

HB1228_L.004

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.HB20-1228 be amended as follows:

1 Amend printed bill, page 2, after line 1 insert:

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

4 (a) There has been a philosophical shift and accompanying
5 statutory changes at the state and federal level regarding response to
6 sexual assault victims. That shift acknowledges that providing
7 victim-centered reporting options can:

8 (I) Begin to restore the power and control victims lose during an
9 assault;

10 (II) Promotes improved long-term outcomes for victims; and

11 (III) Improves investigations and stronger prosecutions.

12 (b) In 2005, the federal "Violence Against Women Act", 42
13 U.S.C. sec. 3796gg-4 (b)(3), made clear victims of sexual assault cannot
14 be charged, directly or indirectly, for a medical forensic exam and the
15 associated testing of any evidence. The "Violence Against Women Act"
16 also stated victims do not have to work with law enforcement to receive
17 a medical forensic exam. Collectively, these provisions are known as
18 forensic compliance.

19 (c) Through bills in 2008, 2013, and 2015, the state of Colorado
20 came into compliance with the federal "Violence Against Women Act"
21 forensic compliance provisions and created Colorado's current statutory
22 structure that enables victims to determine a course of action with
23 multidisciplinary responders acting from the victims' decisions. This
24 included establishing the sexual assault victim emergency payment
25 program, section 18-3-407.5 (3)(b), to pay for the evidence collection
26 portion of the medical forensic exam collected pursuant to section
27 12-240-139 (1)(b).

28 (d) Victims of sexual assault who decide to undergo a medical
29 forensic exam often experience frustration while waiting for the results
30 of the DNA analysis. A lengthy and sometimes opaque process, there are
31 currently no safeguards for victims to ensure they know the status or
32 outcome of evidence testing. Communication about their evidence's
33 progress is disparate and can leave victims feeling unsupported and
34 forgotten.

35 (e) Establishing a confidential tracking system for survivors to
36 know the status of their forensic medical evidence is one part of the
37 solution. However, a nexus of issues affecting sexual assault victims'
38 access to medical forensic exams and payment options prior to their
39 evidence even being sent for testing exists. At this time, Colorado has no
40 consistent and consolidated evaluation data on the efficacy of its sexual
41 assault forensic compliance laws and the associated interplay of medical

1 forensic evidence knowledge, access, cost, and payment that collectively
2 create the conditions for such evidence to be tested in the first place.
3 These issues must be evaluated prior to the implementation of a tracking
4 system to ensure the best possible infrastructure, medical, and criminal
5 justice response exists for survivors of sexual assault in Colorado.

6 (f) While such an evaluation project is underway, there are several
7 survivor rights the state of Colorado should enshrine to ensure survivors
8 are receiving the best possible care and response from the criminal justice
9 system."

10 Renumber succeeding sections accordingly.

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