

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 13-0935.01 Jane Ritter x4342

SENATE BILL 13-278

SENATE SPONSORSHIP

Kerr and Newell,

HOUSE SPONSORSHIP

Young,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING CREATING A DEFINITION OF A "DRUG-ENDANGERED**
102 **CHILD" WITH RESPECT TO CHILD ABUSE OR NEGLECT.**

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://www.leg.state.co.us/billsummaries>.)

The bill creates a definition of a "drug-endangered child" in the context of child abuse or neglect.

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 3rd Reading
May 3, 2013

SENATE
Amended 2nd Reading
May 2, 2013

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

3 (a) Colorado is currently second in the nation for prescription drug
4 abuse;

5 (b) When controlled substances, whether legal or illegal, are used,
6 produced, or distributed in the presence of children, a greater likelihood
7 exists for harm to the children from caretaker incapacitation, access to
8 dangerous drug-production components, lack of supervision, unhealthy
9 indoor air quality, exposure to dangerous non-drug criminal behaviors,
10 and other circumstances that pose a danger to children;

11 (c) Law enforcement agencies, human services, family courts, and
12 the criminal justice system currently do not have a common definition of
13 a "drug-endangered child";

14 (d) Law enforcement agencies, human services, and statutorily
15 mandated reporters of suspected child maltreatment need common tools
16 and training to identify a child at risk of abuse and neglect as a result of
17 the use, production, and distribution of drugs in a child's environment;

18 (e) Effective training needs to stem from a common definition of
19 "drug-endangered child"; and

20 (f) While criminal penalties may be appropriate in some cases,
21 such as the possession, production, and distribution of certain drugs as
22 well as other offenses defined in part 4 of article 18 of title 18, Colorado
23 Revised Statutes, the welfare and safety of children is paramount and
24 requires that human services and law enforcement agencies work from a
25 common definition of "drug-endangered child" so they can best meet the
26 needs of children whose health, welfare, and safety may be at risk.

27 == =====

1 **SECTION 2.** In Colorado Revised Statutes, 18-18.5-103, **add** (4)

2 (i) as follows:

3 **18-18.5-103. State methamphetamine task force - creation -**
4 **membership - duties.** (4) The task force shall:

5 (i) DEVELOP A DEFINITION OF A "DRUG-ENDANGERED CHILD" TO BE
6 USED IN THE CONTEXT OF THE DEFINITION OF "CHILD ABUSE OR NEGLECT"
7 AS SET FORTH IN SECTION 19-1-103 (1), C.R.S., AND INCLUDE THE
8 DEFINITION IN ITS JANUARY 1, 2014, REPORT TO THE JUDICIARY
9 COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR
10 ANY SUCCESSOR COMMITTEES.

11 **SECTION 3. Effective date.** This act takes effect upon passage
12 only if Senate Bill 13-244 becomes law and takes effect either upon the
13 effective date of this act or Senate Bill 13-244, whichever is later.

14 **SECTION 4. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.