

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

INTRODUCED

LLS NO. 23-0080.01 Jacob Baus x2173

HOUSE BILL 23-1199

HOUSE SPONSORSHIP

Froelich and Soper,

SENATE SPONSORSHIP

Winter F.,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO PROVIDE ADDITIONAL ACCESS TO**
102 **SERVICES FOR VICTIMS OF SEXUAL ASSAULT.**

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 requires the department of public safety (department), by December 31, 2024, to develop and maintain a statewide system for victims of alleged sexual assault to monitor the status of evidence obtained from their forensic medical evidence examinations. The system must also provide relevant information for victims regarding the processing, custody, analysis, and destruction of evidence, as well as

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

contact information for law enforcement and victim resources.

Under current law, the division of criminal justice (division) in the department administers the sexual assault victim emergency payment program (program), which assists victims of sexual assault with medical expenses associated with a sexual assault. The bill repeals the requirement that the department cap an amount payable per victim based on reasonable costs and available funds and instead requires the department to cap amounts payable to medical facilities seeking reimbursement for services.

The bill prohibits a medical facility that administers a medical forensic examination to a victim of an alleged sexual assault from billing the victim or the victim's public or private coverage for medical fees or costs associated with the examination unless the victim consents to the billing. A medical facility that administers a forensic medical examination may seek reimbursement from the program.

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

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

4 **24-33.5-113.5. Forensic medical evidence in sexual assault**
5 **cases - tracking system.** (1) THE DEPARTMENT SHALL DEVELOP AND
6 MAINTAIN A CONFIDENTIAL AND SECURE STATEWIDE SYSTEM, REFERRED
7 TO IN THIS SECTION AS "SYSTEM", FOR VICTIMS OF ALLEGED SEXUAL
8 ASSAULT TO MONITOR THE STATUS AND LOCATION OF EVIDENCE OBTAINED
9 FROM THEIR FORENSIC MEDICAL EVIDENCE EXAMINATIONS. THE SYSTEM
10 MUST BE OPERATIONAL BY DECEMBER 31, 2024. THE DEPARTMENT SHALL
11 MAINTAIN AND OPERATE THE SYSTEM.

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

16 (A) FORENSIC MEDICAL EVIDENCE EXAMINATION;

17 (B) POSSESSION OF EVIDENCE BY A LAW ENFORCEMENT AGENCY

1 FOR STORAGE;

2 (C) POSSESSION BY A FORENSIC LABORATORY FOR ANALYSIS;

3 (D) COMPLETION OF THE FORENSIC LABORATORY'S ANALYSIS; AND

4 (E) DATE OF DESTRUCTION.

5 (II) IF THE VICTIM OF AN ALLEGED SEXUAL ASSAULT DOES NOT

6 CONSENT TO HAVING THE EVIDENCE OBTAINED FROM THE VICTIM'S

7 FORENSIC MEDICAL EVIDENCE EXAMINATION ANALYZED, THE RELEVANT

8 STAGES OF ANALYSIS INCLUDE:

9 (A) FORENSIC MEDICAL EVIDENCE EXAMINATION;

10 (B) POSSESSION OF EVIDENCE BY A LAW ENFORCEMENT AGENCY

11 FOR STORAGE; AND

12 (C) DATE OF DESTRUCTION.

13 (b) THE SYSTEM MUST PROVIDE VICTIMS OF AN ALLEGED SEXUAL

14 ASSAULT WITH INFORMATION CONCERNING:

15 (I) NAVIGATING THE CRIMINAL JUSTICE SYSTEM;

16 (II) UP-TO-DATE STATUTORY AND REGULATORY INFORMATION;

17 (III) DEADLINES REGARDING THE PROCESSING, CUSTODY,

18 ANALYSIS, AND DESTRUCTION OF EVIDENCE OBTAINED FROM FORENSIC

19 MEDICAL EXAMINATIONS;

20 (IV) HOW A VICTIM OF ALLEGED SEXUAL ASSAULT MAY OBJECT TO

21 THE DESTRUCTION OF FORENSIC MEDICAL EVIDENCE PURSUANT TO

22 SECTION 24-4.1-303;

23 (V) CONTACT INFORMATION FOR THE SYSTEM'S ADMINISTRATOR

24 AND FOR THE LAW ENFORCEMENT AGENCY STORING EVIDENCE OBTAINED

25 FROM THE VICTIM OF ALLEGED SEXUAL ASSAULT'S FORENSIC MEDICAL

26 EVIDENCE EXAMINATION; AND

27 (VI) COMMUNITY-BASED RESOURCES AND SERVICES FOR VICTIMS

1 OF SEXUAL ASSAULT.

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

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

17 (4) (a) ON OR AFTER JANUARY 30, 2026, AND ON OR BEFORE
18 JANUARY 30 OF EACH YEAR THEREAFTER, THE EXECUTIVE DIRECTOR OF
19 THE DEPARTMENT SHALL SUBMIT A REPORT TO THE JUDICIARY
20 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY
21 SUCCESSOR COMMITTEES, INCLUDING THE FOLLOWING INFORMATION FROM
22 THE PRECEDING CALENDAR YEAR:

23 (I) THE NUMBER OF FORENSIC MEDICAL EVIDENCE EXAMINATIONS
24 REPORTED INTO THE SYSTEM, IN TOTAL AND DISAGGREGATED BY THE TYPE
25 OF REPORT;

26 (II) THE TOTAL NUMBER OF FORENSIC MEDICAL EVIDENCE
27 EXAMINATIONS ANALYZED BY A FORENSIC LABORATORY; AND

1 (III) THE TOTAL NUMBER OF FORENSIC MEDICAL EVIDENCE
2 EXAMINATIONS PENDING ANALYSIS BY A FORENSIC LABORATORY.

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

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

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

15 **SECTION 2.** In Colorado Revised Statutes, 18-3-407.7, **amend**
16 (1), (2)(a), and (2)(c); **repeal** (2)(b); and **add** (4) and (5) as follows:

17 **18-3-407.7. Sexual assault victim emergency payment**
18 **program - creation - eligibility.** (1) There is hereby created the sexual
19 assault victim emergency payment program, referred to in this section as
20 the "program", in the division of criminal justice in the department of
21 public safety. The purpose of the program is to assist ~~medical-reporting~~
22 victims of sexual assault with medical expenses associated with a sexual
23 assault. ~~that are not otherwise covered pursuant to section 18-3-407.5 or~~
24 ~~any other victim compensation program.~~

25 (2) (a) A ~~medical-reporting~~ victim must request and receive a
26 medical forensic examination to be eligible to have medical costs and fees
27 covered through the program. The division of criminal justice shall

1 develop a policy for administering the program. ~~The policy must include~~
2 ~~a requirement to establish a cap for the amount payable per victim based~~
3 ~~on actual and reasonable costs and available funds, but the minimum cap~~
4 ~~must not be less than one thousand dollars.~~ The program must cover
5 medical fees and costs associated with obtaining the medical forensic
6 examination, including but not limited to emergency department fees and
7 costs, laboratory fees, prescription medication, and physician's fees, as
8 long as funds are available. The program may also cover medical fees and
9 costs for injuries directly related to the sexual assault. The program may
10 also pay for any uncovered direct costs of the medical forensic
11 examination for a medical-reporting victim. The total amount paid for all
12 expenses must not exceed the annual cap established by the division of
13 criminal justice.

14 (b) ~~The program shall be the payer of last resort.~~

15 (c) ~~A hospital shall limit the amounts charged for emergency or~~
16 ~~associated fees and costs eligible for payment pursuant to paragraph (a)~~
17 ~~of this subsection (2) to not more than the lowest negotiated rate from a~~
18 ~~private health plan~~ THE DEPARTMENT OF PUBLIC SAFETY SHALL ESTABLISH
19 A MAXIMUM AMOUNT PAYABLE TO A MEDICAL FACILITY SEEKING
20 REIMBURSEMENT PURSUANT TO THE PROGRAM FOR SERVICES ELIGIBLE FOR
21 PAYMENT PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION.

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

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

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

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

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

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

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

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

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

25 **SECTION 3.** In Colorado Revised Statutes, **add** 25-3-130 as
26 follows:

27 **25-3-130. Prohibition on billing for medical forensic**

1 **examinations and related services - exception.** (1) NOTWITHSTANDING
2 ANY LAW TO THE CONTRARY, A MEDICAL FACILITY REGULATED BY THE
3 DEPARTMENT THAT ADMINISTERS A MEDICAL FORENSIC EVIDENCE
4 EXAMINATION TO A VICTIM OF AN ALLEGED SEXUAL ASSAULT SHALL NOT
5 BILL, CHARGE, OR COLLECT FROM THE VICTIM OR FROM THE VICTIM'S
6 PUBLIC OR COMMERCIAL COVERAGE FOR ANY MEDICAL FEES OR COSTS
7 ASSOCIATED WITH OBTAINING A MEDICAL FORENSIC EVIDENCE
8 EXAMINATION, INCLUDING BUT NOT LIMITED TO EMERGENCY DEPARTMENT
9 FEES AND COSTS, LABORATORY FEES, PRESCRIPTION MEDICATION,
10 PHYSICIAN'S FEES, AND COSTS FOR INJURIES DIRECTLY RELATED TO THE
11 ALLEGED SEXUAL ASSAULT, UNLESS THE INDIVIDUAL CONSENTS TO THE
12 BILL, CHARGE, OR COLLECTION.

13 (2) NOTHING IN THIS SECTION PROHIBITS A MEDICAL FACILITY
14 REGULATED BY THE DEPARTMENT THAT ADMINISTERS A MEDICAL
15 FORENSIC EVIDENCE EXAMINATION TO A VICTIM OF AN ALLEGED SEXUAL
16 ASSAULT FROM SEEKING REIMBURSEMENT FOR ANY FEES AND COSTS
17 DESCRIBED IN SECTION (1) OF THIS SECTION FROM THE SEXUAL ASSAULT
18 VICTIM EMERGENCY PAYMENT PROGRAM, CREATED AND EXISTING
19 PURSUANT TO SECTION 18-3-407.7.

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