

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

PREAMENDED

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

LLS NO. 15-0732.01 Jerry Barry x4341

SENATE BILL 15-109

SENATE SPONSORSHIP

Grantham, Lambert, Steadman

HOUSE SPONSORSHIP

Young, Hamner, Rankin

Senate Committees

Health & Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE MANDATORY REPORTING OF MISTREATMENT**
102 **AGAINST AN ADULT WITH A DISABILITY.**

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>.)

Joint Budget Committee. Under current law, certain persons are required to report to a law enforcement agency if the person observes or has reason to believe that a person 70 years of age or older has been abused or exploited. The bill expands this requirement to also cover a person with a disability who is 18 years of age or older.

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.*

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

2 **SECTION 1. In Colorado Revised Statutes, 18-6.5-102, add (2.5)**
3 **as follows:**

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

6 **(2.5) "AT-RISK ADULT WITH AN INTELLECTUAL AND**
7 **DEVELOPMENTAL DISABILITY" MEANS A PERSON WHO IS EIGHTEEN YEARS**
8 **OF AGE OR OLDER AND IS A PERSON WITH AN INTELLECTUAL AND**
9 **DEVELOPMENTAL DISABILITY, AS DEFINED IN SECTION 25.5-10-202 (26)**
10 **(a), C.R.S.**

11 **SECTION 2. In Colorado Revised Statutes, 18-6.5-108, amend**
12 **(1) (a), (1) (b) (IX), (1) (b) (XVI), (1) (d), (2), (3), (4), and (5) as follows:**

13 **18-6.5-108. Mandatory reports of abuse and exploitation of**
14 **at-risk adults - list of reporters - penalties. (1) (a) On and after July 1,**
15 **2014 JULY 1, 2015, a person specified in paragraph (b) of this subsection**
16 **(1) who observes the abuse or exploitation of an at-risk elder OR AN**
17 **AT-RISK ADULT WITH AN INTELLECTUAL AND DEVELOPMENTAL**
18 **DISABILITY, or who has reasonable cause to believe that an at-risk elder**
19 **OR AN AT-RISK ADULT WITH AN INTELLECTUAL AND DEVELOPMENTAL**
20 **DISABILITY has been abused or has been exploited or is at imminent risk**
21 **of abuse or exploitation, shall report such fact to a law enforcement**
22 **agency not more than twenty-four hours after making the observation or**
23 **discovery.**

24 **(b) The following persons, whether paid or unpaid, shall report as**
25 **required by paragraph (a) of this subsection (1):**

26 **(IX) Clergy members; except that the reporting requirement**

1 described in paragraph (a) of this subsection (1) shall not apply to a
2 person who acquires reasonable cause to believe that an at-risk elder OR
3 AN AT-RISK ADULT WITH AN INTELLECTUAL AND DEVELOPMENTAL
4 DISABILITY has been mistreated or has been exploited or is at imminent
5 risk of mistreatment or exploitation during a communication about which
6 the person may not be examined as a witness pursuant to section
7 13-90-107 (1)(c), C.R.S., unless the person also acquires such reasonable
8 cause from a source other than such a communication;

9 (XVI) Personnel of banks, savings and loan associations, credit
10 unions, and other lending or financial institutions; EXCEPT THAT THE
11 REPORTING REQUIREMENT DESCRIBED IN PARAGRAPH (a) OF THIS
12 SUBSECTION (1) ONLY APPLIES TO A PERSON DESCRIBED IN THIS
13 SUBPARAGRAPH (XVI) WHO DIRECTLY OBSERVES THE ABUSE OR
14 EXPLOITATION OF AN AT-RISK ELDER OR AN AT-RISK ADULT WITH AN
15 INTELLECTUAL AND DEVELOPMENTAL DISABILITY OR WHO HAS
16 REASONABLE CAUSE TO BELIEVE THAT AN AT-RISK ELDER OR AN AT-RISK
17 ADULT WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY HAS
18 BEEN ABUSED OR HAS BEEN EXPLOITED OR IS AT IMMINENT RISK OF ABUSE
19 OR EXPLOITATION BY REASON OF ACTUAL KNOWLEDGE OF FACTS OR
20 CIRCUMSTANCES INDICATING THE ABUSE OR EXPLOITATION;

21 (d) Notwithstanding the provisions of paragraph (a) of this
22 subsection (1), a person described in paragraph (b) of this subsection (1)
23 is not required to report the abuse or exploitation of an at-risk elder OR AN
24 AT-RISK ADULT WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY
25 if the person knows that another person has already reported to a law
26 enforcement agency the same abuse or exploitation that would have been
27 the basis of the person's own report.

1 (2) (a) A law enforcement agency that receives a report of abuse
2 or exploitation of an at-risk elder OR AN AT-RISK ADULT WITH AN
3 INTELLECTUAL AND DEVELOPMENTAL DISABILITY shall acquire, to the
4 extent possible, the following information from the person making the
5 report:

6 (I) The name, age, address, and contact information of the at-risk
7 elder OR AT-RISK ADULT WITH AN INTELLECTUAL AND DEVELOPMENTAL
8 DISABILITY;

9 (II) The name, age, address, and contact information of the person
10 making the report;

11 (III) The name, age, address, and contact information of the
12 CARETAKER OF THE at-risk ~~elder's caretaker~~ ELDER OR AT-RISK ADULT
13 WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY, if any;

14 (IV) The name of the alleged perpetrator;

15 (V) The nature and extent of ANY INJURY, WHETHER PHYSICAL OR
16 FINANCIAL, TO the at-risk ~~elder's injury, whether physical or financial, if~~
17 any; ELDER OR AT-RISK ADULT WITH AN INTELLECTUAL AND
18 DEVELOPMENTAL DISABILITY;

19 (VI) The nature and extent of the condition that required the report
20 to be made; and

21 (VII) Any other pertinent information.

22 (b) Not more than twenty-four hours after receiving a report of
23 abuse or exploitation of an at-risk elder OR AN AT-RISK ADULT WITH AN
24 INTELLECTUAL AND DEVELOPMENTAL DISABILITY, a law enforcement
25 agency shall provide a notification of the report to the county department
26 of FOR THE COUNTY IN WHICH the at-risk ~~elder's residence~~ ELDER OR
27 AT-RISK ADULT WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY

1 RESIDES and the district attorney's office of the location where the abuse
2 or exploitation occurred.

3 (c) The law enforcement agency shall complete a criminal
4 investigation when appropriate. The law enforcement agency shall
5 provide a summary report of the investigation to the county department
6 of FOR THE COUNTY IN WHICH the at-risk elder's residence ELDER OR
7 AT-RISK ADULT WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY
8 RESIDES and to the district attorney's office of the location where the
9 abuse or exploitation occurred.

10 (3) A person, including but not limited to a person specified in
11 paragraph (b) of subsection (1) of this section, who reports abuse or
12 exploitation of an at-risk elder OR AN AT-RISK ADULT WITH AN
13 INTELLECTUAL AND DEVELOPMENTAL DISABILITY to a law enforcement
14 agency pursuant to subsection (1) of this section is immune from suit and
15 liability for damages in any civil action or criminal prosecution if the
16 report was made in good faith; except that such a person is not immune
17 if he or she is the alleged perpetrator of the abuse or exploitation.

18 (4) A person, including but not limited to a person specified in
19 paragraph (b) of subsection (1) of this section, who knowingly makes a
20 false report of abuse or exploitation of an at-risk elder OR AN AT-RISK
21 ADULT WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY to a law
22 enforcement agency commits a class 3 misdemeanor and shall MUST be
23 punished as provided in section 18-1.3-501 and shall be IS liable for
24 damages proximately caused thereby.

25 (5) The reporting duty described in subsection (1) of this section
26 shall not be interpreted as creating DOES NOT CREATE a civil duty of care
27 or establishing a civil standard of care that is owed to an at-risk elder OR

1 AN AT-RISK ADULT WITH AN INTELLECTUAL AND DEVELOPMENTAL
2 DISABILITY by a person specified in paragraph (b) of subsection (1) of this
3 section.

4 **SECTION 3. In Colorado Revised Statutes, 26-3.1-102, amend**
5 **(1) (a.5) as follows:**

6 **26-3.1-102. Reporting requirements. (1) (a.5) As required by**
7 **section 18-6.5-108, C.R.S., certain persons specified in paragraph (b) of**
8 **this subsection (1) who observe the abuse or exploitation, AS DEFINED IN**
9 **SECTION 18-6.5-102 (1) AND (10), C.R.S., of an at-risk elder, as defined**
10 **in section ~~18-6.5-102 (1) and (10)~~ 18-6.5-102 (3), C.R.S., OR AN AT-RISK**
11 **ADULT WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY, AS**
12 **DEFINED IN SECTION 18-6.5-102 (2.5), C.R.S., or who have reasonable**
13 **cause to believe that an at-risk elder OR AN AT-RISK ADULT WITH AN**
14 **INTELLECTUAL AND DEVELOPMENTAL DISABILITY has been abused or**
15 **exploited or is at imminent risk of abuse or exploitation shall report such**
16 **fact to a law enforcement agency not more than twenty-four hours after**
17 **making the observation or discovery.**

18 **SECTION 4. Effective date - applicability.** This act takes effect
19 **July 1, 2015, and applies to offenses committed on or after said date.**

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