

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 20, 2013
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB13-111 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 3, line 8, strike "laws;" and substitute "laws and
- 2 provide for criminal penalties for mandatory reporters who fail to report,
- 3 provided however there shall not be civil liability for damages
- 4 proximately caused by a failure to report such as those allowed under
- 5 section 19-3-304 (4), Colorado Revised Statutes;"

- 6 Page 6, line 22, after "MEMBERS;" insert "EXCEPT THAT THE REPORTING
- 7 REQUIREMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1)
- 8 SHALL NOT APPLY TO A PERSON WHO ACQUIRES REASONABLE CAUSE TO
- 9 BELIEVE THAT AN AT-RISK ELDER HAS BEEN MISTREATED OR HAS BEEN
- 10 EXPLOITED OR IS AT IMMINENT RISK OF MISTREATMENT OR EXPLOITATION
- 11 DURING A COMMUNICATION ABOUT WHICH THE PERSON MAY NOT BE
- 12 EXAMINED AS A WITNESS PURSUANT TO SECTION 13-90-107 (1)(c), C.R.S.,
- 13 UNLESS THE PERSON ALSO ACQUIRES SUCH REASONABLE CAUSE FROM A
- 14 SOURCE OTHER THAN SUCH A COMMUNICATION;"

- 15 Page 7, line 4, strike "OR EMPLOYEE OF OR" and substitute "EMPLOYEE,"

- 16 Page 7, line 5, strike "VOLUNTEER".

- 17 Page 7, line 8, after "WHO" insert "WILLFULLY".

- 18 Page 7, after line 10 insert:
- 19 "(d) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
- 20 THIS SUBSECTION (1), A PERSON DESCRIBED IN PARAGRAPH (b) OF THIS
- 21 SUBSECTION (1) IS NOT REQUIRED TO REPORT THE ABUSE OR EXPLOITATION

- 1 OF AN AT-RISK ELDER IF THE PERSON KNOWS THAT ANOTHER PERSON HAS
2 ALREADY REPORTED TO A LAW ENFORCEMENT AGENCY THE SAME ABUSE
3 OR EXPLOITATION THAT WOULD HAVE BEEN THE BASIS OF THE PERSON'S
4 OWN REPORT."
- 5 Page 7, line 12, strike "MISTREATMENT" and substitute "EXPLOITATION".
- 6 Page 7, line 22, strike "CRIMINAL ALLEGATIONS, INCLUDING THE".
- 7 Page 8, line 17, strike "A RELATED CIVIL ACTION FOR DAMAGES" and
8 substitute "SUIT AND LIABILITY FOR DAMAGES IN ANY CIVIL ACTION".
- 9 Page 9, strike lines 2 and 3 and substitute "SECTION SHALL NOT BE
10 INTERPRETED AS CREATING A CIVIL DUTY OF CARE OR ESTABLISHING A
11 CIVIL STANDARD OF CARE".
- 12 Page 9, line 12, after "THE" insert "NONACCIDENTAL".
- 13 Page 12, strike lines 26 and 27 and substitute "OF MIND, NEEDINESS, PAIN,
14 OR AGONY."
- 15 Page 13, strike lines 1 and 2.
- 16 Page 18, line 7, strike "H.B. 13-___," and substitute "S.B. 13-111,".

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