

CHAPTER 108

CRIMINAL LAW AND PROCEDURE

SENATE BILL 15-005

BY SENATOR(S) Cooke, Baumgardner, Crowder, Donovan, Grantham, Guzman, Heath, Holbert, Johnston, Jones, Kefalas, Kerr, Lambert, Martinez Humenik, Merrifield, Neville T., Newell, Roberts, Scheffel, Sonnenberg, Steadman, Todd, Woods, Cadman; also REPRESENTATIVE(S) Foote, Becker K., Duran, Fields, Garnett, Kagan, Lee, Mitsch Bush, Moreno, Pabon, Pettersen, Primavera, Priola, Rosenthal, Tyler, Young.

AN ACT**CONCERNING MEDICAL TESTING IN CERTAIN FIRST DEGREE ASSAULT CASES.**

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

SECTION 1. In Colorado Revised Statutes, 18-3-202, **add** (3) as follows:

18-3-202. Assault in the first degree - definitions. (3) (a) THE COURT SHALL ORDER ANY ADULT OR JUVENILE WHO IS BOUND OVER FOR TRIAL FOR AN OFFENSE DESCRIBED IN SUBSECTION (1) OF THIS SECTION SUBSEQUENT TO A PRELIMINARY HEARING OR AFTER HAVING WAIVED THE RIGHT TO A PRELIMINARY HEARING, OR ANY PERSON WHO IS INDICTED FOR OR IS CONVICTED OF ANY SUCH OFFENSE, TO SUBMIT TO A MEDICAL TEST FOR COMMUNICABLE DISEASES AND TO SUPPLY BLOOD, FECES, URINE, SALIVA, OR OTHER BODILY FLUID REQUIRED FOR THE TEST IF THE PERSON'S BLOOD, SEMINAL FLUID, URINE, FECES, SALIVA, MUCUS, OR VOMIT CAME INTO CONTACT WITH ANY VICTIM OF THE ASSAULT, PEACE OFFICER, FIREFIGHTER, EMERGENCY MEDICAL CARE PROVIDER, OR EMERGENCY MEDICAL SERVICE PROVIDER. WITHIN TEN DAYS AFTER RECEIPT OF THE MEDICAL TEST RESULTS, THE DEFENDANT SHALL REPORT THE RESULTS TO THE COURT OR THE COURT'S DESIGNEE, WHO SHALL THEN DISCLOSE THE RESULTS TO ANY VICTIM, PEACE OFFICER, FIREFIGHTER, EMERGENCY MEDICAL CARE PROVIDER, OR EMERGENCY MEDICAL SERVICE PROVIDER WHO CAME INTO CONTACT WITH THE SUBSTANCE AND REQUESTS SUCH DISCLOSURE. REVIEW AND DISCLOSURE OF MEDICAL TEST RESULTS BY THE COURT MUST BE CLOSED AND CONFIDENTIAL, AND ANY TRANSACTION RECORDS RELATING THERETO ARE ALSO CLOSED AND CONFIDENTIAL. IF A PERSON SUBJECT TO A MEDICAL TEST FOR COMMUNICABLE DISEASES PURSUANT TO THIS PARAGRAPH (a) VOLUNTARILY SUBMITS TO A MEDICAL TEST FOR COMMUNICABLE DISEASES, THE FACT OF SUCH PERSON'S VOLUNTARY SUBMISSION IS ADMISSIBLE IN MITIGATION OF

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

SENTENCE IF THE PERSON IS CONVICTED OF THE CHARGED OFFENSE.

(b) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, THE COURT MAY ORDER ANY PERSON WHO IS CONVICTED OF THE OFFENSE DESCRIBED IN SUBSECTION (1) OF THIS SECTION TO MEET ALL OR ANY PORTION OF THE FINANCIAL OBLIGATIONS OF MEDICAL TESTS PERFORMED ON AND TREATMENT PRESCRIBED FOR THE VICTIM, PEACE OFFICER, FIREFIGHTER, EMERGENCY MEDICAL CARE PROVIDER, OR EMERGENCY MEDICAL SERVICE PROVIDER.

(c) ANY PERSON WHO RECEIVES THE RESULTS OF A MEDICAL TEST PURSUANT TO THIS SECTION SHALL NOT PUBLICLY DISCLOSE THE RESULTS.

(d) AS USED IN THIS SUBSECTION (3), UNLESS THE CONTEXT OTHERWISE REQUIRES, "EMERGENCY MEDICAL CARE PROVIDER" MEANS A DOCTOR, INTERN, NURSE, NURSE'S AID, PHYSICIAN'S ASSISTANT, AMBULANCE ATTENDANT OR OPERATOR, AIR AMBULANCE PILOT, PARAMEDIC, OR ANY OTHER MEMBER OF A HOSPITAL OR HEALTH CARE FACILITY STAFF OR SECURITY FORCE WHO IS INVOLVED IN PROVIDING EMERGENCY MEDICAL CARE AT A HOSPITAL OR HEALTH CARE FACILITY, OR IN AN AIR AMBULANCE OR AMBULANCE AS DEFINED IN SECTION 25-3.5-103 (1) AND (1.5), C.R.S.

SECTION 2. Effective date - applicability. This act takes effect July 1, 2015, and applies to offenses committed on or after said date.

SECTION 3. 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, 2015