

SB18-058

Failure Report Child Abuse Statute Of Limitations

Concerning making failure to report child abuse a crime in which the statute of limitations begins to run upon discovery of the act.

Senator Rhonda Fields

Rep. Terri Carver

SB18-058 Failure Report Child Abuse Statute Of Limitations

Colorado Catholic Conference:

"The sexual abuse of a child is a despicable crime, regardless of whether the offender is a member of the clergy, a teacher, counselor, or family member. Children must be protected from abuse in all cases, and survivors need to be helped on their journey toward healing. The Catholic Church has a zero-tolerance policy for sexual abuse.

The concern with Senate Bill 18-058 is that it creates an indefinite statute of limitations regarding mandatory reporters of child abuse and neglect. The principle of statutes of limitation acknowledges that as time elapses, evidence goes stale, memories fade, witnesses die or disappear. In cases of child abuse, we should do everything possible to encourage victims to come forward as soon as possible and for those aware of the abuse to report it as soon as possible. Our State law should reflect this policy as a matter of basic fairness to those involved and not go down a slippery slope that potentially creates unfair and unjust situations. There are over 30 mandatory reporters of child abuse and neglect in Colorado; the Catholic Church is not alone in its concern regarding Senate Bill 18-058.

Colorado Education Association:

"CEA opposes the current version of Senate Bill 58. Student safety is of paramount concern for professional educators, but SB-58 would be harmful to educators, social workers, psychologists, firefighters, and all professionals listed as mandatory reporters of child abuse and neglect. This bill shifts the focus away from bringing perpetrators to justice and providing closure for victims, and instead puts trusted professionals in the impossible situation of knowing how a crime should have been prevented, in some cases 20 or more years after the fact. This bill will only strip professionals of basic legal protections and create an influx of criminal and civil litigations against the very people we count on every day to support Colorado children."

Some State Lawmakers Want To Make It Harder For Schools To Keep Sex Assault A Secret

February 1, 2018 at 11:59 am

By Shaun Boyd

DENVER (CBS4)— Some state lawmakers want to make it harder for schools and churches to keep sexual assault cases secret.

The legislation was prompted by a stunning case out of Prairie Middle School in Aurora.

According to a grand jury indictment, school administrators there not only didn't tell police when a 14-year-old girl accused a teacher of sexual assault, they suspended her for lying.

Five years later that teacher, Brian Vasquez, has been charged in a string of sexual assaults on students.

"Sex crimes are already under reported," says Sen. Rhonda Fields, a Democrat representing Aurora, "and when (kids) do have the courage to report to an adult, they should take the appropriate action."



When adults don't take action, she says they should be held accountable.

Right now, teachers, clergy and doctors are among so-called mandatory reporters in Colorado. That means, by law, they have to report suspected child abuse or face charges. But that law has a statute of limitations.

If they keep it quiet for 18 months after a report is made, they're free and clear. The administrators at Prairie Middle School were charged with failure to report but, because of current law, the charges may not stick.

Eighteenth Judicial District Attorney George Brauchler says the law needs to change, "The way that law is written right now, people can get together and keep a secret from those who may be able to lend help to a sex assault victim. And if you can keep that secret for 18 months and day, you can avoid all criminal responsibility."

Brauchler says the statute of limitations should start from the time the abuse is discovered not reported. A bill by Fields would do just that, "If we're not fighting for our kids and protecting our kids then we're protecting institutions."

 Colorado's largest teachers union, the Colorado Education Association, and Catholic church oppose the bill. The church says it creates an indefinite statute of limitations. But Brauchler says it's still 18 months. The clock just starts ticking from the time of discovery. 

"You should never ever be able to run the clock out on justice and that's what this bill is about," said Brauchler.

~~The bill is set to be heard in the Senate State Affairs Committee on Feb. 5, at 1:30 p.m. Right now, it is expected to fail.~~

INDICTMENT: Student was suspended for accusing teacher of sex assault, had to apologize and hug her attacker

Prairie Middle School Principal David Gonzalez, Prairie Middle Assistant Principal Adrienne Macintosh and counselor Cheryl Somers have been indicted by the Arapahoe County District Attorney's office for failure to report, a class 3 misdemeanor.

BY THE AURORA SENTINEL, Updated: January 16, 2018 12:32 pm

AURORA | When a 14-year-old Prairie Middle School student told school officials that a social studies teacher was sexually abusing her, some of the school's administrators and a counselor had their doubts.

And instead of telling local police about the accusations against Brian Vasquez, as required by state law, Arapahoe County prosecutors say the trio of administrators launched their own investigation.

That school-led investigation included questioning the student with Vasquez present and repeatedly telling her that her accusations could ruin Vasquez's family and career. They also told the girl Vasquez was a "valued teacher."

After all that, prosecutors say the girl retracted her claims — despite the fact that investigators now say Vasquez had sexually abused that girl and several others over a four-year stretch.

School administrators eventually suspended the girl for what they deemed were false allegations. First, however, they made her apologize to Vasquez. And give him a hug.

That's all according to an indictment handed down Wednesday against Prairie Principal David Gonzales, Assistant Principal Adrienne "A.J." MacIntosh and counselor Cheryl Somers-Wegienka. The three are facing a misdemeanor charge of failure to report and are due in court Jan. 23.

Gonzalez and Macintosh have been placed on administrative leave until the case is resolved according to the Cherry Creek School District. Somers-Wegienka is no longer employed by the district.

Vasquez, 34, is accused of a years-long string of sexual assaults on students as young as 14. According to testimony at a hearing late last year, he confessed multiple sex crimes to Aurora

Aurora police said that when they went to the Aurora middle school to question Vasquez this year, they were initially only investigating accusations from one girl who said she had exchanged inappropriate text messages with the teacher, Detective Patrick McGinty testified during Vasquez's preliminary hearing last year.

But Vasquez immediately offered the names of four other students, and said his relationship with the girls went beyond just texting and included sexual contact, McGinty said.

Detectives subsequently interviewed the other girls over several days in August and largely confirmed much of Vasquez's story, McGinty said.

The preliminary hearing was filled with graphic testimony about Vasquez's relationships with the girls. At times police struggled to keep the numerous acts and multiple victims straight.

"I understand, there are lots of children, Detective," Deputy District Attorney Cara Morlan said when McGinty got crossed up on some of the details.

At one point, police said one of the victims indicated a school employee might have known about the attack.

McGinty testified that the girls told police they felt pressured by Vasquez to escalate their relationships with him. In one case a girl told police Vasquez had a sexual relationship with her friend as well and pressured her into more sexual contact by telling her that the other girl was "his favorite" because she had sex with him.

Much of the illegal sexual contact happened inside the school, according to testimony, as well as in Vasquez's car at various spots around Aurora. One girl told police Vasquez groped her in class while he was teaching.

Another girl told police her relationship with Vasquez was limited to illicit pictures and she had to repeatedly rebuff his attempts to grope her. Many of the girls struggled to remember dates, McGinty said, but that girl remembered one incident because it happened around the time she had braces put on. Vasquez's lawyers argued that the lack of specificity on the date range — which stretches from early 2013 to August 2017 — was reason to drop some counts, but a judge rejected that.

The letter sent to parents at Prairie reads in full:

This letter is to inform you that two Prairie Middle School administrators, Principal David Gonzales and Assistant Principal A.J. MacIntosh, have been placed on leave pending the outcome of legal proceedings related to charges for failing to report child abuse. Former school counselor Cheryl Somers, who no longer works for the district, has also been named in the legal proceedings, all of which stem from a grand jury investigation. We will continue to cooperate fully with law enforcement in this matter. It is important to note that at this time none of these three have been convicted of any crime.



Fw: Sentencing Data Request - SB 18-058
Chris Creighton to: Sen. Fields

Handwritten scribble and the number 4

02/01/2018 07:52 AM

From: Chris Creighton/CLICS
To: Sen. Fields/CLICS@CLICS

Senator Fields,

Attached is the sentencing report for 19-3-304 which is the false or failure to report child abuse. I apologize for taking so long to get this info for you, I planned to get this info to you on Monday, but my initial request to Judicial fell through the cracks.

In this report you will find that 6 of the 26 cases cited in the fiscal note received some sort of sentence. The "fine penalties and sentence" tab breaks down each of these sentences and shows the fines and the type of sentence. As you will see the fine penalties are rather minimal, which as we have learned is not uncommon partly because of defendants inability to pay. Unfortunately we do know the profession of those appearing in the sentencing report, but demographic data ("demographics" tab) is included and you can see the age of the person convicted using the listed birth date ("fine penalties and sentence" tab).

An FYI the attached PDF contains the multitude of sentencing codes that Judicial uses and I have attached that in case you need to look up a sentencing penalty i.e. PRBU is Probation.



Sentence Penalty Codes.pdf



SB 58- Standard Sentencing Report 1-15 to 1-18.xlsx

Let me know if you have any questions or need any additional information.

Chris Creighton
Fiscal Analyst
Colorado Legislative Council
(303) 866-5834
chris.creighton@state.co.us

--- Forwarded by Chris Creighton/CLICS on 02/01/2018 07:42 AM ---

From: "candelaria, sierra" <sierra.candelaria@judicial.state.co.us>
To: "chris.creighton@state.co.us" <chris.creighton@state.co.us>
Cc: "brill, jessica" <jessica.brill@judicial.state.co.us>, Fiscal Notes <fiscalnotes@judicial.state.co.us>
Date: 01/31/2018 03:49 PM
Subject: Sentencing Data Request - SB 18-058

Hello Chris,

Please find attached the compiled results where a sentence was imposed under 19-3-304 between January 11, 2015 through January 11, 2018 statewide. Be aware that the list will not include, if any exist, cases that are sealed or suppressed or is either a juvenile, probate, or mental health case type. Additionally, please note that you will see the same case number multiple times because this designates each element of the sentence. For ease of interpretation, I also attached a document that defines the sentence penalty codes.

Please note -

You mentioned that you would like the sentencing data for the 26 cases processed under 19-3-304; there is only one case that has been sentenced between January 11, 2015 through January 11, 2018 of the 26 cases filed between January 11, 2015 and January 11, 2018 (highlighted in yellow in the workbook).

You also mentioned that Senator Fields would like to know more about the convictions that have occurred for failure to report under current law; there are five cases (included in the attached workbook) where a sentence was imposed under 19-3-304 between January 11, 2015 through January 11, 2018.

Summary of Demographics:

Cases with at least one sentence under §19-3-304 January 11, 2015 to January 11, 2018	
Race Breakout	
Race	Number of People by Race
Asian	0
Black	0
Hispanic	0
American Indian	0
White	5
Other	0
Unknown	1
Total	6

Cases with at least one sentence under §19-3-304 January 11, 2015 to January 11, 2018	
Gender Breakout	
Race	Number of People by Gender
Female	2
Male	3
Other	0
Unknown	1
Total	6

Thank you,

Court Location	Case Number	Sentence Date	Law Number	Law Class	Law Description	Sentence Penalty Code	Sentence Amount	Sentence Unit	Party Birth Date	Race	Gender
3	C0032014M 002359	Apr 14, 2015	19-3-304(3.5)	M3	CHILD ABUSE-FALSE REPORT	MISD	50	\$	Jul 21, 1982	W	F
3	C0032014M 002359	Apr 14, 2015	19-3-304(3.5)	M3	CHILD ABUSE-FALSE REPORT	VCMP	78	\$	Jul 21, 1982	W	F
3	C0032014M 002359	Apr 14, 2015	19-3-304(3.5)	M3	CHILD ABUSE-FALSE REPORT	VAST	78	\$	Jul 21, 1982	W	F
3	C0032014M 002359	Apr 14, 2015	19-3-304(3.5)	M3	CHILD ABUSE-FALSE REPORT	CRTC	21	\$	Jul 21, 1982	W	F
3	C0032014M 002359	Apr 14, 2015	19-3-304(3.5)	M3	CHILD ABUSE-FALSE REPORT	CSCF	5	\$	Jul 21, 1982	W	F
3	C0032014M 002359	Apr 14, 2015	19-3-304(3.5)	M3	CHILD ABUSE-FALSE REPORT	CHLD	200	\$	Jul 21, 1982	W	F
3	C0032014M 002359	Apr 14, 2015	19-3-304(3.5)	M3	CHILD ABUSE-FALSE REPORT	JAIL	90	D	Jul 21, 1982	W	F
3	C0032014M 002359	Apr 14, 2015	19-3-304(3.5)	M3	CHILD ABUSE-FALSE REPORT	CRTS	90	D	Jul 21, 1982	W	F
							Fines	\$	432.00		
							Credit for Time Serviced		90 days		

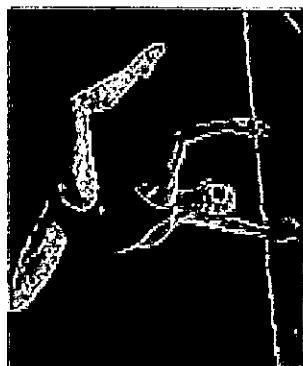
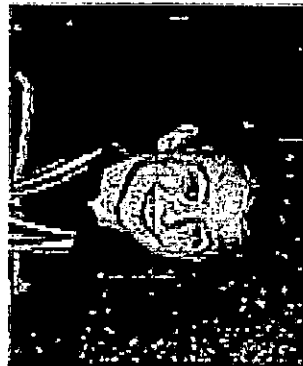
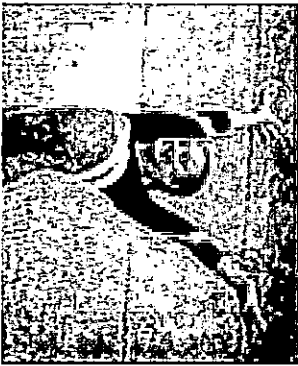
7	C0072013M 002134	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	CRTC	21	\$	Feb 15, 1948	W	M
7	C0072013M 002134	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	CSCF	5	\$	Feb 15, 1948	W	M
7	C0072013M 002134	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	FAMF	1	\$	Feb 15, 1948	W	M
7	C0072013M 002134	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	GTSC	2.5	\$	Feb 15, 1948	W	M
7	C0072013M 002134	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	CTPA	16	\$	Feb 15, 1948	W	M
7	C0072013M 002134	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	JAIL	10	D	Feb 15, 1948	W	M
7	C0072013M 002134	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	PRBU	12	M	Feb 15, 1948	W	M
							Fines	\$	45.50		
							Jail 10 days, Probation 12 Months				

87	C0872013M 000715	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	CSCF	5	\$	Sep 15, 1948		
87	C0872013M 000715	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	FAMF	1	\$	Sep 15, 1948		
87	C0872013M 000715	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	CRTC	21	\$	Sep 15, 1948		
87	C0872013M 000715	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	GTSC	2.5	\$	Sep 15, 1948		
87	C0872013M 000715	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	CTPA	16	\$	Sep 15, 1948		
87	C0872013M 000715	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	JAIL	2	D	Sep 15, 1948		
87	C0872013M 000715	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	PRBU	12	M	Sep 15, 1948		
							Fines	\$	45.50		
							Jail 2 days, Probation 12 Months				

87	C0872013M 000717	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	CRTC	21	\$	Feb 13, 1947	W	M
87	C0872013M 000717	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	CSCF	5	\$	Feb 13, 1947	W	M
87	C0872013M 000717	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	GTSC	2.5	\$	Feb 13, 1947	W	M
87	C0872013M 000717	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	FAMF	1	\$	Feb 13, 1947	W	M
87	C0872013M 000717	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	CTPA	16	\$	Feb 13, 1947	W	M
87	C0872013M 000717	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	CMSV	40	H	Feb 13, 1947	W	M
87	C0872013M 000717	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	PRBU	12	M	Feb 13, 1947	W	M
							Fines	\$	45.50		
							40 hrs Community Services, Probation 12 Months				

87	C0872013M 000718	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	CRTC	21	\$	Nov 21, 1947	W	M
87	C0872013M 000718	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	CSCF	5	\$	Nov 21, 1947	W	M
87	C0872013M 000718	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	FAMF	1	\$	Nov 21, 1947	W	M
87	C0872013M 000718	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	GTSC	2.5	\$	Nov 21, 1947	W	M
87	C0872013M 000718	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	CTPA	16	\$	Nov 21, 1947	W	M
87	C0872013M 000718	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	JAIL	10	D	Nov 21, 1947	W	M
87	C0872013M 000718	Aug 20, 2015	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	PRBU	12	M	Nov 21, 1947	W	M
							Fines	\$	45.50		
							Jail 10 days, Probation 12 Months				

87	C0872016M 000005	Oct 13, 2016	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	CRTC	21	\$	Apr 27, 1966	W	F
87	C0872016M 000005	Oct 13, 2016	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	CMSV	50	H	Apr 27, 1966	W	F
87	C0872016M 000005	Oct 13, 2016	19-3-304(1)	M3	CHILD ABUSE-FAIL TO REPORT SUSPECTED	DFSU	18	M	Apr 27, 1966	W	F
							Fines	\$	21.00		
							50 hrs Community Service, 18 Months Deferred Sentence				



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100-100

More than 160 women say Larry Nassar sexually abused them. Here are his accusers in their own words.

By CARLA CORREA and MEGHAN LOUTTIT
JAN. 24, 2018

He was lauded as a must-see doctor for the United States' best gymnasts. Now Lawrence G. Nassar will spend the rest of his life in prison. He was sentenced to 40 to 175 years after a marathon hearing in Michigan, where many of his accusers recounted his sexual abuse.

Jade Capua Scott Olson

'He's a miracle worker. He can fix anyone or anything.' Thinking back to these words filling my naïve mind, all I can think of is how this man, someone who held oh-so-many high credentials, was the monster who left me with more pain and scars than I came to his office with.

Jade Capua, gymnast

Arianna Guerrero

You seem to have a hard time looking at me now, but you didn't when I was half-naked on your table. What kind of doctor can tell a 13-year-old they are done growing by the size of their pubic bone?

Arianna Guerrero, gymnast

Rachael Denhollander

Larry is the most dangerous type of abuser. One who is capable of manipulating his victims through coldly calculated grooming methodologies, presenting the most wholesome and caring external persona as a deliberate means to ensure a steady stream of young children to assault.

Rachael Denhollander, gymnast

Amy Labadie

My vagina was sore during my competition because of this man. How disgusting is that to even say out loud?

Amy Labadie, gymnast

Many of his accusers said they were minors when the assaults occurred. A family friend said Nassar began abusing her when she was about 6 years old.

Kyle Stephens

Little girls don't stay little forever. They grow into strong women that return to destroy your world.

Kyle Stephens, family friend

Emma Ann Miller

Please don't waste your allocution on your grief, your regret or any other emotion. Don't tell us how you and God have made amends, or how you are different. You need to confess the facts.

Emma Ann Miller, gymnast

Most of the women were gymnasts. Others were dancers, rowers and runners. Softball, soccer and volleyball players. One was a swimmer. Another, a figure skater.

Tiffany Thomas Lopez

The army you chose in the late '90s to silence me, to dismiss me and my attempt at speaking the truth, will not prevail over the army you created when violating us.

Tiffany Thomas Lopez, softball player

Marie Anderson

My parents, who had my best interest at heart, will forever have to live with the fact that they continually brought their daughter to a sexual predator, and were in the room as he assaulted me.

Marie Anderson, swimmer

Among the gymnasts are Olympians who have at least 18 medals from the Games. Simone Biles and Gabby Douglas, both Olympic all-around champions, have said Nassar abused them.

Jordyn Wieber

I thought that training for the Olympics would be the hardest thing that I would ever have to do. But, in fact, the hardest thing I would ever have to do is process that I am a victim of Larry Nassar.

Jordyn Wieber, gymnast and Olympic medalist

McKayla Maroney

I had a dream to go to the Olympics, and the things that I had to endure to get there were unnecessary and disgusting.

McKayla Maroney, gymnast and two-time Olympic medalist

Some of the women said parents, coaches and acquaintances were hesitant to believe their accounts.

Jamie Dantzscher

I was attacked on social media. ... People didn't believe me, even people I thought were my friends. They called me a liar, a whore, and even accused me of making all of this up just to get attention.

Jamie Dantzscher, gymnast and Olympic medalist

The women said U.S.A. Gymnastics and Michigan State failed to report their concerns. Many called for Lou Anna Simon, the president of the university, to resign.

Amanda Thomas

I reported it. Michigan State University, the school I loved and trusted, had the audacity to tell me that I did not understand the difference between sexual assault and a medical procedure.

Amanda Thomashow, Michigan State student

Lindsey Lemke

When asked to be here for a survivor's statement today, you stated you are too busy to fit it in your schedule. Well, Lou Anna Simon, I can assure you, none of us had the time in our schedules for the past five to 20 years for Larry Nassar to abuse us.

Lindsey Lemke, gymnast

Mattie Larson

The Olympics were just one year away. And I just couldn't take any more of the abuse. I was broken. Larry, my coaches and U.S.A. Gymnastics turned the sport I fell in love with as a kid into my personal living hell.

Mattie Larson, gymnast and world championships medalist

As Nassar's hearing progressed, more and more women decided to go public with their stories. They described a staggering pattern of abuse perpetrated over more than 20 years.

Aly Raisman

Let this sentence strike fear in anyone who thinks it is O.K. to hurt another person. Abusers, your time is up. The survivors are here, standing tall, and we are not going anywhere.

Aly Raisman, gymnast and six-time Olympic medalist