

Changes to Domestic Violence Reporting

PRIOR TO HB 17-1322

Previous law required any medical licensee who attends or treats any of certain injuries, including injuries resulting from domestic violence, to report the injury at once to the police of the city, town, or city and county or the sheriff of the county in which the licensee is located.

Regardless of the patient's wishes, the licensee was legally bound to report all domestic violence injuries to law enforcement.

But as of August 9th, 2017, HB 17-1322 creates exceptions on when a licensee is required to report domestic violence.

HB 17-1322 EXCEPTIONS

Doctors are not required to report injuries believed to be the result of domestic violence if the patient is:

- Is at least 18 years of age and indicates his or her preference that the injury not be reported
- Is not an at-risk adult (defined as any person who is seventy years of age or older, any person who is eighteen years of age or older and is a person with a disability)
- The injury is not an injury that the licensee is otherwise required to report
- The injury is not a serious bodily injury (i.e. gunshot or stabbing)

HB 17-1322 REPORTING

When a licensee decides to report an incident to law enforcement, the licensee is required to confidentially inform the victim of the licensee's intent to do so.

When a licensee decides not to report an incident to law enforcement due to the exceptions made by the bill, the licensee is required to document the victim's request in the victim's medical record.

Regardless of whether or not a licensee decides to report a domestic violence incident, the licensee is required to either refer the victim to a victim's advocate or provide the victim with information concerning services available to victims of abuse.

HB 17-1322 LIABILITY

Under current law, any licensee who, in good faith, makes such a report of an injury is immune from any civil or criminal liability, which might otherwise be incurred or imposed with respect to the making of the report.

Similarly, a licensee who does not make a report under the new conditions described in the bill is also immune to such liability.

LOCAL DOMESTIC VIOLENCE PROGRAMS

- TESSA, Colorado Springs, CO
719-633-3819
www.tessacs.org
- Young Women's Christian Associate of Pueblo, Pueblo, CO
719-545-8195
www.ywcapueblo.com
- Family Crisis Services, Inc., Canon City, CO
719-275-2429
www.familycrisisonline.org
- Crisis Center, Castle Rock, CO
303-688-8484
www.thecrisiscenter.org
- National Domestic Violence Hotline
800-799-SAFE (7233)

OTHER RESOURCES

- Colorado Department of Human Services, Domestic Violence Program
303-866-3150

Source: Colorado General Assembly
<https://leg.colorado.gov/bills/hb17-1322>