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HOUSE BILL 23-1199

BY REPRESENTATIVE(S) Froelich and Soper, Amabile, Bacon, Bird, Brown, Dickson, Duran, Hamrick, Kipp, Lieder, Lindsay, Lindstedt, Marshall, McLachlan, Michaelson Jenet, Parenti, Sirota, Snyder, Titone, Velasco, Vigil, Weissman, Willford, Young, Boesenecker, Bradley, Catlin, Garcia, Gonzales-Gutierrez, Herod, Jodeh, Joseph, Mabrey, McCormick, Pugliese, Ricks, Sharbini, Story, Valdez, McCluskie;
also SENATOR(S) Winter F., Bridges, Buckner, Coleman, Cutter, Danielson, Exum, Gardner, Ginal, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Kirkmeyer, Liston, Marchman, Moreno, Mullica, Pelton B., Pelton R., Priola, Roberts, Smallwood, Sullivan, Will, Zenzinger.

CONCERNING MEASURES TO PROVIDE ADDITIONAL ACCESS TO SERVICES FOR VICTIMS OF SEXUAL ASSAULT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 24-33.5-113.5 as follows:

24-33.5-113.5. Forensic medical evidence in sexual assault cases - tracking system. (1) THE DEPARTMENT SHALL DEVELOP AND MAINTAIN

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

A CONFIDENTIAL AND SECURE STATEWIDE SYSTEM, REFERRED TO IN THIS SECTION AS "SYSTEM", FOR VICTIMS OF ALLEGED SEXUAL ASSAULT TO MONITOR THE STATUS AND LOCATION OF THEIR SEXUAL ASSAULT EVIDENCE COLLECTION KIT. THE SYSTEM MUST BE OPERATIONAL BY JUNE 30, 2025. THE DEPARTMENT SHALL MAINTAIN AND OPERATE THE SYSTEM.

(2)(a)(I) IF THE VICTIM OF AN ALLEGED SEXUAL ASSAULT CONSENTS TO ANALYSIS OF THE VICTIM'S FORENSIC MEDICAL EVIDENCE EXAMINATION, THE SYSTEM MUST TRACK THE LOCATION, DATE, AND TIME OF THE FOLLOWING RELEVANT STAGES:

(A) FORENSIC MEDICAL EVIDENCE EXAMINATION;

(B) POSSESSION OF THEIR SEXUAL ASSAULT EVIDENCE COLLECTION KIT BY A LAW ENFORCEMENT AGENCY FOR STORAGE;

(C) POSSESSION OF THE VICTIM'S SEXUAL ASSAULT EVIDENCE COLLECTION KIT BY A FORENSIC LABORATORY FOR ANALYSIS;

(D) COMPLETION OF THE FORENSIC LABORATORY'S ANALYSIS OF THE VICTIM'S SEXUAL ASSAULT EVIDENCE COLLECTION KIT; AND

(E) EARLIEST ANTICIPATED DATE OF DESTRUCTION OF THE EVIDENCE OBTAINED FROM THE VICTIM'S FORENSIC MEDICAL EVIDENCE EXAMINATION.

(II) IF THE VICTIM OF AN ALLEGED SEXUAL ASSAULT DOES NOT CONSENT TO HAVING THE EVIDENCE OBTAINED FROM THE VICTIM'S FORENSIC MEDICAL EVIDENCE EXAMINATION ANALYZED, THE RELEVANT STAGES OF ANALYSIS INCLUDE:

(A) FORENSIC MEDICAL EVIDENCE EXAMINATION;

(B) POSSESSION OF THE VICTIM'S SEXUAL ASSAULT EVIDENCE COLLECTION KIT BY A LAW ENFORCEMENT AGENCY FOR STORAGE; AND

(C) EARLIEST ANTICIPATED DATE OF DESTRUCTION OF THE EVIDENCE OBTAINED FROM THE VICTIM'S FORENSIC MEDICAL EVIDENCE EXAMINATION.

(b) THE SYSTEM MUST PROVIDE VICTIMS OF AN ALLEGED SEXUAL ASSAULT WITH INFORMATION CONCERNING:

(I) FINANCIAL ASSISTANCE AND COMPENSATION PROGRAMS FOR VICTIMS OF SEXUAL ASSAULT;

(II) UP-TO-DATE STATUTORY AND REGULATORY INFORMATION CONCERNING VICTIMS OF AN ALLEGED SEXUAL ASSAULT;

(III) DEADLINES REGARDING THE PROCESSING, CUSTODY, ANALYSIS, AND DESTRUCTION OF EVIDENCE OBTAINED FROM FORENSIC MEDICAL EXAMINATIONS;

(IV) HOW A VICTIM OF ALLEGED SEXUAL ASSAULT MAY OBJECT TO THE DESTRUCTION OF FORENSIC MEDICAL EVIDENCE PURSUANT TO SECTION 24-4.1-303;

(V) CONTACT INFORMATION FOR THE SYSTEM'S ADMINISTRATOR AND FOR THE LAW ENFORCEMENT AGENCY STORING EVIDENCE OBTAINED FROM THE VICTIM OF ALLEGED SEXUAL ASSAULT'S FORENSIC MEDICAL EVIDENCE EXAMINATION; AND

(VI) COMMUNITY-BASED RESOURCES AND SERVICES FOR VICTIMS OF SEXUAL ASSAULT.

(3) (a) EVERY STATE OR LOCAL LAW ENFORCEMENT AGENCY, MEDICAL FACILITY, CRIME LABORATORY, OR OTHER PERSON OR ENTITY THAT SUPPLIES OR PERFORMS FORENSIC MEDICAL EVIDENCE EXAMINATIONS, ANALYZES EVIDENCE OBTAINED FROM FORENSIC MEDICAL EVIDENCE EXAMINATIONS, OR IS RESPONSIBLE FOR THE STORAGE OR DESTRUCTION OF EVIDENCE OBTAINED FROM FORENSIC MEDICAL EVIDENCE EXAMINATIONS, SHALL PARTICIPATE IN THE SYSTEM.

(b) THE FEDERAL BUREAU OF INVESTIGATION, A TRIBAL LAW ENFORCEMENT AGENCY LOCATED IN COLORADO, OR A FEDERAL INDIAN HEALTH SERVICE LOCATED IN COLORADO THAT SUPPLIES FORENSIC MEDICAL EVIDENCE EXAMINATIONS, PERFORMS FORENSIC MEDICAL EVIDENCE EXAMINATIONS, ANALYZES EVIDENCE OBTAINED FROM FORENSIC MEDICAL EVIDENCE EXAMINATIONS, OR IS RESPONSIBLE FOR THE STORAGE OR DESTRUCTION OF EVIDENCE OBTAINED FROM FORENSIC MEDICAL EXAMINATIONS MAY PARTICIPATE IN THE SYSTEM.

(4) (a) ON OR AFTER JANUARY 30, 2026, AND ON OR BEFORE

JANUARY 30 OF EACH YEAR THEREAFTER, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL SUBMIT A REPORT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES, INCLUDING THE FOLLOWING INFORMATION FROM THE PRECEDING CALENDAR YEAR:

(I) THE NUMBER OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS REPORTED INTO THE SYSTEM, IN TOTAL AND DISAGGREGATED BY THE TYPE OF REPORT;

(II) THE TOTAL NUMBER OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS ANALYZED BY A FORENSIC LABORATORY; AND

(III) THE TOTAL NUMBER OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS PENDING ANALYSIS BY A FORENSIC LABORATORY.

(b) THE DEPARTMENT SHALL ENSURE THE REPORT DOES NOT DISCLOSE ANY INFORMATION IN VIOLATION OF APPLICABLE STATE AND FEDERAL LAWS REGARDING THE CONFIDENTIALITY OF AN INDIVIDUAL'S INFORMATION.

(c) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS SUBSECTION (4) CONTINUES INDEFINITELY.

(5) THE DEPARTMENT SHALL CONSULT WITH THE OFFICE OF LIAISON FOR MISSING AND MURDERED INDIGENOUS RELATIVES TO MAKE RECOMMENDATIONS TO ENSURE THE SYSTEM DEVELOPED PURSUANT TO THIS SECTION IS ACCESSIBLE TO VICTIMS OF ALLEGED SEXUAL ASSAULT IN A TRIBAL JURISDICTION.

(6) FOR THE 2023-24 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE SEVEN HUNDRED FORTY-FOUR THOUSAND THREE HUNDRED FIFTY-ONE DOLLARS FROM THE COLORADO CRIME VICTIM SERVICES FUND, CREATED PURSUANT TO SECTION 24-33.5-505.5, TO THE DEPARTMENT FOR THE PURPOSE OF DEVELOPING AND MAINTAINING THE SYSTEM PURSUANT TO THIS SECTION.

SECTION 2. In Colorado Revised Statutes, 24-33.5-505.5, **add** (2.5) as follows:

24-33.5-505.5. Colorado crime victim services fund - creation - uses - applications for grants - legislative declaration - repeal.

(2.5) (a) FOR THE 2023-24 STATE FISCAL YEAR, SEVEN HUNDRED FORTY-FOUR THOUSAND THREE HUNDRED FIFTY-ONE DOLLARS IS ANNUALLY APPROPRIATED FROM THE FUND TO THE DEPARTMENT FOR THE PURPOSE OF DEVELOPING AND MAINTAINING THE CONFIDENTIAL AND SECURE STATEWIDE SYSTEM PURSUANT TO SECTION 24-33.5-113.5.

(b) THIS SUBSECTION (2.5) IS REPEALED, EFFECTIVE JULY 1, 2025.

SECTION 3. In Colorado Revised Statutes, 18-3-407.7, **amend** (1) and (2)(a); and **add** (2)(a.5), (4), and (5) as follows:

18-3-407.7. Sexual assault victim emergency payment program - creation - eligibility. (1) There is hereby created the sexual assault victim emergency payment program, referred to in this section as the "program", in the division of criminal justice in the department of public safety. The purpose of the program is to assist ~~medical-reporting~~ victims of sexual assault with medical expenses associated with a sexual assault that are not otherwise covered pursuant to section 18-3-407.5 or any other victim compensation program.

(2) (a) A ~~medical-reporting~~ victim must request and receive a medical forensic examination to be eligible to have medical costs and fees covered through the program. The division of criminal justice shall develop a policy for administering the program. The policy must include a requirement to establish a cap for the amount payable per victim based on actual and reasonable costs and available funds, but the minimum cap must not be less than one thousand dollars. The program must cover medical fees and costs associated with obtaining the medical forensic examination, including but not limited to emergency department fees and costs, laboratory fees, prescription medication, and physician's fees, as long as funds are available. The program may also cover medical fees and costs for injuries directly related to the sexual assault. The program may also pay for any uncovered direct costs of the medical forensic examination. ~~for a medical-reporting victim.~~ The total amount paid for all expenses must not exceed the annual cap established by the division of criminal justice.

(a.5) A LAW ENFORCEMENT AGENCY MAY REQUEST REIMBURSEMENT

TO HAVE COSTS ASSOCIATED WITH THE COLLECTION OF FORENSIC EVIDENCE FOR A VICTIM COVERED THROUGH THE PROGRAM. THE DIVISION OF CRIMINAL JUSTICE SHALL DEVELOP A POLICY, INCLUDING A REQUIREMENT TO ESTABLISH AN ANNUAL CAP, FOR THE AMOUNT PAYABLE TO A LAW ENFORCEMENT AGENCY BASED ON ACTUAL AND REASONABLE COSTS AND AVAILABLE FUNDS.

(4) BY DECEMBER 31, 2024, THE DIVISION OF CRIMINAL JUSTICE SHALL DEVELOP AND MAINTAIN A SYSTEM THAT ALLOWS THE DIVISION TO TRACK CLAIMS, PROCESS INVOICES, SORT INFORMATION, AND PRODUCE REPORTS CONCERNING, AT A MINIMUM:

(a) THE NUMBER OF MEDICAL FORENSIC EXAMINATIONS PAID FOR BY THE PROGRAM;

(b) THE TOTAL COST OF SERVICES COMPENSATED RELATED TO MEDICAL FORENSIC EXAMINATIONS PAID FOR BY THE PROGRAM;

(c) INFORMATION CONCERNING THE STATUS OF CLAIMS IN THE SYSTEM, INCLUDING THE NUMBER OF CLAIMS PAID, THE NUMBER OF CLAIMS DENIED AND REASONS FOR DENIAL, THE NUMBER OF CLAIMS PENDING APPROVAL OR DENIAL, AND THE AVERAGE TIME BETWEEN REIMBURSEMENT CLAIM SUBMISSION AND APPROVAL OR DENIAL BY THE PROGRAM;

(d) THE NAMES AND LOCATIONS OF MEDICAL FACILITIES THAT SUBMITTED CLAIMS FOR REIMBURSEMENT FROM THE PROGRAM; AND

(e) DEMOGRAPHIC INFORMATION OF VICTIMS WHOSE CLAIMS ARE REIMBURSED AND DENIED THROUGH THE PROGRAM, IF AVAILABLE.

(5) (a) ON OR BEFORE JANUARY 30, 2026, AND ON OR BEFORE JANUARY 30 OF EACH YEAR THEREAFTER, THE DIVISION SHALL SUBMIT A REPORT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES, WITH THE INFORMATION DESCRIBED IN SUBSECTION (4) OF THIS SECTION FROM THE PRECEDING CALENDAR YEAR.

(b) THE DEPARTMENT SHALL ENSURE THE REPORT DOES NOT DISCLOSE ANY INFORMATION IN VIOLATION OF APPLICABLE STATE AND FEDERAL LAWS REGARDING THE CONFIDENTIALITY OF AN INDIVIDUAL'S

INFORMATION.

(c) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS SUBSECTION (5) CONTINUES INDEFINITELY.

SECTION 4. In Colorado Revised Statutes, 18-1-1001, **amend** (8)(b) as follows:

18-1-1001. Protection order against defendant - definitions.
(8) For purposes of this section:

(b) "Until final disposition of the action" means until the case is dismissed, until the defendant is acquitted, ~~or~~ until the defendant completes ~~his or her~~ THE DEFENDANT'S sentence, OR UNTIL THE DEFENDANT'S COMMITMENT IS TERMINATED AND THE DEFENDANT IS DISCHARGED FROM SUPERVISION FOLLOWING A VERDICT OF NOT GUILTY BY REASON OF INSANITY PURSUANT TO SECTION 16-8-115. Any defendant sentenced to probation is deemed to have completed ~~his or her~~ THE DEFENDANT'S sentence upon discharge from probation. A defendant sentenced to incarceration is deemed to have completed ~~his or her~~ THE DEFENDANT'S sentence upon release from incarceration and discharge from parole supervision.

SECTION 5. Appropriation. (1) For the 2023-24 state fiscal year, \$523,686 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of public safety under section 24.33.5-505.5 (2.5)(a), C.R.S., and is based on the assumption that the office will require an additional 2.7 FTE. To implement this act, the office may use this appropriation to provide information technology services for the department of public safety.

SECTION 6. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO