

CHAPTER 173

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 00-1232

BY REPRESENTATIVES Stengel, Lee, Pfiffner, Clapp, Decker, Fairbank, Kaufman, Larson, Mitchell, Sinclair, Spence, Coleman, Gagliardi, Hefley, Lawrence, McElhany, Spradley, Vigil, Young, and Zimmerman;
also SENATORS Sullivant, Epps, Evans, Hernandez, Lamborn, and Powers.

AN ACT

CONCERNING THE CREATION OF A DATABASE ON THE INTERNET TO PROVIDE INFORMATION ABOUT PERSONS CONVICTED OF UNLAWFUL SEXUAL BEHAVIOR, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 18-3-412.5 (3.5), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

18-3-412.5. Sex offenders - duty to register - penalties. (3.5) (e) THE COLORADO BUREAU OF INVESTIGATION SHALL POST A LINK ON THE STATE OF COLORADO HOMEPAGE ON THE INTERNET TO A LIST CONTAINING THE NAME, ADDRESS, PLACE OF EMPLOYMENT, AND PHYSICAL DESCRIPTION, INCLUDING BUT NOT LIMITED TO SEX, HEIGHT, WEIGHT, AND ANY IDENTIFYING CHARACTERISTICS OF, AND A DIGITIZED PHOTOGRAPH OR IMAGE OF, AND A DESCRIPTION OF THE OFFENSE OR OFFENSES COMMITTED BY, EACH OF THE FOLLOWING PERSONS:

(I) ANY PERSON REQUIRED TO REGISTER PURSUANT TO THIS SUBSECTION (3.5); AND

(II) ANY PERSON SENTENCED AS OR FOUND TO BE AN OFFENDER UNDER THE LAWS OF ANOTHER STATE OR JURISDICTION THAT ARE COMPARABLE TO SECTION 18-3-414.5.

(f) THE DISCLOSURE REQUIRED BY PARAGRAPH (e) OF THIS SUBSECTION (3.5) SHALL BE IN ADDITION TO ANY OTHER RELEASE OF INFORMATION AUTHORIZED PURSUANT TO THIS SECTION OR PURSUANT TO PART 9 OF ARTICLE 13 OF TITLE 16, C.R.S.

SECTION 2. 18-3-412.5 (2) (a) (I), Colorado Revised Statutes, is amended to read:

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

18-3-412.5. Sex offenders - duty to register - penalties. (2) (a) (I) Probation and parole officers, appropriate county jail personnel, and appropriate personnel with the department of corrections and the department of human services shall require any offender described in subsection (1) of this section who is under their jurisdiction to sign a notice that informs the offender of the duty to register with local law enforcement agencies in accordance with this section. FOR ANY OFFENDER DESCRIBED IN PARAGRAPH (e) OF SUBSECTION (3.5) OF THIS SECTION, THE NOTICE SHALL ALSO INFORM THE OFFENDER THAT, AT THE TIME THE OFFENDER REGISTERS, HE OR SHE MUST SIT FOR A CURRENT PHOTOGRAPH OR IMAGE.

SECTION 3. 18-3-412.5 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

18-3-412.5. Sex offenders - duty to register - penalties. (3) (e) ANY PERSON DESCRIBED IN PARAGRAPH (e) OF SUBSECTION (3.5) OF THIS SECTION SHALL BE REQUIRED, AT THE TIME THAT THE PERSON REGISTERS PURSUANT TO SUBSECTION (3.5) OF THIS SECTION OR THIS SUBSECTION (3), TO SIT FOR A CURRENT PHOTOGRAPH OR IMAGE OF HIMSELF OR HERSELF. AT THE TIME THAT THE PERSON SITS FOR THE PHOTOGRAPH OR IMAGE, THE PERSON SHALL ALSO SUPPLY A SET OF FINGERPRINTS TO VERIFY THE PERSON'S IDENTITY. THE PERSON SHALL BEAR THE COST OF THE PHOTOGRAPH OR IMAGE AND FINGERPRINTS.

SECTION 4. 18-3-412.5 (4) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

18-3-412.5. Sex offenders - duty to register - penalties. (4) (a) Any person who is required to register pursuant to subsection (1) or (3.5) of this section and who commits any of the acts specified in this paragraph (a) commits the offense of failure to register as a sex offender:

(VI) FAILURE TO SIT FOR A CURRENT PHOTOGRAPH OR IMAGE PURSUANT TO PARAGRAPH (e) OF SUBSECTION (3) OF THIS SECTION.

SECTION 5. 18-3-412.5 (6) (b), Colorado Revised Statutes, is amended to read:

18-3-412.5. Sex offenders - duty to register - penalties. (6) (b) The forms completed by persons required to register pursuant to this section shall be confidential and shall not be open to inspection by the public or any person other than a law enforcement agency, except as provided in paragraph (b.5) of this subsection (6) and ~~subsections~~ SUBSECTIONS (3.5), (6.5), and (6.7) of this section.

SECTION 6. Appropriation - adjustment in 2000 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public safety, for the fiscal year beginning July 1, 2000, the sum of eighty-seven thousand six hundred fifty dollars (\$87,650), or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 2000, shall be adjusted as

follows:

(a) The general fund appropriation to the capital construction fund outlined in section 3 (1) (f) is reduced by eighty-seven thousand six hundred fifty dollars (\$87,650).

(b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by eighty-seven thousand six hundred fifty dollars (\$87,650).

SECTION 7. 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.

Approved: May 23, 2000