

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0958.01 Jane Ritter x4342

HOUSE BILL 18-1346

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HOUSE SPONSORSHIP

Singer and Landgraf,

SENATE SPONSORSHIP

Smallwood and Kefalas,

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House Committees

Public Health Care & Human Services

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING CHILD ABUSE RELATED TO YOUTH WHO ARE UNDER THE  
102 CONTINUING JURISDICTION OF THE COURT IN AN OUT-OF-HOME  
103 PLACEMENT WHEN THEY ARE YOUNGER THAN TWENTY-ONE  
104 YEARS OF AGE.

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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 adds language to the crime of child abuse to include abuse of a youth who is younger than 21 years of age and being cared for by a facility.

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.

The bill adds language to the definition of "institutional abuse" in the Colorado Children's Code to clarify that it includes an act or omission that threatens the life, health, or welfare of a person younger than 21 years of age who is under the continuing jurisdiction of the court.

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

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

4 **18-6-401. Child abuse - definitions.** (1) (a) A person commits  
5 child abuse if ~~such person~~ HE OR SHE:

6 (I) Causes an injury to ~~a child's~~ THE life, ~~or~~ health, OR WELFARE  
7 OF A CHILD, OR A YOUTH IN A FACILITY; or

8 (II) Permits a child, OR A YOUTH IN A FACILITY, to be unreasonably  
9 placed in a situation that poses a threat of injury to the ~~child's~~ life, ~~or~~  
10 health, OR WELFARE OF THE CHILD, OR THE YOUTH IN A FACILITY; or

11 (III) Engages in a continued pattern of conduct that results in  
12 malnourishment, lack of proper medical care, cruel punishment,  
13 mistreatment, or an accumulation of injuries that ultimately results in the  
14 death of OR SERIOUS BODILY INJURY TO a child, ~~or serious bodily injury to~~  
15 ~~a child~~ OR TO A YOUTH IN A FACILITY.

16 (2) In this section:

17 (a) "Child" means a person under the age of sixteen years.

18 (b) "FACILITY" MEANS A RESIDENTIAL CHILD CARE FACILITY,  
19 SPECIALIZED GROUP FACILITY, OR FOSTER CARE HOME AS THOSE FACILITIES  
20 ARE DEFINED IN SECTION 26-6-102; NONCERTIFIED KINSHIP CARE AS  
21 DEFINED IN SECTION 19-1-103 (78.7); OR A FACILITY OR COMMUNITY  
22 PLACEMENT AS DESCRIBED IN SECTION 19-2-403 FOR A JUVENILE  
23 COMMITTED TO THE CUSTODY OF THE STATE DEPARTMENT OF HUMAN

1 SERVICES. "FACILITY" DOES NOT INCLUDE ANY ADULT DETENTION OR  
2 CORRECTIONAL FACILITY.

3 (c) "YOUTH IN A FACILITY" MEANS A PERSON WHO IS YOUNGER  
4 THAN TWENTY-ONE YEARS OF AGE WHO IS BEING CARED FOR IN A  
5 FACILITY.

6 **SECTION 2.** In Colorado Revised Statutes, 19-1-103, **amend**  
7 (66) as follows:

8 **19-1-103. Definitions.** As used in this title 19 or in the specified  
9 portion of this title 19, unless the context otherwise requires:

10 (66) "Institutional abuse", as used in part 3 of article 3 of this title  
11 TITLE 19, means any case of abuse, as defined in subsection (1) of this  
12 section, that occurs in any public or private facility in the state that  
13 provides child care out of the home, supervision, or maintenance.  
14 "INSTITUTIONAL ABUSE" INCLUDES AN ACT OR OMISSION THAT THREATENS  
15 THE LIFE, HEALTH, OR WELFARE OF A PERSON WHO IS YOUNGER THAN  
16 TWENTY-ONE YEARS OF AGE WHO IS UNDER THE CONTINUING JURISDICTION  
17 OF THE COURT. ~~"Facility" includes, but is not limited to, family child care~~  
18 ~~homes, foster care homes, and any other facility subject to the Colorado~~  
19 ~~"Child Care Licensing Act" and described in section 26-6-102, C.R.S.~~  
20 "Institutional abuse" ~~shall~~ DOES not include abuse that occurs in any  
21 public, private, or parochial school system, including any preschool  
22 operated in connection with said system; except that, to the extent the  
23 school system provides extended day services, abuse that occurs while  
24 such services are provided ~~shall be~~ IS institutional abuse. FOR THE  
25 PURPOSES OF THIS SUBSECTION (66), "FACILITY" MEANS A RESIDENTIAL  
26 CHILD CARE FACILITY, SPECIALIZED GROUP FACILITY, OR FOSTER CARE  
27 HOME, AS THOSE FACILITIES ARE DEFINED IN SECTION 26-6-102;

1 NONCERTIFIED KINSHIP CARE AS DEFINED IN SUBSECTION (78.7) OF THIS  
2 SECTION; OR A FACILITY OR COMMUNITY PLACEMENT AS DESCRIBED IN  
3 SECTION 19-2-403 FOR A JUVENILE COMMITTED TO THE CUSTODY OF THE  
4 STATE DEPARTMENT OF HUMAN SERVICES. "FACILITY" DOES NOT INCLUDE  
5 ANY ADULT DETENTION OR CORRECTIONAL FACILITY.

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