

CHAPTER 103

CRIMINAL LAW AND PROCEDURE

SENATE BILL 14-098

BY SENATOR(S) Zenzinger, Aguilar, Guzman, Heath, Herpin, Hodge, Jahn, Johnston, Jones, Kefalas, Kerr, Lundberg, Newell, Nicholson, Rivera, Tochtrop, Todd, Carroll;
 also REPRESENTATIVE(S) Foote and Schafer, Becker, Exum, Fields, Hullinghorst, Kraft-Tharp, Labuda, Lebsock, Melton, Moreno, Peniston, Pettersen, Primavera, Rosenthal, Ryden, Salazar, Young.

AN ACT**CONCERNING CLARIFICATIONS TO STATUTORY LANGUAGE ON CRIMES AGAINST AT-RISK ELDERS.**

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

SECTION 1. In Colorado Revised Statutes, 18-6.5-102, **amend** (1), (10) (a), and (13) as follows:

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

(1) "Abuse" means any of the following acts or omissions committed against an at-risk elder:

- (a) The nonaccidental infliction of bodily injury, serious bodily injury, or death;
- (b) Confinement or restraint that is unreasonable under generally accepted caretaking standards;
- (c) Subjection to sexual conduct or contact classified as a crime under this title;
~~and~~
- (d) Caretaker neglect; AND
- (e) EXPLOITATION.

(10) "Exploitation" means an act or omission committed by a person who:

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

(a) Uses deception, harassment, intimidation, or undue influence to permanently or temporarily deprive an at-risk elder of the use, benefit, or possession of ~~his or her money, assets, or property~~ ANY THING OF VALUE;

(13) "Undue influence" means the use of influence ~~by someone who exercises authority over an at-risk elder in order to take unfair advantage of the~~ AN at-risk elder's vulnerable state of mind, neediness, pain, or ~~agony~~ EMOTIONAL DISTRESS.

SECTION 2. In Colorado Revised Statutes, 18-6.5-103, **repeal and reenact, with amendments,** (7.5) as follows:

18-6.5-103. Crimes against at-risk adults and at-risk juveniles - classifications. (7.5) (a) A PERSON COMMITS CRIMINAL EXPLOITATION OF AN AT-RISK ELDER WHEN HE OR SHE KNOWINGLY USES DECEPTION, HARASSMENT, INTIMIDATION, OR UNDUE INFLUENCE TO PERMANENTLY OR TEMPORARILY DEPRIVE AN AT-RISK ELDER OF THE USE, BENEFIT, OR POSSESSION OF ANY THING OF VALUE.

(b) CRIMINAL EXPLOITATION OF AN AT-RISK ELDER IS A CLASS 3 FELONY IF THE THING OF VALUE IS FIVE HUNDRED DOLLARS OR GREATER. CRIMINAL EXPLOITATION OF AN AT-RISK ELDER IS A CLASS 5 FELONY IF THE THING OF VALUE IS LESS THAN FIVE HUNDRED DOLLARS.

SECTION 3. In Colorado Revised Statutes, 26-3.1-102, **amend** (3) as follows:

26-3.1-102. Reporting requirements. (3) A copy of the report prepared by the county department in accordance with subsections (1) and (2) of this section shall be forwarded within twenty-four hours to ~~the district attorney's office and~~ a local law enforcement agency. A report prepared by a local law enforcement agency shall be forwarded within twenty-four hours to the county department. ~~and to the district attorney's office.~~

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: April 7, 2014