

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 25, 2015
Date

Committee on Health & Human Services.

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

SB15-109 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, strike everything below the enacting clause and
2 substitute:
3 "SECTION 1. In Colorado Revised Statutes, 18-6.5-102, **add**
4 (2.5) as follows:
5 **18-6.5-102. Definitions.** As used in this article, unless the context
6 otherwise requires:
7 (2.5) "AT-RISK ADULT WITH AN INTELLECTUAL AND
8 DEVELOPMENTAL DISABILITY" MEANS A PERSON WHO IS EIGHTEEN YEARS
9 OF AGE OR OLDER AND IS A PERSON WITH AN INTELLECTUAL AND
10 DEVELOPMENTAL DISABILITY, AS DEFINED IN SECTION 25.5-10-202 (26)
11 (a), C.R.S.
12 **SECTION 2.** In Colorado Revised Statutes, 18-6.5-108, **amend**
13 (1) (a), (1) (b) (IX), (1) (b) (XVI), (1) (d), (2), (3), (4), and (5) as follows:
14 **18-6.5-108. Mandatory reports of abuse and exploitation of**
15 **at-risk adults - list of reporters - penalties.** (1) (a) On and after ~~July 1,~~
16 ~~2014~~ JULY 1, 2015, a person specified in paragraph (b) of this subsection
17 (1) who observes the abuse or exploitation of an at-risk elder OR AN
18 AT-RISK ADULT WITH AN INTELLECTUAL AND DEVELOPMENTAL
19 DISABILITY, or who has reasonable cause to believe that an at-risk elder
20 OR AN AT-RISK ADULT WITH AN INTELLECTUAL AND DEVELOPMENTAL
21 DISABILITY has been abused or has been exploited or is at imminent risk
22 of abuse or exploitation, shall report such fact to a law enforcement
23 agency not more than twenty-four hours after making the observation or
24 discovery.

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

3 (IX) Clergy members; except that the reporting requirement
4 described in paragraph (a) of this subsection (1) shall not apply to a
5 person who acquires reasonable cause to believe that an at-risk elder OR
6 AN AT-RISK ADULT WITH AN INTELLECTUAL AND DEVELOPMENTAL
7 DISABILITY has been mistreated or has been exploited or is at imminent
8 risk of mistreatment or exploitation during a communication about which
9 the person may not be examined as a witness pursuant to section
10 13-90-107 (1) (c), C.R.S., unless the person also acquires such reasonable
11 cause from a source other than such a communication;

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

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

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

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

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

41 (III) The name, age, address, and contact information of the

1 CARETAKER OF THE at-risk ~~elder's caretaker~~ ELDER OR AT-RISK ADULT
2 WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY, if any;

3 (IV) The name of the alleged perpetrator;

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

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

10 (VII) Any other pertinent information.

11 (b) Not more than twenty-four hours after receiving a report of
12 abuse or exploitation of an at-risk elder OR AN AT-RISK ADULT WITH AN
13 INTELLECTUAL AND DEVELOPMENTAL DISABILITY, a law enforcement
14 agency shall provide a notification of the report to the county department
15 ~~of~~ FOR THE COUNTY IN WHICH the at-risk ~~elder's residence~~ ELDER OR
16 AT-RISK ADULT WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY
17 RESIDES and the district attorney's office of the location where the abuse
18 or exploitation occurred.

19 (c) The law enforcement agency shall complete a criminal
20 investigation when appropriate. The law enforcement agency shall
21 provide a summary report of the investigation to the county department
22 ~~of~~ FOR THE COUNTY IN WHICH the at-risk ~~elder's residence~~ ELDER OR
23 AT-RISK ADULT WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY
24 RESIDES and to the district attorney's office of the location where the
25 abuse or exploitation occurred.

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

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

41 (5) The reporting duty described in subsection (1) of this section

1 ~~shall not be interpreted as creating~~ DOES NOT CREATE a civil duty of care
2 or establishing a civil standard of care that is owed to an at-risk elder OR
3 AN AT-RISK ADULT WITH AN INTELLECTUAL AND DEVELOPMENTAL
4 DISABILITY by a person specified in paragraph (b) of subsection (1) of this
5 section.

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

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

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

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

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