



2015 Legislative Summary

HB 1019: Victims of Human Trafficking and Prostitution

The bill instructs the Human Trafficking Council (CCASA is a council member) to make recommendations to the judiciary committees of the Colorado legislature concerning whether the general assembly should enact legislation related to child victims of commercial sexual exploitation.

CCASA Position: Active Monitor

Bill Status: Governor Signed 05/29/2015

HB 1035: Update Crime Victim Compensation Laws

The bill allows compensation to a person who is a dependent of the alleged perpetrator, if the alleged perpetrator provided support for the person or the person's dependents. The bill expands compensable losses to include the cost of rekeying vehicles or other locks necessary to ensure a victim's safety. The bill clarifies the confidentiality of records of a crime victim compensation board by prohibiting the discovery of certain records in a civil or criminal case except:

- To the extent necessary for a judicial review of the board's decision; or
- Upon a showing that the information is only in the records of the board, and, after review by the court, the court determines that the disclosure would not endanger the victim or another person.

The bill increases the maximum compensation to \$30,000 and emergency compensation to \$2,000 and eliminates the requirement that losses be at least \$25. The bill requires medical service providers to suspend collection proceedings for 90 days while a claim for compensation is considered. Finally, the bill specifies that a court shall include the amount of compensation requested by a crime victim compensation board in a restitution order and how the amount may be established. For more information on Colorado's Crime Victim Compensation program & HB 1035, please visit <http://dcj.ovp.state.co.us/home/victims-compensation>.

CCASA Position: Active Support

Bill Status: Governor Signed 03/30/2015

HB 1060: Protection Orders Sex Offense Cases

Current law requires that the court state the terms of the protection order and that the defendant must acknowledge the order when a defendant is charged with domestic violence or stalking. The prosecutor can request a hearing to modify the protection order in those cases. The bill extends those provisions to all sex-offense cases and clarifies how the acknowledgment is made.

CCASA Position: Passive Support

Bill Status: Governor Signed 03/20/2015

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HB 1072: Interactive Electronic Harassment

The bill makes changes to the harassment statute to cover situations in which a person uses an interactive electronic medium to harass another person. The bill clarifies that nothing within its provisions shall be interpreted to infringe on the constitutionally protected rights to free speech.

CCASA Position: Passive Support

Bill Status: Governor Signed 04/24/2015

HB 1174: Information Protections Domestic Violence Victims

The bill extends the protections related to confidentiality of personal information on the internet (currently in place for law enforcement officials and their immediate family) to participants in the Address Confidentiality Program (ACP). Victims of domestic violence, sexual assault, and/or stalking are eligible for ACP enrollment. The bill clarifies the term "actual address" to include any unique identifying information related to a participant's residential, work, or school address. Disclosure of unique identifying information of a participant in criminal and civil proceedings is limited to those circumstances where the potential harm to the participant is substantially outweighed by the public interest in the disclosure and when no other alternative would satisfy the necessity for disclosure. For more information about Colorado's Address Confidentiality Program, please visit

<https://www.colorado.gov/pacific/dcs/acp>.

CCASA Position: Active Support

Bill Status: Governor Signed 03/20/2015

HB 1183: Child's Statements of Attempted Sexual Crimes

Current law requires an out-of-court statement by a child who is the victim of or witness to a sexual offense to be admitted in evidence. The bill extends this evidentiary rule to attempted sexual offenses.

CCASA Position: Passive Support

Bill Status: Governor Signed 04/10/2015

HB 1220: Campus Sexual Assault Victim Medical Care

The bill requires all public institutions of higher education (and private institutions of higher education that enter into a performance contract with the state) to enter into at least one memorandum of understanding (MOU) with a nearby medical facility or facility that employs persons trained in sexual assault patient care and sexual assault forensic evidence collection. The MOU must be in place within 180 days of the bill's effective date (effective upon signing). Additionally, the bill requires 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 assistance to the facility. Transportation instructions should inform about, assist with, or provide transport to the hospital, clinic, or other facility performing the medical forensic examination or sexual assault-related medical care. Training should include content in the following areas:

- Overview of medical forensic exams for the purpose of enabling campus health center staff to answer a victim's questions;
- Trauma response;
- Victim dynamics;
- Short and long-term health impact of sexual assault;
- Victim Compensation eligibility; and
- Sexual Assault Victim Emergency (SAVE) payment program eligibility.

CCASA Position: Active Support

Bill Status: Governor Signed 05/04/2015

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HB 1273: Comprehensive School Discipline Reporting

The bill adds **acts of sexual violence** and the unlawful use of marijuana on school grounds, in a school vehicle, or at a school activity or sanctioned event to the current list of conduct and discipline code violations that a school is required to report as part of the safe school reporting requirements. Acts of sexual violence must only be reported without any identifying information. The bill clarifies that the term "law enforcement" includes school resource officers. The CO Division of Criminal Justice (DCJ) shall compile and report on the number of arrests, summons, and tickets that occurred on school grounds and the court dispositions of those cases. DCJ shall prepare a retroactive report using the best available data for the 2013-14 and 2014-15 school years. DCJ shall annually post the report on its web site. The bill funds an FTE for the Department of Public Safety to help compile the data.

CCASA Position: Active Support

Bill Status: Governor Signed 06/05/2015

HB 1296: Campus Sexual Assault Task Force

The bill creates a Higher Education Sexual Assault Task Force. The Task Force was conceptualized to largely consist of administrator and student participation, with some (but limited) victim advocacy and law enforcement participation. The Task Force was directed to study and make recommendations on affirmative consent and other sexual assault policies.

CCASA Position: Active Amend

Bill Status: Postponed Indefinitely

HB 1328: Background Checks for Youth Sports Organizations

A youth sports organization shall require all employees and volunteers who work directly with youth members (5 or more days in a calendar month), and any employee or volunteer who will accompany the youth sports organization on any trip that includes one or more overnight stays, to obtain a criminal history record check. If the background check determines an individual wishing to work/volunteer with the youth sports organization has a felony sexual offense on the record, that individual cannot work/volunteer for the organization. A "youth sports organization" means a private, for-profit or not-for-profit organization that provides sports activities designed for the participation of youth 18 years of age or younger.

CCASA Position: Active Support

Bill Status: Postponed Indefinitely

HB 1341: Increase Penalty Sexual Exploitation of Child

Currently, sexual exploitation of a child by possession of sexually exploitative material is a class 6 felony for first-time offenses and a class 4 felony if the possession is of a video, a recording or broadcast of moving visual images, a motion picture or more than 20 different items, or if it is a second or subsequent offense. The bill increases current class 6 felonies to class 5 felonies.

CCASA Position: Active Monitor

Bill Status: Governor Signed 06/04/2015

SB 20: Education to Prevent Child Sexual Abuse & Assault

This bill is commonly referred to as Colorado's version of Erin's Law. However, it is important to note that SB 20 varies considerably from Erin's Law in other states. For more information about Erin's Law, please visit www.erinslaw.org. SB 20 requires the Director of the CO School Safety Resource Center (www.colorado.gov/cssrc) to appoint a person to collect and make available materials and training regarding

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the awareness and prevention of child sexual abuse and assault, including materials and training that are specific to preventing sexual abuse and assault of children with developmental disabilities. The materials must include professional development materials for school personnel and parents and age-appropriate curricula for kindergarten through twelfth grade. The appointed person must also offer in-person and on-line training for school personnel and parents and publicize and make available on-line the materials, training, and curricula. The training must include information concerning use of the child abuse reporting hotline system. The appointed person must seek to work with appropriate community-based organizations in creating and collecting the materials, training, and curricula. Each school district and charter school is encouraged to include in its school safety plan a child sexual abuse and prevention plan. An educator who receives professional development in the awareness and prevention of child sexual abuse and assault may use the professional development to meet the requirements for renewing his or her educator license.

CCASA Position: Active Support

Bill Status: Governor Signed 06/05/15

SB 30: Prostitution Defense for Human Trafficking Victims

The bill creates an affirmative defense to the crime of prostitution on or after July 1, 2015, if the person was arrested for prostitution as a direct result of being a victim of human trafficking. A person charged with or convicted of prostitution before July 1, 2015, may petition to have the court vacate his or her record of any conviction for that offense. The court may grant the motion upon a finding that the defendant's participation in the offense was a direct result of being a victim of human trafficking.

CCASA Position: Active Support

Bill Status: Governor Signed 04/16/2015

SB 77: Parent's Bill of Rights

The bill establishes a parent's bill of rights that sets forth specific parental rights related to education, health care, and mental health care of minor children.

CCASA Position: Active Oppose

Bill Status: Postponed Indefinitely

SB 109: Mandatory Abuse Report for Adult with a Disability

Under current law, certain persons are required to report to a law enforcement agency if the person observes or has reason to believe that a person 70 years of age or older has been abused or exploited. The bill expands this requirement to also cover a person with an intellectual or developmental disability who is 18 years of age or older. The bill also creates the At-Risk Adults with Intellectual and Developmental Disabilities Mandatory Reporting Implementation Task Force. The Task Force shall study and prepare recommendations for the implementation of the act, including additional legislative recommendations, cost-estimates for implementation, funding research, and training for mandatory reporters. The mandatory reporting obligation goes into effect July 1, 2016.

CCASA Position: Active Support

Bill Status: Sent to Governor 05/14/2015

SB 128: Medical Reports of Alleged Sexual Assaults

Current law requires a medical facility to report to law enforcement when certain medical personnel collect sexual assault medical forensic evidence. The bill adds nurses to the medical personnel required to contact law enforcement IF they collect sexual assault medical forensic evidence. The bill mandates victim choice regarding the type of report made:

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- A law enforcement report if the victim requests that the evidence be collected and at the time of the medical treatment and chooses to participate in the criminal justice system;
- A medical report if the victim requests that the evidence be collected, but at the time of the medical forensic exam chooses not to participate in the criminal justice system; or
- An anonymous report if the victim consents to the collection of the evidence but at the time of the medical forensic exam chooses not to have personal identifying information disclosed to law enforcement or to participate in the criminal justice system. For an anonymous report, the medical facility shall not provide information identifying the victim to law enforcement, and law enforcement shall not submit the evidence for testing. For a law enforcement or medical report, law enforcement shall submit the evidence for testing pursuant to existing law.

The bill also clarifies that a victim may speak anonymously to law enforcement and that no report is required if evidence is not collected.

CCASA Position: Active Support (CCASA priority bill)

Bill Status: Governor Signed 03/30/2015

SB 129: Preserving Parent-Child Relationships

The bill amends provisions relating to best interests of a child in domestic relations actions and certain other actions in the juvenile code. It amends the legislative declaration to emphasize the fundamental liberty interest of both parents and children in maintaining the parent-child relationship. The bill states the court shall order substantially equal parenting time and access to the child unless it finds that such orders are clearly not in the child's best interest.

CCASA Position: Active Oppose

Bill Status: Postponed Indefinitely