

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

REREVISED

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

LLS NO. 19-0863.01 Michael Dohr x4347

SENATE BILL 19-172

SENATE SPONSORSHIP

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Senate Committees

Health & Human Services
Appropriations

House Committees

Judiciary
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A BILL FOR AN ACT

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

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 makes it a crime to unlawfully abandon or unlawfully confine an at-risk person. The purposeful desertion of an at-risk person in a manner that endangers the safety of that person constitutes unlawful

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.

HOUSE
3rd Reading Unamended
May 1, 2019

HOUSE
Amended 2nd Reading
April 30, 2019

SENATE
3rd Reading Unamended
April 15, 2019

SENATE
Amended 2nd Reading
April 12, 2019

abandonment. Tying, locking up, caging, chaining, or otherwise unreasonably restricting an at-risk person's freedom of movement constitutes unlawful confinement.

The bill reclassifies the at-risk adult crimes that are class 1 misdemeanors into class 6 felonies and makes unlawful abandonment and unlawful confinement class 6 felonies.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 finds and declares that this act will protect at-risk adults from unlawful
4 abandonment and unlawful confinement. The abuse and neglect of senior
5 citizens, people with disabilities, and other at-risk adults is a problem that
6 impacts communities all across Colorado. Abandonment and unlawful
7 confinement have risen as two forms of abuse and neglect that prove
8 difficult to prosecute, as they are currently undefined in Colorado statute.
9 This act defines these crimes and therefore provides law enforcement the
10 tools they need to prosecute individuals who commit these crimes, further
11 protecting at-risk adults from abuse and neglect.

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

14 **18-6.5-102. Definitions.** As used in this article 6.5, unless the
15 context otherwise requires:

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

19

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

22 **18-6.5-103. Crimes against at-risk persons - classifications.**

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

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

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

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

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

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

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

23 (b) IT IS AN AFFIRMATIVE DEFENSE FOR ANY PERSON WITH
24 RESPONSIBILITY FOR THE CARE OR SUPERVISION OF AN AT-RISK PERSON
25 WHOSE CONDUCT WOULD OTHERWISE CONSTITUTE AN OFFENSE PURSUANT
26 TO SUBSECTION (9)(a)(II) OF THIS SECTION THAT THE CONDUCT WITH
27 RESPECT TO THE AT-RISK PERSON IS REASONABLE AND APPROPRIATE

1 UNDER THE CIRCUMSTANCES AND IS ALSO REASONABLY NECESSARY TO
2 PROMOTE THE SAFETY AND WELFARE OF THE AT-RISK PERSON.

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

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

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

9 **17-18-127. Appropriation to comply with section 2-2-703 - S.B.**
10 **19-172 - repeal.** (1) PURSUANT TO SECTION 2-2-703, THE FOLLOWING
11 STATUTORY APPROPRIATIONS ARE MADE IN ORDER TO IMPLEMENT SENATE
12 **BILL 19-172, ENACTED IN 2019:**

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

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

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

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

25 **24-75-302. Capital construction fund - capital assessment fees**
26 **- calculation - information technology capital account - repeal.**

27 **(2) The controller shall transfer a sum as specified in this subsection (2)**

1 from the general fund to the capital construction fund as money becomes
2 available in the general fund during the fiscal year beginning on July 1 of
3 the fiscal year in which the transfer is made. Transfers between funds
4 pursuant to this subsection (2) are not appropriations subject to the
5 limitations of section 24-75-201.1. The amounts transferred pursuant to
6 this subsection (2) are as follows:

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

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

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