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, Huilinghorst, 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 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