



Legislative Council Staff

Research Note

Version: Final

Date: 3/17/2017

Bill Number

Senate Bill 17-141

Sponsors

Senator Aguilar
Representative Herod

Short Title

Low-risk Sex Offender
Community-based Treatment

Research Analyst

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Status

This research note reflects the final version of the bill, which was postponed indefinitely by the Senate Judiciary Committee on February 22, 2017.

Background

Evaluation of sex offenders for treatment. Sex offenders who are involved in the criminal justice system are required to undergo appropriate treatment as part of any sentence to probation, community corrections, incarceration, or parole. Offenders involved in the system are subject to evaluation and identification to determine what treatment is appropriate. It is the responsibility of the Sex Offender Management Board (SOMB), which is administered by the Colorado Department of Public Safety, Division of Criminal Justice, to create a procedure for the evaluation and identification of sex offenders, as well as to certify treatment facilities and personnel. Recommendations from the Department of Corrections, the Judicial Department, the Department of Human Services, and the Division of Criminal Justice are considered in the evaluation and identification process.

Conditions for paroling sex offenders under existing law. Each sex offender who has completed the minimum period of an indeterminate sentence is entitled to a hearing of the parole board. The parole board determines whether or not a sex offender may be released on parole. In making that determination, the board considers whether the sex offender has successfully progressed in treatment, whether the individual would present an undue risk to the community, and whether there is a strong and reasonable probability that the individual will continue to commit crimes. Pursuant to state law, the board uses the Parole Board Administrative Release Guideline Instrument to guide its decisions.

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A parolee's supervision level is subject to reduction by the parole board. The offender's parole officer may recommend to the parole board that the supervision level be decreased when the offender can demonstrate that he or she has successfully progressed in treatment and would not pose an undue threat to the community. The parole officer may also return a sex offender to the intensive supervision parole program if the parole officer believes that an increased level of supervision is necessary to protect the public safety.

Discharge from parole under existing law. Following the term of parole, the parole board must hold a hearing to determine whether the sex offender may be discharged from parole. The board must consider whether the offender has successfully progressed in treatment and would not pose an undue threat to the community if allowed to live without treatment or supervision. If the parole board does not discharge the offender from parole, the board must review that decision every three years, until it determines that the offender should be discharged.

Senate Action

Senate Judiciary Committee (February 22, 2017). At the hearing, the committee heard neutral testimony on the bill from representatives of the Colorado Sex Offender Management Board. The committee heard testimony in favor of the bill from representatives of the Colorado Criminal Defense Bar, the Office of the State Public Defender, Advocates for Change, and private citizens. The committee heard testimony in opposition to the bill from representatives of the First Judicial District Attorney's Office, the Colorado District Attorneys' Council, the Department of Corrections, and the Colorado Organization for Victim Assistance.

The committee adopted amendments L.001 and L.002. Amendment L.001 requires offenders to begin treatment while in prison if the Department of Corrections has appropriate beds available to allow the offender to complete treatment prior to the offender's parole eligibility date, or the offender may start and obtain treatment in the community placement phase of the offender's sentence. L.002 removes the DOC recommendation requirement for certain parole board actions and clarifies that the parole board may not deny parole in certain situations solely for failure to start or complete treatment. The bill was postponed indefinitely by the committee.

Relevant Research

Legislative Council Staff, *Laws Governing Sex Offenders in Colorado*, December 2016: <http://leg.colorado.gov/publications/laws-governing-sex-offenders-colorado-2016>.

Legislative Council Staff, *State Parole Initiatives*, Issue Brief, August 2016: http://leg.colorado.gov/sites/default/files/parole_initiatives_issue_brief_2016.pdf.

Legislative Council Staff, *Background and Purpose of the Intensive Supervision Program*, Memorandum to the Joint Judiciary Committee, September 2013: <http://tinyurl.com/psyjhfl>.