

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0688.01 Conrad Imel x2313

HOUSE BILL 21-1165

HOUSE SPONSORSHIP

Carver and Duran,

SENATE SPONSORSHIP

Gardner and Lee,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ASSISTANCE FOR VICTIMS OF STRANGULATION WHO**
102 **RECEIVE MEDICAL EXAMINATIONS.**

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://leg.colorado.gov>.)

A crime victim is entitled to compensation under the "Colorado Crime Victim Compensation Act" if, in part, the victim cooperates with law enforcement officials. The bill clarifies that a victim of strangulation satisfies the cooperation requirement by undergoing a medical forensic examination.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) There are many factors that make it difficult for a victim of
5 strangulation to seek medical and other assistance, including a medical
6 forensic examination, following the assault;

7 (b) It is important to complete a medical forensic examination
8 following an assault by strangulation, and, when it is possible, for the
9 examination to be performed by a trained forensic medical examiner;

10 (c) One barrier to completing a medical forensic examination may
11 be the cost of the examination; and

12 (d) The crime victim compensation fund should be used to pay the
13 costs of each medical forensic examination of a victim of strangulation
14 that are not covered by other sources.

15 (2) The general assembly further declares that:

16 (a) In order to assist victims of strangulation with the costs of
17 obtaining a medical forensic examination, the general assembly
18 encourages medical providers and victim advocacy organizations to work
19 with district crime victim compensation boards to develop a process to
20 apply for compensation under the "Crime Victim Compensation Act" on
21 a victim's behalf for the cost of the examination, before the victim
22 receives a bill or is required to pay any costs. The process should
23 recognize the district crime victim compensation funds' status as payers
24 of last resort.

25 (b) In order to provide assistance to all victims of strangulation
26 who complete a medical forensic examination, when making a

1 determination to award compensation to a victim of strangulation who
2 completes a medical forensic examination, a district crime victim
3 compensation board should not consider whether the examination was
4 performed by a trained forensic medical examiner.

5 **SECTION 2.** In Colorado Revised Statutes, 24-4.1-102, **add** (1.3)
6 as follows:

7 **24-4.1-102. Definitions.** As used in this part 1, unless the context
8 otherwise requires:

9 (1.3) "ASSAULT BY STRANGULATION" MEANS ASSAULT AS
10 DESCRIBED IN SECTION 18-3-202 (1)(g) OR 18-3-203 (1)(i).

11 **SECTION 3.** In Colorado Revised Statutes, 24-4.1-108, **amend**
12 (1)(c) as follows:

13 **24-4.1-108. Awarding compensation.** (1) A person is entitled to
14 an award of compensation under this part 1 if:

15 (c) The applicant has cooperated fully with law enforcement
16 officials in the apprehension and prosecution of the assailant, or the board
17 has found good cause exists for the failure to cooperate, OR, IF THE
18 APPLICANT IS A VICTIM OF ASSAULT BY STRANGULATION, THE APPLICANT
19 COOPERATES WITH LAW ENFORCEMENT BY UNDERGOING A MEDICAL
20 FORENSIC EXAMINATION;

21 **SECTION 4. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly; except
24 that, if a referendum petition is filed pursuant to section 1 (3) of article V
25 of the state constitution against this act or an item, section, or part of this
26 act within such period, then the act, item, section, or part will not take
27 effect unless approved by the people at the general election to be held in

1 November 2022 and, in such case, will take effect on the date of the
2 official declaration of the vote thereon by the governor.