

CHAPTER 138

**CHILDREN AND DOMESTIC MATTERS**

**HOUSE BILL 07-1181**

BY REPRESENTATIVE(S) Pommer, Borodkin, Buescher, Carroll M., Casso, Gagliardi, Jahn, Kerr A., King, Labuda, Madden, Merrifield, Romanoff, Sonnenberg, Stafford, and Stephens; also SENATOR(S) Williams, Boyd, and Groff.

**AN ACT**

**CONCERNING THE CHILD ABUSE INVESTIGATION SURCHARGE FUND.**

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

**SECTION 1.** 18-24-103 (2), Colorado Revised Statutes, is amended to read:

**18-24-103. Collection and distribution of funds - child abuse investigation surcharge fund - creation.** (2) (a) There is hereby created in the state treasury the child abuse investigation surcharge fund that shall consist of moneys received by the state treasurer pursuant to this section. The moneys in the fund shall be subject to annual appropriation by the general assembly to the division of criminal justice in the department of public safety for ~~the purpose of supporting training and enhanced services in~~ DISTRIBUTION TO THE STATE CHAPTER OF A NONPROFIT OR NOT-FOR-PROFIT ORGANIZATION THAT COORDINATES programs that ~~coordinate~~ OFFER a multidisciplinary team response for child sexual abuse intervention in a child-friendly, child-appropriate ~~facility specifically including: Forensic~~ FACILITIES, REFERRED TO IN THIS SECTION AS THE "STATE CHAPTER".

(a.1) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY SHALL ESTABLISH GUIDELINES FOR THE DISTRIBUTION OF THE MONEYS FROM THE FUND, INCLUDING BUT NOT LIMITED TO:

(I) PROCEDURES FOR PROGRAMS TO USE IN APPLYING TO THE STATE CHAPTER FOR MONEYS FROM THE FUND;

(II) PROCEDURES FOR THE STATE CHAPTER TO USE IN REPORTING TO THE DIVISION PURSUANT TO PARAGRAPH (a.7) OF THIS SUBSECTION (2); AND

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(III) ACCOUNTABILITY AND PERFORMANCE STANDARDS FOR PROGRAMS THAT RECEIVE MONEYS FROM THE FUND.

(a.3) THE STATE CHAPTER MAY USE A PORTION OF THE MONEYS THAT IT RECEIVES PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) FOR TRAINING AND TECHNICAL ASSISTANCE TO FACILITATE THE COORDINATION OF PROGRAMS THAT OFFER A MULTIDISCIPLINARY TEAM RESPONSE FOR CHILD SEXUAL ABUSE INTERVENTION IN CHILD-FRIENDLY, CHILD-APPROPRIATE FACILITIES. THE STATE CHAPTER SHALL DISTRIBUTE THE REMAINDER OF THE MONEYS DIRECTLY TO THE PROGRAMS.

(a.5) EACH PROGRAM THAT RECEIVES MONEYS FROM THE FUND SHALL:

(I) INCLUDE IN THE SERVICES PROVIDED FORENSIC interviews, therapeutic intervention, medical evaluations, victim advocacy, case tracking, and case review;

(II) ~~In order to receive said funds, programs must provide all of the aforementioned services and~~ Have a signed interagency agreement and protocol with THE law enforcement agencies, the district attorney's office, AND the county department of social services ~~and the county department of human services~~ in the jurisdiction where the program is operating;

(III) ~~The programs must~~ Meet the national performance standards of a national accrediting body THAT REQUIRES PROGRAMS TO SATISFY THE CRITERIA DESCRIBED IN SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (a.5); AND

(IV) SATISFY THE ACCOUNTABILITY AND PERFORMANCE STANDARDS ESTABLISHED BY THE DIVISION PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (a.1) OF THIS SUBSECTION (2).

(a.7) THE STATE CHAPTER SHALL REPORT TO THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY ON A REGULAR BASIS TO BE SPECIFIED BY THE DIVISION OF CRIMINAL JUSTICE. THE REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(I) A LIST OF ALL PROGRAMS THAT RECEIVED MONEYS FROM THE FUND IN THE PRECEDING FISCAL YEAR;

(II) A DESCRIPTION OF HOW EACH PROGRAM THAT RECEIVED MONEYS FROM THE FUND IN THE PRECEDING FISCAL YEAR USED THOSE MONEYS;

(III) DOCUMENTATION DEMONSTRATING THAT EACH PROGRAM THAT RECEIVED MONEYS FROM THE FUND IN THE PRECEDING FISCAL YEAR SATISFIED ALL OF THE CRITERIA SPECIFIED IN PARAGRAPH (a.5) OF THIS SUBSECTION (2); AND

(IV) DOCUMENTATION DEMONSTRATING THAT EACH PROGRAM THAT RECEIVED MONEYS FROM THE FUND IN THE PRECEDING FISCAL YEAR SATISFIED ALL OF THE ACCOUNTABILITY AND PERFORMANCE STANDARDS ESTABLISHED BY THE DIVISION PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (a.1) OF THIS SUBSECTION (2).

(b) The division of criminal justice shall not expend any ~~fund~~ MONEYS until the

fund has enough money to pay the expenses necessary to administer the fund. ~~Funds may be distributed through the state chapter of the multidisciplinary programs.~~

(c) All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any moneys not appropriated by the general assembly shall remain in the fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 16, 2007