

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0166.01 Jerry Barry x4341

**SENATE BILL 20-059**

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**SENATE SPONSORSHIP**

**Hisey,**

**HOUSE SPONSORSHIP**

**Larson,**

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**Senate Committees**

Judiciary  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING SEXUAL CONTACT BETWEEN A STUDENT AND AN**  
102 **EDUCATOR IN VIOLATION OF THE PUBLIC TRUST.**

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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>.)*

Under current law, a secondary school teacher who has sexual contact with a student who is 18 years of age or older may not have committed a crime. The bill provides that a person who subjects a student at the school at which the person is an educator to sexual contact commits the crime of sexual assault on a student by an educator.

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.

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

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

4 **18-8-410. Abuse of public trust by an educator - definitions.**

5 (1) ANY EDUCATOR WHO KNOWINGLY SUBJECTS A STUDENT TO ANY  
6 SEXUAL CONTACT COMMITS ABUSE OF PUBLIC TRUST BY AN EDUCATOR IF  
7 THE STUDENT IS AT LEAST EIGHTEEN YEARS OF AGE AND THE EDUCATOR  
8 IS MORE THAN FOUR YEARS OLDER THAN THE STUDENT AND IS NOT HIS OR  
9 HER SPOUSE.

10 (2) ABUSE OF PUBLIC TRUST BY AN EDUCATOR IS A CLASS 1  
11 MISDEMEANOR SUBJECT TO THE MODIFIED SENTENCING RANGE SPECIFIED  
12 IN SECTION 18-1.3-501 (3).

13 (3) CONSENT BY THE STUDENT TO THE SEXUAL CONTACT SHALL  
14 NOT CONSTITUTE A DEFENSE TO THE OFFENSE.

15 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
16 REQUIRES:

17 (a) "CONSENT" HAS THE SAME MEANING AS SET FORTH IN SECTION  
18 18-3-401 (1.5).

19 (b) (I) "EDUCATOR" MEANS A PERSON EMPLOYED AT THE SAME  
20 SCHOOL AS THE STUDENT ATTENDS AT THE TIME OF THE SEXUAL CONTACT  
21 AND WHO:

22 (A) INSTRUCTS STUDENTS AT THAT SCHOOL;

23 (B) ADMINISTERS, DIRECTS, OR SUPERVISES THE EDUCATIONAL  
24 INSTRUCTION PROGRAM, OR A PORTION THEREOF;

25 (C) PROVIDES HEALTH OR EDUCATIONAL SUPPORT SERVICES  
26 DIRECTLY TO STUDENTS OF THE SCHOOL; OR

1           (D) COACHES STUDENTS OF THE SCHOOL.

2           (II) "EDUCATOR" DOES NOT INCLUDE ANOTHER STUDENT AT THE  
3 SCHOOL WHERE THE EDUCATOR IS EMPLOYED.

4           (c) "SCHOOL" MEANS ANY INSTITUTION THAT INSTRUCTS PERSONS  
5 IN ANY OF GRADES PRE-KINDERGARTEN THROUGH TWELFTH BUT DOES NOT  
6 INCLUDE ANY POSTSECONDARY SCHOOL.

7           (d) "SEXUAL CONTACT" HAS THE SAME MEANING AS SET FORTH IN  
8 SECTION 18-3-401 (4).

9           (e) "STUDENT" MEANS ANY PERSON ENROLLED IN A SCHOOL.

10          (5) SCHOOLS SHALL ADVISE ALL EMPLOYEES OF THE PROHIBITIONS  
11 IN THIS SECTION.

12          **SECTION 2. Act subject to petition - effective date -**  
13 **applicability.** (1) This act takes effect September 1, 2020; except that,  
14 if a referendum petition is filed pursuant to section 1 (3) of article V of  
15 the state constitution against this act or an item, section, or part of this act  
16 within the ninety-day period after final adjournment of the general  
17 assembly, then the act, item, section, or part will not take effect unless  
18 approved by the people at the general election to be held in November  
19 2020 and, in such case, will take effect on the date of the official  
20 declaration of the vote thereon by the governor.

21          (2) This act applies to offenses committed on or after the  
22 applicable effective date of this act.