

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-1069.01 Jerry Barry x4341

HOUSE BILL 16-1394

HOUSE SPONSORSHIP

Young,

SENATE SPONSORSHIP

Grantham,

House Committees

Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CLARIFYING DEFINITIONS RELATED TO AT-RISK PERSONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill implements the following recommendations of the at-risk adults with intellectual and developmental disabilities mandatory reporting implementation task force:

- ! Standardizing statutory definitions among the "Colorado Criminal Code", the adult protective services in the department of human services, and the office of community living in the department of health care policy and financing;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

- ! Specifying that enhanced penalties for crimes against an at-risk person apply to all persons 70 years of age or older and to all persons with a disability; and
- ! Clarifying and expanding the definitions of persons who are required to report instances of mistreatment of at-risk elders or at-risk adults with an intellectual and developmental disability (adults with IDD).

The bill also:

- ! Reduces the time when a law enforcement agency or county department is required to prepare a written report from 48 hours to 24 hours;
- ! Specifies that a county department of human or social services is to conduct an investigation of allegations of mistreatment of an at-risk adult; and
- ! Clarifies that the human rights committee is responsible for ensuring that an investigation of mistreatment of an adult with IDD occurred.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 18-6.5-101
 3 as follows:

4 **18-6.5-101. Legislative declaration.** The general assembly
 5 recognizes that fear of mistreatment is one of the major personal concerns
 6 of ~~at-risk adults and at-risk juveniles~~ PERSONS and that ~~at-risk adults and~~
 7 ~~at-risk juveniles~~ PERSONS are more vulnerable to and disproportionately
 8 damaged by crime in general but, more specifically, by abuse,
 9 exploitation, and neglect because they are less able to protect themselves
 10 against offenders, a number of whom are in positions of trust, and
 11 because they are more likely to receive serious injury from crimes
 12 committed against them and not to fully recover from such injury. At-risk
 13 ~~adults and at-risk juveniles~~ PERSONS are more impacted by crime than the
 14 general population because they tend to suffer great relative deprivation,
 15 financially, physically, and psychologically, as a result of the abuses
 16 against them. A significant number of ~~at-risk adults and at-risk juveniles~~

1 PERSONS are not as physically, INTELLECTUALLY, or emotionally equipped
2 to protect themselves or aid in their own security as non-at-risk adults and
3 ~~non-at-risk juveniles~~ PERSONS in society. They are far more susceptible
4 than the general population to the adverse long-term effects of crimes
5 committed against them, including abuse, exploitation, and neglect. The
6 general assembly therefore finds that penalties for specified crimes
7 committed against at-risk adults and ~~at-risk juveniles~~ PERSONS should be
8 more severe than the penalties for the commission of ~~said~~ THE SAME
9 crimes against other members of society.

10 **SECTION 2.** In Colorado Revised Statutes, 18-6.5-102, **amend**
11 (1), (2.5), (5), (6), (10), and (13); and **add** (4.5) and (10.5) as follows:

12 **18-6.5-102. Definitions.** As used in this article, unless the context
13 otherwise requires:

14 (1) "Abuse" means any of the following acts or omissions
15 committed against an ~~at-risk elder~~ AT-RISK PERSON:

16 (a) The nonaccidental infliction of bodily injury, serious bodily
17 injury, or death;

18 (b) Confinement or restraint that is unreasonable under generally
19 accepted caretaking standards; OR

20 (c) Subjection to sexual conduct or contact classified as a crime
21 under this title.

22 ~~(d) Caretaker neglect; and~~

23 ~~(e) Exploitation.~~

24 (2.5) "At-risk adult with ~~an intellectual and developmental~~
25 ~~disability~~ IDD" means a person who is eighteen years of age or older and
26 is a person with an intellectual and developmental disability, as defined
27 in section 25.5-10-202 (26) (a), C.R.S.

1 (4.5) "AT-RISK PERSON" MEANS AN AT-RISK ADULT, AN AT-RISK
2 ADULT WITH IDD, AN AT-RISK ELDER, OR AN AT-RISK JUVENILE.

3 (5) "Caretaker" means a person who:

4 (a) Is responsible for the care of an ~~at-risk adult, at-risk juvenile,~~
5 ~~or at-risk elder,~~ AT-RISK PERSON as a result of a family or legal
6 relationship;

7 (b) Has assumed responsibility for the care of an ~~at-risk adult,~~
8 ~~at-risk juvenile, or at-risk elder~~ AT-RISK PERSON; or

9 (c) Is paid to provide care or services to an ~~at-risk adult, at-risk~~
10 ~~juvenile, or at-risk elder~~ AT-RISK PERSON.

11 (6) "Caretaker neglect" means neglect that occurs when adequate
12 food, clothing, shelter, psychological care, physical care, medical care, ~~or~~
13 HABILITATION, supervision, OR ANY OTHER TREATMENT NECESSARY FOR
14 THE HEALTH OR SAFETY OF AN AT-RISK PERSON is not secured for an
15 ~~at-risk adult or an at-risk elder~~ PERSON or is not provided by a caretaker
16 in a timely manner and with the degree of care that a reasonable person
17 in the same situation would exercise; except that the withholding,
18 withdrawing, or refusing of any medication, any medical procedure or
19 device, or any treatment, including but not limited to resuscitation,
20 cardiac pacing, mechanical ventilation, dialysis, and artificial nutrition
21 and hydration, in accordance with any valid medical directive or order or
22 as described in a palliative plan of care, ~~shall not be~~ IS NOT deemed
23 caretaker neglect. As used in this subsection (6), "medical directive or
24 order" includes ~~but is not limited to~~ a medical durable power of attorney,
25 a declaration as to medical treatment executed pursuant to section
26 15-18-104, C.R.S., a medical order for scope of treatment form executed
27 pursuant to article 18.7 of title 15, C.R.S., and a CPR directive executed

1 pursuant to article 18.6 of title 15, C.R.S.

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

4 (a) Uses deception, harassment, intimidation, or undue influence
5 to permanently or temporarily deprive an at-risk ~~elder~~ PERSON of the use,
6 benefit, or possession of any thing of value;

7 (b) ~~In the absence of legal authority:~~

8 (H) Employs the services of a third party for the profit or advantage
9 of the person or another person to the detriment of the at-risk ~~elder~~, or
10 PERSON;

11 (H) (c) Forces, compels, coerces, or entices an at-risk ~~elder~~
12 PERSON to perform services for the profit or advantage of the person or
13 another person against the will of the at-risk ~~elder~~, or PERSON;

14 (d) USES HARASSMENT, UNDUE INFLUENCE, OR INTIMIDATION TO
15 CREATE A HOSTILE OR FEARFUL ENVIRONMENT FOR AN AT-RISK PERSON
16 WHO RELIES ON THAT PERSON TO PROVIDE CARE, LIVES WITH THE PERSON,
17 OR IS REGULARLY VISITED BY THE PERSON; OR

18 (e) (e) Misuses the property of an at-risk ~~elder~~ PERSON in a manner
19 that adversely affects the at-risk ~~elder's~~ PERSON'S ability to receive health
20 care or health care benefits or to pay bills for basic needs or obligations.

21 (10.5) "MISTREATED" OR "MISTREATMENT" MEANS:

22 (a) ABUSE;

23 (b) CARETAKER NEGLECT;

24 (c) EXPLOITATION;

25 (d) AN ACT OR OMISSION THAT THREATENS THE HEALTH, SAFETY,
26 OR WELFARE OF AN AT-RISK PERSON; OR

27 (e) AN ACT OR OMISSION THAT EXPOSES AN AT-RISK PERSON TO A

1 SITUATION OR CONDITION THAT POSES AN IMMINENT RISK OF BODILY
2 INJURY TO THE AT-RISK PERSON.

3 (13) "Undue influence" means the use of influence to take
4 advantage of an at-risk ~~elder's~~ PERSON'S vulnerable state of mind,
5 neediness, pain, or emotional distress.

6 **SECTION 3.** In Colorado Revised Statutes, **amend** 18-6.5-103
7 as follows:

8 **18-6.5-103. Crimes against at-risk persons - classifications.**

9 (1) Crimes against at-risk ~~adults and at-risk juveniles shall be~~ PERSONS
10 ARE as prescribed in this section.

11 (2) Any person whose conduct amounts to criminal negligence, as
12 defined in section 18-1-501 (3), commits:

13 (a) A class 4 felony if such negligence results in the death of an
14 at-risk ~~adult or an at-risk juvenile~~ PERSON;

15 (b) A class 5 felony if such negligence results in serious bodily
16 injury to an at-risk ~~adult or an at-risk juvenile~~ PERSON; and

17 (c) A class 6 felony if such negligence results in bodily injury to
18 an at-risk ~~adult or an at-risk juvenile~~ PERSON.

19 (3) (a) Any person who commits a crime of assault in the first
20 degree, as such crime is described in section 18-3-202, and the victim is
21 an at-risk ~~adult or an at-risk juvenile~~ PERSON, commits a class 4 felony if
22 the circumstances described in section 18-3-202 (2) (a) are present and a
23 class 2 felony if such circumstances are not present.

24 (b) Any person who commits a crime of assault in the second
25 degree, as such crime is described in section 18-3-203, and the victim is
26 an at-risk ~~adult or an at-risk juvenile~~ PERSON, commits a class 5 felony if
27 the circumstances described in section 18-3-203 (2) (a) are present and a

1 class 3 felony if such circumstances are not present.

2 (c) Any person who commits a crime of assault in the third
3 degree, as such crime is described in section 18-3-204, and the victim is
4 an at-risk ~~adult or an at-risk juvenile~~ PERSON, commits a class 6 felony.

5 (4) Any person who commits robbery, as such crime is described
6 in section 18-4-301 (1), and the victim is an at-risk ~~adult or an at-risk~~
7 ~~juvenile~~ PERSON, commits a class 3 felony. If the offender is convicted of
8 robbery of an at-risk ~~adult or an at-risk juvenile~~ PERSON, the court shall
9 sentence the defendant to the department of corrections for at least the
10 presumptive sentence under section 18-1.3-401 (1).

11 (5) Any person who commits theft, and commits any element or
12 portion of the offense in the presence of the victim, as such crime is
13 described in section 18-4-401 (1), and the victim is an at-risk ~~adult or an~~
14 ~~at-risk juvenile~~ PERSON, or who commits theft against an at-risk ~~adult or~~
15 ~~an at-risk juvenile~~ PERSON while acting in a position of trust, whether or
16 not in the presence of the victim, commits a class 5 felony if the value of
17 the thing involved is less than five hundred dollars or a class 3 felony if
18 the value of the thing involved is five hundred dollars or more. Theft
19 from the person of an at-risk ~~adult or an at-risk juvenile~~ PERSON by means
20 other than the use of force, threat, or intimidation is a class 4 felony
21 without regard to the value of the thing taken.

22 ~~(5.5) A person who commits theft, and commits any element or~~
23 ~~portion of the offense in the presence of the victim, as such crime is~~
24 ~~described in section 18-4-401 (1), and the victim is an at-risk elder, or~~
25 ~~who commits theft against an at-risk elder while acting in a position of~~
26 ~~trust, whether or not in the presence of the victim, or commits theft~~
27 ~~against an at-risk elder knowing the victim is an at-risk elder, whether in~~

1 the presence of the victim or not, commits a class 5 felony if the value of
2 the thing involved is less than five hundred dollars or a class 3 felony if
3 the value of the thing involved is five hundred dollars or more. Theft
4 from the person of an at-risk elder by means other than the use of force,
5 threat, or intimidation is a class 4 felony without regard to the value of the
6 thing taken.

7 (6) Any person who knowingly commits caretaker neglect against
8 an at-risk adult, an at-risk elder, or an at-risk juvenile PERSON or
9 knowingly acts in a manner likely to be injurious to the physical or mental
10 welfare of an at-risk adult, an at-risk elder, or an at-risk juvenile PERSON
11 commits a class 1 misdemeanor.

12 (7) (a) Any person who commits a crime of sexual assault, as such
13 crime is described in section 18-3-402, sexual assault in the first degree,
14 as such crime was described in section 18-3-402, as it existed prior to July
15 1, 2000, and the victim is an at-risk adult or an at-risk juvenile PERSON,
16 commits a class 2 felony.

17 (b) Any person who commits a crime of sexual assault in the
18 second degree, as such crime was described in section 18-3-403, as it
19 existed prior to July 1, 2000, and the victim is an at-risk adult or an at-risk
20 juvenile PERSON, commits a class 3 felony.

21 (c) Any person who commits unlawful sexual contact, as such
22 crime is described in section 18-3-404, or sexual assault in the third
23 degree, as such crime was described in section 18-3-404, as it existed
24 prior to July 1, 2000, and the victim is an at-risk adult or an at-risk
25 juvenile PERSON, commits a class 6 felony; except that the person
26 commits a class 3 felony if the person compels the victim to submit by
27 use of such force, intimidation, or threat as specified in section 18-3-402

1 (4) (a), (4) (b), or (4) (c), or if the actor engages in the conduct described
2 in section 18-3-404 (1) (g) or (1.5).

3 (d) Any person who commits sexual assault on a child, as such
4 crime is described in section 18-3-405, and the victim is an at-risk
5 juvenile, commits a class 3 felony; except that, if the circumstances
6 described in section 18-3-405 (2) (a), (2) (b), (2) (c), or (2) (d) are
7 present, the person commits a class 2 felony.

8 (e) Any person who commits sexual assault on a child by one in
9 a position of trust, as such crime is described in section 18-3-405.3, and
10 the victim is an at-risk juvenile, commits a class 2 felony if the victim is
11 less than fifteen years of age or a class 3 felony if the victim is fifteen
12 years of age or older but less than eighteen years of age.

13 (f) Any person who commits sexual assault on a client by a
14 psychotherapist, as such crime is described in section 18-3-405.5, and the
15 victim is an at-risk ~~adult or an at-risk juvenile~~ PERSON, commits a class
16 3 felony if the circumstances described in section 18-3-405.5 (1) exist or
17 a class 6 felony if such circumstances are not present.

18 (7.5) (a) A person commits criminal exploitation of an at-risk
19 elder when he or she knowingly uses deception, harassment, intimidation,
20 or undue influence to permanently or temporarily deprive an at-risk elder
21 of the use, benefit, or possession of any thing of value.

22 (b) Criminal exploitation of an at-risk elder is a class 3 felony if
23 the thing of value is five hundred dollars or greater. Criminal exploitation
24 of an at-risk elder is a class 5 felony if the thing of value is less than five
25 hundred dollars.

26 (8) For purposes of subsections (3) to (7.5) of this section,
27 commission of the offenses described in said subsections shall include the

1 attempt, solicitation, or conspiracy to commit such offenses.

2 **SECTION 4.** In Colorado Revised Statutes, 18-6.5-103.5, **amend**
3 (1) as follows:

4 **18-6.5-103.5. Video tape depositions - at-risk persons who are**
5 **victims and witnesses.** (1) In any case in which a defendant is charged
6 with a crime against an at-risk ~~adult~~ PERSON, or in any case involving a
7 victim or witness who is an at-risk ~~adult~~ PERSON, the prosecution may file
8 a motion with the court at any time prior to commencement of the trial,
9 for an order that a deposition be taken of the testimony of the victim or
10 witness and that the deposition be recorded and preserved on video tape.

11 **SECTION 5.** In Colorado Revised Statutes, **amend** 18-6.5-104
12 as follows:

13 **18-6.5-104. Statutory privilege not allowed.** The statutory
14 privileges provided in section 13-90-107 (1), C.R.S., ~~shall not be~~ ARE NOT
15 available for excluding or refusing testimony in any prosecution for a
16 crime committed against an at-risk ~~adult or an at-risk juvenile~~ PERSON
17 pursuant to this article.

18 **SECTION 6.** In Colorado Revised Statutes, **amend** 18-6.5-105
19 as follows:

20 **18-6.5-105. Preferential trial dates of cases involving crimes**
21 **against at-risk persons.** Consistent with the constitutional right to a
22 speedy trial, all cases involving the commission of a crime against an
23 at-risk ~~adult or an at-risk juvenile~~ ~~shall~~ PERSON MUST take precedence
24 before the court, and the court shall hear these cases as soon as possible
25 after they are filed.

26 **SECTION 7.** In Colorado Revised Statutes, 18-6.5-106, **amend**
27 (1) and (3) as follows:

1 **18-6.5-106. Payment of treatment costs for victims of crimes**
2 **against at-risk persons - restitution.** (1) In addition to any other penalty
3 provided by law, the court may order any person who is convicted of a
4 crime against an at-risk ~~adult or an at-risk juvenile~~ PERSON, as set forth in
5 this article, to meet all or any portion of the financial obligations of
6 treatment prescribed for the victim or victims of such person's offense.

7 (3) If an at-risk ~~adult or an at-risk juvenile~~ PERSON has sustained
8 monetary damages as a result of the commission of a crime described in
9 this article against such ~~adult or juvenile~~ PERSON, the court shall order the
10 offender to provide restitution pursuant to article 18.5 of title 16 and
11 article 28 of title 17, C.R.S. If, after a reasonable period not to exceed one
12 hundred eighty-two days, the offender has not, in the opinion of the court,
13 completed adequate restitution, the offender's probation may be revoked.
14 However, any remaining amount of restitution ~~shall continue~~ CONTINUES
15 to have the full force and effect of a final judgment and remain
16 enforceable pursuant to article 18.5 of title 16, C.R.S.

17 **SECTION 8.** In Colorado Revised Statutes, 18-6.5-107, **amend**
18 (1), (4) (a), (4) (c), and (5) as follows:

19 **18-6.5-107. Surcharge - collection and distribution of funds -**
20 **crimes against at-risk persons surcharge fund - creation - report.**

21 (1) Each person who is convicted of a crime against an at-risk ~~adult or~~
22 ~~at-risk juvenile~~ PERSON or who is convicted of identity theft pursuant to
23 section 18-5-902, when the victim is an at-risk ~~adult or at-risk juvenile~~
24 PERSON, shall be required to pay a surcharge to the clerk of the court for
25 the judicial district in which the conviction occurs.

26 (4) (a) There is ~~hereby~~ created in the state treasury the crimes
27 against at-risk persons surcharge fund, referred to in this section as the

1 "fund", that consists of ~~moneys~~ MONEY received by the state treasurer
2 pursuant to this section. The ~~moneys~~ MONEY in the fund ~~shall be~~ IS
3 subject to annual appropriation by the general assembly to the state office
4 on aging in the department of human services, created pursuant to section
5 26-11-202, C.R.S., for distribution to a fiscal agent that is an affiliate of
6 a national organization that serves individuals affected by a disability and
7 chronic condition across the life span and is working with the state of
8 Colorado to implement the lifespan respite care program, referred to in
9 this section as the "fiscal agent". Provided that programs selected to
10 receive ~~moneys~~ MONEY from the fund meet the guidelines for distribution
11 pursuant to paragraph (b) of this subsection (4), the fiscal agent shall
12 award ~~moneys~~ MONEY to programs selected by a statewide coalition of
13 nonprofit or not-for-profit organizations that focus on the needs of
14 caregivers of at-risk ~~adults or at-risk juveniles~~ PERSONS.

15 (c) Notwithstanding any provisions of paragraph (a) of this
16 subsection (4) to the contrary, the fiscal agent may use a portion of the
17 ~~moneys~~ MONEY that it receives pursuant to paragraph (a) of this
18 subsection (4) for training and to facilitate the coordination of programs
19 that provide respite services for caregivers of at-risk ~~adults or at-risk~~
20 ~~juveniles~~ PERSONS. The fiscal agent shall distribute the remainder of the
21 ~~moneys~~ MONEY directly to the programs.

22 (5) The court may waive all or any portion of the surcharge
23 required by subsection (1) of this section if the court finds that a person
24 convicted of a crime against an at-risk ~~adult or at-risk juvenile~~ PERSON is
25 indigent or financially unable to pay all or any portion of the surcharge.
26 The court may waive only that portion of the surcharge that the court
27 finds that the person convicted of a crime against an at-risk ~~adult or~~

1 ~~at-risk juvenile~~ PERSON is financially unable to pay.

2 **SECTION 9.** In Colorado Revised Statutes, **amend** 18-6.5-108,
3 and **as they will become effective July 1, 2016**, (1) (a), (1) (b) (IX), (1)
4 (b) (XVI), (1) (d), (2), (3), (4), and (5), as follows:

5 **18-6.5-108. Mandatory reports of mistreatment of at-risk**
6 **elders and at-risk adults with IDD - list of reporters - penalties.**

7 (1) (a) On and after July 1, 2016, a person specified in paragraph (b) of
8 this subsection (1) who observes the ~~abuse or exploitation~~ MISTREATMENT
9 of an at-risk elder or an at-risk adult with ~~an intellectual and~~
10 ~~developmental disability~~ IDD, or who has reasonable cause to believe that
11 an at-risk elder or an at-risk adult with ~~an intellectual and developmental~~
12 ~~disability~~ IDD has been ~~abused or has been exploited~~ MISTREATED or is
13 at imminent risk of ~~abuse or exploitation~~ MISTREATMENT, shall report
14 such fact to a law enforcement agency not more than twenty-four hours
15 after making the observation or discovery.

16 (b) The following persons, whether paid or unpaid, shall report as
17 required by paragraph (a) of this subsection (1):

18 (I) ~~Physicians, surgeons, physicians' assistants, osteopaths,~~
19 ~~physicians in training, podiatrists, occupational therapists, and physical~~
20 ~~therapists~~ ANY PERSON PROVIDING HEALTH CARE OR
21 HEALTH-CARE-RELATED SERVICES, INCLUDING GENERAL MEDICAL,
22 SURGICAL, OR NURSING SERVICES; MEDICAL, SURGICAL, OR NURSING
23 SPECIALITY SERVICES; DENTAL SERVICES; VISION SERVICES; PHARMACY
24 SERVICES; CHIROPRACTIC SERVICES; OR PHYSICAL, OCCUPATIONAL,
25 MUSICAL, OR OTHER THERAPIES;

26 (II) ~~Medical examiners and coroners~~ HOSPITAL AND LONG-TERM
27 CARE FACILITY PERSONNEL ENGAGED IN THE ADMISSION, CARE, OR

1 TREATMENT OF PATIENTS;

2 (III) ~~Registered nurses, licensed practical nurses, and nurse~~
3 ~~practitioners~~ FIRST RESPONDERS INCLUDING EMERGENCY MEDICAL
4 SERVICE PROVIDERS, FIRE PROTECTION PERSONNEL, LAW ENFORCEMENT
5 OFFICERS, AND PERSONS EMPLOYED BY, CONTRACTING WITH, OR
6 VOLUNTEERING WITH ANY LAW ENFORCEMENT AGENCY, INCLUDING
7 VICTIM ADVOCATES;

8 (IV) ~~Emergency medical service providers~~ MEDICAL EXAMINERS
9 AND CORONERS;

10 (V) ~~Hospital and long-term care facility personnel engaged in the~~
11 ~~admission, care, or treatment of patients~~ CODE ENFORCEMENT OFFICERS;

12 (VI) ~~Chiropractors~~ VETERINARIANS;

13 (VII) Psychologists, ~~and other mental health professionals~~
14 ADDICTION COUNSELORS, PROFESSIONAL COUNSELORS, MARRIAGE AND
15 FAMILY THERAPISTS, AND REGISTERED PSYCHOTHERAPISTS, AS THOSE
16 PERSONS ARE DEFINED IN ARTICLE 43 OF TITLE 12, C.R.S.;

17 (VIII) ~~Social work practitioners~~ WORKERS, AS DEFINED IN PART 4
18 OF ARTICLE 43 OF TITLE 12, C.R.S.;

19 (IX) ~~Clergy members; except that the reporting requirement~~
20 ~~described in paragraph (a) of this subsection (1) shall not apply to a~~
21 ~~person who acquires reasonable cause to believe that an at-risk elder or~~
22 ~~an at-risk adult with an intellectual and developmental disability has been~~
23 ~~mistreated or has been exploited or is at imminent risk of mistreatment or~~
24 ~~exploitation during a communication about which the person may not be~~
25 ~~examined as a witness pursuant to section 13-90-107 (1) (c), C.R.S.;~~
26 ~~unless the person also acquires such reasonable cause from a source other~~
27 ~~than such a communication~~ STAFF OF COMMUNITY-CENTERED BOARDS;

1 (X) ~~Dentists~~ STAFF, CONSULTANTS, OR INDEPENDENT
2 CONTRACTORS OF SERVICE AGENCIES AS DEFINED IN SECTION 25.5-10-202
3 (34), C.R.S.;

4 (XI) ~~Law enforcement officials and personnel~~ STAFF OR
5 CONSULTANTS FOR A LICENSED OR UNLICENSED, CERTIFIED OR
6 UNCERTIFIED, CARE FACILITY, AGENCY, HOME, OR GOVERNING BOARD,
7 INCLUDING BUT NOT LIMITED TO LONG-TERM CARE FACILITIES, HOME CARE
8 AGENCIES, OR HOME HEALTH PROVIDERS;

9 (XII) ~~Court-appointed guardians and conservators~~ STAFF OF, OR
10 CONSULTANTS FOR, A HOME CARE PLACEMENT AGENCY, AS DEFINED IN
11 SECTION 25-27.5-102 (5), C.R.S.;

12 (XIII) ~~Fire protection personnel~~ PERSONS PERFORMING CASE
13 MANAGEMENT OR ASSISTANT SERVICES FOR AT-RISK ELDERS OR AT-RISK
14 ADULTS WITH IDD;

15 (XIV) ~~Pharmacists~~ STAFF OF COUNTY DEPARTMENTS OF HUMAN
16 OR SOCIAL SERVICES;

17 (XV) ~~Community-centered board staff~~ STAFF OF THE STATE
18 DEPARTMENTS OF HUMAN SERVICES, PUBLIC HEALTH AND ENVIRONMENT,
19 OR HEALTH CARE POLICY AND FINANCING;

20 (XVI) ~~Personnel of banks, savings and loan associations, credit~~
21 ~~unions, and other lending or financial institutions; except that the~~
22 ~~reporting requirement described in paragraph (a) of this subsection (1)~~
23 ~~only applies to a person described in this subparagraph (XVI) who~~
24 ~~directly observes in person the abuse or exploitation of an at-risk adult~~
25 ~~with an intellectual and developmental disability or who has reasonable~~
26 ~~cause to believe that an at-risk adult with an intellectual and~~
27 ~~developmental disability has been abused or has been exploited or is at~~

1 ~~imminent risk of abuse or exploitation by reason of actual knowledge of~~
2 ~~facts or circumstances indicating the abuse or exploitation~~ STAFF OF
3 SENIOR CONGREGATE CENTERS OR SENIOR RESEARCH OR OUTREACH
4 ORGANIZATIONS;

5 (XVII) ~~A caretaker, staff member, employee, or consultant for a~~
6 ~~licensed or certified care facility, agency, home, or governing board,~~
7 ~~including but not limited to home health providers; and~~ STAFF, AND STAFF
8 OF CONTRACTED PROVIDERS, OF AREA AGENCIES ON AGING, EXCEPT THE
9 LONG-TERM CARE OMBUDSMEN;

10 (XVIII) ~~A caretaker, staff member, employee of, or a consultant~~
11 ~~for, a home care placement agency, as defined in section 25-27.5-102(5),~~
12 ~~C.R.S.~~ EMPLOYEES, CONTRACTORS, AND VOLUNTEERS OPERATING
13 SPECIALIZED TRANSPORTATION SERVICES FOR AT-RISK ELDERS AND
14 AT-RISK ADULTS WITH IDD;

15 (XIX) LANDLORDS AND STAFF OF HOUSING AND HOUSING
16 AUTHORITY AGENCIES FOR AT-RISK ELDERS AND AT-RISK ADULTS WITH
17 IDD;

18 (XX) COURT-APPOINTED GUARDIANS AND CONSERVATORS;

19 (XXI) PERSONNEL AT SCHOOLS SERVING PERSONS IN PRESCHOOL
20 THROUGH TWELFTH GRADE;

21 (XXII) CLERGY MEMBERS; EXCEPT THAT THE REPORTING
22 REQUIREMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1)
23 DOES NOT APPLY TO A PERSON WHO ACQUIRES REASONABLE CAUSE TO
24 BELIEVE THAT AN AT-RISK ELDER OR AN AT-RISK ADULT WITH IDD HAS
25 BEEN MISTREATED OR HAS BEEN EXPLOITED OR IS AT IMMINENT RISK OF
26 MISTREATMENT OR EXPLOITATION DURING A COMMUNICATION ABOUT
27 WHICH THE PERSON MAY NOT BE EXAMINED AS A WITNESS PURSUANT TO

1 SECTION 13-90-107 (1) (c), C.R.S., UNLESS THE PERSON ALSO ACQUIRES
2 SUCH REASONABLE CAUSE FROM A SOURCE OTHER THAN SUCH A
3 COMMUNICATION; AND

4 (XXIII) PERSONNEL OF BANKS, SAVINGS AND LOAN ASSOCIATIONS,
5 CREDIT UNIONS, AND OTHER LENDING OR FINANCIAL INSTITUTIONS;
6 EXCEPT THAT THE REPORTING REQUIREMENT DESCRIBED IN PARAGRAPH (a)
7 OF THIS SUBSECTION (1) ONLY APPLIES TO A PERSON DESCRIBED IN THIS
8 SUBPARAGRAPH (XXIII) WHO DIRECTLY OBSERVES IN PERSON THE ABUSE
9 OR EXPLOITATION OF AN AT-RISK ADULT WITH AN INTELLECTUAL AND
10 DEVELOPMENTAL DISABILITY OR WHO HAS REASONABLE CAUSE TO
11 BELIEVE THAT AN AT-RISK ADULT WITH AN INTELLECTUAL AND
12 DEVELOPMENTAL DISABILITY HAS BEEN ABUSED OR HAS BEEN EXPLOITED
13 OR IS AT IMMINENT RISK OF ABUSE OR EXPLOITATION BY REASON OF
14 ACTUAL KNOWLEDGE OF FACTS OR CIRCUMSTANCES INDICATING THE
15 ABUSE OR EXPLOITATION.

16 (c) A person who willfully violates paragraph (a) of this
17 subsection (1) commits a class 3 misdemeanor and shall be punished in
18 accordance with section 18-1.3-501.

19 (d) Notwithstanding the provisions of paragraph (a) of this
20 subsection (1), a person described in paragraph (b) of this subsection (1)
21 is not required to report the abuse or exploitation of an at-risk elder or an
22 at-risk adult with ~~an intellectual and developmental disability~~ IDD if the
23 person knows that another person has already reported to a law
24 enforcement agency the same abuse or exploitation that would have been
25 the basis of the person's own report.

26 (2) (a) A law enforcement agency that receives a report of abuse
27 or exploitation of an at-risk elder or an at-risk adult with ~~an intellectual~~

1 ~~and developmental disability~~ IDD shall acquire, to the extent possible, the
2 following information from the person making the report:

3 (I) The name, age, address, and contact information of the at-risk
4 elder or at-risk adult with ~~an intellectual and developmental disability~~
5 IDD;

6 (II) The name, age, address, and contact information of the person
7 making the report;

8 (III) The name, age, address, and contact information of the
9 caretaker of the at-risk elder or at-risk adult with ~~an intellectual and~~
10 ~~developmental disability~~ IDD, if any;

11 (IV) The name of the alleged perpetrator;

12 (V) The nature and extent of any injury, whether physical or
13 financial, to the at-risk elder or at-risk adult with ~~an intellectual and~~
14 ~~developmental disability~~ IDD;

15 (VI) The nature and extent of the condition that required the
16 report to be made; and

17 (VII) Any other pertinent information.

18 (b) Not more than twenty-four hours after receiving a report of
19 abuse or exploitation of an at-risk elder or an at-risk adult with ~~an~~
20 ~~intellectual and developmental disability~~ IDD, a law enforcement agency
21 shall provide ~~a notification of~~ the report to the county department for the
22 county in which the at-risk elder or at-risk adult with ~~an intellectual and~~
23 ~~developmental disability~~ IDD resides and the district attorney's office of
24 the location where the abuse or exploitation occurred.

25 (c) The law enforcement agency shall complete a criminal
26 investigation when appropriate. The law enforcement agency shall
27 provide a summary report of the investigation to the county department

1 for the county in which the at-risk elder or at-risk adult with ~~an~~
2 ~~intellectual and developmental disability~~ IDD resides and to the district
3 attorney's office of the location where the abuse or exploitation occurred.

4 (3) A person, including but not limited to a person specified in
5 paragraph (b) of subsection (1) of this section, who reports abuse or
6 exploitation of an at-risk elder or an at-risk adult with ~~an intellectual and~~
7 ~~developmental disability~~ IDD to a law enforcement agency pursuant to
8 subsection (1) of this section is immune from suit and liability for
9 damages in any civil action or criminal prosecution if the report was made
10 in good faith; except that such a person is not immune if he or she is the
11 alleged perpetrator of the abuse or exploitation.

12 (4) A person, including but not limited to a person specified in
13 paragraph (b) of subsection (1) of this section, who knowingly makes a
14 false report of abuse or exploitation of an at-risk elder or an at-risk adult
15 with ~~an intellectual and developmental disability~~ IDD to a law
16 enforcement agency commits a class 3 misdemeanor and must be
17 punished as provided in section 18-1.3-501 and is liable for damages
18 proximately caused thereby.

19 (5) The reporting duty described in subsection (1) of this section
20 does not create a civil duty of care or establishing a civil standard of care
21 that is owed to an at-risk elder or an at-risk adult with ~~an intellectual and~~
22 ~~developmental disability~~ IDD by a person specified in paragraph (b) of
23 subsection (1) of this section.

24 **SECTION 10.** In Colorado Revised Statutes, 26-3.1-101, **amend**
25 (1), (2), (2.3), (3), (4), and (7); and **add** (1.5) and (11) as follows:

26 **26-3.1-101. Definitions.** As used in this article, unless the context
27 otherwise requires:

1 (1) ~~"At-risk adult" means an individual eighteen years of age or~~
2 ~~older who is susceptible to mistreatment OR self-neglect or exploitation~~
3 ~~because the individual is unable to perform or obtain services necessary~~
4 ~~for his or her health, safety, or welfare or lacks sufficient understanding~~
5 ~~or capacity to make or communicate responsible decisions concerning his~~
6 ~~or her person or affairs. "ABUSE" MEANS ANY OF THE FOLLOWING ACTS OR~~
7 ~~OMISSIONS COMMITTED AGAINST AN AT-RISK ADULT:~~

8 (a) THE NONACCIDENTAL INFLECTION OF PHYSICAL PAIN OR INJURY,
9 AS DEMONSTRATED BY, BUT NOT LIMITED TO, SUBSTANTIAL OR MULTIPLE
10 SKIN BRUISING, BLEEDING, MALNUTRITION, DEHYDRATION, BURNS, BONE
11 FRACTURES, POISONING, SUBDURAL HEMATOMA, SOFT TISSUE SWELLING,
12 OR SUFFOCATION;

13 (b) CONFINEMENT OR RESTRAINT THAT IS UNREASONABLE UNDER
14 GENERALLY ACCEPTED CARETAKING STANDARDS; OR

15 (c) SUBJECTION TO SEXUAL CONDUCT OR CONTACT CLASSIFIED AS
16 A CRIME UNDER THE "COLORADO CRIMINAL CODE", TITLE 18, C.R.S.

17 (1.5) "AT-RISK ADULT" MEANS AN INDIVIDUAL EIGHTEEN YEARS
18 OF AGE OR OLDER WHO IS SUSCEPTIBLE TO MISTREATMENT OR
19 SELF-NEGLECT BECAUSE THE INDIVIDUAL IS UNABLE TO PERFORM OR
20 OBTAIN SERVICES NECESSARY FOR HIS OR HER HEALTH, SAFETY, OR
21 WELFARE, OR LACKS SUFFICIENT UNDERSTANDING OR CAPACITY TO MAKE
22 OR COMMUNICATE RESPONSIBLE DECISIONS CONCERNING HIS OR HER
23 PERSON OR AFFAIRS.

24 (2) "Caretaker" means a person who:

25 (a) Is responsible for the care of an at-risk adult as a result of a
26 family or legal relationship;

27 (b) Has assumed responsibility for the care of an at-risk adult; or

1 (c) Is paid to provide care, ~~or~~ services, OR OVERSIGHT OF SERVICES
2 to an at-risk adult.

3 (2.3) "Caretaker neglect" means neglect that occurs when
4 adequate food, clothing, shelter, psychological care, physical care,
5 medical care, ~~or~~ HABILITATION, supervision, OR OTHER TREATMENT
6 NECESSARY FOR THE HEALTH OR SAFETY OF THE AT-RISK ADULT is not
7 secured for an at-risk adult or is not provided by a caretaker in a timely
8 manner and with the degree of care that a reasonable person in the same
9 situation would exercise; except that the withholding, withdrawing, or
10 refusing of any MEDICATION, ANY MEDICAL PROCEDURE OR DEVICE, OR
11 ANY treatment, including but not limited to resuscitation, cardiac pacing,
12 mechanical ventilation, dialysis, artificial nutrition and hydration, any
13 medication or medical procedure or device, in accordance with any valid
14 medical directive or order, or as described in a palliative plan of care,
15 ~~shall not be~~ IS NOT deemed caretaker neglect. As used in this subsection
16 (2.3), "medical directive or order" includes ~~but is not limited to~~ a medical
17 durable power of attorney, a declaration as to medical treatment executed
18 pursuant to section 15-18-104, C.R.S., a medical order for scope of
19 treatment form executed pursuant to article 18.7 of title 15, C.R.S., and
20 a CPR directive executed pursuant to article 18.6 of title 15, C.R.S.

21 (3) "County department" means a county or district department of
22 HUMAN OR social services.

23 (4) "Exploitation" means an act or omission committed by a
24 person that:

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

1 VALUE;

2 (b) ~~In the absence of legal authority~~

3 ~~(H) Employs the services of a third party for the profit or advantage~~
4 ~~of the person or another person to the detriment of the at-risk adult; or~~

5 ~~(H) (c) Forces, compels, coerces, or entices an at-risk adult to~~
6 ~~perform services for the profit or advantage of the person or another~~
7 ~~person against the will of the at-risk adult; or~~

8 ~~(H) (d) USES HARASSMENT, UNDUE INFLUENCE, OR INTIMIDATION~~
9 ~~TO CREATE A HOSTILE OR FEARFUL ENVIRONMENT FOR AN AT-RISK ADULT~~
10 ~~WHO RELIES ON THAT PERSON TO PROVIDE CARE, LIVES WITH THE PERSON,~~
11 ~~OR IS REGULARLY VISITED BY THE PERSON; OR~~

12 ~~(e) (e) Misuses the property of an at-risk adult in a manner that~~
13 ~~adversely affects the at-risk adult's ability to receive health care or health~~
14 ~~care benefits or to pay bills for basic needs or obligations.~~

15 (7) "Mistreatment" means: ~~an act or omission that threatens the~~
16 ~~health, safety, or welfare of an at-risk adult or that exposes an at-risk~~
17 ~~adult to a situation or condition that poses an imminent risk of death,~~
18 ~~serious bodily injury, or bodily injury to the at-risk adult. "Mistreatment"~~
19 ~~includes, but is not limited to:~~

20 (a) Abuse; ~~that occurs:~~

21 ~~(I) Where there is infliction of physical pain or injury, as~~
22 ~~demonstrated by, but not limited to, substantial or multiple skin bruising,~~
23 ~~bleeding, malnutrition, dehydration, burns, bone fractures, poisoning,~~
24 ~~subdural hematoma, soft tissue swelling, or suffocation;~~

25 ~~(II) Where unreasonable confinement or restraint is imposed; or~~

26 ~~(III) Where there is subjection to nonconsensual sexual conduct~~
27 ~~or contact classified as a crime under the "Colorado Criminal Code", title~~

1 ~~18, C.R.S.;~~

2 (b) Caretaker neglect;

3 (c) ~~(Deleted by amendment, L. 2012.)~~ EXPLOITATION;

4 (d) AN ACT OR OMISSION THAT THREATENS THE HEALTH, SAFETY,
5 OR WELFARE OF AN AT-RISK ADULT; OR

6 (e) AN ACT OR OMISSION THAT EXPOSES AN AT-RISK ADULT TO A
7 SITUATION OR CONDITION THAT POSES AN IMMINENT RISK OF BODILY
8 INJURY TO THE AT-RISK ADULT.

9 (11) "UNDUE INFLUENCE" MEANS THE USE OF INFLUENCE TO TAKE
10 ADVANTAGE OF AN AT-RISK ADULT'S VULNERABLE STATE OF MIND,
11 NEEDINESS, PAIN, OR EMOTIONAL DISTRESS.

12 **SECTION 11.** In Colorado Revised Statutes, 26-3.1-102, **amend**
13 (1) (a), (1) (b), (1) (c), (2) introductory portion, (2) (e), (4), (6), (7) (a), (7)
14 (b) introductory portion, and (7) (b) (II); and **amend as it will become**
15 **effective July 1, 2016**, (1) (a.5) as follows:

16 **26-3.1-102. Reporting requirements.** (1) (a) A person specified
17 in paragraph (b) of this subsection (1) who observes the mistreatment OR
18 self-neglect ~~or exploitation~~ of an at-risk adult or who has reasonable
19 cause to believe that an at-risk adult has been mistreated OR is
20 ~~self-neglected or has been exploited~~ SELF-NEGLECTING and is at imminent
21 risk of mistreatment or self-neglect ~~or exploitation~~ is urged to report such
22 fact to a county department not more than twenty-four hours after making
23 the observation or discovery.

24 (a.5) As required by section 18-6.5-108, C.R.S., certain persons
25 specified in paragraph (b) of this subsection (1) who observe the ~~abuse or~~
26 ~~exploitation, as defined in section 18-6.5-102 (1) and (10);~~
27 MISTREATMENT, AS DEFINED IN SECTION 18-6.5-102 (10.5), C.R.S., of an

1 at-risk elder, as defined in section 18-6.5-102 (3), C.R.S., or an at-risk
2 adult with ~~an intellectual and developmental disability~~ IDD, as defined in
3 section 18-6.5-102 (2.5), C.R.S., or who have reasonable cause to believe
4 that an at-risk elder or an at-risk adult with ~~an intellectual and~~
5 ~~developmental disability~~ IDD has been ~~abused or exploited~~ MISTREATED
6 or is at imminent risk of ~~abuse or exploitation~~ MISTREATMENT shall report
7 such fact to a law enforcement agency not more than twenty-four hours
8 after making the observation or discovery.

9 (b) The following persons, whether paid or unpaid, are urged to
10 report as described in paragraph (a) of this subsection (1):

11 (I) ~~Physicians, surgeons, physicians' assistants, osteopaths,~~
12 ~~physicians in training, podiatrists, occupational therapists, and physical~~
13 ~~therapists~~ ANY PERSON PROVIDING HEALTH CARE OR
14 HEALTH-CARE-RELATED SERVICES INCLUDING GENERAL MEDICAL,
15 SURGICAL, OR NURSING SERVICES; MEDICAL, SURGICAL, OR NURSING
16 SPECIALITY SERVICES; DENTAL SERVICES; VISION SERVICES; PHARMACY
17 SERVICES; CHIROPRACTIC SERVICES; OR PHYSICAL, OCCUPATIONAL,
18 MUSICAL, OR OTHER THERAPIES;

19 (II) ~~Medical examiners and coroners~~ HOSPITAL AND LONG-TERM
20 CARE FACILITY PERSONNEL ENGAGED IN THE ADMISSION, CARE, OR
21 TREATMENT OF PATIENTS;

22 (III) ~~Registered nurses, licensed practical nurses, and nurse~~
23 ~~practitioners~~ FIRST RESPONDERS, INCLUDING EMERGENCY MEDICAL
24 SERVICE PROVIDERS, FIRE PROTECTION PERSONNEL, LAW ENFORCEMENT
25 OFFICERS, AND PERSONS EMPLOYED BY, CONTRACTING WITH, OR
26 VOLUNTEERING WITH ANY LAW ENFORCEMENT AGENCY, INCLUDING
27 VICTIM ADVOCATES;

1 ~~(IV) Emergency medical service providers~~ CODE ENFORCEMENT
2 OFFICERS;

3 ~~(V) Hospital and long-term care facility personnel engaged in the~~
4 ~~admission, care, or treatment of patients~~ MEDICAL EXAMINERS AND
5 CORONERS;

6 ~~(VI) Chiropractors~~ VETERINARIANS;

7 ~~(VII) Psychologists, and other mental health professionals~~
8 ADDICTION COUNSELORS, PROFESSIONAL COUNSELORS, MARRIAGE AND
9 FAMILY THERAPISTS, AND REGISTERED PSYCHOTHERAPISTS, AS THOSE
10 PERSONS ARE DEFINED IN ARTICLE 43 OF TITLE 12, C.R.S.;

11 ~~(VIII) Social work practitioners~~ WORKERS, AS DEFINED IN PART 4
12 OF ARTICLE 43 OF TITLE 12, C.R.S.;

13 ~~(IX) Clergy members~~ STAFF OF COMMUNITY-CENTERED BOARDS;

14 ~~(X) Dentists~~ STAFF, CONSULTANTS, OR INDEPENDENT
15 CONTRACTORS OF SERVICE AGENCIES, AS DEFINED IN SECTION 25.5-10-202
16 (34), C.R.S.;

17 ~~(XI) Law enforcement officials and personnel~~ STAFF OR
18 CONSULTANTS FOR A LICENSED OR UNLICENSED, CERTIFIED OR
19 UNCERTIFIED, CARE FACILITY, AGENCY, HOME, OR GOVERNING BOARD,
20 INCLUDING BUT NOT LIMITED TO LONG-TERM CARE FACILITIES, HOME CARE
21 AGENCIES, OR HOME HEALTH PROVIDERS;

22 ~~(XII) Court-appointed guardians and conservators~~ CARETAKERS,
23 STAFF MEMBERS, EMPLOYEES OF, OR CONSULTANTS FOR, A HOME CARE
24 PLACEMENT AGENCY, AS DEFINED IN SECTION 25-27.5-102 (5), C.R.S.;

25 ~~(XIII) Fire protection personnel~~ PERSONS PERFORMING CASE
26 MANAGEMENT OR ASSISTANT SERVICES FOR AT-RISK ADULTS;

27 ~~(XIV) Pharmacists~~ STAFF OF COUNTY DEPARTMENTS OF HUMAN

1 OR SOCIAL SERVICES;

2 (XV) ~~Community-centered board staff~~ STAFF OF THE STATE
3 DEPARTMENTS OF HUMAN SERVICES, PUBLIC HEALTH AND ENVIRONMENT,
4 OR HEALTH CARE POLICY AND FINANCING;

5 (XVI) ~~Personnel of banks, savings and loan associations, credit~~
6 ~~unions, and other lending or financial institutions~~ STAFF OF SENIOR
7 CONGREGATE CENTERS OR SENIOR RESEARCH OR OUTREACH
8 ORGANIZATIONS;

9 (XVII) ~~A caretaker, staff member, or employee of or volunteer or~~
10 ~~consultant for a licensed or certified care facility, agency, home, or~~
11 ~~governing board, including but not limited to home health providers; and~~
12 STAFF, AND STAFF OF CONTRACTED PROVIDERS, OF AREA AGENCIES ON
13 AGING, EXCEPT THE LONG-TERM CARE OMBUDSMEN;

14 (XVIII) ~~A caretaker, staff member, employee of, or a volunteer or~~
15 ~~consultant for, a home care placement agency, as defined in section~~
16 ~~25-27.5-102 (5), C.R.S.~~ EMPLOYEES, CONTRACTORS, AND VOLUNTEERS
17 OPERATING SPECIALIZED TRANSPORTATION SERVICES FOR AT-RISK
18 ADULTS;

19 (XIX) LANDLORDS AND STAFF OF HOUSING AND HOUSING
20 AUTHORITY AGENCIES FOR AT-RISK ADULTS;

21 (XX) COURT-APPOINTED GUARDIANS AND CONSERVATORS;

22 (XXI) PERSONNEL AT SCHOOLS SERVING PERSONS IN PRESCHOOL
23 THROUGH TWELFTH GRADE;

24 (XXII) CLERGY MEMBERS; EXCEPT THAT THE REPORTING
25 REQUIREMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1)
26 DOES NOT APPLY TO A PERSON WHO ACQUIRES REASONABLE CAUSE TO
27 BELIEVE THAT AN AT-RISK ADULT HAS BEEN MISTREATED OR HAS BEEN

1 EXPLOITED OR IS AT IMMINENT RISK OF MISTREATMENT OR EXPLOITATION
2 DURING A COMMUNICATION ABOUT WHICH THE PERSON MAY NOT BE
3 EXAMINED AS A WITNESS PURSUANT TO SECTION 13-90-107(1)(c), C.R.S.,
4 UNLESS THE PERSON ALSO ACQUIRES SUCH REASONABLE CAUSE FROM A
5 SOURCE OTHER THAN SUCH A COMMUNICATION; AND

6 (XXIII) PERSONS WORKING IN FINANCIAL SERVICES INDUSTRIES,
7 INCLUDING BANKS, SAVINGS AND LOAN ASSOCIATIONS, CREDIT UNIONS,
8 AND OTHER LENDING OR FINANCIAL INSTITUTIONS; ACCOUNTANTS;
9 MORTGAGE BROKERS; LIFE INSURANCE AGENTS; AND FINANCIAL
10 PLANNERS.

11 (c) In addition to those persons urged by this subsection (1) to
12 report known or suspected mistreatment OR self-neglect ~~or exploitation~~
13 of an at-risk adult and circumstances or conditions that might reasonably
14 result in mistreatment OR self-neglect, ~~or exploitation~~, any other person
15 may report such known or suspected mistreatment OR self-neglect ~~or~~
16 ~~exploitation~~ and circumstances or conditions that might reasonably result
17 in mistreatment OR self-neglect ~~or exploitation~~ of an at-risk adult to the
18 local law enforcement agency or the county department. Upon receipt of
19 such report, the receiving agency shall prepare a written report within
20 **forty-eight** hours.

21 (2) Pursuant to subsection (1) of this section, the report ~~shall~~ MUST
22 include:

23 (e) The nature and extent of the condition that will reasonably
24 result in mistreatment OR self-neglect; ~~or exploitation~~ and

25 (4) ~~No~~ A person, including a person specified in subsection (1) of
26 this section, shall NOT knowingly make a false report of mistreatment OR
27 self-neglect ~~or exploitation~~ to a county department or local law

1 enforcement agency. Any person who willfully violates the provisions of
2 this subsection (4) commits a class 3 misdemeanor and shall be punished
3 as provided in section 18-1.3-501, C.R.S., and shall be liable for damages
4 proximately caused thereby.

5 (6) ~~No~~ A person shall NOT take any discriminatory, disciplinary,
6 or retaliatory action against any person who, in good faith, makes a report
7 or fails to make a report of suspected mistreatment OR self-neglect ~~or~~
8 ~~exploitation~~ of an at-risk adult.

9 (7) (a) Except as provided in paragraph (b) of this subsection (7),
10 reports of the mistreatment OR self-neglect ~~or exploitation~~ of an at-risk
11 adult, including the name and address of any at-risk adult, member of said
12 adult's family, or informant, or any other identifying information
13 contained in such reports, ~~shall be~~ IS confidential, and ~~shall not be~~ IS NOT
14 public information.

15 (b) Disclosure of a report of the mistreatment OR self-neglect ~~or~~
16 ~~exploitation~~ of an at-risk adult and information relating to an
17 investigation of such a report ~~shall be~~ IS permitted only when authorized
18 by a court for good cause. Such disclosure ~~shall~~ IS not be prohibited
19 when:

20 (II) There is a death of a suspected at-risk adult from mistreatment
21 OR self-neglect ~~or exploitation~~ and a law enforcement agency files a
22 formal charge or a grand jury issues an indictment in connection with the
23 death;

24 **SECTION 12.** In Colorado Revised Statutes, 26-3.1-103, **amend**
25 (1), (2), and (3) as follows:

26 **26-3.1-103. Evaluations - investigations - rules.** (1) The agency
27 receiving a report of mistreatment OR self-neglect ~~or exploitation~~ of an

1 at-risk adult shall immediately make a thorough evaluation of the reported
2 level of risk. The immediate concern of the evaluation ~~shall be~~ IS the
3 protection of the at-risk adult. The evaluation, at a minimum, ~~shall~~ MUST
4 include a determination of a response time frame and whether an
5 investigation of the allegations is required. If a county department
6 determines that an investigation is required, the county department ~~shall~~
7 ~~arrange for an investigation and~~ IS RESPONSIBLE FOR ENSURING AN
8 INVESTIGATION IS CONDUCTED AND ARRANGING FOR THE subsequent
9 provision of protective services to be conducted by persons trained to
10 conduct such investigations and provide protective services.

11 (2) Each county department, law enforcement agency, district
12 attorney's office, and other agency responsible under federal law or the
13 laws of this state to investigate mistreatment OR self-neglect ~~or~~
14 ~~exploitation~~ of at-risk adults shall develop and implement cooperative
15 agreements to coordinate the investigative duties of such agencies. The
16 focus of such agreements ~~shall be~~ IS to ensure the best protection for
17 at-risk adults. The agreements ~~shall~~ MUST provide for special requests by
18 one agency for assistance from another agency and for joint
19 investigations. The agreements ~~shall~~ MUST further provide that each
20 agency ~~shall~~ maintain the confidentiality of the information exchanged
21 pursuant to such joint investigations.

22 (3) Each county or contiguous group of counties in the state in
23 which a minimum number of reports of mistreatment OR self-neglect ~~or~~
24 ~~exploitation~~ of at-risk adults are annually filed shall establish an at-risk
25 adult protection team. The state board shall promulgate rules to specify
26 the minimum number of reports that will require the establishment of an
27 adult at-risk protection team. The at-risk adult protection team shall

1 review the processes used to report and investigate mistreatment OR
2 self-neglect ~~or exploitation~~ of at-risk adults, review the provision of
3 protective services for such adults, facilitate interagency cooperation, and
4 provide community education on the mistreatment AND self-neglect ~~and~~
5 ~~exploitation~~ of at-risk adults. The director of each county department
6 shall create or coordinate a protection team for the respective county in
7 accordance with rules adopted by the state board of human services.
8 ~~which~~ THE STATE BOARD rules shall govern the establishment,
9 composition, and duties of the team and ~~shall~~ MUST be consistent with
10 this subsection (3).

11 **SECTION 13.** In Colorado Revised Statutes, 26-3.1-104, **amend**
12 (1) and (2) as follows:

13 **26-3.1-104. Provision of protective services for at-risk adults**
14 **- consent - nonconsent - least restrictive intervention.** (1) If a county
15 director or ~~such director's~~ HIS OR HER designee determines that an at-risk
16 adult is being mistreated OR self-neglected, ~~or exploited~~, or is at risk
17 thereof, and the at-risk adult consents to protective services, the county
18 director or designee shall immediately provide or arrange for the
19 provision of protective services, which services shall be provided in
20 accordance with the provisions of 28 CFR part 35, subpart B.

21 (2) If a county director or HIS OR HER designee determines that an
22 at-risk adult is being or has been mistreated OR self-neglected, ~~or~~
23 ~~exploited~~, or is at risk thereof, and if the at-risk adult appears to lack
24 capacity to make decisions and does not consent to the receipt of
25 protective services, the county director is urged, if no other appropriate
26 person is able or willing, to petition the court, pursuant to part 3 of article
27 14 of title 15, C.R.S., for an order authorizing the provision of specific

1 protective services and for the appointment of a guardian, for an order
2 authorizing the appointment of a conservator pursuant to part 4 of article
3 14 of title 15, C.R.S., or for a court order providing for any combination
4 of these actions.

5 **SECTION 14.** In Colorado Revised Statutes, **amend** 26-3.1-106
6 as follows:

7 **26-3.1-106. Training.** The general assembly strongly encourages
8 training that focuses on detecting circumstances or conditions that might
9 reasonably result in mistreatment OR self-neglect ~~or exploitation~~ of an
10 at-risk adult for those persons who are urged by section 26-3.1-102 (1) to
11 report known or suspected mistreatment OR self-neglect ~~or exploitation~~
12 of an at-risk adult.

13 **SECTION 15.** In Colorado Revised Statutes, 25.5-10-202,
14 **amend** (1) and (19); and **add** (1.3), (1.6), (1.8), (15.5), (29.5), and (37.5)
15 as follows:

16 **25.5-10-202. Definitions.** As used in this article, unless the
17 context otherwise requires:

18 (1) ~~"Authorized representative" means a person designated by the~~
19 ~~person receiving services, or by the parent or guardian of the person~~
20 ~~receiving services, if appropriate, to assist the person receiving services~~
21 ~~in acquiring or utilizing services or supports pursuant to this article. The~~
22 ~~extent of the authorized representative's involvement shall be determined~~
23 ~~upon designation. "ABUSE" MEANS ANY OF THE FOLLOWING ACTS OR~~
24 ~~OMISSIONS COMMITTED AGAINST A PERSON WITH AN INTELLECTUAL AND~~
25 ~~DEVELOPMENTAL DISABILITY:~~

26 (a) THE NONACCIDENTAL INFLECTION OF PHYSICAL PAIN OR INJURY,
27 AS DEMONSTRATED BY, BUT NOT LIMITED TO, SUBSTANTIAL OR MULTIPLE

1 SKIN BRUISING, BLEEDING, MALNUTRITION, DEHYDRATION, BURNS, BONE
2 FRACTURES, POISONING, SUBDURAL HEMATOMA, SOFT TISSUE SWELLING,
3 OR SUFFOCATION;

4 (b) CONFINEMENT OR RESTRAINT THAT IS UNREASONABLE UNDER
5 GENERALLY ACCEPTED CARETAKING STANDARDS; OR

6 (c) SUBJECTION TO SEXUAL CONDUCT OR CONTACT CLASSIFIED AS
7 A CRIME UNDER THE "COLORADO CRIMINAL CODE", TITLE 18, C.R.S.

8 (1.3) "AUTHORIZED REPRESENTATIVE" MEANS A PERSON
9 DESIGNATED BY THE PERSON RECEIVING SERVICES, OR BY THE PARENT OR
10 GUARDIAN OF THE PERSON RECEIVING SERVICES, IF APPROPRIATE, TO
11 ASSIST THE PERSON RECEIVING SERVICES IN ACQUIRING OR UTILIZING
12 SERVICES OR SUPPORTS PURSUANT TO THIS ARTICLE. THE EXTENT OF THE
13 AUTHORIZED REPRESENTATIVE'S INVOLVEMENT SHALL BE DETERMINED
14 UPON DESIGNATION.

15 (1.6) "CARETAKER" MEANS A PERSON WHO:

16 (a) IS RESPONSIBLE FOR THE CARE OF A PERSON WITH AN
17 INTELLECTUAL AND DEVELOPMENTAL DISABILITY AS A RESULT OF A
18 FAMILY OR LEGAL RELATIONSHIP;

19 (b) HAS ASSUMED RESPONSIBILITY FOR THE CARE OF A PERSON
20 WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY; OR

21 (c) IS PAID TO PROVIDE CARE, SERVICES, OR OVERSIGHT OF
22 SERVICES TO A PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL
23 DISABILITY.

24 (1.8) "CARETAKER NEGLECT" MEANS NEGLECT THAT OCCURS
25 WHEN ADEQUATE FOOD, CLOTHING, SHELTER, PSYCHOLOGICAL CARE,
26 PHYSICAL CARE, MEDICAL CARE, HABILITATION, SUPERVISION, OR OTHER
27 TREATMENT NECESSARY FOR THE HEALTH AND SAFETY OF A PERSON WITH

1 AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY IS NOT SECURED FOR
2 A PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY OR
3 IS NOT PROVIDED BY A CARETAKER IN A TIMELY MANNER AND WITH THE
4 DEGREE OF CARE THAT A REASONABLE PERSON IN THE SAME SITUATION
5 WOULD EXERCISE; EXCEPT THAT THE WITHHOLDING, WITHDRAWING, OR
6 REFUSING OF ANY MEDICATION, ANY MEDICAL PROCEDURE OR DEVICE, OR
7 ANY TREATMENT, INCLUDING BUT NOT LIMITED TO RESUSCITATION,
8 CARDIAC PACING, MECHANICAL VENTILATION, DIALYSIS, ARTIFICIAL
9 NUTRITION AND HYDRATION, ANY MEDICATION OR MEDICAL PROCEDURE
10 OR DEVICE, IN ACCORDANCE WITH ANY VALID MEDICAL DIRECTIVE OR
11 ORDER, OR AS DESCRIBED IN A PALLIATIVE PLAN OF CARE, SHALL NOT BE
12 DEEMED CARETAKER NEGLIGENCE. AS USED IN THIS SUBSECTION (1.8),
13 "MEDICAL DIRECTIVE OR ORDER" INCLUDES A MEDICAL DURABLE POWER
14 OF ATTORNEY, A DECLARATION AS TO MEDICAL TREATMENT EXECUTED
15 PURSUANT TO SECTION 15-18-104, C.R.S., A MEDICAL ORDER FOR SCOPE
16 OF TREATMENT FORM EXECUTED PURSUANT TO ARTICLE 18.7 OF TITLE 15,
17 C.R.S., AND A CPR DIRECTIVE EXECUTED PURSUANT TO ARTICLE 18.6 OF
18 TITLE 15, C.R.S.

19 (15.5) "EXPLOITATION" MEANS AN ACT OR OMISSION COMMITTED
20 BY A PERSON WHO:

21 (a) USES DECEPTION, HARASSMENT, INTIMIDATION, OR UNDUE
22 INFLUENCE TO PERMANENTLY OR TEMPORARILY DEPRIVE A PERSON WITH
23 AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY OF THE USE, BENEFIT,
24 OR POSSESSION OF ANY THING OF VALUE;

25 (b) EMPLOYS THE SERVICES OF A THIRD PARTY FOR THE PROFIT OR
26 ADVANTAGE OF THE PERSON OR ANOTHER PERSON TO THE DETRIMENT OF
27 THE PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY;

1 (c) FORCES, COMPELS, COERCES, OR ENTICES A PERSON WITH AN
2 INTELLECTUAL AND DEVELOPMENTAL DISABILITY TO PERFORM SERVICES
3 FOR THE PROFIT OR ADVANTAGE OF THE PERSON OR ANOTHER PERSON
4 AGAINST THE WILL OF THE PERSON WITH AN INTELLECTUAL AND
5 DEVELOPMENTAL DISABILITY;

6 (d) USES HARASSMENT, UNDUE INFLUENCE, OR INTIMIDATION TO
7 CREATE A HOSTILE OR FEARFUL ENVIRONMENT FOR A PERSON WITH AN
8 INTELLECTUAL AND DEVELOPMENTAL DISABILITY WHO RELIES ON THAT
9 PERSON TO PROVIDE CARE, LIVES WITH THE PERSON, OR IS REGULARLY
10 VISITED BY THE PERSON; OR

11 (e) MISUSES THE PROPERTY OF A PERSON WITH AN INTELLECTUAL
12 AND DEVELOPMENTAL DISABILITY IN A MANNER THAT ADVERSELY
13 AFFECTS THE PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL
14 DISABILITY'S ABILITY TO RECEIVE HEALTH CARE OR HEALTH CARE
15 BENEFITS OR TO PAY BILLS FOR BASIC NEEDS OR OBLIGATIONS.

16 (19) "Human rights committee" means a third-party mechanism
17 to adequately safeguard the legal rights of persons receiving services by
18 participating in the granting of informed consent, monitoring the
19 suspension of rights of persons receiving services, monitoring behavioral
20 development programs in which persons with intellectual and
21 developmental disabilities are involved, monitoring the use of
22 psychotropic medication by persons with intellectual and developmental
23 disabilities, and ~~at the committee's option, either providing or ensuring the~~
24 ~~investigation~~ REVIEWING INVESTIGATIONS of allegations of ~~abuse or~~
25 ~~neglect~~ MISTREATMENT of persons with intellectual and developmental
26 disabilities who are receiving services or supports under this article.

27 (29.5) "MISTREATED" OR "MISTREATMENT" MEANS:

- 1 (a) ABUSE;
- 2 (b) CARETAKER NEGLECT;
- 3 (c) EXPLOITATION;
- 4 (d) AN ACT OR OMISSION THAT THREATENS THE HEALTH, SAFETY,
- 5 OR WELFARE OF A PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL
- 6 DISABILITY; OR
- 7 (e) AN ACT OR OMISSION THAT EXPOSES A PERSON WITH AN
- 8 INTELLECTUAL AND DEVELOPMENTAL DISABILITY TO A SITUATION OR
- 9 CONDITION THAT POSES AN IMMINENT RISK OF BODILY INJURY TO THE
- 10 PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY.

11 (37.5) "UNDUE INFLUENCE" MEANS THE USE OF INFLUENCE TO
12 TAKE ADVANTAGE OF A PERSON WITH AN INTELLECTUAL AND
13 DEVELOPMENTAL DISABILITY'S VULNERABLE STATE OF MIND, NEEDINESS,
14 PAIN, OR EMOTIONAL DISTRESS.

15 **SECTION 16. Effective date.** This act takes effect July 1, 2016.

16 **SECTION 17. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.