

Victim Justice

The Rights of Crime Victims in Colorado



Presented by:

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The Colorado Organization for Victim Assistance

The Colorado Organization for Victim Assistance (COVA) is committed to addressing the needs of crime victims primarily by providing support to the service providers and systems that serve victims. COVA is a statewide, non-profit organization whose membership includes victim and witness assistance advocates, community organizations, law enforcement officers, members of the judiciary, prosecutors and staff, probation and corrections professionals, volunteers, victims, witnesses, and concerned citizens.

COVA Programs and Services

- Training and technical assistance for member agencies on the Constitutional Victim Rights Amendment, Cultural Considerations, Human Trafficking, Legal Privilege, Safety Concerns for Advocates, and Vicarious Trauma, among other related topics
- Training on the Constitutional Victim Rights Amendment for Peace Officers (POST)
- Working with local, state and national service providers to coordinate teams of advocates trained in trauma response when community resources are overwhelmed by natural disasters and mass tragedies.
- Development and maintenance of a publicly accessible database of victim services statewide
- The annual COVA conference for victim service providers
- Producing a Statewide Victim Assistance Academy
- Planning and coordination of Victims' Rights Week Event and The Day of Remembrance to honor homicide victims.
- Public education which fosters a better understanding of victimization
- The Victim Service Intern Program which places students of underrepresented populations in the victim services field
- Monitoring of state and federal legislation affecting crime victims
- Providing a state forum for the exchange of ideas and information concerning victim rights
- Support for Victim Compensation and Victim Assistance and Law Enforcement programs
- Provides certification for Victim Advocates at basic, intermediate and advanced levels
- Distributes last resort emergency funds to crime victims through their service agency
- Provides Case Management for Victims of Human Trafficking

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Historical Perspective

Historical Stages of the Victims' Movement

Four Movements That Influenced Victims' Rights

Civil Rights Movement
Anti-war Movement
Women's Movement
"Law and Order" Movement

Stage One: Response to Crime (1965-1976)

First Crime Victims' Compensation Program (1965)
National Commissions and the Law Enforcement Assistance Administration (LEAA)
National Crime (Victimization) Survey
Grass-roots Programs
National Organization for Victim Assistance
First Victim Impact Statement

Stage Two: Polarization and Unstable Funding (1977-1981)

LEAA Funding
New Organizations
National Coalition Against Sexual Assault (NCASA)
National Coalition Against Domestic Violence (NCADV)
Parents of Murdered Children (POMC)
Mothers Against Drunk Driving (MADD)
Victims' Assistance Legal Organization (VALOR)
President Proclaims "Crime Victims' Week"
Legislative Developments

Stage Three: Public Awareness (1982-1986)

President's Task Force on Victims of Crime
Federal Victim and Witness Protection Act
State Legislation
Victims of Crime Act (VOCA)
Establishment of the Office for Victims of Crime (OVC)
National Victims Center (NVC)
New Programs
Theoretical Concepts

Stage Four: Legislation and Professionalism (1987-Present)

Four Major Issues

1. Funding
2. Victims' Rights
3. Law and Order Concerns
4. Professionalism

Historical Timeline

1982 President Reagan created the Task Force on Victims of Crime

1983 and 1984 Task Force completes work and presents comprehensive report containing 68 recommendations

Federal Victims of Crime Act (VOCA) becomes law establishing the Crime Victim's Fund

1991 Joint resolution introduced by State Representative Jeanne Faatz and Senator Bonnie Allison to place Victim Rights Amendment (VRA) on 1992 ballot for inclusion in Colorado Constitution

1992 VRA legislation receives overwhelming approval in both legislative houses and 82% of the vote. Enabling legislation signed by the Governor on June 4.

1993 VRA goes into effect

1995, 1997, 2006, and 2012 VRA update legislation

2012 and Beyond Strengthening the statute and continuing education

Letter from the President's Task Force on Victims of Crime

The Honorable Ronald Reagan
President of the United States
The White House
Washington, D.C.

Dear Mr. President:

When you established the President's Task Force on Victims of Crime on April 23, 1982, you led the nation into a new era in the treatment of victims of crime. Never before has any President recognized the plight of those forgotten by the criminal justice system - the innocent victims of crime.

In meeting the charge that you gave us, we reviewed the available literature on the subject of criminal victimization; we interviewed professionals, both in and out of the criminal justice system who are responsible for serving victims; and, most importantly, we spoke with citizens from around the country whose lives have been altered by crime.

We found that the perception you shared when you gave us our charge is, unfortunately, true. The innocent victims of crime have been overlooked, their pleas for justice have gone unheeded, and their wounds - personal, emotional, and financial - have gone unattended.

We also found that there is no quick remedy to the innocent victim's plight. Only the sustained efforts of federal, state, and local governments, combined with the resources of the private sector, can restore balance to the criminal justice system.

Citizens from all over the nation told us again and again how heartened they were that this Administration has taken up the challenge, ignored by others in the past, of stopping the mistreatment and neglect of the innocent by those who take liberty for license and by the system of justice itself.

We are pleased to have been able to serve you on this Task Force. We thank you for giving us the privilege of doing so, and we stand ready to assist again should you call upon us in the future.

We have the honor to transmit herewith, pursuant to the provisions of your Executive Order No. 12360, our unanimous recommendations and final report of the President's Task Force on Victims of Crime.

President's Task Force on VICTIMS OF CRIME, Final Report: December, 1982

Introduction

Victims of Crime

Victims of crime, through no fault of their own, suffer physical, emotional and financial loss. Their lives are irrevocably changed, as are the lives of their family and friends.

A victim interviewed in 1982 by the President's Task Force stated the following: "They explained the defendant's constitutional rights to the nth degree. They couldn't do this, and they couldn't do that because of his constitutional rights. And I wondered what mine were. And they told me I haven't got any." Victims believe that as long as the offender is involved in the criminal justice process, the victim must also be given the choice to be involved. It is intolerable that victims of crime suffer secondary victimization by the criminal justice system.

Victimization is the process of becoming a victim through:

1. A traumatic event,
2. Secondary wounding experiences (re-victimization), or
3. Acceptance of the label of victim.

A victim, according to the American Heritage Dictionary, is someone who is harmed or killed by another, or someone who is made to suffer from an act, circumstance, agency, or condition. Victimization is a stress situation that can result in a crisis for the victim. It is often sudden, giving the victim little or no opportunity to prepare psychologically. Victimization is frequently arbitrary with no reason or explanation, leaving the victim with the question, "why me?"

A victim's response to the traumatic event can be the following:

1. Loss of invulnerability, creating a sense of doom and intense fear,
2. Loss of an orderly world, leaving the victim in a state of turmoil and confusion,
3. Their views on human decency and social justice are destroyed,
4. Loss of a positive self image: feeling helplessness, powerless and needy,
5. Feeling like a child: dependent and in need of assistance,
6. Overwhelmed by feelings of anger and rage, or
7. Desire to withdraw and isolate from others.

Re-victimization, or secondary wounding, is caused by one or more of the following reactions to or treatment of victims:

1. Disbelief, denial, or discounting what has occurred,
2. Blaming the victim for the event, increasing the victim's sense of shame,
3. Judging the victim negatively for normal reactions, i.e. misinterpretation of post traumatic stress symptoms as a sign of deep psychological problems,
4. Punishing the victim rather than the offender, or
5. Denial of assistance including support, resource referrals, financial assistance, participation in the process, information, and the right to be heard.

Lois Haight Harrington, who directed the President's Task Force on Victims of Crime, said, "Somewhere along the way, the system began to serve lawyers and judges and defendants, treating the victims with institutionalized disinterest. The neglect of crime victims is a national disgrace."

The following should be kept in mind when working with victims:

1. Crime is an action of choice. Remember this as you hold criminals responsible for their actions.
2. Remember that victims do not have the benefit of receiving probation or parole. Victims are not released after two years, five years, or nine years.
3. No length of time in prison, no amount of restitution, and no type of punishment will bring the dead back to life or will take the victimization away. Victims have to accept the situation in which they now find themselves.
4. The criminal pays for his/her criminal activity for a predetermined length of time. Pain and grief have no time line.
5. Victims have already experienced severe pain. They receive secondary pain when the offender's rights take precedence over their pain.
6. When working with victims, try to imagine yourself as a victim. What would you want and need?

Show compassion. Janice Lord, (Mothers Against Drunk Driving) stated, "It's not hard to turn away from victims. Their pain is discomfoting. Their rage is frightening. Their persistence is frustrating. They need to tell their story over and over again in trying to make sense of it. They need to tell their story to persons whose hearing matters. The pain is real. It should matter to judges, prosecutors, law enforcement, probation, the medical profession, insurers, the media, family and friends ... but most of all, it should matter to the one who committed the crime."

Colorado's Response to Crime Victims

In the early 1980s, coinciding with President Ronald Reagan's Crime Victim Task Force, Colorado established funding for crime victim services through the Victim's Compensation Fund and the Victim Assistance and Law Enforcement Fund. Following a decade of progress, Colorado sought to take victim services to a new level in the early 1990s by guaranteeing rights to crime victims by passing an amendment to Colorado's Constitution.

A statewide grassroots effort by victim advocates, law enforcement agencies and district attorneys realized tremendous success when the Victim Rights Act passed as an amendment to Colorado's Constitution with over 80 percent of the vote in 1992. Enabling legislation had passed through the Colorado General Assembly during the 1992 legislative session, and upon passage of the Constitutional Amendment, became law in early 1993.

The overriding principle of the Victims' Bill of Rights and the Colorado Constitutional Amendment is to ensure that the criminal justice system afford crime victims at least the same rights that are afforded to criminal defendants.

Essentially, the Constitutional Amendment ensures that all victims of crime are guaranteed these fundamental rights:

- The right to be treated with fairness, dignity and respect,
- The right to be informed of the progress of the case, and
- The right to be present, and
- The right to be heard when relevant at critical stages in the criminal justice system.

**Colorado's
Victim Rights Act
Basic Principles**

BASIC PRINCIPLES: THE AMENDMENT

Overview

Colorado's constitutional amendment is found in Article 11, Section 16a of the Colorado State Constitution. It provides, simply, that:

“Any person who is a victim of a criminal act or such person's designee, legal guardian, or surviving immediate family members if such person is deceased, shall have the right to be heard when relevant, informed and present at all critical stages of the criminal justice process.”

The enabling legislation (C.R.S. § 24-4.1-301 through 304), which went into effect upon the passage of the amendment, provides details regarding the various elements of the amendment. Those details, and the responsibilities of the entities involved, are described below.

Definitions

24-4.1-302, C.R.S.

CRIME For VRA purposes, crimes are any act, attempt, criminal solicitation, or accessory to a crime that violates a selected group of Colorado Revised Statutes (C.R.S.). They are generally persons crimes, and not property crimes. See page 8 in this book for a list.

CRITICAL STAGE means any stage of the criminal justice process listed on page 11.

LAWFUL REPRESENTATIVE is any person who is designated by the victim or appointed by the court to act in the best interests of the victim.

SIGNIFICANT OTHER is any person who is in a family-type living arrangement with a victim and who would constitute a spouse if the victim and such person were married.

VICTIM means any 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. If such person is deceased or incapacitated, the person's spouse, parent, child, sibling, grandparent, grandchild, significant other or other lawful representative.

VICTIM'S IMMEDIATE FAMILY means spouse, child by birth or adoption, stepchild, parent, step-parent, sibling, legal guardian, significant other or lawful representative.

WITNESS means any person:

- Having knowledge of the existence or nonexistence of facts relating to a crime;
- Whose declaration under oath is received or has been received as evidence for any purpose;
- Who has reported any crime to any peace officer, correctional officer or judicial officer; or
- Who has been served with a subpoena.

- Murder - 1st and 2nd degree
- Manslaughter and Criminally Negligent Homicide
- Vehicular Homicide and Vehicular Assault
- Assault - 1st, 2nd, and 3rd degree
- Menacing
- Kidnapping - 1st and 2nd degree
- Sexual Assault and Unlawful Sexual Contact
- 1st, 2nd, and 3rd degree Sexual Assault (as these laws existed prior to July 1, 2000)
- Sexual assault on a child, on a child by one in a position of trust, on a client by a psychotherapist
- Invasion of privacy for sexual gratification
- Robbery, aggravated robbery, aggravated robbery of a controlled substance
- Incest and Aggravated Incest
- Child abuse
- Sexual exploitation of children
- Crimes against at-risk adults or juveniles
- Crimes with an underlying factual basis of domestic violence
- Stalking
- Bias-motivated crimes
- Careless driving that results in the death of another person
- Failure to stop at the scene of an accident that results in the death or serious bodily injury of another person
- Retaliation against a witness, victim, judge, juror, or prosecutor
- Intimidation and aggravated intimidation of a witness or victim
- Tampering with a witness or victim
- Indecent exposure
- Violation of a criminal protection order issued against a person charged with sexual assault or stalking
- Trafficking in adults or children
- First degree burglary
- Any attempt, conspiracy, solicitation, or accessory of the above listed crimes
- Child Prostitution
- Posting of a private image for harassment or pecuniary gain

GUARANTEED VICTIMS' RIGHTS

24-4.1-302.5, C.R.S.

- To be treated with fairness, respect and dignity
- To be informed of, and present for, all “critical stages” of the criminal justice process, except that victims have the right to be informed of, without being present for, specified critical stages (e.g.: the filing of charges, a prisoner transfer, etc.)
- To be free from intimidation, harassment, or abuse and to be told what steps to take if such events occur, and also to be informed about available protection services
- To be present and heard in court regarding: bond reduction or modification, acceptance of a nolo contendere plea or a negotiated plea, sentencing, any modification of a sentence, any requested modification to the “no contact” provision of criminal protection orders, any subpoena for a victim’s privileged records, or a petition for expungement
- To request to participate in a court proceeding via alternative means (e.g., video conference, telephone, etc), within the court’s resources, after the victim or victim’s designee has notified the DA’s office that they are physically unavailable to attend the proceeding
- To have agencies in the system make reasonable efforts to redact a victim’s or witness’ social security number before releasing a report to the public
- To be notified of how to request protection of their address pursuant to the Colorado Rules of Criminal Procedure
- To be informed of the existence of any mandatory protection orders and, upon request of the victim, to be given information regarding the process for modifying a protection order
- To talk with the prosecutor before the case is resolved and to be informed of resolution
- To be informed of the status of the case and any scheduling changes or cancellations if known in advance
- To prepare a victim impact statement and to be present and heard orally and/or in writing at sentencing
- To have the court determine restitution and be informed of the right to pursue a civil judgment against the person convicted of the crime
- To a prompt return of the victim's property when no longer needed as evidence
- To be informed of the availability of financial assistance
- To be given appropriate employer intercession services regarding court appearances and meetings with criminal justice officials
- To have a safe, secure waiting area during court proceedings, where practicable
- Upon written request, to be informed when a person accused or convicted of the crime is released from custody (*other than county jail*), is paroled, escapes, or absconds from probation or parole
- Upon request (*can be verbal*), to be informed when a person who is accused or convicted of a crime against a victim is released or permanently transferred from a county jail
- Upon written request, to be informed of and heard at any reconsideration of sentence, parole hearing or commutation of sentence

- To be informed of the process for enforcing compliance with victims' rights
- To view, at the discretion of the District Attorney, all or a portion of the pre-sentence report from the probation department
- To be informed of the results of any HIV testing that is ordered and performed
- To prevent any party at any court proceeding from compelling testimony regarding a victim's current address, telephone number, place of employment or other locating information
- Any victim of a pre-1993 crime may request to be notified of any future critical stages
- To receive a free copy of the initial incident report (at the law enforcement agency's discretion)
- To be notified of a hearing concerning the sealing of records
- To be notified of how to receive notifications from local jails and post-sentencing entities
- To be informed by any agent of the defense team (DIVO) who is initiating victim outreach of that person's legal name and the fact that the person is acting as an agent for the person accused of the crime or for the defense team of such person
- To be informed of any request for progression from the state mental health hospital on behalf of a person in custody as a result of a criminal case involving a victim
- To be heard at any hearing regarding request for progression
- To be informed of the results of a probation revocation hearing
- To be informed of the decision by the governor to commute or pardon a person convicted of a crime against the victim before the information is publically disclosed
- To be heard by phone or similar technology by the community corrections board when the victim can't appear in person
- To be notified of a referral to community corrections
- To be informed about the possibility of restorative justice practices
- To receive a swift and fair resolution of the proceedings

CRITICAL STAGES OF THE CRIMINAL JUSTICE SYSTEM 24-4.1-302(2), C.R.S

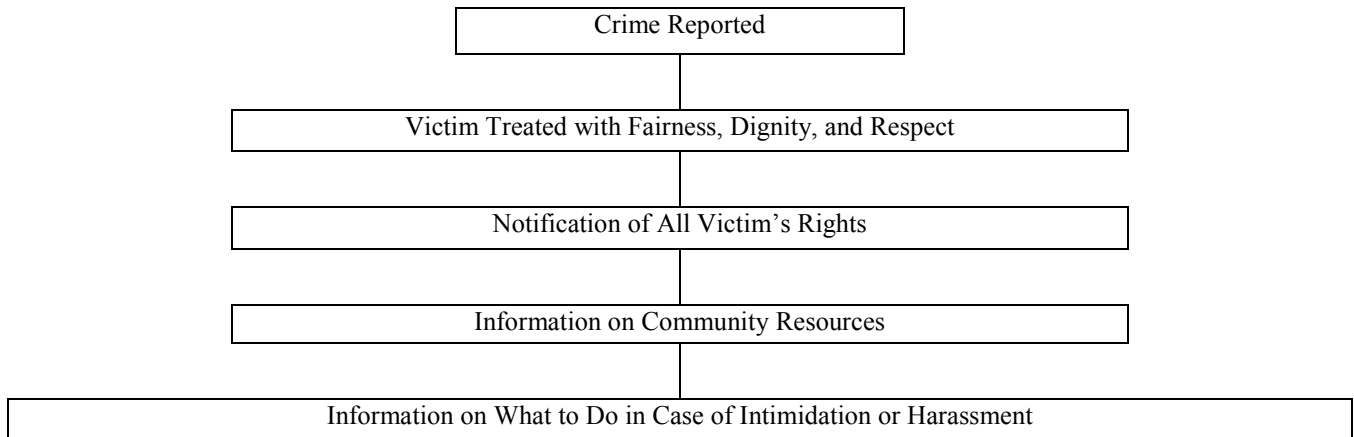
- The filing of charges, or decision not to file charges, against a person accused of a crime
- The preliminary hearing
- Any court action where: bond is set lower than the customary or scheduled amount, change in type of bond or modifications to bond conditions, defendant's appearance with no posted bond, capital cases where court grants admission to bail, or in jurisdictions without customary or scheduled amounts anytime bond is set lower than the initial bond
- The arraignment of a person accused of a crime
- Any hearing on motions concerning evidentiary matters or pre- or post-plea relief
- Subpoena for a victim's medical, mental health, education, or victim's compensation records
- Any disposition of the complaint or charges against the person accused
- The trial
- Any sentencing hearing or re-sentencing hearing
- Any appellate review or appellate decision
- Any subsequent modification of the sentence: specifically 35(a) and 35(b) hearings
- Any probation revocation hearing
- Any court ordered modification of the terms and conditions of probation
- Re-sentencing following a probation revocation hearing and request for early termination
- Any attack on a judgment or conviction
- Any hearing regarding a reopened case due to lost or destroyed evidence
- 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
- The change of venue or transfer of probation supervision from one jurisdiction to another
- The request for release from probation supervision prior to expiration of defendant's sentence
- Any parole application hearing
- The parole, release, or discharge from imprisonment of a person convicted of a crime
- Any parole revocation hearing or full board parole hearing
- The transfer to or placement of a person convicted of a crime in a non-secured facility
- The transfer, release, or escape of a person charged with or convicted of a crime from any state hospital
- Any petition by a sex offender to terminate sex offender registration
- The execution date of an offender in a capital case
- Conducting post-conviction DNA testing to establish innocence
- The decision to enter into a diversion agreement
- Any hearing concerning a petition for expungement

BASIC PRINCIPLES: THE ROLE OF SERVICE PROVIDERS

Law Enforcement

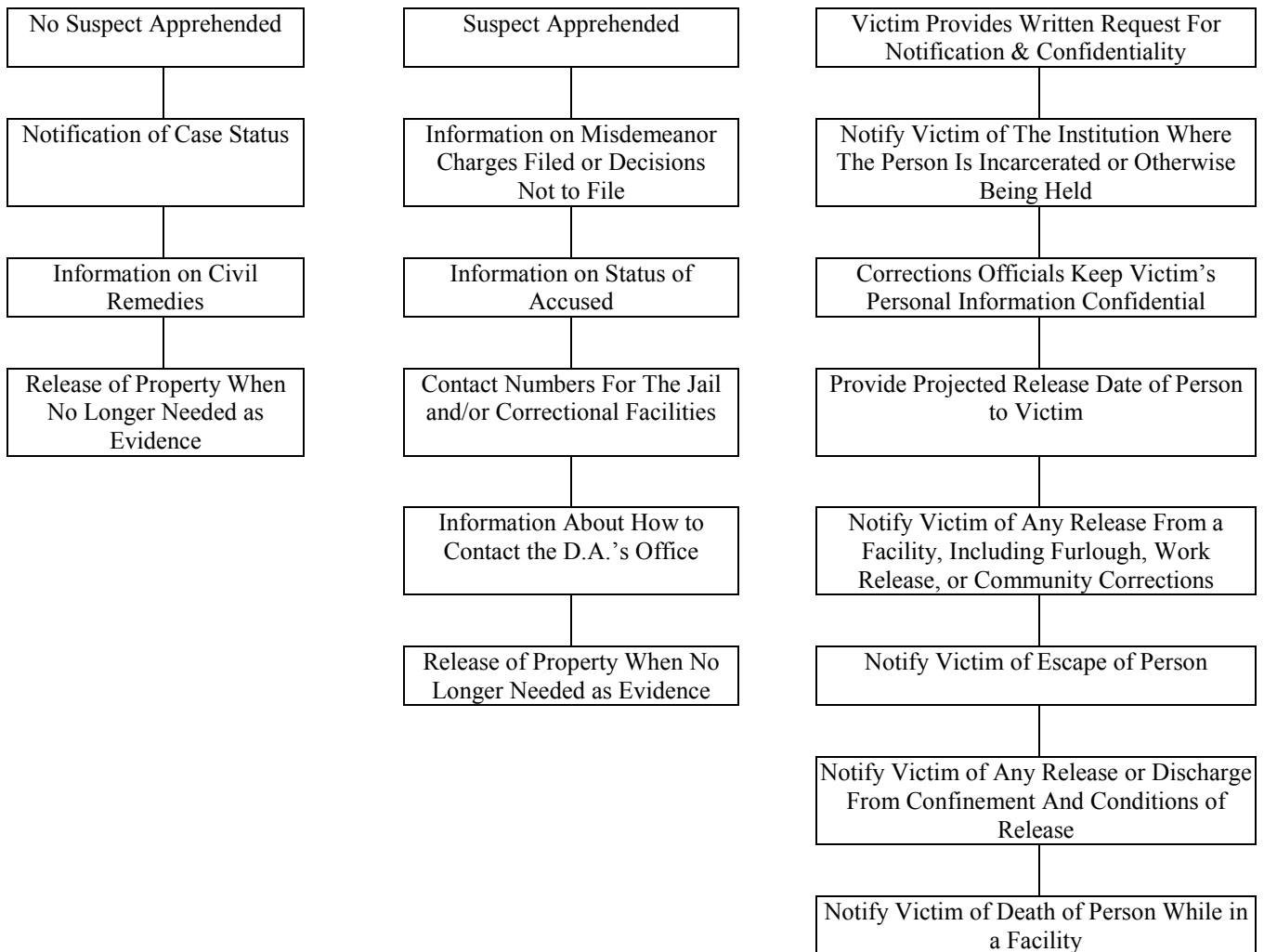
- Treat victim with fairness, respect, and dignity
- “Promptly” provide the following information in writing
 - ✓ Statement of victims' rights
 - ✓ Phone number of jail to request notification when suspect is released on bond or information about automated notification systems
 - ✓ Information on the availability of victim assistance, medical & emergency services, and local resources
 - ✓ Information on the availability of victim compensation benefits & the name, address and phone number of the victim compensation coordinator
 - ✓ Availability of protection, including protective court orders
 - ✓ Availability of the law enforcement report related to the case, including the right to receive a free copy of the initial incident report, at the discretion of the law enforcement agency based on the status of the case
- Provide to each victim “as soon as available”
 - Address and phone number of the District Attorney / File number, address and phone number of officer investigating case / Information as to whether suspect is in custody or has been released, and any conditions imposed on release, unless such information would be inconsistent with the requirements of the investigation / How to request notifications from the jail
- Ensure victims are informed of any changes to status of investigations
- Inform victims of decisions to file or not to file misdemeanor charges. The District Attorney’s office is responsible for informing victims of decisions to file or not to file felony charges, unless other arrangements have been agreed to by both agencies
- Minimize contact between the victim and their immediate family and the defendant and relatives of the defendant before, during and after judicial proceedings
- Inform victim as to the availability of the following services:
 - Follow up support for the victim and victim's family to assure the necessary assistance is received / Transportation, child care and household assistance to enable participation in the criminal proceedings / Assistance in dealing with creditors and credit reporting agencies / Translation services
- Informed and knowledgeable referral to local services and programs for victims
- Upon victim request, return property within 5 working days when not required as evidence
- Inform victim of the existence of a criminal protection order and how to modify the order
- Provide victims of cold cases of any change in the status of the case
- Upon written request, provide an annual update to victims of cold cases in which the statute of limitations is longer than three years

LAW ENFORCEMENT RESPONSE



PRE-CONVICTION INVESTIGATION

POST-CONVICTION LOCAL CORRECTIONS MODEL



District Attorneys

- Treat victim with fairness, respect, and dignity
- Notify victim of their rights
- Inform victim of decisions to file or not file felony charges and explain charges
- Inform victim if the DA files lower charges than the charge for which the person was arrested and the lower charge may result in a lower bond
- Inform victim of file number assigned to the case, the name, address and phone number of the deputy district attorney, and the courtroom to which the case is assigned
- Inform victim of date, time & place of critical stages including but not limited to:
 - Preliminary hearings / bond reduction or modification hearings / hearings on motions / disposition of complaint or charges / trial / sentencing and any subsequent 35(a) or 35(b) modification of sentence hearing / probation revocation hearing when a case is unsupervised / attack on a judgment or conviction for which a court hearing is set / appellate review hearings undertaken by the District Attorney's Office
- Notify victim of any pending motions that may substantially delay prosecution. Inform the court of victim's position on the motion
- Inform court of a request from an unavailable victim to allow alternative means of victim participation (e.g., telephone) if a victim declares themselves unavailable to attend a critical stage where they have a right to be heard
- Consult with victim regarding reduction of charges, negotiated pleas, diversion, dismissal, seeking death penalty, and other disposition
- Inform victim of function of Pre-Sentence Report, the name and phone number of the probation office preparing the report, and the right to make a victim impact statement
- Inform victim of right to be heard and or provide written input at sentencing or re-sentencing
- Give victim the option to use a form provided by the DA's office to make their statement, and inform them that the defendant has a right to view the victim impact statement.
- Inform victim of case status and outcome of appellate reviews
- Minimize contact between victim, victim's immediate family and defendant and defendant's relatives where practicable
- Upon victim request, return property within 5 working days when not required as evidence
- Inform victim of availability of: Follow up support for victim and victim's family / Transportation to court / Referral to community services / Child care, elder care and disabled assistance / Intercession with creditors and employers / Translation services / Address protection through Colorado Rules of Criminal Procedure
- Inform victim what to do in case of intimidation or harassment, and provide information about protection services (e.g., Address Confidentiality, Witness Protection)
- Inform victim of the availability of restorative justice practices
- Inform victim of the existence of the criminal protection order how to modify the order

- Inform victim of any decision to conduct post-conviction DNA testing
- Inform victim of process to request notification from post-sentencing entities
- Inform victim of any hearing concerning the petition for sealing of records
- Inform victim of a request for progression from a state mental health hospital
- Inform victim of any pending motion or decision to sequester the victim from a critical stage and inform the Court of the victim's position on the motion
- Inform victim of the process to request post-sentencing notification from correctional facilities and the state mental health hospital

Courts (Judges and Magistrates)

- Treat victim with fairness, respect, and dignity
- Whenever practicable, provide a waiting area for victims and witnesses that prevents them from being seen by, or from being in close proximity to, the defendant, the defendant's family or the defendant's friends
- Assure the victim that appropriate action will be taken to achieve a swift and fair resolution of the proceedings
- Honor the victim's right to prevent any party at any court proceeding from compelling testimony regarding their current address, telephone number, place of employment, or other locating information unless the victim consents or the court (after an in camera proceeding) orders disclosure
- Disclose the results to the victim of any HIV testing ordered and performed in a sexual assault case pursuant to 18-3-415
- Make reasonable efforts to accommodate the victim upon the return of a verdict by the jury
- Allow the victim to be present at the phase of the trial where the defendant is found to be guilty or not guilty, and heard if such statement is relevant
- Determine the amount, if any, of restitution to be paid to a victim for actual pecuniary damages
- Inquire if the victim is present and if they wish to address the court at any proceeding that involves a bond reduction or modification, the acceptance of a negotiated plea agreement, or the sentencing or any modification of sentence.
- Allow victims to be present and to make a victim impact statement at the sentencing hearing. The impact statement may be made verbally, in writing, or in both, at the sole discretion of the victim.
- Include any written or oral impact statement from a victim with any referral of an offender to community corrections
- Provide the victim's information to any post-sentencing entity responsible for victim notification
- Notify the DA's office if considering a 35(a) or 35(b) sentence modification without a hearing so that the DA's office may solicit input from the victim and present it to the court for consideration in the decision making process
- Notify victims of petitions filed by sex offenders to cease sex offender registration
- In any proceeding concerning a victim's communications or records that relate to victim compensation or are privileged pursuant to 13-90-107, the court will ascertain from the DA's office if the victim has been notified and if they have any input on the matter. The court must then deny the subpoena unless it is determined, and supported by fact, that the victim expressly or impliedly waived their statutory privilege.
- State in writing or on the record that the victim's objection to sequestration from a critical stage was considered and state the basis for the Court's decision
- Inform the DA's Office and Probation Department of a request by a probationer for early termination or any change in the terms and conditions of probation

Probation

- Treat victim with fairness, respect, and dignity
- Notification of victim rights

Upon Written Request of the Victim

- Inform victims of:
 - ✓ Location and phone number of probation department
 - ✓ Date of expected probation supervision termination
- Inform victim of date, time, place, and results of:
 - ✓ Probation revocation hearing
 - ✓ Probation modification hearing
- Notify the victim of their right to be heard and/or provide input at any hearing regarding modification or early termination
- Notify the victim of any court ordered modification of the terms and conditions of probation
- Notify victim of filing of any complaint, summons or warrant issued by probation for failure to report or because location is unknown
- In cases of domestic violence, inform victim of any conduct by the probationer that results in an increase in the supervision level by the Probation Department
- Notify victim of a change of venue, transfer of jurisdiction, or interstate compact transfer
- Inform victim of request for any release from probation prior to the expiration of the probationer's sentence
- Inform victim of the death of the probationer while on probation
- Inform victim of availability of benefits/services
- Referral to community services
- Translation services
- Information on what to do in case of intimidation or harassment
- Redact victim / witness social security numbers from reports prior to release to the public (regardless of whether the victim / witness has opted in)

Department of Corrections, Division of Youth Services, Community Corrections, and the State Mental Health Hospital

- Treat victim with fairness, respect, and dignity
- Notification of victim rights

Upon Written Request of the Victim

- Keep confidential the address, phone number, place of employment and other personal information of the victim and immediate family members
- Notify victim of the institution where person is incarcerated
- Provide projected release date to the victim
- Notify victim in advance of any release of an offender on
 - ✓ furlough
 - ✓ work release
 - ✓ community corrections
- Notify victim of escape, transfer or release from any state hospital or corrections facility
- Notify victim in advance of transfer to or placement in a non-secure facility, from confinement, or discharge from incarceration, as well any conditions of release
- Notify victim of transition of offender from a residential facility to a non-residential setting

The following responsibilities are specific to the Department of Corrections

- Notify victim of parole hearings and full parole board reviews
- Notify the victim of any decision by the parole board or any decision by the governor to commute an offender's sentence or pardon the offender, prior to public disclosure
- Notify victim of the death of the person while confined
- Notify victim of the date, time, and place of any scheduled execution

Juvenile Parole Board

- Treat victim with fairness, respect, and dignity
- Inform victim of the results of any HIV testing that is ordered and performed

Upon Written Request of the Victim

- Notify victim of any scheduled juvenile parole hearing and schedule changes
- Notify victim of any escape and subsequent recapture by person serving juvenile parole sentence
- Notify victim of any placement changes that occur during parole that may impact victim safety
- Notify victim of any discharge from juvenile parole

BASIC PRINCIPLES: COMPLIANCE

General Information

Colorado state law [24-4.1-303 (17) C.R.S.] provides for an enforcement process through which affected persons may remedy non-compliance with the provisions of the Constitutional Amendment by notifying the Crime Victim Services Advisory Board. The Board shall review any report of noncompliance issues. If the Board is unable to resolve the noncompliance issue, the Board shall refer the matter to the Governor who shall request that Colorado's Attorney General file a lawsuit to enforce compliance.

Please Note:

- Victims are encouraged to attempt to obtain rights at the local level before bringing a complaint to the Crime Victim Services Advisory Board. This may include, but is not limited to the following:
 - ✓ Contact the person you feel has not provided you with your rights and specifically explain what has not been done,
 - ✓ Seek assistance from victim advocates or other supportive persons such as counselors, and/or,
 - ✓ Seek assistance from the elected official or head of the agency you feel has not provided your rights.

Note: Contact may be verbal or in writing – however, accurate records of efforts to seek compliance at the local level will be helpful to the Crime Victim Services Advisory Board.

- If you are not satisfied with the compliance results at the local level, you should contact the Colorado Division of Criminal Justice (DCJ) to discuss filing a formal complaint.
 - ✓ DCJ: 1-888-282-1080 or 303-239-4497

Formal Victim Rights Act Complaint Process

1. A copy of the complaint will be reviewed by Division of Criminal Justice (DCJ) staff to review for purview of the Victim Rights Act. The complaint is then submitted to the Subcommittee for its determination as to whether the complaint is within the purview of the VRA.
2. DCJ staff will review a complaint as to whether the allegation(s) would rise to the level of a violation of the VRA. The complaint is then submitted to the Subcommittee for its determination as to whether the allegations in the complaint would rise to the level of a violation of the VRA.
3. If the complaint falls within the purview of the Victim Rights Act and the allegation(s) would rise to the level of a violation of the VRA, a copy of the complaint and all the information accompanying that complaint will be sent to the identified agency(ies).

4. DCJ staff and the VRA Subcommittee may also make an informal request for information of the identified agency(ies) to assist in the determination of purview and whether the allegations in a complaint would rise to the level of a violation of the VRA. In addition, DCJ staff and the VRA Subcommittee may make an informal request for information to determine whether the goal of VRA compliance has been met and/or whether the identified agency(ies) met its obligations as enumerated in the VRA.
5. The agency's response will be provided to the victim, who will have an opportunity to provide a reply to the agency's response.
6. All the information from both the complainant and the identified agency will be reviewed by the Victim Rights Act Subcommittee to determine if there is a basis in fact for a Victim Rights Act violation.
7. If there is not a basis in fact and a request for reconsideration is not received, the case will be closed.
8. If there is a basis in fact, the Subcommittee will set forth requirements for the agency(ies) that is found to be in violation. These requirements are designed to improve a current problem and to help prevent similar concerns within the system on behalf of future victims.
9. The victim will be kept informed of the outcome of the Subcommittee's meetings and of the progress the agency makes in fulfilling the requirements.
10. Either party has a right to request a reconsideration of the findings of the Victim Rights Act Subcommittee. If the Subcommittee does not grant a request for reconsideration, the party requesting the reconsideration may appeal the Subcommittee's decision to the Crime Victim Services Advisory Board.
11. Following a reconsideration request of the findings of the VRA Subcommittee, either party may request an appeal to the Coordinating Committee of the Victim Rights Act Subcommittee's reconsideration findings as to whether or not there is a basis in fact that a victim's rights were violated under the VRA.
12. If an agency is unwilling to fulfill the requirements, the case will be referred to the Governor's office. The Governor then refers the case to the Attorney General to file a suit to enforce compliance with the Victim Rights Act.

Please see Appendix 2 for VRA Compliance Enforcement Forms

Crime Victim Compensation

CRIME VICTIM COMPENSATION ACT

General Information

- The crime must be one in which the victim suffers residential property damage, economic loss, injury or death as a result of a compensable crime perpetrated or attempted
- The person claiming compensation must be victim or a dependent of a victim of a crime committed on or after July 1, 1982
- The police were notified within 72 hours after the crime or good cause existed for not reporting the crime within 72 hours
- The victim has cooperated fully with law enforcement officials
- The injury or death of the victim was not a result of the victim's wrong doing
- The claimant must file for compensation within one year of the date of the incident. This requirement may be waived for “good cause” which may include, but is not limited to, circumstances in which a crime has remained unsolved for more than one year.

Compensable Losses May Include

- Reasonable medical and hospital expenses and expenses for dentures, eyeglasses, hearing aids or other medically necessary devices
- Loss of earnings
- Outpatient care
- Homemaker and home health services
- Burial expenses
- Loss of support to dependents
- Mental health counseling
 - ✓ Losses from property damage including
 - ✓ Repair or replacement of windows, doors, locks, or other security devices damaged during the commission of the crime
 - ✓ Payment of the deductible amount on residential insurance policy

Non-Compensable Losses

- Pain and suffering
- Property damage other than residential property damage
- Aggregate damages to the victim or dependents exceeding \$30,000

Please see Appendix 3 for Victim Compensation and VALE Administrator Contact Information.

Appendices

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Appendix 1
Colorado's Victim Rights Act

Guidelines for Assuring the Rights of Victims of and Witnesses to Crimes

THE STATE OF COLORADO'S VICTIM RIGHTS ACT



TITLE 24 – ARTICLE 4.1

PART III

24-4.1-301. Legislative declaration

The general assembly hereby finds and declares that the full and voluntary cooperation of victims of and witnesses to crimes with state and local law enforcement agencies as to such crimes is imperative for the general effectiveness and well-being of the criminal justice system of this state. It is the intent of this part 3, therefore, to assure that all victims of and witnesses to crimes are honored and protected by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protection afforded criminal defendants.

HISTORY: Source: L. 84: Entire part added, p. 654, § 3, effective May 14.

Cross references: For elections, see title 1; for peace officers and firefighters, see article 5 of title 29; for state engineer, see article 80 of title 37; for state chemist, see part 4 of article 1 of title 25; for offenses against government, see article 8 of title 18; for the "Uniform Records Retention Act", see article 17 of title 6.

Cross references: For restitution as a condition of probation, see § 18-1.3-205; for restitution to victims of crime generally, see article 28 of title 17; for the "Colorado Victim and Witness Protection Act of 1984", see part 7 of article 8 of title 18; for restitution by delinquent children under the "Colorado Children's Code", see § 19-2-918; for assistance to victims of and witnesses to crimes, see article 4.2 of this title.

Cross references: For constitutional provisions relating to the rights of crime victims, see section 16a of article II of the Colorado constitution.

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, C.R.S., 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, 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, or stalking in violation of section 18-3-602 ;
 - (ii) Human trafficking in violation of section 18-3-503, C.R.S., 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, 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 of a private image for harassment 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 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) (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 hearing;

- (i) Any appellate review or appellate decision;
- (j) Any modification of the sentence pursuant to rule 35 (a) or 35 9b) 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) Any attack on a judgment or conviction;
- (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;
- (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".
- (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 from probation. As used in this sub section (3.5) "action taken by the court" includes an order by the court modifying the 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, (HB11-1303), 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.238, p.1157, §2, effective August 7. L. 2014: (1) (ii) amended, 1; (1)(ii), (1)(jj), (2)(j), and (5) amended and (1)(II) and (2) (j.5) added, (HB14-1148), 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:

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

(2) Section 11 of chapter 165, Session Laws of Colorado 2006, provides that the act amending the introductory portion to subsection (1) and subsections (1)(ee), (2)(k.5), (2)(k.7) and (2)(p) and enacting subsections (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) applies to offenses committed on or after July 1, 2006.

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.

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), (2) (q), and (2) (u);

(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) (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.;

(b.9) The right to receive a free copy of the initial incident report from the investigating law enforcement agency; except that the release of a document associated with the investigation is at the discretion of the law enforcement agency based on the status of the case or security and safety concerns in a correctional facility, local jail, or private contract prison as defined in section 17-1-102, 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 nonsecure correctional facility or program, or absconds from probation or parole.

(II) With respect to the release, discharge, or permanent transfer 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, discharged, or permanently transferred 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:

(I) Involving the defendant's bond as specified in section 24-4.1-302 (2) (c);

(II) At which the court accepts a plea of nolo contendere;

(III) At which the court accepts a negotiated plea agreement;

(IV) At which a person accused or convicted of a crime against the victim is sentenced;

(V) At which the sentence of a person accused or convicted of a crime against the victim is modified;

(VI) At which the defendant requests a modification of the no contact provision of the mandatory criminal protection order under section 18-1-1001, C.R.S., or section 19-2-707, C.R.S.;

(VII) Involving a subpoena for records concerning the victim's medical history, mental health, education, or victim compensation, or any other records that are privileged pursuant to section 13-90-107, C.R.S.; or

(VIII) Involving a petition for expungement as described in section 19-1-306 (5)(a), C.R.S.

(d.5) (I) If a victim or a victim's designee is unavailable to be present for the critical stages described in paragraph (d) of this subsection (1) and the victim or the victim's designee wishes to address the court, the right to request that the court, within the court's resources, arrange and provide the means for the victim and the victim's designee to provide input to the court beyond a written victim impact statement.

(II) For purposes of this paragraph (d.5), "unavailable" means that the victim or the victim's designee is physically unable to attend the court hearing, may sustain a financial hardship to attend the court hearing, is concerned for his or her safety if he or she attends the court hearing, may suffer significant emotional impact by attending the hearing, or is unavailable for other good cause.

(III) The victim or the victim's designee shall notify the district attorney within a reasonable time that he or she is unavailable to attend the court hearing. The district attorney's office shall then inform the court that the victim or the victim's designee, due to his or her unavailability, is requesting the court to arrange for and provide the means to address the court, which may include but need not be limited to appearing by phone or similar technology. The district attorney shall inform the victim or the victim's designee of the court's decision regarding an alternate arrangement.

(IV) This paragraph (d.5) applies to a victim who is incarcerated or otherwise being held in a local county jail, the department of corrections, or the Division of Youth Corrections in the Department of Human Services, but is limited to participation by phone.

(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 postconviction 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, a full board review, commutation of sentence or consideration for placement in the specialized program developed by the department of corrections pursuant to section 17-34-102.

(j.2) The right to be informed of any request for progression from the state mental health hospital on behalf of a person in its custody as a result of a criminal case involving the victim, and the right to be heard at any hearing during which the court considers such a request. For purposes of this subsection (1)(j.2), "request for progression" includes any request for off-grounds or unsupervised privileges, community placement, conditional release, unconditional discharge, or a special furlough.

(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 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. A community corrections board may allow a victim to provide an oral statement to the community corrections board when an offender is being considered for a direct sentence to community corrections and may place reasonable limits on the victim's oral statement. (II) For purposes of this paragraph (j.5), the victim shall have the right to provide a separate oral statement to the community corrections board considering a transitional referral, but the board shall have discretion to place reasonable parameters on the victim's oral statement. 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 shall not take effect.

(III) For purposes of this subsection ((1)(j.5), if a victim or a victim's designee is unavailable to be present for a proceeding to consider an offender for a direct sentence or transitional referral to

community corrections as described in subsection (1)(j.5)(I) of this section, and the victim or the victim's designee wishes to address the community corrections board, the victim or the victim's designee shall notify the community corrections board within a reasonable time that the victim is unavailable to attend the proceeding but would like to make a statement. Within its resources, the community corrections board shall arrange for and provide the means for the victim to address the board, which means may include, but need not be limited to, appearing by phone or via similar technology.

(IV) For purposes of this subsection (1)(j.5) "unavailable" means the victim or the victim's designee is physically unable to attend the proceeding, may sustain a financial hardship to attend the proceeding, is concerned for his or her safety if he or she attends the proceeding, may suffer significant emotional impact by attending the proceeding, or is unavailable for other good cause.

(V) This subsection (1)(j.5) applies to a victim who is incarcerated or otherwise being held in a local county jail, the department of corrections, or the division of youth corrections in the department of human services but is limited to participation by phone or similar technology.

(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;

(l.5) The right to be informed about the possibility of restorative justice practices, as defined in section 18-1-901 (3) (o.5), C.R.S.;

(m) The right to be informed about what steps can be taken by a victim or a witness, including information regarding protection services, 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;

(q.5) The right to be informed of the results of a probation or parole revocation hearing;

(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.;

(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.

(w) The right to have the district attorney, a law enforcement agency, a probation department, a state or private correctional facility, the department of human services, or the Colorado mental health institute at Pueblo make all reasonable efforts to exclude or redact a victim's social security number or a witness' social security number from a criminal justice document or record created or compiled as a result of a criminal investigation when the document or record is released to anyone other than the victim, the defense attorney of record, the defense attorney's agent, or a criminal justice agency that has duties under this article;

(x) The right to be notified of how to request protection of their address pursuant to the Colorado rules of criminal procedure;

(y) The right to receive a copy of the victim impact statement form from the district attorney's office.

(z) The right to be notified of a hearing concerning a petition for sealing of records described in section 24-72-308 filed by a defendant in the criminal case whose crime falls under section 24-4.1-302(1).

(aa) The right to be informed of the governor's decision to commute or pardon a person convicted of a crime against the victim before such information is publically disclosed.

(1.6) The right to be informed of the existence of a criminal protection order under section 18-1-1001, C.R.S., or section 19-2-707, C.R.S., and, upon request of the victim, information about provisions that may be added or modified, and the process for requesting such an addition or modification.

(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.

(4) (a) If a victim contacts a criminal justice agency regarding a crime that occurred before 1993, and the offender who committed the crime is currently serving a sentence for the crime, the victim may request notification of any future critical stages of the criminal proceedings. This provision does not require a criminal justice agency to proactively locate victims of crimes that occurred before 1993.

(b) If an arrest is made for a crime committed before 1993 that was previously unsolved, the appropriate criminal justice agency shall notify the crime victim of all future critical stages. (4) If a victim contacts a criminal justice agency regarding a crime that occurred before 1993, and the offender who committed the crime is currently serving a sentence for the crime, the victim may request notification of any future critical stages of the criminal proceedings. In addition, if an arrest is made for a crime committed before 1993 that was previously unsolved, the victim of the crime may request notification of all future critical stages from the appropriate criminal justice agency. This provision does not require a criminal justice agency to proactively locate victims of crimes that occurred before 1993.

HISTORY: 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. L. 2008: (1)(d) amended, p. 326, § 2, effective April 7. L. 2009: (1)(j.5) amended, (HB 09-1181), ch. 76, p. 276, §1, effective August 5. L. 2011: (1)(l.5) added, (HB 11-1032), ch. 296, p/ 1408, § 19, effective August 10. L. 2012: (1)(b), (1)(c)(II), (1)(d)(V), (1)(d)(VII), (1)(d.5), (1)(w), (1)(x), (1)(y), (1.6), and (4) added, (HB 12-1053), ch. 244, p. 1152, §2, effective August 8. L. 2013: (1)(b) amended, (HB13-1156) , ch. 336, p. 1958, §8, effective August 7; (1)(d)(VIII) added, (HB13-1082), ch. 238, p.1157, §3, effective August 7; (1)(l.5) amended, (HB13-1254), ch. 341, p. 1990, §11, effective August 7. L. 2014: (1)(b.9) and (1)(z) added and (1)(d.5)(IV) and (4) amended, (HB 14-1148), ch. 95, p. 348, §2 effective August 6. L. 2015: (1)(z) amended, (SB 15-264), ch. 259, p. 958, §61, effective August 5. L. 2016: (1)(d)(IV) amended, (SB 16-181), ch. 353, p. 1452, §7, effective June 10; 1(p)(1) and (1)(u) amended, (SB 16-146), ch. 230 p. 919, §16, effective July 1; 1(j) amended, (SB 16-180), ch. 352, p. 1445, §5, effective August 10. L. 2017:

Editor's note: Section 11 of chapter 165, Session Laws of Colorado 2006, provides that the act amending subsections (1)(b), (1)(c), (1)(g), (1)(h), (1)(i.5), (1)(j.5), (1)(k), (1)(t), and (1)(u) and enacting subsections (1)(b.5), (1)(j.3), and (1)(v) applies to offenses committed on or after July 1, 2006.

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.

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

(1) Law enforcement agencies, prosecutorial agencies, judicial agencies, and correctional agencies shall ensure 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.

(3.5) The district attorney's office, if practicable, shall inform the victim of any pending motion or decision by the district attorney to sequester the victim from a critical stage in the case. The district attorney shall inform the court of the victim's position on the motion or the district attorney's decision, if any. If the victim has objected, then the court, before granting the sequestration order, shall state in writing or on the record that the victim's objection was considered and state the basis for the court's decision.

(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 ensure 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;

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

(h) The existence of a criminal protection order under section 18-1-1001, C.R.S., or section 19-2-707, C.R.S., and, upon request of the victim, information about provisions that may be added or modified and the process for requesting such an addition or modification.

(10) (a) After the initial contact between a victim and a law enforcement agency responsible for investigating a crime, the 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 right of a victim to request a copy of the law enforcement report and other documents related to the case, including the right to receive a free copy of the initial incident report. The release of any such documents associated with the investigation is at the discretion of the law enforcement agency based on the status of 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 any conditions imposed upon such release, and information as to how the victim may request further notification pursuant to section 24-4.1-302.5 1)(c);

(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;

(a.5) The charges to be filed, prior to filing of the charges, if the most serious charge to be filed is lower than the most serious charge for which the individual was arrested and the filing of the lower charge may result in the court issuing a new, lower bond;

(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;

(b.5) Any critical stage described in section 24-4.1-302 (2) (r.3) relating to a hearing concerning a petition for the expungement of juvenile records, which records concern an offense committed by the juvenile against the victim;

(b.7) Any hearing concerning a petition for sealing of records as described in section 24-72-308 that was filed by a defendant in the criminal case and whose crime falls under section 24-4.1-302(1). The notification should be made using the last known contact information that is available for the victim;

(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;

(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);

(g) The availability of restorative justice practices, as defined in section 18-1-901 (3) (o.5), C.R.S.;

(h) The right to complete a written victim impact statement. The victim has the option to complete the statement on a form provided by the district attorney's office. The district attorney shall inform the victim that the defendant has a right to view the victim impact statement; and

(i) The availability of the district attorney to seek a court order to protect a victim's residential address.

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

(a) The function of a presentence 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 presentence 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) Any sentence imposed;(f) (I) The date, time, and location of any hearing for modification of sentence pursuant to Rule 35 (a) or Rule 35 (b) of the Colorado Rules of Criminal Procedure or any provision of state or federal law; except that a district attorney is not required to inform each victim of a resentencing following a probation revocation hearing or a request for early termination from probation. For both probation revocation hearings and requests for early termination, it is the responsibility of the probation department to notify the victim if the victim has requested post-sentencing notification.

(II) If a hearing is not scheduled and the court has reviewed a written motion for modification of sentence and is considering granting any part of the motion without a hearing, the court shall inform the district attorney, and the district attorney shall notify and receive input from the victim to give to the court before the court rules on the motion.

(III) If the court has reviewed and denied the written motion without a hearing, the district attorney is not required to notify the victim regarding the filing of or ruling on the motion.

(IV) This paragraph (f) does not modify the probation department's responsibility to notify a victim that has opted to receive notifications described in subsection (13.5) of this section.

(f.5) Any motion to modify the terms and conditions of an unsupervised deferred sentence for which the district attorney's office is the monitoring agency. The procedures for notifying victims outlined in subparagraphs (I) and (II) of paragraph (f) of this subsection (12) apply to the district attorney and the court with regards to this motion.

(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, including how the victim may request notification from correctional facilities.

(g.5) The right to receive information from the state mental health hospital concerning the custody and release of an offender who was ordered by a court into the hospital's custody pursuant to subsection (14.2) of this section, including how the victim may request notification from the hospital.

(h) The right to receive information from the probation department concerning information outlined in subsection (13.5) of this section regarding a person convicted of a crime against the victim; and

(i) 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. If court proceedings are initiated based on the results of the postconviction DNA testing, the victim shall be notified court proceedings by the district attorney's office that filed and prosecuted the charges resulting in the entry of judgment of conviction challenged by the defendant. If the Attorney General's Office is the agency that decides to conduct

postconviction DNA testing, the Attorney General's Office is responsible for notifying the victim; and

(j) The right to be informed of a request for progression from the state mental health hospital on behalf of a person in its custody as a result of a criminal case involving the victim.

(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 including notification of the victim's right to be present and heard at the hearing and notification of the results of such hearing pursuant to section 24-4.1-302.5 (1)(d). If a hearing is not scheduled and the court has reviewed the written motion for early termination of probation and is considering granting the motion without a hearing, the court shall inform the probation department and the district attorney's office, and the probation department shall notify and receive input from the victim to give to the court before the court rules on the motion. If the court has reviewed and denied such a request without a hearing, the probation department is not required to notify the victim regarding the filing or ruling on the request.

(IV) Any probation revocation or modification hearing at which the person's sentence may be reconsidered or modified and any changes in the scheduling of the hearings including notification of the victim's right to be present and heard at the hearing and notification of the results of such a hearing pursuant to 24-4.1-302.5 (1)(d). If a hearing is not scheduled and the court has reviewed a written motion for modification of sentence and is considering granting any part of the motion without a hearing, the court shall inform the probation department and the district attorney's office, and the probation department shall notify and receive input from the victim to give to the court before the court rules on the motion. If the court has reviewed and denied the written motion without a hearing, the probation department is not required to notify the victim regarding the filing or ruling on the motion;

(V) Any motion filed by the probation department requesting permission from the court to modify the terms and conditions of probation as described in section 18-1.3-204 or 19-2-925 if the motion has not been denied by the court without a hearing.

(V.5) Any change of venue, transfer of probation supervision from one jurisdiction to another, or interstate compact transfer of probation supervision;

(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.

(IX) Any court-ordered modification of the terms and conditions of probation as described in section 18-1.3-204 or 19-2-925.

(14) Upon receipt of a written victim impact 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, or statutory discharge in advance of such release;

(d) Any scheduled parole hearings or full parole board reviews regarding such person and any changes in the scheduling of such hearings including notification of the victim's right to be present and heard at such hearing;

(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) Repealed.

(g) The transfer to or placement in a nonsecured 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 the person while in custody or while under the jurisdiction of the state of Colorado concerning the crime; and

(i) The transition of the person from a residential facility to a non residential setting.

(j) Any decision by the parole board and any decision by the governor to commute the sentence of the person or pardon the person; and

(k) The date, time and location of a scheduled execution.

(14.1) Upon the written request of a victim, the Colorado mental health institute at Pueblo, or the Colorado mental health institute at Fort Logan, as may be applicable, 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 the person resides;

(b) Any release of the person on furlough or other program, in advance of such release;

(c) Any other transfer or release from the state hospital;

(d) Any escape by the person and any subsequent recapture of the person; and

(e) The death of the person while in custody or while under the jurisdiction of the state.

(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, division of youth corrections 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 a victim, the department of human services and any state hospital shall notify the victim of the following information regarding any person who was charged or adjudicated 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) Repealed.

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

(f) Any decision by the governor to commute the sentence of the person or pardon the person;

(g) The transfer to or placement in a nonsecured facility of a person adjudicated of a crime, any release or discharge from the sentence of the person, and any conditions attached to the release; and

(h) The death of the person while in custody or while under the jurisdiction of the state;

(i) Any request by the department of human services to the juvenile court to modify the sentence to commitment and any decision by the juvenile court to modify the sentence to commitment.

(j) Any placement change that occurs during the period of parole that may impact the victim's safety or public safety as determined by the division of youth corrections.

(14.3) Upon receipt of a written statement from the victim, the juvenile parole board shall notify the victim of the following information regarding any person who was charged with or convicted of an offense against the victim:

(a) Any scheduled juvenile parole hearings pursuant to sections 19-2-1002 and 19-2-1004, regarding the person, any change in the scheduling of such a hearing in advance of the hearing, the victim's right to be present and heard at such hearings, the results of any such hearing, any parole decision to release the person, and the terms and conditions of any such release;

(b) Any escape by the person while serving juvenile parole and any subsequent recapture of the person;

(c) Any placement change that occurs during the period of parole that may impact the victim's safety or public safety as determined by the division of youth corrections; and

(d) Any discharge from juvenile parole.

(14.4) 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 in which the testing was ordered.

(14.5) (a) 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.

(14.5) (b) at a proceeding specified in section 24-4.1-302.5 (1) (d) (VII), involving a subpoena for records of a victim, the court shall ascertain whether the victim received notice from the district attorney's office of the subpoena. After considering all evidence relevant to the subpoena, the court shall deny a request for a victim's records that are privileged pursuant to section 13-90-107, C.R.S., unless the court makes a finding supported by the facts that the victim has expressly or impliedly waived the victim's statutory privilege specified in section 13-90-107, C.R.S.

(14.5) (c) The court shall inform the probation department and the district attorney's office before any hearing regarding any request by the probationer for early termination of probation or any change in the terms and conditions of probation.

(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, electronic or oral communication with the victim or the victim's designee. The person responsible for providing the information shall do so in a timely manner and advise the victim or the victim's designee of any significant changes in the information. The victim or the victim's designee shall keep appropriate criminal justice authorities informed of the name, address, electronic mail address, if available, and telephone number of the person to whom the information should be provided, and any changes of the name, address, electronic mail address, and telephone number.

(a.5) A victim who turns eighteen years of age has the right to request notification from a criminal justice agency and to become the primary point of contact. The designee for the victim shall also continue to be receive notifications if the designee has requested notification; except that the notifying agency has the discretion to notify only the victim if the victim so requests or if the agency deems that extenuating and documentable circumstances justify discontinuing notification to the victim's designee. The right of a victim's designee to address the court remains in effect even if the victim requests notification from a criminal justice agency.

(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, electronic communication, if the victim or the victim's designee has provided an electronic mail address, and by telephone. If the victim or the victim's designee does not provide the agency with a forwarding address, electronic mail 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, electronic mail address, if available, and telephone of the victim and the name of the victim's current designee, if applicable.

(c) An agency that is required to notify a victim under this part 3 may use an automated victim notification system.

(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 crime victim services advisory board created in section 24-4.1-117.3 (1) of any noncompliance with this article. The crime victim services advisory board shall review any report of noncompliance, and, if the board determines that the report of noncompliance has a basis in fact and cannot be resolved, the board shall refer the report of noncompliance to the governor, who shall request that the attorney general file suit to enforce compliance with this article. A person, corporation, or other legal entity shall not be

entitled to claim or to receive any damages or other financial redress for any failure to comply with this article.

(18) The district attorney, a law enforcement agency, a probation department, a state or private correctional facility, the department of human services, or the Colorado Mental Health Institute at Pueblo, shall make all reasonable efforts to exclude or redact a victim's social security number or a witness' social security number from any criminal justice document or record created or compiled as a result of a criminal investigation when the document or record is released to anyone other than the victim, a criminal justice agency that has duties under this article, or the attorney for the defendant.

HISTORY: 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. L. 2008: (11)(a.5) added, p. 327, § 3, effective April 7; (14.2)(g), (14.2)(h), and (14.3) amended and (14.2)(i) and (14.4) added, p. 1108, §§ 14, 15, effective July 1. L. 2009: (1), (9)(a), and (17) amended, (SB 09-047), ch.129, p. 557, § 6, effective July 1. L. 2011: (11)(e) and (11)(f) amended and (11)(g) added, (HB 11-1032), ch. 296, p. 1408, §20, effective August 10. L. 2012: (9)(f), (9)(g), IP (10)(a), (10)(a)(V), (11)(f), (11)(g), (12)(e), (12)(f), (13.5)(a)(V), IP (14), (14)(g), (14)(h), (14.5), and (15) amended and (9)(h), (11)(h), (11)(i), (12)(f.5), (12)(h), (12)(i), (13.5)(a)(V.5), (14)(i), and (18) added, (HB 12-1053), ch. 244, p. 1154, §3, effective August 8. L. 2013: (11)(b.5) added, (HB 13-1082), ch. 244, p. 1154, §3, effective August 7; (11)(g) amended, (HB 13-1254), ch. 341, p. 1990 §12, effective August 7. L. 2014: (11)(b.7) and (13.5)(a)(IX) added, (HB 14-1148), ch. 95, p. 349, §3, effective August 6. L. 2015: (11)(b.7) amended, (SB 15-264), ch. 259, p. 958, §62, effective August 5. L. 2016: (12)(c) amended, (SB 16-181), ch. 353, p. 1452, §8, effective June 10; (14.4) amended, (SB 16-146), ch. 230, p. 920, §17, effective July 1.

Editor's note: Section 11 of chapter 165, Session Laws of Colorado 2006, provides that the act amending subsections (9)(f), (10)(b)(II), (11)(a), (11)(b), (11)(d), (13.5)(a)(III), (13.5)(a)(V), (13.5)(a)(VI), and (13.5)(a)(VII), the introductory portion to subsection (14), and subsections (14.7) and (15) and enacting subsections (10)(b)(IV), (10)(b)(V), (13.5)(a)(VIII), and (14.2) applies to offenses committed on or after July 1, 2006.

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.

24-4.1-304. Child victim or witness – rights and services

(1) In addition to all rights afforded to a victim or witness under section 24-4.1-302.5, law enforcement agencies, prosecutors, and judges are encouraged to designate one or more persons to provide the following services on behalf of a child who is involved in criminal proceedings as a victim or a witness:

- (a) To explain, in language understood by the child, all legal proceedings in which the child will be involved;
- (b) To act, as a friend of the court, to advise the judge, whenever appropriate, of the child's ability to understand and cooperate in any court proceeding;
- (c) To assist the child and the child's family in coping with the emotional impact of the crime and any subsequent criminal proceeding in which the child is involved;
- (d) To advise the district attorney concerning the ability of a child witness to cooperate with the prosecution and concerning the potential effects of the proceeding on the child.

HISTORY: Source: L. 84: Entire part added, p. 656, § 3, effective May 14. L. 85: IP(1) amended, p. 1361, § 18, effective June 28. L. 92: IP(1) amended, p. 427, § 5, effective January 14, 1993.

24-4.1-305. Disclosure by agent of defense-initiated victim outreach required – definition

(1) When any person attempting defense-initiated victim outreach contacts any victim of any crime, the person shall immediately provide full and unambiguous disclosure of:

- (a) The person's legal name; and
- (b) The fact that the person is acting as an agent for the person accused of the crime or for the defense team of such person.

(2) (a) As used in this section, unless the context required otherwise, “defense-initiated victim outreach” means any effort by the defense team, including but not limited to a victim liaison, victim outreach specialist, social worker, investigator, or other individual, to directly or indirectly contact a victim or a victim’s family member on behalf of the defendant or defense counsel.

(b) The definition in paragraph (a) of this subsection (2) does not require the identified members of a defense team to comply with any guidelines or standards promulgated by any professional defense-initiated victim outreach organization.

HISTORY: Source: L. 2015: Entire section added, (HB 15-1218), ch. 155, p. 463, §1, effective August 5.

Appendix 2
Compliance Enforcement Forms

Request for Enforcement of Compliance with the Requirements of the Colorado Crime Victim Rights Constitutional Amendment

We are sorry that you have been a victim of a crime.

In Colorado, crime victims are afforded rights pursuant to the State of Colorado's Constitution. If you feel as though your victim rights have not been provided to you by one or more criminal justice agencies, you may choose to file a written complaint.

It is recommended, but not required, that you first attempt to resolve your concerns at the local level. The following are some examples of how you might attempt to address your concerns:

- Contact the person you feel has not provided you with your rights and discuss your concerns with them;
- Seek assistance from your victim advocate or another supportive person such as a counselor;
- Seek assistance from the elected official or head of the agency that you feel is not providing you with your rights.

If you are not able to reach a resolution with the criminal justice agency regarding your concerns the Victim Rights Act compliance process may be able to help you address your concerns.

When a written Request for the Enforcement of Compliance is sent to the Colorado Division of Criminal Justice, the Victim Rights Subcommittee (a subcommittee of the Crime Victim Services Advisory Board) will gather the information necessary to review the concerns in your complaint and determine whether your rights under the Victim Rights Act have been provided.

Please contact the Victim Rights Act Specialist at the Division of Criminal Justice at (303) 239-4497 or 1-888-282-1080 if you have any questions about this complaint form or to discuss whether your concerns fall within the purview of the Colorado Victim Rights Act.

Si no puede leer o hablar inglés, por favor tenga un amigo o miembro de la familia que habla inglés llamar a la oficina para programas de victimias al (303)239-4497 para discutir sus preocupaciones.

Completed forms should be mailed to:

The Victim Rights Act Subcommittee
Colorado Division of Criminal Justice
700 Kipling Street, Suite 1000
Denver, CO 80215

Section 1
Applicant and Victim Information

(Applicants must complete this section)

Applicant's Name:

Email Address:

Mailing Address:

Street:

City:

State:

Zip:

<input type="text"/>	<input type="text"/>	<input type="text"/>
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Telephone numbers with which you wish to be contacted (xxx-xxx-xxxx):

Home:

Work:

Cell:

<input type="text"/>	<input type="text"/>	<input type="text"/>
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Relationship to the victim:

- Self
- Parent/Guardian
- Attorney
- Other

Please indicate if the victim is:

- Deceased;
- Under the age of 18 or;
- Unable to complete this application due to a mental or physical disability.
- NA

Victim's Name (if different from Applicant):

Section 2

Case Information

Type of Crime (check all that apply):

For a full list of crimes please see C.R.S. §24-4.1-302(1)

<input type="checkbox"/> Murder	<input type="checkbox"/> Crimes against at-risk adults or at-risk juveniles
<input type="checkbox"/> Manslaughter	<input type="checkbox"/> Crimes for which the underlying foundation has been determined to be domestic violence
<input type="checkbox"/> Criminally negligent homicide	<input type="checkbox"/> Stalking
<input type="checkbox"/> Vehicular homicide	<input type="checkbox"/> A bias motivated crime
<input type="checkbox"/> Assault	<input type="checkbox"/> Human trafficking
<input type="checkbox"/> Vehicular assault	<input type="checkbox"/> Retaliation against a victim or a witness
<input type="checkbox"/> Menacing	<input type="checkbox"/> Retaliation against a judge or juror
<input type="checkbox"/> Robbery	<input type="checkbox"/> Intimidation of a victim or a witness
<input type="checkbox"/> First degree burglary	<input type="checkbox"/> Tampering with a victim or a witness
<input type="checkbox"/> Kidnapping	<input type="checkbox"/> Careless driving that results in the death of another person
<input type="checkbox"/> Sexual assault	<input type="checkbox"/> Failure to stop at the scene of an accident that results in the death or serious bodily injury of another person
<input type="checkbox"/> Unlawful sexual contact	<input type="checkbox"/> Violation of an 18-1-1001 criminal protection order issued against a defendant charged with sexual assault or stalking
<input type="checkbox"/> Sexual assault on a child	<input type="checkbox"/> Any criminal attempt, conspiracy, criminal solicitation, or accessory involving any of the crimes specified above
<input type="checkbox"/> Crimes involving child prostitution	
<input type="checkbox"/> Incest	
<input type="checkbox"/> Child abuse	
<input type="checkbox"/> Sexual exploitation of children	
<input type="checkbox"/> Indecent exposure	
<input type="checkbox"/> Invasion of privacy for sexual gratification	
<input type="checkbox"/> Posting a private image for harassment or pecuniary gain	

Offender/suspect's name:

Offender/suspect's date of birth (if known):

--	--

Law enforcement agency crime was reported to:

Date of crime:

--	--

Law enforcement case report number (if known):

County in which the crime occurred:

--	--

District attorney case report number (if known):

Court case number (if known):

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Section 3

Information About Your Concerns

Which agency do you believe violated your victim rights? (check all that apply)

- Law Enforcement Agency
- District Attorney's Office
- The Court (Judge)
- The Probation Department
- The Department of Corrections
- Community Corrections
- The Division of Youth Corrections
- State Hospital
- Adult Parole Board
- Juvenile Parole Board
- Other

Please name the agency(s) or person you believe violated your victim rights:

Have you attempted to resolve your complaint with this person or agency?

- Yes
- No

If yes, please explain:

Which of the following rights do you feel you were denied? (check all that apply)

For a full list of rights please see C.R.S. §24-4.1-302.5

<ul style="list-style-type: none"><input type="checkbox"/> The right to be treated with fairness, respect and dignity and to be free from intimidation, harassment or abuse<input type="checkbox"/> The right to be informed of a hearing in my case. Please specify date and type of hearing: _____<input type="checkbox"/> The right to be present during a hearing in my case. Please Specify date and type of hearing: _____	<ul style="list-style-type: none"><input type="checkbox"/> The right to be updated about the status of my case by the district attorney's office<input type="checkbox"/> The right to consult with the prosecutor about a resolution of my case<input type="checkbox"/> The right to be informed of availability of financial or community assistance for victims<input type="checkbox"/> The right to be notified of a change of status of the offender from a detention facility<input type="checkbox"/> The right to be notified of a change of status of the offender from probation or parole<input type="checkbox"/> Other (please explain on the following page)
--	--

- The right to be heard at hearing in which I had the right to be heard. Please specify date and type of hearing: _____
- The right to be updated about the status of my case by law enforcement

Please provide additional information about the concerns that you checked above. For example, if you were not notified of a court hearing, please list the hearing for which you did not receive notification. If your calls were not returned by an agency please provide the date that you placed the calls, if known. Attach additional pages as needed.

What would you like to have happen as a result of filing this Request for Enforcement of Compliance?

--

Signatures

How did you hear about the Victim Rights Compliance Process?

<input type="checkbox"/> A Victim Advocate (please list agency)	
<input type="checkbox"/> Victim rights brochure (please list agency)	
<input type="checkbox"/> Division of Criminal Justice website	
<input type="checkbox"/> Other (please name)	

PLEASE READ THE INFORMATION BELOW CAREFULLY:

The information contained in this request is true and correct, to the best of my knowledge. I agree that information regarding my case may be released to and from the Division of Criminal Justice, the Crime Victim Services Advisory Board, Victim Rights Act Subcommittee and the identified agency(ies) which is named in the complaint for the purpose of gathering additional information.

I understand that these records may be subject to the Public (open) Records Laws. I understand that the Division of Criminal Justice may receive a request for records and may determine that it must release this Formal Request for Compliance and any information related to this Formal Request for Compliance. I understand that it is my responsibility to contact the Division of Criminal Justice at 303-239-4497 to speak with the Victim Rights Act (VRA) Specialist if I have any concerns about submitting this Formal Request for Compliance and any related information.

Signature of Applicant/Victim or Designated Representative:

Date:

--	--

(If the victim is under the age of 18, a parent/legal guardian should sign)

If a designee is being authorized (OTHER THAN a parent/guardian for a victim under the age of 18) the following section must be completed.

I authorize the following person to act as my Designated Representative for the purposes of pursuing this request for compliance:

--

Signature of Victim or Parent/Guardian if the victim is under 18:

Date:

--	--

Completed forms should be mailed to: The Victim Rights Act Subcommittee
Colorado Division of Criminal Justice
700 Kipling Street, Suite 1000
Denver, CO 80215

Frequently Asked Questions

Do all crime victims have victim rights through the Colorado Victim Rights Act?

The Colorado Victim Rights Act (VRA) provides rights to victims of designated crimes. For a list of crimes that are covered by the VRA, please see Section 2 of this form. If you are a victim of a crime that is not listed in Section 2, you may not have rights as defined by the VRA; however, criminal justice agencies may have policies that provide for certain services. Please consider calling your local Victim Advocate or the Victim Rights Act Specialist at the Division of Criminal Justice to discuss other options for addressing your concerns.

What types of concerns can the Victim Rights Compliance Process not address?

The following concerns are not under the purview of the Colorado Victim Rights Act or the Crime Victim Services Advisory Board:

- Allegations of police misconduct;
- The manner in which an investigation is conducted;
- The District Attorney's decision not to file a case;
- A decided plea agreement;
- Decisions of how to prosecute a case;
- Concerns of parties not identified as a victim; and
- Concerns relating to civil (non-criminal) matters

If your concerns fall outside the purview of the Victim Rights Act, please consider calling your local Victim Advocate or the Victim Rights Act Specialist at the Division of Criminal Justice to discuss other options for addressing your concerns.

How do I know if my concerns fall under the Victim Rights Act?

We would invite and encourage you to contact the Victim Rights Act Specialist to discuss your concerns and learn whether they fall under the purview of the Victim Rights Act.

Can I file an anonymous complaint?

The compliance process depends on an open exchange of information between the victim, the VRA Subcommittee and the agency. The agency may provide a response to the victim's allegations and the victim may provide a reply to the agency's response. For this reason, anonymous complaints cannot be accepted.

Are there any criminal justice agencies that do not have responsibilities under the VRA?

The list of agencies with responsibilities under the VRA can be found in Section 3 of this form.

How long does the Victim Rights Act Compliance process usually take?

The VRA Compliance process can take 3 to 6 months.

Related Colorado Law

The Colorado Victim Rights Act is part of the State Constitution (Article II, Section 16a) which states: ANY PERSON WHO IS A VICTIM OF A CRIMINAL ACT OR SUCH PERSON'S DESIGNEE, LEGAL GUARDIAN, OR SURVIVING IMMEDIATE FAMILY MEMBERS IF SUCH PERSON IS DECEASED, SHALL HAVE THE RIGHT TO BE HEARD WHEN RELEVANT, INFORMED AND PRESENT AT ALL CRITICAL STAGES OF THE CRIMINAL JUSTICE PROCESS. ALL TERMINOLOGY, INCLUDING THE TERM "CRITICAL STAGES", SHALL BE DEFINED BY THE GENERAL ASSEMBLY.

The VRA Compliance Process is established through Colorado Revised Statute 24-4.1-303(17), which states: Any affected person, except as provided in subsection (16) of this section, may enforce compliance with this article by notifying the crime victim services advisory board created in section 24-4.1-117.3 (1) of any noncompliance with this article. The crime victim services advisory board shall review any such report of noncompliance and if the board determines that the report of noncompliance has a basis in fact, and cannot be resolved, the board shall refer the report of noncompliance to the governor, who shall request that the attorney general file suit to enforce compliance with this article. A person, corporation, or other legal entity shall not be entitled to claim or to receive any damages or other financial redress for any failure to comply with this article. (These statutes are often referred to as the Victim Rights Act.)

Appendix 3
**Comp and VALE Administrator
Contact Information**

VICTIM COMPENSATION ADMINISTRATORS

First Judicial District

Ms. Kati Behrens

District Attorney's Office
500 Jefferson County Parkway
Golden, CO 80401-6020
(303) 271-6846
Fax (303) 271-6785
e-mail: kbehrens@co.jefferson.co.us

Second Judicial District

Ms. Linda Ferry

District Attorney's Office
201 W. Colfax, Dept. 801
Denver, CO 80202
(720) 913-9253
Fax (720) 913-9035
e-mail: lmf@denverda.org

Third Judicial District

Ms. Melinda Vecellio

District Attorney's Office
200 E. 1st Street, Suite 202
Trinidad, CO 81082
(719) 846-9224x108
Fax (719) 845-1632
e-mail: mvecellio3jd@comcast.net

Fourth Judicial District

Ms. Lisa Hady

District Attorney's Office
105 East Vermijo, Suite 111
Colorado Springs, CO 80903
(719) 520-6915
Fax (719) 520-6172
e-mail: lisahady@elpasoco.com

Fifth Judicial District

Ms. Twyla Johnson

District Attorney's Office
P.O. Box 2000
Georgetown, CO 80444
(303) 679-2453
Fax (970) 328-1016
e-mail: tjohnson@da5.us

Sixth Judicial District

Ms. Jane Foy

District Attorney's Office
1060 Main Avenue
P.O. Drawer 3455
Durango, CO 81302
(970) 247-8850
Fax (970) 259-0200
e-mail: jane.foy@co.laplata.co.us
Carol Little 970-382-6339
e-mail: carol.little@co.laplata.co.us

Seventh Judicial District

Ms. Eleasha Cervantes

Montrose County Justice Center
1140 N. Grand Ave. #200
Montrose, CO 81401
(970) 252-4266
Fax (970) 252-4270
e-mail: eleasha.cervantes@co7da.org

Eighth Judicial District

Ms. Candace Smith

District Attorney's Office
201 La Porte Ave., Ste. 200
Ft. Collins, CO 80521-2763
(970) 498-7290
Fax (970) 498-7250
e-mail: smithcr@co.larimer.co.us

Ninth Judicial District

Mr. Steve Aurand

District Attorney's Office
109 8th St., Ste. 308
Glenwood Springs, CO 81601
(970) 384-3517
Fax (970) 945-1304
e-mail: saurand@9daco.org

Tenth Judicial District

Ms. Florence Hunt

District Attorney's Office
701 Court Street
Pueblo, CO 81003
(719) 583-6092
Fax (719) 583-6666
e-mail: hunt@co.pueblo.co.us

Eleventh Judicial District

Ms. Barbara Topliss

District Attorney's Office
136 Justice Center Road, Rm203
Canon City, CO 81212
(719) 269-0170
Fax (719) 269-0180
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Appendix 4
Justice for All Act
Federal Victim Rights Law

U.S. SENATOR PATRICK LEAHY

CONTACT: Office of Senator Leahy, 202-224-4242

VERMONT

JUSTICE FOR ALL ACT OF 2004 Section-By-Section Analysis

OVERVIEW

The Justice For All Act of 2004 enhances protections for victims of Federal crimes, increases Federal resources available to State and local governments to combat crimes with DNA technology, and provides safeguards to prevent wrongful convictions and executions.

Title I of the bill is the Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act. The provisions of this title establish enhanced and enforceable rights for crime victims in the Federal criminal justice system, and authorize grants to help States implement and enforce their own victims' rights laws.

Titles II and III of the bill establish the Debbie Smith DNA Backlog Grant Program, which authorize \$755 million over five years to address the DNA backlog crisis in the nation's crime labs, and also authorize more than \$500 million in new grant programs to reduce other forensic science backlogs, train criminal justice and medical personnel in the use of DNA evidence, and promote the use of DNA technology to identify missing persons.

Title IV of the bill, the Innocence Protection Act, provides access to post-conviction DNA testing in Federal cases, helps States improve the quality of legal representation in capital cases, and increases compensation in Federal cases of wrongful conviction. It also establishes the Kirk Bloodsworth Post-Conviction DNA Testing Program, which authorizes \$25 million over five years to defray the costs of post-conviction DNA testing.

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**TITLE I— SCOTT CAMPBELL, STEPHANIE ROPER, WENDY PRESTON,
LOUARNA GILLIS, AND NILA LYNN CRIME VICTIMS’ RIGHTS ACT**

Sec. 101. Short Title. This title may be cited as the “Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims’ Rights Act.”

Sec. 102. Crime Victims’ Rights. Establishes enhanced rights for victims of Federal crimes, including the right to be reasonably protected from the accused; the right to reasonable, accurate, and timely notice of certain proceedings and events; the right not to be excluded from certain proceedings; the right to be reasonably heard at certain proceedings and to confer with the attorney for the Government in the case; the right to full and timely restitution; the right to proceedings free from unreasonable delay; and the right to be treated with fairness and with respect for the victim’s dignity and privacy. Government employees shall make best efforts to ensure that victims are notified of and accorded these rights. A victim or the lawful representative of a victim may assert these rights in district court and, if relief is denied, may petition the court of appeals for a writ of mandamus, which the court of appeals must take up and decide within 72 hours. A failure to afford a right shall not provide grounds for a new trial, and may only be used to re-open and plea or sentence in limited circumstances.

Sec. 103. Increased Resources for Enforcement of Crime Victims’ Rights. Authorizes grants to assist State and local authorities in implementing and enforcing crime victims’ rights laws, including grants to develop and implement state-of-the-art systems for notifying crime victims of important dates and developments relating to the criminal proceedings at issue in a timely and efficient manner.

Sec. 104. Reports. Requires annual reports on the implementation of this title.