

HB1228_L.005

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB20-1228 be amended as follows:

1 Amend printed bill, page 2, strike lines 12 and 13 and substitute:

2 "(2) (a) THE DIVISION, IN CONJUNCTION WITH A STATEWIDE
3 COALITION THAT ADVOCATES FOR VICTIMS OF SEXUAL ASSAULT, SHALL
4 CONVENE A STATEWIDE MULTIDISCIPLINARY COMMITTEE TO STUDY HOW
5 TO IMPLEMENT A STATEWIDE TRACKING SYSTEM TO ALLOW A VICTIM OF
6 SEXUAL ASSAULT TO TRACK THE STATUS OF THE VICTIM'S FORENSIC
7 MEDICAL EVIDENCE. THE COMMITTEE MUST INCLUDE:

8 (I) LAW ENFORCEMENT, INCLUDING THE COLORADO BUREAU OF
9 INVESTIGATION;

10 (II) SYSTEM AND COMMUNITY-BASED ADVOCATES;

11 (III) MEDICAL PROFESSIONALS;

12 (IV) DISTRICT ATTORNEYS; AND

13 (V) OTHER KEY STAKEHOLDERS.

14 (b) TO ENSURE ANY TRACKING SYSTEM IMPLEMENTED IN THE
15 STATE OF COLORADO IS THE MOST HELPFUL IT CAN BE FOR VICTIMS OF
16 SEXUAL ASSAULT AND PRACTITIONERS, THE COMMITTEE CREATED
17 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION SHALL, AS SOON AS
18 PRACTICABLE, BUT NO LATER THAN DECEMBER 1, 2021:

19 (I) RESEARCH FORENSIC MEDICAL EVIDENCE COLLECTION COSTS
20 FOR LAW ENFORCEMENT AGENCIES IN RELATION TO THEIR OVERALL
21 EVIDENCE BUDGETS AND THE EFFECTS OF THIS ON THEIR ABILITY TO PAY
22 FOR MEDICAL FORENSIC EXAMS AS REQUIRED BY SECTION 18-3-407.5 (1);

23 (II) DETERMINE THE AVERAGE COSTS OF MEDICAL FORENSIC
24 EXAMS STATEWIDE AND WHETHER THE CURRENT SEXUAL ASSAULT VICTIM
25 EMERGENCY PAYMENT PROGRAM PAYMENT LIMITS PURSUANT TO SECTION
26 18-3-407.7 (2)(c) ARE SUFFICIENT TO MEET THE NEED;

27 (III) DETERMINE WHETHER VICTIMS ARE RECEIVING MEDICAL BILLS
28 THEY ARE PROHIBITED FROM RECEIVING PURSUANT TO 42 U.S.C. SEC.
29 3796gg-4 (b)(3);

30 (IV) ASSESS WHETHER LAW ENFORCEMENT AGENCIES ARE
31 SENDING FORENSIC MEDICAL EVIDENCE FOR TESTING WITHIN TWENTY-ONE
32 DAYS AS REQUIRED BY THE RULE PROMULGATED PURSUANT TO SECTION
33 24-33.5-113;

34 (V) RESEARCH WHETHER VICTIMS ARE BEING ENCOURAGED TO
35 DECLINE A MEDICAL FORENSIC EVIDENCE EXAM, INCLUDING INTIMATE
36 PARTNER VIOLENCE CASES OF ASSAULT BY STRANGULATION AS DESCRIBED
37 IN SECTION 18-3-202 (1)(g), BECAUSE LAW ENFORCEMENT CANNOT
38 AFFORD TO PAY THE COST OF EVIDENCE COLLECTION PURSUANT TO
39 SECTION 18-3-407.5 (1);".

40 Page 2, line 14, strike "(a)" and substitute "(VI)".

- 1 Page 2, line 16, strike "(b)" and substitute "(VII)".
- 2 Page 3, line 5 strike "(c)" and substitute "(VIII)".
- 3 Page 3, line 8, strike "(d)" and substitute "(IX)".
- 4 Page 3, line 10, strike "(e)" and substitute "(X)".
- 5 Page 3, line 12, strike "(f)" and substitute "(XI)".
- 6 Page 3, line 15, strike "(g)" and substitute "(VII)".
- 7 Page 3, line 11, strike "(2);" and substitute "(2) AND REDUCING
8 ADMINISTRATIVE REQUIREMENTS;".
- 9 Page 4, line 5, strike "OF" and substitute "IF THE VICTIM MAKES A LAW
10 ENFORCEMENT REPORT PURSUANT TO SECTION 12-240-139 (1)(b)(I)(A),
11 OF".
- 12 Page 4, line 6, strike "AND".
- 13 Page 4, after line 6 insert:
14 "(B) IF THE VICTIM MAKES A MEDICAL REPORT PURSUANT TO
15 SECTION 12-240-139 (1)(b)(I)(B) OR AN ANONYMOUS REPORT PURSUANT
16 TO SECTION 12-240-139 (1)(b)(I)(A), OF THE CONTACT INFORMATION FOR
17 THE NEAREST COMMUNITY-BASED VICTIM ADVOCATE PURSUANT TO
18 13-90-107 (1)(k)(I); AND".
- 19 Reletter succeeding sub-subparagraph accordingly.
- 20 Page 4, strike line 16 and substitute:
21 "(b.8) FOR A VICTIM WHO HAS HAD FORENSIC MEDICAL EVIDENCE
22 COLLECTED PURSUANT TO SECTION 12-240-139 (1)(b) THAT HAS NOT".
- 23 Page 4, after line 17 insert:
24 "(I) THE RIGHT TO BE NOTIFIED THAT THE FORENSIC MEDICAL
25 EVIDENCE HAS BEEN SUBMITTED TO AN ACCREDITED CRIME LAB FOR
26 TESTING AS REQUIRED BY TO THE RULES PROMULGATED PURSUANT TO
27 SECTION 24-33.5-113;
28 (II) THE RIGHT TO BE NOTIFIED WHEN THE LAW ENFORCEMENT
29 AGENCY HAS RECEIVED THE RESULTS OF THE MEDICAL FORENSIC EVIDENCE
30 DNA ANALYSIS FROM THE ACCREDITED CRIME LABORATORY;".

- 1 Page 4, line 18, strike "(I)" and substitute "(III)".
- 2 Page 4, line 21, strike "(II)" and substitute "(IV)".

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