Amend printed bill, page 2, after line 1 insert:

"SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) There has been a philosophical shift and accompanying statutory changes at the state and federal level regarding response to sexual assault victims. That shift acknowledges that providing victim-centered reporting options can:

(I) Begin to restore the power and control victims lose during an assault;

(II) Promotes improved long-term outcomes for victims; and

(III) Improves investigations and stronger prosecutions.

(b) In 2005, the federal "Violence Against Women Act", 42 U.S.C. sec. 3796gg-4 (b)(3), made clear victims of sexual assault cannot be charged, directly or indirectly, for a medical forensic exam and the associated testing of any evidence. The "Violence Against Women Act" also stated victims do not have to work with law enforcement to receive a medical forensic exam. Collectively, these provisions are known as forensic compliance.

(c) Through bills in 2008, 2013, and 2015, the state of Colorado came into compliance with the federal "Violence Against Women Act" forensic compliance provisions and created Colorado's current statutory structure that enables victims to determine a course of action with multidisciplinary responders acting from the victims' decisions. This included establishing the sexual assault victim emergency payment
program, section 18-3-407.5 (3)(b), to pay for the evidence collection portion of the medical forensic exam collected pursuant to section 12-240-139 (1)(b).

(d) Victims of sexual assault who decide to undergo a medical forensic exam often experience frustration while waiting for the results of the DNA analysis. A lengthy and sometimes opaque process, there are currently no safeguards for victims to ensure they know the status or outcome of evidence testing. Communication about their evidence's progress is disparate and can leave victims feeling unsupported and forgotten.

(e) Establishing a confidential tracking system for survivors to know the status of their forensic medical evidence is one part of the solution. However, a nexus of issues affecting sexual assault victims' access to medical forensic exams and payment options prior to their evidence even being sent for testing exists. At this time, Colorado has no consistent and consolidated evaluation data on the efficacy of its sexual assault forensic compliance laws and the associated interplay of medical forensic evidence knowledge, access, cost, and payment that collectively create the conditions for such evidence to be tested in the first place. These issues must be evaluated prior to the implementation of a tracking system to ensure the best possible infrastructure, medical, and criminal justice response exists for survivors of sexual assault in Colorado.

(f) While such an evaluation project is underway, there are several survivor rights the state of Colorado should enshrine to ensure survivors are receiving the best possible care and response from the criminal justice system."

Renumber succeeding sections accordingly.

Page 2, strike lines 12 and 13 and substitute:

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

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

(II) SYSTEM AND COMMUNITY-BASED ADVOCATES;

(III) MEDICAL PROFESSIONALS;

(IV) DISTRICT ATTORNEYS; AND
(V) OTHER KEY STAKEHOLDERS.
(b) To ensure any tracking system implemented in the state of Colorado is the most helpful it can be for victims of sexual assault and practitioners, the committee created pursuant to subsection (2)(a) of this section shall, as soon as practicable, but no later than December 1, 2021:

(I) Research forensic medical evidence collection costs for law enforcement agencies in relation to their overall evidence budgets and the effects of this on their ability to pay for medical forensic exams as required by section 18-3-407.5 (1);

(II) Determine the average costs of medical forensic exams statewide and whether the current sexual assault victim emergency payment program payment limits pursuant to section 18-3-407.7 (2)(c) are sufficient to meet the need;

(III) Determine whether victims are receiving medical bills they are prohibited from receiving pursuant to 42 U.S.C. Sec. 3796gg-4 (b)(3);

(IV) Assess whether law enforcement agencies are sending forensic medical evidence for testing within twenty-one days as required by the rule promulgated pursuant to section 24-33.5-113;

(V) Research whether victims are being encouraged to decline a medical forensic evidence exam, including intimate partner violence cases of assault by strangulation as described in section 18-3-202 (1)(g), because law enforcement cannot afford to pay the cost of evidence collection pursuant to section 18-3-407.5 (1);".

Page 2, line 14, strike "(a)" and substitute "(VI)".
Page 2, line 16, strike "(b)" and substitute "(VII)".
Page 3, line 5 strike "(c)" and substitute "(VIII)".
Page 3, line 8, strike "(d)" and substitute "(IX)".
Page 3, line 10, strike "(e)" and substitute "(X)".
Page 3, line 11, strike "(2);" and substitute "(2) AND REDUCING ADMINISTRATIVE REQUIREMENTS;".
Page 3, line 12, strike "(f)" and substitute "(XI)".

Page 3, line 15, strike "(g)" and substitute "(XII)".

Page 4, line 5, strike "Of" and substitute "IF THE VICTIM MAKES A LAW ENFORCEMENT REPORT PURSUANT TO SECTION 12-240-139 (1)(b)(I)(A), OF".

Page 4, line 6, strike "AND".

Page 4, after line 6 insert:

"(B) IF THE VICTIM MAKES A MEDICAL REPORT PURSUANT TO SECTION 12-240-139 (1)(b)(I)(B) OR AN ANONYMOUS REPORT PURSUANT TO SECTION 12-240-139 (1)(b)(I)(A), OF THE CONTACT INFORMATION FOR THE NEAREST COMMUNITY-BASED VICTIM ADVOCATE PURSUANT TO 13-90-107 (1)(k)(I); AND".

Reletter succeeding sub-subparagraph accordingly.

Page 4, after line 10 insert:

"SECTION 4. In Colorado Revised Statutes, add 12-255-133.5 as follows:

12-255-133.5. Licensee duties related to medical forensic evidence. (1) A LICENSEE WHO PERFORMS A MEDICAL FORENSIC EXAMINATION AS DESCRIBED IN SECTION 12-240-139 (1)(b)(I) SHALL INFORM THE VICTIM:

(a) IF THE VICTIM MAKES A LAW ENFORCEMENT REPORT PURSUANT TO SECTION 12-240-139 (1)(b)(I)(A), OF THE CONTACT INFORMATION FOR THE NEAREST SEXUAL ASSAULT VICTIM ADVOCATE;

(b) IF THE VICTIM MAKES A MEDICAL REPORT PURSUANT TO SECTION 12-240-139 (1)(b)(I)(B) OR AN ANONYMOUS REPORT PURSUANT TO SECTION 12-240-139 (1)(b)(I)(A), OF THE CONTACT INFORMATION FOR THE NEAREST COMMUNITY-BASED VICTIM ADVOCATE PURSUANT TO 13-90-107 (1)(k)(I); AND

(c) THAT ANY FORENSIC MEDICAL EVIDENCE COLLECTED MUST BE MAINTAINED UNTIL AFTER THE ASSAILANT MAY NO LONGER BE PROSECUTED FOR THE CRIME AND THAT THE VICTIM MUST BE NOTIFIED PRIOR TO THE DESTRUCTION OF SUCH EVIDENCE.".

Renumber succeeding sections accordingly.
Page 4, strike line 16 and substitute:

"(b.8) FOR A VICTIM WHO HAS HAD FORENSIC MEDICAL EVIDENCE COLLECTED PURSUANT TO SECTION 12-240-139 (1)(b) THAT HAS NOT"

Page 4, after line 17 insert:

"(I) THE RIGHT TO BE NOTIFIED THAT THE FORENSIC MEDICAL EVIDENCE HAS BEEN SUBMITTED TO AN ACCREDITED CRIME LAB FOR TESTING AS REQUIRED BY THE RULES PROMULGATED PURSUANT TO SECTION 24-33.5-113;

(II) THE RIGHT TO BE NOTIFIED WHEN THE LAW ENFORCEMENT AGENCY HAS RECEIVED THE RESULTS OF THE MEDICAL FORENSIC EVIDENCE DNA ANALYSIS FROM THE ACCREDITED CRIME LABORATORY;".

Page 4, line 18, strike "(I)" and substitute "(III)".

Page 4, line 21, strike "(II)" and substitute "(IV)".

Page 5, line 3, strike "GUILTY," and substitute "GUILTY OR WHEN A LAW ENFORCEMENT REPORT OR A MEDICAL REPORT IS FILED PURSUANT TO SECTION 12-240-139 (1)(b)(I),".

Page 5, strike lines 15 through 27 and substitute:

"SECTION 7. In Colorado Revised Statutes, 18-3-407.5, amend (3)(c) as follows:

18-3-407.5. Victim evidence - forensic evidence - electronic lie detector exam without victim's consent prohibited. (3) (c) When personnel at a medical facility perform a medical forensic examination that includes the collection of evidence based on the request of a victim of a sexual offense and the medical facility performing the examination knows where the crime occurred, the facility shall contact the law enforcement agency in whose jurisdiction the crime occurred regarding preservation of the evidence. If the medical facility does not know where the crime occurred, the facility shall contact its local law enforcement agency regarding preservation of the evidence. Notwithstanding any other statutory requirements regarding storage of biological evidence, the law enforcement agency contacted by the medical facility shall retrieve the evidence from the facility and store it for at least two years pursuant to section 18-1-1103, unless a victim objects to its destruction pursuant to section 24-4.1-303 in which case it must be maintained for an additional ten years.".
1 Page 6, strike lines 1 through 4.

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