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

SB20-059 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, strike everything below the enacting clause and substitute:

"SECTION 1. In Colorado Revised Statutes, add 18-8-410 as follows:

18-8-410. Abuse of public trust by an educator - definitions.
(1) Any educator who knowingly subjects a student to any sexual contact commits abuse of public trust by an educator if the student is at least eighteen years of age and the educator is more than four years older than the student and is not his or her spouse.
(2) Abuse of public trust by an educator is a class 1 misdemeanor subject to the modified sentencing range specified in section 18-1.3-501 (3).
(3) Consent by the student to the sexual contact shall not constitute a defense to the offense.
(4) As used in this section, unless the context otherwise requires:
   (a) "Consent" has the same meaning as set forth in section 18-3-401 (1.5).
   (b) (I) "Educator" means a person employed at the same school as the student attends at the time of the sexual contact and who:
       (A) Instructs students at that school;
       (B) Administers, directs, or supervises the educational
INSTRUCTION PROGRAM, OR A PORTION THEREOF;
(C) PROVIDES HEALTH OR EDUCATIONAL SUPPORT SERVICES
DIRECTLY TO STUDENTS OF THE SCHOOL; OR
(D) COACHES STUDENTS OF THE SCHOOL.
(II) "EDUCATOR" DOES NOT INCLUDE ANOTHER STUDENT AT THE
SCHOOL WHERE THE EDUCATOR IS EMPLOYED.
(c) "SCHOOL" MEANS ANY INSTITUTION THAT INSTRUCTS PERSONS
IN ANY OF GRADES PRE-KINDERGARTEN THROUGH TWELFTH BUT DOES NOT
INCLUDE ANY POSTSECONDARY SCHOOL.
(d) "SEXUAL CONTACT" HAS THE SAME MEANING AS SET FORTH IN
SECTION 18-3-401 (4).
(e) "STUDENT" MEANS ANY PERSON ENROLLED IN A SCHOOL.
(5) SCHOOLS SHALL ADVISE ALL EMPLOYEES OF THE PROHIBITIONS
IN THIS SECTION.

SECTION 2. Act subject to petition - effective date -
applicability. (1) This act takes effect September 1, 2020; except that,
if a referendum petition is filed pursuant to section 1 (3) of article V of
the state constitution against this act or an item, section, or part of this act
within the ninety-day period after final adjournment of the general
assembly, then the act, item, section, or part will not take effect unless
approved by the people at the general election to be held in November
2020 and, in such case, will take effect on the date of the official
declaration of the vote thereon by the governor.
(2) This act applies to offenses committed on or after the
applicable effective date of this act.".

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