

IMPACTS OF THE 2013 LEGISLATIVE SESSION

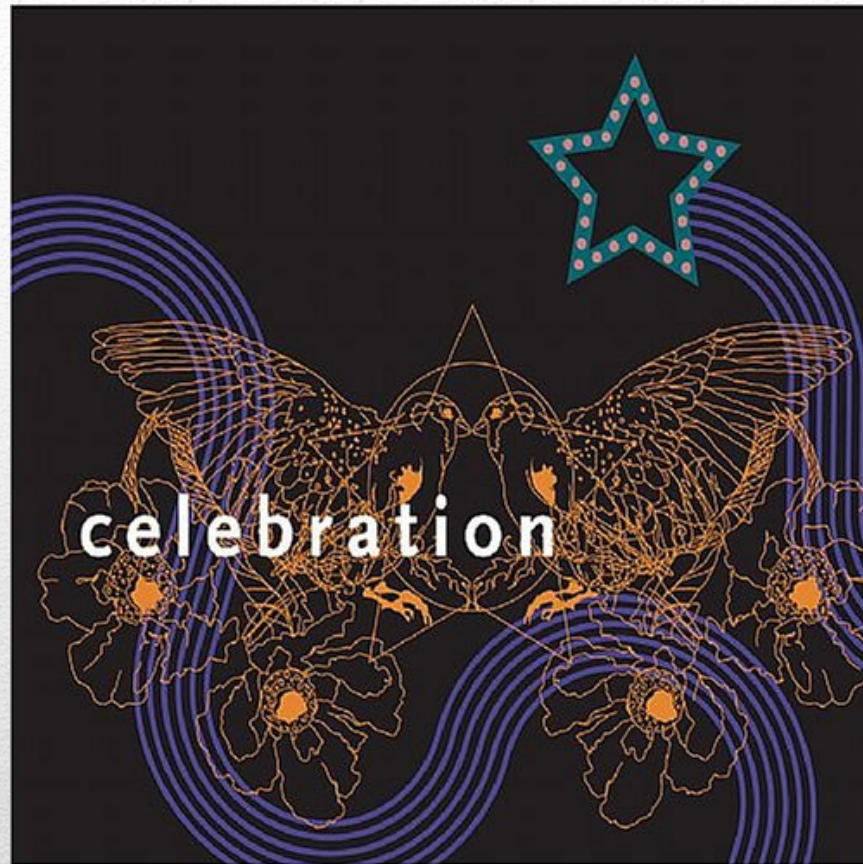


Karen Moldovan, CCASA Program
Manager

Michelle Spradling, Policy Committee
Chairperson

Terri Livermore, Policy Committee
Vice-Chair

The First Regular Session of the 69th General Assembly convened on January 9, 2013 and adjourns May 8, 2013.



TODAY is an exciting day!!



YOU ARE ENCOURAGED TO
READ ANY/ALL OF THESE
BILLS IN ENTIRETY AT:

www.leg.state.co.us



HB 1163: Sexual Assault Victim Emergency (SAVE) Payment Program

- ❖ The purpose of the program is to help victims of sexual assault who need additional time to determine if they want to 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 SAVE Program will be run by the DCJ, Office for Victims Programs.
- ❖ The program is the payor of last resort, but there is language in the bill to make exceptions. DCJ will 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.

HB 1163: Sexual Assault Victim Emergency (SAVE) Payment Program



HB 1259: Domestic Relations & Protection Orders



The bill elevates safety as a primary concern in domestic relations cases involving children when the court finds that one of the parents has committed domestic violence or child abuse.

❖ **The bill streamlines and strengthens the civil protection order statutes as follows:**

- Updates the definition of domestic abuse and defines and clarifies sexual assault/abuse provisions;
- Amends the law to address implementation issues, such as denial of orders for sexual assault/abuse;
- Clarifies that a finding of imminent danger is only a prerequisite to issuance of a temporary order and that the burden of proof is a preponderance of the evidence for issuance of a permanent order.

HB 1259: Domestic Relations & Protection Orders

❖ If a child was conceived as a result of an act that led to the parent's conviction for sexual assault or a conviction in which the underlying factual basis was sexual assault, the parent who is the victim of the sexual assault (victim) may file a petition in juvenile court to prevent future contact with the parent who committed the sexual assault and to terminate the parent-child legal relationship of that parent.

❖ A person whose parental rights are terminated under the bill has:


- No right to allocation of parental responsibilities for the child, including any right to parenting time or decision-making;
- No right to inheritance from the child; and
- No right to notice of, or standing to object to, the adoption of the child. A person whose parental rights are terminated is not relieved of any obligation to pay child support unless waived by the victim. In such cases, the court shall order the payments to be made through the child support registry or a court escrow to avoid the need for any contact between the parties. The victim shall be entitled, upon request, to a no-contact protection order issued against the person whose parental rights are terminated that prohibits the person from having any contact with either the victim or the child.

SB 227: Concerning Methods to Protect the Victim of a Sexual Assault in Cases Where a Child Was Conceived as a Result of the Sexual Assault

OUR WORK ISN'T OVER....

- ❖ The bill establishes a Task Force to study the best way to codify into law protections for victims whose cases do not result in a criminal conviction.
 - ❖ The Task Force will also make recommendations on the many policy issues intersecting with this issue.
 - ❖ Anticipate another bill in 2014.
-



- 
- The bill requires the Dept. of Public Safety to adopt rules concerning forensic medical evidence of a sexual assault collected by law enforcement agencies. The rules shall include:
 - A requirement that forensic evidence be collected at the request of the alleged victim;
 - Standards for when forensic evidence must be submitted by law enforcement agencies to the Colorado bureau of investigation or another accredited crime laboratory (laboratory);
 - Time frames for when the forensic evidence must be submitted, analyzed, and compared to DNA databases;
 - Standards for consent for the collection, testing, and release of results of forensic evidence;

HB 1020: Testing Evidence of Sexual Assault

- The bill requires law enforcement agencies and personnel at medical facilities performing forensic medical examinations to comply with the new rules within 90 days.
- A plan for testing the backlog of forensic evidence by the CBI and a date by which forensic evidence must be tested by other laboratories.

- To resolve the backlog of unanalyzed forensic evidence, the bill requires:
- Law enforcement agencies to submit to the Colorado bureau of investigation (CBI) an inventory of all unanalyzed forensic evidence in active investigations that meets the standard for mandatory submission; and
- The CBI to submit a plan to analyze all of the forensic evidence inventories by law enforcement agencies.

HB 1020: Testing Evidence of Sexual Assault

The bill authorizes the general assembly to appropriate, and directs the division of criminal justice in the department of public safety to distribute, moneys for a statewide victim information and notification system.



HB 1241: Concerning Notification of a Statewide Victim Information Notification System

Expungement of juvenile records essentially means they never existed. The bill would have allowed sex offenses committed by juveniles to be expunged in some situations.

Good News: Current law around records expungement for juveniles who have committed sex offenses/crimes of violence have not been changed. For reference: current law is found in CRS 19-1-306.

Bad News: We anticipate seeing continual efforts like this in legislative sessions to come.

HB 1082: Concerning Juvenile Delinquency Records

- A DA's office only has to comply with the provisions of the adult diversion program if it receives state money to initiate or operate the program.
- A defendant who is charged with DV or a SO is not eligible for the adult diversion program unless the person undergoes an evaluation and the DA decides based on the evaluation and other considerations that the person is appropriate for the program. The bill specifies that there are certain sex offenses are never appropriate for the adult diversion program.
- If the defendant successfully completes the diversion period, the court shall dismiss the charges against the defendant.
- If the defendant violates a condition of the diversion agreement, the prosecution may initiate revocation of diversion agreement proceedings.

HB 1156: Concerning Creation of an Adult Diversion Program

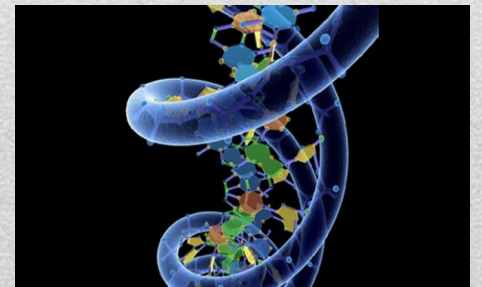
- The bill moves and adds language to the content standards for the instruction of comprehensive human sexuality education.
- The bill creates the comprehensive human sexuality education grant program in CDPHE.
- The program must only fund comprehensive human sexuality education programs that are evidence-based, culturally sensitive, medically accurate, age-appropriate, reflective of positive youth development approaches, and that comply with statutory content standards.

HB 1081: Concerning Human Sexuality Education



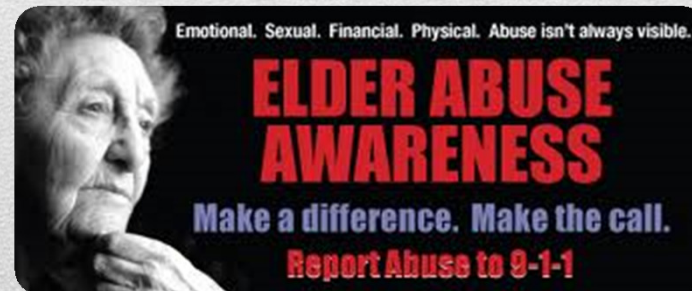
- ❖ Under current law, only an offender convicted of a misdemeanor involving unlawful sexual conduct must provide a DNA sample for inclusion in the DNA database at the Colorado Bureau of Investigation. The bill would require collection of a DNA sample from all persons convicted of any class 1 misdemeanor.
- ❖ The bill establishes a process for a person whose conviction for a class 1 misdemeanor was overturned on appeal to request expungement of his or her DNA sample from the database.
- ❖ **Bill did not pass this year.**

HB 1251: Concerning Collection of a DNA Sample from Offenders Convicted of a Misdemeanor



- ❖ On and after July 1, 2014, certain mandatory reporters who observe the abuse or exploitation of a person who is 70 years of age or older (at-risk elder) or who have reasonable cause to believe that an at-risk elder has been abused or has been exploited and is at imminent risk of abuse or exploitation are **required to report** such fact to a law enforcement agency within 24 hours.
- ❖ A mandatory reporter who willfully fails to report commits a class 3 misdemeanor.
- ❖ The bill does not include Victim Advocates, as defined in CRS 13-90-107 (k) (II) as mandatory reporters of elder abuse.

- ❖ The P.O.S.T. board-- create & implement a training curriculum to prepare peace officers to recognize and address incidents of abuse and exploitation of at-risk elders.
- ❖ Department of Human Services awareness campaign
- ❖ Included significant funding



SB 111: Concerning Abuse of At-Risk Adults

- If the court convicts a person of a misdemeanor or felony domestic violence offense, the court shall require the person to relinquish any firearm or ammunition in the person's immediate possession or control or subject to the person's immediate possession or control;
- May require that before the person is released from custody on bond, the person shall relinquish any firearm or ammunition in the person's immediate possession or control or subject to the person's immediate possession or control.

SB 197: Concerning Preventing Persons Who Have Committed Domestic Violence from Possessing Firearms



❖ The bill provides a court with the option to close the court to the public, when it is in the best interest of a child, when images of sexually exploitative materials or forensic interviews directly related to that child are being presented as evidence in court and the child or forensic interviewer is on the witness stand.

SB 198: Concerning Closing a Court to the Public When Sexually Exploitative Material Related to a Specific Child is Being Presented as Evidence

- The bill repeals a provision providing that general fund moneys may not be used for the address confidentiality program in the department of personnel.
- Hopefully this will result in increased funding for the program!
- To learn more about the ACP: www.acp.colorado.gov

SB 271: Concerning Funding for the Address Confidentiality Program

Questions?

Comments?

Thank you😊

Looking ahead to 2014....
