

CHAPTER 129

GOVERNMENT - STATE

HOUSE BILL 21-1165

BY REPRESENTATIVE(S) Carver and Duran, Bacon, Benavidez, Bennett, Bird, Bockenfeld, Cutter, Esgar, Exum, Froelich, Gray, Herod, Jackson, Lontine, Lynch, McLachlan, Michaelson Jenet, Ortiz, Roberts, Sandridge, Soper, Sullivan, Tipper, Van Beber, Van Winkle, Weissman, Garnett, Amabile, Geitner, Gonzales-Gutierrez, McCluskie, Mullica, Pico, Ricks, Titone, Valdez A., Valdez D.;

also SENATOR(S) Gardner and Lee, Buckner, Cooke, Danielson, Ginal, Gonzales, Kolker, Moreno, Pettersen, Priola, Story, Winter, Garcia.

AN ACT**CONCERNING ASSISTANCE FOR VICTIMS OF STRANGULATION WHO RECEIVE MEDICAL EXAMINATIONS.**

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

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

(a) There are many factors that make it difficult for a victim of strangulation to seek medical and other assistance, including a medical forensic examination, following the assault;

(b) It is important to complete a medical forensic examination following an assault by strangulation, and, when it is possible, for the examination to be performed by a trained forensic medical examiner;

(c) One barrier to completing a medical forensic examination may be the cost of the examination; and

(d) The crime victim compensation fund should be used to pay the costs of each medical forensic examination of a victim of strangulation that are not covered by other sources.

(2) The general assembly further declares that:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(a) In order to assist victims of strangulation with the costs of obtaining a medical forensic examination, the general assembly encourages medical providers and victim advocacy organizations to work with district crime victim compensation boards to develop a process to apply for compensation under the "Crime Victim Compensation Act" on a victim's behalf for the cost of the examination, before the victim receives a bill or is required to pay any costs. The process should recognize the district crime victim compensation funds' status as payers of last resort.

(b) In order to provide assistance to all victims of strangulation who complete a medical forensic examination, when making a determination to award compensation to a victim of strangulation who completes a medical forensic examination, a district crime victim compensation board should not consider whether the examination was performed by a trained forensic medical examiner.

SECTION 2. In Colorado Revised Statutes, 24-4.1-102, **add** (1.3) as follows:

24-4.1-102. Definitions. As used in this part 1, unless the context otherwise requires:

(1.3) "ASSAULT BY STRANGULATION" MEANS ASSAULT AS DESCRIBED IN SECTION 18-3-202 (1)(g) OR 18-3-203 (1)(i).

SECTION 3. In Colorado Revised Statutes, 24-4.1-108, **amend** (1)(c) as follows:

24-4.1-108. Awarding compensation. (1) A person is entitled to an award of compensation under this part 1 if:

(c) The applicant has cooperated fully with law enforcement officials in the apprehension and prosecution of the assailant, or the board has found good cause exists for the failure to cooperate, OR, IF THE APPLICANT IS A VICTIM OF ASSAULT BY STRANGULATION, THE APPLICANT COOPERATES WITH LAW ENFORCEMENT BY UNDERGOING A MEDICAL FORENSIC EXAMINATION;

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: May 10, 2021