

## DENVER VICTIM RIGHTS ACT AND ALIGNMENTS PURSUANT TO COLORADO BILL HB23-1222

### QUESTIONS AND ANSWERS

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What is the City Attorney's Office ("CAO") proposing?

- The CAO is proposing to enact an ordinance that would align the Denver Revised Municipal Code with Colorado Bill HB23-1222. The proposed bill would also provide increased protection of victims' rights in Denver municipal court.

What does Colorado Bill [HB23-1222](#) do?

- HB23-1222 was signed into Colorado law on May 25, 2023. The law strips municipal prosecution offices of their ability to prosecute domestic violence cases, as well as municipal courts of their ability to hear the same, unless the municipality adopts an ordinance that:
  - Affords protections and rights to victims and witnesses of domestic violence that are at least equivalent to the protections and rights afforded by the Colorado Victim Rights Act ("VRA"), which does not currently apply in municipal courts.
  - Outlines specific requirements for city attorneys in those cases.
  - Establishes sentencing for domestic violations, conditions of probation for domestic violence offenders, and conditions of release on bond for domestic violence offenders that are at least equivalent to those identified in state law.
  - Establishes guidelines and standards that are consistent with the guidelines and standards adopted by the Domestic Violence Offender Management Board ("DVOMB").

What is the [Victim Rights' Act \(VRA\)](#)?

- The Victim Rights Act (VRA) is a state statute in Colorado that ensures crime victims are treated with fairness, respect, dignity and that they are free from intimidation, harassment, and abuse. The VRA also helps to ensure that victims are informed of critical stages of the criminal justice process and that they may be present for, and heard, at certain stages as well.
- Enacted at the state level in 1993, the VRA is an attempt to balance the scales of justice by providing victims of crime an active role in the criminal justice process.

What does the VRA require?

- At its most basic level, under the Colorado VRA, victims of [specific crimes](#) have the following [rights](#):
  - The right to be treated with fairness, dignity, and respect
  - The right to be present in court and heard
  - The right to be free from harassment, intimidation, and harm
  - The right to a swift and fair resolution of a criminal case
- These rights are afforded to victims of crime, their immediate family, and witnesses
- These rights apply to all critical stages of the criminal justice process. "Critical stages" includes actions and matters that take place in the following:
  - Pre-trial



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- Trial and Sentencing
- Appellate and Post-Conviction
- Probation and Parole
- Release and Discharge
- Specialized Proceedings
- Law enforcement agencies, prosecutors, courts, correctional facilities, probation departments, and human services and hospitals have responsibilities for ensuring that victims' rights are protected during the critical stages of the criminal justice process.

### What will the proposed bill require?

- The bill will require Denver municipal courts, prosecutors, probation, and law enforcement to provide victims, their families, and witnesses of crimes identified in the bill the equivalent rights and protections that victims, their families, and witnesses of crimes are provided under the VRA. Crimes identified in the proposed bill include domestic violence (including crimes that have domestic violence in the factual basis), class one offenses, assault, wrongs to minor, threats, and indecent exposure.
- The proposed bill also ensures that D.R.M.C. provisions related to sentencing, probation, and bond are aligned with state law requirements.

### Why is the CAO recommending this bill?

- The CAO prosecutes approximately 2,000 domestic violence cases a year and this number continues to rise. Domestic violence cases represent a significant number of cases that are prosecuted by the CAO, as well as a significant number of victims that we assist. The CAO is committed to ensuring that victims in these cases are protected and that they may ultimately receive justice. It is for these reasons the CAO provided testimony before the Colorado House Judiciary Committee to amend the state bill which would have stripped municipal courts from hearing domestic violence cases at all. To ensure that these cases remain prosecutable, the CAO is putting this bill forward.
- Additionally, the CAO prosecutes several other serious crimes, including general assaults, threats, and wrongs to minors. At the state level, these types of cases are included in the VRA. The CAO believes that these types of cases should be handled consistently, regardless of whether the charge is in county or municipal court.

### What does enforcement look like?

- If a victim, their family, or a witness is not afforded the rights and protections due to them, then they may enforce compliance with the Colorado Crime Victim Services Advisory Board.
- The goal of enforcement is to obtain compliance with the VRA, not punishment for those that have a duty to comply with the VRA. Enforcement might include changes to policies, identification of best practices, as well as additional requirements on agencies to ensure that victims' rights are met in the future.
- Enforcement does not include criminal or civil charges against agencies and representatives or dismissal of the action.

### Where can I find more information about the VRA?

- The Colorado Department of Public Safety Division of Criminal Justice has released a brochure providing guidance on victims' rights that can be accessed [here](#).