

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 19-172

BY SENATOR(S) Danielson and Ginal, Bridges, Court, Crowder, Foote, Gardner, Lee, Pettersen, Priola, Rankin, Sonnenberg, Story, Todd, Williams A., Winter, Zenzinger, Garcia;
also REPRESENTATIVE(S) Singer, Bird, Bockenfeld, Buckner, Buentello, Caraveo, Carver, Cutter, Duran, Esgar, Exum, Froelich, Galindo, Gray, Hansen, Herod, Hooton, Jackson, Jaquez Lewis, Kipp, Kraft-Tharp, Landgraf, McLachlan, Melton, Michaelson Jenet, Sandridge, Sirota, Snyder, Tipper, Titone, Valdez A., Becker.

CONCERNING CRIMES RELATED TO AN AT-RISK PERSON, AND, IN CONNECTION THEREWITH, CREATING THE CRIMES OF UNLAWFUL ABANDONMENT AND UNLAWFUL CONFINEMENT AND MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. The general assembly finds and declares that this act will protect at-risk adults from unlawful abandonment and unlawful confinement. The abuse and neglect of senior citizens, people with disabilities, and other at-risk adults is a problem that impacts communities all across Colorado. Abandonment and unlawful confinement have risen as two forms of abuse and neglect that prove difficult to prosecute, as they are currently undefined in Colorado statute.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

This act defines these crimes and therefore provides law enforcement the tools they need to prosecute individuals who commit these crimes, further protecting at-risk adults from abuse and neglect.

SECTION 2. In Colorado Revised Statutes, 18-6.5-102, **add** (14) as follows:

18-6.5-102. Definitions. As used in this article 6.5, unless the context otherwise requires:

(14) "UNLAWFUL ABANDONMENT" MEANS THE INTENTIONAL AND UNREASONABLE DESERTION OF AN AT-RISK PERSON IN A MANNER THAT ENDANGERS THE SAFETY OF THAT PERSON.

SECTION 3. In Colorado Revised Statutes, 18-6.5-103, **amend** (6); and **add** (9) as follows:

18-6.5-103. Crimes against at-risk persons - classifications.

(6) (a) Any person who knowingly commits caretaker neglect against an at-risk person or knowingly acts in a manner likely to be injurious to the physical or mental welfare of an at-risk person commits a class 1 misdemeanor.

(b) A PERSON WHO UNLAWFULLY ABANDONS AN AT-RISK PERSON COMMITS A CLASS 1 MISDEMEANOR.

(9) (a) A PERSON COMMITS FALSE IMPRISONMENT OF AN AT-RISK PERSON IF WITHOUT PROPER LEGAL AUTHORITY:

(I) (A) THE PERSON KNOWINGLY CONFINES OR DETAINS AN AT-RISK PERSON IN A LOCKED OR BARRICADED ROOM OR OTHER SPACE; AND

(B) SUCH CONFINEMENT OR DETENTION WAS PART OF A CONTINUED PATTERN OF CRUEL PUNISHMENT OR UNREASONABLE ISOLATION OR CONFINEMENT OF THE AT-RISK PERSON; OR

(II) THE PERSON KNOWINGLY AND UNREASONABLY CONFINES OR DETAINS AN AT-RISK PERSON BY TYING, CAGING, CHAINING, OR OTHERWISE USING SIMILAR PHYSICAL RESTRAINTS TO RESTRICT THE AT-RISK PERSON'S FREEDOM OF MOVEMENT; OR

(III) THE PERSON KNOWINGLY AND UNREASONABLY CONFINES OR DETAINS AN AT-RISK PERSON BY MEANS OF FORCE, THREATS, OR INTIMIDATION DESIGNED TO RESTRICT THE AT-RISK PERSON'S FREEDOM OF MOVEMENT.

(b) IT IS AN AFFIRMATIVE DEFENSE FOR ANY PERSON WITH RESPONSIBILITY FOR THE CARE OR SUPERVISION OF AN AT-RISK PERSON WHOSE CONDUCT WOULD OTHERWISE CONSTITUTE AN OFFENSE PURSUANT TO SUBSECTION (9)(a)(II) OF THIS SECTION THAT THE CONDUCT WITH RESPECT TO THE AT-RISK PERSON IS REASONABLE AND APPROPRIATE UNDER THE CIRCUMSTANCES AND IS ALSO REASONABLY NECESSARY TO PROMOTE THE SAFETY AND WELFARE OF THE AT-RISK PERSON.

(c) (I) FALSE IMPRISONMENT OF AN AT-RISK PERSON PURSUANT TO SUBSECTION (9)(a)(I) OR (9)(a)(II) OF THIS SECTION IS A CLASS 6 FELONY.

(II) FALSE IMPRISONMENT OF AN AT-RISK PERSON PURSUANT TO SUBSECTION (9)(a)(III) OF THIS SECTION IS A CLASS 1 MISDEMEANOR.

SECTION 4. In Colorado Revised Statutes, **add** 17-18-127 as follows:

17-18-127. Appropriation to comply with section 2-2-703 - S.B. 19-172 - repeal. (1) PURSUANT TO SECTION 2-2-703, THE FOLLOWING STATUTORY APPROPRIATIONS ARE MADE IN ORDER TO IMPLEMENT SENATE BILL 19-172, ENACTED IN 2019:

(a) FOR THE 2019-20 STATE FISCAL YEAR, ONE HUNDRED TEN THOUSAND SIX HUNDRED FIFTY-TWO DOLLARS IS APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302 TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116.

(b) FOR THE 2020-21 STATE FISCAL YEAR, TWENTY-SIX THOUSAND TWO HUNDRED TWENTY DOLLARS IS APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND.

(c) FOR THE 2021-22 STATE FISCAL YEAR, ONE THOUSAND NINE HUNDRED TWO DOLLARS IS APPROPRIATED TO THE DEPARTMENT FROM THE GENERAL FUND.

SECTION 5. In Colorado Revised Statutes, 24-75-302, **add** (2)(ii) as follows:

24-75-302. Capital construction fund - capital assessment fees - calculation - information technology capital account - repeal. (2) The controller shall transfer a sum as specified in this subsection (2) from the general fund to the capital construction fund as money becomes available in the general fund during the fiscal year beginning on July 1 of the fiscal year in which the transfer is made. Transfers between funds pursuant to this subsection (2) are not appropriations subject to the limitations of section 24-75-201.1. The amounts transferred pursuant to this subsection (2) are as follows:

(ii) FOR THE 2019-20 STATE FISCAL YEAR, ONE HUNDRED TEN THOUSAND SIX HUNDRED FIFTY-TWO DOLLARS PURSUANT TO S.B. 19-172, ENACTED IN 2019.

SECTION 6. Effective date - applicability. This act takes effect July 1, 2019, and applies to offenses committed on or after said date.

SECTION 7. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO