

NOTE: This bill has been prepared for the signature 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 11-232

BY SENATOR(S) Jahn, Boyd, Carroll, Giron, Guzman, Heath, Hudak, King S., Newell, Tochtrop, Williams S.;
also REPRESENTATIVE(S) Gardner B., Fields, Kerr J., Labuda, Schafer S., Todd, Wilson.

CONCERNING THE CHILD ABUSE INVESTIGATION SURCHARGE.

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

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

(2) The general assembly further finds that:

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

(b) Children's advocacy centers provide a safe, child-friendly setting where a multi-disciplinary team may begin the investigation of child abuse or other traumas a child may have suffered, provides for a child, and, in

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

many cases, is the first and only place where a child is truly heard; and

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

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

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

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

SECTION 2. 18-24-101 (2), Colorado Revised Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

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

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.

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Frank McNulty
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