

**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

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House 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.**

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
3rd Reading Unamended
April 21, 2023

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.

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 (6) FOR THE 2023-24 STATE FISCAL YEAR, THE GENERAL
24 ASSEMBLY SHALL APPROPRIATE SEVEN HUNDRED FORTY-FOUR THOUSAND
25 THREE HUNDRED FIFTY-ONE DOLLARS FROM THE COLORADO CRIME VICTIM
26 SERVICES FUND, CREATED PURSUANT TO SECTION 24-33.5-505.5, TO THE
27 DEPARTMENT FOR THE PURPOSE OF DEVELOPING AND MAINTAINING THE

1 SYSTEM PURSUANT TO THIS SECTION.

2 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-505.5, **add**
3 **(2.5) as follows:**

4 **24-33.5-505.5. Colorado crime victim services fund - creation**
5 **- uses - applications for grants - legislative declaration - repeal.**

6 **(2.5) (a) FOR THE 2023-24 STATE FISCAL YEAR, SEVEN HUNDRED**
7 **FORTY-FOUR THOUSAND THREE HUNDRED FIFTY-ONE DOLLARS IS**
8 **ANNUALLY APPROPRIATED FROM THE FUND TO THE DEPARTMENT FOR THE**
9 **PURPOSE OF DEVELOPING AND MAINTAINING THE CONFIDENTIAL AND**
10 **SECURE STATEWIDE SYSTEM PURSUANT TO SECTION 24-33.5-113.5.**

11 **(b) THIS SUBSECTION (2.5) IS REPEALED, EFFECTIVE JULY 1, 2025.**

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

14 **18-3-407.7. Sexual assault victim emergency payment**
15 **program - creation - eligibility.** (1) There is hereby created the sexual
16 assault victim emergency payment program, referred to in this section as
17 the "program", in the division of criminal justice in the department of
18 public safety. The purpose of the program is to assist ~~medical-reporting~~
19 victims of sexual assault with medical expenses associated with a sexual
20 assault that are not otherwise covered pursuant to section 18-3-407.5 or
21 any other victim compensation program.

22 (2) (a) A ~~medical-reporting~~ victim must request and receive a
23 medical forensic examination to be eligible to have medical costs and fees
24 covered through the program. The division of criminal justice shall
25 develop a policy for administering the program. The policy must include
26 a requirement to establish a cap for the amount payable per victim based
27 on actual and reasonable costs and available funds, but the minimum cap

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

11 (a.5) A LAW ENFORCEMENT AGENCY MAY REQUEST
12 REIMBURSEMENT TO HAVE COSTS ASSOCIATED WITH THE COLLECTION OF
13 FORENSIC EVIDENCE FOR A VICTIM COVERED THROUGH THE PROGRAM. THE
14 DIVISION OF CRIMINAL JUSTICE SHALL DEVELOP A POLICY, INCLUDING A
15 REQUIREMENT TO ESTABLISH AN ANNUAL CAP, FOR THE AMOUNT PAYABLE
16 TO A LAW ENFORCEMENT AGENCY BASED ON ACTUAL AND REASONABLE
17 COSTS AND AVAILABLE FUNDS.

18
19 (4) BY DECEMBER 31, 2024, THE DIVISION OF CRIMINAL JUSTICE
20 SHALL DEVELOP AND MAINTAIN A SYSTEM THAT ALLOWS THE DIVISION TO
21 TRACK CLAIMS, PROCESS INVOICES, SORT INFORMATION, AND PRODUCE
22 REPORTS CONCERNING, AT A MINIMUM:

23 (a) THE NUMBER OF MEDICAL FORENSIC EXAMINATIONS PAID FOR
24 BY THE PROGRAM;

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

27 (c) INFORMATION CONCERNING THE STATUS OF CLAIMS IN THE

1 SYSTEM, INCLUDING THE NUMBER OF CLAIMS PAID, THE NUMBER OF
2 CLAIMS DENIED AND REASONS FOR DENIAL, THE NUMBER OF CLAIMS
3 PENDING APPROVAL OR DENIAL, AND THE AVERAGE TIME BETWEEN
4 REIMBURSEMENT CLAIM SUBMISSION AND APPROVAL OR DENIAL BY THE
5 PROGRAM;

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

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

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

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

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

23 **SECTION 4. In Colorado Revised Statutes, 18-1-1001, amend**
24 **(8)(b) as follows:**

25 **18-1-1001. Protection order against defendant - definitions.**

26 **(8) For purposes of this section:**

27 **(b) "Until final disposition of the action" means until the case is**

1 dismissed, until the defendant is acquitted, or until the defendant
2 completes his or her THE DEFENDANT'S sentence, OR UNTIL THE
3 DEFENDANT'S COMMITMENT IS TERMINATED AND THE DEFENDANT IS
4 DISCHARGED FROM SUPERVISION FOLLOWING A VERDICT OF NOT GUILTY
5 BY REASON OF INSANITY PURSUANT TO SECTION 16-8-115. Any defendant
6 sentenced to probation is deemed to have completed his or her THE
7 DEFENDANT'S sentence upon discharge from probation. A defendant
8 sentenced to incarceration is deemed to have completed his or her THE
9 DEFENDANT'S sentence upon release from incarceration and discharge
10 from parole supervision.

11



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