

Document: C.R.S. 24-4.1-302**C.R.S. 24-4.1-302****Copy Citation**

Current through all laws passed during the 2019 Legislative Session.

CO - Colorado Revised Statutes Annotated TITLE 24. GOVERNMENT - STATE ADMINISTRATION ARTICLE 4.1. CRIME VICTIM COMPENSATION AND VICTIM AND WITNESS RIGHTS PART 3. GUIDELINES FOR ASSURING THE RIGHTS OF VICTIMS OF AND WITNESSES TO CRIMES

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.;
- (s.3) Invasion of privacy for sexual gratification, in violation of section 18-3-405.6, 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)**
 - (I)** Stalking, in violation of section 18-3-602, C.R.S.;
 - (II)** Stalking, in violation of section 18-9-111 (4), C.R.S., as it existed prior to August 11, 2010;
 - (cc.3)** A bias-motivated crime, in violation of section 18-9-121, C.R.S.;
 - (cc.5)** Careless driving, in violation of section 42-4-1402, C.R.S., that results in the death of another person;
 - (cc.6)** Failure to stop at the scene of an accident, in violation of section 42-4-1601, where the accident results in the death or serious bodily injury 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.;
 - (hh)** Violation of a protection order issued under section 18-1-1001 against a person charged with committing sexual assault in violation of section 18-3-402, sexual assault on a child in violation of section 18-3-405, sexual assault on a child by one in a position of trust in violation of section 18-3-405.3, sexual assault on a client by a psychotherapist in violation of section 18-3-405.5, or stalking in violation of section 18-3-602;
 - (ii)** Human trafficking in violation of section 18-3-503 or 18-3-504, C.R.S.;
 - (jj)** First degree burglary, in violation of section 18-4-202, C.R.S.;
 - (kk)** Retaliation against a judge, in violation of section 18-8-615, C.R.S.; retaliation against a prosecutor, in violation of section 18-8-616, C.R.S.; or retaliation against a juror, in violation of section 18-8-706.5, C.R.S.;
 - (ll)** Child prostitution, in violation of section 18-7-401, C.R.S.; soliciting for child prostitution, in violation of section 18-7-402, C.R.S.; procurement of a child for sexual exploitation, in violation of section 18-6-404, C.R.S.; pimping of a child, in violation of section 18-7-405, C.R.S.; inducement of child prostitution, in violation of section 18-7-405.5, C.R.S.; or patronizing a prostituted child, in violation of section 18-7-406, C.R.S.;
 - (mm)** Posting a private image for harassment in violation of section 18-7-107 or posting a private image for pecuniary gain in violation of section 18-7-108.
- (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 services, 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;
- (a.7)** The decision to enter into a diversion agreement pursuant to section 18-1.3-101, C.R.S.;
- (b)** The preliminary hearing;
- (c)** (I) Any court action involving a bond reduction or modification at which the following occurs:
- (A)** A bond is set lower than the scheduled or customary amount for the specific charge, including any adjustments made by the court to the amount of bond to correspond to the specific charge to which the defendant pled guilty or for which the defendant was convicted, if the adjusted bond is lower than the scheduled or customary amount for the specific charge;
- (B)** A change in the type of bond;
- (C)** A modification to a condition of the bond;
- (D)** A defendant is permitted to appear without posting a bond;
- (E)** In a case involving a capital offense, the court grants the defendant's motion for admission to bail pursuant to section 16-4-101 (3), C.R.S.; or
- (F)** For jurisdictions that do not have a bond schedule or customary amount for bond, a bond is modified to a lower amount than that set at the initial bond hearing.
- (II)** Notwithstanding the provisions of subparagraph (I) of this paragraph (c), the following shall not constitute a bond reduction or modification:
- (A)** The initial setting of a bond, whether set by the court at the first appearance or by another entity authorized to do so by the court prior to the first appearance;
- (B)** The setting of a new bond upon the filing of charges by the district attorney, so long as the bond is set at or above the scheduled or customary amount for the specific charge filed; and
- (C)** For nonbailable offenses pursuant to section 16-4-101, C.R.S., the subsequent setting of a bond by the court.
- (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 or resentencing hearing;
- (i)** Any appellate review or appellate decision;
- (j)** Any modification of the sentence pursuant to rule 35 (a) or 35 (b) of the Colorado rules of criminal procedure or any other provision of state or federal law;
- (j.5)** Any court-ordered modification of the terms and conditions of probation as described in section 18-1.3-204 or 19-2-925 and as outlined in section **24-4.1-303** (13.5)(a);
- (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 and full parole board review 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 nonsecured 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;
- (r.3)
 - (I) Except as provided in subsection (2)(r.3)(II) of this section, any hearing concerning a petition for expungement as described in section 19-1-306.
 - (II) The entry of an order of expungement is not a critical stage if:
 - (A) The case resulted in a not guilty verdict at trial;
 - (B) The case was dismissed in its entirety;
 - (C) The juvenile completed a sentence for a petty offense, any drug petty offense, any level 1 or level 2 drug misdemeanor, or a class 2 or class 3 misdemeanor offense not involving unlawful sexual behavior as defined in section 16-22-109 (9), domestic violence as described in section 18-6-800.3, or a crime that is a crime listed under section **24-4.1-302** (1); or
 - (D) The juvenile completed a sentence for a municipal offense not involving domestic violence as described in section 18-6-800.3.
 - (s) The execution of an offender in a capital case;
 - (t) A hearing held pursuant to section 18-1-414 (2)(b), C.R.S.;
 - (u) The decision, whether by court order, stipulation of the parties, or otherwise, to conduct postconviction DNA testing to establish the actual innocence of the person convicted of a crime against the victim; the results of any such postconviction DNA testing; and court proceedings initiated based on the result of the postconviction DNA testing. An inmate's written or oral request for such testing is not a "critical stage".
 - (v) A hearing held pursuant to section 24-72-706 or 24-72-709.
- (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.
- (3.5) "Modification of sentence" means an action taken by the court to modify the length, terms, or conditions of an offender's sentence pursuant to rule 35 (a) or (b) of the Colorado rules of criminal procedure; a resentencing following a probation revocation hearing; or a request for early termination of probation. As used in this subsection (3.5), "action taken by the court" includes an order by the court modifying an offender's sentence upon review of the written motion without a hearing but does not include an order denying a motion to modify a sentence without a hearing.
- (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 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, legal guardian, child, sibling, grandparent, grandchild, 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).

History

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. **L. 2008:** (2)(c) amended, p. 325, § 1, effective April 7; (2)(r) and (2)(s) amended and (2)(t) added, p. 1513, § 3, effective May 28. **L. 2010:** (1)(cc.1) amended, (HB 10-1233), ch. 88, p. 296, § 7, effective August 11. **L. 2011:** (1)(s.3) added, (HB 11-1303), ch. 264, p. 1164, § 55, effective July 1, 2012. **L. 2012:** (1)(gg), (2)(s), (2)(t), and (5) amended and (1)(ii), (1)(jj), (1)(kk), (2)(u), and (3.5) added, (HB 12-1053), ch. 244, p. 1151, § 1, effective August 8. **L. 2013:** (2)(a.7) added, (HB 13-1156), ch. 336, p. 1958, § 7, effective August 7; (2)(r.3) added, (HB 13-1082), ch. 238, p. 1157, § 2, effective August 7. **L. 2014:** (1)(ii) amended, (HB 14-1273), ch. 282, pp. 1157, 1158, § § 23, 26, effective July 1; (1)(ii), (1)(jj), (2)(j), and (5) amended and (1)(ll) and (2)(j.5) added, (HB 14-1148), ch. 95, p. 347, § 1, effective August 6. **L. 2015:** (1)(kk) amended, (HB 15-1229), ch. 239, p. 885, § 3, effective May 29. **L. 2016:** (2)(h) amended, (SB 16-181), ch. 353, p. 1452, § 6, effective June 10. **L. 2017:** (1.3) amended, (HB 17-1329), ch. 381, p. 1981, § 52, effective June 6; (1)(cc.6), (1)(hh), (2)(j.5), (2)(m), and (3.5) amended and (1)(mm) added, (SB 17-051), ch. 155, p. 527, § 1, effective August 9; (2)(r.3) amended, (HB 17-1204), ch. 206, p. 784, § 6, effective November 1. **L. 2019:** (2)(t) amended and (2)(v) added, (HB 19-1275), ch. 295, p. 2747, § 4, effective August 2.

▼ Annotations

Notes

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

Cross references: For the legislative declaration contained in the 2008 act amending subsections (2)(r) and (2)(s) and enacting subsection (2)(t), see section 1 of chapter 322, Session Laws of Colorado 2008.

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