

HOUSE COMMITTEE OF REFERENCE AMENDMENT  
Committee on Judiciary.

HB21-1320 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3       **"SECTION 1.** In Colorado Revised Statutes, **amend** 16-11.7-101  
4 as follows:

5       **16-11.7-101. Legislative declaration.** (1) The general assembly  
6 finds that, to protect the public and to work toward the elimination of  
7 sexual offenses, it is necessary to comprehensively evaluate, **identify**,  
8 treat, manage, and monitor ~~adult sex offenders~~ ADULTS WHO HAVE  
9 COMMITTED A sexual OFFENSE who are subject to ~~the~~ COMMUNITY  
10 supervision of the criminal justice system and juveniles who have  
11 committed A sexual ~~offenses~~ OFFENSE who are subject to the supervision  
12 of the juvenile justice system.

13       (2) Therefore, the general assembly declares that it is necessary to  
14 ~~create~~ ADOPT a program that establishes evidence-based standards for the  
15 evaluation, ~~identification~~, treatment, management, and monitoring of  
16 ~~adult sex offenders~~ ADULTS and juveniles who have committed A sexual  
17 ~~offenses at each stage~~ OFFENSE AT VARIOUS STAGES of the criminal or  
18 juvenile justice system to prevent ~~offenders~~ THEM from reoffending and  
19 enhance the protection of victims and potential victims. The general  
20 assembly does not intend to imply that all ~~offenders~~ ADULTS OR  
21 JUVENILES WHO HAVE COMMITTED A SEXUAL OFFENSE can or will  
22 positively respond to treatment.

23       **SECTION 2.** In Colorado Revised Statutes, 16-11.7-102, **amend**  
24 (1), (1.3), (2)(a) introductory portion, (2)(a)(IV), (3) introductory portion,  
25 and (4); and **add** (5) as follows:

26       **16-11.7-102. Definitions.** As used in this article 11.7, unless the  
27 context otherwise requires:

28       (1) "**Adult sex offender** WHO HAS COMMITTED A SEXUAL OFFENSE"  
29 means a person who has been convicted, as described in ~~subparagraphs~~  
30 ~~(I) to (III) of paragraph (a) of subsection (2) of this section~~ SUBSECTION  
31 (2)(a)(I) TO (2)(a)(III) OF THIS SECTION, of a ~~sex~~ SEXUAL offense.

32       (1.3) "**Board**" means the sex offender management board created  
33 in section 16-11.7-103 OR, AFTER SEPTEMBER 1, 2022, THE SEXUAL  
34 OFFENSE MANAGEMENT BOARD CREATED IN SECTION 16-11.7-103.5.

35       (2) (a) "~~Sex offender~~ "PERSON WHO HAS COMMITTED A SEXUAL  
36 OFFENSE" means any person who is:

37           (IV) A juvenile who has committed a sexual offense.

38           (3) "~~Sex~~ "SEXUAL offense" means any felony or misdemeanor  
39 offense described in this subsection (3) as follows:

40           (4) "Treatment" means therapy, monitoring, and supervision of any

1 ~~sex offender which~~ ADULT OR JUVENILE WHO HAS COMMITTED A SEXUAL  
2 OFFENSE THAT conforms to the standards ~~created~~ ADOPTED by the board  
3 pursuant to section 16-11.7-103.

4 (5) "TREATMENT PROVIDER" MEANS A PERSON APPROVED TO  
5 PROVIDE SEX-OFFENSE-SPECIFIC MENTAL HEALTH TREATMENT PURSUANT  
6 TO SECTION 16-11.7-106. A POLYGRAPH EXAMINER IS NOT A TREATMENT  
7 PROVIDER UNLESS ALSO APPROVED TO PROVIDE SUCH MENTAL HEALTH  
8 TREATMENT.

9 **SECTION 3.** In Colorado Revised Statutes, **amend** 16-11.7-103  
10 as follows:

11 **16-11.7-103. Sex offender management board - creation -**  
12 **duties - repeal.** (1) There is ~~hereby~~ created in the department of public  
13 safety a sex offender management board that consists of twenty-five  
14 members. The membership of the board must reflect, to the extent  
15 possible, representation of urban and rural areas of the state, PERSONS  
16 WITH DISABILITIES, and a balance of expertise in adult and juvenile issues  
17 relating to persons who commit ~~sex offenses~~ A SEXUAL OFFENSE. The  
18 membership of the board consists of the following persons who are  
19 appointed as follows:

20 (a) The chief justice of the supreme court shall appoint three  
21 members as follows:

22 (I) One member who represents the judicial department;  
23 (II) One member who is a district court judge; and  
24 (III) One member who is a juvenile court judge or juvenile court  
25 magistrate;

26 (b) The executive director of the department of corrections shall  
27 appoint one member who represents the department of corrections;

28 (c) The executive director of the department of human services  
29 shall appoint three members as follows:

30 (I) One member who represents the department of human services  
31 and who has recognizable expertise in child welfare and case  
32 management;

33 (II) One member who represents the division of youth services in  
34 the department of human services; and

35 (III) One member who is a provider of out-of-home placement  
36 services with recognizable expertise in providing services to juveniles  
37 who have committed A sexual ~~offenses~~ OFFENSE;

38 (d) The executive director of the department of public safety shall  
39 appoint sixteen members as follows:

40 (I) One member who represents the division of criminal justice in  
41 the department of public safety;

42 (II) Two members who are licensed mental health professionals  
43 with recognizable expertise in the treatment of ~~adult sex offenders~~

1       ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE;

2           (III) Two members who are licensed mental health professionals  
3       with recognizable expertise in the treatment of juveniles who have  
4       committed ~~sexual offenses~~ A SEXUAL OFFENSE;

5           (IV) One member who is a member of a community corrections  
6       board;

7           (V) One member who is a public defender with recognizable  
8       expertise related to sexual offenses;

9           (VI) One member who represents law enforcement with  
10      recognizable expertise in addressing sexual offenses and victimization;

11           (VII) Three members who are recognized experts in the field of  
12      sexual abuse and who can represent sexual abuse victims and victims'  
13      rights organizations;

14           (VIII) One member who is a clinical polygraph examiner;

15           (IX) One member who is a private criminal defense attorney with  
16      recognizable expertise related to sexual offenses;

17           (X) One member who is a county director of human or social  
18      services, appointed after consultation with a statewide group representing  
19      counties; and

20           (XI) Two members who are county commissioners or members of  
21      the governing council for a jurisdiction that is a contiguous city and  
22      county, one of whom shall represent an urban or suburban county and one  
23      of whom shall represent a rural county, appointed after consultation with  
24      a statewide group representing counties;

25           (e) The executive director of the Colorado district attorneys'  
26      council shall appoint one member who represents the interests of  
27      prosecuting attorneys and who has recognizable expertise in prosecuting  
28      sexual offenses; and

29           (f) The commissioner of education shall appoint one member  
30      who has experience with juveniles who have committed ~~A sexual offenses~~  
31      OFFENSE and who are in the public school system.

32           (2) The members of the board shall elect presiding officers for the  
33      board, including a chair and vice-chair, from among the board members  
34      appointed pursuant to subsection (1) of this section, which presiding  
35      officers shall serve terms of two years. Board members may re-elect a  
36      presiding officer.

37           (3) Members of the board shall serve at the pleasure of the  
38      appointing authority for terms of four years; except that the member  
39      appointed pursuant to ~~subparagraph (IX) of paragraph (d) of subsection~~  
40      ~~(1) SUBSECTION (1)(d)(IX) of this section prior to July 1, 2011,~~ shall serve  
41      the term of years in effect at the time of ~~his or her~~ THE MEMBER'S  
42      appointment. The appointing authority may reappoint a member for an  
43      additional term or terms. Members of the board shall serve without

1 compensation.

2       (4) **Duties of the board.** The board shall carry out the following  
3 duties:

4       (a) **Standards for evaluation of adults who have committed a**  
5 **sexual offense.** (I) The board shall ~~develop~~ ADOPT, prescribe, and revise,  
6 as appropriate, a standard procedure to evaluate ~~and identify~~ adult ~~sex~~  
7 ~~offenders~~ ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE, including  
8 ~~adult sex offenders~~ ADULTS with AN INTELLECTUAL AND developmental  
9 ~~disabilities~~ DISABILITY. The procedures ~~shall~~ MUST provide for an  
10 evaluation ~~and identification~~ of the ~~adult sex offender~~ SUCH ADULTS and  
11 recommend management, monitoring, and treatment based upon existing  
12 research and shall incorporate the concepts of the risk-need-responsivity  
13 or another evidence-based correctional model. There is currently no way  
14 to ensure that ~~adult sex offenders~~ AN ADULT WHO HAS COMMITTED A  
15 SEXUAL OFFENSE with the propensity to commit sexual offenses will not  
16 reoffend. Because there are ~~adult sex offenders~~ ADULTS WHO HAVE  
17 COMMITTED A SEXUAL OFFENSE who can learn to manage unhealthy  
18 patterns and learn behaviors that can lessen their risk to society in the  
19 course of ongoing treatment, management, and monitoring, the board  
20 shall ~~develop~~ ADOPT a procedure for evaluating, ~~and identifying~~, on a  
21 case-by-case basis, reliably lower-risk ~~sex offenders~~ ADULTS WHO HAVE  
22 COMMITTED A SEXUAL OFFENSE whose risk to sexually reoffend may not  
23 be further reduced by participation in treatment as described in ~~paragraph~~  
24 ~~(b) of this subsection~~ (4) SUBSECTION (4)(b) OF THIS SECTION. The board  
25 shall ~~develop~~ ADOPT and implement methods of intervention for ~~adult sex~~  
26 ~~offenders which~~ ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE. The  
27 methods MUST have as a priority the physical and psychological safety of  
28 victims and potential victims and ~~which are~~ MUST BE appropriate to the  
29 assessed needs of the ~~particular offender~~ ADULT WHO COMMITTED THE  
30 SEXUAL OFFENSE, so long as there is no reduction in the safety of victims  
31 and potential victims.

32       (b) **Guidelines and standards for treatment of persons who**  
33 **have committed a sexual offense.** (I) The board shall ~~develop~~ ADOPT,  
34 implement, and revise, as appropriate, guidelines and standards to treat  
35 ~~adult sex offenders~~ ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE,  
36 including ~~adult sex offenders~~ AN ADULT with AN INTELLECTUAL AND  
37 developmental ~~disabilities~~ DISABILITY, incorporating in the guidelines and  
38 standards the concepts of the risk-need-responsivity or another  
39 evidence-based correctional model, which guidelines and standards can  
40 be used in the treatment of ~~offenders~~ INDIVIDUALS who are placed on  
41 probation, ~~incarcerated with the department of corrections~~, placed on  
42 parole, or placed in community corrections. Programs implemented  
43 pursuant to the guidelines and standards ~~developed~~ ADOPTED pursuant to

1 this subsection (4)(b) must be as flexible as possible so that the programs  
2 may be accessed by each ~~adult sex offender~~ ADULT WHO HAS COMMITTED  
3 A SEXUAL OFFENSE to prevent the offender from harming harm to victims  
4 and potential victims. Programs must include a continuing monitoring  
5 process and a continuum of treatment options available to ~~an adult sex~~  
6 ~~offender as he or she~~ AN ADULT WHO HAS COMMITTED A SEXUAL OFFENSE  
7 AS THE ADULT proceeds through the criminal justice system. Treatment  
8 options must be determined by a current risk assessment and evaluation  
9 and may include, but need not be limited to, group counseling, individual  
10 counseling, family counseling, outpatient treatment, inpatient treatment,  
11 shared living arrangements, or treatment in a therapeutic community.  
12 Programs implemented pursuant to the guidelines and standards  
13 ~~developed~~ ADOPTED pursuant to this subsection (4)(b) must, to the extent  
14 possible, be accessible to ~~all adult sex offenders~~ EVERYONE in the  
15 criminal justice system, including ~~those offenders~~ ADULTS with  
16 behavioral, mental health, and co-occurring disorders, The procedures for  
17 evaluation, identification, treatment, and monitoring developed pursuant  
18 to this subsection (4) must be implemented only to the extent that money  
19 is available in the ~~sex offender~~ surcharge fund created in section  
20 18-21-103 (3) AND, TO THE EXTENT POSSIBLE, ENSURE TREATMENT THAT  
21 IS RESPONSIVE TO THE LINGUISTIC, CULTURAL, RELIGIOUS, RACIAL, AND  
22 SEXUAL AND GENDER IDENTITY CHARACTERISTICS OF THE ADULT WHO HAS  
23 COMMITTED A SEXUAL OFFENSE.

24 (I.5) THE GUIDELINES AND STANDARDS MUST NOT REQUIRE THE  
25 TREATMENT PROVIDER OR SUPERVISING OFFICER TO USE POLYGRAPH  
26 TESTING, BUT ITS USE MAY BE PERMITTED IN CASES IN WHICH THERE IS A  
27 SPECIFIC DOCUMENTED RATIONALE BASED ON INDIVIDUAL RISK AND NEED  
28 AFTER CONSIDERATION OF HOW THE INFORMATION SOUGHT WILL INFORM  
29 TREATMENT OR SUPERVISION, THE ALTERNATE METHODS AVAILABLE TO  
30 OBTAIN THE INFORMATION, AND WHETHER CURRENT BEHAVIORS, RISK  
31 FACTORS, AND NEEDS WOULD BE ADDRESSED BY POLYGRAPH TESTING.

32 (II) (A) To revise the guidelines and standards ~~developed~~  
33 ADOPTED pursuant to this ~~paragraph~~ (b) SUBSECTION (4)(b), the board  
34 shall establish a committee to make recommendations to the board. At  
35 least eighty percent of the members of the committee must be approved  
36 treatment providers.

37 (B) THIS SUBSECTION (4)(b) IS REPEALED, EFFECTIVE AUGUST 31,  
38 2022.

39 (III) Repealed.

40 (c) **Allocation of money in sex offender surcharge fund.** The  
41 board shall ~~develop~~ ADOPT an annual plan for the allocation of ~~money~~  
42 MONEY deposited in the sex offender surcharge fund, REFERRED TO IN  
43 THIS SUBSECTION (4)(c) AS THE "FUND", created pursuant to section

1 18-21-103 (3) C.R.S., among the judicial department, the department of  
2 corrections, the division of criminal justice in the department of public  
3 safety, and the department of human services. ~~In addition,~~ The board shall  
4 coordinate the expenditure of ~~moneys~~ MONEY from the ~~sex offender~~  
5 ~~surcharge~~ fund with any ~~moneys~~ MONEY expended by any of the  
6 departments described in this ~~paragraph (c) to identify~~ SUBSECTION (4)(c)  
7 TO evaluate and treat ~~adult sex offenders~~ ADULTS and juveniles who have  
8 committed ~~sexual offenses~~ A SEXUAL OFFENSE. IN ADDITION, IN  
9 RECOGNITION OF THE OVERREPRESENTATION OF SOME RACIAL, ETHNIC,  
10 GENDER, AND SEXUAL IDENTITY GROUPS WITHIN THE POPULATION OF  
11 INDIVIDUALS SENTENCED FOR SEXUAL OFFENSES, AND THE SIMULTANEOUS  
12 UNDERREPRESENTATION OF TREATMENT PROVIDERS FROM THE SAME  
13 GROUPS, THE BOARD SHALL ADOPT A PROCESS AND CRITERIA BY WHICH A  
14 POTENTIAL TREATMENT PROVIDER MAY APPLY TO THE FUND FOR GRANTS  
15 OR SCHOLARSHIPS IF THE APPLICANT'S ENTRY INTO THE TREATMENT  
16 PROVIDER COMMUNITY WOULD DIVERSIFY THE FIELD OR ENHANCE  
17 RESOURCES TO UNDERSERVED AREAS OF COLORADO. THE BOARD SHALL  
18 APPLY FOR GRANTS OR SEEK GIFTS OR DONATIONS FROM PRIVATE OR  
19 PUBLIC SOURCES FOR THE PURPOSE OF PROVIDING THE GRANTS OR  
20 SCHOLARSHIPS. THE MONEY USED FOR THE GRANTS OR SCHOLARSHIPS  
21 SHALL NOT COME FROM SEX OFFENDER SURCHARGE FEES. THE GRANTS OR  
22 SCHOLARSHIPS MAY INCLUDE, BUT ARE NOT LIMITED TO, AWARDS TO  
23 ASSIST CANDIDATES IN MEETING THE EDUCATIONAL, LICENSURE, OR  
24 CLINICAL TRAINING REQUIREMENTS DESCRIBED IN SECTION 16-11.7-106  
25 AND MUST SEEK TO INCREASE THE LIKELIHOOD THAT AN ADULT OR  
26 JUVENILE WHO HAS COMMITTED A SEXUAL OFFENSE WILL HAVE ACCESS TO  
27 TREATMENT PROVIDERS WHO CAN MEET THEIR LINGUISTIC, CULTURAL,  
28 RELIGIOUS, RACIALLY, AND SEXUAL AND GENDER IDENTITY DIVERSE  
29 NEEDS. The general assembly may appropriate ~~moneys~~ MONEY from the  
30 ~~sex offender~~ surcharge fund in accordance with the plan.

31 (d) **Risk assessment screening instrument.** ~~The board shall~~ consult on, approve, and revise, as necessary, the risk assessment  
32 screening instrument developed by the division of criminal justice to  
33 assist the sentencing court in determining the likelihood that an adult sex  
34 offender will commit one or more of the offenses specified in section  
35 18-3-414.5 (1)(a)(H), C.R.S., under the circumstances described in  
36 section 18-3-414.5 (1)(a)(III), C.R.S. In carrying out this duty, the board  
37 shall consider research on adult sex offender risk assessment and shall  
38 consider as one element the risk posed by an adult sex offender who  
39 suffers from psychopathy or a personality disorder that makes the person  
40 more likely to engage in sexually violent predatory offenses. If a  
41 defendant is found to be a sexually violent predator, the defendant shall  
42 be required to register pursuant to article 22 of this title and shall be

1 subject to community notification pursuant to part 9 of article 13 of this  
2 title:

3       **(e) Evaluation of policies and procedures - report.** The board  
4 shall research, either through direct evaluation or through a review of  
5 relevant research articles and sex ~~offender~~ OFFENSE treatment empirical  
6 data, and analyze, through a comprehensive review of evidence-based  
7 practices, the effectiveness of the evaluation ~~identification~~, and treatment  
8 policies and procedures for ~~adult sex offenders developed~~ ADULTS WHO  
9 HAVE COMMITTED A SEXUAL OFFENSE ADOPTED pursuant to this ~~article~~  
10 ARTICLE 11.7. This research ~~shall~~ MUST specifically include, but need not  
11 be limited to, reviewing and researching reoffense and factors that  
12 contribute to reoffense, ~~for sex offenders as defined in this article~~, the  
13 effective use of cognitive behavioral therapy to prevent reoffense, the use  
14 of polygraphs in treatment, and the containment model for ~~adult sex~~  
15 ~~offender~~ THE management and treatment OF ADULTS WHO HAVE  
16 COMMITTED A SEXUAL OFFENSE and its effective application. The board  
17 shall revise the guidelines and standards for evaluation ~~identification~~, and  
18 treatment, as appropriate, based upon the results of the board's research  
19 and analysis. The board shall also ~~develop~~ ADOPT and prescribe a system  
20 to implement the guidelines and standards ~~developed~~ ADOPTED pursuant  
21 to ~~paragraph (b) of this subsection (4)~~ SUBSECTION (4)(b) OF THIS  
22 SECTION.

23       **(f) Criteria for measuring progress in treatment.** (I) Pursuant  
24 to section 18-1.3-1009, C.R.S., concerning the criteria for release from  
25 incarceration, reduction in supervision, and discharge for certain ~~adult sex~~  
26 ~~offenders~~, ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE, the board,  
27 in collaboration with the department of corrections, the judicial  
28 department, and the state board of parole, shall ~~develop and revise~~ ADOPT,  
29 as appropriate, criteria for measuring ~~an adult sex offender's progress~~ THE  
30 PROGRESS OF AN ADULT WHO HAS COMMITTED A SEXUAL OFFENSE in  
31 treatment. The criteria shall assist the court and the state board of parole  
32 in determining whether ~~an adult sex offenders~~ WHO HAS COMMITTED A  
33 SEXUAL OFFENSE may appropriately be released from incarceration  
34 pursuant to section 18-1.3-1006 (1), C.R.S., or whether the ~~adult sex~~  
35 ~~offender's~~ level of supervision OF THE ADULT WHO HAS COMMITTED A  
36 SEXUAL OFFENSE may be reduced pursuant to section 18-1.3-1006 (2)(a)  
37 or 18-1.3-1008, C.R.S., or whether the ~~adult sex offender~~ WHO HAS  
38 COMMITTED A SEXUAL OFFENSE may appropriately be discharged from  
39 probation or parole pursuant to section 18-1.3-1006 or 18-1.3-1008.  
40 C.R.S. At a minimum, the criteria ~~shall~~ MUST be designed to assist the  
41 court and the state board of parole in determining whether the ~~adult sex~~  
42 ~~offender~~ WHO HAS COMMITTED A SEXUAL OFFENSE could be appropriately  
43 supervised in the community if ~~he or she~~ SUCH ADULT were released from

1 incarceration, released to a reduced level of supervision, or discharged  
2 from probation or parole. The criteria ~~shall~~ ~~MUST~~ not limit the  
3 decision-making authority of the court or the state board of parole.

4 (II) The board, in collaboration with the department of  
5 corrections, the judicial department, and the state board of parole, shall  
6 ~~establish~~ ~~ADOPT~~ standards for community entities that provide supervision  
7 and treatment specifically designed for ~~adult sex offenders who have~~  
8 ~~developmental disabilities~~ ~~AN ADULT WHO HAS COMMITTED A SEXUAL~~  
9 ~~OFFENSE AND WHO HAS AN INTELLECTUAL AND DEVELOPMENTAL~~  
10 ~~DISABILITY~~. At a minimum, the standards ~~shall~~ ~~MUST~~ determine whether  
11 an entity would provide adequate support and supervision to minimize  
12 any threat that the ~~adult sex offender~~ ~~WHO HAS COMMITTED A SEXUAL~~  
13 ~~OFFENSE~~ may pose to the community.

14 (g) **Living arrangements for adults who have committed a**  
15 **sexual offense - recommendations.** The board shall research, analyze,  
16 and make recommendations that reflect best practices for living  
17 arrangements for and the location of ~~adult sex offenders~~ ~~ADULTS WHO~~  
18 ~~HAVE COMMITTED A SEXUAL OFFENSE~~ within the community, including  
19 but not limited to shared living arrangements. At a minimum, the board  
20 shall consider the safety issues raised by the location of ~~sex offender~~  
21 residences ~~FOR ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE~~,  
22 especially in proximity to public or private schools and child care  
23 facilities, and public notification of the location of ~~sex offender~~ ~~SUCH~~  
24 residences. The board shall adopt and revise as appropriate such  
25 guidelines as it may deem appropriate regarding the living arrangements  
26 and location of ~~adult sex offenders~~ ~~ADULTS WHO HAVE COMMITTED A~~  
27 ~~SEXUAL OFFENSE and adult sex offender~~ ~~THEIR~~ housing. The board shall  
28 accomplish the requirements specified in this ~~paragraph (g) SUBSECTION~~  
29 ~~(4)(g)~~ within existing appropriations.

30 (h) **Data collection from treatment providers.** (I) If the  
31 department of public safety acquires sufficient funding, the board may  
32 request that individuals or entities providing ~~sex-offender-specific~~  
33 ~~SEX-OFFENSE-SPECIFIC~~ evaluation, treatment, or polygraph services that  
34 conform with standards ~~developed~~ ~~ADOPTED~~ by the board pursuant to  
35 ~~paragraph (b) of this subsection (4) SUBSECTION (4)(b) OF THIS SECTION~~  
36 submit to the board data and information as determined by the board at  
37 the time that funding becomes available. This data and information may  
38 be used by the board to evaluate the effectiveness of the guidelines and  
39 standards ~~developed~~ ~~ADOPTED~~ pursuant to this ~~article~~ ~~ARTICLE 11.7~~; to  
40 evaluate the effectiveness of individuals or entities providing  
41 ~~sex-offender-specific~~ ~~SEX-OFFENSE-SPECIFIC~~ evaluation, treatment, or  
42 polygraph services; or for any other purposes consistent with the  
43 provisions of this ~~article~~ ~~ARTICLE 11.7~~.



1 incorporating in the guidelines and standards the concepts of the  
2 risk-need-responsivity or another evidence-based correctional model,  
3 which guidelines and standards may be used for ~~juvenile offenders~~  
4 JUVENILES who are placed on probation, committed to the department of  
5 human services, placed on parole, or placed in out-of-home placement.  
6 Programs implemented pursuant to the guidelines and standards  
7 ~~developed~~ ADOPTED pursuant to this subsection (4)(j) must be as flexible  
8 as possible so that the programs may be accessed by each juvenile  
9 offender to prevent ~~him or her from harming~~ HARM TO victims and  
10 potential victims. Programs must provide a continuing monitoring process  
11 and a continuum of treatment options available to a juvenile offender ~~as~~  
12 ~~he or she~~ AS THE JUVENILE proceeds through the juvenile justice system.  
13 Treatment options may include, but need not be limited to, group  
14 counseling, individual counseling, family counseling, outpatient  
15 treatment, inpatient treatment, shared living arrangements, and treatment  
16 in a therapeutic community. Programs implemented pursuant to the  
17 guidelines and standards ~~developed~~ ADOPTED pursuant to this subsection  
18 (4)(j) must be, to the extent possible, accessible to all juveniles who have  
19 committed ~~sexual offenses~~ A SEXUAL OFFENSE and who are in the juvenile  
20 justice system, including juveniles with behavioral, mental health, or  
21 co-occurring disorders, AND MUST ENSURE TREATMENT THAT IS  
22 RESPONSIVE TO THE LINGUISTIC, CULTURAL, RELIGIOUS, AND RACIAL  
23 CHARACTERISTICS AND THE SEXUAL AND GENDER IDENTITY OF THE  
24 JUVENILE WHO HAS COMMITTED A SEXUAL OFFENSE SERVED, TO THE  
25 EXTENT POSSIBLE.

26 (I.5) THE GUIDELINES AND STANDARDS MUST NOT REQUIRE THE  
27 TREATMENT PROVIDER OR SUPERVISING OFFICER TO USE POLYGRAPH  
28 TESTING, BUT ITS USE MAY BE PERMITTED IN CASES IN WHICH THERE IS A  
29 SPECIFIC DOCUMENTED RATIONALE BASED ON INDIVIDUAL RISK AND NEED  
30 AFTER CONSIDERATION OF HOW THE INFORMATION SOUGHT WILL INFORM  
31 TREATMENT OR SUPERVISION, THE ALTERNATE METHODS AVAILABLE TO  
32 OBTAIN THE INFORMATION, AND WHETHER CURRENT BEHAVIORS, RISK  
33 FACTORS, AND NEEDS WOULD BE ADDRESSED BY POLYGRAPH TESTING.

34 (II) To revise the guidelines and standards ~~developed~~ ADOPTED  
35 pursuant to this ~~paragraph~~ (j) SUBSECTION (4)(j), the board shall establish  
36 a committee to make recommendations to the board. At least eighty  
37 percent of the members of the committee must be approved treatment  
38 providers.

39 (k) **Evaluation of policies and procedures for juveniles who**  
40 **have committed a sexual offense.** The board shall research and analyze  
41 the effectiveness of the evaluation ~~identification~~, and treatment  
42 procedures ~~developed~~ ADOPTED pursuant to this ~~article~~ ARTICLE 11.7 for  
43 juveniles who have committed ~~sexual offenses~~ A SEXUAL OFFENSE. The

1 board shall revise the guidelines and standards for evaluation  
2 identification, and treatment, as appropriate, based upon the results of the  
3 board's research and analysis. The board shall also ~~develop~~ ADOPT and  
4 prescribe a system to implement the guidelines and standards ~~developed~~  
5 ADOPTED pursuant to paragraph (j) of this subsection (4) SUBSECTION  
6 (4)(j) OF THIS SECTION.

7 **(1) Educational materials.** The board, in collaboration with law  
8 enforcement agencies, victim advocacy organizations, the department of  
9 education, and the department of public safety, shall ~~develop~~ ADOPT and  
10 revise, as appropriate, for use by schools, the statement identified in  
11 section 22-1-124 C.R.S., and educational materials regarding general  
12 information about ~~adult sex offenders~~ ADULTS and juveniles who have  
13 committed ~~sexual offenses~~ A SEXUAL OFFENSE, safety concerns related to  
14 such ~~offenders~~ ADULTS AND JUVENILES, and other relevant materials. The  
15 board shall provide the statement and materials to the department of  
16 education, and the department of education shall make the statement and  
17 materials available to schools in the state.

18 **(5) Immunity.** The board and the individual board members ~~shall~~  
19 ~~be~~ ARE immune from any liability, whether civil or criminal, for the good  
20 faith performance of the duties of the board.

21 **(6) Repeal.** (a) This section is repealed, effective ~~September 1,~~  
22 ~~2021~~ AUGUST, 31, 2022.

23 (b) ~~Prior to said repeal, the sex offender management board~~  
24 appointed pursuant to this section shall be reviewed as provided for in  
25 section 24-34-104. C.R.S.

26 (c) (I) Prior to the repeal of this section in 2021, the house OF  
27 REPRESENTATIVES judiciary committee, or its successor committee, shall  
28 hold an additional hearing on the report prepared by the department of  
29 regulatory agencies in 2019 pursuant to the provisions of section  
30 24-34-104 (6)(a). Any bill recommended by the judiciary committee  
31 pursuant to this subsection (6)(c)(I) does not count against the number of  
32 bills to which members of the general assembly are limited by law or joint  
33 rule of the senate and house of representatives. The department of  
34 regulatory agencies is not required to conduct an additional review or  
35 prepare an additional report prior to the hearing in 2021.

36 (II) This subsection (6)(c) is repealed, effective ~~September 1,~~  
37 ~~2021~~ AUGUST 31, 2022.

38 **SECTION 4.** In Colorado Revised Statutes, **add** 16-11.7-103.5  
39 as follows:

40 **16-11.7-103.5. Sexual offense management board - task force**  
41 **- creation - membership - duties - repeal.** (1) (a) THERE IS CREATED IN  
42 THE DEPARTMENT OF PUBLIC SAFETY A SEXUAL OFFENSE MANAGEMENT  
43 BOARD THAT CONSISTS OF ELEVEN VOTING MEMBERS. THE MEMBERSHIP

1 OF THE BOARD MUST REFLECT AND INCLUDE, TO THE EXTENT POSSIBLE,  
2 REPRESENTATION OF URBAN AND RURAL AREAS OF THE STATE, PERSONS  
3 WITH DISABILITIES, AND PERSONS WHO HAVE EXPERTISE IN ADULT AND  
4 JUVENILE ISSUES RELATING TO PERSONS WHO HAVE COMMITTED A SEXUAL  
5 OFFENSE. THE MEMBERSHIP OF THE BOARD CONSISTS OF THE FOLLOWING  
6 PERSONS APPOINTED AS FOLLOWS:

7 (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC  
8 SAFETY SHALL APPOINT:

9 (A) FOUR MEMBERS WHO WORK FOR BUSINESS ENTITIES THAT ARE  
10 DISTINCT FROM EACH OTHER AND WHO ARE LICENSED MENTAL HEALTH  
11 PROFESSIONALS WHO MAY OR MAY NOT BE APPROVED TO PROVIDE  
12 EVALUATION OR TREATMENT SERVICES PURSUANT TO THIS ARTICLE 16 TO  
13 ADULTS, BUT WHO HAVE RECOGNIZABLE EXPERTISE IN THE TREATMENT OF  
14 ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE;

15 (B) ONE MEMBER WHO WORKS FOR A BUSINESS ENTITY THAT IS  
16 DISTINCT FROM THE APPOINTMENTS MADE PURSUANT TO SUBSECTION  
17 (1)(a)(I)(A) OF THIS SECTION AND WHO IS A LICENSED MENTAL HEALTH  
18 PROFESSIONAL WHO MAY OR MAY NOT BE APPROVED TO PROVIDE  
19 EVALUATION OR TREATMENT SERVICES UNDER THIS ARTICLE 16 TO  
20 JUVENILES, BUT WHO HAS RECOGNIZABLE EXPERTISE IN THE TREATMENT  
21 OF JUVENILES WHO HAVE COMMITTED A SEXUAL OFFENSE;

22 (C) ONE MEMBER WHO WORKS AS A CONFIDENTIAL VICTIM'S  
23 ADVOCATE, AS DESCRIBED IN SECTION 13-90-107 (1)(k)(II), WITH  
24 EXPERIENCE WORKING WITH SURVIVORS OF SEXUAL ASSAULT; AND

25 (D) ONE MEMBER WHO WORKS AS A VICTIM ASSISTANT IN A  
26 DISTRICT ATTORNEY'S OFFICE WITH EXPERIENCE WORKING WITH  
27 SURVIVORS OF SEXUAL ASSAULT.

28 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
29 CORRECTIONS SHALL APPOINT ONE MEMBER WHO REPRESENTS THE  
30 DIVISION OF ADULT PAROLE;

31 (III) THE CHIEF JUSTICE OF THE SUPREME COURT SHALL APPOINT  
32 ONE MEMBER WHO REPRESENTS THE PROBATION DEPARTMENT;

33 (IV) THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT  
34 ATTORNEYS' COUNCIL SHALL APPOINT ONE MEMBER WHO REPRESENTS THE  
35 INTERESTS OF PROSECUTING ATTORNEYS AND WHO HAS RECOGNIZABLE  
36 EXPERTISE IN PROSECUTING SEXUAL OFFENSES; AND

37 (V) THE OFFICE OF THE COLORADO STATE PUBLIC DEFENDER  
38 SHALL APPOINT ONE MEMBER WHO IS A PUBLIC DEFENDER WITH  
39 RECOGNIZABLE EXPERTISE RELATED TO SEXUAL OFFENSES.

40 (b) THE BOARD IS RESPONSIBLE FOR THE OVERSIGHT OF THE TASK  
41 FORCE CREATED IN SUBSECTION (2) OF THIS SECTION. THE BOARD SHALL  
42 DELEGATE TASKS OR AREAS OF STUDY TO THE TASK FORCE. THE BOARD  
43 SHALL CONSIDER ANY RECOMMENDATIONS MADE BY THE TASK FORCE

1 RELATED TO DUTIES OF THE BOARD.

2 (c) THE MEMBERS OF THE SEXUAL OFFENSE MANAGEMENT BOARD  
3 SHALL ELECT PRESIDING OFFICERS FOR THE BOARD, INCLUDING A CHAIR  
4 AND VICE-CHAIR, FROM AMONG THE BOARD MEMBERS APPOINTED  
5 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, WHICH PRESIDING  
6 OFFICERS SHALL SERVE TERMS OF TWO YEARS. BOARD MEMBERS MAY  
7 RE-ELECT A PRESIDING OFFICER.

8 (d) MEMBERS OF THE BOARD SHALL SERVE AT THE PLEASURE OF  
9 THE APPOINTING AUTHORITY FOR TERMS OF FOUR YEARS AND MAY SERVE  
10 NO MORE THAN TWO TERMS; EXCEPT THAT A MEMBER OF THE BOARD MAY  
11 NOT BE APPOINTED TO THE BOARD IF THE MEMBER SERVED TWO OR MORE  
12 TERMS ON THE BOARD CREATED IN THE REPEALED SUBSECTION (1) OF THIS  
13 SECTION OR, IF A MEMBER SERVED ONE TERM ON THE BOARD CREATED IN  
14 THE REPEALED SUBSECTION (1) OF THIS SECTION, THE MEMBER MAY ONLY  
15 SERVE ONE TERM. MEMBERS OF THE BOARD SHALL SERVE WITHOUT  
16 COMPENSATION.

17 (2) (a) THERE IS CREATED A TWELVE-MEMBER NONVOTING TASK  
18 FORCE OF THE BOARD THAT SERVES TO MEET WITH AND PROVIDE  
19 INFORMATION AND INPUT TO THE VOTING MEMBERS OF THE BOARD AS  
20 DELEGATED BY THE BOARD IN SUBSECTION (1)(b) OF THIS SECTION. THE  
21 MEMBERSHIP OF THE TASK FORCE CONSISTS OF THE FOLLOWING PERSONS  
22 APPOINTED AS FOLLOWS:

23 (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC  
24 SAFETY SHALL APPOINT:

25 (A) ONE MEMBER FROM THE DIVISION OF CRIMINAL JUSTICE WITH  
26 RECOGNIZABLE EXPERTISE IN COMMUNITY CORRECTIONS PROGRAMS;

27 (B) TWO MEMBERS WHO WORK FOR BUSINESS ENTITIES THAT ARE  
28 DISTINCT FROM EACH OTHER AND WHO ARE MENTAL HEALTH  
29 PROFESSIONALS WHO MAY OR MAY NOT BE APPROVED TO PROVIDE  
30 EVALUATION OR TREATMENT SERVICES UNDER THIS ARTICLE 16 BUT WHO  
31 HAVE RECOGNIZABLE EXPERTISE IN THE TREATMENT OF ADULTS WHO  
32 HAVE COMMITTED A SEXUAL OFFENSE;

33 (C) ONE MEMBER WHO REPRESENTS LAW ENFORCEMENT, WITH  
34 RECOGNIZABLE EXPERIENCE INVESTIGATING SEXUAL OFFENSES;

35 (D) ONE MEMBER WHO REPRESENTS A COMMUNITY CORRECTIONS  
36 PROVIDER WHO PROVIDES SERVICES TO ADULTS WHO HAVE COMMITTED A  
37 SEXUAL OFFENSE; AND

38 (E) ONE MEMBER WHO IS AN ACADEMIC RESEARCHER WITH  
39 EXPERTISE IN THE CRIMINOLOGY OF SEXUAL OFFENSES;

40 (II) THE CHIEF JUSTICE OF THE SUPREME COURT SHALL APPOINT  
41 TWO MEMBERS, ONE WHO IS A DISTRICT COURT JUDGE AND ONE WHO IS A  
42 JUVENILE COURT JUDGE; AND

43 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN

1 SERVICES SHALL APPOINT:

2 (A) ONE MEMBER WHO REPRESENTS THE DIVISION OF YOUTH  
3 SERVICES IN THE DEPARTMENT OF HUMAN SERVICES; AND

4 (B) ONE MEMBER FROM THE OFFICE OF BEHAVIORAL HEALTH.

5 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
6 CORRECTIONS SHALL APPOINT ONE MEMBER FROM THE DEPARTMENT OF  
7 CORRECTIONS; AND

8 (V) THE CHAIR OF THE PAROLE BOARD OR THE CHAIR'S DESIGNEE.

9 (b) THE TASK FORCE SHALL STUDY AND DEVELOP PROPOSALS FOR  
10 THE TASK OR AREA OF RESEARCH ASSIGNED TO IT BY THE BOARD  
11 PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION. THE TASK FORCE MAY  
12 PROVIDE GUIDANCE AND MAKE RECOMMENDATIONS OF AREAS OF STUDY  
13 OR ISSUES FOR CONSIDERATION TO THE BOARD.

14 (c) MEMBERS OF THE TASK FORCE SHALL SERVE AT THE PLEASURE  
15 OF THE APPOINTING AUTHORITY FOR TERMS OF FOUR YEARS. THE  
16 APPOINTING AUTHORITY MAY REAPPOINT A MEMBER FOR AN ADDITIONAL  
17 TERM OR TERMS. MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT  
18 COMPENSATION.

19 (3) **Duties of the board.** THE BOARD SHALL CARRY OUT THE  
20 FOLLOWING DUTIES:

21 (a) **Standards for evaluation of adults who have committed a  
22 sexual offense.** THE BOARD SHALL ADOPT, PRESCRIBE, AND REVISE, AS  
23 APPROPRIATE, A STANDARD PROCEDURE TO EVALUATE ADULTS WHO HAVE  
24 COMMITTED A SEXUAL OFFENSE, INCLUDING ADULTS WITH AN  
25 INTELLECTUAL AND DEVELOPMENTAL DISABILITY. THE PROCEDURES MUST  
26 PROVIDE FOR AN EVALUATION OF SUCH PERSONS AND RECOMMEND  
27 MANAGEMENT, MONITORING, AND TREATMENT BASED UPON EXISTING  
28 RESEARCH AND SHALL INCORPORATE THE CONCEPTS OF THE  
29 RISK-NEED-RESPONSIVITY OR ANOTHER EVIDENCE-BASED CORRECTIONAL  
30 MODEL. THERE IS CURRENTLY NO WAY TO ENSURE THAT AN ADULT WHO  
31 HAS COMMITTED A SEXUAL OFFENSE WITH THE PROPENSITY TO COMMIT  
32 SEXUAL OFFENSES WILL NOT REOFFEND. BECAUSE THERE ARE ADULTS  
33 WHO HAVE COMMITTED A SEXUAL OFFENSE WHO CAN LEARN TO MANAGE  
34 UNHEALTHY PATTERNS AND LEARN BEHAVIORS THAT CAN LESSEN THEIR  
35 RISK TO SOCIETY IN THE COURSE OF ONGOING TREATMENT, MANAGEMENT,  
36 AND MONITORING, THE BOARD SHALL ADOPT A PROCEDURE FOR  
37 EVALUATING, ON A CASE-BY-CASE BASIS, RELIABLY LOWER-RISK ADULTS  
38 WHO HAVE COMMITTED A SEXUAL OFFENSE WHOSE RISK TO SEXUALLY  
39 REOFFEND MAY NOT BE FURTHER REDUCED BY PARTICIPATION IN  
40 TREATMENT AS DESCRIBED IN SUBSECTION (3)(b) OF THIS SECTION. THE  
41 BOARD SHALL ADOPT AND IMPLEMENT METHODS OF INTERVENTION FOR  
42 ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE. THE METHODS MUST  
43 HAVE AS A PRIORITY THE PHYSICAL AND PSYCHOLOGICAL SAFETY OF

1 VICTIMS AND POTENTIAL VICTIMS AND MUST BE APPROPRIATE TO THE  
2 ASSESSED NEEDS OF THE ADULT WHO COMMITTED THE SEXUAL OFFENSE,  
3 SO LONG AS THERE IS NO REDUCTION IN THE SAFETY OF VICTIMS AND  
4 POTENTIAL VICTIMS.

5 **(b) (I) Guidelines and standards for treatment of adults who**  
6 **have committed a sexual offense.** THE BOARD SHALL ADOPT,  
7 IMPLEMENT, AND REVISE, AS APPROPRIATE, GUIDELINES AND STANDARDS  
8 TO TREAT ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE, INCLUDING  
9 ADULTS WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY,  
10 INCORPORATING IN THE GUIDELINES AND STANDARDS THE CONCEPTS OF  
11 THE RISK-NEED-RESPONSIVITY OR ANOTHER EVIDENCE-BASED  
12 CORRECTIONAL MODEL, WHICH GUIDELINES AND STANDARDS CAN BE USED  
13 IN THE TREATMENT OF PERSONS WHO ARE PLACED ON PROBATION, PLACED  
14 ON PAROLE, OR PLACED IN COMMUNITY CORRECTIONS. PROGRAMS  
15 IMPLEMENTED PURSUANT TO THE GUIDELINES AND STANDARDS ADOPTED  
16 PURSUANT TO THIS SUBSECTION (3)(b) MUST BE AS FLEXIBLE AS POSSIBLE  
17 SO THAT THE PROGRAMS MAY BE ACCESSED BY EACH ADULT WHO HAS  
18 COMMITTED A SEXUAL OFFENSE TO PREVENT HARM TO VICTIMS AND  
19 POTENTIAL VICTIMS. PROGRAMS MUST INCLUDE A CONTINUING  
20 MONITORING PROCESS AND A CONTINUUM OF TREATMENT OPTIONS  
21 AVAILABLE TO A ADULT WHO HAS COMMITTED A SEXUAL OFFENSE AS THE  
22 ADULT PROCEEDS THROUGH THE CRIMINAL JUSTICE SYSTEM. TREATMENT  
23 OPTIONS MUST BE DETERMINED BY A CURRENT RISK ASSESSMENT AND  
24 EVALUATION AND MAY INCLUDE, BUT NEED NOT BE LIMITED TO, GROUP  
25 COUNSELING, INDIVIDUAL COUNSELING, FAMILY COUNSELING, OUTPATIENT  
26 TREATMENT, INPATIENT TREATMENT, SHARED LIVING ARRANGEMENTS, OR  
27 TREATMENT IN A THERAPEUTIC COMMUNITY. PROGRAMS IMPLEMENTED  
28 PURSUANT TO THE GUIDELINES AND STANDARDS ADOPTED PURSUANT TO  
29 THIS SUBSECTION (3)(b) MUST, TO THE EXTENT POSSIBLE, BE ACCESSIBLE  
30 TO EVERYONE IN THE CRIMINAL JUSTICE SYSTEM, INCLUDING ADULTS WITH  
31 BEHAVIORAL, MENTAL HEALTH, AND CO-OCCURRING DISORDERS AND, TO  
32 THE EXTENT POSSIBLE, ENSURE TREATMENT THAT IS RESPONSIVE TO THE  
33 LINGUISTIC, CULTURAL, RELIGIOUS, RACIAL, AND SEXUAL AND GENDER  
34 IDENTITY CHARACTERISTICS OF THE ADULT OR JUVENILE WHO HAS  
35 COMMITTED A SEXUAL OFFENSE SERVED.

36 **(II)** THE GUIDELINES AND STANDARDS MUST NOT REQUIRE THE  
37 TREATMENT PROVIDER OR SUPERVISING OFFICER TO USE POLYGRAPH  
38 TESTING, BUT ITS USE MAY BE PERMITTED IN CASES IN WHICH THERE IS A  
39 SPECIFIC DOCUMENTED RATIONALE BASED ON INDIVIDUAL RISK AND NEED  
40 AFTER CONSIDERATION OF HOW THE INFORMATION SOUGHT WILL INFORM  
41 TREATMENT OR SUPERVISION, THE ALTERNATE METHODS AVAILABLE TO  
42 OBTAIN THE INFORMATION, AND WHETHER CURRENT BEHAVIORS, RISK  
43 FACTORS, AND NEEDS WOULD BE ADDRESSED BY POLYGRAPH TESTING.



1 THE EFFECTIVE USE OF COGNITIVE BEHAVIORAL THERAPY TO PREVENT  
2 REOFFENSE, THE USE OF POLYGRAPHS IN TREATMENT, AND THE  
3 CONTAINMENT MODEL FOR THE MANAGEMENT AND TREATMENT OF  
4 PERSONS WHO HAVE COMMITTED A SEXUAL OFFENSE AND ITS EFFECTIVE  
5 APPLICATION. THE BOARD SHALL REVISE THE GUIDELINES AND STANDARDS  
6 FOR EVALUATION AND TREATMENT, AS APPROPRIATE, BASED UPON THE  
7 RESULTS OF THE BOARD'S RESEARCH AND ANALYSIS. THE BOARD SHALL  
8 ALSO ADOPT AND PRESCRIBE A SYSTEM TO IMPLEMENT THE GUIDELINES  
9 AND STANDARDS ADOPTED PURSUANT TO SUBSECTION (3)(b) OF THIS  
10 SECTION.

11 (e) **Criteria for measuring progress in treatment.**  
12 (I) PURSUANT TO SECTION 18-1.3-1009, CONCERNING THE CRITERIA FOR  
13 RELEASE FROM INCARCERATION, REDUCTION IN SUPERVISION, AND  
14 DISCHARGE FOR CERTAIN ADULTS WHO HAVE COMMITTED A SEXUAL  
15 OFFENSE, THE BOARD, IN COLLABORATION WITH THE DEPARTMENT OF  
16 CORRECTIONS, THE JUDICIAL DEPARTMENT, AND THE STATE BOARD OF  
17 PAROLE, SHALL ADOPT, AS APPROPRIATE, CRITERIA FOR MEASURING AN  
18 ADULT WHO HAS COMMITTED A SEXUAL OFFENSE'S PROGRESS IN  
19 TREATMENT. THE CRITERIA SHALL ASSIST THE COURT AND THE STATE  
20 BOARD OF PAROLE IN DETERMINING WHETHER AN ADULT WHO HAS  
21 COMMITTED A SEXUAL OFFENSE MAY APPROPRIATELY BE RELEASED FROM  
22 INCARCERATION PURSUANT TO SECTION 18-1.3-1006(1), OR WHETHER THE  
23 LEVEL OF SUPERVISION FOR AN ADULT WHO HAS COMMITTED A SEXUAL  
24 OFFENSE MAY BE REDUCED PURSUANT TO SECTION 18-1.3-1006 (2)(a) OR  
25 18-1.3-1008, OR WHETHER THE ADULT WHO HAS COMMITTED A SEXUAL  
26 OFFENSE MAY APPROPRIATELY BE DISCHARGED FROM PROBATION OR  
27 PAROLE PURSUANT TO SECTION 18-1.3-1006 OR 18-1.3-1008. AT A  
28 MINIMUM, THE CRITERIA MUST BE DESIGNED TO ASSIST THE COURT AND  
29 THE STATE BOARD OF PAROLE IN DETERMINING WHETHER THE ADULT WHO  
30 COMMITTED A SEXUAL OFFENSE COULD BE APPROPRIATELY SUPERVISED IN  
31 THE COMMUNITY IF HE OR SHE WERE RELEASED FROM INCARCERATION,  
32 RELEASED TO A REDUCED LEVEL OF SUPERVISION, OR DISCHARGED FROM  
33 PROBATION OR PAROLE. THE CRITERIA MUST NOT LIMIT THE  
34 DECISION-MAKING AUTHORITY OF THE COURT OR THE STATE BOARD OF  
35 PAROLE.

36 (II) THE BOARD, IN COLLABORATION WITH THE DEPARTMENT OF  
37 CORRECTIONS, THE JUDICIAL DEPARTMENT, AND THE STATE BOARD OF  
38 PAROLE, SHALL ADOPT STANDARDS FOR COMMUNITY ENTITIES THAT  
39 PROVIDE SUPERVISION AND TREATMENT SPECIFICALLY DESIGNED FOR  
40 ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE WHO HAVE  
41 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES. AT A MINIMUM, THE  
42 STANDARDS MUST DETERMINE WHETHER AN ENTITY WOULD PROVIDE  
43 ADEQUATE SUPPORT AND SUPERVISION TO MINIMIZE ANY THREAT THAT

1 THE ADULT WHO HAS A COMMITTED A SEXUAL OFFENSE MAY POSE TO THE  
2 COMMUNITY.

3 **(f) Living arrangements for persons who have committed a**  
4 **sexual offense - recommendations.** THE BOARD SHALL RESEARCH,  
5 ANALYZE, AND MAKE RECOMMENDATIONS THAT REFLECT BEST PRACTICES  
6 FOR LIVING ARRANGEMENTS FOR AND THE LOCATION OF ADULTS WHO  
7 HAVE COMMITTED A SEXUAL OFFENSE WITHIN THE COMMUNITY,  
8 INCLUDING BUT NOT LIMITED TO SHARED LIVING ARRANGEMENTS. AT A  
9 MINIMUM, THE BOARD SHALL CONSIDER THE SAFETY ISSUES RAISED BY THE  
10 LOCATION OF RESIDENCES FOR ADULTS WHO HAVE COMMITTED A SEXUAL  
11 OFFENSE, ESPECIALLY IN PROXIMITY TO PUBLIC OR PRIVATE SCHOOLS AND  
12 CHILD CARE FACILITIES, AND PUBLIC NOTIFICATION OF THE LOCATION OF  
13 SUCH RESIDENCES. THE BOARD SHALL ADOPT AND REVISE AS APPROPRIATE  
14 SUCH GUIDELINES AS IT MAY DEEM APPROPRIATE REGARDING THE LIVING  
15 ARRANGEMENTS AND LOCATION OF ADULTS WHO HAVE COMMITTED A  
16 SEXUAL OFFENSE AND THEIR HOUSING. THE BOARD SHALL ACCOMPLISH  
17 THE REQUIREMENTS SPECIFIED IN THIS SUBSECTION (3)(f) WITHIN EXISTING  
18 APPROPRIATIONS.

19 **(g) Data collection from treatment providers.** IF THE  
20 DEPARTMENT OF PUBLIC SAFETY ACQUIRES SUFFICIENT FUNDING, THE  
21 BOARD MAY REQUEST THAT INDIVIDUALS OR ENTITIES PROVIDING  
22 SEX-OFFENSE-SPECIFIC EVALUATION, TREATMENT, OR POLYGRAPH  
23 SERVICES THAT CONFORM WITH STANDARDS ADOPTED BY THE BOARD  
24 PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION SUBMIT TO THE BOARD  
25 DATA AND INFORMATION AS DETERMINED BY THE BOARD AT THE TIME  
26 THAT FUNDING BECOMES AVAILABLE. THIS DATA AND INFORMATION MAY  
27 BE USED BY THE BOARD TO EVALUATE THE EFFECTIVENESS OF THE  
28 GUIDELINES AND STANDARDS ADOPTED PURSUANT TO THIS ARTICLE 11.7;  
29 TO EVALUATE THE EFFECTIVENESS OF INDIVIDUALS OR ENTITIES  
30 PROVIDING SEX-OFFENSE-SPECIFIC EVALUATION, TREATMENT, OR  
31 POLYGRAPH SERVICES; OR FOR ANY OTHER PURPOSES CONSISTENT WITH  
32 THE PROVISIONS OF THIS ARTICLE 11.7.

33 **(h) Standards for evaluation of juveniles who have committed**  
34 **a sexual offense.** THE BOARD SHALL ADOPT, PRESCRIBE, AND REVISE, AS  
35 APPROPRIATE, A STANDARD PROCEDURE TO EVALUATE JUVENILES WHO  
36 HAVE COMMITTED A SEXUAL OFFENSE, INCLUDING JUVENILES WITH AN  
37 INTELLECTUAL AND DEVELOPMENTAL DISABILITY. THE PROCEDURE MUST  
38 PROVIDE FOR AN EVALUATION AND OF THE JUVENILE AND RECOMMEND  
39 BEHAVIOR MANAGEMENT, MONITORING, TREATMENT, AND COMPLIANCE  
40 AND MUST INCORPORATE THE CONCEPTS OF THE RISK-NEED-RESPONSIVITY  
41 OR ANOTHER EVIDENCE-BASED CORRECTIONAL MODEL BASED UPON THE  
42 KNOWLEDGE THAT ALL UNLAWFUL SEXUAL BEHAVIOR POSES A RISK TO  
43 THE COMMUNITY AND THAT CERTAIN JUVENILES MAY HAVE THE CAPACITY

1 TO CHANGE THEIR BEHAVIOR WITH APPROPRIATE INTERVENTION AND  
2 TREATMENT. THE BOARD SHALL ADOPT AND IMPLEMENT METHODS OF  
3 INTERVENTION FOR JUVENILES WHO HAVE COMMITTED A SEXUAL OFFENSE,  
4 WHICH METHODS HAVE AS A PRIORITY THE PHYSICAL AND PSYCHOLOGICAL  
5 SAFETY OF VICTIMS AND POTENTIAL VICTIMS AND THAT ARE APPROPRIATE  
6 TO THE NEEDS OF THE PARTICULAR JUVENILE, SO LONG AS THERE IS NO  
7 REDUCTION IN THE SAFETY OF VICTIMS AND POTENTIAL VICTIMS.

8       **(i) (I) Guidelines and standards for treatment of juveniles who**  
9 **have committed a sexual offense.** THE BOARD SHALL ADOPT,  
10 IMPLEMENT, AND REVISE, AS APPROPRIATE, GUIDELINES AND STANDARDS  
11 TO TREAT JUVENILES WHO HAVE COMMITTED A SEXUAL OFFENSE,  
12 INCLUDING JUVENILES WITH AN INTELLECTUAL AND DEVELOPMENTAL  
13 DISABILITY, OR A JUVENILE WHO HAS BEEN CRIMINALLY CONVICTED IN  
14 DISTRICT COURT PURSUANT TO SECTION 19-2-517 OR 19-2-518, UNLESS  
15 THE JUVENILE HAS ALSO BEEN CONVICTED OF A SEX OFFENSE COMMITTED  
16 ON OR AFTER THE DAY THE JUVENILE ATTAINED EIGHTEEN YEARS OF AGE,  
17 INCORPORATING IN THE GUIDELINES AND STANDARDS THE CONCEPTS OF  
18 THE RISK-NEED-RESPONSIVITY OR ANOTHER EVIDENCE-BASED  
19 CORRECTIONAL MODEL, WHICH GUIDELINES AND STANDARDS MAY BE USED  
20 FOR JUVENILES WHO ARE PLACED ON PROBATION, COMMITTED TO THE  
21 DEPARTMENT OF HUMAN SERVICES, PLACED ON PAROLE, OR PLACED IN  
22 OUT-OF-HOME PLACEMENT. PROGRAMS IMPLEMENTED PURSUANT TO THE  
23 GUIDELINES AND STANDARDS ADOPTED PURSUANT TO THIS SUBSECTION  
24 (3)(i) MUST BE AS FLEXIBLE AS POSSIBLE SO THAT THE PROGRAMS MAY BE  
25 ACCESSED BY EACH JUVENILE TO PREVENT HARM TO VICTIMS AND  
26 POTENTIAL VICTIMS. PROGRAMS MUST PROVIDE A CONTINUING  
27 MONITORING PROCESS AND A CONTINUUM OF TREATMENT OPTIONS  
28 AVAILABLE TO A JUVENILE AS THE JUVENILE PROCEEDS THROUGH THE  
29 JUVENILE JUSTICE SYSTEM. TREATMENT OPTIONS MAY INCLUDE, BUT NEED  
30 NOT BE LIMITED TO, GROUP COUNSELING, INDIVIDUAL COUNSELING,  
31 FAMILY COUNSELING, OUTPATIENT TREATMENT, INPATIENT TREATMENT,  
32 SHARED LIVING ARRANGEMENTS, AND TREATMENT IN A THERAPEUTIC  
33 COMMUNITY. PROGRAMS IMPLEMENTED PURSUANT TO THE GUIDELINES  
34 AND STANDARDS ADOPTED PURSUANT TO THIS SUBSECTION (3)(i) MUST BE,  
35 TO THE EXTENT POSSIBLE, ACCESSIBLE TO ALL JUVENILES WHO HAVE  
36 COMMITTED A SEXUAL OFFENSE AND WHO ARE IN THE JUVENILE JUSTICE  
37 SYSTEM, INCLUDING JUVENILES WITH BEHAVIORAL, MENTAL HEALTH, OR  
38 CO-OCCURRING DISORDERS, AND MUST ENSURE TREATMENT THAT IS  
39 RESPONSIVE TO THE LINGUISTIC, CULTURAL, RELIGIOUS, AND RACIAL  
40 CHARACTERISTICS, AND THE SEXUAL AND GENDER IDENTITY OF THE ADULT  
41 OR JUVENILE WHO HAS COMMITTED A SEXUAL OFFENSE SERVED, TO THE  
42 EXTENT POSSIBLE.

43       **(II) THE GUIDELINES AND STANDARDS MUST NOT REQUIRE THE**

1 TREATMENT PROVIDER OR SUPERVISING OFFICER TO USE POLYGRAPH  
2 TESTING, BUT ITS USE MAY BE PERMITTED IN CASES IN WHICH THERE IS A  
3 SPECIFIC DOCUMENTED RATIONALE BASED ON INDIVIDUAL RISK AND NEED  
4 AFTER CONSIDERATION OF HOW THE INFORMATION SOUGHT WILL INFORM  
5 TREATMENT OR SUPERVISION, THE ALTERNATE METHODS AVAILABLE TO  
6 OBTAIN THE INFORMATION, AND WHETHER CURRENT BEHAVIORS, RISK  
7 FACTORS, AND NEEDS WOULD BE ADDRESSED BY POLYGRAPH TESTING.

8       (j) **Evaluation of policies and procedures for juveniles who**  
9 **have committed a sexual offense.** THE BOARD SHALL RESEARCH AND  
10 ANALYZE THE EFFECTIVENESS OF THE EVALUATION AND TREATMENT  
11 PROCEDURES ADOPTED PURSUANT TO THIS ARTICLE 11.7 FOR JUVENILES  
12 WHO HAVE COMMITTED A SEXUAL OFFENSE. THE BOARD SHALL REVISE THE  
13 GUIDELINES AND STANDARDS FOR EVALUATION AND TREATMENT, AS  
14 APPROPRIATE, BASED UPON THE RESULTS OF THE BOARD'S RESEARCH AND  
15 ANALYSIS.

16       (k) **Educational materials.** THE BOARD, IN COLLABORATION WITH  
17 LAW ENFORCEMENT AGENCIES, VICTIM ADVOCACY ORGANIZATIONS, THE  
18 DEPARTMENT OF EDUCATION, AND THE DEPARTMENT OF PUBLIC SAFETY,  
19 SHALL ADOPT AND REVISE, AS APPROPRIATE, FOR USE BY SCHOOLS, THE  
20 STATEMENT IDENTIFIED IN SECTION 22-1-124, AND EDUCATIONAL  
21 MATERIALS REGARDING GENERAL INFORMATION ABOUT PERSONS AND  
22 JUVENILES WHO HAVE COMMITTED A SEXUAL OFFENSE, SAFETY CONCERNS  
23 RELATED TO SUCH PERSONS, AND OTHER RELEVANT MATERIALS. THE  
24 BOARD SHALL PROVIDE THE STATEMENT AND MATERIALS TO THE  
25 DEPARTMENT OF EDUCATION, AND THE DEPARTMENT OF EDUCATION SHALL  
26 MAKE THE STATEMENT AND MATERIALS AVAILABLE TO SCHOOLS IN THE  
27 STATE.

28       (4) **Immunity.** THE BOARD AND THE INDIVIDUAL BOARD MEMBERS  
29 ARE IMMUNE FROM ANY LIABILITY, WHETHER CIVIL OR CRIMINAL, FOR THE  
30 GOOD FAITH PERFORMANCE OF THE DUTIES OF THE BOARD.

31       (5) **Repeal.** (a) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER  
32 1, 2027. BEFORE THE REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN  
33 ACCORDANCE WITH SECTION 24-34-104.

34       (b) PRIOR TO SAID REPEAL, THE SEXUAL OFFENSE MANAGEMENT  
35 BOARD APPOINTED PURSUANT TO THIS SECTION SHALL BE REVIEWED AS  
36 PROVIDED FOR IN SECTION 24-34-104.

37       **SECTION 5.** In Colorado Revised Statutes, 16-11.7-104, amend  
38 (1) as follows:

39       **16-11.7-104. Persons who have committed a sexual offense -**  
40 **evaluation required.** (1) On and after January 1, 1994, each convicted  
41 adult ~~sex offender~~ and juvenile who has committed a sexual offense who  
42 is to be considered for probation ~~shall be~~ is required, as a part of the  
43 presentence or probation investigation required pursuant to section

1 16-11-102, to submit to an evaluation for treatment, an evaluation for  
2 risk, AND procedures required for monitoring of behavior to protect  
3 victims and potential victims, ~~and an identification developed AS THESE~~  
4 STANDARDS ARE ADOPTED pursuant to section 16-11.7-103 (4); EXCEPT  
5 THAT THE COURT MAY DISPENSE WITH THE EVALUATION AS AUTHORIZED  
6 IN SECTION 16-11-102.

7 **SECTION 6.** In Colorado Revised Statutes, **amend** 16-11.7-105  
8 as follows:

9 **16-11.7-105. Sentencing of persons who commit a sexual**  
10 **offense - treatment based upon evaluation required.** (1) Each adult  
11 ~~sex offender~~ and juvenile who has committed a sexual offense sentenced  
12 by the court for an offense committed on or after January 1, 1994, ~~shall~~  
13 ~~be~~ IS required, as a part of any sentence to probation, commitment to the  
14 department of human services, sentence to community corrections,  
15 ~~incarceration with the department of corrections~~, placement on parole, or  
16 out-of-home placement to undergo treatment to the extent appropriate to  
17 such ~~offender~~ ADULT OR JUVENILE WHO COMMITTED A SEXUAL OFFENSE  
18 based upon the recommendations of the evaluation ~~and identification~~  
19 made pursuant to section 16-11.7-104 or based upon any subsequent  
20 recommendations by the department of corrections, the judicial  
21 department, the department of human services, or the division of criminal  
22 justice in the department of public safety, whichever is appropriate. The  
23 treatment and monitoring shall be provided by an approved TREATMENT  
24 provider pursuant to section 16-11.7-106, and the ~~offender~~ ADULT OR  
25 JUVENILE WHO COMMITTED A SEXUAL OFFENSE shall pay for the treatment  
26 to the extent the ~~offender~~ ADULT OR JUVENILE WHO COMMITTED A SEXUAL  
27 OFFENSE is financially able to do so.

28 (1.5) THE DEPARTMENT OF CORRECTIONS SHALL IDENTIFY ALL  
29 INMATES WHO HAVE A NEED FOR SEX-OFFENSE-SPECIFIC TREATMENT AND  
30 HAVE NOT RECEIVED THE TREATMENT. THE SEX OFFENDER MANAGEMENT  
31 BOARD, PRIOR TO AUGUST 31, 2022, OR THE SEX OFFENSE MANAGEMENT  
32 BOARD, ON OR AFTER SEPTEMBER 1, 2022; THE DEPARTMENT OF  
33 CORRECTIONS; AND THE DIVISION OF PAROLE SHALL MEET AND DEVELOP  
34 SOLUTIONS TO ADDRESS THE UNMET SEX-OFFENSE-SPECIFIC TREATMENT  
35 NEEDS OF ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE IN THE  
36 DEPARTMENT OF CORRECTIONS.

37 (2) For ~~offenders~~ ADULTS AND JUVENILES who begin community  
38 supervision on or after ~~August 10, 2016~~, THE EFFECTIVE DATE OF THIS  
39 SUBSECTION (2), AS AMENDED, the supervising agency of each adult ~~sex~~  
40 ~~offender~~ and juvenile who has committed a sexual offense shall provide  
41 the ~~offender~~ ADULT with ACCESS TO a choice of two appropriate treatment  
42 provider agencies staffed by approved providers unless the supervising  
43 agency documents in the file that, based upon the nature of the program

1 offered, the needs of the offender, or the proximity of the appropriate  
2 treatment provider agency, fewer than two such agencies can meet the  
3 specific needs of the offender, ensure the safety of the public, and provide  
4 the supervising agency with reasonable access to the treatment provider  
5 agency and the offender during the course of treatment LIST OF ALL  
6 TREATMENT PROVIDERS APPROVED TO WORK WITH THE ADULT WHO HAS  
7 COMMITTED A SEXUAL OFFENSE PURSUANT TO SECTION 16-11.7-106.  
8 NOTHING IN THIS SECTION LIMITS THE SUPERVISING AGENCY FROM  
9 RECOMMENDING TREATMENT PROVIDERS BASED UPON THE NATURE OF THE  
10 PROGRAM OFFERED, THE NEEDS OF THE ADULT, OR THE PROXIMITY OF THE  
11 TREATMENT PROVIDER'S AGENCY. FOR ADULTS AND JUVENILES WHO HAVE  
12 COMMITTED A SEXUAL OFFENSE WHO PREFER TO RECEIVE TREATMENT IN  
13 A LANGUAGE OTHER THAN ENGLISH, REFERRALS MUST BE OFFERED TO  
14 TREATMENT PROVIDERS WHO ARE FLUENT IN THE TARGET LANGUAGE  
15 WHEN POSSIBLE. Once selected, the treatment provider agency may not be  
16 changed by the offender ADULT RECEIVING TREATMENT MORE THAN ONE  
17 TIME without the approval of the community supervision team, the  
18 multidisciplinary team, or the court. THE REQUIREMENTS OF THIS  
19 SUBSECTION (2) DO NOT APPLY TO THE DIVISION OF YOUTH SERVICES  
20 BASED ON THE NATURE OF THE PROGRAM, THE COMPLEX NEEDS OF THE  
21 JUVENILES SERVED, AND THE PLACEMENTS AND APPROVED TREATMENT  
22 PROVIDERS AVAILABLE TO WORK WITH JUVENILES FROM THE DIVISION OF  
23 YOUTH SERVICES. THE DIVISION OF YOUTH SERVICES SHALL ASSIGN  
24 JUVENILES WHO HAVE COMMITTED A SEXUAL OFFENSE TO A TREATMENT  
25 PROVIDER BASED ON THE INDIVIDUAL RISKS AND NEEDS OF THE JUVENILE  
26 AND HAVE PROCEDURES IN PLACE TO ALLOW FOR A JUVENILE OR FAMILY  
27 TO REQUEST A CHANGE IN TREATMENT PROVIDERS BASED ON  
28 RESPONSIVITY FACTORS. THE MULTIDISCIPLINARY TEAM FOR THE JUVENILE  
29 SHALL REVIEW ALL REQUESTS FOR CHANGES IN TREATMENT PROVIDERS  
30 AND APPROVE REQUESTS IF THE MULTIDISCIPLINARY TEAM DETERMINES  
31 THE JUVENILE'S RISKS, NEEDS, AND RESPONSIVITY FACTORS CAN BE  
32 BETTER SERVED BY AN ALTERNATE TREATMENT PROVIDER.

33 **SECTION 7.** In Colorado Revised Statutes, 16-11.7-106, amend  
34 (1), (2), (4), and (7) as follows:

35 **16-11.7-106. Sexual offense evaluation, treatment, and**  
36 **polygraph services - contracts with treatment providers - placement**  
37 **on treatment provider list - grievances - fund created.** (1) The  
38 department of corrections, the judicial department, the division of  
39 criminal justice in the department of public safety, or the department of  
40 human services shall not employ or contract with, and shall not allow an  
41 adult sex offender or a juvenile who has committed a sexual offense to  
42 employ or contract with, an individual or entity to provide  
43 sex-offender-specific evaluation, treatment, or polygraph services

1 TREATMENT pursuant to this ~~article~~ ARTICLE 11.7 unless:

2 (a) The ~~sex-offender-specific~~ SEX-OFFENSE-SPECIFIC evaluation,  
3 treatment, or polygraph services to be provided by the individual or entity  
4 conform with the guidelines and standards ~~developed~~ ADOPTED pursuant  
5 to section 16-11.7-103; and

6 (b) The name of the individual providing services is on the list  
7 created pursuant to ~~paragraph (b) of subsection (2)~~ SUBSECTION (2)(b) of  
8 this section of persons who may provide ~~sex-offender-specific~~  
9 SEX-OFFENSE-SPECIFIC services.

10 (2) (a) The board shall ~~develop~~ ADOPT an application and review  
11 process for treatment providers, evaluators, and polygraph examiners who  
12 provide services pursuant to this ~~article~~ ARTICLE 11.7 to ~~adult sex~~  
13 ~~offenders~~ ADULTS and ~~to~~ juveniles who have committed ~~A sexual offenses~~  
14 OFFENSE. The application and review process ~~shall allow~~ ALLOWS  
15 TREATMENT providers to demonstrate that they are in compliance with the  
16 standards adopted pursuant to this ~~article~~ ARTICLE 11.7. The application  
17 and review process ~~shall~~ MUST consist of the following three parts:

18 (I) (A) The board shall ~~develop~~ ADOPT separate application and  
19 review processes for standards that apply to the criminal justice  
20 component, such as criminal history record checks, for evaluators,  
21 individual treatment providers, and polygraph examiners. Applications for  
22 the criminal justice components, including fingerprints, ~~shall~~ MUST be  
23 submitted to the board. The board shall forward the fingerprints to the  
24 Colorado bureau of investigation for use in conducting a state criminal  
25 history record check and for transmittal to the federal bureau of  
26 investigation for a national criminal history record check. The board may  
27 use information obtained from the state and national criminal history  
28 record checks to determine an applicant's eligibility for placement on the  
29 approved TREATMENT provider list. The board ~~shall be~~ IS responsible for  
30 the implementation of the ~~provisions of this subparagraph (I)~~ THIS  
31 SUBSECTION (2)(a)(I).

32 (B) THE BOARD SHALL MAINTAIN A RECORD OF ANY DENIAL OR  
33 REMOVAL FROM THE LIST OF APPROVED TREATMENT PROVIDERS OR OTHER  
34 SANCTIONS DUE TO A TREATMENT PROVIDER'S CRIMINAL HISTORY.

35 (II) The board shall ~~develop~~ ADOPT an application and review  
36 process for the verification of the qualifications and credentials of  
37 evaluators, treatment providers, and polygraph examiners. THIS  
38 EVALUATION AND REVIEW PROCESS MUST REQUIRE ALL EVALUATORS TO  
39 NOT BE UNDER CURRENT DISCIPLINARY ACTION THAT THE BOARD  
40 DETERMINES WOULD IMPEDE THE APPLICANT'S ABILITY TO PRACTICE AS A  
41 SEX-OFFENSE-MANAGEMENT-BOARD-LISTED TREATMENT PROVIDER.

42 (III) The board shall require a person who applies for placement,  
43 including a person who applies for continued placement, on the list of

1 persons who may provide ~~sex-offender-specific~~ SEX-OFFENSE-SPECIFIC  
2 evaluation, treatment, and polygraph services pursuant to this ~~article~~  
3 ARTICLE 11.7 to submit to a current background investigation that goes  
4 beyond the scope of the criminal history record check described in  
5 ~~subparagraph (I) of this paragraph~~ (a) SUBSECTION (2)(a)(I) OF THIS  
6 SECTION. In conducting the current background investigation required by  
7 this ~~subparagraph (III)~~ SUBSECTION (2)(a)(III), the board shall obtain  
8 reference and criminal history information and recommendations that may  
9 be relevant to the applicant's fitness to provide ~~sex-offender-specific~~  
10 SEX-OFFENSE-SPECIFIC evaluation, treatment, and polygraph services  
11 pursuant to this ~~article~~ ARTICLE 11.7.

12 (b) After the process ~~developed~~ ADOPTED pursuant to ~~paragraph~~  
13 ~~(a) of this subsection~~ (2) SUBSECTION (2)(a) OF THIS SECTION is  
14 established and TREATMENT providers have met all the criteria of the  
15 application and review process, the board may approve the TREATMENT  
16 provider. The board and the department of regulatory agencies shall  
17 jointly publish at least annually a list of approved TREATMENT providers.  
18 The board shall forward the list to the office of the state court  
19 administrator, the department of public safety, the department of human  
20 services, and the department of corrections. The board shall update and  
21 forward the list of approved TREATMENT providers as necessary.

22 (4) The board may determine the requirements for an evaluator's,  
23 treatment provider's, or polygraph examiner's name to be placed on the  
24 approved TREATMENT provider list after ~~his or her~~ THAT PERSON'S name  
25 has been removed from the list for any reason SO LONG AS THE PERSON  
26 CONTINUES TO MEET THE CRITERIA IN SUBSECTION (2)(a) OF THIS SECTION.

27 (7) (a) The board shall notify the department of regulatory  
28 agencies of the receipt of any complaints or grievances against an  
29 individual who provides ~~sex-offender-specific~~ SEX-OFFENSE-SPECIFIC  
30 treatment or evaluation services pursuant to this article 11.7 and advise  
31 the department of any disciplinary action taken pursuant to subsection  
32 (7)(b) of this section. The department of regulatory agencies or the  
33 appropriate board, pursuant to article 245 of title 12 and referred to in this  
34 subsection (7) as the "DORA board", shall notify the board of the receipt  
35 of any complaint or grievance against a TREATMENT provider who  
36 provides ~~sex-offender-specific~~ SEX-OFFENSE-SPECIFIC treatment or  
37 evaluation services pursuant to this article 11.7 if the complaint or  
38 grievance was not referred by the board, and advise the board of any  
39 disciplinary action taken against the individual pursuant to any  
40 professional licensing act. IF ANY ACTION TAKEN BY THE DEPARTMENT OF  
41 REGULATORY AGENCIES OR THE LICENSING OR CERTIFICATION BOARD  
42 RENDERS THE INDIVIDUAL INELIGIBLE TO PROVIDE SERVICES AS AN  
43 EVALUATOR OR TREATMENT PROVIDER PURSUANT TO THE REQUIREMENTS

1 OF SECTION (2)(a) OF THIS SECTION, THE BOARD SHALL REMOVE THE  
2 INDIVIDUAL'S NAME FROM THE APPROVED TREATMENT PROVIDER LIST  
3 CREATED IN THIS ARTICLE 11.7.

4 (b) The board shall review and investigate all complaints and  
5 grievances concerning compliance with its standards against individuals  
6 who provide ~~sex-offender-specific~~ SEX-OFFENSE-SPECIFIC treatment,  
7 evaluation, or polygraph services pursuant to this ~~article~~ ARTICLE 11.7.  
8 Notwithstanding any action taken by the department of regulatory  
9 agencies, ~~or~~ the DORA board, the board may take appropriate disciplinary  
10 action, as permitted by law, against an individual who provides  
11 ~~sex-offender-specific~~ SEX-OFFENSE-SPECIFIC treatment, evaluation, or  
12 polygraph services pursuant to this ~~article~~ ARTICLE 11.7. The disciplinary  
13 action may include, but need not be limited to, the removal of the  
14 individual's name from the list of persons who may provide ~~sex offender~~  
15 SEX-OFFENSE-SPECIFIC evaluation, treatment, or polygraph services  
16 pursuant to this ~~article~~ ARTICLE 11.7.

17 (c) (I) Nothing in this subsection (7) limits the rights or  
18 responsibilities of the department of regulatory agencies or the DORA  
19 board with respect to the investigation and resolution of complaints.  
20 ~~pursuant to article 245 of title 12.~~

21 (II) Nothing in this subsection (7) limits the rights or  
22 responsibilities of the board with respect to the addition or removal of an  
23 individual's name from the list of persons who may provide ~~sex offender~~  
24 SEX-OFFENSE-SPECIFIC evaluation, treatment, or polygraph services  
25 pursuant to this ~~article~~ ARTICLE 11.7.

26 **SECTION 8.** In Colorado Revised Statutes, **amend** 16-11.7-109  
27 as follows:

28 **16-11.7-109. Reporting requirements - legislative declaration.**

29 (1) (a) The general assembly finds and declares that:

30 (I) As a body, the board is one of Colorado's most important  
31 resources on the treatment and management of ~~adult sex offenders~~  
32 ADULTS and juveniles who have committed ~~sexual offenses~~ A SEXUAL  
33 OFFENSE;

34 (II) The board's research and analysis of treatment standards and  
35 programs, as well as empirical evidence collected and compiled by the  
36 board with respect to the treatment outcomes of ~~adult sex offenders~~  
37 ADULTS and juveniles who have committed ~~sexual offenses~~ A SEXUAL  
38 OFFENSE, is vital to inform the decisions of policymakers.

39 (b) The general assembly therefore finds that it is appropriate for  
40 the board to report to the general assembly on an annual basis concerning  
41 the status of the treatment and management of ~~adult sex offenders~~ ADULTS  
42 and juveniles who have committed ~~sexual offenses~~ A SEXUAL OFFENSE in  
43 Colorado.

**16-11-102. Presentence or probation investigation.**

18 (1) (a) (VI) The report described in subparagraph (I) of this paragraph (a)  
19 SUBSECTION (1)(a)(I) OF THIS SECTION need not include the statement  
20 described in subparagraph (II) of this paragraph (a) SUBSECTION (1)(a)(II)  
21 OF THIS SECTION if:

22 (A) The defendant is a ~~sex offender~~ AN ADULT WHO HAS  
23 COMMITTED A SEXUAL OFFENSE for whom the ~~sex offender~~ OFFENSE  
24 management board has established separate and distinct release guidelines  
25 pursuant to ~~section 18-1.3-1009, C.R.S.~~ SECTION 16-11.7-103 PRIOR TO  
26 AUGUST 31, 2022, AND THE SEXUAL OFFENSE MANAGEMENT BOARD AFTER  
27 SEPTEMBER 1, 2022:

1 evaluation and risk assessment in the past two years.

2       (4) The court, with the concurrence of the defendant and the  
3 prosecuting attorney, may dispense with the presentence examination and  
4 report OR ANY EVALUATION REQUIRED BY SECTION 16-11.7-104; except  
5 that the information required by section 18-1.3-603 (2), C.R.S., and a  
6 victim impact statement shall be made in every case. The amount of  
7 restitution shall be ordered pursuant to section 18-1.3-603, C.R.S., and  
8 article 18.5 of this title TITLE 16 and endorsed upon the mittimus.

9       **SECTION 10.** In Colorado Revised Statutes, 18-21-103, **amend**  
10 (3) as follows:

11       **18-21-103. Source of revenues - allocation of moneys - sex**  
12 **offender surcharge fund - creation.** (3) There is hereby created in the  
13 state treasury a sex offender surcharge fund which shall consist of ~~moneys~~  
14 MONEY received by the state treasurer pursuant to ~~paragraph (b) of~~ subsection  
15 ~~(2)~~ SUBSECTION (2)(b) of this section; GIFTS, GRANTS, AND  
16 DONATIONS RECEIVED PURSUANT TO SECTION 16-11.7-103 (4)(c) or  
17 16-11.7-103.5 (3)(c); AND MONEY RECEIVED PURSUANT TO SECTION  
18 16-11.7-103 (4)(c) OR 16-11.7-103 (3)(c). The state treasurer may invest  
19 any ~~moneys~~ MONEY in the fund not expended for the purpose of this  
20 section as provided by law. The state treasurer shall credit all interest and  
21 income derived from the investment and deposit of ~~moneys~~ MONEY in the  
22 fund to the fund. Any ~~moneys~~ MONEY not appropriated by the general  
23 assembly shall remain in the sex offender surcharge fund and shall not be  
24 transferred or revert to the general fund of the state at the end of any  
25 fiscal year. All ~~moneys~~ MONEY in the fund shall be subject to annual  
26 appropriation by the general assembly to the judicial department, the  
27 department of corrections, the division of criminal justice of the  
28 department of public safety, and the department of human services, after  
29 consideration of the plan ~~developed~~ ADOPTED pursuant to section  
30 16-11.7-103 (4)(c), C.R.S., to cover the direct and indirect costs  
31 associated with the evaluation ~~identification~~, and treatment and the  
32 continued monitoring of sex offenders.

33       **SECTION 11.** In Colorado Revised Statutes, **repeal** part 9 of  
34 article 13 of title 16, 16-22-102 (7), 16-22-110 (2)(d), 16-22-110 (3)(b),  
35 16-22-111 (1)(a), 16-22-111 (1)(b), 16-22-113 (3)(a), 17-2-103  
36 (11)(b)(VI), 18-3-414.5 (1)(a)(IV), and 24-33.5-503 (1)(o).

37       **SECTION 12.** In Colorado Revised Statutes, 16-22-107, **amend**  
38 (3) as follows:

39       **16-22-107. Duties - department of corrections - department**  
40 **of human services - confirmation of registration - notice - address**  
41 **verification.** (3) Within five days, but not fewer than two days, prior to  
42 the release or discharge of any person who has been sentenced to the  
43 department of corrections and is required to register pursuant to section

1 16-22-103, the department shall notify the CBI and the local law  
2 enforcement agency of the jurisdiction in which the person intends to  
3 reside of the date of the person's release or discharge. ~~Such~~ THE notice  
4 shall ~~MUST~~ include the address at which the person intends to reside upon  
5 release or discharge, provided by the person pursuant to subsection (2) of  
6 this section, and the person's date of birth and the person's current  
7 photograph if requested by the CBI. In addition, ~~such~~ THE notice may  
8 include additional information concerning the person. ~~including but not~~  
9 ~~limited to any information obtained in conducting the assessment to~~  
10 ~~determine whether the person may be subject to community notification~~  
11 ~~pursuant to section 16-13-903.~~

12 **SECTION 13.** In Colorado Revised Statutes, 16-22-108, amend  
13 (1)(d)(I) as follows:

14 **16-22-108. Registration - procedure - frequency - place -**  
15 **change of address - fee.** (1) (d) (I) Any person ~~who is a sexually violent~~  
16 ~~predator and any person~~ who is convicted as an adult of any of the  
17 offenses specified in subsection (1)(d)(II) of this section has a duty to  
18 register for the remainder of ~~his or her~~ THE ADULT'S natural life; except  
19 that, if the person receives a deferred judgment and sentence for one of  
20 the offenses specified in subsection (1)(d)(II) of this section, the person's  
21 duty to register may discontinue as provided in section 16-22-113 (1)(d).  
22 In addition to registering as required in subsection (1)(a) of this section,  
23 the person shall reregister within five business days before or after the  
24 date that is three months after the date on which the person was released  
25 from incarceration for commission of the offense requiring registration  
26 or, if the person was not incarcerated, after the date on which ~~he or she~~  
27 THE PERSON received notice of the duty to register. The person shall  
28 register within five business days before or after that date every three  
29 months thereafter until the person's birthday. The person shall reregister  
30 within five business days before or after ~~his or her~~ THE PERSON's next  
31 birthday and shall reregister within five business days before or after that  
32 date every three months thereafter. The person shall reregister pursuant  
33 to this subsection (1)(d) with the local law enforcement agency of each  
34 jurisdiction in which the person resides or in any jurisdiction if the person  
35 lacks a fixed residence on the reregistration date, in the manner provided  
36 in subsection (1)(a) of this section.

37 **SECTION 14.** In Colorado Revised Statutes, 16-22-109, amend  
38 (3.5)(a) as follows:

39 **16-22-109. Registration forms - local law enforcement agencies**  
40 **- duties.** (3.5) (a) The local law enforcement agency with which a person  
41 registers pursuant to this ~~article~~ ARTICLE 22 shall, as soon as possible  
42 following the registrant's first registration with the local law enforcement  
43 agency and at least annually thereafter, verify the residential address

1 reported by the registrant on the standardized form. ~~except that, if the~~  
2 ~~registrant is a sexually violent predator, the local law enforcement agency~~  
3 ~~shall verify the registrant's residential address quarterly.~~

4 **SECTION 15.** In Colorado Revised Statutes, 24-34-104, **add**  
5 (28)(a)(V) as follows:

6 **24-34-104. General assembly review of regulatory agencies**  
7 **and functions for repeal, continuation, or reestablishment - legislative**  
8 **declaration - repeal.** (28)(a) The following agencies, functions, or both,  
9 are scheduled for repeal on September 1, 2027:

10 (V) THE SEXUAL OFFENSE MANAGEMENT BOARD CREATED IN  
11 SECTION 16-11.7-103.5;

12 **SECTION 16.** In Colorado Revised Statutes, 16-22-103, **amend**  
13 (5)(a)(IV) as follows:

14 **16-22-103. Sex offender registration - required - applicability**  
15 **- exception.** (5)(a) Notwithstanding any provision of this article 22 to  
16 the contrary, if, pursuant to a motion filed by a person described in this  
17 subsection (5) or on its own motion, a court determines that the  
18 registration requirement specified in this section would be unfairly  
19 punitive and that exempting the person from the registration requirement  
20 would not pose a significant risk to the community, the court, upon  
21 consideration of the totality of the circumstances, may exempt the person  
22 from the registration requirements imposed pursuant to this section if:

23 (IV) The person has received a sex offender evaluation that  
24 conforms with the standards developed pursuant to section 16-11.7-103  
25 (4)(i), from an evaluator who meets the standards established by the sex  
26 offender management board ~~PRIOR TO SEPTEMBER 1, 2022, AND THE~~  
27 SEXUAL OFFENSE MANAGEMENT BOARD ~~ON OR AFTER SEPTEMBER 1, 2022,~~  
28 and the evaluator recommends exempting the person from the registration  
29 requirements based upon the best interests of that person and the  
30 community; and

31 **SECTION 17.** In Colorado Revised Statutes, 16-22-112, **amend**  
32 (3.5) as follows:

33 **16-22-112. Release of information - law enforcement agencies.**  
34 (3.5) To assist members of the public in protecting themselves from  
35 persons who commit offenses involving unlawful sexual behavior, a local  
36 law enforcement agency that chooses to post sex offender registration  
37 information on its website shall either post educational information  
38 concerning protection from sex offenders on its website or provide a link  
39 to the educational information included on the CBI website maintained  
40 pursuant to section 16-22-111. A local law enforcement agency that posts  
41 the educational information shall work with the sex offender management  
42 board created pursuant to section 16-11.7-103, ~~C.R.S.~~, ~~PRIOR TO~~  
43 SEPTEMBER 1, 2022, AND THE SEXUAL OFFENSE MANAGEMENT BOARD

1 CREATED PURSUANT TO SECTION 16-11.7-103.5 ON OR AFTER SEPTEMBER  
2 1, 2022, and sexual assault victims' advocacy groups in preparing the  
3 educational information.

4 **SECTION 18.** In Colorado Revised Statutes, 17-2-201, **amend**  
5 (5.7)(b) as follows:

6 **17-2-201. State board of parole - duties - definitions.** (5.7) If,  
7 as a condition of parole, an offender is required to undergo counseling or  
8 treatment, unless the parole board determines that treatment at another  
9 facility or with another person is warranted, the treatment or counseling  
10 must be at a facility or with a person:

11 (b) Certified or approved by the sex offender management board,  
12 established in section 16-11.7-103, C.R.S., PRIOR TO SEPTEMBER 1, 2022,  
13 AND THE SEXUAL OFFENSE MANAGEMENT BOARD CREATED PURSUANT TO  
14 SECTION 16-11.7-103.5 ON OR AFTER SEPTEMBER 1, 2022, if the offender  
15 is a sex offender;

16 **SECTION 19.** In Colorado Revised Statutes, 17-22.5-404,  
17 **amend** (4)(c)(II) as follows:

18 **17-22.5-404. Parole guidelines - definition.** (4) (c) (II) The  
19 administrative release guideline instrument shall not be used in  
20 considering those inmates classified as sex offenders with indeterminate  
21 sentences for whom the sex offender management board ~~pursuant to~~  
22 section 18-1.3-1009, C.R.S., ESTABLISHED IN SECTION 16-11.7-103 PRIOR  
23 TO SEPTEMBER 1, 2022, AND THE SEXUAL OFFENSE MANAGEMENT BOARD  
24 CREATED PURSUANT TO SECTION 16-11.7-103.5 ON OR AFTER SEPTEMBER  
25 1, 2022, REFERRED TO IN THIS SECTION AS THE "BOARD" has established  
26 separate and distinct release guidelines. The ~~sex offender~~ management  
27 board, in collaboration with the department of corrections, the judicial  
28 department, the division of criminal justice in the department of public  
29 safety, and the state board of parole shall develop a specific sex offender  
30 release guideline instrument for use by the state board of parole for those  
31 inmates classified as sex offenders with determinate sentences.

32 **SECTION 20.** In Colorado Revised Statutes, 17-27.1-101,  
33 **amend** (5)(a)(II) as follows:

34 **17-27.1-101. Nongovernmental facilities for offenders -**  
35 **registration - notifications - penalties - definitions.** (5) A private  
36 treatment program in Colorado shall not admit or accept a supervised or  
37 unsupervised person into the program unless the program:

38 (a) Is registered with the compact administrator, and, if the person  
39 is a supervised person, the private treatment program is:

40 (II) Certified or approved by the sex offender management board,  
41 established in section 16-11.7-103, C.R.S., PRIOR TO SEPTEMBER 1, 2022,  
42 AND THE SEXUAL OFFENSE MANAGEMENT BOARD CREATED PURSUANT TO  
43 SECTION 16-11.7-103.5 ON OR AFTER SEPTEMBER 1, 2022, if the program

1 provides sex offender treatment;

2       **SECTION 21.** In Colorado Revised Statutes, 18-1.3-101, **amend**  
3 (6) as follows:

4       **18-1.3-101. Pretrial diversion.** (6) In a jurisdiction that receives  
5 state moneys for the creation or operation of diversion programs pursuant  
6 to this section, an individual accused of a sex offense as defined in  
7 section 18-1.3-1003 (5) is not eligible for pretrial diversion unless charges  
8 have been filed and, after the individual has had an opportunity to consult  
9 with counsel, the individual has completed a sex-offense-specific  
10 evaluation, which includes the use of a sex-offense-specific risk  
11 assessment instrument, conducted by an evaluator approved by the sex  
12 offender management board, ~~ON OR BEFORE AUGUST 31, 2022~~, as required  
13 by section 16-11.7-103 (4). ~~C.R.S.~~ OR THE SEXUAL OFFENSE  
14 MANAGEMENT BOARD ~~ON OR AFTER SEPTEMBER 1, 2022~~. The district  
15 attorney may agree to place the individual in the diversion program  
16 established by the district attorney pursuant to this section if ~~he or she~~ THE  
17 DISTRICT ATTORNEY finds that, based on the results of that evaluation and  
18 the other factors in subsection (3) of this section, the individual is  
19 appropriate for the program. Notwithstanding that a successfully  
20 completed diversion agreement does not constitute a history of ~~sex~~  
21 SEXUAL offenses for purposes of sections 16-11.7-102 (2)(a)(II) and  
22 16-22-103 (2)(d), ~~C.R.S.~~, the information constituting the crimes charged  
23 and facts alleged ~~shall~~ MUST be available for use by a court, district  
24 attorney, any law enforcement agency, or agency of the state judicial  
25 department, if otherwise permitted by law, in any subsequent criminal  
26 investigation, prosecution, risk or needs assessment evaluation,  
27 sentencing hearing, or during a probation or parole supervision period.

28       **SECTION 22.** In Colorado Revised Statutes, 18-1.3-204, **amend**  
29 (2)(c)(II) as follows:

30       **18-1.3-204. Conditions of probation - interstate compact**  
31 **probation transfer cash fund - creation.** (2) (c) If the court orders  
32 counseling or treatment as a condition of probation, unless the court  
33 makes a specific finding that treatment in another facility or with another  
34 person is warranted, the court shall order that the treatment or counseling  
35 be at a facility or with a person:

36       (II) Certified or approved ~~ON OR BEFORE AUGUST 31, 2022~~, by the  
37 sex offender management board, established in section 16-11.7-103,  
38 ~~C.R.S.~~, OR, IF ~~ON OR AFTER SEPTEMBER 1, 2022~~, BY THE SEXUAL OFFENSE  
39 MANAGEMENT BOARD ESTABLISHED IN SECTION 16-11.7-103.5, if the  
40 offender is a sex offender.

41       **SECTION 23.** In Colorado Revised Statutes, 18-1.3-407, **amend**  
42 (4.3) as follows:

43       **18-1.3-407. Sentences - youthful offenders - legislative**

1 **declaration - powers and duties of district court - authorization for**  
2 **youthful offender system - powers and duties of department of**  
3 **corrections - definitions.** (4.3) The youthful offender system shall  
4 provide sex offender treatment services for an offender who is sentenced  
5 to the youthful offender system and who has a history of committing a ~~sex~~  
6 SEXUAL offense as defined in section 16-11.7-102 (3), C.R.S., or who has  
7 a history of committing any other offense, the underlying factual basis of  
8 which includes a ~~sex~~ SEXUAL offense. Prior to July 1, 2002, the sex  
9 offender treatment services provided pursuant to this subsection (4.3)  
10 shall comply with any existing national standards for juvenile sex  
11 offender treatment. On and after July 1, 2002, the sex offender treatment  
12 services provided pursuant to this subsection (4.3) shall comply with the  
13 sex offender treatment standards adopted PRIOR TO AUGUST 31, 2022, by  
14 the sex offender management board pursuant to section 16-11.7-103.  
15 C.R.S., OR THE SEXUAL OFFENSE MANAGEMENT BOARD PURSUANT TO  
16 SECTION 16-11.7-103 ON OR AFTER SEPTEMBER 1, 2022.

17 **SECTION 24. Safety clause.** The general assembly hereby finds,  
18 determines, and declares that this act is necessary for the immediate  
19 preservation of the public peace, health, or safety.".

\*\*\* \* \* \* \*