

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

**ENGROSSED**

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

LLS NO. 23-0080.01 Jacob Baus x2173

**HOUSE BILL 23-1199**

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**HOUSE SPONSORSHIP**

**Froelich and Soper,**

**SENATE SPONSORSHIP**

**Winter F.,**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**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.*

HOUSE  
Amended 2nd Reading  
April 20, 2023

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.

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

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

**24-33.5-113.5. Forensic medical evidence in sexual assault cases - tracking system.** (1) THE DEPARTMENT SHALL DEVELOP AND MAINTAIN A CONFIDENTIAL AND SECURE STATEWIDE SYSTEM, REFERRED TO IN THIS SECTION AS "SYSTEM", FOR VICTIMS OF ALLEGED SEXUAL ASSAULT TO MONITOR THE STATUS AND LOCATION OF **THEIR SEXUAL ASSAULT EVIDENCE COLLECTION KIT**. THE SYSTEM MUST BE OPERATIONAL BY **JUNE 30, 2025**. THE DEPARTMENT SHALL MAINTAIN AND OPERATE THE SYSTEM.

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

(A) FORENSIC MEDICAL EVIDENCE EXAMINATION;

(B) POSSESSION OF **THEIR SEXUAL ASSAULT EVIDENCE COLLECTION**

1     KIT BY A LAW ENFORCEMENT AGENCY FOR STORAGE;

2             (C) POSSESSION OF THE VICTIM'S SEXUAL ASSAULT EVIDENCE

3     COLLECTION KIT BY A FORENSIC LABORATORY FOR ANALYSIS;

4             (D) COMPLETION OF THE FORENSIC LABORATORY'S ANALYSIS OF

5     THE VICTIM'S SEXUAL ASSAULT EVIDENCE COLLECTION KIT; AND

6             (E) EARLIEST ANTICIPATED DATE OF DESTRUCTION OF THE

7     EVIDENCE OBTAINED FROM THE VICTIM'S FORENSIC MEDICAL EVIDENCE

8     EXAMINATION.

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

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

11    FORENSIC MEDICAL EVIDENCE EXAMINATION ANALYZED, THE RELEVANT

12    STAGES OF ANALYSIS INCLUDE:

13             (A) FORENSIC MEDICAL EVIDENCE EXAMINATION;

14             (B) POSSESSION OF THE VICTIM'S SEXUAL ASSAULT EVIDENCE

15    COLLECTION KIT BY A LAW ENFORCEMENT AGENCY FOR STORAGE; AND

16             (C) EARLIEST ANTICIPATED DATE OF DESTRUCTION OF THE

17    EVIDENCE OBTAINED FROM THE VICTIM'S FORENSIC MEDICAL EVIDENCE

18    EXAMINATION.

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

20    ASSAULT WITH INFORMATION CONCERNING:

21             (I) FINANCIAL ASSISTANCE AND COMPENSATION PROGRAMS FOR

22    VICTIMS OF SEXUAL ASSAULT;

23             (II) UP-TO-DATE STATUTORY AND REGULATORY INFORMATION

24    CONCERNING VICTIMS OF AN ALLEGED SEXUAL ASSAULT;

25             (III) DEADLINES REGARDING THE PROCESSING, CUSTODY,

26    ANALYSIS, AND DESTRUCTION OF EVIDENCE OBTAINED FROM FORENSIC

27    MEDICAL EXAMINATIONS;

1 (IV) HOW A VICTIM OF ALLEGED SEXUAL ASSAULT MAY OBJECT TO  
2 THE DESTRUCTION OF FORENSIC MEDICAL EVIDENCE PURSUANT TO  
3 SECTION 24-4.1-303;

4 (V) CONTACT INFORMATION FOR THE SYSTEM'S ADMINISTRATOR  
5 AND FOR THE LAW ENFORCEMENT AGENCY STORING EVIDENCE OBTAINED  
6 FROM THE VICTIM OF ALLEGED SEXUAL ASSAULT'S FORENSIC MEDICAL  
7 EVIDENCE EXAMINATION; AND

8 (VI) COMMUNITY-BASED RESOURCES AND SERVICES FOR VICTIMS  
9 OF SEXUAL ASSAULT.

10 (3) (a) EVERY STATE OR LOCAL LAW ENFORCEMENT AGENCY,  
11 MEDICAL FACILITY, CRIME LABORATORY, OR OTHER PERSON OR ENTITY  
12 THAT SUPPLIES OR PERFORMS FORENSIC MEDICAL EVIDENCE  
13 EXAMINATIONS, ANALYZES EVIDENCE OBTAINED FROM FORENSIC MEDICAL  
14 EVIDENCE EXAMINATIONS, OR IS RESPONSIBLE FOR THE STORAGE OR  
15 DESTRUCTION OF EVIDENCE OBTAINED FROM FORENSIC MEDICAL EVIDENCE  
16 EXAMINATIONS, SHALL PARTICIPATE IN THE SYSTEM.

17 (b) THE FEDERAL BUREAU OF INVESTIGATION, A TRIBAL LAW  
18 ENFORCEMENT AGENCY LOCATED IN COLORADO, OR A FEDERAL INDIAN  
19 HEALTH SERVICE LOCATED IN COLORADO THAT SUPPLIES FORENSIC  
20 MEDICAL EVIDENCE EXAMINATIONS, PERFORMS FORENSIC MEDICAL  
21 EVIDENCE EXAMINATIONS, ANALYZES EVIDENCE OBTAINED FROM  
22 FORENSIC MEDICAL EVIDENCE EXAMINATIONS, OR IS RESPONSIBLE FOR THE  
23 STORAGE OR DESTRUCTION OF EVIDENCE OBTAINED FROM FORENSIC  
24 MEDICAL EXAMINATIONS MAY PARTICIPATE IN THE SYSTEM.

25 (4) (a) ON OR AFTER JANUARY 30, 2026, AND ON OR BEFORE  
26 JANUARY 30 OF EACH YEAR THEREAFTER, THE EXECUTIVE DIRECTOR OF  
27 THE DEPARTMENT SHALL SUBMIT A REPORT TO THE JUDICIARY

1 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY  
2 SUCCESSOR COMMITTEES, INCLUDING THE FOLLOWING INFORMATION FROM  
3 THE PRECEDING CALENDAR YEAR:

4 (I) THE NUMBER OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS  
5 REPORTED INTO THE SYSTEM, IN TOTAL AND DISAGGREGATED BY THE TYPE  
6 OF REPORT;

7 (II) THE TOTAL NUMBER OF SEXUAL ASSAULT EVIDENCE  
8 COLLECTION KITS ANALYZED BY A FORENSIC LABORATORY; AND

9 (III) THE TOTAL NUMBER OF SEXUAL ASSAULT EVIDENCE  
10 COLLECTION KITS PENDING ANALYSIS BY A FORENSIC LABORATORY.

11 (b) THE DEPARTMENT SHALL ENSURE THE REPORT DOES NOT  
12 DISCLOSE ANY INFORMATION IN VIOLATION OF APPLICABLE STATE AND  
13 FEDERAL LAWS REGARDING THE CONFIDENTIALITY OF AN INDIVIDUAL'S  
14 INFORMATION.

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

18 (5) THE DEPARTMENT SHALL CONSULT WITH THE OFFICE OF  
19 LIAISON FOR MISSING AND MURDERED INDIGENOUS RELATIVES TO MAKE  
20 RECOMMENDATIONS TO ENSURE THE SYSTEM DEVELOPED PURSUANT TO  
21 THIS SECTION IS ACCESSIBLE TO VICTIMS OF ALLEGED SEXUAL ASSAULT IN  
22 A TRIBAL JURISDICTION.

23 **SECTION 2.** In Colorado Revised Statutes, 18-3-407.7, **amend**  
24 (1) and (2)(a); and add (2)(a.5), (4), and (5) as follows:

25 **18-3-407.7. Sexual assault victim emergency payment**  
26 **program - creation - eligibility.** (1) There is hereby created the sexual  
27 assault victim emergency payment program, referred to in this section as

1 the "program", in the division of criminal justice in the department of  
2 public safety. The purpose of the program is to assist ~~medical-reporting~~  
3 victims of sexual assault with medical expenses associated with a sexual  
4 assault that are not otherwise covered pursuant to section 18-3-407.5 or  
5 any other victim compensation program.

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

22 (a.5) A LAW ENFORCEMENT AGENCY MAY REQUEST  
23 REIMBURSEMENT TO HAVE COSTS ASSOCIATED WITH THE COLLECTION OF  
24 FORENSIC EVIDENCE FOR A VICTIM COVERED THROUGH THE PROGRAM. THE  
25 DIVISION OF CRIMINAL JUSTICE SHALL DEVELOP A POLICY, INCLUDING A  
26 REQUIREMENT TO ESTABLISH AN ANNUAL CAP, FOR THE AMOUNT PAYABLE  
27 TO A LAW ENFORCEMENT AGENCY BASED ON ACTUAL AND REASONABLE

1 COSTS AND AVAILABLE FUNDS.

2

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

7 (a) THE NUMBER OF MEDICAL FORENSIC EXAMINATIONS PAID FOR  
8 BY THE PROGRAM;

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

11 (c) INFORMATION CONCERNING THE STATUS OF CLAIMS IN THE  
12 SYSTEM, INCLUDING THE NUMBER OF CLAIMS PAID, THE NUMBER OF  
13 CLAIMS DENIED AND REASONS FOR DENIAL, THE NUMBER OF CLAIMS  
14 PENDING APPROVAL OR DENIAL, AND THE AVERAGE TIME BETWEEN  
15 REIMBURSEMENT CLAIM SUBMISSION AND APPROVAL OR DENIAL BY THE  
16 PROGRAM;

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

19 (e) DEMOGRAPHIC INFORMATION OF VICTIMS WHOSE CLAIMS ARE  
20 REIMBURSED AND DENIED THROUGH THE PROGRAM, IF AVAILABLE.

21 (5) (a) ON OR BEFORE JANUARY 30, 2026, AND ON OR BEFORE  
22 JANUARY 30 OF EACH YEAR THEREAFTER, THE DIVISION SHALL SUBMIT A  
23 REPORT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF  
24 REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES, WITH  
25 THE INFORMATION DESCRIBED IN SUBSECTION (4) OF THIS SECTION FROM  
26 THE PRECEDING CALENDAR YEAR.

27 (b) THE DEPARTMENT SHALL ENSURE THE REPORT DOES NOT

1 DISCLOSE ANY INFORMATION IN VIOLATION OF APPLICABLE STATE AND  
2 FEDERAL LAWS REGARDING THE CONFIDENTIALITY OF AN INDIVIDUAL'S  
3 INFORMATION.

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

7 

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