

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 15-0331.01 Jerry Barry x4341

HOUSE BILL 15-1220

HOUSE SPONSORSHIP

Danielson and Ryden, Landgraf

SENATE SPONSORSHIP

Cooke,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING RESPONSE TO SEXUAL ASSAULT ON CAMPUSES OF**
102 **COLORADO'S INSTITUTIONS OF HIGHER EDUCATION.**

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 bill requires all public institutions of higher education and private institutions of higher education that enter into a performance contract with the state (institutions) to enter into at least one memorandum of understanding with a nearby medical facility or other facility that employs persons trained in sexual assault patient care and sexual assault forensic evidence collection. Additionally, the bill requires

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.

institutions to:

- ! Post information on the institution's web site concerning where a sexual assault medical forensic examination may be obtained; and
- ! Have a sexual assault training and response policy that includes training for staff, referral to victim advocates, and transportation or assistance in transportation to the facility.

The bill also establishes a grant program in the division of criminal justice in the department of public safety to increase the availability of sexual assault medical forensic examination programs in communities with an institution.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 23-5-143 as
3 follows:

4 **23-5-143. Sexual assault victim care - memorandum of**
5 **understanding - training - definitions.** (1) THE GENERAL ASSEMBLY
6 FINDS AND DECLARES:

7 (a) COLLEGE-AGED STUDENTS ARE AT A HIGH RISK OF BEING
8 VICTIMS OF SEXUAL ASSAULT;

9 (b) IT IS IMPORTANT FOR A VICTIM OF A SEXUAL ASSAULT TO
10 RECEIVE TIME-SENSITIVE MEDICAL CARE FOLLOWING THE ASSAULT
11 WHETHER OR NOT MEDICAL FORENSIC EVIDENCE IS COLLECTED;

12 (c) THE MEDICAL PROFESSIONALS BEST EQUIPPED TO PROVIDE THIS
13 CARE HAVE SPECIALIZED SEXUAL ASSAULT TRAINING, INCLUDING SEXUAL
14 ASSAULT NURSE EXAMINER TRAINING, SEXUAL ASSAULT FORENSIC
15 EXAMINER TRAINING, OR MEDICAL FORENSIC EXAM TRAINING;

16 (d) FEW, IF ANY, INSTITUTIONS OF HIGHER EDUCATION HAVE
17 MEDICAL PROFESSIONALS ON SITE WITH THE NECESSARY SPECIALIZED
18 TRAINING TO CARE FOR SEXUAL ASSAULT VICTIMS; AND

19 (e) INSTITUTIONS OF HIGHER EDUCATION SHOULD HAVE

1 PROCEDURES IN PLACE TO REFER AND TRANSPORT SEXUAL ASSAULT
2 VICTIMS TO NEARBY HOSPITALS OR CLINICS THAT HAVE MEDICAL
3 PROFESSIONALS SPECIFICALLY TRAINED TO CARE FOR THOSE VICTIMS.

4 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
5 REQUIRES:

6 (a) "MEDICAL FORENSIC EXAM PROGRAM" MEANS A HEALTHCARE
7 PROGRAM WITH LICENSED MEDICAL PROFESSIONALS, SUCH AS REGISTERED
8 NURSES, NURSE PRACTITIONERS, PHYSICIAN ASSISTANTS, OR PHYSICIANS,
9 WHO HAVE RECEIVED SOME SPECIALIZED TRAINING IN CONDUCTING
10 MEDICAL FORENSIC EXAMINATIONS OF ADULTS AND ADOLESCENTS
11 ACCORDING TO ESTABLISHED COLORADO PROTOCOLS BUT HAVE NOT
12 RECEIVED FORMAL SAFE OR SANE TRAINING. "MEDICAL FORENSIC EXAM
13 PROGRAMS" MAY BE BASED IN HOSPITALS, MEDICAL CLINICS, SAFE HOUSES,
14 CHILDREN'S ADVOCACY CENTERS, STAND-ALONE MEDICAL FORENSIC EXAM
15 CLINICS, PUBLIC HEALTH CLINICS, OR ANOTHER FACILITY WHERE
16 APPROPRIATE MEDICAL CARE IS PROVIDED TO SEXUAL ASSAULT VICTIMS.

17 (b) "SEXUAL ASSAULT FORENSIC EXAMINER" OR "SAFE" MEANS
18 A REGISTERED NURSE, PHYSICIAN ASSISTANT, OR PHYSICIAN WHO HAS
19 BEEN SPECIFICALLY TRAINED TO PROVIDE COMPREHENSIVE SEXUAL
20 ASSAULT CARE, INCLUDING EVIDENCE COLLECTION AND TESTIMONY,
21 PURSUANT TO THE INTERNATIONAL ASSOCIATION OF FORENSIC NURSES'
22 FORENSIC NURSING EDUCATION GUIDELINES.

23 (c) "SEXUAL ASSAULT NURSE EXAMINER" OR "SANE" MEANS A
24 REGISTERED NURSE, INCLUDING AN ADVANCED PRACTICE NURSE, WHO HAS
25 BEEN SPECIFICALLY TRAINED TO PROVIDE COMPREHENSIVE SEXUAL
26 ASSAULT CARE, INCLUDING EVIDENCE COLLECTION AND TESTIMONY,
27 PURSUANT TO THE INTERNATIONAL ASSOCIATION OF FORENSIC NURSES'

1 FORENSIC NURSING EDUCATION GUIDELINES.

2 (d) "STATE-FUNDED INSTITUTION OF HIGHER EDUCATION" MEANS
3 A STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION
4 23-18-102, OR A PARTICIPATING PRIVATE INSTITUTION OF HIGHER
5 EDUCATION, AS DEFINED IN SECTION 23-18-102.

6 (3) WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE
7 DATE OF THIS SECTION, EACH STATE-FUNDED INSTITUTION OF HIGHER
8 EDUCATION SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING
9 WITH AT LEAST ONE NEARBY MEDICAL FACILITY OR OTHER FACILITY THAT
10 HAS SEXUAL ASSAULT NURSE EXAMINERS, SEXUAL ASSAULT FORENSIC
11 EXAMINERS, OR A MEDICAL FORENSIC EXAM PROGRAM. EACH
12 STATE-FUNDED INSTITUTION OF HIGHER EDUCATION SHALL RENEW OR
13 OBTAIN A NEW MEMORANDUM OF UNDERSTANDING WITHIN THREE YEARS
14 AFTER THE DATE OF EACH SUCH MEMORANDUM. EACH MEMORANDUM OF
15 UNDERSTANDING MUST INCLUDE PROVISIONS THAT THE STATE-FUNDED
16 INSTITUTION OF HIGHER EDUCATION SHALL REFER APPROPRIATE PATIENTS
17 TO THE MEDICAL FACILITY OR OTHER FACILITY FOR THE PURPOSES OF
18 PROVIDING CAMPUS SEXUAL ASSAULT VICTIMS MEDICAL CARE AND
19 EVIDENCE COLLECTION, IF THE VICTIM CHOOSES, AND ASSIST WITH OR
20 PROVIDE TRANSPORTATION TO THE FACILITY.

21 (4) EACH STATE-FUNDED INSTITUTION OF HIGHER EDUCATION
22 SHALL:

23 (a) PROVIDE EASILY AVAILABLE INFORMATION ON THE WEB SITE OF
24 THE STATE-FUNDED INSTITUTION OF HIGHER EDUCATION ON HOW TO
25 ACCESS A MEDICAL FORENSIC EXAMINATION FOLLOWING A SEXUAL
26 ASSAULT. THE INFORMATION MUST INFORM VICTIMS THAT HAVING A
27 MEDICAL FORENSIC EXAMINATION DOES NOT REQUIRE THEM, AT ANY TIME,

1 TO PARTICIPATE WITH A LAW ENFORCEMENT INVESTIGATION OR ANY
2 CRIMINAL JUSTICE RESPONSE.

3 (b) HAVE A SEXUAL ASSAULT TRAINING AND RESPONSE POLICY
4 THAT INCLUDES:

5 (I) A PLAN TO ENSURE THAT CAMPUS HEALTH CENTER STAFF IS
6 ABLE TO PROVIDE APPROPRIATE RESOURCES AND REFERRALS TO STUDENTS
7 REGARDING MEDICAL FORENSIC EXAMS AND SEXUAL ASSAULT CARE.
8 WITHIN ONE YEAR AFTER THE ENACTMENT OF THIS SECTION AND AT LEAST
9 EVERY TWO YEARS THEREAFTER, EACH STATE-FUNDED INSTITUTION OF
10 HIGHER EDUCATION SHALL CONTRACT WITH A SEXUAL ASSAULT NURSE
11 EXAMINER TO PROVIDE CAMPUS HEALTH CENTER STAFF WITH SEXUAL
12 ASSAULT RESPONSE TRAINING. SUCH TRAINING MUST BE FOR A MINIMUM
13 OF FOUR HOURS AND MUST ALSO INCLUDE CAMPUS, COMMUNITY, OR LAW
14 ENFORCEMENT ADVOCATES. AT A MINIMUM, TRAINING SHOULD INCLUDE
15 CONTENT IN THE FOLLOWING AREAS:

16 (A) TRAUMA RESPONSE;

17 (B) VICTIM DYNAMICS;

18 (C) SHORT-TERM AND LONG-TERM HEALTH IMPACT OF SEXUAL
19 ASSAULT;

20 (D) VICTIM COMPENSATION ELIGIBILITY AS DESCRIBED IN ARTICLE
21 4.1 OF TITLE 24, C.R.S.; AND

22 (E) SEXUAL ASSAULT VICTIM EMERGENCY PAYMENT PROGRAM
23 ELIGIBILITY AS DESCRIBED IN SECTION 18-3-407.7, C.R.S.

24 (II) A REFERRAL PLAN TO CONNECT A STUDENT WHO IS A VICTIM
25 TO THE APPROPRIATE VICTIM ADVOCATES. VICTIM ADVOCATES MAY BE
26 CAMPUS ADVOCATES, COMMUNITY-BASED ADVOCATES, OR VICTIM
27 ADVOCATES EMPLOYED BY A LAW ENFORCEMENT AGENCY WITH

1 JURISDICTION OVER THE CRIME.

2 (III) A TRANSPORTATION PLAN TO ASSIST WITH OR PROVIDE
3 TRANSPORT TO THE HOSPITAL, CLINIC, OR OTHER FACILITY PERFORMING
4 THE MEDICAL FORENSIC EXAMINATION OR SEXUAL ASSAULT-RELATED
5 MEDICAL CARE.

6 (5) THE GENERAL ASSEMBLY ENCOURAGES ALL OTHER
7 INSTITUTIONS OF HIGHER EDUCATION TO ENTER INTO A SIMILAR
8 MEMORANDUM OF UNDERSTANDING, TO POST INFORMATION ON THE
9 INSTITUTION'S WEB SITE, AND TO HAVE SEXUAL ASSAULT TRAINING AND
10 RESPONSE POLICIES.

11 **SECTION 2.** In Colorado Revised Statutes, **add** 24-33.5-517 as
12 follows:

13 **24-33.5-517. Sexual assault medical forensic examination**
14 **grant program - definitions - fund.** (1) AS USED IN THIS SECTION,
15 UNLESS THE CONTEXT OTHERWISE REQUIRES:

16 (a) "FUND" MEANS THE SEXUAL ASSAULT MEDICAL FORENSIC
17 EXAMINATION FUND ESTABLISHED PURSUANT TO SUBSECTION (3) OF THIS
18 SECTION.

19 (b) "GRANT PROGRAM" MEANS THE SEXUAL ASSAULT MEDICAL
20 FORENSIC EXAMINATION GRANT PROGRAM ESTABLISHED PURSUANT TO
21 SUBSECTION (2) OF THIS SECTION.

22 (c) "SEXUAL ASSAULT MEDICAL FORENSIC EXAMINATION
23 PROGRAM" MEANS A PROGRAM THAT PROVIDES MEDICAL CARE TO A
24 VICTIM OF A SEXUAL ASSAULT, INCLUDING THE ABILITY TO COLLECT
25 MEDICAL FORENSIC EVIDENCE FOLLOWING A SEXUAL ASSAULT THAT MAY
26 BE ADMISSIBLE IN COURT.

27 (2) (a) THERE IS CREATED WITHIN THE DIVISION THE SEXUAL

1 ASSAULT MEDICAL FORENSIC EXAMINATION GRANT PROGRAM TO MAKE
2 GRANTS TO PROGRAMS TO ESTABLISH, EXPAND, AND MAINTAIN THE
3 AVAILABILITY OF SEXUAL ASSAULT MEDICAL FORENSIC EXAMINATION
4 PROGRAMS, INCLUDING SEXUAL ASSAULT NURSE EXAMINER PROGRAMS,
5 SEXUAL ASSAULT FORENSIC EXAMINER PROGRAMS, AND MEDICAL
6 FORENSIC EXAM PROGRAMS, THAT PROVIDE SEXUAL ASSAULT MEDICAL
7 CARE OR TRAINING IN COMMUNITIES WHERE AN INSTITUTION OF HIGHER
8 EDUCATION IS LOCATED. THE DIVISION SHALL ADMINISTER THE GRANT
9 PROGRAM PURSUANT TO THIS SECTION. THE DIVISION SHALL MAKE GRANT
10 PAYMENTS FROM GENERAL FUND MONEYS APPROPRIATED TO THE DIVISION
11 BY THE GENERAL ASSEMBLY FOR THE PROGRAM AND MONEYS
12 APPROPRIATED FROM THE FUND.

13 (b) THE DIVISION IS NOT OBLIGATED TO START THE GRANT
14 PROGRAM UNTIL SUCH TIME AS SUFFICIENT MONEYS HAVE BEEN
15 APPROPRIATED TO THE DIVISION TO OPERATE THE PROGRAM. ONCE THE
16 GENERAL ASSEMBLY HAS APPROPRIATED SUFFICIENT MONEYS, THE
17 DIVISION SHALL:

18 (I) SOLICIT AND REVIEW APPLICATIONS FOR GRANTS FROM SEXUAL
19 ASSAULT MEDICAL FORENSIC EXAMINATION PROGRAMS;

20 (II) CONVENE A GROUP OF EXPERTS IN SEXUAL ASSAULT VICTIM
21 TREATMENT AND CARE, WHICH MAY INCLUDE MEMBERS OF EXISTING
22 BOARDS OR COMMISSIONS TO REVIEW APPLICATIONS AND MAKE
23 RECOMMENDATIONS FOR GRANTS; AND

24 (III) SELECT SEXUAL ASSAULT MEDICAL FORENSIC EXAMINATIONS
25 PROGRAMS TO RECEIVE GRANTS AND DETERMINE THE AMOUNT AND
26 DURATION OF EACH GRANT.

27 (3) (a) THERE IS CREATED IN THE STATE TREASURY THE SEXUAL

1 ASSAULT MEDICAL FORENSIC EXAMINATION FUND, CONSISTING OF ANY
2 MONEYS RECEIVED BY THE DIVISION FROM GIFTS, GRANTS, OR DONATIONS
3 FOR THE PROGRAM. THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL
4 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DIVISION FOR THE
5 DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS
6 SECTION.

7 (b) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND
8 NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW.
9 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
10 FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE
11 FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN
12 THE FUND AT THE END OF A FISCAL YEAR REMAIN IN THE FUND AND SHALL
13 NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER
14 FUND.

15 **SECTION 3. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.