

**COLORADO SUPREME COURT
ADVISORY COMMITTEE ON THE RULES OF CRIMINAL PROCEDURE
Minutes of Meeting**

Friday, September 15, 2023

A quorum being present, the Colorado Supreme Court’s Advisory Committee on the Rules of Criminal Procedure was called to order by Judge Elizabeth Harris at 3:00 p.m. in the Supreme Court Conference Room. Members present at or excused from the meeting were:

Name	Present	Excused
Judge Elizabeth Harris, Chair	X	
Sheryl Berry		X
Christian Champagne	X	
Johanna Coats	X	
Judge Kandace Gerdes	X	
Judge Shelley Gilman	X	
Matt Holman	X	
Abe Hutt	X	
Judge Chelsea Malone	X	
Kevin McGreevy	X	
Judge Dana Nichols	X	
Magdalena Rosa	X	
Karen Taylor	X	
Judge Lindsay VanGilder	X	
Judge Vincente Vigil	X	
Non-Voting Participant		
Karen Yacuzzo	X	

I. Attachments & Handouts

- A. September 15, 2023 agenda
- B. April 21, 2023 minutes

II. Approval of Minutes

The April 21, 2023 minutes were approved as submitted.

III. Announcements from the Chair

Judge Harris welcomed new members Judge Lindsay VanGilder, Johanna Coats, and Magdalena Rosa. This was Judge Gilman’s last meeting, and Judge Harris thanked her for her many years of service to the Committee.

IV. Business

A. Committee Protocols (Judge Harris)

The Committee first discussed whether to keep the meetings closed to the public. The Committee decided to maintain its policy of not opening meetings to the general

public, primarily because Committee members believed that holding public meetings would have a chilling effect on the Committee's discussions.

A member informed the Committee that the press reached out to him directly for a comment on an issue, and he wondered if there is a standard protocol for how to handle this situation. Members discussed the issue, but the Committee chose not to establish specific guidelines for members speaking to the press. Judge Harris noted that the Public Information Office might be a helpful resource if members are being contacted by the press for comment on particular issues.

The Committee then discussed preferred meeting dates and times and decided to maintain the current schedule of meetings occurring quarterly on Fridays at 12:45 pm. The 2024 meeting dates will be January 19, April 19, July 19, and October 18.

B. HB 23-1187 (Legislative Subcommittee)

Matt Holman discussed the Subcommittee's memo and concluded that five bills may impact the criminal rules. Judge Harris recruited volunteers to serve on subcommittees to consider any necessary rule changes.

SB23-254, concerning warrants, no-knock warrants, and warrantless entries, may affect Rule 41. Abe Hutt, Judge VanGilder, and Christian Champagne will consider whether to recommend any change to the rule.

HB23-1151, concerning 48-hour bond hearings, may impact Rule 5. Judge Gerdes, Kevin McGreevy, and Johanna Coats will consider whether to recommend any change to the rule.

HB23-1182 involves a requirement of remote public access to criminal court proceedings. Judge Nichols, Sheryl Berry, and Magdalena Rosa will consider whether this bill will require changes to any of the criminal rules. A member noted that a Chief Justice Directive applies to this issue.

HB23-1187 concerns alternatives in the criminal justice system related to pregnant and postpartum persons. Matt Holman, Judge Vigil, and Karen Taylor will consider whether this bill will require changes to any rules.

HB23-1292, concerning modification of crimes of violence and habitual offender sentences, will be considered by a subcommittee exploring possible changes to Rule 35. There are currently several cases pending in the Colorado Supreme Court that involve Rule 35; once those cases are decided, the Committee can consider this bill and any other potential amendments to Rule 35 at the same time.

C. Crim. P. 35 (Judge Harris)

The Committee will wait for pending cases to be resolved before considering changes to Rule 35.

D. Changes to Crim. P. 37 and 37.1 Following Changes to C.A.R. 10

A group of clerks proposes to modify two criminal procedure rules so that the terminology will be consistent with that used in C.A.R. 10 regarding electronic transmissions. Further, the proposed changes aim to accurately reflect the record designation and certification processes currently being utilized. One member noted that further context from the clerks would be helpful. Judge Harris and Johanna Coats will work on edits to the rules.

The committee adjourned at 4:24 pm.

V. Future Meetings

January 19, April 19, July 19, and October 18