

CHAPTER 237

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 95-1114

BY REPRESENTATIVES Lyle, Chavez, Clarke, DeGette, Epps, Friednash, Gordon, Hernandez, Keller, Kerns, Knox, Linkhart, Nichol, Reeser, Reeves, and Tupa;
also SENATORS Hopper, Gallagher, Pascoe, Rupert, Tanner, and Thiebaut.

AN ACT

CONCERNING THE MANDATORY REPORTING OF DOMESTIC ABUSE BY PHYSICIANS.

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

SECTION 1. 12-36-135 (1), Colorado Revised Statutes, 1991 Repl. Vol., is amended, and the said 12-36-135 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-36-135. Injuries to be reported - penalty for failure to report - immunity from liability. (1) It shall be the duty of every physician who attends or treats a bullet wound, a gunshot wound, a powder burn, or any other injury arising from the discharge of a firearm, or an injury caused by a knife, an ice pick, or any other sharp or pointed instrument which ~~he~~ THE PHYSICIAN believes to have been intentionally inflicted upon a person, or any other injury which ~~he~~ THE PHYSICIAN has reason to believe involves a criminal act, INCLUDING INJURIES RESULTING FROM DOMESTIC VIOLENCE, to report such injury at once to the police of the city, town, or city and county or the sheriff of the county in which the physician is located. Any physician who fails to make a report as required by this section commits a class 2 petty offense, as defined by section 18-1-107, C.R.S., and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

(1.5) AS USED IN SUBSECTION (1) OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DOMESTIC VIOLENCE" MEANS AN ACT OF VIOLENCE UPON A PERSON WITH WHOM THE ACTOR IS OR HAS BEEN INVOLVED IN AN INTIMATE RELATIONSHIP. DOMESTIC VIOLENCE ALSO INCLUDES ANY OTHER CRIME AGAINST A PERSON OR ANY

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

MUNICIPAL ORDINANCE VIOLATION AGAINST A PERSON WHEN USED AS A METHOD OF COERCION, CONTROL, PUNISHMENT, INTIMIDATION, OR REVENGE DIRECTED AGAINST A PERSON WITH WHOM THE ACTOR IS OR HAS BEEN INVOLVED IN AN INTIMATE RELATIONSHIP.

(b) "INTIMATE RELATIONSHIP" MEANS A RELATIONSHIP BETWEEN SPOUSES, FORMER SPOUSES, PAST OR PRESENT UNMARRIED COUPLES, OR PERSONS WHO ARE BOTH THE PARENTS OF THE SAME CHILD REGARDLESS OF WHETHER THE PERSONS HAVE BEEN MARRIED OR HAVE LIVED TOGETHER AT ANY TIME.

SECTION 2. Effective date. This act shall take effect July 1, 1995.

SECTION 3. 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.

Approved: May 31, 1995