

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 18-0108.01 Jane Ritter x4342

**SENATE BILL 18-050**

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**SENATE SPONSORSHIP**

**Smallwood,**

**HOUSE SPONSORSHIP**

**Coleman,**

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**Senate Committees**  
Health & Human Services

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING INCLUDING STAFF OF FREE-STANDING EMERGENCY**  
102 **FACILITIES AS PART OF COLORADO'S SAFE HAVEN LAWS.**

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**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://leg.colorado.gov>.)*

The bill expands Colorado's safe haven laws to include staff members of free-standing emergency facilities as persons allowed to take temporary physical custody of infants 72 hours old or younger when the infant is voluntarily surrendered by its parent or parents.

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Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

SENATE  
Amended 2nd Reading  
January 22, 2018

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-6-401, **amend** (9)  
3 as follows:

4 **18-6-401. Child abuse - definition.** (9) (a) If a parent is charged  
5 with permitting a child to be unreasonably placed in a situation that poses  
6 a threat of injury to the child's life or health, pursuant to ~~paragraph (a) of~~  
7 ~~subsection (1)~~ SUBSECTION (1)(a) of this section, and the child was  
8 seventy-two hours old or younger at the time of the alleged offense, it is  
9 an affirmative defense to the charge that the parent safely, reasonably, and  
10 knowingly handed the child over to a firefighter, as defined in section  
11 18-3-201 (1.5), or to a hospital staff member who engages in the  
12 admission, care, or treatment of patients, PATIENTS AT A HOSPITAL OR  
13 COMMUNITY CLINIC EMERGENCY CENTER, AS DEFINED IN SUBSECTION  
14 (9)(b) OF THIS SECTION, when the firefighter is at a fire station, or the  
15 hospital staff member is at a hospital STAFF MEMBER IS AT A HOSPITAL OR  
16 COMMUNITY CLINIC EMERGENCY CENTER, AS DEFINED IN SUBSECTION  
17 (9)(b) OF THIS SECTION.

18 (b) "COMMUNITY CLINIC EMERGENCY CENTER" MEANS A  
19 COMMUNITY CLINIC LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH  
20 AND ENVIRONMENT PURSUANT TO SECTION 25-3-101 (2)(a)(I)(B) THAT:

21 (I) DELIVERS EMERGENCY SERVICES;

22 (II) PROVIDES EMERGENCY CARE TWENTY-FOUR HOURS PER DAY  
23 AND SEVEN DAYS A WEEK THROUGHOUT THE YEAR, EXCEPT IF LOCATED IN  
24 A RURAL OR FRONTIER AREA THAT DOES NOT HAVE THE DEMAND TO  
25 SUPPORT TWENTY-FOUR-HOUR SERVICE OR ONLY OPERATES EACH YEAR  
26 DURING A SPECIFIED TIME PERIOD DUE TO SEASONAL POPULATION INFLUX;

27 AND

1           (III) IS NOT ATTACHED TO, CONTAINED WITHIN, AFFILIATED WITH,  
2           OR OWNED OR OPERATED BY A HOSPITAL.

3           **SECTION 2.** In Colorado Revised Statutes, 19-1-115, **amend**  
4           (7)(b) as follows:

5           **19-1-115. Legal custody - guardianship - placement out of the**  
6           **home - petition for review for need of placement.** (7) Reasonable  
7           efforts are not required to prevent the child's removal from the home or  
8           to reunify the child and the family in the following circumstances:

9           (b) When the parental rights of the parent with respect to a sibling  
10          of the child have been involuntarily terminated; unless the prior sibling  
11          termination resulted from a parent delivering a child to a firefighter or a  
12          ~~hospital~~ staff member OF A HOSPITAL OR COMMUNITY CLINIC EMERGENCY  
13          CENTER, AS DEFINED IN SECTION 19-3-304.5 (9), pursuant to the provisions  
14          of section 19-3-304.5; or

15          **SECTION 3.** In Colorado Revised Statutes, 19-3-304.5, **amend**  
16          (1) introductory portion, (2) introductory portion, (3), and (4.5); and add  
17          (9) as follows:

18          **19-3-304.5. Emergency possession of certain abandoned**  
19          **children - definition.** (1) If a parent voluntarily delivers a child to a  
20          firefighter, as defined in section 18-3-201 (1.5), C.R.S., or a hospital ~~\_\_\_\_\_~~  
21          staff member who engages in the admission, care, or treatment of  
22          ~~patients,~~ PATIENTS AT A HOSPITAL OR COMMUNITY CLINIC EMERGENCY  
23          CENTER, AS DEFINED IN SUBSECTION (9) OF THIS SECTION, when the  
24          firefighter is at a fire station or the ~~hospital~~ staff member is at a hospital  
25          OR COMMUNITY CLINIC EMERGENCY CENTER, AS DEFINED IN SUBSECTION  
26          (9) OF THIS SECTION, the firefighter or hospital staff member OF THE  
27          HOSPITAL OR COMMUNITY CLINIC EMERGENCY CENTER shall, without a

1 court order, take temporary physical custody of the child if:

2 (2) If a firefighter or ~~hospital~~ staff member OF A HOSPITAL OR  
3 COMMUNITY CLINIC EMERGENCY CENTER takes temporary physical  
4 custody of a child pursuant to subsection (1) of this section, the firefighter  
5 or ~~hospital~~ staff member shall:

6 (3) A firefighter or ~~hospital~~ staff member OF A HOSPITAL OR  
7 COMMUNITY CLINIC EMERGENCY CENTER \_\_\_\_\_ shall incur no civil or  
8 criminal liability for any good faith acts or omissions performed pursuant  
9 to this section.

10 (4.5) Any document prepared by a firefighter, ~~member of a~~  
11 hospital OR COMMUNITY CLINIC EMERGENCY CENTER staff MEMBER, or A  
12 law enforcement officer pursuant to this section shall be IS a dependency  
13 and neglect record and shall be IS subject to the confidentiality provisions  
14 of section 19-1-307.

15 (9) "COMMUNITY CLINIC EMERGENCY CENTER" MEANS A  
16 COMMUNITY CLINIC LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH  
17 AND ENVIRONMENT PURSUANT TO SECTION 25-3-101 (2)(a)(1)(B) THAT:

18 (a) DELIVERS EMERGENCY SERVICES;

19 (b) PROVIDES EMERGENCY CARE TWENTY-FOUR HOURS PER DAY  
20 AND SEVEN DAYS A WEEK THROUGHOUT THE YEAR, EXCEPT IF LOCATED IN  
21 A RURAL OR FRONTIER AREA THAT DOES NOT HAVE THE DEMAND TO  
22 SUPPORT TWENTY-FOUR-HOUR SERVICE OR ONLY OPERATES EACH YEAR  
23 DURING A SPECIFIED TIME PERIOD DUE TO SEASONAL POPULATION INFLUX;

24 AND

25 (c) IS NOT ATTACHED TO, CONTAINED WITHIN, AFFILIATED WITH,  
26 OR OWNED OR OPERATED BY A HOSPITAL.

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1           **SECTION 4. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, and safety.