

CLSB017.004

FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON SB21-017

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 THIS REPORT AMENDS THE  
 REREVISED BILL  
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To the President of the Senate and the  
 Speaker of the House of Representatives:

Your first conference committee appointed on SB21-017, concerning sexual contact between a student and an educator in violation of the public trust, has met and reports that it has agreed upon the following:

That the Senate accede to the House amendment made to the bill, as the amendment appears in the rerevised bill, with the following changes:

Amend rerevised bill, page 2, line 9, after "district" insert "OR CHARTER SCHOOL".

Page 4, line 6, strike "EMPLOYED," and substitute "EMPLOYED AT THE TIME OF THE ALLEGATION,".

Page 4, line 16, after "district" insert "OR CHARTER SCHOOL".

Page 6, line 24, strike "EMPLOYED," and substitute "EMPLOYED AT THE TIME OF THE ALLEGATION,".

Page 7, line 20, strike "EMPLOYED," and substitute "EMPLOYED AT THE TIME OF THE UNETHICAL BEHAVIOR,".

Page 7, strike line 27 and substitute:

"SECTION 4. In Colorado Revised Statutes, add 18-8-410 as follows:

**18-8-410. Abuse of public trust by an educator - definitions.**

(1) ANY EDUCATOR WHO KNOWINGLY SUBJECTS A STUDENT TO ANY

SEXUAL INTRUSION OR SEXUAL PENETRATION COMMITS ABUSE OF PUBLIC TRUST BY AN EDUCATOR IF THE STUDENT IS AT LEAST EIGHTEEN YEARS OF AGE AND THE EDUCATOR IS MORE THAN FOUR YEARS OLDER THAN THE STUDENT AND IS NOT THE STUDENT'S SPOUSE.

(2) ABUSE OF PUBLIC TRUST BY AN EDUCATOR IS A CLASS 1 MISDEMEANOR.

(3) CONSENT BY THE STUDENT TO THE SEXUAL INTRUSION OR SEXUAL PENETRATION DOES NOT CONSTITUTE A DEFENSE TO THE OFFENSE.

(4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CONSENT" HAS THE SAME MEANING AS SET FORTH IN SECTION 18-3-401 (1.5).

(b) (I) "EDUCATOR" MEANS A PERSON EMPLOYED AT THE SAME SCHOOL THE STUDENT ATTENDS AT THE TIME OF THE SEXUAL CONTACT AND WHO:

(A) INSTRUCTS STUDENTS AT THAT SCHOOL;

(B) ADMINISTERS, DIRECTS, OR SUPERVISES THE EDUCATIONAL INSTRUCTION PROGRAM OR A PORTION THEREOF;

(C) PROVIDES HEALTH OR EDUCATIONAL SUPPORT SERVICES DIRECTLY TO STUDENTS OF THE SCHOOL; OR

(D) COACHES STUDENTS OF THE SCHOOL.

(II) "EDUCATOR" DOES NOT INCLUDE ANOTHER STUDENT AT THE SCHOOL WHERE THE EDUCATOR IS EMPLOYED.

(c) "SCHOOL" MEANS ANY INSTITUTION THAT INSTRUCTS PERSONS IN ANY OF GRADES PRESCHOOL THROUGH TWELVE BUT DOES NOT INCLUDE ANY POSTSECONDARY SCHOOL.

(d) "SEXUAL INTRUSION" HAS THE SAME MEANING AS SET FORTH IN SECTION 18-3-401 (5).

(e) "SEXUAL PENETRATION" HAS THE SAME MEANING AS SET FORTH IN SECTION 18-3-401 (6).

(f) "STUDENT" MEANS ANY PERSON ENROLLED IN A SCHOOL WHERE THE EDUCATOR IS EMPLOYED AT THE TIME OF THE INCIDENT, BUT DOES NOT INCLUDE ANOTHER STUDENT.

(5) SCHOOLS SHALL ADVISE ALL EDUCATORS OF THE PROHIBITIONS IN THIS SECTION.

**SECTION 6.** In Colorado Revised Statutes, 18-1.3-501, **amend** (3)(b)(VI) and (3)(b)(VII); and **add** (3)(b)(VIII) as follows:

**18-1.3-501. Misdemeanors classified - drug misdemeanors and drug petty offenses classified - penalties - legislative intent - definitions.** (3) (b) Misdemeanors that present an extraordinary risk of