

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 22-0301.02 Jane Ritter x4342

SENATE BILL 22-057

SENATE SPONSORSHIP

Cooke and Fields,

HOUSE SPONSORSHIP

Weissman,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO SUPPORT VICTIMS OF VIOLENT CRIME**
102 **WHO SUFFER BRAIN INJURIES AS A RESULT, AND, IN CONNECTION**
103 **THEREWITH, MAKING AN APPROPRIATION.**

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>.)

The bill creates the victims of a violent crime brain injury task force (task force). The purpose of the task force is to develop a plan for the creation and implementation of a pilot program that would identify and screen victims of violent crimes for symptoms of possible brain injury. The bill describes the necessary elements of the plan, the

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.*

SENATE
Amended 2nd Reading
March 24, 2022

membership for the task force, and reporting requirements.
The task force is repealed, effective June 30, 2026.

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

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

4 (a) Assault often leads to traumatic brain injury in victims. These
5 injuries are often sustained in physical attacks, including robbery, rape,
6 domestic violence, and child abuse.

7 (b) Not only is assault the leading cause of traumatic brain injury
8 in Americans between the ages of fifteen and twenty-four, but it is also
9 the leading cause of brain injury-related death for infants, toddlers, and
10 preschoolers;

11 (c) In ongoing research for a study on women's health, researchers
12 from the university of Denver have interviewed sixty-five women seeking
13 services after intimate partner violence. Ninety-one percent reported
14 being struck in the head, and eighty-one percent had alterations in
15 consciousness that are consistent with a traumatic brain injury.

16 (d) Strangulation is common in intimate partner violence and is
17 one of the most dangerous forms of violence. Victims of strangulation
18 can experience coma, seizures, and death. Those who survive often have
19 permanent hypoxic-ischemic brain injuries.

20 (e) Additionally, brain injury is linked with emotional and
21 behavioral changes, including increased agitation, depression, and
22 irritability, which are common among people who have been abused by
23 intimate partners. These effects also make participating as a victim in a
24 criminal case more challenging.

25 (f) Brain injury can affect a person's ability for self-regulation,

1 planning, organization, judgment, reasoning, and problem solving -
2 abilities commonly referred to as executive functions. Executive
3 functions are essential to navigating service systems, which means that a
4 person with a brain injury may have more difficulty accessing services
5 and resources. For example, research in Colorado found that more severe
6 intimate partner abuse was linked with worse executive function
7 performance and, in turn, greater difficulty getting basic needs met, such
8 as food and housing, a year later.

9 (g) A victim with impaired executive functions from brain injury
10 often has difficulty accessing medical services because of inability or
11 difficulty in thinking clearly;

12 (h) The number of violent crime victims who experience brain
13 injuries as part of their victimization is inadequately understood. Unless
14 victims of violent crimes receive timely screening, they are less likely to
15 seek and receive proper treatment for brain injuries, the consequences of
16 which can include greater risk of mental health and substance abuse
17 disorders and suicidal ideation.

18 (2) Therefore, the general assembly declares that it is in the best
19 interests of the state to increase awareness of brain injuries among
20 criminal justice professionals and to expand screening for these types of
21 injuries among victims of violent crimes. It is the intent of the general
22 assembly to support research and planning necessary to create a pilot
23 program, possibly followed by a statewide program, to identify victims
24 of violent crime who have suffered brain injuries and to connect those
25 victims with suitable and timely treatment and support.

26 **SECTION 2.** In Colorado Revised Statutes, **add** part 5 to article
27 4.1 of title 24 as follows:

1 PART 5

2 BRAIN INJURY SUPPORT FOR VICTIMS OF VIOLENT CRIMES
3 IN THE CRIMINAL JUSTICE SYSTEM

4 **24-4.1-501. Definitions.** AS USED IN THIS PART 5, UNLESS THE
5 CONTEXT OTHERWISE REQUIRES:

6 (1) "BRAIN INJURY" HAS THE SAME MEANING AS SET FORTH IN
7 SECTION 26-1-301.

8 (2) "ENTITY" MEANS A STATE ORGANIZATION OR OTHER
9 ORGANIZATION THAT WOULD CONTRACT WITH THE STATE TO RUN A PILOT
10 PROGRAM, AS DESCRIBED IN SECTION 24-4.1-502.

11 (3) "OFFICE" MEANS THE OFFICE FOR VICTIMS PROGRAMS IN THE
12 DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY.

13 (4) "PILOT PROGRAM" MEANS THE VICTIMS OF A VIOLENT CRIME
14 BRAIN INJURY PILOT PROGRAM DESCRIBED IN SECTION 24-4.1-502.

15 (5) "TASK FORCE" MEANS THE VICTIMS OF A VIOLENT CRIME BRAIN
16 INJURY TASK FORCE CREATED IN SECTION 24-4.1-502.

17 (6) "VICTIM OF A VIOLENT CRIME" OR "VICTIM" MEANS A PERSON
18 WHO WAS THE VICTIM OF A CRIME IN WHICH PHYSICAL FORCE WAS USED
19 AGAINST THAT PERSON. IT IS THE INTENT OF THE GENERAL ASSEMBLY
20 THAT THIS DEFINITION OF THE TERM "VICTIM OF A VIOLENT CRIME" OR
21 "VICTIM" ONLY APPLIES TO THIS PART 5 AND DOES NOT APPLY TO ANY
22 OTHER PROVISION OF THE LAWS OF THE STATE OF COLORADO THAT REFER
23 TO THE TERM "VICTIM OF A VIOLENT CRIME" OR "VICTIM".

24 **24-4.1-502. Victims of a violent crime brain injury task force**
25 **- established - duties - membership - report - repeal.** (1) ON OR
26 BEFORE AUGUST 1, 2022, THE OFFICE FOR VICTIMS PROGRAMS SHALL
27 ESTABLISH THE VICTIMS OF A VIOLENT CRIME BRAIN INJURY TASK FORCE.

1 THE PURPOSE OF THE TASK FORCE IS TO DEVELOP A PLAN FOR THE
2 CREATION AND IMPLEMENTATION OF A PILOT PROGRAM FOR
3 IDENTIFICATION, SCREENING, SUPPORT, AND SERVICES OF VICTIMS OF
4 VIOLENT CRIMES FOR BRAIN INJURY AND PROVIDING THOSE WHO SCREEN
5 POSITIVE THE APPROPRIATE SUPPORT AND SERVICES. AT A MINIMUM, THE
6 PLAN MUST INCLUDE:

7 (a) IDENTIFICATION OF THE TYPE OF ENTITY OR ENTITIES BEST
8 SUITED TO CONDUCT A PILOT PROGRAM;

9 (b) A PROCESS FOR SELECTING THE ENTITY OR ENTITIES THAT
10 WOULD RUN A PILOT PROGRAM;

11 (c) IDENTIFICATION OF THE STAFF POSITION OR POSITIONS IN THE
12 ENTITY THAT ULTIMATELY PARTICIPATES IN A PILOT PROGRAM THAT WILL
13 BE RESPONSIBLE FOR IDENTIFYING VICTIMS WITH POSSIBLE BRAIN INJURIES,
14 AND THE TRAINING REQUIREMENTS FOR SUCH POSITIONS;

15 (d) PROCEDURES FOR IDENTIFYING AND SCREENING INDIVIDUAL
16 VICTIMS FOR POSSIBLE BRAIN INJURIES;

17 (e) PROCEDURES FOR SCHEDULING OR REFERRING EACH VICTIM
18 WHO SCREENS POSITIVE FOR BRAIN INJURIES FOR A NEUROPSYCHOLOGICAL
19 ASSESSMENT;

20 (f) COLLECTION OF STATISTICAL INFORMATION, INCLUDING RATE
21 OF BRAIN INJURY AMONG DIFFERENT POPULATION GROUPS, RATE OF
22 CAUSES OF BRAIN INJURIES, AND OTHER STATISTICS AS DETERMINED BY
23 THE TASK FORCE;

24 (g) EXPLANATION OF NECESSARY ACTIONS TO IMPLEMENT A PILOT
25 PROGRAM, INCLUDING AN APPLICATION AND SELECTION PROCESS FOR THE
26 FINAL PARTICIPATING ENTITY;

27 (h) GUIDELINES FOR SELECTING A CONTRACTOR IF THE DESIGN

- 1 INCLUDES CONTRACT SERVICES;
- 2 (i) PROCEDURES FOR EVALUATING THE SUCCESS OF THE PILOT
3 PROGRAM, ONCE ESTABLISHED;
- 4 (j) CRITERIA FOR DETERMINING IF THE PILOT PROGRAM, IF
5 ESTABLISHED, SHOULD BE EXPANDED STATEWIDE; AND
- 6 (k) PROCEDURES FOR ESTABLISHING EDUCATION AND OUTREACH
7 PROGRAMS.
- 8 (2) ON OR BEFORE AUGUST 1, 2022, THE OFFICE SHALL APPOINT
9 THE FOLLOWING PERSONS TO SERVE ON THE TASK FORCE:
- 10 (a) A REPRESENTATIVE FROM THE OFFICE;
- 11 (b) A REPRESENTATIVE FROM AN ENTITY THAT HAS EXPRESSED AN
12 INTEREST IN PARTICIPATING IN A PILOT PROGRAM;
- 13 (c) A PERSON WHO REPRESENTS A STATEWIDE ORGANIZATION
14 REPRESENTING DISTRICT ATTORNEYS, TO BE DESIGNATED BY THE
15 COLORADO DISTRICT ATTORNEYS' COUNCIL;
- 16 (d) A PERSON WHO REPRESENTS A LEGAL ADVOCACY GROUP;
- 17 (e) A PERSON WHO REPRESENTS AN ADVOCACY GROUP FOR
18 VICTIMS OF VIOLENT CRIME;
- 19 (f) A PERSON WHO REPRESENTS VICTIM ADVOCATES IN LAW
20 ENFORCEMENT OR THE CRIMINAL JUSTICE SYSTEM;
- 21 (g) A PERSON WHO REPRESENTS COMMUNITY-BASED VICTIM
22 ADVOCATES;
- 23 (h) A PERSON WHO REPRESENTS THE BRAIN INJURY TRAUMA UNIT
24 OF A MEDICAL FACILITY;
- 25 (i) A PERSON WHO IS A REGISTERED FORENSIC NURSE EXAMINER IN
26 COLORADO;
- 27 (j) TWO VICTIMS WHO HAVE EXPERIENCED BRAIN INJURIES AS A

1 RESULT OF A VIOLENT CRIME;

2 (k) TWO RESEARCH PROFESSIONALS WHO WORK IN AREAS THAT
3 INCLUDE BRAIN INJURY;

4 (l) A PERSON WHO REPRESENTS A STATEWIDE ORGANIZATION
5 REPRESENTING CHIEFS OF POLICE;

6 (m) A PERSON WHO REPRESENTS A STATEWIDE ORGANIZATION
7 REPRESENTING COUNTY SHERIFFS; ==

8 (n) A REPRESENTATIVE FROM THE DEPARTMENT OF HUMAN
9 SERVICES; AND

10 (o) A PERSON WHO REPRESENTS AN ORGANIZATION SPECIALIZING
11 IN DELIVERING BRAIN INJURY SERVICES.

12 (3) IN SELECTING MEMBERS OF THE TASK FORCE, PREFERENCE
13 MUST BE GIVEN TO PERSONS WHO HAVE SERVED ON THE BRAIN INJURY
14 SUPPORT IN THE CRIMINAL JUSTICE SYSTEM TASK FORCE, CREATED IN
15 SECTION 26-1-312.

16 (4) THE MEMBERS OF THE TASK FORCE SHALL SERVE ON A
17 VOLUNTARY BASIS WITHOUT COMPENSATION, BUT ARE ENTITLED TO
18 COMPENSATION FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE
19 PERFORMANCE OF THE TASK FORCE MEMBER'S DUTIES.

20 (5) ON OR BEFORE JANUARY 1, 2023, THE TASK FORCE SHALL
21 COMPLETE ITS FINAL PLAN AND SUBMIT IT TO THE JUDICIARY COMMITTEES
22 OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, THE HEALTH AND
23 HUMAN SERVICES COMMITTEE OF THE SENATE, AND THE PUBLIC HEALTH
24 AND HUMAN SERVICES AND BEHAVIORAL HEALTH COMMITTEE OF THE
25 HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

26 (6) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2026.

27 **SECTION 3. Appropriation.** For the 2022-23 state fiscal year,

1 \$65,000 is appropriated to the department of public safety for use by the
2 division of criminal justice. This appropriation is from the general fund.
3 To implement this act, the department may use this appropriation for DCJ
4 administrative services.

5 **SECTION 4. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, or safety.