

Colorado Legislative Council Staff Fiscal Note

**FINAL
FISCAL NOTE**

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|---------------------------------------|---|
| Drafting Number: LLS 15-0159 | Date: June 2, 2015 |
| Prime Sponsor(s): Sen. Carroll | Bill Status: Signed into Law |
| Rep. Landgraf; Primavera | Fiscal Analyst: Kerry White (303-866-3469) |

BILL TOPIC: MEDICAL REPORTS OF ALLEGED SEXUAL ASSAULTS

| Fiscal Impact Summary* | FY 2015-2016 | FY 2016-2017 |
|--------------------------------------|---------------------|---------------------|
| State Revenue | | |
| State Expenditures | | |
| FTE Position Change | | |
| Appropriation Required: None. | | |

** This summary shows changes from current law under the bill for each fiscal year.*

Summary of Legislation

This bill adds nurses to the list of personnel in a medical facility required to report to law enforcement when a victim of sexual assault consents to collection of forensic medical evidence (evidence). The bill clarifies the types of reports that are required under specific circumstances and specifies that when an anonymous report is made, the medical facility may not provide information identifying the victim and that law enforcement shall not submit the evidence for testing. Under the bill, a victim may speak anonymously to law enforcement and no report is required if evidence is not collected.

Background

House Bill 13-1020 set forth new requirements concerning the collection and treatment of evidence of alleged sexual assault. That bill required the Department of Public Safety (DPS) to convene a group of stakeholders to develop rules on the standards and timing for submitting, analyzing, and comparing such evidence going forward. Rules also address who may give consent to release evidence, when it is required, and how it may be withdrawn.

According to the DPS rules, as of March 31, 2014, law enforcement agencies are required to submit evidence to the Colorado Bureau of Investigation (CBI) in the DPS or to an accredited crime laboratory within 21 days. Exceptions are provided for circumstances when the victim has not provided or has withdrawn consent, law enforcement has corroborating evidence that the alleged sexual assault never occurred, or the law enforcement entity is not the investigating agency and must forward the evidence to the appropriate agency of jurisdiction for submission as soon as possible. The appropriate accredited crime laboratory must strive to analyze and, when appropriate, upload the information into the CODIS (Combined DNA Index System) within six months of receiving the evidence and report the results of the analysis to the submitting agency.

Local Government Impact

Overall, this bill is anticipated to have minimal impact on local law enforcement agencies. The bill may increase workload by a minimal amount as a result of any increased reports made by nurses in a medical facility. Similarly, workload may decrease as a result of not having to take reports when no evidence is collected. The fiscal note assumes that clarifying that anonymous reports do not require testing will not result in a decrease in testing costs because state rules already specify that victim consent is required to submit evidence for testing.

Effective Date

The bill was signed into law by the Governor and took effect on March 30, 2015.

State and Local Government Contacts

Corrections
Human Services
Sheriffs

Counties
Municipalities

Higher Education
Public Safety