

PASSED

**First Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO**

REENGROSSED

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

LLS NO. 03-0249.01 Michael Dohr

HOUSE BILL 03-1169

HOUSE SPONSORSHIP

Jahn, Marshall, Boyd, Frangas, Fritz, Garcia, Groff, Hefley, Rhodes, Rippy, Stengel, and Veiga

SENATE SPONSORSHIP

Arnold, and Hanna

House Committees

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A BILL FOR AN ACT

101 **CONCERNING AMENDMENT OF THE DEFINITION OF CHILD ABUSE TO**
102 **INCLUDE ACTIONS RELATED TO THE MANUFACTURE OF A**
103 **CONTROLLED SUBSTANCE IN THE PRESENCE OF A CHILD.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Expands the definition of "abuse" and "child abuse or neglect" in the "Colorado Children's Code" to include manufacturing or attempting to manufacture a controlled substance and possessing methamphetamine precursors with the intent to manufacture a controlled substance on the premises in the presence of a child.

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.

HOUSE
3rd Reading Unamended
February 5, 2003

HOUSE
Amended 2nd Reading
February 3, 2003

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

2 **SECTION 1.** 19-1-103 (1) (a), Colorado Revised Statutes, is
3 amended to read:

4 **19-1-103. Definitions.** As used in this title or in the specified
5 portion of this title, unless the context otherwise requires:

6 (1) (a) "Abuse" or "child abuse or neglect", as used in part 3 of
7 article 3 of this title, means an act or omission in one of the following
8 categories that threatens the health or welfare of a child:

9 (I) Any case in which a child exhibits evidence of skin bruising,
10 bleeding, malnutrition, failure to thrive, burns, fracture of any bone,
11 subdural hematoma, soft tissue swelling, or death and either: Such
12 condition or death is not justifiably explained; the history given
13 concerning such condition is at variance with the degree or type of such
14 condition or death; or the circumstances indicate that such condition may
15 not be the product of an accidental occurrence;

16 (II) Any case in which a child is subjected to unlawful sexual
17 behavior as defined in section 16-22-102 (9), C.R.S.;

18 (III) Any case in which a child is a child in need of services
19 because the child's parents, legal guardian, or custodian fails to take the
20 same actions to provide adequate food, clothing, shelter, medical care, or
21 supervision that a prudent parent would take. The requirements of this
22 subparagraph (III) shall be subject to the provisions of section 19-3-103.

23 (IV) Any case in which a child is subjected to emotional abuse.
24 As used in this subparagraph (IV), "emotional abuse" means an
25 identifiable and substantial impairment of the child's intellectual or
26 psychological functioning or development or a substantial risk of
27 impairment of the child's intellectual or psychological functioning or

1 development.

2 (V) Any act or omission described in section 19-3-102 (1) (a), (1)
3 (b), or (1) (c);

4 (VI) ANY CASE IN WHICH, IN THE PRESENCE OF A CHILD, OR ON THE
5 PREMISES WHERE A CHILD IS FOUND, OR WHERE A CHILD RESIDES, A
6 CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), C.R.S.,
7 IS MANUFACTURED OR ATTEMPTED TO BE MANUFACTURED.

8 **SECTION 2. Effective date - applicability.** This act shall take
9 effect July 1, 2003, and shall apply to acts committed on or after said
10 date.

11 **SECTION 3. 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, and safety.