

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 18-0958.01 Jane Ritter x4342

HOUSE BILL 18-1346

HOUSE SPONSORSHIP

Singer and Landgraf,

SENATE SPONSORSHIP

Smallwood and Kefalas,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CHILD ABUSE RELATED TO YOUTH WHO ARE UNDER THE**
102 **CONTINUING JURISDICTION OF THE COURT IN AN OUT-OF-HOME**
103 **PLACEMENT WHEN THEY ARE YOUNGER THAN TWENTY-ONE**
104 **YEARS OF AGE.**

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 adds language to the crime of child abuse to include abuse of a youth who is younger than 21 years of age and being cared for by a facility.

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.

The bill adds language to the definition of "institutional abuse" in the Colorado Children's Code to clarify that it includes an act or omission that threatens the life, health, or welfare of a person younger than 21 years of age who is under the continuing jurisdiction of the court.

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

2

3 **SECTION 1.** In Colorado Revised Statutes, 16-11.3-103, **amend**
4 (2) introductory portion; and **add** (2)(g) as follows:

5 **16-11.3-103. Duties of the commission - mission - staffing.**

6 (2) The commission ~~shall have~~ HAS the following duties:

7 (g) TO STUDY THE ISSUE OF INSTITUTIONAL CHILD ABUSE FOR
8 CHILDREN AND YOUTH IN FACILITIES OPERATED BY THE DEPARTMENT OF
9 HUMAN SERVICES. ON OR BEFORE JANUARY 1, 2019, THE COMMISSION
10 SHALL PROVIDE A REPORT WITH ITS FINDINGS AND RECOMMENDATIONS TO
11 THE JUDICIARY AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES
12 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE JUDICIARY
13 AND THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE, OR
14 ANY SUCCESSOR COMMITTEES.

15 **SECTION 2.** In Colorado Revised Statutes, 19-1-103, **amend**
16 (66) as follows:

17 **19-1-103. Definitions.** As used in this title 19 or in the specified
18 portion of this title 19, unless the context otherwise requires:

19 (66) "Institutional abuse", as used in part 3 of article 3 of this title
20 TITLE 19, means any case of abuse, as defined in subsection (1) of this
21 section, that occurs in any public or private facility in the state that
22 provides child care out of the home, supervision, or maintenance.
23 "INSTITUTIONAL ABUSE" INCLUDES AN ACT OR OMISSION THAT THREATENS

1 THE LIFE, HEALTH, OR WELFARE OF A PERSON WHO IS YOUNGER THAN
2 TWENTY-ONE YEARS OF AGE WHO IS UNDER THE CONTINUING JURISDICTION
3 OF THE COURT. ~~"Facility" includes, but is not limited to, family child care~~
4 ~~homes, foster care homes, and any other facility subject to the Colorado~~
5 ~~"Child Care Licensing Act" and described in section 26-6-102, C.R.S.~~
6 "Institutional abuse" shall DOES not include abuse that occurs in any
7 public, private, or parochial school system, including any preschool
8 operated in connection with said system; except that, to the extent the
9 school system provides extended day services, abuse that occurs while
10 such services are provided shall be IS institutional abuse. FOR THE
11 PURPOSES OF THIS SUBSECTION (66), "FACILITY" MEANS A RESIDENTIAL
12 CHILD CARE FACILITY, SPECIALIZED GROUP FACILITY, OR FOSTER CARE
13 HOME, AS THOSE FACILITIES ARE DEFINED IN SECTION 26-6-102;
14 NONCERTIFIED KINSHIP CARE AS DEFINED IN SUBSECTION (78.7) OF THIS
15 SECTION; OR A FACILITY OR COMMUNITY PLACEMENT AS DESCRIBED IN
16 SECTION 19-2-403 FOR A JUVENILE COMMITTED TO THE CUSTODY OF THE
17 STATE DEPARTMENT OF HUMAN SERVICES. "FACILITY" DOES NOT INCLUDE
18 ANY ADULT DETENTION OR CORRECTIONAL FACILITY.

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