

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

ENGROSSED

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

LLS NO. 15-0306.01 Jerry Barry x4341

SENATE BILL 15-005

SENATE SPONSORSHIP

Cooke,

HOUSE SPONSORSHIP

Foote,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING MEDICAL TESTING IN CERTAIN FIRST DEGREE ASSAULT**
102 **CASES.**

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>.)

Current law provides that certain persons charged with or convicted of second or third degree assault are required to undergo testing for communicable diseases. The bill expands the testing to a person charged with or convicted of first degree assault if the person's blood, seminal fluid, urine, feces, saliva, mucus, or vomit came into contact with a peace officer, firefighter, emergency medical care provider, or

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
Amended 2nd Reading
January 20, 2015

emergency medical service provider.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-3-202, **add** (3) as
3 follows:

4 **18-3-202. Assault in the first degree - definitions.** (3) (a) THE
5 COURT SHALL ORDER ANY ADULT OR JUVENILE WHO IS BOUND OVER FOR
6 TRIAL FOR AN OFFENSE DESCRIBED IN SUBSECTION (1) OF THIS SECTION
7 SUBSEQUENT TO A PRELIMINARY HEARING OR AFTER HAVING WAIVED THE
8 RIGHT TO A PRELIMINARY HEARING, OR ANY PERSON WHO IS INDICTED FOR
9 OR IS CONVICTED OF ANY SUCH OFFENSE, TO SUBMIT TO A MEDICAL TEST
10 FOR COMMUNICABLE DISEASES AND TO SUPPLY BLOOD, FECES, URINE,
11 SALIVA, OR OTHER BODILY FLUID REQUIRED FOR THE TEST IF THE PERSON'S
12 BLOOD, SEMINAL FLUID, URINE, FECES, SALIVA, MUCUS, OR VOMIT CAME
13 INTO CONTACT WITH ANY VICTIM OF THE ASSAULT, PEACE OFFICER,
14 FIREFIGHTER, EMERGENCY MEDICAL CARE PROVIDER, OR EMERGENCY
15 MEDICAL SERVICE PROVIDER. WITHIN TEN DAYS AFTER RECEIPT OF THE
16 MEDICAL TEST RESULTS, THE DEFENDANT SHALL REPORT THE RESULTS TO
17 THE COURT OR THE COURT'S DESIGNEE, WHO SHALL THEN DISCLOSE THE
18 RESULTS TO ANY VICTIM, PEACE OFFICER, FIREFIGHTER, EMERGENCY
19 MEDICAL CARE PROVIDER, OR EMERGENCY MEDICAL SERVICE PROVIDER
20 WHO CAME INTO CONTACT WITH THE SUBSTANCE AND REQUESTS SUCH
21 DISCLOSURE. REVIEW AND DISCLOSURE OF MEDICAL TEST RESULTS BY THE
22 COURT MUST BE CLOSED AND CONFIDENTIAL, AND ANY TRANSACTION
23 RECORDS RELATING THERETO ARE ALSO CLOSED AND CONFIDENTIAL. IF A
24 PERSON SUBJECT TO A MEDICAL TEST FOR COMMUNICABLE DISEASES
25 PURSUANT TO THIS PARAGRAPH (a) VOLUNTARILY SUBMITS TO A MEDICAL

1 TEST FOR COMMUNICABLE DISEASES, THE FACT OF SUCH PERSON'S
2 VOLUNTARY SUBMISSION IS ADMISSIBLE IN MITIGATION OF SENTENCE IF
3 THE PERSON IS CONVICTED OF THE CHARGED OFFENSE.

4 (b) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, THE
5 COURT MAY ORDER ANY PERSON WHO IS CONVICTED OF THE OFFENSE
6 DESCRIBED IN SUBSECTION (1) OF THIS SECTION TO MEET ALL OR ANY
7 PORTION OF THE FINANCIAL OBLIGATIONS OF MEDICAL TESTS PERFORMED
8 ON AND TREATMENT PRESCRIBED FOR THE VICTIM, PEACE OFFICER,
9 FIREFIGHTER, EMERGENCY MEDICAL CARE PROVIDER, OR EMERGENCY
10 MEDICAL SERVICE PROVIDER.

11 =====
12 (c) ANY PERSON WHO RECEIVES THE RESULTS OF A MEDICAL TEST
13 PURSUANT TO THIS SECTION SHALL NOT PUBLICLY DISCLOSE THE RESULTS.

14 (d) AS USED IN THIS SUBSECTION (3), UNLESS THE CONTEXT
15 OTHERWISE REQUIRES, "EMERGENCY MEDICAL CARE PROVIDER" MEANS A
16 DOCTOR, INTERN, NURSE, NURSE'S AID, PHYSICIAN'S ASSISTANT,
17 AMBULANCE ATTENDANT OR OPERATOR, AIR AMBULANCE PILOT,
18 PARAMEDIC, OR ANY OTHER MEMBER OF A HOSPITAL OR HEALTH CARE
19 FACILITY STAFF OR SECURITY FORCE WHO IS INVOLVED IN PROVIDING
20 EMERGENCY MEDICAL CARE AT A HOSPITAL OR HEALTH CARE FACILITY, OR
21 IN AN AIR AMBULANCE OR AMBULANCE AS DEFINED IN SECTION 25-3.5-103
22 (1) AND (1.5), C.R.S.

23 **SECTION 2. Effective date - applicability.** This act takes effect
24 July 1, 2015, and applies to offenses committed on or after said date.

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