

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 14-098

BY SENATOR(S) Zenzinger, Aguilar, Guzman, Heath, Herpin, Hodge, Jahn, Johnston, Jones, Kefalas, Kerr, Lundberg, Newell, Nicholson, Rivera, Tochtrop, Todd, Carroll;
also REPRESENTATIVE(S) Foote and Schafer, Becker, Exum, Fields, Hullinghorst, Kraft-Tharp, Labuda, Lebsock, Melton, Moreno, Peniston, Pettersen, Primavera, Rosenthal, Ryden, Salazar, Young.

CONCERNING CLARIFICATIONS TO STATUTORY LANGUAGE ON CRIMES
AGAINST AT-RISK ELDERS.

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

SECTION 1. In Colorado Revised Statutes, 18-6.5-102, **amend** (1), (10) (a), and (13) as follows:

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

(1) "Abuse" means any of the following acts or omissions committed against an at-risk elder:

(a) The nonaccidental infliction of bodily injury, serious bodily injury, or death;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) Confinement or restraint that is unreasonable under generally accepted caretaking standards;

(c) Subjection to sexual conduct or contact classified as a crime under this title; **and**

(d) Caretaker neglect; **AND**

(e) EXPLOITATION.

(10) "Exploitation" means an act or omission committed by a person who:

(a) Uses deception, harassment, intimidation, or undue influence to permanently or temporarily deprive an at-risk elder of the use, benefit, or possession of ~~his or her money, assets, or property~~ ANY THING OF VALUE;

(13) "Undue influence" means the use of influence ~~by someone who exercises authority over an at-risk elder in order~~ to take ~~unfair~~ advantage of ~~the~~ AN at-risk elder's vulnerable state of mind, neediness, pain, or ~~agony~~ EMOTIONAL DISTRESS.

SECTION 2. In Colorado Revised Statutes, 18-6.5-103, **repeal and reenact, with amendments,** (7.5) as follows:

18-6.5-103. Crimes against at-risk adults and at-risk juveniles - classifications. (7.5) (a) A PERSON COMMITS CRIMINAL EXPLOITATION OF AN AT-RISK ELDER WHEN HE OR SHE KNOWINGLY USES DECEPTION, HARASSMENT, INTIMIDATION, OR UNDUE INFLUENCE TO PERMANENTLY OR TEMPORARILY DEPRIVE AN AT-RISK ELDER OF THE USE, BENEFIT, OR POSSESSION OF ANY THING OF VALUE.

(b) CRIMINAL EXPLOITATION OF AN AT-RISK ELDER IS A CLASS 3 FELONY IF THE THING OF VALUE IS FIVE HUNDRED DOLLARS OR GREATER. CRIMINAL EXPLOITATION OF AN AT-RISK ELDER IS A CLASS 5 FELONY IF THE THING OF VALUE IS LESS THAN FIVE HUNDRED DOLLARS.

SECTION 3. In Colorado Revised Statutes, 26-3.1-102, **amend** (3) as follows:

26-3.1-102. Reporting requirements. (3) A copy of the report prepared by the county department in accordance with subsections (1) and (2) of this section shall be forwarded within twenty-four hours to ~~the district attorney's office~~ and a local law enforcement agency. A report prepared by a local law enforcement agency shall be forwarded within twenty-four hours to the county department. ~~and to the district attorney's office.~~

SECTION 4. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Morgan Carroll
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO