

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

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 21-0017.02 Conrad Imel x2313

**SENATE BILL 21-088**

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**SENATE SPONSORSHIP**

**Danielson and Fields,** Bridges, Buckner, Coleman, Fenberg, Ginal, Gonzales, Hansen, Jaquez Lewis, Kolker, Lee, Moreno, Pettersen, Rodriguez, Story, Winter

**HOUSE SPONSORSHIP**

**Michaelson Jenet and Soper,**

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**Senate Committees**

Judiciary  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING ESTABLISHING A CIVIL CAUSE OF ACTION FOR SEXUAL**  
102                    **MISCONDUCT AGAINST A MINOR, AND, IN CONNECTION**  
103                    **THEREWITH, MAKING AN APPROPRIATION.**

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**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 creates a statutory cause of action for a victim of sexual misconduct when the victim was a minor against the actor who committed the sexual misconduct and against an organization that operates or manages a youth program if the sexual misconduct occurred while the victim was participating in a youth program.

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.*

SENATE  
3rd Reading Unamended  
May 13, 2021

SENATE  
Amended 2nd Reading  
May 12, 2021

The victim may bring the claim against the organization if the organization knew or should have known of a risk of sexual misconduct against minors participating in the program and the organization did not take action to address the risks or warn participants of the risk. The victim may bring a claim against a public employee or public entity that operates a youth program, including an educational entity operating an educational program or a district preschool program.

The cause of action applies retroactively and is available to a victim of sexual misconduct that occurred before, on, or after January 1, 2022. A person may not waive the right to bring a civil action, and any purported waiver is void as against public policy.

A court or jury shall not allocate any damages awarded in the civil action in any proportion against the victim of the sexual misconduct. A victim may be awarded treble damages under certain circumstances.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) Child sexual abuse differs from adult sexual abuse. Child  
5 sexual abuse frequently occurs as repeated episodes that become more  
6 invasive over time. Perpetrators, referred to in this act as actors, are  
7 typically known and trusted caregivers with unsupervised access to  
8 children who engage child victims in a gradual process of sexualizing the  
9 relationship, known as "grooming".

10 (b) Child sexual abuse is a significant public health problem in  
11 Colorado with long-term effects on the physical and mental health of  
12 children, including trauma, increased risk for unintended pregnancy,  
13 sexually transmitted infections, low academic performance, truancy,  
14 dropping out of school, eating disorders, substance abuse, self-harm, and  
15 other harmful behaviors; and

16 (c) Child sexual abuse creates financial burdens for victims,  
17 including costs associated with health care, child welfare, special

1 education, short- and long-term physical and mental health treatment,  
2 violence and crime, suicide, productivity, and loss of future wages.

3 (2) The general assembly further finds and declares that:

4 (a) Members, employees, agents, and volunteers of an  
5 organization can and do commit child sexual abuse and, while  
6 organizations are often in the best position to identify perpetrators of  
7 child sexual abuse, organizations may cover up instances of child sexual  
8 abuse perpetrated by members, employees, agents, and volunteers of the  
9 organization;

10 (b) When institutions choose to protect their power and profit by  
11 concealing the truth, the cover-up is a distinctly different harm than the  
12 child sexual abuse being concealed and, therefore, victims must have  
13 access to recourse against the organization.

14 (3) The general assembly further finds and declares:

15 (a) The vast majority of child sexual abuse goes unreported  
16 because children often lack the knowledge needed to recognize sexual  
17 abuse or lack the ability to articulate that they've been abused; do not have  
18 an adult they can disclose their abuse to; do not have opportunities to  
19 disclose abuse; often are not believed when they try to disclose; or, when  
20 the sexual abuse is committed by an esteemed trusted adult, for example  
21 a faith leader, coach, adult volunteer, youth group leader, or teacher, it  
22 may be hard for the child to view the perpetrator in a negative light and,  
23 therefore, identify what has been done to them as abuse;

24 (b) When victims of child sexual abuse do report, a high  
25 percentage of them delay disclosure well into adulthood, after the  
26 expiration of the time permitted to file civil actions against those  
27 responsible for the abuse; and

1 (c) Because of the delay in disclosure, statutes of limitations are  
2 often used to deny and defeat claims of childhood sexual abuse.

3 (4) Therefore, the general assembly determines that:

4 (a) This act does not revive any common law cause of action that  
5 is barred and instead creates a new right for relief for any person sexually  
6 abused in Colorado while the person was participating in a youth-related  
7 activity or program as a child;

8 (b) Creating a new civil cause of action that allows all victims of  
9 child sexual abuse, including those who delayed reporting the abuse well  
10 into adulthood after the statute of limitations on an action has expired, to  
11 hold the abusers and organizations accountable is in the best interest of  
12 the state's public health and safety and is needed to address the long  
13 history of child sexual abuse that occurred within organizations that are  
14 culpable and complicit in the abuse; and

15 (c) Establishing a civil cause of action that allows for victims of  
16 child sexual abuse to bring a claim against perpetrators of abuse, referred  
17 to in this act as actors, and responsible organizations is related to a  
18 legitimate governmental interest of allowing victims of child sexual abuse  
19 to hold the abusers and enablers accountable.

20 **SECTION 2.** In Colorado Revised Statutes, **add** part 12 to article  
21 20 of title 13 as follows:

22 PART 12

23 ACTIONS FOR SEXUAL MISCONDUCT AGAINST MINORS

24 **13-20-1201. Definitions.** AS USED IN THIS PART 12, UNLESS THE  
25 CONTEXT OTHERWISE REQUIRES:

26 (1) "ACTOR" MEANS A PERSON ACCUSED OF COMMITTING SEXUAL  
27 MISCONDUCT.

1           (2) "AGENT" MEANS A PERSON WHO, SUBJECT TO THE CONTROL OF  
2           ANOTHER PERSON OR ORGANIZATION, ACTS FOR, OR ON BEHALF OF, THE  
3           OTHER PERSON OR ORGANIZATION.

4           (3) "EDUCATIONAL ENTITY" HAS THE SAME MEANING SET FORTH  
5           IN SECTION 22-12-103.

6           (4) "MANAGING ORGANIZATION" MEANS A PUBLIC ENTITY OR  
7           AN ENTITY, AS DEFINED IN SECTION 7-90-102, THAT OPERATES OR  
8           MANAGES A YOUTH-RELATED ACTIVITY OR PROGRAM, AND AS PART OF  
9           OPERATING OR MANAGING THE YOUTH-RELATED ACTIVITY OR PROGRAM:

10           (a) HIRES ADULTS AS EMPLOYEES OR AGENTS OR RETAINS ADULTS  
11           AS VOLUNTEERS OF THE YOUTH-RELATED ACTIVITY OR PROGRAM;

12           (b) SETS STANDARDS FOR ADULT EMPLOYEE, AGENT, AND  
13           VOLUNTEER PARTICIPATION IN THE YOUTH-RELATED ACTIVITY OR  
14           PROGRAM AND CONTROLS THE CONDUCT OF THE EMPLOYEES, AGENTS, AND  
15           VOLUNTEERS; OR

16           (c) REPRESENTS THAT THE ADULTS INVOLVED IN THE  
17           YOUTH-RELATED ACTIVITY OR PROGRAM ARE SCREENED BY THE  
18           MANAGING ORGANIZATION.

19                   
20           (5) "MINOR" MEANS A PERSON YOUNGER THAN EIGHTEEN YEARS  
21           OF AGE.

22           (6) "PUBLIC EMPLOYEE" HAS THE SAME MEANING SET FORTH IN  
23           SECTION 24-10-103 (4) AND INCLUDES AN EMPLOYEE AS DEFINED IN  
24           SECTION 22-12-103.

25           (7) "PUBLIC ENTITY" HAS THE SAME MEANING SET FORTH IN  
26           SECTION 24-10-103 (5) AND INCLUDES AN EDUCATIONAL ENTITY.

27           (8) "SEXUAL MISCONDUCT" MEANS ANY CONDUCT THAT IS

1 ENGAGED IN FOR THE PURPOSE OF THE SEXUAL AROUSAL, GRATIFICATION,  
2 OR ABUSE OF ANY PERSON, AND THAT CONSTITUTES ANY OF THE  
3 FOLLOWING:

4 (a) A FIRST DEGREE MISDEMEANOR OR A FELONY OFFENSE  
5 DESCRIBED IN PART 3 OR 4 OF ARTICLE 3 OF TITLE 18 OR A FELONY  
6 OFFENSE DESCRIBED IN ARTICLE 6 OR 7 OF TITLE 18;

7 (b) HUMAN TRAFFICKING FOR SEXUAL SERVITUDE, AS DESCRIBED  
8 IN SECTION 18-3-504;

9 (c) A FEDERAL SEX OFFENSE AS DEFINED IN THE FEDERAL "SEX  
10 OFFENDER REGISTRATION AND NOTIFICATION ACT", 34 U.S.C. SEC. 20911  
11 (5)(A)(iii);

12 (d) OBSCENE VISUAL REPRESENTATIONS OF THE SEXUAL ABUSE OF  
13 CHILDREN, AS DESCRIBED IN 18 U.S.C. SEC. 1466A;

14 (e) TRANSFER OF OBSCENE MATERIAL TO MINORS, AS DESCRIBED  
15 IN 18 U.S.C. SEC. 1470; OR

16 (f) ATTEMPT OR CONSPIRACY TO COMMIT SEX TRAFFICKING OF  
17 CHILDREN OR BY FORCE, FRAUD, OR COERCION, AS DESCRIBED IN 18 U.S.C.  
18 SEC. 1594.

19 (9) "YOUTH-RELATED ACTIVITY OR PROGRAM" MEANS AN EVENT,  
20 PROGRAM, SERVICE, OR ANY OTHER ENTERPRISE THAT INVOLVES  
21 PARTICIPATION BY A MINOR, INCLUDING BUT NOT LIMITED TO YOUTH  
22 PROGRAMS, EDUCATIONAL PROGRAMS, AND RELIGIOUS ACTIVITIES  
23 OPERATED BY AN INDIVIDUAL OR ORGANIZATION THAT PROVIDES  
24 ACTIVITIES, SERVICES, TRIPS, OR EVENTS FOR MINORS WITH ADULTS WHO  
25 ARE PLACED IN POSITIONS OF RESPONSIBILITY, TRUST, OR SUPERVISION  
26 OVER THE PARTICIPATING MINORS, REGARDLESS OF THE PARTICULAR  
27 LOCATION, LENGTH, GOALS, OR FORMAT OF THE ACTIVITIES, SERVICES,

1 TRIPS, OR EVENTS. "YOUTH-RELATED ACTIVITY OR PROGRAM" INCLUDES  
2 TRANSPORTATION, LODGING, AND UNSCHEDULED ACTIVITIES PROVIDED IN  
3 RELATION TO ANY ACTIVITIES, SERVICES, TRIPS, OR EVENTS WHEN A  
4 YOUTH-RELATED ACTIVITY OR PROGRAM EMPLOYEE OR VOLUNTEER IS  
5 RESPONSIBLE FOR THE SUPERVISION OF THE PARTICIPATING MINORS.  
6 "YOUTH-RELATED ACTIVITY OR PROGRAM" ALSO INCLUDES AN  
7 EDUCATIONAL PROGRAM OPERATED BY AN EDUCATIONAL ENTITY FOR  
8 STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE, OR ANY PORTION  
9 THEREOF; A DISTRICT PRESCHOOL PROGRAM, AS DESCRIBED IN SECTION  
10 22-28-103, UNDER THE SUPERVISION OF THE EDUCATIONAL ENTITY OR ITS  
11 EMPLOYEES OR AGENTS; OR BEFORE AND AFTER SCHOOL ACTIVITIES  
12 CONDUCTED UNDER THE SUPERVISION OF THE EDUCATIONAL ENTITY, OR  
13 ITS EMPLOYEES OR AGENTS.

14 **13-20-1202. Civil cause of action for sexual misconduct against**  
15 **a minor - exceptions.** (1) (a) A PERSON WHO IS A VICTIM OF SEXUAL  
16 MISCONDUCT THAT OCCURRED WHEN THE VICTIM WAS A MINOR MAY  
17 BRING A CIVIL ACTION FOR DAMAGES AGAINST:

18 (I) AN ACTOR WHO COMMITTED THE SEXUAL MISCONDUCT; AND  
19 (II) A MANAGING ORGANIZATION THAT KNEW OR SHOULD HAVE  
20 KNOWN THAT AN ACTOR OR YOUTH-RELATED ACTIVITY OR PROGRAM  
21 POSED A RISK OF SEXUAL MISCONDUCT AGAINST A MINOR, AS DESCRIBED  
22 IN SUBSECTION (2) OF THIS SECTION.

23 (b) THE CIVIL ACTION DESCRIBED IN THIS SECTION IS IN ADDITION  
24 TO, AND DOES NOT LIMIT OR AFFECT, OTHER ACTIONS AVAILABLE BY  
25 STATUTE OR COMMON LAW, BEFORE OR AFTER JANUARY 1, 2022, AND  
26 MUST BE PLEADED AS A SEPARATE CLAIM FOR RELIEF IF A COMPLAINT ALSO  
27 ASSERTS A COMMON LAW CLAIM FOR RELIEF.

1           (2) A MANAGING ORGANIZATION IS LIABLE TO A VICTIM PURSUANT  
2 TO THIS SECTION WHEN THE SEXUAL MISCONDUCT OCCURRED WHILE THE  
3 VICTIM WAS PARTICIPATING IN THE YOUTH-RELATED ACTIVITY OR  
4 PROGRAM OPERATED OR MANAGED BY THE ORGANIZATION AND:

5           (a) THE ORGANIZATION KNEW OR SHOULD HAVE KNOWN THAT A  
6 SPECIFIC ACTOR WHO IS AN EMPLOYEE OR VOLUNTEER OF THE  
7 ORGANIZATION POSED A RISK OF SEXUAL MISCONDUCT AGAINST MINORS  
8 AND THE ORGANIZATION DID NOT TAKE ANY ACTION TO MONITOR OR  
9 SUPERVISE THE ACTOR WHEN THE ACTOR WAS IN CONTACT WITH A MINOR  
10 OR EXCLUDE THE ACTOR FROM CONTACT WITH MINORS; OR

11           (b) THE ORGANIZATION KNEW OR SHOULD HAVE KNOWN THAT A  
12 YOUTH-RELATED ACTIVITY OR PROGRAM POSED A RISK OF SEXUAL  
13 MISCONDUCT AGAINST A MINOR AND THE ORGANIZATION MADE NO EFFORT  
14 TO CHANGE THE YOUTH-RELATED ACTIVITY OR PROGRAM TO REASONABLY  
15 ADDRESS THE SPECIFIC RISK OR TO REASONABLY WARN PARTICIPANTS AND  
16 THEIR FAMILIES OF THE RISK OF THE TYPES OF SEXUAL MISCONDUCT OR  
17 SITUATIONS INVOLVING SEXUAL MISCONDUCT THAT HAVE OCCURRED IN  
18 THE PROGRAM.

19           (3) (a) FOR THE PURPOSE OF SUBSECTION (2)(a) OF THIS SECTION,  
20 A MANAGING ORGANIZATION KNEW OR SHOULD HAVE KNOWN THAT A  
21 SPECIFIC ACTOR POSED A RISK OF SEXUAL MISCONDUCT AGAINST A MINOR  
22 IF THE ORGANIZATION RECEIVED ANY PRIOR REPORTS OF THE ACTOR'S  
23 SEXUAL MISCONDUCT TOWARD ANY PERSON OR THE ORGANIZATION WAS  
24 AWARE OF, OR REASONABLY SHOULD HAVE BEEN AWARE OF, THE  
25 PREVALENCE AND SIMILARITY OF CIRCUMSTANCES SURROUNDING PRIOR  
26 INSTANCES OF THE ACTOR'S SEXUAL ACTIVITY WITH, OR EXPLOITATION OF,  
27 A MINOR.



1 (b) FOR THE PURPOSE OF SUBSECTION (2)(b) OF THIS SECTION, A  
2 MANAGING ORGANIZATION KNEW OR SHOULD HAVE KNOWN THAT A  
3 YOUTH-RELATED ACTIVITY OR PROGRAM POSED A RISK OF SEXUAL  
4 MISCONDUCT TO A MINOR IF:

5 (I) THE ORGANIZATION RECEIVED PRIOR REPORTS OF SEXUAL  
6 MISCONDUCT AGAINST ANY MINOR BY, OR FACILITATED BY, AN ADULT  
7 INVOLVED IN THE YOUTH-RELATED ACTIVITY OR PROGRAM AND THE PRIOR  
8 SEXUAL MISCONDUCT OCCURRED UNDER CIRCUMSTANCES REASONABLY  
9 SIMILAR TO THOSE OF THE MINOR BRINGING THE CLAIM; OR

10 (II) THE ORGANIZATION WAS AWARE OF A RISK OF SEXUAL  
11 MISCONDUCT POSED BY THE YOUTH-RELATED ACTIVITY OR PROGRAM DUE  
12 TO THE PREVALENCE AND SIMILARITY OF CIRCUMSTANCES SURROUNDING  
13 PRIOR INSTANCES OF SEXUAL MISCONDUCT AGAINST A MINOR BY AN  
14 ADULT WITHIN THE ACTIVITY OR PROGRAM. IF A MANAGING  
15 ORGANIZATION OPERATES A YOUTH-RELATED ACTIVITY OR PROGRAM IN  
16 ANOTHER STATE, THE CIRCUMSTANCES SURROUNDING SEXUAL  
17 MISCONDUCT AGAINST A MINOR THAT OCCURRED IN AN OUT-OF-STATE  
18 YOUTH-RELATED ACTIVITY OR PROGRAM IS A FACTOR IN DETERMINING  
19 WHETHER THE ORGANIZATION REASONABLY SHOULD HAVE BEEN AWARE  
20 OF A RISK OF SEXUAL MISCONDUCT POSED BY THE YOUTH-RELATED  
21 ACTIVITY OR PROGRAM OPERATED IN COLORADO.

22 (4) IN CIRCUMSTANCES IN WHICH A MANAGING ORGANIZATION  
23 TOOK ANY REMEDIAL ACTION, THE ORGANIZATION IS NOT LIABLE FOR  
24 DAMAGES PURSUANT TO THIS PART 12 IF:

25 (a) THE ORGANIZATION'S ACTION WAS REASONABLY ADEQUATE TO  
26 ADDRESS THE RISK OF SEXUAL MISCONDUCT AGAINST A MINOR;

27 (b) THE ORGANIZATION CONDUCTED AN EVALUATION TO

1 DETERMINE IF THE INITIAL REMEDIAL ACTION WAS EFFECTIVE IN  
2 CURTAILING RISK FROM THE ACTOR OR YOUTH-RELATED ACTIVITY OR  
3 PROGRAM; OR

4 (c) ANY WARNINGS GIVEN BY THE ORGANIZATION WERE  
5 REASONABLY ADEQUATE TO APPRISE PARTICIPANTS AND THEIR FAMILIES  
6 OF THE RISKS OF SEXUAL MISCONDUCT AGAINST A MINOR IN THE  
7 YOUTH-RELATED ACTIVITY OR PROGRAM.

8 **13-20-1203. Retroactive application - no limitation on action.**

9 (1) A PERSON WHO WAS THE VICTIM OF SEXUAL MISCONDUCT THAT  
10 OCCURRED WHEN THE VICTIM WAS A MINOR AND THAT OCCURRED BEFORE,  
11 ON, OR AFTER JANUARY 1, 2022, MAY BRING AN ACTION PURSUANT TO  
12 THIS PART 12.

13 (2) NOTWITHSTANDING ANY PROVISION OF LAW, AN ACTION  
14 BROUGHT PURSUANT TO THIS PART 12 MAY BE BROUGHT AT ANY TIME  
15 WITHOUT LIMITATION.

16 **13-20-1204. Waiver of liability void.** ANY PRE-INCIDENT  
17 WAIVER, EITHER FOR CONSIDERATION OR GRATUITOUSLY, OF A PERSON'S  
18 RIGHT TO BRING AN ACTION PURSUANT TO THIS PART 12 IS VOID AS  
19 AGAINST PUBLIC POLICY.

20 **13-20-1205. No contributory negligence - interest on damages.**

21 (1) NOTWITHSTANDING SECTIONS 13-21-111 AND 13-21-111.5, A COURT  
22 OR JURY SHALL NOT ALLOCATE ANY DAMAGES AWARDED IN AN ACTION  
23 BROUGHT PURSUANT TO THIS PART 12 IN ANY PROPORTION AGAINST A  
24 VICTIM OF SEXUAL MISCONDUCT.

25 (2) NOTWITHSTANDING SECTION 13-21-101, PREJUDGMENT  
26 INTEREST ON A CLAIM BROUGHT PURSUANT TO THIS PART 12 DOES NOT  
27 BEGIN TO ACCRUE UNTIL THE PLAINTIFF FILES THE CLAIM PURSUANT TO

1     SECTION 13-20-1202.

2             **13-20-1206. Attorney fees.** SECTION 13-17-201, WHICH REQUIRES  
3     AN AWARD OF ATTORNEY FEES TO DEFENDANTS IN CERTAIN ACTIONS  
4     DISMISSED PRIOR TO TRIAL, DOES NOT APPLY TO AN ACTION BROUGHT  
5     PURSUANT TO THIS PART 12.

6             **13-20-1207. Applicability of part to public entities and public**  
7     **employees - no duty to indemnify.** (1) (a) NOTWITHSTANDING SECTIONS  
8     22-12-104, 24-10-105, 24-10-106, 24-10-108, AND 24-10-118, OR ANY  
9     OTHER STATE LAW THAT PROHIBITS CIVIL ACTIONS AGAINST A PUBLIC  
10    EMPLOYEE OR PUBLIC ENTITY, A PERSON MAY BRING A CLAIM ALLEGING  
11    LIABILITY FOR INJURIES ARISING FROM SEXUAL MISCONDUCT PURSUANT TO  
12    THIS PART 12 AGAINST A PUBLIC EMPLOYEE OR PUBLIC ENTITY.

13            (b) NOTWITHSTANDING SECTIONS 22-12-104 (3), 24-10-109 (1),  
14    AND 24-10-118 (1)(a), REQUIRING THE FILING OF A WRITTEN NOTICE, A  
15    PERSON WHO BRINGS AN ACTION PURSUANT TO THIS PART 12 IS NOT  
16    REQUIRED TO FILE WRITTEN NOTICE AS A JURISDICTIONAL PREREQUISITE  
17    TO THE ACTION.

18            (c) THE LIMITATION ON JUDGMENTS SET FORTH IN SECTION  
19    24-10-114 (1) DO NOT APPLY TO A CLAIM BROUGHT AGAINST A PUBLIC  
20    EMPLOYEE OR PUBLIC ENTITY PURSUANT TO THIS PART 12.

21            (2) NOTWITHSTANDING ANY PROVISION OF THIS PART 12 OR ANY  
22    OTHER PROVISION OF LAW, THE STATE, AS DEFINED IN SECTION 24-10-103  
23    (7), AND A PUBLIC ENTITY DO NOT HAVE A DUTY TO DEFEND OR INDEMNIFY  
24    A PUBLIC EMPLOYEE FOR A CLAIM ALLEGING SEXUAL MISCONDUCT  
25    PURSUANT TO THIS PART 12, IF THE EMPLOYEE'S CONDUCT IS WILLFUL OR  
26    WANTON.

27            **SECTION 3.** In Colorado Revised Statutes, 24-10-106, amend

1 (1)(i); and add (1)(j) as follows:

2 **24-10-106. Immunity and partial waiver.** (1) A public entity  
3 shall be immune from liability in all claims for injury which lie in tort or  
4 could lie in tort regardless of whether that may be the type of action or the  
5 form of relief chosen by the claimant except as provided otherwise in this  
6 section. Sovereign immunity is waived by a public entity in an action for  
7 injuries resulting from:

- 8 (i) An action brought pursuant to section 13-21-128; C.R.S. OR  
9 (j) AN ACTION BROUGHT PURSUANT TO PART 12 OF ARTICLE 20 OF  
10 TITLE 13, WHETHER THE CONDUCT ALLEGED OCCURRED BEFORE, ON, OR  
11 AFTER JANUARY 1, 2022.

12 **SECTION 4.** In Colorado Revised Statutes, 24-10-109, add (7)  
13 as follows:

14 **24-10-109. Notice required - contents - to whom given -**  
15 **limitations.** (7) THE NOTICE REQUIRED PURSUANT TO THIS SECTION DOES  
16 NOT APPLY TO CLAIMS MADE PURSUANT TO THE WAIVER OF  
17 GOVERNMENTAL IMMUNITY DESCRIBED IN SECTION 24-10-106 (1)(j) AND  
18 ANY ACTION BROUGHT PURSUANT TO PART 12 OF ARTICLE 20 OF TITLE 13  
19 THERE TO IS NOT BARRED UNDER THIS SECTION.

20 **SECTION 5. Appropriation.** (1) For the 2021-22 state fiscal  
21 year, \$1,198,355 is appropriated to the department of personnel. This  
22 appropriation is from the general fund. To implement this act, the  
23 department may use this appropriation as follows:

- 24 (a) \$52,967 for use by risk management services for personal  
25 services, which amount is based on an assumption that risk management  
26 services will require an additional 0.9 FTE;

- 27 (b) \$7,550 for use by risk management services for operating

1 expenses; and

2 (c) \$1,137,838 for use by risk management services for the  
3 purchase of liability legal services.

4 (2) For the 2021-22 state fiscal year, \$1,137,838 is appropriated  
5 to the department of law. This appropriation is from reappropriated funds  
6 received from the department of personnel under subsection (1)(c) of this  
7 section and is based on an assumption that the department of law will  
8 require an additional 5.9 FTE. To implement this act, the department of  
9 law may use this appropriation to provide legal services for the  
10 department of personnel.

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