

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB20-059 be amended as follows:

- 1 Amend printed bill, strike everything below the enacting clause and
2 substitute:
- 3 **"SECTION 1. In Colorado Revised Statutes, add 18-8-410 as**
4 **follows:**
- 5 **18-8-410. Abuse of public trust by an educator - definitions.**
- 6 (1) ANY EDUCATOR WHO KNOWINGLY SUBJECTS A STUDENT TO ANY
7 SEXUAL CONTACT COMMITS ABUSE OF PUBLIC TRUST BY AN EDUCATOR IF
8 THE STUDENT IS AT LEAST EIGHTEEN YEARS OF AGE AND THE EDUCATOR
9 IS MORE THAN FOUR YEARS OLDER THAN THE STUDENT AND IS NOT HIS OR
10 HER SPOUSE.
- 11 (2) ABUSE OF PUBLIC TRUST BY AN EDUCATOR IS A CLASS 1
12 MISDEMEANOR SUBJECT TO THE MODIFIED SENTENCING RANGE SPECIFIED
13 IN SECTION 18-1.3-501 (3).
- 14 (3) CONSENT BY THE STUDENT TO THE SEXUAL CONTACT SHALL
15 NOT CONSTITUTE A DEFENSE TO THE OFFENSE.
- 16 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
17 REQUIRES:
- 18 (a) "CONSENT" HAS THE SAME MEANING AS SET FORTH IN SECTION
19 18-3-401 (1.5).
- 20 (b) (I) "EDUCATOR" MEANS A PERSON EMPLOYED AT THE SAME
21 SCHOOL AS THE STUDENT ATTENDS AT THE TIME OF THE SEXUAL CONTACT
22 AND WHO:
- 23 (A) INSTRUCTS STUDENTS AT THAT SCHOOL;
- 24 (B) ADMINISTERS, DIRECTS, OR SUPERVISES THE EDUCATIONAL
25 INSTRUCTION PROGRAM, OR A PORTION THEREOF;
- 26 (C) PROVIDES HEALTH OR EDUCATIONAL SUPPORT SERVICES
27 DIRECTLY TO STUDENTS OF THE SCHOOL; OR
- 28 (D) COACHES STUDENTS OF THE SCHOOL.
- 29 (II) "EDUCATOR" DOES NOT INCLUDE ANOTHER STUDENT AT THE
30 SCHOOL WHERE THE EDUCATOR IS EMPLOYED.
- 31 (c) "SCHOOL" MEANS ANY INSTITUTION THAT INSTRUCTS PERSONS
32 IN ANY OF GRADES PRE-KINDERGARTEN THROUGH TWELFTH BUT DOES NOT
33 INCLUDE ANY POSTSECONDARY SCHOOL.
- 34 (d) "SEXUAL CONTACT" HAS THE SAME MEANING AS SET FORTH IN
35 SECTION 18-3-401 (4).
- 36 (e) "STUDENT" MEANS ANY PERSON ENROLLED IN A SCHOOL.
- 37 (5) SCHOOLS SHALL ADVISE ALL EMPLOYEES OF THE PROHIBITIONS
38 IN THIS SECTION.
- 39 **SECTION 2. Act subject to petition - effective date -**
40 **applicability. (1) This act takes effect September 1, 2020; except that,**

1 if a referendum petition is filed pursuant to section 1 (3) of article V of
2 the state constitution against this act or an item, section, or part of this act
3 within the ninety-day period after final adjournment of the general
4 assembly, then the act, item, section, or part will not take effect unless
5 approved by the people at the general election to be held in November
6 2020 and, in such case, will take effect on the date of the official
7 declaration of the vote thereon by the governor.

8 (2) This act applies to offenses committed on or after the
9 applicable effective date of this act.".

10 Page 1, strike line 101 and substitute "**CONCERNING SEXUAL CONTACT**
11 **BETWEEN A STUDENT AND AN EDUCATOR IN VIOLATION OF THE PUBLIC**
12 **TRUST.**".

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