

**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. 18-0958.01 Jane Ritter x4342

HOUSE BILL 18-1346

HOUSE SPONSORSHIP

Singer and Landgraf,

SENATE SPONSORSHIP

Smallwood and Kefalas,

House Committees

Public Health Care & Human Services

Senate Committees

Health & Human Services

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.**

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.

SENATE
Amended 2nd Reading
April 30, 2018

HOUSE
3rd Reading Unamended
April 17, 2018

HOUSE
Amended 2nd Reading
April 16, 2018

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.

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

2

3 **SECTION 1.** In Colorado Revised Statutes, 16-11.3-103, **amend**
4 (2) introductory portion; and **add** (2)(g) as follows:

5 **16-11.3-103. Duties of the commission - mission - staffing -**
6 **definition.** (2) The commission ~~shall have~~ HAS the following duties:

7 (g) (I) TO STUDY WHETHER EXISTING CRIMINAL STATUTES
8 ADDRESS ABUSE OF A CHILD OR YOUTH IN A FACILITY AND ISSUE
9 CORRESPONDING RECOMMENDATIONS CONCERNING ANY IDENTIFIED GAPS
10 IN LAW THAT MAY NEED TO BE ADDRESSED. ON OR BEFORE JULY 1, 2019,
11 THE COMMISSION SHALL PROVIDE A REPORT WITH ITS FINDINGS AND
12 RECOMMENDATIONS TO THE JUDICIARY AND THE PUBLIC HEALTH CARE
13 AND HUMAN SERVICES COMMITTEES OF THE HOUSE OF REPRESENTATIVES
14 AND THE JUDICIARY AND THE HEALTH AND HUMAN SERVICES COMMITTEES
15 OF THE SENATE, OR ANY SUCCESSOR COMMITTEES.

16 (II) FOR PURPOSES OF THIS SUBSECTION (2)(g), "FACILITY" MEANS
17 A RESIDENTIAL CHILD CARE FACILITY, SPECIALIZED GROUP FACILITY,
18 FOSTER CARE HOME, FAMILY CHILD CARE HOME, OR ANY OTHER FACILITY
19 SUBJECT TO THE COLORADO "CHILD CARE LICENSING ACT", PART 1 OF
20 ARTICLE 6 OF TITLE 26; NONCERTIFIED KINSHIP CARE PROVIDERS THAT
21 PROVIDE CARE FOR CHILDREN WITH AN OPEN CHILD WELFARE CASE WHO
22 ARE IN THE LEGAL CUSTODY OF A COUNTY DEPARTMENT; OR A FACILITY OR
23 COMMUNITY PLACEMENT, AS DESCRIBED IN SECTION 19-2-403, FOR A

1 JUVENILE COMMITTED TO THE CUSTODY OF THE DEPARTMENT OF HUMAN
2 SERVICES. "FACILITY" DOES NOT INCLUDE ANY ADULT DETENTION OR
3 CORRECTIONAL FACILITY.

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

6 **19-1-103. Definitions.** As used in this title 19 or in the specified
7 portion of this title 19, unless the context otherwise requires:

8 (66) "Institutional abuse", as used in part 3 of article 3 of this title
9 TITLE 19, means any case of abuse, as defined in subsection (1) of this
10 section, that occurs in any public or private facility in the state that
11 provides child care out of the home, supervision, or maintenance.

12 "INSTITUTIONAL ABUSE" INCLUDES AN ACT OR OMISSION THAT THREATENS
13 THE LIFE, HEALTH, OR WELFARE OF A CHILD OR A PERSON WHO IS YOUNGER
14 THAN TWENTY-ONE YEARS OF AGE WHO IS UNDER THE CONTINUING
15 JURISDICTION OF THE COURT PURSUANT TO THIS TITLE 19. "Facility"

16 ~~includes, but is not limited to, family child care homes, foster care homes,~~
17 ~~and any other facility subject to the Colorado "Child Care Licensing Act"~~
18 ~~and described in section 26-6-102, C.R.S.~~ "Institutional abuse" shall DOES

19 not include abuse that occurs in any public, private, or parochial school
20 system, including any preschool operated in connection with said system;
21 except that, to the extent the school system provides extended day
22 services, abuse that occurs while such services are provided ~~shall be~~ IS

23 institutional abuse. FOR THE PURPOSES OF THIS SUBSECTION (66),
24 "FACILITY" MEANS A RESIDENTIAL CHILD CARE FACILITY, SPECIALIZED
25 GROUP FACILITY, FOSTER CARE HOME, FAMILY CHILD CARE HOME, OR ANY
26 OTHER FACILITY SUBJECT TO THE COLORADO "CHILD CARE LICENSING

27 ACT", PART 1 OF ARTICLE 6 OF TITLE 26; NONCERTIFIED KINSHIP CARE

1 PROVIDERS THAT PROVIDE CARE FOR CHILDREN WITH AN OPEN CHILD
2 WELFARE CASE WHO ARE IN THE LEGAL CUSTODY OF A COUNTY
3 DEPARTMENT; OR A FACILITY OR COMMUNITY PLACEMENT, AS DESCRIBED
4 IN SECTION 19-2-403, FOR A JUVENILE COMMITTED TO THE CUSTODY OF
5 THE DEPARTMENT OF HUMAN SERVICES. "FACILITY" DOES NOT INCLUDE
6 ANY ADULT DETENTION OR CORRECTIONAL FACILITY.

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