

HOUSE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chairman of Committee

April 26, 2016  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB16-1393 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, lines 4 and 5, strike "**search warrant**" and  
2 substitute "**court order**".

3 Page 2, after line 6 insert:

4 "(a) "COMMUNICABLE DISEASE" MEANS A DISEASE OR INFECTION  
5 THAT IS SPREAD FROM ONE PERSON TO ANOTHER THROUGH THE EXCHANGE  
6 OF BLOOD OR OTHER BODILY FLUID AND THE HUMAN IMMUNODEFICIENCY  
7 VIRUS (HIV).".

8 Reletter succeeding paragraphs accordingly.

9 Page 2, after line 12, insert:

10 "(e) "PEACE OFFICER" MEANS ANY PERSON DESCRIBED IN SECTION  
11 16-2.5-101.

12 (2) **Consent.** UNLESS A PERSON HAS ADMITTED THAT HE OR SHE  
13 HAS A COMMUNICABLE DISEASE AND PROVIDES CONFIRMATION OF THE  
14 DISEASE, A LAW ENFORCEMENT AGENCY SHALL ASK A PERSON TO  
15 VOLUNTARILY CONSENT TO A BLOOD TEST TO DETERMINE IF THE PERSON  
16 HAS A COMMUNICABLE DISEASE IF:

17 (a) THE PERSON COMMITTED AN ASSAULT IN THE FIRST DEGREE, IN  
18 VIOLATION OF SECTION 18-3-202, C.R.S.; ASSAULT IN THE SECOND DEGREE  
19 IN VIOLATION OF SECTION 18-3-203, C.R.S.; OR ASSAULT IN THE THIRD

1 DEGREE IN VIOLATION OF SECTION 18-3-204, C.R.S.; AND  
2 (b) DURING OR AS A RESULT OF THE ASSAULT, THE PERSON'S  
3 BLOOD OR OTHER BODILY FLUID CAME INTO CONTACT WITH ANY VICTIM OF  
4 THE ASSAULT, A PEACE OFFICER, FIREFIGHTER, OR EMERGENCY MEDICAL  
5 CARE PROVIDER, OR AN EMERGENCY MEDICAL SERVICE PROVIDER, AND  
6 THERE IS REASON TO BELIEVE, BASED ON INFORMATION FROM A MEDICAL  
7 PROFESSIONAL, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT,  
8 OR A LOCAL HEALTH AGENCY, THAT THE VICTIM OF THE ASSAULT, PEACE  
9 OFFICER, FIREFIGHTER, EMERGENCY MEDICAL CARE PROVIDER, OR  
10 EMERGENCY MEDICAL SERVICE PROVIDER IS AT RISK OF TRANSMISSION OF  
11 A COMMUNICABLE DISEASE."

12 Renumber succeeding subsections accordingly.

13 Page 2, strike line 14 and substitute "BLOOD REQUIRED FOR A TEST FOR".

14 Page 2, line 22, strike "AND".

15 Page 2, after line 22, insert:

16 "(II) THE PERSON HAS BEEN ASKED TO VOLUNTARILY SUBMIT TO  
17 A BLOOD TEST FOR A COMMUNICABLE DISEASE AND THE PERSON HAS  
18 REFUSED; AND".

19 Renumber succeeding subparagraph accordingly.

20 Page 2, strike lines 23 and 24 and substitute:

21 "(III) THERE IS PROBABLE CAUSE TO BELIEVE THAT THE PERSON'S  
22 BLOOD OR OTHER BODILY FLUID".

23 Page 3, line 1, strike "VOMIT".

24 Page 3, line 3, strike "PROVIDER." and substitute "PROVIDER, AND THERE  
25 IS REASON TO BELIEVE, BASED ON INFORMATION FROM A MEDICAL  
26 PROFESSIONAL, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT,  
27 OR A LOCAL HEALTH AGENCY, THAT THE VICTIM OF THE ASSAULT, PEACE  
28 OFFICER, FIREFIGHTER, EMERGENCY MEDICAL CARE PROVIDER, OR  
29 EMERGENCY MEDICAL SERVICE PROVIDER IS AT RISK OF TRANSMISSION OF  
30 A COMMUNICABLE DISEASE."

- 1 Page 3, line 5, strike "(2)" and substitute "(3)".
- 2 Page 3, line 7, strike "SEARCH WARRANT." and substitute "COURT  
3 ORDER."
- 4 Page 3, line 9, strike "SEARCH WARRANT" and substitute "COURT ORDER".
- 5 Page 3, line 13, strike "SEARCH WARRANT," and substitute "COURT  
6 ORDER,".
- 7 Page 3, strike line 16 and substitute "IS TO GIVE THE BLOOD;".
- 8 Page 3, strike lines 20 and 21 and substitute "ORDER HAS BEEN ISSUED;".
- 9 Page 3, strike line 27 and substitute "TO OBTAIN THE BLOOD; AND".
- 10 Page 4, strike lines 3 through 12 and substitute:
- 11           **"(5) Execution and return. (a) THE BLOOD TESTS MUST BE**  
12 **CONDUCTED UNDER MEDICAL SUPERVISION. A PERSON WHO APPEARS**  
13 **UNDER AN ORDER OF APPEARANCE ISSUED PURSUANT TO THIS SECTION**  
14 **SHALL NOT BE DETAINED LONGER THAN IS REASONABLY NECESSARY TO**  
15 **OBTAIN THE BLOOD UNLESS HE OR SHE IS ARRESTED FOR AN OFFENSE."**
- 16 Page 4, strike line 18 and substitute "OF ANY TEST ON THE BLOOD".
- 17 Page 4, line 22, strike "(3)" and substitute "(4)".
- 18 Page 4, line 24, strike "(5)," and substitute "(6),".
- 19 Page 5, line 1, strike "(2)" and substitute "(3)".

\*\* \*\*\* \*\* \*\*\* \*\*