

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0134.01 Jane Ritter x4342

HOUSE BILL 13-1163

HOUSE SPONSORSHIP

Kagan, Ferrandino

SENATE SPONSORSHIP

Aguilar,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PAYMENT FOR MEDICAL COSTS ASSOCIATED WITH**
102 **OBTAINING A MEDICAL FORENSIC EXAMINATION FOR VICTIMS OF**
103 **SEXUAL OFFENSES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The sexual assault victim emergency payment program (program) is created in the division of criminal justice (division) within the department of public safety. The purpose of the program is to help victims of sexual assault who need additional time to determine if they want to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

participate with the criminal justice system to pay for medical costs and fees associated with obtaining a medical forensic examination, which ensures that evidence of the assault is preserved regardless of whether the criminal justice system is engaged at the time of the assault and examination. The program is the payor of last resort. The division shall determine an annual cap on payment amount per victim based on actual and reasonable costs and available funds. Priority for the program must be to pay for indirect medical costs and fees incurred as the result of obtaining medical forensic examinations following a sexual assault for medical-reporting victims. Such indirect medical costs and fees may include, but are not limited to, emergency department fees and costs, laboratory fees, prescription medication, and physician's fees. The program may also pay for any uncovered direct costs of the medical forensic examination for a medical-reporting victim.

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

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

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

6 (2.4) "MEDICAL-REPORTING VICTIM" MEANS A VICTIM WHO SEEKS
7 MEDICAL TREATMENT SERVICES FOLLOWING A SEXUAL ASSAULT BUT WHO
8 ELECTS NOT TO PARTICIPATE IN THE CRIMINAL JUSTICE SYSTEM AT THE
9 TIME THE VICTIM RECEIVES MEDICAL SERVICES.

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

12 **18-3-407.5. Victim evidence - forensic evidence - electronic lie**
13 **detector exam without victim's consent prohibited.** (1) A LAW
14 ENFORCEMENT AGENCY WITH JURISDICTION OVER A SEXUAL ASSAULT
15 MUST PAY FOR any direct cost associated with the collection of forensic
16 evidence from ~~the~~ A victim ~~shall be paid by the referring or requesting~~
17 ~~law enforcement agency~~ WHO REPORTS THE ASSAULT TO THE LAW

1 ENFORCEMENT AGENCY.

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

4 **18-3-407.7. Sexual assault victim emergency payment program**
5 **- creation - eligibility.** (1) THERE IS HEREBY CREATED THE SEXUAL
6 ASSAULT VICTIM EMERGENCY PAYMENT PROGRAM, REFERRED TO IN THIS
7 SECTION AS THE "PROGRAM", IN THE DIVISION OF CRIMINAL JUSTICE IN THE
8 DEPARTMENT OF PUBLIC SAFETY. THE PURPOSE OF THE PROGRAM IS TO
9 ASSIST MEDICAL-REPORTING VICTIMS OF SEXUAL ASSAULT WITH MEDICAL
10 EXPENSES ASSOCIATED WITH A SEXUAL ASSAULT THAT ARE NOT
11 OTHERWISE COVERED PURSUANT TO SECTION 18-3-407.5 OR ANY OTHER
12 VICTIM COMPENSATION PROGRAM.

13 (2) (a) A MEDICAL-REPORTING VICTIM MUST REQUEST AND
14 RECEIVE A MEDICAL FORENSIC EXAMINATION TO BE ELIGIBLE TO HAVE
15 MEDICAL COSTS AND FEES COVERED THROUGH THE PROGRAM. THE
16 DIVISION OF CRIMINAL JUSTICE SHALL DEVELOP A POLICY FOR
17 ADMINISTERING THE PROGRAM. THE POLICY MUST INCLUDE A
18 REQUIREMENT TO ESTABLISH A CAP FOR THE AMOUNT PAYABLE PER VICTIM
19 BASED ON ACTUAL AND REASONABLE COSTS AND AVAILABLE FUNDS, BUT
20 THE MINIMUM CAP MUST NOT BE LESS THAN ONE THOUSAND DOLLARS. THE
21 PROGRAM MUST COVER MEDICAL FEES AND COSTS ASSOCIATED WITH
22 OBTAINING THE MEDICAL FORENSIC EXAMINATION, INCLUDING BUT NOT
23 LIMITED TO EMERGENCY DEPARTMENT FEES AND COSTS, LABORATORY
24 FEES, PRESCRIPTION MEDICATION, AND PHYSICIAN'S FEES, AS LONG AS
25 FUNDS ARE AVAILABLE. THE PROGRAM MAY ALSO COVER MEDICAL FEES
26 AND COSTS FOR INJURIES DIRECTLY RELATED TO THE SEXUAL ASSAULT.
27 THE PROGRAM MAY ALSO PAY FOR ANY UNCOVERED DIRECT COSTS OF THE

1 MEDICAL FORENSIC EXAMINATION FOR A MEDICAL-REPORTING VICTIM.
2 THE TOTAL AMOUNT PAID FOR ALL EXPENSES MUST NOT EXCEED THE
3 ANNUAL CAP ESTABLISHED BY THE DIVISION OF CRIMINAL JUSTICE.

4

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

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

10 (3) THE DIVISION OF CRIMINAL JUSTICE MAY WAIVE ANY
11 LIMITATION ON PAYMENT SET FORTH IN SUBSECTION (2) OF THIS SECTION
12 FOR GOOD CAUSE OR IN THE INTERESTS OF JUSTICE.

13 **SECTION 4. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.