

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 11-0854.01 Brita Darling

SENATE BILL 11-232

SENATE SPONSORSHIP

Jahn,

HOUSE SPONSORSHIP

Gardner B.,

Senate Committees
Judiciary

House Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING THE CHILD ABUSE INVESTIGATION SURCHARGE.**

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 adds the crimes of sexual assault on a client by a psychotherapist, invasion of privacy for sexual gratification, and coercion of involuntary servitude to the list of crimes for which a court may impose a surcharge upon conviction for the benefit of the child abuse investigation surcharge fund.

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
Am ended 2nd Reading
May 5, 2011

SENATE
3rd Reading Unam ended
April 27, 2011

SENATE
2nd Reading Unam ended
April 26, 2011

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that child abuse is a deadly epidemic that affects thousands of our
4 state's children every day. A study determined that, in 2009 in Colorado,
5 more than 11,000 children were victims of child abuse or neglect, and
6 thirty-six children died as a result of abuse or neglect.

7 (2) The general assembly further finds that:

8 (a) Children's advocacy centers are the first step in a child's
9 journey toward healing and recovery; and

10 (b) Children's advocacy centers provide a safe, child-friendly
11 setting where a multi-disciplinary team may begin the investigation of
12 child abuse or other traumas a child may have suffered, provides for a
13 child, and, in many cases, is the first and only place where a child is truly
14 heard; and

15 (c) Children's advocacy centers' multi-disciplinary approach
16 avoids the duplication of services; and

17 (d) Children's advocacy centers in Colorado do not receive any
18 direct state funding, instead relying upon community support and
19 surcharge funding to do the important work of helping children survive
20 and thrive; and

21 (e) Surcharge funding assists that effort by providing a direct
22 funding stream to the centers and has a significance beyond just the
23 money itself.

24 (3) The general assembly therefore declares that assessing a
25 surcharge on crimes against a child is reasonable and appropriate to
26 support the services necessary to facilitate the healing of child victims.

27 **SECTION 2.** 18-24-101 (2), Colorado Revised Statutes, is

1 amended to read:

2 **18-24-101. Definitions.** As used in this article, unless the context
3 otherwise requires:

4 (2) "Crime against a child" means any offense listed in section
5 18-3-411, or criminal attempt, conspiracy, or solicitation to commit any
6 of those offenses, and any of the following offenses, or criminal attempt,
7 conspiracy, or solicitation to commit any of the following offenses:

8 (a) Incest, in violation of section 18-6-301;

9 (b) Child abuse, in violation of section 18-6-401;

10 (c) Contributing to the delinquency of a minor, in violation of
11 section 18-6-701; or

12 (d) Internet luring of a child, in violation of section 18-3-306;

13 (e) SEXUAL ASSAULT ON A CLIENT BY A PSYCHOTHERAPIST, IN
14 VIOLATION OF SECTION 18-3-405.5, WHEN THE VICTIM IS A CHILD;

15 (f) INVASION OF PRIVACY FOR SEXUAL GRATIFICATION, IN
16 VIOLATION OF SECTION 18-3-405.6, WHEN THE VICTIM IS A CHILD; OR

17 (g) COERCION OF INVOLUNTARY SERVITUDE, IN VIOLATION OF
18 SECTION 18-3-503, WHEN THE VICTIM IS A CHILD.

19 **SECTION 3. Effective date - applicability.** This act shall take
20 effect July 1, 2011, and shall apply to offenses committed on or after said
21 date.

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