

CHAPTER 215

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 13-1163

BY REPRESENTATIVE(S) Kagan, Ferrandino, Buckner, Court, Exum, Fields, Foote, Ginal, Hamner, Lebsock, Lee, May, Melton, Mitsch Bush, Pabon, Pettersen, Primavera, Priola, Rosenthal, Ryden, Salazar, Schafer, Singer, Vigil, Williams, Young; also SENATOR(S) Aguilar, Carroll, Giron, Guzman, Heath, Kefalas, Kerr, Newell, Schwartz, Todd, Ulibarri, Morse.

AN ACT

CONCERNING PAYMENT FOR MEDICAL COSTS ASSOCIATED WITH OBTAINING A MEDICAL FORENSIC EXAMINATION FOR VICTIMS OF SEXUAL OFFENSES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 18-3-401, **add** (2.4) as follows:

18-3-401. Definitions. As used in this part 4, unless the context otherwise requires:

(2.4) "MEDICAL-REPORTING VICTIM" MEANS A VICTIM WHO SEEKS MEDICAL TREATMENT SERVICES FOLLOWING A SEXUAL ASSAULT BUT WHO ELECTS NOT TO PARTICIPATE IN THE CRIMINAL JUSTICE SYSTEM AT THE TIME THE VICTIM RECEIVES MEDICAL SERVICES.

SECTION 2. In Colorado Revised Statutes, 18-3-407.5, **amend** (1) as follows:

18-3-407.5. Victim evidence - forensic evidence - electronic lie detector exam without victim's consent prohibited. (1) A LAW ENFORCEMENT AGENCY WITH JURISDICTION OVER A SEXUAL ASSAULT MUST PAY FOR any direct cost associated with the collection of forensic evidence from the A victim ~~shall be paid by the referring or requesting law enforcement agency~~ WHO REPORTS THE ASSAULT TO THE LAW ENFORCEMENT AGENCY.

SECTION 3. In Colorado Revised Statutes, **add** 18-3-407.7 as follows:

18-3-407.7. Sexual assault victim emergency payment program - creation -

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

eligibility. (1) THERE IS HEREBY CREATED THE SEXUAL ASSAULT VICTIM EMERGENCY PAYMENT PROGRAM, REFERRED TO IN THIS SECTION AS THE "PROGRAM", IN THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY. THE PURPOSE OF THE PROGRAM IS TO ASSIST MEDICAL-REPORTING VICTIMS OF SEXUAL ASSAULT WITH MEDICAL EXPENSES ASSOCIATED WITH A SEXUAL ASSAULT THAT ARE NOT OTHERWISE COVERED PURSUANT TO SECTION 18-3-407.5 OR ANY OTHER VICTIM COMPENSATION PROGRAM.

(2) (a) A MEDICAL-REPORTING VICTIM MUST REQUEST AND RECEIVE A MEDICAL FORENSIC EXAMINATION TO BE ELIGIBLE TO HAVE MEDICAL COSTS AND FEES COVERED THROUGH THE PROGRAM. THE DIVISION OF CRIMINAL JUSTICE SHALL DEVELOP A POLICY FOR ADMINISTERING THE PROGRAM. THE POLICY MUST INCLUDE A REQUIREMENT TO ESTABLISH A CAP FOR THE AMOUNT PAYABLE PER VICTIM BASED ON ACTUAL AND REASONABLE COSTS AND AVAILABLE FUNDS, BUT THE MINIMUM CAP MUST NOT BE LESS THAN ONE THOUSAND DOLLARS. THE PROGRAM MUST COVER MEDICAL FEES AND COSTS ASSOCIATED WITH OBTAINING THE MEDICAL FORENSIC EXAMINATION, INCLUDING BUT NOT LIMITED TO EMERGENCY DEPARTMENT FEES AND COSTS, LABORATORY FEES, PRESCRIPTION MEDICATION, AND PHYSICIAN'S FEES, AS LONG AS FUNDS ARE AVAILABLE. THE PROGRAM MAY ALSO COVER MEDICAL FEES AND COSTS FOR INJURIES DIRECTLY RELATED TO THE SEXUAL ASSAULT. THE PROGRAM MAY ALSO PAY FOR ANY UNCOVERED DIRECT COSTS OF THE MEDICAL FORENSIC EXAMINATION FOR A MEDICAL-REPORTING VICTIM. THE TOTAL AMOUNT PAID FOR ALL EXPENSES MUST NOT EXCEED THE ANNUAL CAP ESTABLISHED BY THE DIVISION OF CRIMINAL JUSTICE.

(b) THE PROGRAM SHALL BE THE PAYOR OF LAST RESORT.

(c) A HOSPITAL SHALL LIMIT THE AMOUNTS CHARGED FOR EMERGENCY OR ASSOCIATED FEES AND COSTS ELIGIBLE FOR PAYMENT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) TO NOT MORE THAN THE LOWEST NEGOTIATED RATE FROM A PRIVATE HEALTH PLAN.

(3) THE DIVISION OF CRIMINAL JUSTICE MAY WAIVE ANY REQUIREMENT SET FORTH IN THIS SECTION FOR GOOD CAUSE SHOWN OR IN THE INTERESTS OF JUSTICE, IF IT IS SO REQUIRED.

SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public safety, for the fiscal year beginning July 1, 2013, the sum of \$167,067 and 0.2 FTE, or so much thereof as may be necessary, for allocation to the division of criminal justice, for victim assistance, for the sexual assault victim emergency payment program created by this act.

SECTION 5. 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: May 13, 2013