

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 19-0863.01 Michael Dohr x4347

SENATE BILL 19-172

SENATE SPONSORSHIP

Danielson and Ginal,

HOUSE SPONSORSHIP

Singer,

Senate Committees

Health & Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING CRIMES RELATED TO AN AT-RISK PERSON, AND, IN**
102 **CONNECTION THEREWITH, CREATING THE CRIMES OF**
103 **UNLAWFUL ABANDONMENT AND UNLAWFUL CONFINEMENT.**

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://leg.colorado.gov>.)

The bill makes it a crime to unlawfully abandon or unlawfully confine an at-risk person. The purposeful desertion of an at-risk person in a manner that endangers the safety of that person constitutes unlawful abandonment. Tying, locking up, caging, chaining, or otherwise unreasonably restricting an at-risk person's freedom of movement

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

constitutes unlawful confinement.

The bill reclassifies the at-risk adult crimes that are class 1 misdemeanors into class 6 felonies and makes unlawful abandonment and unlawful confinement class 6 felonies.

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

SECTION 1. Legislative declaration. The general assembly finds and declares that this act will protect at-risk adults from unlawful abandonment and unlawful confinement. The abuse and neglect of senior citizens, people with disabilities, and other at-risk adults is a problem that impacts communities all across Colorado. Abandonment and unlawful confinement have risen as two forms of abuse and neglect that prove difficult to prosecute, as they are currently undefined in Colorado statute. This act defines these crimes and therefore provides law enforcement the tools they need to prosecute individuals who commit these crimes, further protecting at-risk adults from abuse and neglect.

SECTION 2. In Colorado Revised Statutes, 18-6.5-102, **add** (14) as follows:

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

(14) "UNLAWFUL ABANDONMENT" MEANS THE INTENTIONAL DESERTION OF AN AT-RISK PERSON IN A MANNER THAT ENDANGERS THE SAFETY OF THAT PERSON.

SECTION 3. In Colorado Revised Statutes, 18-6.5-103, **amend** (6); and add (9) as follows:

18-6.5-103. Crimes against at-risk persons - classifications.
(6) (a) Any person who knowingly commits caretaker neglect against an

1 at-risk person or knowingly acts in a manner likely to be injurious to the
2 physical or mental welfare of an at-risk person commits a class 1
3 misdemeanor.

4 (b) A PERSON WHO UNLAWFULLY ABANDONS AN AT-RISK PERSON
5 COMMITS A CLASS 1 MISDEMEANOR.

6 (9) (a) A PERSON COMMITS FALSE IMPRISONMENT OF AN AT-RISK
7 PERSON IF:

8 (I) (A) THE PERSON CONFINES OR DETAINS AN AT-RISK PERSON IN
9 A LOCKED OR BARRICADED ROOM UNDER CIRCUMSTANCES THAT CAUSE
10 BODILY INJURY OR SERIOUS EMOTIONAL DISTRESS; AND

11 (B) SUCH CONFINEMENT OR DETENTION WAS PART OF A
12 CONTINUED PATTERN OF CRUEL PUNISHMENT OR UNREASONABLE
13 ISOLATION OR CONFINEMENT OF THE AT-RISK PERSON; OR

14 (II) THE PERSON CONFINES OR DETAINS AN AT-RISK PERSON AND
15 UNREASONABLY RESTRICTS THAT PERSON'S FREEDOM OF MOVEMENT BY
16 TYING, CAGING, CHAINING, OR OTHERWISE USING SIMILAR PHYSICAL
17 RESTRAINTS OR BY THREATENING OR INTIMIDATING THE AT-RISK PERSON.

18 (b) FALSE IMPRISONMENT OF AN AT-RISK PERSON IS A CLASS 6
19 FELONY.

20 **SECTION 4. Potential appropriation.** Pursuant to section
21 2-2-703, C.R.S., any bill that results in a net increase in periods of
22 imprisonment in state correctional facilities must include an appropriation
23 of money that is sufficient to cover any increased capital construction, any
24 operational costs, and increased parole costs that are the result of the bill
25 for the department of corrections in each of the first five years following
26 the effective date of the bill. Because this act may increase periods of
27 imprisonment, this act may require a five-year appropriation.

1 **SECTION 5. Effective date - applicability.** This act takes effect
2 July 1, 2019, and applies to offenses committed on or after said date.

3 **SECTION 6. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.