

CHAPTER 142

GOVERNMENT - STATE

HOUSE BILL 18-1065

BY REPRESENTATIVE(S) Beckman and Buckner, Arndt, Bridges, Catlin, Coleman, Covarrubias, Danielson, Esgar, Exum, Ginal, Gray, Hamner, Herod, Hooton, Humphrey, Jackson, Kennedy, Lawrence, Lee, Lewis, Liston, Lontine, McKean, McLachlan, Melton, Michaelson Jenet, Pettersen, Reyher, Roberts, Rosenthal, Saine, Sias, Singer, Valdez, Van Winkle, Weissman, Williams D., Wilson, Winter, Wist, Young, Duran;
also SENATOR(S) Lambert, Court, Fields, Gardner, Kefalas, Kerr, Martinez Humenik, Merrifield, Moreno, Priola, Tate, Todd, Williams A.

AN ACT

CONCERNING DISCIPLINE OF A DEPARTMENT OF HUMAN SERVICES EMPLOYEE WHEN THE EMPLOYEE IS FOUND TO HAVE MISTREATED A VULNERABLE PERSON.

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

SECTION 1. In Colorado Revised Statutes, 27-90-111, **add** (15) as follows:

27-90-111. Employment of personnel - screening of applicants - disqualifications from employment. (15) (a) IN CONSIDERING ANY DISCIPLINARY ACTION UNDER SECTION 24-50-125 (1) AGAINST AN EMPLOYEE WHO IS CERTIFIED TO ANY CLASS OR POSITION IN THE STATE PERSONNEL SYSTEM FOR ENGAGING IN MISTREATMENT, ABUSE, NEGLECT, OR EXPLOITATION AGAINST A VULNERABLE PERSON, THE APPOINTING AUTHORITY SHALL GIVE WEIGHT TO THE SAFETY OF VULNERABLE PERSONS OVER THE INTERESTS OF ANY OTHER PERSON. FOR PURPOSES OF THIS SUBSECTION (15), "MISTREATMENT", "ABUSE", "NEGLECT", OR "EXPLOITATION" SHALL HAVE THE SAME DEFINITIONS AS CONTAINED IN ARTICLE 22 OF TITLE 16, ARTICLES 3 AND 6.5 OF TITLE 18, ARTICLES 1 AND 3 OF TITLE 19, ARTICLE 3.1 OF TITLE 26, AND ARTICLE 90 OF TITLE 27, C.R.S., AND TITLES 38 AND 42 OF THE CODE OF FEDERAL REGULATIONS, AS AMENDED.

(b) IF THE APPOINTING AUTHORITY FINDS THAT THE EMPLOYEE HAS ENGAGED IN MISTREATMENT, ABUSE, NEGLECT, OR EXPLOITATION AGAINST A VULNERABLE PERSON, THE APPOINTING AUTHORITY MAY TAKE SUCH DISCIPLINARY ACTION AS THE APPOINTING AUTHORITY DEEMS APPROPRIATE, UP TO AND INCLUDING TERMINATION, TAKING INTO CONSIDERATION THE HARM OR RISK OF HARM TO VULNERABLE PERSONS

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

CREATED BY THE EMPLOYEE'S ACTIONS. NOTHING IN THIS SUBSECTION (15)(b) AFFECTS THE CONSTITUTIONAL OR STATUTORY DUE PROCESS RIGHTS AFFORDED TO AN EMPLOYEE WHO IS CERTIFIED TO ANY CLASS OR POSITION IN THE STATE PERSONNEL SYSTEM.

(c) THIS SUBSECTION (15) APPLIES REGARDLESS OF WHETHER THE EMPLOYEE HAS BEEN CHARGED WITH OR CONVICTED OF A DISQUALIFYING OFFENSE UNDER SUBSECTION (9)(b) OR (9)(c) OF THIS SECTION.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); 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 such period, 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 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 23, 2018