

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0710.01 Jane Ritter x4342

SENATE BILL 14-098

SENATE SPONSORSHIP

Zenzinger,

HOUSE SPONSORSHIP

Foote and Schafer,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING CLARIFICATIONS TO STATUTORY LANGUAGE ON CRIMES**
102 **AGAINST AT-RISK ELDERS.**

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>.)

The bill adds language that allows for "other thing of value" to the current definition of exploitation of at-risk elders, which currently includes "money, assets, or property". Language is added to the definition of "abuse" to include "exploitation". Language confining the action to someone "who exercises authority over an at-risk elder" is removed from

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.*

the definition of "undue influence".

Instead of referencing the crime of theft, the bill establishes a new crime of criminal exploitation of an at-risk elder. Reporting requirements related to the mistreatment, neglect, or exploitation of at-risk elders is modified so that the reports no longer have to be forwarded to the district attorney's office, but rather to a local law enforcement agency or county department of social services.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-6.5-102, **amend**
3 (1), (10) (a), and (13) as follows:

4 **18-6.5-102. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (1) "Abuse" means any of the following acts or omissions
7 committed against an at-risk elder:

8 (a) The nonaccidental infliction of bodily injury, serious bodily
9 injury, or death;

10 (b) Confinement or restraint that is unreasonable under generally
11 accepted caretaking standards;

12 (c) Subjection to sexual conduct or contact classified as a crime
13 under this title; ~~and~~

14 (d) Caretaker neglect; AND

15 (e) EXPLOITATION.

16 (10) "Exploitation" means an act or omission committed by a
17 person who:

18 (a) Uses deception, harassment, intimidation, or undue influence
19 to permanently or temporarily deprive an at-risk elder of the use, benefit,
20 or possession of his or her money, assets, or property ANY THING OF
21 VALUE;

22 (13) "Undue influence" means the use of influence ~~by someone~~

1 ~~who exercises authority over an at-risk elder in order~~ to take unfair
2 advantage of ~~the~~ AN at-risk elder's vulnerable state of mind, neediness,
3 pain, or ~~agony~~ EMOTIONAL DISTRESS.

4 **SECTION 2.** In Colorado Revised Statutes, 18-6.5-103, **repeal**
5 **and reenact, with amendments,** (7.5) as follows:

6 **18-6.5-103. Crimes against at-risk adults and at-risk juveniles**
7 **- classifications.** (7.5) (a) A PERSON COMMITS CRIMINAL EXPLOITATION
8 OF AN AT-RISK ELDER WHEN HE OR SHE USES DECEPTION, HARASSMENT,
9 INTIMIDATION, OR UNDUE INFLUENCE TO PERMANENTLY OR TEMPORARILY
10 DEPRIVE AN AT-RISK ELDER OF THE USE, BENEFIT, OR POSSESSION OF ANY
11 THING OF VALUE. ==

12 (b) CRIMINAL EXPLOITATION OF AN AT-RISK ELDER IS A CLASS 3
13 FELONY IF THE THING OF VALUE IS FIVE HUNDRED DOLLARS OR GREATER.
14 CRIMINAL EXPLOITATION OF AN AT-RISK ELDER IS A CLASS 5 FELONY IF
15 THE == THING OF VALUE IS LESS THAN FIVE HUNDRED DOLLARS.

16 **SECTION 3.** In Colorado Revised Statutes, 26-3.1-102, **amend**
17 (3) as follows:

18 **26-3.1-102. Reporting requirements.** (3) A copy of the report
19 prepared by the county department in accordance with subsections (1) and
20 (2) of this section shall be forwarded within twenty-four hours to ~~the~~
21 ~~district attorney's office~~ and a local law enforcement agency. A report
22 prepared by a local law enforcement agency shall be forwarded within
23 twenty-four hours to the county department. ~~and to the district attorney's~~
24 ~~office.~~

25 **SECTION 4. Potential appropriation.** Pursuant to section
26 2-2-703, Colorado Revised Statutes, any bill that results in a net increase
27 in periods of imprisonment in the state correctional facilities must include

1 an appropriation of moneys that is sufficient to cover any increased
2 capital construction and operational costs for the first five fiscal years in
3 which there is a fiscal impact. Because this act may increase periods of
4 imprisonment, this act may require a five-year appropriation.

5 **SECTION 5. 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.