



Legislative Council Staff
Research Note

Version: Final

Date: 11/1/2016

Bill Number

House Bill 16-1394

Sponsors

Representative Young
Senator Grantham

Short Title

***Aligning Issues Around At-risk
Persons***

Research Analyst

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Status

This research note reflects the final version of the bill which became effective on July 1, 2016.

Summary

The bill implements the following recommendations of the At-risk Adults with Intellectual and Developmental Disabilities Mandatory Reporting Implementation Task Force:

- standardizing statutory definitions among the "Colorado Criminal Code," adult protective services in the Department of Human Services, and the Office of Community Living in the Department of Health Care Policy and Financing;
- specifying that enhanced penalties for crimes against an at-risk person apply to all persons 70 years of age or older and to all persons with an intellectual or developmental disability (IDD); and
- clarifying and expanding those who are mandatory reporters in suspected instances of mistreatment of at-risk elders or at-risk adults with IDD.

Additionally, county departments of human or social services are responsible for ensuring that an investigation of allegations of mistreatment of an at-risk adult is conducted. A human rights committee is responsible for reviewing investigations of allegations of mistreatment of persons with IDD who are receiving services and supports through the Office of Community Living in the Department of Health Care Policy and Financing.

Background

Senate Bill 15-109 created the At-risk Adults with Intellectual and Developmental Disabilities Mandatory Reporting Implementation Task Force within the Department of Human Services. The task force was charged with studying and preparing recommendations for the implementation of mandatory reporting of mistreatment, abuse, neglect, or exploitation of at-risk adults with intellectual and developmental disabilities in Colorado. The final report was submitted on November 30, 2015.

Human rights committees are established by community-centered boards as a third-party mechanism to safeguard the legal rights of persons with intellectual and developmental disabilities who are receiving services through the Office of Community Living in the Department of Health Care Policy and Financing. Human rights committees are comprised of two professional persons trained in the application of behavioral development techniques and three representatives of persons receiving services, their parents, legal guardians, or authorized representatives.

House Action

House Health, Insurance, and Environment Committee (April 19, 2016). At the hearing, representatives from the Arc of Aurora, Colorado Department of Human Services, and County Sheriffs of Colorado testified in support of the bill. Representative from the Colorado Bankers Association and Colorado District Attorneys' Council testified in a neutral capacity on the bill. The committee adopted amendments L.001 and L.002, and referred the bill to the House Committee of the Whole, as amended.

Amendment L.001 changed language regarding mandatory reporting requirements for bank personnel. Amendment L.002:

- returned the requirement for a local law enforcement agency or county department of human or social services to issue a report within 48 hours, rather than 24 hours, of receiving a report of suspected mistreatment or self-neglect of an at-risk adult;
- made a county department of human or social services responsible for ensuring that an investigation is conducted if the department determines an investigation is required after receiving a report of mistreatment or self-neglect of an at-risk adult;
- required a county department of human or social services to arrange for the subsequent provision of protective services; and
- specified that the Human Rights Committee will review investigations of alleged mistreatment of persons with IDD who are receiving services and supports through the Office of Community Living in the Department of Health Care Policy and Financing.

House second reading (April 25, 2016). The House re-referred the bill to the House Health, Insurance, and Environment Committee.

House Health, Insurance, and Environment Committee (April 26, 2016). At the hearing, a representative from Colorado Districts Attorneys' Council answered questions from the committee. The committee adopted amendments L.007, L.009 and L.010, and referred the bill to the House Committee of the Whole, as amended.

Amendment L.007 removed landlords and staff of housing and housing authority agencies for at-risk elders and at-risk adults with intellectual and developmental disabilities from the mandatory

reporter list. Amendment L.009:

- amended the definitions of caretaker neglect, exploitation, and mistreated or mistreatment;
- changed the term "crime against an at-risk adult or at-risk juvenile" to "crime against at-risk person;"
- amended language concerning theft against at-risk persons;
- changed references from "at-risk elder" to "at-risk person;"
- removed the provision of the bill concerning video tape depositions for crimes against at-risk adults; and
- changed references from "abuse or exploitation" to "mistreatment."

Amendment L.010 amended amendment L.009 to change the term "at-risk person" to "at-risk adult" and "at-risk adult with IDD" in specific circumstances.

House second reading (April 28, 2016). The House adopted the House Health, Insurance, and Environment Committee reports and Amendment No. 3, which amended the House Health, Insurance, and Environment Committee report, dated April 26, 2016, to remove the portions of the committee report that eliminated certain acts or omissible from the definition of "mistreatment." The House passed the bill on second reading, as amended.

House third reading (April 29, 2016). The House passed the bill on third reading with no amendments.

Senate Action

Senate Finance Committee (May 3, 2016). At the hearing, a representative from Colorado District Attorneys' Council testified on the bill, but did not state his position. The committee adopted amendments L.012 and L.014 and referred the bill to the Senate Committee of the Whole.

Amendment L.012 amended the definition of caretaker neglect. Amendment L.014 changed language regarding mandatory reporting for bank personnel.

Senate second reading (May 3, 2016). The Senate adopted the Senate Finance Committee report and passed the bill on second reading.

Senate third reading (May 4, 2016). The Senate passed the bill on third reading with no amendments.

Relevant Research

Senate Bill 15-109 Task Force Findings and Recommendations (November 30, 2015): <http://bit.ly/2e82pVR>.

Legislative Council Staff, *Colorado's Adult Protective Services System*, Issue Brief, October 12, 2012: <http://bit.ly/2e81ZPg>.