

CHAPTER 275

GOVERNMENT - STATE

SENATE BILL 22-057

BY SENATOR(S) Cooke and Fields, Bridges, Buckner, Coleman, Danielson, Gardner, Ginal, Gonzales, Hansen, Hinrichsen, Hisey, Holbert, Jaquez Lewis, Kirkmeyer, Kolker, Lee, Liston, Lundeen, Pettersen, Priola, Rodriguez, Simpson, Smallwood, Sonnenberg, Story, Winter, Woodward, Zenzinger, Fenberg;

also REPRESENTATIVE(S) Weissman, Bacon, Bennett, Boesenecker, Caraveo, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Herod, Hooton, Jodeh, Lindsay, Lontine, McCluskie, Michaelson Jenet, Ortiz, Ricks, Sullivan, Titone, Valdez A., Valdez D., Young.

AN ACT

CONCERNING MEASURES TO SUPPORT VICTIMS OF VIOLENT CRIME WHO SUFFER BRAIN INJURIES AS A RESULT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

(a) Assault often leads to traumatic brain injury in victims. These injuries are often sustained in physical attacks, including robbery, rape, domestic violence, and child abuse.

(b) Not only is assault the leading cause of traumatic brain injury in Americans between the ages of fifteen and twenty-four, but it is also the leading cause of brain injury-related death for infants, toddlers, and preschoolers;

(c) In ongoing research for a study on women's health, researchers from the university of Denver have interviewed sixty-five women seeking services after intimate partner violence. Ninety-one percent reported being struck in the head, and eighty-one percent had alterations in consciousness that are consistent with a traumatic brain injury.

(d) Strangulation is common in intimate partner violence and is one of the most dangerous forms of violence. Victims of strangulation can experience coma, seizures, and death. Those who survive often have permanent hypoxic-ischemic

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.

brain injuries.

(e) Additionally, brain injury is linked with emotional and behavioral changes, including increased agitation, depression, and irritability, which are common among people who have been abused by intimate partners. These effects also make participating as a victim in a criminal case more challenging.

(f) Brain injury can affect a person's ability for self-regulation, planning, organization, judgment, reasoning, and problem solving - abilities commonly referred to as executive functions. Executive functions are essential to navigating service systems, which means that a person with a brain injury may have more difficulty accessing services and resources. For example, research in Colorado found that more severe intimate partner abuse was linked with worse executive function performance and, in turn, greater difficulty getting basic needs met, such as food and housing, a year later.

(g) A victim with impaired executive functions from brain injury often has difficulty accessing medical services because of inability or difficulty in thinking clearly;

(h) The number of violent crime victims who experience brain injuries as part of their victimization is inadequately understood. Unless victims of violent crimes receive timely screening, they are less likely to seek and receive proper treatment for brain injuries, the consequences of which can include greater risk of mental health and substance abuse disorders and suicidal ideation.

(2) Therefore, the general assembly declares that it is in the best interests of the state to increase awareness of brain injuries among criminal justice professionals and to expand screening for these types of injuries among victims of violent crimes. It is the intent of the general assembly to support research and planning necessary to create a pilot program, possibly followed by a statewide program, to identify victims of violent crime who have suffered brain injuries and to connect those victims with suitable and timely treatment and support.

SECTION 2. In Colorado Revised Statutes, **add** part 5 to article 4.1 of title 24 as follows:

PART 5
BRAIN INJURY SUPPORT FOR VICTIMS OF VIOLENT CRIMES
IN THE CRIMINAL JUSTICE SYSTEM

24-4.1-501. Definitions. AS USED IN THIS PART 5, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BRAIN INJURY" HAS THE SAME MEANING AS SET FORTH IN SECTION 26-1-301.

(2) "ENTITY" MEANS A STATE ORGANIZATION OR OTHER ORGANIZATION THAT WOULD CONTRACT WITH THE STATE TO RUN A PILOT PROGRAM, AS DESCRIBED IN SECTION 24-4.1-502.

(3) "OFFICE" MEANS THE OFFICE FOR VICTIMS PROGRAMS IN THE DIVISION OF

CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY.

(4) "PILOT PROGRAM" MEANS THE VICTIMS OF A VIOLENT CRIME BRAIN INJURY PILOT PROGRAM DESCRIBED IN SECTION 24-4.1-502.

(5) "TASK FORCE" MEANS THE VICTIMS OF A VIOLENT CRIME BRAIN INJURY TASK FORCE CREATED IN SECTION 24-4.1-502.

(6) "VICTIM OF A VIOLENT CRIME" OR "VICTIM" MEANS A PERSON WHO WAS THE VICTIM OF A CRIME IN WHICH PHYSICAL FORCE WAS USED AGAINST THAT PERSON. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THIS DEFINITION OF THE TERM "VICTIM OF A VIOLENT CRIME" OR "VICTIM" ONLY APPLIES TO THIS PART 5 AND DOES NOT APPLY TO ANY OTHER PROVISION OF THE LAWS OF THE STATE OF COLORADO THAT REFER TO THE TERM "VICTIM OF A VIOLENT CRIME" OR "VICTIM".

24-4.1-502. Victims of a violent crime brain injury task force - established - duties - membership - report - repeal. (1) ON OR BEFORE AUGUST 1, 2022, THE OFFICE FOR VICTIMS PROGRAMS SHALL ESTABLISH THE VICTIMS OF A VIOLENT CRIME BRAIN INJURY TASK FORCE. THE PURPOSE OF THE TASK FORCE IS TO DEVELOP A PLAN FOR THE CREATION AND IMPLEMENTATION OF A PILOT PROGRAM FOR IDENTIFICATION, SCREENING, SUPPORT, AND SERVICES OF VICTIMS OF VIOLENT CRIMES FOR BRAIN INJURY AND PROVIDING THOSE WHO SCREEN POSITIVE THE APPROPRIATE SUPPORT AND SERVICES. AT A MINIMUM, THE PLAN MUST INCLUDE:

(a) IDENTIFICATION OF THE TYPE OF ENTITY OR ENTITIES BEST SUITED TO CONDUCT A PILOT PROGRAM;

(b) A PROCESS FOR SELECTING THE ENTITY OR ENTITIES THAT WOULD RUN A PILOT PROGRAM;

(c) IDENTIFICATION OF THE STAFF POSITION OR POSITIONS IN THE ENTITY THAT ULTIMATELY PARTICIPATES IN A PILOT PROGRAM THAT WILL BE RESPONSIBLE FOR IDENTIFYING VICTIMS WITH POSSIBLE BRAIN INJURIES, AND THE TRAINING REQUIREMENTS FOR SUCH POSITIONS;

(d) PROCEDURES FOR IDENTIFYING AND SCREENING INDIVIDUAL VICTIMS FOR POSSIBLE BRAIN INJURIES;

(e) PROCEDURES FOR SCHEDULING OR REFERRING EACH VICTIM WHO SCREENS POSITIVE FOR BRAIN INJURIES FOR A NEUROPSYCHOLOGICAL ASSESSMENT;

(f) COLLECTION OF STATISTICAL INFORMATION, INCLUDING RATE OF BRAIN INJURY AMONG DIFFERENT POPULATION GROUPS, RATE OF CAUSES OF BRAIN INJURIES, AND OTHER STATISTICS AS DETERMINED BY THE TASK FORCE;

(g) EXPLANATION OF NECESSARY ACTIONS TO IMPLEMENT A PILOT PROGRAM, INCLUDING AN APPLICATION AND SELECTION PROCESS FOR THE FINAL PARTICIPATING ENTITY;

(h) GUIDELINES FOR SELECTING A CONTRACTOR IF THE DESIGN INCLUDES CONTRACT SERVICES;

(i) PROCEDURES FOR EVALUATING THE SUCCESS OF THE PILOT PROGRAM, ONCE ESTABLISHED;

(j) CRITERIA FOR DETERMINING IF THE PILOT PROGRAM, IF ESTABLISHED, SHOULD BE EXPANDED STATEWIDE; AND

(k) PROCEDURES FOR ESTABLISHING EDUCATION AND OUTREACH PROGRAMS.

(2) ON OR BEFORE AUGUST 1, 2022, THE OFFICE SHALL APPOINT THE FOLLOWING PERSONS TO SERVE ON THE TASK FORCE:

(a) A REPRESENTATIVE FROM THE OFFICE;

(b) A REPRESENTATIVE FROM AN ENTITY THAT HAS EXPRESSED AN INTEREST IN PARTICIPATING IN A PILOT PROGRAM;

(c) A PERSON WHO REPRESENTS A STATEWIDE ORGANIZATION REPRESENTING DISTRICT ATTORNEYS, TO BE DESIGNATED BY THE COLORADO DISTRICT ATTORNEYS' COUNCIL;

(d) A PERSON WHO REPRESENTS A LEGAL ADVOCACY GROUP;

(e) A PERSON WHO REPRESENTS AN ADVOCACY GROUP FOR VICTIMS OF VIOLENT CRIME;

(f) A PERSON WHO REPRESENTS VICTIM ADVOCATES IN LAW ENFORCEMENT OR THE CRIMINAL JUSTICE SYSTEM;

(g) A PERSON WHO REPRESENTS COMMUNITY-BASED VICTIM ADVOCATES;

(h) A PERSON WHO REPRESENTS THE BRAIN INJURY TRAUMA UNIT OF A MEDICAL FACILITY;

(i) A PERSON WHO IS A REGISTERED FORENSIC NURSE EXAMINER IN COLORADO;

(j) TWO VICTIMS WHO HAVE EXPERIENCED BRAIN INJURIES AS A RESULT OF A VIOLENT CRIME;

(k) TWO RESEARCH PROFESSIONALS WHO WORK IN AREAS THAT INCLUDE BRAIN INJURY;

(l) A PERSON WHO REPRESENTS A STATEWIDE ORGANIZATION REPRESENTING CHIEFS OF POLICE;

(m) A PERSON WHO REPRESENTS A STATEWIDE ORGANIZATION REPRESENTING COUNTY SHERIFFS;

(n) A REPRESENTATIVE FROM THE DEPARTMENT OF HUMAN SERVICES; AND

(o) A PERSON WHO REPRESENTS AN ORGANIZATION SPECIALIZING IN DELIVERING BRAIN INJURY SERVICES.

(3) IN SELECTING MEMBERS OF THE TASK FORCE, PREFERENCE MUST BE GIVEN TO PERSONS WHO HAVE SERVED ON THE BRAIN INJURY SUPPORT IN THE CRIMINAL JUSTICE SYSTEM TASK FORCE, CREATED IN SECTION 26-1-312.

(4) THE MEMBERS OF THE TASK FORCE SHALL SERVE ON A VOLUNTARY BASIS WITHOUT COMPENSATION, BUT ARE ENTITLED TO COMPENSATION FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THE TASK FORCE MEMBER'S DUTIES.

(5) ON OR BEFORE JANUARY 1, 2023, THE TASK FORCE SHALL COMPLETE ITS FINAL PLAN AND SUBMIT IT TO THE JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, AND THE PUBLIC HEALTH AND HUMAN SERVICES AND BEHAVIORAL HEALTH COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

(6) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2026.

SECTION 3. Appropriation. For the 2022-23 state fiscal year, \$65,000 is appropriated to the department of public safety for use by the division of criminal justice. This appropriation is from the general fund. To implement this act, the department may use this appropriation for DCJ administrative services.

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 31, 2022