

CHAPTER 57

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 07-1171

BY REPRESENTATIVE(S) Green, Gagliardi, Kerr A., Labuda, Madden, Summers, Todd, Borodkin, Carroll M., and Carroll T.;
also SENATOR(S) Tupa, and Ward.

AN ACT**CONCERNING PRESENTENCE REPORTS FOR SEX OFFENDERS.**

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

SECTION 1. 16-11-102 (1) (b), Colorado Revised Statutes, is amended to read:

16-11-102. Presentence or probation investigation. (1) (b) ~~Any~~ EACH presentence report prepared regarding ~~any~~ A sex offender, as defined in section 16-11.7-102 (2), with respect to any offense committed on or after January 1, 1996, shall contain the results of an evaluation and identification conducted pursuant to article 11.7 of this title. IN ADDITION, THE PRESENTENCE REPORT SHALL INCLUDE, WHEN APPROPRIATE AS PROVIDED IN SECTION 18-3-414.5, C.R.S., THE RESULTS OF THE RISK ASSESSMENT SCREENING INSTRUMENT DEVELOPED PURSUANT TO SECTION 16-11.7-103 (4) (c.5). NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (4) OF THIS SECTION, A PRESENTENCE REPORT SHALL BE PREPARED FOR EACH PERSON CONVICTED AS A SEX OFFENDER, AND THE COURT MAY NOT DISPENSE WITH THE PRESENTENCE EVALUATION, RISK ASSESSMENT, AND REPORT UNLESS SUCH A REPORT HAS BEEN COMPLETED WITHIN THE LAST SIX MONTHS AND THERE HAS BEEN NO MATERIAL CHANGE THAT WOULD AFFECT THE REPORT IN THE PAST SIX MONTHS.

SECTION 2. 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: March 26, 2007

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