

CHAPTER 300

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 13-278

BY SENATOR(S) Kerr and Newell;
also REPRESENTATIVE(S) Young, Ginal, Hullinghorst, Labuda, Pabon, Rosenthal, Schafer.

AN ACT

CONCERNING CREATING A DEFINITION OF A "DRUG-ENDANGERED CHILD" WITH RESPECT TO CHILD ABUSE OR NEGLECT.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) Colorado is currently second in the nation for prescription drug abuse;

(b) When controlled substances, whether legal or illegal, are used, produced, or distributed in the presence of children, a greater likelihood exists for harm to the children from caretaker incapacitation, access to dangerous drug-production components, lack of supervision, unhealthy indoor air quality, exposure to dangerous non-drug criminal behaviors, and other circumstances that pose a danger to children;

(c) Law enforcement agencies, human services, family courts, and the criminal justice system currently do not have a common definition of a "drug-endangered child";

(d) Law enforcement agencies, human services, and statutorily mandated reporters of suspected child maltreatment need common tools and training to identify a child at risk of abuse and neglect as a result of the use, production, and distribution of drugs in a child's environment;

(e) Effective training needs to stem from a common definition of "drug-endangered child"; and

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

(f) While criminal penalties may be appropriate in some cases, such as the possession, production, and distribution of certain drugs as well as other offenses defined in part 4 of article 18 of title 18, Colorado Revised Statutes, the welfare and safety of children is paramount and requires that human services and law enforcement agencies work from a common definition of "drug-endangered child" so they can best meet the needs of children whose health, welfare, and safety may be at risk.

SECTION 2. In Colorado Revised Statutes, 18-18.5-103, **add** (4) (i) as follows:

18-18.5-103. State methamphetamine task force - creation - membership - duties. (4) The task force shall:

(i) DEVELOP A DEFINITION OF A "DRUG-ENDANGERED CHILD" TO BE USED IN THE CONTEXT OF THE DEFINITION OF "CHILD ABUSE OR NEGLECT" AS SET FORTH IN SECTION 19-1-103 (1), C.R.S., AND INCLUDE THE DEFINITION IN ITS JANUARY 1, 2014, REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

SECTION 3. Effective date. This act takes effect upon passage only if Senate Bill 13-244 becomes law and takes effect either upon the effective date of this act or Senate Bill 13-244, whichever is later.

SECTION 4. 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 28, 2013