

COLORADO SUPREME COURT
ADVISORY COMMITTEE ON THE RULES OF CRIMINAL PROCEDURE
Minutes of Meeting
Friday, April 15, 2016

A quorum being present, the Colorado Supreme Court’s Advisory Committee on the Rules of Criminal Procedure was called to order by Judge John Dailey at 12:45 p.m., in the Colorado Supreme Court Conference Room on the fourth floor of the Ralph L. Carr Colorado Judicial Center. Members present or excused from the meeting were:

Name	Present	Excused
Judge John Dailey, Chair	X	
Judge Susan Fisch	X	
Judge Shelley Gilman		X
Judge Deborah Grohs	X	
Judge Morris Hoffman	X	
Matt Holman	X	
Abe Hutt	X	
Kevin McGreevy	X	
Judge Dana Nichols	X	
Donna Skinner Reed	X	
Megan Ring	X	
Karen Taylor	X	
David Vandenberg	X	
Robin Whitley	X	
Non-Voting Participant		
Terri Morrison	X	
Karen Yacuzzo	X	

I. Attachments & Handouts

- A. Agenda
- B. January 15, 2016 minutes
- C. 2016 Legislation
 - 1. HB 1104 [SB 13-250 & HB 09-1262]
 - 2. HB 1027

II. Approval of Minutes

The January 15, 2016 minutes were approved as submitted.

III. Announcements from the Chair

Ms. Megan Ring was appointed to the committee and today was her first meeting. She has been with the Public Defender’s Office for 20 years.

IV. Old Business

Crim. P. 16

Representative Foote of Boulder County had emailed the committee asking the committee to consider amending Rule 16 to require the disclosure of witness' phone numbers. The committee had recommended a subcommittee member reach out to Rep. Foote to discover why he thought an amendment was necessary.

Dave Vandenberg spoke with Rep. Foote, who indicated that, although the prosecution witnesses' phone numbers are already in discovery, the prosecution does not always get defense witnesses' phone numbers.

Committee members were concerned that an obligation imposed on attorneys to produce phone numbers would increase litigation unnecessarily because, generally, investigators can find phone numbers. After discussion, the committee decided there are more negatives than positives to amending the rule, and hearing no objections, it was decided that an amendment of Rule 16 would not be pursued. Mr. Vandenberg was asked to contact Rep. Foote and inform him of the committee's decision.

V. New Business

2016 Legislation

A. HB 1104 [SB 13-250 & HB 09-1262]

Karen Yacuzzo stated that, in monitoring legislation that could impact the criminal rules, she noted House Bill 16-1104, which deals with the subject of a summons in lieu of a warrant, as well as several 2009 and 2013 enactments that, though they affect Crim. P. 9, were not considered by the committee. A subcommittee of Judge Nichols, Kevin McGreevy, Matt Holman, and Judge Hoffman will review HB 16-1104 and the 2009 and 2013 laws, and to report back to the committee.

B. HB 1027

On another note, HB 16-1027, which concerns depositions of at-risk elders or at-risk adults, could impact several rules. The State Court Administrator's Office had submitted numerous amendments to the bill, but none were accepted. The bill, as enacted, will present a number of challenges, in interpretation as well as in application. A subcommittee consisting of Judge Fisch, Judge Grohs, Megan Ring, and Donna Skinner Reed will review the bill and report back to the committee.

Judge Dailey would like a notification when both bills are signed by the governor.

VI. Future Meetings

July 15, 2016

October 21, 2016

January 20, 2017

The committee adjourned at 1:20 pm.

Respectfully submitted,
Jenny A. Moore