

SENATE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chair of Committee

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Date

February 12, 2020

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB20-059 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:  
3 "SECTION 1. In Colorado Revised Statutes, **add** 18-8-410 as  
4 follows:  
5 **18-8-410. Abuse of public trust by an educator - definitions.**  
6 (1) ANY EDUCATOR WHO KNOWINGLY SUBJECTS A STUDENT TO ANY  
7 SEXUAL CONTACT COMMITS ABUSE OF PUBLIC TRUST BY AN EDUCATOR IF  
8 THE STUDENT IS AT LEAST EIGHTEEN YEARS OF AGE AND THE EDUCATOR  
9 IS MORE THAN FOUR YEARS OLDER THAN THE STUDENT AND IS NOT HIS OR  
10 HER SPOUSE.  
11 (2) ABUSE OF PUBLIC TRUST BY AN EDUCATOR IS A CLASS 1  
12 MISDEMEANOR SUBJECT TO THE MODIFIED SENTENCING RANGE SPECIFIED  
13 IN SECTION 18-1.3-501 (3).  
14 (3) CONSENT BY THE STUDENT TO THE SEXUAL CONTACT SHALL  
15 NOT CONSTITUTE A DEFENSE TO THE OFFENSE.  
16 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
17 REQUIRES:  
18 (a) "CONSENT" HAS THE SAME MEANING AS SET FORTH IN SECTION  
19 18-3-401 (1.5).  
20 (b) (I) "EDUCATOR" MEANS A PERSON EMPLOYED AT THE SAME  
21 SCHOOL AS THE STUDENT ATTENDS AT THE TIME OF THE SEXUAL CONTACT  
22 AND WHO:  
23 (A) INSTRUCTS STUDENTS AT THAT SCHOOL;  
24 (B) ADMINISTERS, DIRECTS, OR SUPERVISES THE EDUCATIONAL

1 INSTRUCTION PROGRAM, OR A PORTION THEREOF;  
2 (C) PROVIDES HEALTH OR EDUCATIONAL SUPPORT SERVICES  
3 DIRECTLY TO STUDENTS OF THE SCHOOL; OR  
4 (D) COACHES STUDENTS OF THE SCHOOL.  
5 (II) "EDUCATOR" DOES NOT INCLUDE ANOTHER STUDENT AT THE  
6 SCHOOL WHERE THE EDUCATOR IS EMPLOYED.  
7 (c) "SCHOOL" MEANS ANY INSTITUTION THAT INSTRUCTS PERSONS  
8 IN ANY OF GRADES PRE-KINDERGARTEN THROUGH TWELFTH BUT DOES NOT  
9 INCLUDE ANY POSTSECONDARY SCHOOL.  
10 (d) "SEXUAL CONTACT" HAS THE SAME MEANING AS SET FORTH IN  
11 SECTION 18-3-401 (4).  
12 (e) "STUDENT" MEANS ANY PERSON ENROLLED IN A SCHOOL.  
13 (5) SCHOOLS SHALL ADVISE ALL EMPLOYEES OF THE PROHIBITIONS  
14 IN THIS SECTION.

15 **SECTION 2. Act subject to petition - effective date -**  
16 **applicability.** (1) This act takes effect September 1, 2020; except that,  
17 if a referendum petition is filed pursuant to section 1 (3) of article V of  
18 the state constitution against this act or an item, section, or part of this act  
19 within the ninety-day period after final adjournment of the general  
20 assembly, then the act, item, section, or part will not take effect unless  
21 approved by the people at the general election to be held in November  
22 2020 and, in such case, will take effect on the date of the official  
23 declaration of the vote thereon by the governor.  
24 (2) This act applies to offenses committed on or after the  
25 applicable effective date of this act."

26 Page 1, strike line 101 and substitute "**CONCERNING SEXUAL CONTACT**  
27 **BETWEEN A STUDENT AND AN EDUCATOR IN VIOLATION OF THE PUBLIC**  
28 **TRUST.**".

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