

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 18-0108.01 Jane Ritter x4342

SENATE BILL 18-050

SENATE SPONSORSHIP

Smallwood,

HOUSE SPONSORSHIP

Coleman and Catlin,

Senate Committees
Health & Human Services

House Committees
Health, Insurance, & Environment

A BILL FOR AN ACT

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

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.

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.

HOUSE
Amended 2nd Reading
February 20, 2018

SENATE
3rd Reading Unamended
January 23, 2018

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; AND

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

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

3 **19-1-115. Legal custody - guardianship - placement out of the**
4 **home - petition for review for need of placement.** (7) Reasonable
5 efforts are not required to prevent the child's removal from the home or
6 to reunify the child and the family in the following circumstances:

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

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

16 **19-3-304.5. Emergency possession of certain abandoned**
17 **children - definition.** (1) If a parent voluntarily delivers a child to a
18 firefighter, as defined in section 18-3-201 (1.5), C.R.S., or a hospital ___
19 staff member who engages in the admission, care, or treatment of
20 patients, PATIENTS AT A HOSPITAL OR COMMUNITY CLINIC EMERGENCY
21 CENTER, AS DEFINED IN SUBSECTION (9) OF THIS SECTION, when the
22 firefighter is at a fire station or the hospital staff member is at a hospital
23 OR COMMUNITY CLINIC EMERGENCY CENTER, AS DEFINED IN SUBSECTION
24 (9) OF THIS SECTION, the firefighter or hospital staff member OF THE
25 HOSPITAL OR COMMUNITY CLINIC EMERGENCY CENTER shall, without a
26 court order, take temporary physical custody of the child if:

27 (2) If a firefighter or hospital staff member OF A HOSPITAL OR

1 COMMUNITY CLINIC EMERGENCY CENTER takes temporary physical
2 custody of a child pursuant to subsection (1) of this section, the firefighter
3 or hospital staff member shall:


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

8 (4.5) Any document prepared by a firefighter, ~~member of a~~
9 hospital OR COMMUNITY CLINIC EMERGENCY CENTER staff MEMBER, or A
10 law enforcement officer pursuant to this section ~~shall be~~ IS a dependency
11 and neglect record and ~~shall be~~ IS subject to the confidentiality provisions
12 of section 19-1-307.

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

16 (a) DELIVERS EMERGENCY SERVICES; AND

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

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23 =====

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