

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0257.01 Jane Ritter x4342

HOUSE BILL 20-1079

HOUSE SPONSORSHIP

Benavidez and Singer,

SENATE SPONSORSHIP

Rodriguez,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE IMPLEMENTATION OF RECOMMENDATIONS FROM
102 THE LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING THE
103 TREATMENT OF PERSONS WITH MENTAL HEALTH DISORDERS IN
104 THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS REGARDING
105 JUVENILES WHO HAVE COMMITTED SEX OFFENSES.

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://leg.colorado.gov/>.)

The Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

and Juvenile Justice Systems. The bill implements various recommendations of the legislative oversight committee concerning the treatment of persons with mental health disorders in the criminal and juvenile justice systems regarding juveniles who have committed sex offenses, including:

- ! Specifying that if a juvenile who is moving to Colorado would be otherwise required to register on Colorado's sex offender registry (registry) but the juvenile's duty to register in another state has been terminated by a court order, then the juvenile is not required to register or petition the court for removal from the registry;
- ! Expanding judicial discretion at the time of sentencing to exempt from registration or require juveniles to register for all first offense registerable juvenile sex crimes if a sex offender management board evaluator recommends exemption and the juvenile is otherwise statutorily eligible;
- ! Adding language to adult and juvenile provisions that currently reference only crimes defined as "unlawful sexual behavior" to also include convictions and adjudications for nonsexual crimes where there has been, pursuant to statute, a judicial finding of an underlying factual basis involving unlawful sexual behavior;
- ! Creating a process for the court to reconsider its ruling on whether to require registration if new information is discovered after the court made its initial ruling;
- ! Adding a requirement for the court to issue a ruling or set a mandatory hearing no later than 14 days before the end of each juvenile's sentence concerning a juvenile's ongoing duty to register;
- ! Changing the current law that allows the Colorado Bureau of Investigation (CBI) to inform the requesting party if a person is on the registry so that the CBI may release information about a juvenile only under certain restrictions;
- ! Requiring the CBI to collect data on the number of times information is requested and released concerning juveniles on the registry;
- ! Creating a new unclassified misdemeanor for members of the public who submit a false statement to the CBI for purposes of obtaining juvenile registry information or who use such information in a prohibited manner;
- ! Updating current law regarding the posting of information on the registry to the internet to specifically exclude juveniles;
- ! Clarifying that a local law enforcement agency may not release or post on its website information regarding

- juveniles on the registry;
- ! Changing current law that requires lifetime registration for an adult who has more than one adjudication as a juvenile so that juvenile adjudications alone may not trigger mandatory lifetime registration; and
- ! Updating language in the Colorado crime victim rights act to clarify victim rights when a petition or motion is made to terminate sex offender registration.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-22-102, **amend**
3 (1); and **add** (1.5) and (4.2) as follows:

4 **16-22-102. Definitions.** As used in this article 22, unless the
5 context otherwise requires:

6 (1) ~~"Birthday" means a person's birthday as reflected on the notice~~
7 ~~provided to the person pursuant to section 16-22-106 or 16-22-107 or the~~
8 ~~person's actual date of birth if the notice does not reflect the person's~~
9 ~~birthday~~ "ADJUDICATED" OR "ADJUDICATION" MEANS A DETERMINATION
10 BY THE COURT THAT IT HAS BEEN PROVEN BEYOND A REASONABLE DOUBT
11 TO THE TRIER OF FACT THAT A JUVENILE HAS COMMITTED A DELINQUENT
12 ACT OR THAT A JUVENILE HAS PLED GUILTY TO COMMITTING A
13 DELINQUENT ACT. IN ADDITION, WHEN A PREVIOUS CONVICTION MUST BE
14 PLED AND PROVEN AS AN ELEMENT OF AN OFFENSE OR FOR PURPOSES OF
15 SENTENCE ENHANCEMENT, "ADJUDICATION" MEANS CONVICTION.

16 (1.5) "BIRTHDAY" MEANS A PERSON'S BIRTHDAY AS REFLECTED ON
17 THE NOTICE PROVIDED TO THE PERSON PURSUANT TO SECTION 16-22-106
18 OR 16-22-107 OR THE PERSON'S ACTUAL DATE OF BIRTH IF THE NOTICE
19 DOES NOT REFLECT THE PERSON'S BIRTHDAY.

20 (4.2) "JUVENILE" MEANS A PERSON WHO IS UNDER EIGHTEEN
21 YEARS OF AGE AT THE TIME OF THE OFFENSE AND WHO HAS NOT BEEN

1 CRIMINALLY CONVICTED IN THE DISTRICT COURT OF UNLAWFUL SEXUAL
2 BEHAVIOR PURSUANT TO SECTION 19-2-517 OR 19-2-518.

3 **SECTION 2.** In Colorado Revised Statutes, 16-22-103, **amend**
4 (3), (4), and (5)(a); and **add** (7) and (8) as follows:

5 **16-22-103. Sex offender registration - required - applicability**
6 **- exception.** (3) (a) In addition to the persons specified in subsections (1)
7 and (2) of this section, AND EXCEPT AS PROVIDED FOR IN SUBSECTION
8 (3)(b) OF THIS SECTION, any person convicted of an offense in any other
9 state or jurisdiction, including but not limited to a military or federal
10 jurisdiction, for which the person, as a result of the conviction, is required
11 to register if he or she resided in the state or jurisdiction of conviction, or
12 for which ~~such~~ THE person would be required to register if convicted in
13 Colorado, ~~shall be~~ IS required to register in the manner specified in
14 section 16-22-108, so long as ~~such~~ THE person is a temporary or
15 permanent resident of Colorado. ~~Such~~ THE person may petition the court
16 for an order that discontinues the requirement for registration in this state
17 at the times specified in section 16-22-113 for offense classifications that
18 are comparable to the classification of the offense for which the person
19 was convicted in the other state or jurisdiction. ~~Such~~ THE person may
20 petition the court for an order that discontinues the requirement for
21 registration in this state for offense classifications that ~~such~~ THE person
22 would not be required to register for if convicted in Colorado.

23 (b) IF A JUVENILE IS REQUIRED TO REGISTER ONLY PURSUANT TO
24 SUBSECTION (3)(a) OF THIS SECTION, AND THE JUVENILE'S DUTY TO
25 REGISTER IN ANOTHER STATE OR JURISDICTION HAS BEEN TERMINATED BY
26 A COURT ORDER, OR IF A TRIAL COURT HAS DETERMINED THAT THE
27 JUVENILE IS NOT REQUIRED TO REGISTER IN THAT STATE OR JURISDICTION,

1 THEN THE JUVENILE IS NOT REQUIRED TO FULFILL THE REQUIREMENTS FOR
2 REGISTRATION IN COLORADO, AS SET FORTH IN SECTION 16-22-108, AND
3 IS THEREFORE NOT REQUIRED TO PETITION THE COURT FOR REMOVAL FROM
4 THE COLORADO SEX OFFENDER REGISTRY PURSUANT TO SECTION
5 16-22-113.

6 (4) The provisions of this article 22 apply to any person who
7 receives a disposition or is adjudicated a juvenile delinquent based on the
8 commission of any act that may constitute unlawful sexual behavior or
9 who receives a deferred adjudication based on commission of any act that
10 may constitute unlawful sexual behavior; except that, with respect to
11 section 16-22-113 (1)(a) to (1)(e), a person WHO IS ADJUDICATED OR
12 RECEIVES A DISPOSITION AS A JUVENILE may petition the court for an order
13 to discontinue the duty to register as provided in those ~~paragraphs~~
14 SUBSECTIONS, but only if the person has not subsequently ~~received a~~
15 ~~disposition for, been adjudicated a juvenile delinquent for, or been~~
16 ~~otherwise~~ BEEN convicted AS AN ADULT of any offense involving
17 unlawful sexual behavior OR CONVICTED AS AN ADULT OF ANOTHER
18 OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVES
19 UNLAWFUL SEXUAL BEHAVIOR. In addition, the duty to provide notice to
20 a person of the duty to register, as set forth in sections 16-22-105 to
21 16-22-107, applies to juvenile parole and probation officers and
22 appropriate personnel of the division of youth services in the department
23 of human services.

24 (5) (a) Notwithstanding any provision of this article 22 to the
25 contrary, if, pursuant to a motion filed by a person described in this
26 subsection (5) or on its own motion, a court determines that the
27 registration requirement specified in this section would be unfairly

1 punitive and that exempting the person from the registration requirement
2 would not pose a significant risk to the community, the court, upon
3 consideration of the totality of the circumstances, may exempt the person
4 from the registration requirements imposed pursuant to this section if:

5 (I) The person was younger than eighteen years of age at the time
6 of the commission of the offense; and

7 (II) The person has not been previously ~~charged with~~
8 ADJUDICATED OR RECEIVED A DISPOSITION FOR A SEPARATE OFFENSE
9 INVOLVING unlawful sexual behavior; and

10 (III) ~~The offense, as charged in the first petition filed with the~~
11 ~~court, is a first offense of misdemeanor unlawful sexual contact, as~~
12 ~~described in section 18-3-404; indecent exposure, as described in section~~
13 ~~18-7-302; or sexual exploitation of a child, as described in section~~
14 ~~18-6-403, and the person's conduct is limited to the elements in posting~~
15 ~~private images by a juvenile, as described in section 18-7-109 (1), or~~
16 ~~possessing private images by a juvenile, as described in section 18-7-109~~
17 ~~(2); and~~ THE PERSON WAS ADJUDICATED OR RECEIVED A DISPOSITION FOR
18 ANY OFFENSE OF UNLAWFUL SEXUAL BEHAVIOR OR ANOTHER OFFENSE,
19 THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL
20 BEHAVIOR; AND

21 (IV) The person has received a sex offender evaluation that
22 conforms with the standards developed pursuant to section 16-11.7-103
23 (4)(i) from an evaluator who meets the standards established by the sex
24 offender management board, and the evaluator recommends exempting
25 the person from the registration requirements based upon the best
26 interests of that person and the community; and

27 (IV.5) THE COURT HAS CONSIDERED A WRITTEN OR ORAL

1 STATEMENT BY THE VICTIM OF THE OFFENSE FOR WHICH THE JUVENILE
2 WOULD OTHERWISE BE REQUIRED TO REGISTER, IF PROVIDED BY THE
3 VICTIM, ON THE QUESTION OF WHETHER THE JUVENILE SHOULD BE
4 EXEMPTED FROM THE STATUTORY DUTY TO REGISTER AS A SEX OFFENDER;
5 AND

6 (V) The court makes written findings of fact specifying the
7 grounds for granting such exemption.

8 (7) IF A JUVENILE HAS BEEN EXEMPTED FROM THE DUTY TO
9 REGISTER PURSUANT TO SUBSECTION (5) OF THIS SECTION BUT, PRIOR TO
10 THE TERMINATION OF THE JUVENILE'S SENTENCE FOR THE OFFENSE THAT
11 TRIGGERED THE DUTY TO REGISTER, THE MULTIDISCIPLINARY TEAM
12 DISCOVERS ADDITIONAL INFORMATION THAT WAS NOT KNOWN AT THE
13 TIME THE EXEMPTION WAS GRANTED THAT CAUSES ANY MEMBER OF THE
14 MULTIDISCIPLINARY TEAM TO BELIEVE THE COURT SHOULD REQUIRE SEX
15 OFFENDER REGISTRATION PURSUANT TO THIS SECTION, THE JUVENILE'S
16 SUPERVISING OFFICER SHALL NOTIFY THE PROSECUTING ATTORNEY. THE
17 PROSECUTING ATTORNEY SHALL ADVISE THE VICTIM OF THE OFFENSE AND
18 MAY THEN FILE A MOTION TO RECONSIDER THE ORDER EXEMPTING THE
19 JUVENILE FROM THE DUTY TO REGISTER AS A SEX OFFENDER. THE MOTION
20 MUST INCLUDE THE ADDITIONAL INFORMATION DISCOVERED.

21 (8) IF A JUVENILE HAS BEEN REQUIRED TO REGISTER PURSUANT TO
22 THIS SECTION BUT, PRIOR TO THE TERMINATION OF THE JUVENILE'S
23 SENTENCE FOR THE OFFENSE THAT TRIGGERED THE DUTY TO REGISTER,
24 THE JUVENILE CAN PROVIDE ADDITIONAL INFORMATION TO THE COURT
25 THAT WAS NOT KNOWN AT THE TIME REGISTRATION WAS REQUIRED AND
26 IS RELEVANT TO THE FINDINGS REQUIRED TO DETERMINE AN EXEMPTION
27 PURSUANT TO THIS SECTION, THE JUVENILE MAY FILE A MOTION TO

1 RECONSIDER THE ORDER REQUIRING THE JUVENILE TO REGISTER AS A SEX
2 OFFENDER. THE MOTION MUST INCLUDE THE ADDITIONAL INFORMATION,
3 AND A COPY OF THE MOTION MUST BE PROVIDED TO THE DISTRICT
4 ATTORNEY AND THE JUVENILE'S SUPERVISING OFFICER PRIOR TO ANY
5 HEARING. THE DISTRICT ATTORNEY SHALL PROVIDE NOTICE TO THE VICTIM
6 OF THE OFFENSE. THE DISTRICT ATTORNEY, THE MULTIDISCIPLINARY
7 TEAM, AND THE VICTIM MUST BE PROVIDED THE OPPORTUNITY TO BE
8 HEARD AT THE HEARING. A NEW MOTION SEEKING RECONSIDERATION OF
9 A COURT'S ORDER TO REGISTER MAY NOT BE FILED MORE THAN ONCE IN A
10 SIX-MONTH PERIOD.

11 **SECTION 3.** In Colorado Revised Statutes, 16-22-109, **amend**
12 (4) as follows:

13 **16-22-109. Registration forms - local law enforcement agencies**
14 **- duties.** (4) The forms completed by persons required to register
15 pursuant to this ~~article shall be~~ ARTICLE 22 ARE confidential and ~~shall not~~
16 ~~be~~ ARE NOT open to inspection by the public or any person other than law
17 enforcement personnel, except as provided in sections 16-22-110 (6),
18 16-22-111, and 16-22-112, and ~~section~~ 25-1-124.5. ~~C.R.S.~~

19 **SECTION 4.** In Colorado Revised Statutes, 16-22-110, **amend**
20 (6); and **add** (10) as follows:

21 **16-22-110. Colorado sex offender registry - creation -**
22 **maintenance - release of information - data collection.** (6) (a) The
23 general assembly ~~hereby~~ recognizes the need to balance the expectations
24 of persons convicted of offenses involving unlawful sexual behavior and
25 the public's need to adequately protect themselves and their children from
26 these persons, as expressed in section 16-22-112 (1). The general
27 assembly declares, however, that, in making information concerning

1 persons convicted of offenses involving unlawful sexual behavior
2 available to the public, it is not the general assembly's intent that the
3 information be used to inflict retribution or additional punishment on any
4 person convicted of unlawful sexual behavior or of another offense, the
5 underlying factual basis of which involves unlawful sexual behavior.

6 (b) Pursuant to a request for a criminal history RECORD check
7 ~~under~~ PURSUANT TO the provisions of part 3 of article 72 of title 24,
8 ~~C.R.S.~~ UNLESS THE PERSON WHO IS THE SUBJECT OF THE CRIMINAL
9 HISTORY RECORD CHECK WAS REQUIRED TO REGISTER SOLELY BECAUSE
10 THE PERSON WAS ADJUDICATED OR RECEIVED A DISPOSITION AS A
11 JUVENILE, the CBI may inform the requesting party as to whether the
12 person who is the subject of the criminal history check is on the sex
13 offender registry. IF SUCH PERSON IS ON THE SEX OFFENDER REGISTRY
14 SOLELY AS A RESULT OF BEING ADJUDICATED OR RECEIVING A DISPOSITION
15 AS A JUVENILE, THE CBI SHALL NOT RELEASE SUCH INFORMATION TO A
16 PERSON OTHER THAN LAW ENFORCEMENT, PROBATION AND PAROLE
17 PERSONNEL, THE DIVISION OF CHILD WELFARE, OR THE VICTIM, AS DEFINED
18 IN SECTION 24-4.1-302 (5).

19 (c) A person may request from the CBI a list of persons on the sex
20 offender registry. THE LIST MUST NOT INCLUDE PERSONS WHO ARE ON THE
21 LIST SOLELY FOR HAVING BEEN ADJUDICATED OR RECEIVED DISPOSITIONS
22 AS JUVENILES.

23 (d) (Deleted by amendment, L. 2005, p. 611, § 1, effective May
24 27, 2005.)

25 (e) Any person requesting information pursuant to ~~paragraph (c)~~
26 ~~of this subsection (6)~~ SUBSECTION (6)(c) OF THIS SECTION shall show
27 proper identification.

1 (f) IF information IS released pursuant to this subsection (6), IT
2 MUST, at a minimum, ~~shall~~ include the name, address or addresses, and
3 aliases of the registrant; the registrant's date of birth; a photograph of the
4 registrant, if requested and readily available; ~~and the conviction~~ OFFENSE
5 THAT LED TO THE REGISTRATION REQUIREMENT; AND THE DATE OF THE
6 OFFENSE resulting in the registrant being required to register pursuant to
7 this ~~article~~ ARTICLE 22. Information concerning victims ~~shall~~ MUST not be
8 released pursuant to this section.

9 (g) NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION (6)
10 TO THE CONTRARY, CBI MAY RELEASE INFORMATION, AS DESCRIBED IN
11 SUBSECTION (6)(i) OF THIS SECTION, ABOUT THE PERSON REGISTERED AS
12 A RESULT OF BEING ADJUDICATED OR RECEIVING A DISPOSITION AS A
13 JUVENILE IF A PERSON, OTHER THAN THE VICTIM, SUBMITS A REQUEST TO
14 THE CBI FOR THE REGISTRY RECORD OF A NAMED PERSON WHO WAS
15 ADJUDICATED OR RECEIVED A DISPOSITION AS A JUVENILE, AND THE
16 REQUESTING PERSON AFFIRMS IN WRITING THAT THE REQUESTED RECORD
17 SHALL NOT BE:

- 18 (I) PLACED IN PUBLICATION OR POSTED TO A WEBSITE;
19 (II) USED FOR THE PURPOSE OF OBTAINING A PECUNIARY GAIN OR
20 FINANCIAL BENEFIT FOR ANY PERSON OR ENTITY; OR
21 (III) USED OR DISSEMINATED IN ANY MANNER WITH THE INTENT TO
22 HARASS, INTIMIDATE, COERCE, OR CAUSE SERIOUS EMOTIONAL DISTRESS
23 TO ANY PERSON, INCLUDING THE NAMED PERSON.

24 (h) IN ADDITION TO THE WRITTEN AFFIRMATION REQUIRED BY
25 SUBSECTION (6)(g) OF THIS SECTION, THE PERSON REQUESTING
26 INFORMATION SHALL AFFIRM IN WRITING THAT HE OR SHE HAS A NEED FOR
27 THE SEX OFFENDER INFORMATION CONCERNING THE PERSON WHO WAS

1 ADJUDICATED OR RECEIVED A DISPOSITION AS A JUVENILE AND DESCRIBES
2 THAT NEED IN WRITING.

3 (i) UPON RECEIPT OF THE WRITTEN AFFIRMATIONS REQUIRED BY
4 SUBSECTIONS (6)(g) AND (6)(h) OF THIS SECTION, THE CBI SHALL RELEASE
5 TO THE REQUESTING PERSON THE REGISTRY RECORD THAT IS LIMITED TO
6 INCLUDE ONLY THE PERSON'S REGISTRATION STATUS, FULL NAME, ALIASES,
7 DATE OF BIRTH, AND CURRENT ADDRESS OR ADDRESSES; A PHOTOGRAPH
8 OF THE REGISTRANT, IF REQUESTED AND READILY AVAILABLE; THE
9 OFFENSE THAT LED TO THE REGISTRATION; AND THE DATE OF THE OFFENSE
10 AS SUCH INFORMATION CONCERNS THE PERSON WHO WAS ADJUDICATED OR
11 RECEIVED A DISPOSITION AS A JUVENILE. INFORMATION CONCERNING
12 VICTIMS MUST NOT BE RELEASED PURSUANT TO THIS SECTION.

13 (j) A PERSON WHO VIOLATES THE PROVISIONS OF THIS SUBSECTION
14 (6) OR WHO SUBMITS A FALSE STATEMENT TO THE CBI TO OBTAIN
15 INFORMATION PURSUANT TO THE PROVISIONS OF THIS SUBSECTION (6)
16 COMMITS AN UNCLASSIFIED MISDEMEANOR AND SHALL BE PUNISHED BY A
17 FINE OF UP TO ONE THOUSAND DOLLARS FOR EACH VIOLATION.

18 (k) NOTHING IN THIS SUBSECTION (6) LIMITS THE VICTIM'S ACCESS
19 TO INFORMATION PURSUANT TO SECTION 24-4.1-302.5.

20 (10) ON OR BEFORE JULY 1, 2021, AND EVERY JULY 1 THEREAFTER,
21 THE CBI SHALL PREPARE A REPORT THAT DETAILS THE NUMBER OF
22 REQUESTS FOR SEX OFFENDER REGISTRATION INFORMATION FOR JUVENILES
23 RECEIVED ANNUALLY PURSUANT TO SUBSECTION (6) OF THIS SECTION AS
24 WELL AS THE NUMBER OF TIMES SUCH INFORMATION WAS RELEASED. THE
25 CBI SHALL INCLUDE THE REPORT AS A PART OF ITS PRESENTATION TO ITS
26 COMMITTEE OF REFERENCE AT A HEARING HELD PURSUANT TO SECTION
27 2-7-203 OF THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE,

1 AND TRANSPARENT (SMART) GOVERNMENT ACT".

2 **SECTION 5.** In Colorado Revised Statutes, 16-22-111, **amend**
3 (1) introductory portion as follows:

4 **16-22-111. Internet posting of sex offenders - procedure.**

5 (1) The CBI shall post a link on the state of Colorado home page on the
6 internet to a list containing the names, addresses, and physical
7 descriptions of certain persons and descriptions of the offenses committed
8 by said persons. A person's physical description ~~shall~~ MUST include, but
9 need not be limited to, the person's sex, height, and weight, any
10 identifying characteristics of the person, and a digitized photograph or
11 image of the person. The list ~~shall~~ MUST specifically exclude any
12 reference to any victims of the offenses. The list ~~shall~~ MUST SPECIFICALLY
13 EXCLUDE PERSONS WHO ARE REQUIRED TO REGISTER SOLELY BECAUSE
14 THEY WERE ADJUDICATED OR RECEIVED DISPOSITIONS AS JUVENILES BUT
15 MUST include the following persons:

16 **SECTION 6.** In Colorado Revised Statutes, 16-22-112, **amend**
17 (2)(a), (2)(b)(I), and (3)(b); and **repeal** (2)(b)(III) and (2)(b)(IV) as
18 follows:

19 **16-22-112. Release of information - law enforcement agencies.**

20 (2) (a) A local law enforcement agency shall release information
21 regarding any person, EXCEPT FOR A PERSON WHO IS REQUIRED TO
22 REGISTER SOLELY BECAUSE THE PERSON WAS ADJUDICATED OR RECEIVED
23 A DISPOSITION AS A JUVENILE, registered with the local law enforcement
24 agency pursuant to this ~~article~~ ARTICLE 22 to any person residing within
25 the local law enforcement agency's jurisdiction. In addition, the local law
26 enforcement agency may post the information specified in ~~paragraph (b)~~
27 ~~of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION on the law

1 enforcement agency's website.

2 (b) A local law enforcement agency may post on its website sex
3 offender registration information of a person from its registration list only
4 if the person is:

5 (I) An adult convicted of a felony requiring the adult to register
6 pursuant to section 16-22-103; OR

7 (III) ~~A juvenile with a second or subsequent adjudication~~
8 ~~involving unlawful sexual behavior or for a crime of violence as defined~~
9 ~~in section 18-1.3-406, C.R.S.; or~~

10 (IV) ~~A juvenile who is required to register pursuant to section~~
11 ~~16-22-103 because he or she was adjudicated for an offense that would~~
12 ~~have been a felony if committed by an adult and has failed to register as~~
13 ~~required by section 16-22-103.~~

14 (3) (b) At its discretion, a local law enforcement agency may
15 release information regarding any person, EXCEPT FOR A PERSON WHO IS
16 REQUIRED TO REGISTER SOLELY BECAUSE THE PERSON WAS ADJUDICATED
17 OR RECEIVED A DISPOSITION AS A JUVENILE, registered with the local law
18 enforcement agency pursuant to this ~~article~~ ARTICLE 22 to any person who
19 does not reside within the local law enforcement agency's jurisdiction or
20 may post the information specified in ~~paragraph (b) of subsection (2)~~
21 SUBSECTION (2)(b) of this section on the law enforcement agency's
22 website. If a local law enforcement agency does not elect to release
23 information regarding any person registered with the local law
24 enforcement agency to a person not residing within the local law
25 enforcement agency's jurisdiction, the local law enforcement agency may
26 submit a request from the person to the CBI.

27 **SECTION 7.** In Colorado Revised Statutes, 16-22-113, **amend**

1 (1)(e), (1.3)(b)(I), (3) introductory portion, and (3)(c) as follows:

2 **16-22-113. Petition for removal from registry - mandatory**
3 **hearing for discontinuation and removal.** (1) Except as otherwise
4 provided in subsection (3) of this section, any person required to register
5 pursuant to section 16-22-103 or whose information is required to be
6 posted on the internet pursuant to section 16-22-111 may file a petition
7 with the court that issued the order of judgment for the conviction that
8 requires the person to register for an order to discontinue the requirement
9 for such registration or internet posting, or both, as follows:

10 (e) Except as otherwise provided in ~~subparagraph (H) of~~
11 ~~paragraph (b) of subsection (1.3)~~ SUBSECTION (1.3)(b)(II) of this section,
12 if the person was younger than eighteen years of age at the time of
13 commission of the offense, after the successful completion of and
14 discharge from a juvenile sentence or disposition, and if the person prior
15 to such time has not been subsequently convicted ~~or has~~ AS AN ADULT OF
16 UNLAWFUL SEXUAL BEHAVIOR, OR FOR ANY OTHER OFFENSE, THE
17 UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL
18 BEHAVIOR, OR DOES NOT HAVE a pending prosecution for unlawful sexual
19 behavior AS AN ADULT or for any other offense, the underlying factual
20 basis of which involved unlawful sexual behavior, and the court did not
21 issue an order either continuing the duty to register or discontinuing the
22 duty to register pursuant to ~~paragraph (b) of subsection (1.3)~~ SUBSECTION
23 (1.3)(b) of this section. Any person petitioning pursuant to this ~~paragraph~~
24 ~~(e)~~ SUBSECTION (1)(e) may also petition for an order removing his or her
25 name from the sex offender registry. In determining whether to grant the
26 order, the court shall consider whether the person is likely to commit a
27 subsequent offense of or involving unlawful sexual behavior. The court

1 shall base its determination on recommendations from the person's
2 probation or community parole officer, the person's treatment provider,
3 and the prosecuting attorney for the jurisdiction in which the person was
4 tried and on the recommendations included in the person's presentence
5 investigation report. In addition, the court shall consider any written or
6 oral testimony submitted by the victim of the offense for which the
7 petitioner was required to register. Notwithstanding the provisions of this
8 subsection (1), a juvenile who files a petition pursuant to this section may
9 file the petition with the court to which venue is transferred pursuant to
10 section 19-2-105, ~~C.R.S.~~, if any.

11 (1.3) (b) (I) If a PERSON ADJUDICATED OR WHO RECEIVED A
12 DISPOSITION AS A juvenile is ~~eligible to petition to discontinue his or her~~
13 ~~duty to register pursuant to paragraph (c) of subsection (1) of this section~~
14 REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103, the court, at
15 least sixty-three days ~~before discharging~~ PRIOR TO THE END OF the
16 juvenile's sentence, shall notify each of the parties described in ~~paragraph~~
17 ~~(a) of subsection (2)~~ SUBSECTION (2)(a) of this section, the juvenile, and
18 the victim of the offense for which the juvenile was required to register,
19 if the victim has requested notice and has provided current contact
20 information, that the court shall consider whether to order that the
21 juvenile may discontinue his or her duty to register when the court
22 discharges the juvenile's sentence. The court shall set the matter for
23 hearing if ~~any of the parties described in paragraph (a) of subsection (2)~~
24 ~~of this section or the~~ ANY DISTRICT ATTORNEY OR A victim of the offense
25 objects, or if the juvenile requests a hearing. ~~and shall~~ IF AN OBJECTION
26 IS NOT FILED WITHIN THIRTY-FIVE DAYS AFTER RECEIPT OF THE NOTICE,
27 THE COURT SHALL, AT LEAST FOURTEEN DAYS PRIOR TO THE END OF THE

1 JUVENILE'S SENTENCE, EITHER ISSUE AN ORDER, AFTER DETERMINATION
2 THAT THE JUVENILE IS ELIGIBLE TO DISCONTINUE REGISTRATION PURSUANT
3 TO SUBSECTION (1)(e) OF THIS SECTION AND A REVIEW OF THE RELEVANT
4 CRITERIA THAT DISCONTINUES THE JUVENILE'S DUTY TO REGISTER, OR SET
5 THE MATTER FOR A HEARING TO DETERMINE IF THE JUVENILE'S DUTY TO
6 REGISTER CONTINUES. AT ANY HEARING, THE COURT SHALL DETERMINE
7 WHETHER THE JUVENILE IS ELIGIBLE TO DISCONTINUE REGISTRATION
8 PURSUANT TO SUBSECTION (1)(e) OF THIS SECTION AND, IF ELIGIBLE,
9 consider the criteria in ~~paragraph (c) of subsection (1)~~ SUBSECTION (1)(e)
10 of this section in determining whether to continue or discontinue the duty
11 to register. If the court enters an order discontinuing the juvenile's duty
12 to register, the ~~department of human services~~ COURT shall send a copy of
13 the order to each local law enforcement agency with which the juvenile
14 is registered, the juvenile parole board, and to the CBI. If the victim of the
15 offense has requested notice, the court shall notify the victim of its
16 decision either to continue or discontinue the juvenile's duty to register.

17 (3) The following persons are not eligible for relief pursuant to
18 this section, but ~~shall be~~ ARE subject for the remainder of their natural
19 lives to the registration requirements specified in this article 22 or to the
20 comparable requirements of any other jurisdictions in which they may
21 reside:

22 (c) Any adult who has more than one conviction ~~or adjudication~~
23 AS AN ADULT for unlawful sexual behavior OR ANY OTHER OFFENSE, THE
24 UNDERLYING FACTUAL BASIS OF WHICH IS UNLAWFUL SEXUAL BEHAVIOR
25 PURSUANT TO SECTION 16-22-103 (2), in this state or any other
26 jurisdiction, OR HAS A CONVICTION AS AN ADULT AND ONE OR MORE
27 ADJUDICATIONS AS A JUVENILE FOR UNLAWFUL SEXUAL BEHAVIOR OR FOR

1 ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH IS
2 UNLAWFUL SEXUAL BEHAVIOR PURSUANT TO SECTION 16-22-103 (2), IN
3 THIS STATE OR ANY OTHER JURISDICTION.

4 **SECTION 8.** In Colorado Revised Statutes, 24-4.1-302, **amend**
5 (2)(r) as follows:

6 **24-4.1-302. Definitions.** As used in this part 3, and for no other
7 purpose, including the expansion of the rights of any defendant:

8 (2) "Critical stages" means the following stages of the criminal
9 justice process:

10 (r) Any petition ~~by a sex offender to terminate sex offender~~
11 ~~registration~~ OR MOTION TO TERMINATE SEX OFFENDER REGISTRATION
12 FILED PURSUANT TO SECTION 16-22-113;

13 **SECTION 9.** In Colorado Revised Statutes, 24-4.1-302.5, **amend**
14 (1)(b.7) as follows:

15 **24-4.1-302.5. Rights afforded to victims - definitions.** (1) In
16 order to preserve and protect a victim's rights to justice and due process,
17 each victim of a crime has the following rights:

18 (b.7) For a victim of a sex offense, the right to be informed of the
19 filing of ~~a petition by the perpetrator of the offense~~ ANY PETITION OR
20 MOTION FILED to terminate sex offender registration pursuant to ~~section~~
21 ~~16-22-113 (2) and (2.5)~~ SECTION 16-22-103 (5), 16-22-103 (8), 16-22-113
22 (2), OR 16-22-113 (2.5);

23 **SECTION 10.** In Colorado Revised Statutes, 24-4.1-303, **amend**
24 (14.7)(b) as follows:

25 **24-4.1-303. Procedures for ensuring rights of victims of**
26 **crimes.** (14.7) (b) The court shall notify the victim of petitions OR
27 MOTIONS filed ~~by sex offenders~~ to cease sex offender registration

1 pursuant to ~~section 16-22-113 (2) and (2.5)~~ SECTION 16-22-103 (5),
2 16-22-103 (8), 16-22-113 (2), OR 16-22-113 (2.5).

3 **SECTION 11. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2020 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.