



COLORADO

COLO. REV. STAT. § 13-90-107

Type of Privilege: Absolute

Privilege:

- A victim's advocate cannot testify about any communications made between the victim and the victim's advocate
- Covers in-person testimony and written records or reports COLO. REV. STAT. § 13-90-107 (k) (I)

Statutory Exceptions to Privilege: None specified

In Camera Review: Prohibited

- People v. Turner, 109 P.3d 639, 642 (Colo. 2005)
 - Made the victim-advocate privilege absolute
 - Records of services provided to victims of sexual assault must be kept confidential in order to protect victims
 - A defendant cannot gain access to any records of the assistance and services provided to a victim of sexual assault unless he can demonstrate that the victim has waived the privilege

Holder of Privilege:

- Only victim may waive the privilege COLO. REV. STAT. § 13-90-107 (k) (I)

Waiver of Privilege:

- People v. Turner, 109 P.3d 639, 645 (Colo. 2005)
 - The party seeking to overcome the privilege bears the burden of demonstrating that the privilege has been waived
 - Waiver of a privilege can be express or implied

DEFINITIONS:

Confidential Communication: No definition specified

Victim Counseling Center: No definition specified

Sexual Assault Victim's Advocate:

- A person who works or volunteers at a battered women's shelter or rape crisis organization or a comparable community-based advocacy program for victims of domestic violence or sexual assault whose primary function is to render advice, counsel, or assist victims of sexual assault COLO. REV. STAT. § 13-90-107 (k) (II)
- Does not include an advocate employed by any law enforcement agency whose primary function is to render advice, counsel, or assist victims of domestic or family violence or sexual assault, has undergone not less than fifteen hours of training as a victim's advocate or, with respect to an advocate who assists victims of sexual assault, not less than thirty hours of

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training as a sexual assault victim's advocate, and who supervises employees of the program, administers the program, or works under the direction of a supervisor of the program.

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