

CHAPTER 91

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 03-1169

BY REPRESENTATIVE(S) Jahn, Marshall, Boyd, Frangas, Fritz, Garcia, Groff, Hefley, Rhodes, Rippey, Stengel, Veiga, Borodkin, Brophy, Cloer, Crane, Hodge, Hoppe, Lee, Madden, Merrifield, Paccione, Pommer, Romanoff, Salazar, Spradley, Stafford, Tochtrop, Vigil, Weddig, Weissmann, and Williams S.;

also SENATOR(S) Arnold, Hanna, Anderson, Andrews, Chlouber, Dyer, Entz, Evans, Fitz-Gerald, Gordon, Grossman, Hagedorn, Hillman, Jones, Keller, Kester, Lamborn, Linkhart, Nichol, Phillips, Sandoval, Takis, Tapia, Taylor, Teck, and Windels.

AN ACT

CONCERNING AMENDMENT OF THE DEFINITION OF CHILD ABUSE TO INCLUDE ACTIONS RELATED TO THE MANUFACTURE OF A CONTROLLED SUBSTANCE IN THE PRESENCE OF A CHILD.

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

SECTION 1. 19-1-103 (1) (a), Colorado Revised Statutes, is amended to read:

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

(1) (a) "Abuse" or "child abuse or neglect", as used in part 3 of article 3 of this title, means an act or omission in one of the following categories that threatens the health or welfare of a child:

(I) Any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, or death and either: Such condition or death is not justifiably explained; the history given concerning such condition is at variance with the degree or type of such condition or death; or the circumstances indicate that such condition may not be the product of an accidental occurrence;

(II) Any case in which a child is subjected to unlawful sexual behavior as defined in section 16-22-102 (9), C.R.S.;

(III) Any case in which a child is a child in need of services because the child's parents, legal guardian, or custodian fails to take the same actions to provide

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

adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take. The requirements of this subparagraph (III) shall be subject to the provisions of section 19-3-103.

(IV) Any case in which a child is subjected to emotional abuse. As used in this subparagraph (IV), "emotional abuse" means an identifiable and substantial impairment of the child's intellectual or psychological functioning or development or a substantial risk of impairment of the child's intellectual or psychological functioning or development.

(V) Any act or omission described in section 19-3-102 (1) (a), (1) (b), or (1) (c);

(VI) ANY CASE IN WHICH, IN THE PRESENCE OF A CHILD, OR ON THE PREMISES WHERE A CHILD IS FOUND, OR WHERE A CHILD RESIDES, A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), C.R.S., IS MANUFACTURED OR ATTEMPTED TO BE MANUFACTURED.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 2003, and shall apply to acts committed on or after said date.

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: April 1, 2003