

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

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

Education

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.

SENATE
2nd Reading Unamended
April 20, 2015

HOUSE
3rd Reading Unamended
March 24, 2015

HOUSE
Amended 2nd Reading
March 23, 2015

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) "INSTITUTION OF HIGHER EDUCATION" MEANS A STATE
7 INSTITUTION OF HIGHER EDUCATION AS DEFINED IN SECTION 23-18-102 OR
8 A PARTICIPATING PRIVATE INSTITUTION OF HIGHER EDUCATION AS DEFINED
9 IN SECTION 23-18-102.

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

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

27 (d) "SEXUAL ASSAULT NURSE EXAMINER" OR "SANE" MEANS A

1 REGISTERED NURSE, INCLUDING AN ADVANCED PRACTICE NURSE, WHO HAS
2 BEEN SPECIFICALLY TRAINED TO PROVIDE COMPREHENSIVE SEXUAL
3 ASSAULT CARE, INCLUDING EVIDENCE COLLECTION AND TESTIMONY,
4 PURSUANT TO THE INTERNATIONAL ASSOCIATION OF FORENSIC NURSES'
5 FORENSIC NURSING EDUCATION GUIDELINES.

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

22 (4) EACH INSTITUTION OF HIGHER EDUCATION SHALL:

23 (a) PROVIDE EASILY AVAILABLE INFORMATION ON THE WEB SITE OF
24 THE INSTITUTION OF HIGHER EDUCATION ON HOW TO ACCESS A MEDICAL
25 FORENSIC EXAMINATION FOLLOWING A SEXUAL ASSAULT. THE
26 INFORMATION MUST, AT A MINIMUM, INFORM VICTIMS OF THE MEDICAL
27 FACILITY WITH WHICH THE INSTITUTION HAS A MEMORANDUM OF

1 UNDERSTANDING OR FORMALIZED ARRANGEMENT; THE METHODS OF
2 TRANSPORTATION AVAILABLE TO GET TO THE FACILITY, INCLUDING PUBLIC
3 TRANSPORTATION OPTIONS; AND INFORM VICTIMS THAT HAVING A
4 MEDICAL FORENSIC EXAMINATION DOES NOT REQUIRE THEM, AT ANY TIME,
5 TO PARTICIPATE WITH A LAW ENFORCEMENT INVESTIGATION OR ANY
6 CRIMINAL JUSTICE RESPONSE.

7 (b) HAVE A SEXUAL ASSAULT TRAINING AND RESPONSE POLICY
8 THAT INCLUDES:

9 (I) A PLAN TO ENSURE THAT CAMPUS HEALTH CENTER STAFF IS
10 ABLE TO PROVIDE APPROPRIATE RESOURCES AND REFERRALS TO STUDENTS
11 REGARDING MEDICAL FORENSIC EXAMS AND SEXUAL ASSAULT CARE.

12 WITHIN ONE YEAR AFTER THE ENACTMENT OF THIS SECTION AND AT LEAST
13 EVERY TWO YEARS THEREAFTER, EACH INSTITUTION OF HIGHER
14 EDUCATION SHALL CONTRACT OR OTHERWISE ARRANGE WITH A SEXUAL
15 ASSAULT NURSE EXAMINER AND A TRAINED SEXUAL ASSAULT ADVOCATE
16 TO PROVIDE RELEVANT CAMPUS HEALTH CENTER STAFF WITH SEXUAL
17 ASSAULT RESPONSE TRAINING. SUCH TRAINING MUST INCLUDE CAMPUS,
18 COMMUNITY, OR LAW ENFORCEMENT ADVOCATES AS TRAINERS. AT A
19 MINIMUM, TRAINING SHOULD INCLUDE CONTENT IN THE FOLLOWING
20 AREAS:

21 (A) AN OVERVIEW OF MEDICAL FORENSIC EXAMS FOR THE PURPOSE
22 OF ENABLING CAMPUS HEALTH STAFF TO ANSWER A VICTIM'S QUESTIONS
23 ABOUT MEDICAL FORENSIC EXAMS;

24 (B) TRAUMA RESPONSE;

25 (C) VICTIM DYNAMICS;

26 (D) SHORT-TERM AND LONG-TERM HEALTH IMPACT OF SEXUAL
27 ASSAULT;

1 (E) VICTIM COMPENSATION ELIGIBILITY AS DESCRIBED IN ARTICLE
2 4.1 OF TITLE 24, C.R.S.; AND

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

5 (II) A REFERRAL PLAN TO CONNECT A STUDENT WHO IS A VICTIM
6 TO THE APPROPRIATE VICTIM ADVOCATES. CONFIDENTIAL VICTIM
7 ADVOCATES MAY BE CAMPUS ADVOCATES OR COMMUNITY-BASED
8 ADVOCATES. VICTIMS MAY ALSO BE REFERRED TO VICTIM ADVOCATES
9 EMPLOYED BY A LAW ENFORCEMENT AGENCY WITH JURISDICTION OVER
10 THE CRIME, IF APPROPRIATE.

11 (III) TRANSPORTATION INSTRUCTIONS TO INFORM ABOUT, ASSIST
12 WITH, OR PROVIDE TRANSPORT TO THE HOSPITAL, CLINIC, OR OTHER
13 FACILITY PERFORMING THE MEDICAL FORENSIC EXAMINATION OR SEXUAL
14 ASSAULT-RELATED MEDICAL CARE.

15 (5) THE GENERAL ASSEMBLY ENCOURAGES ALL OTHER
16 INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE TO ENTER INTO A
17 SIMILAR MEMORANDUM OF UNDERSTANDING OR FORMALIZED
18 ARRANGEMENT AS DESCRIBED IN THIS SECTION, TO POST INFORMATION ON
19 THE INSTITUTION'S WEB SITE, AND TO HAVE SEXUAL ASSAULT TRAINING
20 AND RESPONSE POLICIES.

21 **SECTION 2. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.