

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB21-081 be amended as follows:

1 Amend printed bill, page 2, strike lines 13 through 21 and substitute:

2 "(4) (a) (I) NOTWITHSTANDING SUBSECTIONS (2)(a) AND (2)(b) OF
3 THIS SECTION, A COURT MAY ISSUE A COURT ORDER FOR PRODUCTION OF
4 RECORDS, UNDER SEAL, ON REQUEST OF A LAW ENFORCEMENT AGENCY,
5 PUBLIC SAFETY AGENCY, OR DISTRICT ATTORNEY, FOR PROGRAM
6 MATERIALS IDENTIFYING A REPORTING PARTY IF THE COURT, FOLLOWING
7 AN IN-CAMERA REVIEW OF AN AFFIDAVIT AND ANY OTHER RELEVANT
8 MATERIAL OR EVIDENCE PROVIDED UNDER SEAL BY THE REQUESTING
9 PARTY, DETERMINES PROBABLE CAUSE EXISTS THAT A REPORTING PARTY
10 TO THE PROGRAM KNOWINGLY USED THE PROGRAM IN THE COMMISSION OF
11 FALSE REPORTING OF AN EMERGENCY, AS DEFINED IN SECTION 18-8-111
12 (2), AND THAT RELEASE OF PROGRAM MATERIALS IS JUSTIFIED ON BALANCE
13 IN VIEW OF THE PROBABLE VIOLATION AND THE PROGRAM PURPOSE OF
14 ANONYMITY.

15 (II) ANY SUCH REQUEST FOR A COURT ORDER FOR PRODUCTION OF
16 RECORDS MAY BE FILED ONLY AFTER REASONABLE NOTICE IS PROVIDED TO
17 THE ATTORNEY GENERAL. THE REQUESTING PARTY SHALL NOTE ANY
18 RESPONSE FROM THE ATTORNEY GENERAL IN THE AFFIDAVIT AND THE
19 COURT SHALL CONSIDER THE NOTE IN REVIEWING ANY APPLICATION FOR
20 A COURT ORDER UNDER THIS SECTION."

21 Page 3, strike line 1.

22 Page 3, strike lines 8 through 12 and substitute:

23 "(II) (A) A COURT MAY LIFT THE SEALING AND CONFIDENTIALITY
24 OF THE INFORMATION, PRIOR TO THE FILING OF CHARGES, ONLY ON A
25 MOTION OF A DISTRICT ATTORNEY UPON SHOWING OF GOOD CAUSE
26 FOLLOWING AN IN-CAMERA REVIEW OF THE INFORMATION. THE DISTRICT
27 ATTORNEY SHALL PROVIDE REASONABLE NOTICE AND THE OPPORTUNITY
28 TO RESPOND TO THE DEPARTMENT OF ANY MOTION TO LIFT THE SEAL FILED
29 PURSUANT TO THIS SECTION, PRIOR TO FILING A MOTION PURSUANT TO THIS
30 SECTION.

31 (B) UPON FILING OF CHARGES AGAINST ANY PERSON FOR CHARGES
32 THAT RELY ON INFORMATION PROVIDED PURSUANT TO A COURT ORDER
33 UNDER THIS SECTION, ANY SEALING ORDER WILL IMMEDIATELY EXPIRE
34 AND THE INFORMATION IS SUBJECT TO DISCOVERY OBLIGATIONS AND
35 NECESSARY PROTECTIVE ORDERS TO PRECLUDE FURTHER DISSEMINATION
36 OF THE MATERIAL."

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