

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0080.01 Jacob Baus x2173

HOUSE BILL 23-1199

HOUSE SPONSORSHIP

Froelich and Soper,

SENATE SPONSORSHIP

Winter F.,

House Committees

Judiciary
Appropriations

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.

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 MUST REQUEST
23 REIMBURSEMENT TO HAVE COSTS COVERED THROUGH THE PROGRAM. THE
24 DIVISION OF CRIMINAL JUSTICE SHALL DEVELOP A POLICY, INCLUDING A
25 REQUIREMENT TO ESTABLISH A CAP, FOR THE AMOUNT PAYABLE TO A LAW
26 ENFORCEMENT AGENCY BASED ON ACTUAL AND REASONABLE COSTS AND
27 AVAILABLE FUNDS. THE PROGRAM MUST COVER COSTS ASSOCIATED WITH

1 REPORTING REQUIREMENTS PURSUANT TO SECTION 24-33.5-113.5.

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.