

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 19-1063.01 Shelby Ross x4510

HOUSE BILL 19-1307

HOUSE SPONSORSHIP

Kraft-Tharp and Larson, Bird, Buentello, Carver, Duran, Exum, Snyder

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House Committees

Public Health Care & Human Services

Senate Committees

Judiciary

A BILL FOR AN ACT

101 **CONCERNING THE CLARIFICATION THAT THE DISCLOSURE OF A REPORT**
102 **OF THE MISTREATMENT OR SELF-NEGLECT OF AN AT-RISK**
103 **ADULT SHALL ONLY BE MADE TO THE AT-RISK ADULT WHO IS**
104 **THE SUBJECT OF THE REPORT.**

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>.)

House Bill 19-1063 allowed an at-risk adult to access a report of the mistreatment or self-neglect of an at-risk adult (report) without a court order, but the bill did not specify that only the individual who is the

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
3rd Reading Unamended
April 25, 2019

SENATE
2nd Reading Unamended
April 24, 2019

HOUSE
3rd Reading Unamended
April 16, 2019

HOUSE
2nd Reading Unamended
April 15, 2019

subject of the report may access the report. The bill clarifies that a court order is not required when a report of the mistreatment or self-neglect of an at-risk adult is disclosed to the at-risk adult who is the subject of the report.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-3.1-102, **amend**
3 **as added by House Bill 19-1063** (7)(b)(VII) as follows:

4 **26-3.1-102. Reporting requirements.** (7) (b) Disclosure of a
5 report of the mistreatment or self-neglect of an at-risk adult and
6 information relating to an investigation of such a report is permitted only
7 when authorized by a court for good cause. A court order is not required,
8 and such disclosure is not prohibited when:

9 (VII) The disclosure is made to ~~an~~ THE at-risk adult WHO IS THE
10 SUBJECT OF THE REPORT, or if the at-risk adult is otherwise incompetent
11 at the time of the request, to the guardian or guardian ad litem for the
12 at-risk adult WHO IS THE SUBJECT OF THE REPORT. The information
13 disclosed pursuant to this subsection (7)(b)(VII) must not be disclosed
14 until after the investigation is complete and must not include any
15 identifying information related to the reporting party or any other
16 appropriate persons. If the guardian is the substantiated perpetrator in a
17 case of mistreatment of an at-risk adult, the disclosure must not be made
18 without authorization by the court for good cause. If the court authorizes
19 the release of information to a substantiated perpetrator, any protected or
20 confidential information pursuant to federal or state law must not be
21 disclosed.

22 **SECTION 2. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part will not take effect
6 unless approved by the people at the general election to be held in
7 November 2020 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.