

CHAPTER 78

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 00-1239

BY REPRESENTATIVES Pfiffner, Alexander, Allen, Clapp, Coleman, Dean, Fairbank, Gagliardi, Hagedorn, Hefley, Hoppe, King, Lawrence, Lee, McKay, Mitchell, Spence, Spradley, Stengel, S. Williams, and Young;
also SENATORS Arnold, Epps, Lamborn, Powers, and Tebedo.

AN ACT

CONCERNING SEX OFFENDERS.

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

SECTION 1. 18-3-412 (2), Colorado Revised Statutes, is amended to read:

18-3-412. Habitual sex offenders against children - indictment or information - verdict of the jury. (2) Every person convicted in this state of an unlawful sexual offense who has been previously convicted upon charges prior to the commission of the present act, which were separately brought, either in this state or elsewhere, of an unlawful sexual offense or who has been previously convicted under the laws of any other state, the United States, or any territory subject to the jurisdiction of the United States of an unlawful act ~~which~~, THAT, if committed within this state, would be an unlawful sexual offense shall be adjudged an habitual sex offender against children. If the second or subsequent unlawful sexual offense for which a defendant is convicted constitutes a felony, the sentence imposed shall not be less than THREE TIMES the upper limit of the presumptive range for that class felony as set out in section 18-1-105. If the second or subsequent unlawful sexual offense for which a defendant is convicted constitutes a misdemeanor, the sentence imposed shall not be less than THREE TIMES the maximum sentence for that class misdemeanor as set out in section 18-1-106.

SECTION 2. 16-13-804 (1) (c), Colorado Revised Statutes, is amended to read:

16-13-804. Indeterminate sentence. (1) (c) If the sex offender committed a sex offense that makes him or her eligible for sentencing as a AN habitual sex offender against children pursuant to section 18-3-412, C.R.S., the district court shall sentence the sex offender to the custody of the department for an indeterminate term of at least

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

THREE TIMES the upper limit of the presumptive range for the level of offense committed and a maximum of the sex offender's natural life.

SECTION 3. 18-3-412.5 (6.5) (b), Colorado Revised Statutes, is amended to read:

18-3-412.5. Sex offenders - duty to register - penalties. (6.5) (b) ~~When necessary for public protection;~~ A local law enforcement agency shall release information regarding any person registered with the local law enforcement agency pursuant to this section to any person residing within the local law enforcement agency's jurisdiction. Any person requesting information pursuant to this paragraph (b) shall show proper identification or other proof of residence.

SECTION 4. Exception to the requirements of section 2-2-703, Colorado Revised Statutes. The general assembly hereby finds that the amendments to section 18-3-412 (2), Colorado Revised Statutes, and section 16-13-804 (1) (c), Colorado Revised Statutes, enacted in this act will not result in increased capital construction costs or increased operating costs for a period of approximately seventeen years. Because of the extensive period of time prior to any increase in costs, these amendments to section 18-3-412 (2), Colorado Revised Statutes, and section 16-13-804 (1) (c), Colorado Revised Statutes, are an exception to the five-year appropriation requirements specified in section 2-2-703, Colorado Revised Statutes.

SECTION 5. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to offenses committed on or after the applicable effective date of this act.

Approved: March 30, 2000