

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 20-088

BY SENATOR(S) Fields, Cooke, Gardner, Ginal, Marble, Priola, Tate;
also REPRESENTATIVE(S) Roberts and Soper, Carver, Snyder,
Valdez D., Woodrow.

CONCERNING EVIDENTIARY RULES WHEN A DEFENDANT INTERFERES WITH A
WITNESS.

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

SECTION 1. In Colorado Revised Statutes, **add** 13-25-139 as follows:

13-25-139. Criminal action - interference with witness - forfeiture by wrongdoing. WHEN A PARTY TO A CRIMINAL CASE WRONGFULLY PROCURES THE UNAVAILABILITY OF A WITNESS, A STATEMENT OTHERWISE NOT ADMISSIBLE PURSUANT TO THE COLORADO RULES OF EVIDENCE THAT IS OFFERED AGAINST THE PARTY THAT WAS INVOLVED IN OR RESPONSIBLE FOR THE WRONGDOING THAT WAS INTENDED TO, AND DID, DEPRIVE THE CRIMINAL JUSTICE SYSTEM OF EVIDENCE IS ADMISSIBLE AS AN EXCEPTION TO THE HEARSAY RULE; EXCEPT THAT SUCH A STATEMENT IS NOT ADMISSIBLE UNLESS THE PROPONENT HAS GIVEN TO THE ADVERSE PARTY ADVANCE WRITTEN NOTICE OF AN INTENTION TO INTRODUCE THE

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

STATEMENT SUFFICIENT TO PROVIDE THE ADVERSE PARTY A FAIR OPPORTUNITY TO CONTEST THE ADMISSIBILITY OF THE STATEMENT. IN DETERMINING THE ADMISSIBILITY OF THE EVIDENCE, THE COURT SHALL DETERMINE, PRIOR TO THE TRIAL, WHETHER THE FORFEITURE BY WRONGDOING OCCURRED BY A PREPONDERANCE OF THE EVIDENCE.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO