

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 13-0311.01 Richard Sweetman x4333

SENATE BILL 13-111

SENATE SPONSORSHIP

Hudak, Giron, Guzman, Heath, Johnston, Morse, Todd, Ulibarri

HOUSE SPONSORSHIP

Schafer and Stephens,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING ABUSE OF AT-RISK ADULTS.**

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 states that specified professionals who have reasonable cause to believe that a person 18 years of age or older who is susceptible to mistreatment, self-neglect, or exploitation because the individual is unable to perform or obtain services necessary for his or her health, safety, or welfare or lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his or her person or affairs (at-risk adult) should report that fact to a county department of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

social services (county department) or a local law enforcement agency.

Under the bill, on and after July 1, 2014, certain professionals (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 after making the observation or discovery. A mandatory reporter who fails to report commits a class 3 misdemeanor.

Within 24 hours after receiving a report of abuse or exploitation of an at-risk elder, a law enforcement agency shall notify the at-risk elder's county department and district attorney's office of the report. The law enforcement agency shall complete a criminal investigation when appropriate. Upon completion of an investigation, the law enforcement agency shall provide a report of the investigation to the at-risk elder's county department and a district attorney's office.

A person who reports an incident of abuse or exploitation to a law enforcement agency is immune from a civil action or criminal prosecution if the report was made in good faith. A person who knowingly makes a false report commits a class 3 misdemeanor.

The new reporting duty does not increase the professional duty of care, if any, that is owed to an at-risk elder by a mandatory reporter.

The bill adds physical therapists, emergency medical service providers, chiropractors, and clergy to the list of professionals who are currently urged to report the mistreatment, self-neglect, or exploitation of an at-risk adult. These professions are also included within the new list of mandatory reporters.

A person who exercises undue influence to convert or take possession of an at-risk elder's money, assets, or other property commits statutory theft.

On or before January 1, 2014, the peace officers standards and training board (P.O.S.T. board) shall create and implement a training curriculum to prepare peace officers to recognize and address incidents of abuse and exploitation of at-risk elders. On and after January 1, 2015, each county sheriff and each municipal law enforcement agency of the state shall employ at least one peace officer who has successfully completed the training curriculum. The P.O.S.T. board may charge a fee to each peace officer who enrolls in the training curriculum. The amount of the fee shall not exceed the direct and indirect costs incurred by the P.O.S.T. board in providing the curriculum.

On and after January 1, 2014, the state department of human services (state department) shall implement a program to generate awareness among:

- ! The residents of the state regarding the mistreatment, self-neglect, and exploitation of at-risk adults;

- ! The professionals who are urged to report the mistreatment, self-neglect, or exploitation of an at-risk adult; and
- ! Mandatory reporters.

On or before December 31, 2016, the state department shall prepare and deliver to the joint budget committee and to the health and human services committee of the senate; the health, insurance, and environment committee of the house of representatives; and the public health care and human services committee of the house of representatives, or to any successor committee, a report concerning the implementation of mandatory reports of abuse and exploitation of at-risk elders.

Under current law, for the purposes of enhanced penalties for offenses committed against at-risk adults, an at-risk adult is defined as any person 60 years of age or older or any person 18 years of age or older who is a person with a disability. The bill changes this definition to raise the minimum age of 60 years of age to 70 years of age.

The bill repeals provisions concerning protection against financial exploitation of at-risk adults.

The bill repeals the elder abuse task force.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds that:

4 (a) Colorado is one of only three states that do not require certain
5 professionals to report the abuse or exploitation of at-risk elders;

6 (b) Mandatory reporting of abuse or exploitation of at-risk elders
7 should be implemented in Colorado as soon as possible to address this
8 shortcoming in our laws;

9 (c) Although reports and investigations of alleged misconduct are
10 important components of the state's system of adult protective services,
11 meaningful and lasting assistance to elders is hindered where services are
12 lacking;

13 (d) Colorado's elderly population is steadily increasing, with the
14 state's population of persons aged 70 years or older expected to increase
15 by twenty-eight percent by 2017, and by one hundred forty-two percent

1 by 2032;

2 (e) Colorado's system of adult protective services is already
3 grossly underfunded; and

4 (f) In the absence of additional funding, the implementation of
5 mandatory reporting of abuse and exploitation of at-risk elders may
6 exacerbate the problems faced by adult protective services personnel by
7 increasing their individual caseloads.

8 (2) The general assembly further finds that:

9 (a) During the 2012 regular session, the general assembly passed,
10 and the governor thereafter signed into law, Senate Bill 12-078, which
11 created the elder abuse task force and charged the task force with certain
12 duties;

13 (b) The task force met as required during the 2012 interim and has
14 submitted its final report to the general assembly;

15 (c) As required by Senate Bill 12-078, the final report of the task
16 force includes many recommendations concerning:

17 (I) The reporting by certain professionals of instances of
18 mistreatment, exploitation, or self-neglect of at-risk adults; and

19 (II) The administration of adult protective services by county
20 departments of social services.

21 (3) Now, therefore, the general assembly hereby declares that, in
22 addition to the actions taken within this act to address specific
23 recommendations of the task force, the general assembly expects that
24 either the current general assembly or a future general assembly will take
25 further actions, as follows:

26 (a) The general assembly should take such action as is necessary
27 to implement a new data system within the state department of human

1 services to accurately measure the impact of mandatory reporting in
2 Colorado, which data system has been described and recommended by the
3 governor in his November 1, 2012, budget proposal to the joint budget
4 committee;

5 (b) The general assembly should take such action as is necessary,
6 including but not limited to the appropriation of additional moneys to
7 reduce the caseload ratio of county social workers to a maximum of
8 twenty-five cases per social worker;

9 (c) The general assembly should identify means by which
10 additional moneys may be allocated to county departments of social
11 services to be used by the departments to secure adult protective services
12 for at-risk adults;

13 (d) The general assembly should study the need for, and potential
14 means of implementing, a public guardianship and conservatorship
15 program, as described in the report of the task force;

16 (e) The general assembly should study and implement specific
17 recommendations for combating financial exploitation of elder adults;

18 (f) The general assembly should identify assured and sustainable
19 sources of funding to support the enforcement of mandatory reporting and
20 the overall adult protective services infrastructure; and

21 (g) The general assembly is encouraged to examine the impact of
22 this act during the 2017 regular session.

23 **SECTION 2.** In Colorado Revised Statutes, **add** 18-6.5-108 as
24 follows:

25 **18-6.5-108. Mandatory reports of abuse and exploitation of**
26 **at-risk elders - list of reporters - penalties.** (1) (a) ON AND AFTER JULY
27 1, 2014, A PERSON SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (1)

1 WHO OBSERVES THE ABUSE OR EXPLOITATION OF AN AT-RISK ELDER, OR
2 WHO HAS REASONABLE CAUSE TO BELIEVE THAT AN AT-RISK ELDER HAS
3 BEEN ABUSED OR HAS BEEN EXPLOITED OR IS AT IMMINENT RISK OF ABUSE
4 OR EXPLOITATION, SHALL REPORT SUCH FACT TO A LAW ENFORCEMENT
5 AGENCY NOT MORE THAN TWENTY-FOUR HOURS AFTER MAKING THE
6 OBSERVATION OR DISCOVERY.

7 (b) THE FOLLOWING PERSONS, WHETHER PAID OR UNPAID, SHALL
8 REPORT AS REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (1):

9 (I) PHYSICIANS, SURGEONS, PHYSICIANS' ASSISTANTS,
10 OSTEOPATHS, PHYSICIANS IN TRAINING, PODIATRISTS, OCCUPATIONAL
11 THERAPISTS, AND PHYSICAL THERAPISTS;

12 (II) MEDICAL EXAMINERS AND CORONERS;

13 (III) REGISTERED NURSES, LICENSED PRACTICAL NURSES, AND
14 NURSE PRACTITIONERS;

15 (IV) EMERGENCY MEDICAL SERVICE PROVIDERS;

16 (V) HOSPITAL AND LONG-TERM CARE FACILITY PERSONNEL
17 ENGAGED IN THE ADMISSION, CARE, OR TREATMENT OF PATIENTS;

18 (VI) CHIROPRACTORS;

19 (VII) PSYCHOLOGISTS AND OTHER MENTAL HEALTH
20 PROFESSIONALS;

21 (VIII) SOCIAL WORK PRACTITIONERS;

22 (IX) CLERGY MEMBERS;

23 (X) DENTISTS;

24 (XI) LAW ENFORCEMENT OFFICIALS AND PERSONNEL;

25 (XII) COURT-APPOINTED GUARDIANS AND CONSERVATORS;

26 (XIII) FIRE PROTECTION PERSONNEL;

27 (XIV) PHARMACISTS;

- 1 (XV) COMMUNITY-CENTERED BOARD STAFF;
- 2 (XVI) PERSONNEL OF BANKS, SAVINGS AND LOAN ASSOCIATIONS,
3 CREDIT UNIONS, AND OTHER LENDING OR FINANCIAL INSTITUTIONS; AND
- 4 (XVII) A CARETAKER, STAFF MEMBER, OR EMPLOYEE OF OR
5 VOLUNTEER OR CONSULTANT FOR A LICENSED OR CERTIFIED CARE
6 FACILITY, AGENCY, HOME, OR GOVERNING BOARD, INCLUDING BUT NOT
7 LIMITED TO HOME HEALTH PROVIDERS.
- 8 (c) A PERSON WHO VIOLATES PARAGRAPH (a) OF THIS SUBSECTION
9 (1) COMMITS A CLASS 3 MISDEMEANOR AND SHALL BE PUNISHED IN
10 ACCORDANCE WITH SECTION 18-1.3-501.
- 11 (2) (a) A LAW ENFORCEMENT AGENCY THAT RECEIVES A REPORT
12 OF ABUSE OR MISTREATMENT OF AN AT-RISK ELDER SHALL ACQUIRE, TO
13 THE EXTENT POSSIBLE, THE FOLLOWING INFORMATION FROM THE PERSON
14 MAKING THE REPORT:
- 15 (I) THE NAME, AGE, ADDRESS, AND CONTACT INFORMATION OF THE
16 AT-RISK ELDER;
- 17 (II) THE NAME, AGE, ADDRESS, AND CONTACT INFORMATION OF
18 THE PERSON MAKING THE REPORT;
- 19 (III) THE NAME, AGE, ADDRESS, AND CONTACT INFORMATION OF
20 THE AT-RISK ELDER'S CARETAKER, IF ANY;
- 21 (IV) THE NAME OF THE ALLEGED PERPETRATOR;
- 22 (V) THE CRIMINAL ALLEGATIONS, INCLUDING THE NATURE AND
23 EXTENT OF THE AT-RISK ELDER'S INJURY, WHETHER PHYSICAL OR
24 FINANCIAL, IF ANY;
- 25 (VI) THE NATURE AND EXTENT OF THE CONDITION THAT REQUIRED
26 THE REPORT TO BE MADE; AND
- 27 (VII) ANY OTHER PERTINENT INFORMATION.

1 (b) NOT MORE THAN TWENTY-FOUR HOURS AFTER RECEIVING A
2 REPORT OF ABUSE OR EXPLOITATION OF AN AT-RISK ELDER, A LAW
3 ENFORCEMENT AGENCY SHALL PROVIDE A NOTIFICATION OF THE REPORT
4 TO THE COUNTY DEPARTMENT OF THE AT-RISK ELDER'S RESIDENCE AND
5 THE DISTRICT ATTORNEY'S OFFICE OF THE LOCATION WHERE THE ABUSE OR
6 EXPLOITATION OCCURRED.

7 (c) THE LAW ENFORCEMENT AGENCY SHALL COMPLETE A CRIMINAL
8 INVESTIGATION WHEN APPROPRIATE. THE LAW ENFORCEMENT AGENCY
9 SHALL PROVIDE A SUMMARY REPORT OF THE INVESTIGATION TO THE
10 COUNTY DEPARTMENT OF THE AT-RISK ELDER'S RESIDENCE AND TO THE
11 DISTRICT ATTORNEY'S OFFICE OF THE LOCATION WHERE THE ABUSE OR
12 EXPLOITATION OCCURRED.

13 (3) A PERSON, INCLUDING BUT NOT LIMITED TO A PERSON
14 SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, WHO
15 REPORTS ABUSE OR EXPLOITATION OF AN AT-RISK ELDER TO A LAW
16 ENFORCEMENT AGENCY PURSUANT TO SUBSECTION (1) OF THIS SECTION IS
17 IMMUNE FROM A RELATED CIVIL ACTION FOR DAMAGES OR CRIMINAL
18 PROSECUTION IF THE REPORT WAS MADE IN GOOD FAITH; EXCEPT THAT
19 SUCH A PERSON IS NOT IMMUNE IF HE OR SHE IS THE ALLEGED
20 PERPETRATOR OF THE ABUSE OR EXPLOITATION.

21 (4) A PERSON, INCLUDING BUT NOT LIMITED TO A PERSON
22 SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, WHO
23 KNOWINGLY MAKES A FALSE REPORT OF ABUSE OR EXPLOITATION OF AN
24 AT-RISK ELDER TO A LAW ENFORCEMENT AGENCY COMMITS A CLASS 3
25 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION
26 18-1.3-501 AND SHALL BE LIABLE FOR DAMAGES PROXIMATELY CAUSED
27 THEREBY.

1 (5) THE REPORTING DUTY DESCRIBED IN SUBSECTION (1) OF THIS
2 SECTION SHALL NOT BE INTERPRETED TO INCREASE OR OTHERWISE
3 REQUIRE ANY MODIFICATION OF THE PROFESSIONAL DUTY OF CARE, IF ANY,
4 THAT IS OWED TO AN AT-RISK ELDER BY A PERSON SPECIFIED IN
5 PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION.

6 **SECTION 3.** In Colorado Revised Statutes, **amend** 18-6.5-102
7 as follows:

8 **18-6.5-102. Definitions.** As used in this article, unless the context
9 otherwise requires:

10 (1) "ABUSE" MEANS ANY OF THE FOLLOWING ACTS OR OMISSIONS
11 COMMITTED AGAINST AN AT-RISK ELDER:

12 (a) THE INFLICTION OF BODILY INJURY, SERIOUS BODILY INJURY, OR
13 DEATH;

14 (b) CONFINEMENT OR RESTRAINT THAT IS UNREASONABLE UNDER
15 GENERALLY ACCEPTED CARETAKING STANDARDS;

16 (c) SUBJECTION TO SEXUAL CONDUCT OR CONTACT CLASSIFIED AS
17 A CRIME UNDER THIS TITLE; AND

18 (d) CARETAKER NEGLECT.

19 ~~(1)~~ (2) "At-risk adult" means any person who is ~~sixty~~ SEVENTY
20 years of age or older or any person who is eighteen years of age or older
21 and is a person with a disability as said term is defined in ~~subsection (3)~~
22 SUBSECTION (11) of this section.

23 ~~(2)~~ (3) "Neglect" ~~has the same meaning as set forth in section~~
24 ~~26-3.1-101 (4) (b), C.R.S.~~ "AT-RISK ELDER" MEANS ANY PERSON WHO IS
25 SEVENTY YEARS OF AGE OR OLDER.

26 ~~(1.5)~~ (4) "At-risk juvenile" means any person who is under the age
27 of eighteen years and is a person with a disability as said term is defined

1 in ~~subsection (3)~~ SUBSECTION (11) of this section.

2 (5) "CARETAKER" MEANS A PERSON WHO:

3 (a) IS RESPONSIBLE FOR THE CARE OF AN AT-RISK ADULT, AT-RISK
4 JUVENILE, OR AT-RISK ELDER AS A RESULT OF A FAMILY OR LEGAL
5 RELATIONSHIP;

6 (b) HAS ASSUMED RESPONSIBILITY FOR THE CARE OF AN AT-RISK
7 ADULT, AT-RISK JUVENILE, OR AT-RISK ELDER; OR

8 (c) IS PAID TO PROVIDE CARE OR SERVICES TO AN AT-RISK ADULT,
9 AT-RISK JUVENILE, OR AT-RISK ELDER.

10 (6) "CARETAKER NEGLECT" MEANS NEGLECT THAT OCCURS WHEN
11 ADEQUATE FOOD, CLOTHING, SHELTER, PSYCHOLOGICAL CARE, PHYSICAL
12 CARE, MEDICAL CARE, OR SUPERVISION IS NOT SECURED FOR AN AT-RISK
13 ADULT OR AN AT-RISK ELDER OR IS NOT PROVIDED BY A CARETAKER IN A
14 TIMELY MANNER AND WITH THE DEGREE OF CARE THAT A REASONABLE
15 PERSON IN THE SAME SITUATION WOULD EXERCISE; EXCEPT THAT THE
16 WITHHOLDING, WITHDRAWING, OR REFUSING OF ANY MEDICATION, ANY
17 MEDICAL PROCEDURE OR DEVICE, OR ANY TREATMENT, INCLUDING BUT
18 NOT LIMITED TO RESUSCITATION, CARDIAC PACING, MECHANICAL
19 VENTILATION, DIALYSIS, AND ARTIFICIAL NUTRITION AND HYDRATION, IN
20 ACCORDANCE WITH ANY VALID MEDICAL DIRECTIVE OR ORDER OR AS
21 DESCRIBED IN A PALLIATIVE PLAN OF CARE SHALL NOT BE DEEMED
22 CARETAKER NEGLECT. AS USED IN THIS SUBSECTION (6), "MEDICAL
23 DIRECTIVE OR ORDER" INCLUDES BUT IS NOT LIMITED TO A MEDICAL
24 DURABLE POWER OF ATTORNEY, A DECLARATION AS TO MEDICAL
25 TREATMENT EXECUTED PURSUANT TO SECTION 15-18-104, C.R.S., A
26 MEDICAL ORDER FOR SCOPE OF TREATMENT FORM EXECUTED PURSUANT
27 TO ARTICLE 18.7 OF TITLE 15, C.R.S., AND A CPR DIRECTIVE EXECUTED

1 PURSUANT TO ARTICLE 18.6 OF TITLE 15, C.R.S.

2 (7) "CLERGY MEMBER" MEANS A PRIEST; RABBI; DULY ORDAINED,
3 COMMISSIONED, OR LICENSED MINISTER OF A CHURCH; MEMBER OF A
4 RELIGIOUS ORDER; OR RECOGNIZED LEADER OF ANY RELIGIOUS BODY.

5 ~~(1.7)~~ (8) "Convicted" and "conviction" mean a plea of guilty
6 accepted by the court, including a plea of guilty entered pursuant to a
7 deferred sentence under section 18-1.3-102, a verdict of guilty by a judge
8 or jury, or a plea of no contest accepted by the court.

9 ~~(1.8)~~ (9) "Crime against an at-risk adult or at-risk juvenile" means
10 any offense listed in section 18-6.5-103 or criminal attempt, conspiracy,
11 or solicitation to commit any of those offenses.

12 (10) "EXPLOITATION" MEANS AN ACT OR OMISSION COMMITTED BY
13 A PERSON WHO:

14 (a) USES DECEPTION, HARASSMENT, INTIMIDATION, OR UNDUE
15 INFLUENCE TO PERMANENTLY OR TEMPORARILY DEPRIVE AN AT-RISK
16 ELDER OF THE USE, BENEFIT, OR POSSESSION OF HIS OR HER MONEY,
17 ASSETS, OR PROPERTY;

18 (b) IN THE ABSENCE OF LEGAL AUTHORITY:

19 (I) EMPLOYS THE SERVICES OF A THIRD PARTY FOR THE PROFIT OR
20 ADVANTAGE OF THE PERSON OR ANOTHER PERSON TO THE DETRIMENT OF
21 THE AT-RISK ELDER; OR

22 (II) FORCES, COMPELS, COERCES, OR ENTICES AN AT-RISK ELDER
23 TO PERFORM SERVICES FOR THE PROFIT OR ADVANTAGE OF THE PERSON OR
24 ANOTHER PERSON AGAINST THE WILL OF THE AT-RISK ELDER; OR

25 (c) MISUSES THE PROPERTY OF AN AT-RISK ELDER IN A MANNER
26 THAT ADVERSELY AFFECTS THE AT-RISK ELDER'S ABILITY TO RECEIVE
27 HEALTH CARE OR HEALTH CARE BENEFITS OR TO PAY BILLS FOR BASIC

1 NEEDS OR OBLIGATIONS.

2 ~~(3)~~ (11) "Person with a disability" means any person who:

3 (a) Is impaired because of the loss of or permanent loss of use of
4 a hand or foot or because of blindness or the permanent impairment of
5 vision of both eyes to such a degree as to constitute virtual blindness; ~~or~~

6 (b) Is unable to walk, see, hear, or speak; ~~or~~

7 (c) Is unable to breathe without mechanical assistance; ~~or~~

8 (d) Is developmentally disabled as defined in section 27-10.5-102
9 (11), C.R.S.; ~~or~~

10 (e) Is a person with a mental illness as the term is defined in
11 section 27-65-102 (14), C.R.S.; ~~or~~

12 (f) Is mentally impaired as the term is defined in section
13 24-34-301 (2.5) (b) (III), C.R.S.; ~~or~~

14 (g) Is blind as that term is defined in section 26-2-103 (3), C.R.S.;
15 or

16 (h) Is receiving care and treatment for a developmental disability
17 under article 10.5 of title 27, C.R.S.

18 ~~(3.5)~~ (12) "Position of trust" means assuming a responsibility,
19 duty, or fiduciary relationship toward an at-risk adult or at-risk juvenile.

20 ~~(4) Any subsection, or portion of a subsection, of this section~~
21 ~~declared to be unconstitutional or otherwise invalid shall not impair the~~
22 ~~remaining provisions of this section.~~

23 (13) "UNDUE INFLUENCE" MEANS THE USE OF INFLUENCE BY
24 SOMEONE WHO EXERCISES AUTHORITY OVER AN AT-RISK ELDER IN ORDER
25 TO TAKE UNFAIR ADVANTAGE OF THE AT-RISK ELDER'S VULNERABLE STATE
26 OF MIND, NEEDINESS, PAIN, OR AGONY. UNDUE INFLUENCE INCLUDES BUT
27 IS NOT LIMITED TO THE IMPROPER OR FRAUDULENT USE OF A POWER OF

1 ATTORNEY, GUARDIANSHIP, CONSERVATORSHIP, OR OTHER FIDUCIARY
2 AUTHORITY.

3 **SECTION 4.** In Colorado Revised Statutes, 18-6.5-103, **amend**
4 (6) and (8); and **add** (5.5) and (7.5) as follows:

5 **18-6.5-103. Crimes against at-risk adults and at-risk juveniles**

6 **- classifications.** (5.5) A PERSON WHO COMMITS THEFT, AND COMMITS
7 ANY ELEMENT OR PORTION OF THE OFFENSE IN THE PRESENCE OF THE
8 VICTIM, AS SUCH CRIME IS DESCRIBED IN SECTION 18-4-401 (1), AND THE
9 VICTIM IS AN AT-RISK ELDER, OR WHO COMMITS THEFT AGAINST AN
10 AT-RISK ELDER WHILE ACTING IN A POSITION OF TRUST, WHETHER OR NOT
11 IN THE PRESENCE OF THE VICTIM, OR COMMITS THEFT AGAINST AN AT-RISK
12 ELDER KNOWING THE VICTIM IS AN AT-RISK ELDER, WHETHER IN THE
13 PRESENCE OF THE VICTIM OR NOT, COMMITS A CLASS 5 FELONY IF THE
14 VALUE OF THE THING INVOLVED IS LESS THAN FIVE HUNDRED DOLLARS OR
15 A CLASS 3 FELONY IF THE VALUE OF THE THING INVOLVED IS FIVE HUNDRED
16 DOLLARS OR MORE. THEFT FROM THE PERSON OF AN AT-RISK ELDER BY
17 MEANS OTHER THAN THE USE OF FORCE, THREAT, OR INTIMIDATION IS A
18 CLASS 4 FELONY WITHOUT REGARD TO THE VALUE OF THE THING TAKEN.

19 (6) Any person who knowingly ~~neglects~~ COMMITS CARETAKER
20 NEGLECT AGAINST an at-risk adult, AN AT-RISK ELDER, or an at-risk
21 juvenile or knowingly acts in a manner likely to be injurious to the
22 physical or mental welfare of an at-risk adult, AN AT-RISK ELDER, or an
23 at-risk juvenile commits a class 1 misdemeanor.

24 (7.5) ANY PERSON WHO EXERCISES UNDUE INFLUENCE TO CONVERT
25 OR TAKE POSSESSION OF AN AT-RISK ELDER'S MONEY, ASSETS, OR OTHER
26 PROPERTY COMMITS THEFT, AS DEFINED IN SECTION 18-4-401.

27 (8) For purposes of ~~subsections (3) to (7)~~ SUBSECTIONS (3) TO

1 (7.5) of this section, commission of the offenses described in said
2 subsections shall include the attempt, solicitation, or conspiracy to
3 commit such offenses.

4 **SECTION 5.** In Colorado Revised Statutes, 26-3.1-101, **amend**
5 (5) and (7) (b); and **add** (2.3) and (2.5) as follows:

6 **26-3.1-101. Definitions.** As used in this article, unless the context
7 otherwise requires:

8 (2.3) "CARETAKER NEGLECT" MEANS NEGLECT THAT OCCURS
9 WHEN ADEQUATE FOOD, CLOTHING, SHELTER, PSYCHOLOGICAL CARE,
10 PHYSICAL CARE, MEDICAL CARE, OR SUPERVISION IS NOT SECURED FOR AN
11 AT-RISK ADULT OR IS NOT PROVIDED BY A CARETAKER IN A TIMELY
12 MANNER AND WITH THE DEGREE OF CARE THAT A REASONABLE PERSON IN
13 THE SAME SITUATION WOULD EXERCISE; EXCEPT THAT THE WITHHOLDING,
14 WITHDRAWING, OR REFUSING OF ANY TREATMENT, INCLUDING BUT NOT
15 LIMITED TO RESUSCITATION, CARDIAC PACING, MECHANICAL VENTILATION,
16 DIALYSIS, ARTIFICIAL NUTRITION AND HYDRATION, ANY MEDICATION OR
17 MEDICAL PROCEDURE OR DEVICE, IN ACCORDANCE WITH ANY VALID
18 MEDICAL DIRECTIVE OR ORDER, OR AS DESCRIBED IN A PALLIATIVE PLAN
19 OF CARE, SHALL NOT BE DEEMED CARETAKER NEGLECT. AS USED IN THIS
20 SUBSECTION (2.3), "MEDICAL DIRECTIVE OR ORDER" INCLUDES BUT IS NOT
21 LIMITED TO A MEDICAL DURABLE POWER OF ATTORNEY, A DECLARATION
22 AS TO MEDICAL TREATMENT EXECUTED PURSUANT TO SECTION 15-18-104,
23 C.R.S., A MEDICAL ORDER FOR SCOPE OF TREATMENT FORM EXECUTED
24 PURSUANT TO ARTICLE 18.7 OF TITLE 15, C.R.S., AND A CPR DIRECTIVE
25 EXECUTED PURSUANT TO ARTICLE 18.6 OF TITLE 15, C.R.S.

26 (2.5) "CLERGY MEMBER" MEANS A PRIEST; RABBI; DULY
27 ORDAINED, COMMISSIONED, OR LICENSED MINISTER OF A CHURCH; MEMBER

1 OF A RELIGIOUS ORDER; OR RECOGNIZED LEADER OF ANY RELIGIOUS BODY.

2 (5) "Financial institution" ~~has the same meaning as set forth in~~
3 ~~section 6-21-102(6), C.R.S.~~ MEANS A STATE OR FEDERAL BANK, SAVINGS
4 BANK, SAVINGS AND LOAN ASSOCIATION OR COMPANY, BUILDING AND
5 LOAN ASSOCIATION, TRUST COMPANY, OR CREDIT UNION.

6 (7) "Mistreatment" means an act or omission that threatens the
7 health, safety, or welfare of an at-risk adult or that exposes an at-risk
8 adult to a situation or condition that poses an imminent risk of death,
9 serious bodily injury, or bodily injury to the at-risk adult. "Mistreatment"
10 includes, but is not limited to:

11 (b) ~~Caretaker neglect. that occurs when adequate food, clothing,~~
12 ~~shelter, psychological care, physical care, medical care, or supervision is~~
13 ~~not secured for the at-risk adult or is not provided by a caretaker in a~~
14 ~~timely manner and with the degree of care that a reasonable person in the~~
15 ~~same situation would exercise; except that the withholding, withdrawing,~~
16 ~~or refusing of any treatment, including but not limited to resuscitation,~~
17 ~~cardiac pacing, mechanical ventilation, dialysis, artificial nutrition and~~
18 ~~hydration, any medication or medical procedure or device, in accordance~~
19 ~~with any valid medical directive or order, or as described in a palliative~~
20 ~~plan of care, shall not be deemed caretaker neglect. As used in this~~
21 ~~paragraph (b), "medical directive or order" includes, but is not limited to,~~
22 ~~a medical durable power of attorney, a declaration as to medical treatment~~
23 ~~executed pursuant to section 15-18-104, C.R.S., a medical orders for~~
24 ~~scope of treatment form executed pursuant to article 18.7 of title 15,~~
25 ~~C.R.S., and a CPR directive executed pursuant to article 18.6 of title 15,~~
26 ~~C.R.S.~~

27 **SECTION 6.** In Colorado Revised Statutes, 26-3.1-102, **amend**

1 (1) (a) and (1) (b); and **add** (1) (a.5) as follows:

2 **26-3.1-102. Reporting requirements.** (1) (a) ~~An immediate oral~~
3 ~~report should be made or caused to be made within twenty-four hours to~~
4 ~~a county department or during non-business hours to a local law~~
5 ~~enforcement agency responsible for investigating violations of state~~
6 ~~criminal laws protecting at-risk adults by any~~ A person specified in
7 paragraph (b) of this subsection (1) who ~~has observed~~ OBSERVES the
8 mistreatment, self-neglect, or exploitation of an at-risk adult or who has
9 reasonable cause to believe that an at-risk adult has been mistreated, is
10 self-neglected, or has been exploited and is at imminent risk of
11 mistreatment, self-neglect, or exploitation IS URGED TO REPORT SUCH FACT
12 TO A COUNTY DEPARTMENT NOT MORE THAN TWENTY-FOUR HOURS AFTER
13 MAKING THE OBSERVATION OR DISCOVERY.

14 (a.5) AS REQUIRED BY SECTION 18-6.5-108, C.R.S., A PERSON
15 SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (1) WHO OBSERVES THE
16 ABUSE OR EXPLOITATION OF AN AT-RISK ELDER, AS DEFINED IN SECTIONS
17 18-6.5-102 (1) AND (10), C.R.S., OR WHO HAS REASONABLE CAUSE TO
18 BELIEVE THAT AN AT-RISK ELDER HAS BEEN ABUSED OR EXPLOITED OR IS
19 AT IMMINENT RISK OF ABUSE OR EXPLOITATION SHALL REPORT SUCH FACT
20 TO A LAW ENFORCEMENT AGENCY NOT MORE THAN TWENTY-FOUR HOURS
21 AFTER MAKING THE OBSERVATION OR DISCOVERY.

22 (b) The following persons, WHETHER PAID OR UNPAID, are urged
23 to ~~make an oral report within twenty-four hours~~ AS DESCRIBED IN
24 PARAGRAPH (a) OF THIS SUBSECTION (1):

25 (I) Physicians, surgeons, physicians' assistants, osteopaths,
26 physicians in training, podiatrists, ~~and~~ occupational therapists, AND
27 PHYSICAL THERAPISTS;

- 1 (II) Medical examiners and coroners;
- 2 (III) Registered nurses, licensed practical nurses, and nurse
3 practitioners;
- 4 (IV) EMERGENCY MEDICAL SERVICE PROVIDERS;
- 5 ~~(IV)~~ (V) Hospital and long-term care facility personnel engaged
6 in the admission, care, or treatment of patients;
- 7 (VI) CHIROPRACTORS;
- 8 ~~(V)~~ (VII) Psychologists and other mental health professionals;
- 9 ~~(VI)~~ (VIII) Social work practitioners;
- 10 (IX) CLERGY MEMBERS;
- 11 ~~(VII)~~ (X) Dentists;
- 12 ~~(VIII)~~ (XI) Law enforcement officials and personnel;
- 13 ~~(IX)~~ (XII) Court-appointed guardians and conservators;
- 14 ~~(X)~~ (XIII) Fire protection personnel;
- 15 ~~(XI)~~ (XIV) Pharmacists;
- 16 ~~(XII)~~ (XV) Community-centered board staff;
- 17 ~~(XIII)~~ (XVI) Personnel of banks, savings and loan associations,
18 credit unions, and other lending or financial institutions; and
- 19 ~~(XIV)~~ ~~(Deleted by amendment, L. 2012.)~~
- 20 ~~(XV)~~ (XVII) A caretaker, staff member, or employee of or
21 volunteer or consultant for a licensed or certified care facility, agency,
22 home, or governing board, including but not limited to home health
23 providers.

24 **SECTION 7.** In Colorado Revised Statutes, **add** 26-3.1-110 as
25 follows:

26 **26-3.1-110. Report concerning the implementation of**
27 **mandatory reporting of elder abuse and exploitation - repeal.** (1) ON

1 OR BEFORE DECEMBER 31, 2016, THE STATE DEPARTMENT SHALL PREPARE
2 AND DELIVER TO THE JOINT BUDGET COMMITTEE AND TO THE HEALTH AND
3 HUMAN SERVICES COMMITTEE OF THE SENATE; THE HEALTH, INSURANCE,
4 AND ENVIRONMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES; AND
5 THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE
6 HOUSE OF REPRESENTATIVES, OR TO ANY SUCCESSOR COMMITTEE, A
7 REPORT CONCERNING THE IMPLEMENTATION OF H.B. 13-____, ENACTED IN
8 2013, AND MANDATORY REPORTS OF ABUSE AND EXPLOITATION OF
9 AT-RISK ELDERS, AS DESCRIBED IN SECTION 18-6.5-108, C.R.S.

10 (2) TO THE EXTENT THAT THE STATE DEPARTMENT IS ABLE TO
11 PROVIDE THE DATA, THE REPORT SHALL INCLUDE, BUT NEED NOT BE
12 LIMITED TO, THE FOLLOWING INFORMATION:

13 (a) CASELOAD INFORMATION, INCLUDING THE NUMBER OF REPORTS
14 AND NUMBER OF INVESTIGATIONS THAT RESULTED IN SUBSTANTIATION OF
15 ALLEGATIONS;

16 (b) DEMOGRAPHIC INFORMATION RELATED TO EACH AT-RISK
17 ELDER, ALLEGED PERPETRATOR, AND REPORTING PARTY INVOLVED IN
18 EACH REPORT;

19 (c) THE AVAILABILITY AND UTILIZATION OF SERVICES FOR AT-RISK
20 ELDERS WHO HAVE EXPERIENCED ABUSE OR EXPLOITATION, OR THE LACK
21 OF AVAILABILITY OF SUCH SERVICES;

22 (d) COMMUNITY OUTREACH, TRAINING, AND OTHER ACTIVITIES
23 UNDERTAKEN BY THE STATE DEPARTMENT OR COUNTY DEPARTMENTS TO
24 INFORM THE PUBLIC AND TRAIN PERSONS WHO ARE REQUIRED TO REPORT
25 OR TO INVESTIGATE ALLEGATIONS OF ABUSE OR EXPLOITATION OF AT-RISK
26 ELDERS;

27 (e) DATA CONCERNING PROGRAM EXPENDITURES AT BOTH THE

1 STATE AND LOCAL LEVELS;

2 (f) AVERAGE PER-WORKER CASELOAD; AND

3 (g) INFORMATION CONCERNING QUALITY ASSURANCE ACTIVITIES.

4 (3) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2017.

5 **SECTION 8.** In Colorado Revised Statutes, 24-31-303, **amend**

6 (1) (i) and (1) (j); and **add** (1) (k) as follows:

7 **24-31-303. Duties - powers of the P.O.S.T. board.** (1) The
8 P.O.S.T. board has the following duties:

9 (i) To promulgate rules and regulations that establish the criteria
10 that shall be applied in determining whether to recommend peace officer
11 status for a group or specific position as provided in section 16-2.5-201
12 (4), C.R.S.; and

13 (j) To establish standards for training of school resource officers,
14 as described in section 24-31-312; AND

15 (k) TO ESTABLISH TRAINING STANDARDS TO PREPARE LAW
16 ENFORCEMENT OFFICERS TO RECOGNIZE AND ADDRESS INCIDENTS OF
17 ABUSE AND EXPLOITATION OF AT-RISK ELDERS, AS DESCRIBED IN SECTIONS
18 18-6.5-102 (1) AND (10), C.R.S.

19 **SECTION 9.** In Colorado Revised Statutes, **add** 24-31-313 as
20 follows:

21 **24-31-313. Training concerning abuse and exploitation of**
22 **at-risk elders.** (1) ON OR BEFORE JANUARY 1, 2014, THE P.O.S.T. BOARD
23 SHALL CREATE AND IMPLEMENT A TRAINING CURRICULUM TO PREPARE
24 PEACE OFFICERS TO RECOGNIZE AND ADDRESS INCIDENTS OF ABUSE AND
25 EXPLOITATION OF AT-RISK ELDERS, AS DESCRIBED IN SECTIONS 18-6.5-102
26 (1) AND (10), C.R.S.

27 (2) ON AND AFTER JANUARY 1, 2015, EACH COUNTY SHERIFF AND

1 EACH MUNICIPAL LAW ENFORCEMENT AGENCY OF THE STATE SHALL
2 EMPLOY AT LEAST ONE PEACE OFFICER WHO HAS SUCCESSFULLY
3 COMPLETED THE TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF
4 THIS SECTION.

5 (3) THE TRAINING CURRICULUM PROVIDED PURSUANT TO
6 SUBSECTION (1) OF THIS SECTION SHALL INCLUDE A MEANS OF
7 RECOGNIZING AND IDENTIFYING PEACE OFFICERS WHO SUCCESSFULLY
8 COMPLETE THE TRAINING CURRICULUM.

9 (4) IN PROVIDING THE TRAINING CURRICULUM DESCRIBED IN
10 SUBSECTION (1) OF THIS SECTION, THE P.O.S.T. BOARD MAY INCLUDE
11 PROVISIONS TO ALLOW FOR THE AWARDING OF CREDIT TO A PEACE OFFICER
12 WHO HAS SUCCESSFULLY COMPLETED A SIMILAR TRAINING CURRICULUM
13 OFFERED BY ONE OR MORE PUBLIC OR PRIVATE ENTITIES, WHICH ENTITIES
14 SHALL BE IDENTIFIED BY THE P.O.S.T. BOARD.

15 (5) THE P.O.S.T. BOARD MAY CHARGE A FEE TO EACH PEACE
16 OFFICER WHO ENROLLS IN THE TRAINING CURRICULUM DESCRIBED IN
17 SUBSECTION (1) OF THIS SECTION. THE AMOUNT OF THE FEE SHALL NOT
18 EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE P.O.S.T.
19 BOARD IN PROVIDING THE CURRICULUM.

20 **SECTION 10.** In Colorado Revised Statutes, 26-1-105, **add** (4)
21 as follows:

22 **26-1-105. Department of human services created - executive**
23 **director - powers, duties, and functions.** (4) ON AND AFTER JANUARY
24 1, 2014, THE DEPARTMENT OF HUMAN SERVICES SHALL IMPLEMENT A
25 PROGRAM TO GENERATE AWARENESS AMONG:

26 (a) THE RESIDENTS OF THE STATE REGARDING THE MISTREATMENT,
27 SELF-NEGLECT, AND EXPLOITATION OF AT-RISK ADULTS;

1 (b) THE PERSONS IDENTIFIED IN SECTION 26-3.1-102 (1) (b) WHO
2 ARE URGED TO REPORT THE MISTREATMENT, SELF-NEGLECT, OR
3 EXPLOITATION OF AN AT-RISK ADULT; AND

4 (c) THE PERSONS IDENTIFIED IN SECTION 18-6.5-108, C.R.S., WHO
5 ARE REQUIRED TO REPORT THE ABUSE OR EXPLOITATION OF AN AT-RISK
6 ELDER.

7 **SECTION 11.** In Colorado Revised Statutes, 18-1.3-406, **amend**
8 (2) (c) as follows:

9 **18-1.3-406. Mandatory sentences for violent crimes.** (2) (c) As
10 used in this section, "at-risk adult" has the same meaning as set forth in
11 ~~section 18-6.5-102 (1)~~ SECTION 18-6.5-102 (2), and "at-risk juvenile" has
12 the same meaning as set forth in ~~section 18-6.5-102 (1.5)~~ SECTION
13 18-6.5-102 (4).

14 **SECTION 12.** In Colorado Revised Statutes, 18-6.5-103.5,
15 **amend** (1) as follows:

16 **18-6.5-103.5. Video tape depositions - at-risk adult victims and**
17 **witnesses.** (1) In any case in which a defendant is charged with a crime
18 against an at-risk adult, ~~as described in section 18-6.5-103~~ or in any case
19 involving a victim or witness who is an at-risk adult, ~~as defined in section~~
20 ~~18-6.5-102 (1)~~, the prosecution may file a motion with the court at any
21 time prior to commencement of the trial, for an order that a deposition be
22 taken of the testimony of the victim or witness and that the deposition be
23 recorded and preserved on video tape.

24 **SECTION 13.** In Colorado Revised Statutes, 18-9-121, **amend**
25 (5) (a) as follows:

26 **18-9-121. Bias-motivated crimes.** (5) For purposes of this
27 section:

1 (a) "Physical or mental disability" refers to a disability as used in
2 the definition of the term "person with a disability" in ~~section 18-6.5-102~~
3 ~~(3)~~ SECTION 18-6.5-102 (11).

4 **SECTION 14.** In Colorado Revised Statutes, 25-1-124, **amend**
5 (2) (e) as follows:

6 **25-1-124. Health care facilities - consumer information -**
7 **reporting - release.** (2) Each health care facility licensed pursuant to
8 section 25-3-101 or certified pursuant to section 25-1.5-103 (1) (a) (II)
9 shall report to the department all of the following occurrences:

10 (e) Any occurrence involving CARETAKER neglect of a patient or
11 resident, as described in ~~section 26-3.1-101 (4) (b), C.R.S.~~ SECTION
12 26-3.1-101 (2.3), C.R.S.;

13 **SECTION 15.** In Colorado Revised Statutes, 26-3.1-103, **repeal**
14 (4) as follows:

15 **26-3.1-103. Evaluations - investigations - rules.**
16 (4) ~~Notwithstanding any provision of section 24-72-204, C.R.S., or~~
17 ~~section 11-105-110, C.R.S., or any other applicable law concerning the~~
18 ~~confidentiality of financial records to the contrary, agencies investigating~~
19 ~~the exploitation of an at-risk adult shall be permitted to inspect all records~~
20 ~~of the at-risk adult on whose behalf the investigation is being conducted,~~
21 ~~including the at-risk adult's financial records, upon execution of a prior~~
22 ~~written consent form by the at-risk adult, in accordance with section~~
23 ~~6-21-103, C.R.S.~~

24 **SECTION 16.** In Colorado Revised Statutes, **repeal** 26-3.1-105
25 as follows:

26 **26-3.1-105. Prior consent form.** ~~A financial institution shall~~
27 ~~offer eligible account holders, as defined in section 6-21-102, C.R.S., the~~

1 ~~option of signing a prior consent form in accordance with section~~
2 ~~6-21-103, C.R.S.~~

3 **SECTION 17.** In Colorado Revised Statutes, **repeal** article 21 of
4 title 6 and part 3 of article 3.1 of title 26.

5 **SECTION 18. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.