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MEMORANDUM

February 16, 2012

TO: Interested Persons
FROM: Legislative Council Staff, (303) 866-3521
SUBJECT: Crimes Against At-Risk Juveniles and Adults

This memorandum provides information regarding crimes against at-risk juveniles and adults. Specifically, the memorandum includes recent data on the total number of crimes committed against at-risk persons and any surcharges required upon conviction. It also provides a summary of charges and penalties for crimes against at-risk persons.

Crimes Against At-risk Juveniles and At-risk Adults

State law defines an at-risk juvenile as a person under 18 years old who has a disability.¹ An at-risk adult is defined as a person 60 years old or older who has a disability.² Within these definitions, a disability includes:

- impairment due to the loss of use of a hand or foot or because of blindness;
- inability to walk, see, hear, or speak;
- inability to breathe without mechanical assistance;
- developmental disabilities;
- mental illness;
- mental impairment;
- blindness as defined in law; or
- treatment for a development disability.³

Table 2 summarizes charges and penalties for crimes against at-risk juveniles and at-risk adults.

¹Section 18-6.5-102 (1.5), C.R.S.

²Section 18-6.5-102 (1), C.R.S.

³Section 18-6.5-102 (3), C.R.S.

Surcharges. In state law, there is no designated surcharge for convictions of crimes against at-risk adults. However, all felony and misdemeanor violations carry a surcharge ranging from \$163 for felonies and \$78 for misdemeanors, or an amount equal to 37 percent of the fine imposed by the court, whichever is greater. Surcharge revenue is credited to the Victims and Witnesses Assistance and Law Enforcement Fund established in the judicial district in which the crime occurred.⁴ Further, any felony committed against persons age 60 or older carries a "mandatory and substantial fine" credited to the Crime Victim Compensation Fund, Victims and Witnesses Assistance and Law Enforcement Fund, and restitution. Specific amounts are left to the discretion of the courts.⁵

Charges and convictions. According to the Judicial Branch, in calendar years 2007 through 2010, 2,220 total charges were issued for crimes against at-risk juveniles and at-risk adults, resulting in 664 total convictions. Charges and convictions are summarized in Table 1.

Table 1
Charges and Convictions for Crimes
Against At-risk Juveniles and At-risk Adults
(2007 — 2010)

Year	Charges	Convictions
2010	514	130
2009	542	141
2008	545	178
2007	619	215

Source: Judicial Branch.

⁴Section 24-4.2-104 (1)(a)(I), C.R.S.

⁵Section 18-1.3-401 (1)(a)(III)(A.5), C.R.S.

**Table 2
Crimes Against At-risk Juveniles and At-risk Adults**

Offense	Result/Consequence/Conditions of the Offense	Charge	Statute
Criminal Negligence	Resulting in the death of an at-risk adult or at-risk juvenile	Class 4 Felony	Section 18-6.5-103 (2)(a), C.R.S.
	Resulting in serious bodily injury to an at-risk juvenile or at-risk adult	Class 5 Felony	Section 18-6.5-103 (2)(b), C.R.S.
	Resulting in bodily injury to an at-risk adult or at risk-juvenile	Class 6 Felony	Section 18-6.5-103 (2)(c), C.R.S.
First Degree Assault	In which the victim is an at-risk adult or at-risk juvenile and the assault was committed "in the heat of passion"	Class 4 Felony	Section 18-6.5-103 (3)(a), C.R.S.
	In which the victim is an at-risk adult or at-risk juvenile	Class 2 Felony	
Second Degree Assault	In which the victim is an at-risk adult or at-risk juvenile and the assault was committed "in the heat of passion"	Class 5 Felony	Section 18-6.5-103 (3)(b), C.R.S.
	In which the victim is an at-risk adult or at-risk juvenile	Class 3 Felony	
Third Degree Assault	In which the victim is an at-risk adult or at-risk juvenile	Class 6 Felony	Section 18-6.5-103 (3)(c), C.R.S.
Robbery	In which the victim is an at-risk adult or at-risk juvenile	Class 3 Felony	Section 18-6.5-103 (4), C.R.S.
Theft	In which the crime, or any portion or element thereof, was committed in the presence of and against an at-risk adult or at-risk juvenile	Class 5 Felony (if theft value is less than \$500) Class 3 Felony (if theft value is \$500 or more)	Section 18-6.5-103 (5), C.R.S.
	In which the crime, or any portion or element thereof, was committed by a person of trust against an at-risk adult or at-risk juvenile, whether or not the victim was present	Class 5 Felony (if theft value is less than \$500) Class 3 Felony (if theft value is \$500 or more)	
	In which the theft was from the person of an at-risk adult or at-risk juvenile by means other than force, threat, or intimidation	Class 4 Felony (regardless of theft value)	
Neglect	Knowingly neglecting or acting in a manner likely to injure an at-risk adult or at-risk juvenile	Class 1 Misdemeanor	Section 18-6.5-103 (6), C.R.S.

Table 2
Crimes Against At-risk Juveniles and At-risk Adults (Cont.)

Offense	Result/Consequence/Conditions of the Offense	Charge	Statute	
Sexual Assault	In which the victim is an at-risk adult or at-risk juvenile	Class 2 Felony	Section 18-6.5-103 (7)(a), C.R.S.	
Second Degree Sexual Assault	In which the victim is an at-risk adult or at-risk juvenile	Class 3 Felony	Section 18-6.5-103 (7)(b), C.R.S.	
Third Degree Sexual Assault or Unlawful Sexual Contact	In which the victim is an at-risk adult or at-risk juvenile	Class 6 Felony	Section 18-6.5-103 (7)(c), C.R.S.	
	In which the victim is an at-risk adult or at-risk juvenile and the victim was compelled by force, intimidation, or threat, or the offender engaged in treatment or examination of the victim for nonmedical purposes or inconsistently with reasonable medical practices	Class 3 Felony		
Sexual Assault on a Child	In which the victim is an at-risk juvenile	Class 3 Felony	Section 18-6.5-103 (7)(d), C.R.S.	
	In which the victim is an at-risk juvenile and: <ul style="list-style-type: none"> • the offender uses force against the victim to initiate sexual contact; • the offender threatens imminent death, serious bodily injury, extreme pain, or kidnapping, and the victim believes in the offender's capability to follow through with the threat; • the offender threatens retaliation by causing death or serious bodily injury, extreme pain, or kidnapping, and the victim believes that the actor will follow through with the threat; or • the actor commits the offense as a pattern of sexual abuse. 	Class 2 Felony		
	In which the victim is an at-risk juvenile less than 15 years old and the offender is in a "position of trust"	Class 2 Felony		Section 18-6.5-103 (7)(e), C.R.S.
	In which the victim is an at-risk juvenile 15 to 17 years old and the offender is in a "position of trust"	Class 3 Felony		
Sexual Assault on a Client by a Psychotherapist	In which the victim is an at-risk adult or at-risk juvenile	Class 6 Felony	Section 18-6.5-103 (7)(f), C.R.S.	
	In which the victim is an at-risk adult or at-risk juvenile and the offender inflicted sexual penetration or intrusion on the victim.	Class 3 Felony		