

**COLORADO SUPREME COURT  
ADVISORY COMMITTEE ON THE RULES OF CRIMINAL PROCEDURE  
Minutes of Meeting**

**Friday, April 19, 2024**

A quorum being present, the Colorado Supreme Court’s Advisory Committee on the Rules of Criminal Procedure was called to order by Judge Elizabeth Harris at 12:45 pm in the Supreme Court Conference Room. Members present at or excused from the meeting were:

Name	Present	Excused
Judge Elizabeth Harris, Chair	X	
Sheryl Berry	X	
Christian Champagne	X	
Johanna Coats	X	
Judge Kandace Gerdes	X	
Matt Holman		X
Abe Hutt	X	
Judge Chelsea Malone	X	
Kevin McGreevy		X
Judge Dana Nichols	X	
Magdalena Rosa	X	
Karen Taylor	X	
Judge Lindsay VanGilder		X
Judge Vincente Vigil	X	
Karen Yacuzzo (non-voting participant)	X	

**I. Attachments & Handouts**

- A. April 19, 2024 agenda
- B. January 19, 2024 minutes

**II. Approval of Minutes**

The January 19, 2024 minutes were approved as submitted.

**III. Announcements from the Chair**

Chair Judge Harris stated that a proposal on the gender-neutral rule project will be submitted to the Colorado Supreme Court for their consideration. Once the court provides feedback, the committee can tackle the project.

**IV. Business**

**A. Legislative Subcommittees**

**i. HB23-1151 (Judge Gerdes, Kevin McGreevy, and Johanna Coats)**

The subcommittee presented proposed amendments at the January meeting. After a productive discussion, the subcommittee agreed to incorporate members’

feedback. The subcommittee believes additional investigation is needed regarding Rule 5. Committee members noted that more specific language to help build uniformity among the jurisdictions would be helpful. Judge Gerdes recommended that the subcommittee gather feedback from the chief judges of the various judicial districts, and she agreed to initiate that process and report back to the committee.

**ii. HB23-1182 (Judge Nichols, Sheryl Berry, and Magdalena Rosa)**

The subcommittee is unsure whether amendments to any rules would promote clarity or would only increase confusion. A Chief Justice Directive (CJD) that covers this area may be updated soon, and the revisions may eliminate the need to amend the rules. For the time being, the subcommittee is suggesting no rule changes. This may be revisited if the CJD is updated.

**iii. SB23-254 (Abe Hutt, Judge VanGilder, and Christian Champagne)**

The subcommittee suggested some language fixes to Crim. P. 41 to address the legislative changes. Following some clarifying questions by the committee, the subcommittee will return with a further refined proposal.

**iv. HB23-1187 (Matt Holman, Judge Vigil, and Karen Taylor)**

At this point, the subcommittee believes it is possible that Crim. P. 35 may require changes as a response to the legislation. The subcommittee will discuss and return with a proposal for the committee's consideration.

**v. Crim. P. 49 Letter from Clean Slate (Judge Harris)**

Clean Slate Colorado, a coalition comprised of several non-profit organizations, sent a letter to the committee requesting a rule change to Crim. P. 49(c) to include an exception to the mailing requirement for sealing orders entered under the automated sealing process. Judge Harris formed a subcommittee to consider this issue further. Judge Malone, Sheryl Berry, Abe Hutt all volunteered.

The committee adjourned at 2:25 pm.

**II. Future Meetings**

July 19, October 18