



# Legislative Council Staff

## Research Note

Version: Final

Date: 6/13/2017

### Bill Number

**House Bill 17-1038**

### Sponsors

***Representative Lontine  
Senator Zenzinger***

### Short Title

***Prohibit Corporal Punishment  
Of Children***

### Research Analyst

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### Status

This research note reflects the final version of the bill which was postponed indefinitely.

### Background

Corporal punishment in standard public school settings is permitted under Colorado law. Section 22-32-109.1 (2)(a), C.R.S., requires school districts to have a discipline policy as part of their school safety plans. A discipline plan must include policies and procedures for the use of reasonable and appropriate physical interventions or force as long as those interventions are not considered child abuse under the definitions in Sections 18-6-401 (1) and 19-1-103 (1), C.R.S.

For the purposes of determining whether or not an educator's use of force qualifies as child abuse, Section 18-6-401 (1), C.R.S., generally defines child abuse as causing an injury to a child's life or health, or permitting a child to be unreasonably placed in a situation that poses a threat of injury, or engaging in a continued pattern of conduct that results in malnourishment, lack of proper medical care, cruel punishment, mistreatment, or an accumulation of injuries that ultimately results in death or serious injury. Under Section 19-1-103 (1), C.R.S., abuse means an act or omission that threatens the health or welfare of a child and includes any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, bone fractures, subdural hematomas, soft tissue swelling, or death, as well as sexual abuse, or emotional abuse, among several other specified circumstances.

Additionally, corporal punishment is prohibited in caregiving situations such as day care centers, family child care centers, school-age child care centers, residential treatment facilities for juveniles, and neighborhood youth organizations under rules adopted by the Colorado Department of Human Services (12 CCR 2509-8).

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## House Action

**House Education Committee (January 23, 2017).** At the hearing, representatives from the Colorado Education Association, Institute for Racial Equality and Excellence, Colorado Children's Campaign, Arc of Colorado, Sheridan School District, Advocacy Denver, Padres y Jovenes Unidos, and the Colorado Parent Teacher Association testified in support of the bill.

The committee referred the bill to the House Committee of the Whole with no amendments.

**House second reading (January 30, 2016).** The House passed the bill on second reading with no amendments.

**House third reading (February 13, 2016).** The House passed the bill on third reading with no amendments.

## Senate Action

**Senate Judiciary Committee (March 13, 2017).** At the hearing, representatives from the Kempe Foundation, the Arc of Colorado, the Colorado Parent Teacher Association, the Colorado Education Association, Padres y Jovenes Unidos, and a private citizen testified in support of the bill.

The committee postponed the bill indefinitely.

## Relevant Research

Legislative Council Staff, *Colorado School Discipline Laws and Data*, Interested Persons Memo, November 2016: <http://leg.colorado.gov/publications/school-discipline-policies-2016>