

RULE CHANGE 2024(07)

Colorado Rules of Evidence

Rules 106 and 615

Rule 106. Remainder of or Related ~~Writings or Recorded~~ Statements

When a ~~writing or recorded~~ statement or part thereof is introduced by a party, an adverse party may require ~~him at that time to introduce~~ introduction of any other part or any other ~~writing or recorded~~ statement which ought in fairness to be considered contemporaneously with it. The adverse party may do so over a hearsay objection.

Rule 615. Exclusion of Witnesses from the Courtroom: Preventing an Excluded Witness's Access to Trial Testimony

(a) Excluding Witnesses. At the request of a party the court shall order witnesses excluded from the courtroom so that they cannot hear the testimony of other witnesses, and it may make the order of its own motion. This rule does not authorize exclusion of (1) a party who is a natural person, or (2) ~~an~~one officer or employee of a party which is not a natural person if that officer or employee has been designated as its representative by its attorney, ~~or~~ (3) any person whose presence is shown by a party to be essential to the presentation of his cause, or (4) a person authorized by statute to be present.

(b) Additional Orders to Prevent Disclosing and Accessing Testimony. An order under (a) operates only to exclude witnesses from the courtroom. But the court may also, by order: (1) prohibit disclosure of trial testimony to witnesses who are excluded from the courtroom; and (2) prohibit excluded witnesses from accessing trial testimony.

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When a statement or part thereof is introduced by a party, an adverse party may require introduction of any other part or any other statement which ought in fairness to be considered contemporaneously with it. The adverse party may do so over a hearsay objection.

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(b) Additional Orders to Prevent Disclosing and Accessing Testimony. An order under (a) operates only to exclude witnesses from the courtroom. But the court may also, by order: (1) prohibit disclosure of trial testimony to witnesses who are excluded from the courtroom; and (2) prohibit excluded witnesses from accessing trial testimony.

Amended and Adopted by the Court, En Banc, April 4, 2024, effective immediately.

By the Court:

**Carlos A. Samour, Jr.
Justice, Colorado Supreme Court**