the right of a victim, or a member of the victim's immediate family, to make a victim impact statement pursuant to this article;

(b) The defendant's right to view the pre-sentence report and the victim impact statement;

(c) The date, time, and location of any sentencing hearing;

(d) The right of the victim, or a member of the victim's immediate family, to attend and to express an opinion at the sentencing hearing as to the appropriateness of any sentence proposed to the court for consideration;

(e) The date, time, and location of any hearing for reconsideration of any sentence imposed;

(f) Any sentence imposed and any modification of such sentence; and

(g) The right to receive information from correctional officials concerning the imprisonment and release of a person convicted of a crime against the victim pursuant to subsection (14) of this section.

(13) If a person convicted of a crime against the victim seeks appellate review or attacks the conviction or sentence, the district attorney or the office of the attorney general, whichever is appropriate, shall inform the victim of the status of the case and of the decision of the court.

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

(I) The location and telephone number of the probation department responsible for the supervision of the person;

(II) The date of the person's termination from probation supervision;

(III) Any request for release of the person in advance of the person's imposed sentence or period of probation;

(IV) Any probation revocation or modification hearing regarding the person and any changes in the scheduling of the hearings;

(V) Any change of venue or transfer of probation supervision from one jurisdiction to another;

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

(VII) The death of the person while under the jurisdiction of the probation department;
and

(VIII) Concerning domestic violence cases, any conduct by the defendant that results in an increase in the supervision level by the probation department.

(b) Repealed.

(14) Upon receipt of a written statement as provided in section 24-4.1-302.5 (1) (j.5), the department of corrections shall include the statement with any referral made by the department of corrections or a district court to place an offender in a public or private community corrections facility or program. Upon written request of a victim, the department of corrections or the public or private local corrections authorities shall notify the victim of the following information regarding any person who was charged with or convicted of a crime against the victim:

(a) The institution in which such person is incarcerated or otherwise being held;

(b) The projected date of such person's release from confinement;

(c) Any release of such person on furlough or work release or to a community correctional facility or other program, in advance of such release;

(d) Any scheduled parole hearings regarding such person and any changes in the scheduling of such hearings;

(e) Any escape by such person or transfer or release from any state hospital, a detention facility, a correctional facility, a community correctional facility, or other program, and any subsequent recapture of such person;

(f) Any decision by the parole board to release such person or any decision by the governor to commute the sentence of such person or pardon such person;

(g) The transfer to or placement in a non-secured facility of a person convicted of a crime, any release or discharge from confinement of the person, and any conditions attached to the release; and

(h) The death of such person while in custody or while under the jurisdiction of the state of Colorado concerning the crime.

(14.2) Upon receipt of a written statement as provided in section 24-4.1-302.5 (1) (j.5), the department of human services shall include the statement with any referral made by the department of human services or a district court to place an offender in a public or private community corrections facility or program. Upon written request of the victim, the department of human services and any state hospital shall notify the victim of the

following information regarding any person who was charged with or convicted of a crime against the victim:

- (a) The institution in which such person is incarcerated or otherwise being held;
- (b) The projected date of such person's release from confinement;
- (c) Any release of such person on furlough or work release or to a community correctional facility or other program, in advance of such release;
- (d) Any scheduled parole hearings regarding such person and any changes in the scheduling of such hearings;
- (e) Any escape by such person or transfer or release from any state hospital, a detention facility, a correctional facility, a community correctional facility, or other program, and any subsequent recapture of such person;
- (f) Any decision by the parole board to release such person or any decision by the governor to commute the sentence of such person or pardon such person;
- (g) The transfer to or placement in a non-secured facility of a person convicted of a crime, any release or discharge from confinement of the person, and any conditions attached to the release; and
- (h) The death of such person while in custody or while under the jurisdiction of the state of Colorado concerning the crime.

(14.3) The court or its designee, pursuant to section 18-3-415, C.R.S., shall disclose the results of any HIV testing that is ordered and performed pursuant to section 18-3-415, C.R.S., to any victim of a sexual offense in the case where such testing was ordered.

(14.5) At any proceeding specified in section 24-4.1-302.5 (1) (d), the court shall inquire whether the victim is present and wishes to address the court. The court shall advise the victim of his or her right to address the court regarding issues relevant to the case.

(14.7) (a) The court or its designee shall ensure that victim information be provided to any entity responsible for victim notification after the defendant is sentenced.

(b) The court shall notify the victim of petitions filed by sex offenders to cease sex offender registration pursuant to section 16-22-113 (2) (c), C.R.S.

(15) (a) Unless specifically stated otherwise, the requirements of this section to provide information to the victim may be satisfied by either written or oral communication with the victim or the victim's designee. The person responsible for providing such information shall do so in a timely manner and advise the victim or the victim's designee of any significant changes in such information. The victim or the victim's designee shall

keep appropriate criminal justice authorities informed of the name, address, and telephone number of the person to whom such information should be provided, and any changes of such name, address, and telephone number.

(b) An agency that is required to notify a victim under this part 3 shall make reasonable attempts to contact the victim or the victim's designee by mail and by telephone. If the victim or the victim's designee does not provide the agency with a forwarding address and telephone number and the agency is unable to locate the victim or the victim's designee after reasonable attempts have been made to contact the victim or the victim's designee, the agency shall be deemed to have met its obligation under this part 3 and shall not be required to notify the victim or victim's designee until the victim or victim's designee provides the agency with the current address and telephone of the victim and the name of the victim's current designee, if applicable.

(c) Any duties that are required to be performed by the district attorney pursuant to this part 3 may be performed by a designee of the district attorney.

(16) A defendant or person accused or convicted of a crime against the victim shall have no standing to object to any failure to comply with this article.

(17) Any affected person, except as provided in subsection (16) of this section, may enforce compliance with this article by notifying the victims compensation and assistance coordinating committee created pursuant to section 24-4.1-117.5 (2) (a) of any noncompliance with this article. Such committee shall review any such report of noncompliance and if the committee determines that such report of noncompliance has a basis in fact, and cannot be resolved, the committee shall refer such report of noncompliance to the governor, who shall request that the attorney general file suit to enforce compliance with this article. No person, corporation, or other legal entity shall be entitled to claim or to receive any damages or other financial redress for any failure to comply with this article.

Source: L. 84: Entire part added, p. 655, § 3, effective May 14. L. 87: (1)(i.5) added, p. 922, § 1, effective July 1. L. 92: Entire section amended, p. 421, § 4, effective January 14, 1993. L. 94: IP(14) amended, p. 2693, § 229, effective July 1. L. 95: (3) to (5), (10)(a)(I), (11)(a), (11)(b), IP(14), (14)(c), (14)(e), (14)(g), and (14)(h) amended and (14.5) added, p. 1404, § 6, effective July 1. L. 97: (13.5) added, p. 1562, § 7, effective July 1. L. 2000: (2), (6), and IP(14) amended and (14.3) and (14.7) added, p. 241, § 6, effective March 29. L. 2001: (13.5) amended, p. 32, § 2, effective August 8. L. 2002: (13.5)(b) repealed, p. 123, § 1, effective August 7. L. 2006: (9)(f), (10)(b)(II), (11)(a), (11)(b), (11)(d), (13.5)(a)(III), (13.5)(a)(V), (13.5)(a)(VI), (13.5)(a)(VII), IP(14), (14.7), and (15) amended and (10)(b)(IV), (10)(b)(V), (13.5)(a)(VIII), and (14.2) added, pp. 646, 647, 648, §§ 5, 6, 7, 8, 9, 10, effective July 1. L. 2007: IP(14.2) amended, p. 840, § 4, effective May 14.

Cross references: For content of victim impact statements, see § 16-11-102 (1.5); for the right of victims to attend sentencing hearings and parole hearings, see §§ 16-11-601 and

17-2-214; for the issuance of protection orders against defendants, see § 18-1-1001; for restitution to victims of crime, see article 28 of title 17.

ANNOTATION

Law reviews. For article, "1994 Legislature Strengthens Domestic Violence Protective Orders", see 23 Colo. Law. 2327 (1994).

Subsection (4) makes it clear that the general assembly did not grant victims the right to appeal a district attorney's decision to dismiss the charges. *People v. Herron*, 874 P.2d 435 (Colo. App. 1993).

