

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0306.01 Jerry Barry x4341

SENATE BILL 15-005

SENATE SPONSORSHIP

Cooke,

HOUSE SPONSORSHIP

Foote,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING MEDICAL TESTING IN CERTAIN FIRST DEGREE ASSAULT**
102 **CASES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Current law provides that certain persons charged with or convicted of second or third degree assault are required to undergo testing for communicable diseases. The bill expands the testing to a person charged with or convicted of first degree assault if the person's blood, seminal fluid, urine, feces, saliva, mucus, or vomit came into contact with a peace officer, firefighter, emergency medical care provider, or

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

emergency medical service provider.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-3-202, **add** (3) as
3 follows:

4 **18-3-202. Assault in the first degree - definitions.** (3) (a) THE
5 COURT SHALL ORDER ANY ADULT OR JUVENILE WHO IS BOUND OVER FOR
6 TRIAL FOR AN OFFENSE DESCRIBED IN SUBSECTION (1) OF THIS SECTION
7 SUBSEQUENT TO A PRELIMINARY HEARING OR AFTER HAVING WAIVED THE
8 RIGHT TO A PRELIMINARY HEARING, OR ANY PERSON WHO IS INDICTED FOR
9 OR IS CONVICTED OF ANY SUCH OFFENSE, TO SUBMIT TO A MEDICAL TEST
10 FOR COMMUNICABLE DISEASES AND TO SUPPLY BLOOD, FECES, URINE,
11 SALIVA, OR OTHER BODILY FLUID REQUIRED FOR THE TEST IF THE PERSON'S
12 BLOOD, SEMINAL FLUID, URINE, FECES, SALIVA, MUCUS, OR VOMIT CAME
13 INTO CONTACT WITH ANY PEACE OFFICER, FIREFIGHTER, EMERGENCY
14 MEDICAL CARE PROVIDER, OR EMERGENCY MEDICAL SERVICE PROVIDER.
15 THE RESULTS OF SUCH TEST MUST BE REPORTED TO THE COURT OR THE
16 COURT'S DESIGNEE, WHO SHALL THEN DISCLOSE THE RESULTS TO ANY
17 PEACE OFFICER, FIREFIGHTER, EMERGENCY MEDICAL CARE PROVIDER, OR
18 EMERGENCY MEDICAL SERVICE PROVIDER WHO CAME INTO CONTACT WITH
19 THE SUBSTANCE AND REQUESTS SUCH DISCLOSURE. REVIEW AND
20 DISCLOSURE OF MEDICAL TEST RESULTS BY THE COURT MUST BE CLOSED
21 AND CONFIDENTIAL, AND ANY TRANSACTION RECORDS RELATING THERETO
22 ARE ALSO CLOSED AND CONFIDENTIAL. IF A PERSON SUBJECT TO A
23 MEDICAL TEST FOR COMMUNICABLE DISEASES PURSUANT TO THIS
24 PARAGRAPH (a) VOLUNTARILY SUBMITS TO A MEDICAL TEST FOR
25 COMMUNICABLE DISEASES, THE FACT OF SUCH PERSON'S VOLUNTARY

1 SUBMISSION IS ADMISSIBLE IN MITIGATION OF SENTENCE IF THE PERSON IS
2 CONVICTED OF THE CHARGED OFFENSE.

3 (b) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, THE
4 COURT MAY ORDER ANY PERSON WHO IS CONVICTED OF THE OFFENSE
5 DESCRIBED IN SUBSECTION (1) OF THIS SECTION TO MEET ALL OR ANY
6 PORTION OF THE FINANCIAL OBLIGATIONS OF MEDICAL TESTS PERFORMED
7 ON AND TREATMENT PRESCRIBED FOR THE PEACE OFFICER, FIREFIGHTER,
8 EMERGENCY MEDICAL CARE PROVIDER, OR EMERGENCY MEDICAL SERVICE
9 PROVIDER.

10

11 (c) AS USED IN THIS SUBSECTION (3), UNLESS THE CONTEXT
12 OTHERWISE REQUIRES, "EMERGENCY MEDICAL CARE PROVIDER" MEANS A
13 DOCTOR, INTERN, NURSE, NURSE'S AID, PHYSICIAN'S ASSISTANT,
14 AMBULANCE ATTENDANT OR OPERATOR, AIR AMBULANCE PILOT,
15 PARAMEDIC, OR ANY OTHER MEMBER OF A HOSPITAL OR HEALTH CARE
16 FACILITY STAFF OR SECURITY FORCE WHO IS INVOLVED IN PROVIDING
17 EMERGENCY MEDICAL CARE AT A HOSPITAL OR HEALTH CARE FACILITY, OR
18 IN AN AIR AMBULANCE OR AMBULANCE AS DEFINED IN SECTION 25-3.5-103
19 (1) AND (1.5), C.R.S.

20 **SECTION 2. Effective date - applicability.** This act takes effect
21 July 1, 2015, and applies to offenses committed on or after said date.

22 **SECTION 3. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.