

# CCASA PUBLIC POLICY UPDATE

SPRING REGIONAL TRAININGS / MAY 2012

PRESENTED BY: CCASA STAFF



FREEDOM FROM SEXUAL VIOLENCE

# CCASA PUBLIC POLICY COMMITTEE



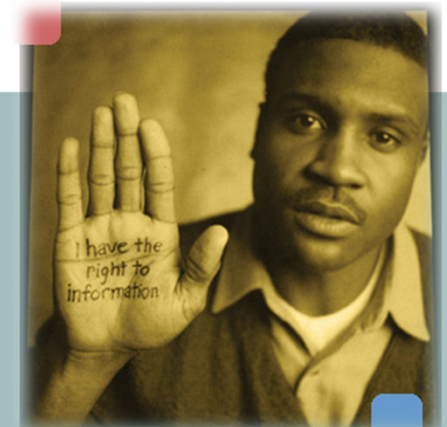
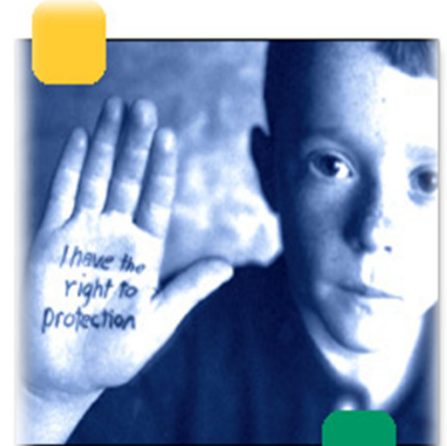
- ✓ Statewide!
- ✓ Accessible via conference call
- ✓ Typically meet the third Tuesday of every month
- ✓ No previous Public Policy experience necessary
- ✓ Committee Chair = Michelle Spradling; Vice Chair = Terri Livermore
- ✓ Contact Karen at [advocacy@ccasa.org](mailto:advocacy@ccasa.org) for more information!

# 2012 LEGISLATIVE SESSION

## Victim Rights Changes: House Bill 1053

Comprehensive Bill; Components include:

- Human trafficking to the crimes that are included in the victims' rights statute
- Reasonable efforts to redact social security numbers of victims and witnesses from criminal justice records
- Right to be notified of how to request protection of victim address
- Right to know if a subpoena is requested for records of the victim
- A victim who turns 18 years of age may request that he or she become a point of contact for victim notification, but the victim's designee may continue to receive notification as well, unless there are extenuating circumstances.



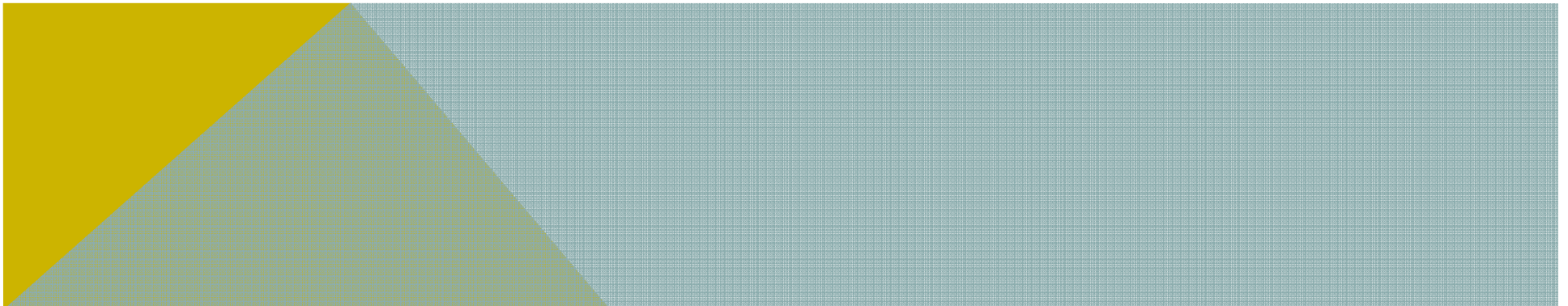
# STALKING MANDATORY ARREST PROTECTION ORDER: HOUSE BILL 1114

## ❖ “Vonnie’s Law”

- Before a defendant is released on bail, the court shall, in cases involving domestic violence or stalking, issue a protection order.
- Since current law already included mandatory protection order for domestic violence, this bill was applicable for non-intimate partner stalking.



*Are programs experiencing challenges with obtaining protection orders in sexual assault cases?*



## HUMAN TRAFFICKING & PROSTITUTION: HOUSE BILL 1151

- ❖ Oftentimes minor victims of commercial sexual exploitation enter the criminal justice system as “prostitutes”
- Creates opportunity for criminal justice records expungement for juveniles, records sealing for adults
- Mandatory posting of victim services information for escort bureaus and massage parlors
- Allows for seizure, confiscation, and forfeiture of buildings/items used in trafficking
- Victim may seek civil remedies





## EXCEPTION TO THE HEARSAY RULE: HOUSE BILL 1085

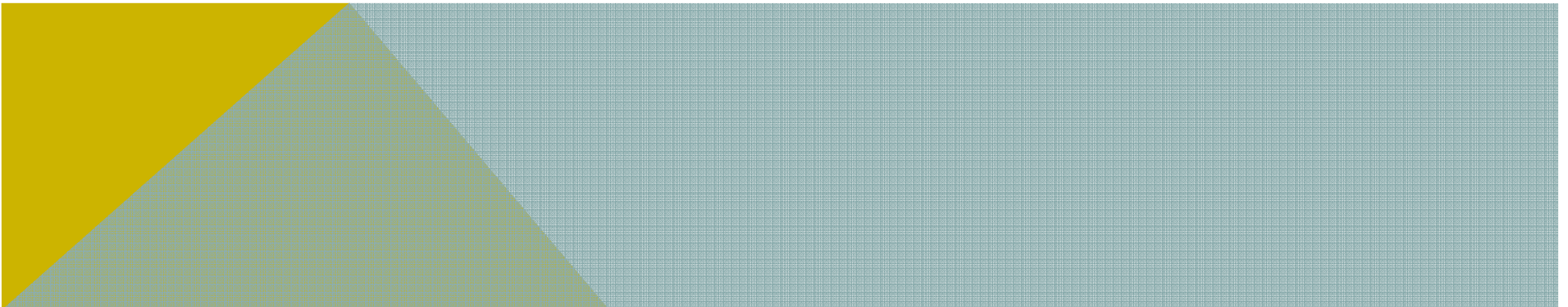
- ❖ An out-of-court statement made by a person with a developmental disability (regarding a sexual assault case) can be admissible in court.
- ❖ Designed to bolster chances of prosecutions of perpetrators who target this population.



*Rep. Rhonda Fields, Bill Sponsor  
and Recipient of CCASA's 2012  
Legislator of the Year Award!*

# OFFENDER ACCOUNTABILITY BILLS

- ❖ **Reduce Barriers to Employment Criminal Records: House Bill 1263**
  - State agencies and DORA must consider in hiring/licensing people with criminal records if (among other things) “the offense is a sex offense and licensure would permit the person to be employed in a position that has contact with vulnerable persons.”
  
- ❖ **Sex Offender Registration - No Fixed Residence: House Bill 1346**
  - Create a registration system for offenders who lack a fixed residence.
  
- ❖ **Collateral Consequences: Senate Bill 105**
  - In seeking relief from collateral consequences of a conviction, offenders cannot have the terms of parole/probation overridden by the court.



## DISCIPLINE IN PUBLIC SCHOOLS: SENATE BILL 46



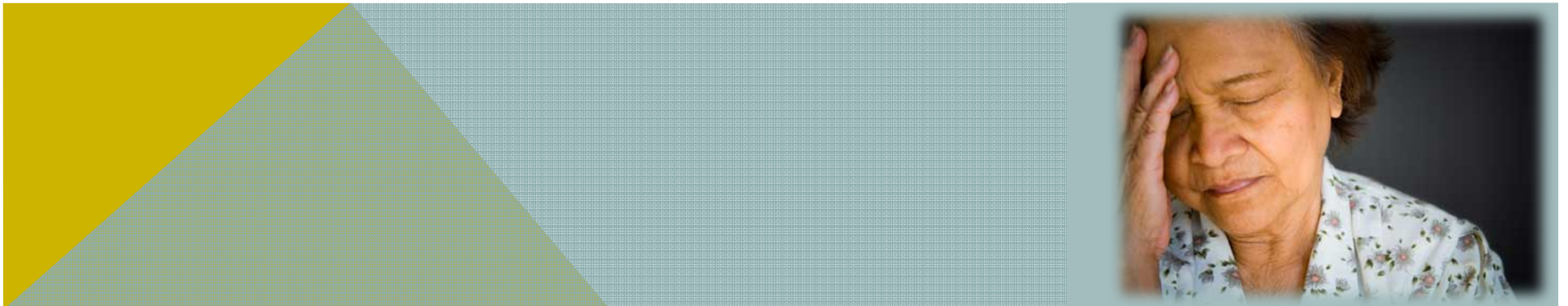
- ❖ An effort to reverse “zero tolerance”
  - Worked to ensure that restorative justice and victim/offender mediation are not used in school-based sexual assault, dating violence, and stalking cases
  - Added language to encourage schools to work with victim advocates, where available
  - Codified the need for policies to work in accordance with state/federal laws (mandatory reporting and Title IX)
  - Data collection component

\*This bill was added to a School Finance Bill in the Special Session and passed.



## PROTECTION FOR AT-RISK ADULTS: SENATE BILL 78

- ❖ Most states require mandatory reporting of abuse/neglect/exploitation of at-risk adults. Colorado currently does not. The bill would:
  - Require each county dept. protective services employee to complete a fingerprint-based criminal history records CBI check.
  - Create a task force to study the problem of mistreatment and exploitation of at-risk adults; and prepare recommendations to the legislature concerning how to **require** certain persons, on and after September 1, 2013, to report known or suspected mistreatment or exploitation of at-risk elderly adults.
  - CCASA worked to ensure that a victim advocate representative is included on the task force.



# FEDERAL POLICY

VAWA and the SAFER Act



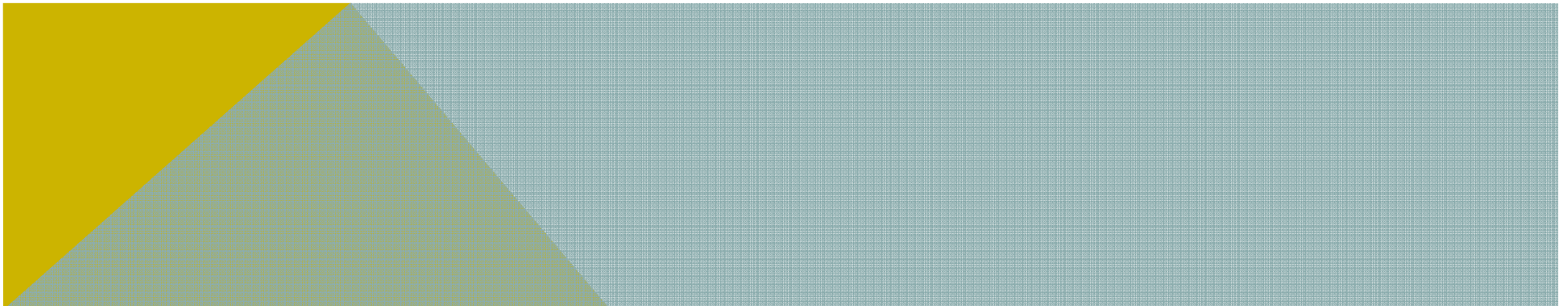
# RE-AUTHORIZATION OF VAWA

- ❖ Significant challenges with provisions to support survivors who are undocumented, LGBTQI, or Native American.
- ❖ Your voice matters more than ever!

Now is the time to start  
calling/emailing/scheduling  
meetings with  
Representatives!!



Please visit [www.4vawa.org](http://www.4vawa.org) for the latest updates!





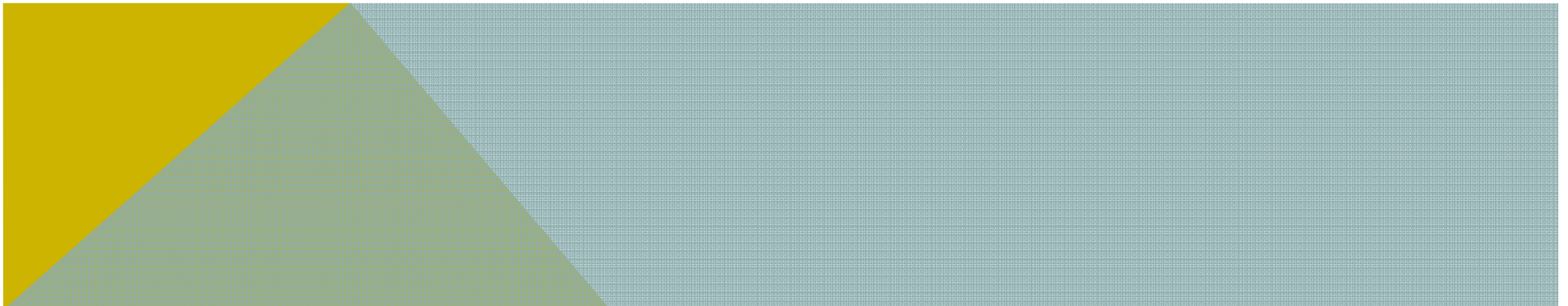
**OTHER PUBLIC POLICY  
EFFORTS**

DFS A MEDICAL REPORT ONLY

## DFSA PAYMENT POLICY: RECAP

- ❖ If the attending medical professional determines a DFSA test is warranted, but the victim has not yet decided to cooperate with a law enforcement investigation, the samples can be collected for testing and the Division of Criminal Justice, Office for Victims Programs will pay for the cost of testing.
- ❖ The CDPHE toxicology lab should bill DCJ directly.
- ❖ Law enforcement will NOT receive the test results without the permission of the victim.
- ❖ The victim can contact the CDPHE toxicology lab directly for test results.
- ❖ There may be ongoing advocacy needs/considerations in working with survivors who have experienced DFSA, but are not cooperating with law enforcement.

*For more information on the payment process, please contact Terri Livermore (Sexual Assault Response Project Coordinator at the Colorado Division of Criminal Justice) at [terri.livermore@cdps.state.co.us](mailto:terri.livermore@cdps.state.co.us).*



# THANK YOU!!!

EMAIL [ADVOCACY@CCASA.ORG](mailto:ADVOCACY@CCASA.ORG) FOR QUESTIONS!



**COLORADO  
COALITION**

**AGAINST**

**SEXUAL  
ASSAULT**

FREEDOM FROM  
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