

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 14, 2018

Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB18-026 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, lines 8 through 10, strike "~~is, was, has been,~~
2 ~~or would be required to register if he or she resided in the state or~~
3 ~~jurisdiction of conviction, or for which such person~~" and substitute "is
4 ~~was, has been, or would be~~ required to register if he or she resided in the
5 state or jurisdiction of conviction, or for which such person".
- 6 Page 3, line 6, after the period add "SUCH PERSON MAY PETITION THE
7 COURT FOR AN ORDER THAT DISCONTINUES THE REQUIREMENT FOR
8 REGISTRATION IN THIS STATE FOR OFFENSE CLASSIFICATIONS THAT SUCH
9 PERSON WOULD NOT BE REQUIRED TO REGISTER FOR IF CONVICTED IN
10 COLORADO."
- 11 Page 3, line 23, before "PHYSICAL" insert "CHRONIC".
- 12 Page 3, line 24, strike "ONE OR MORE" and substitute "THE PERSON'S
13 ABILITY TO FUNCTION INDEPENDENTLY AND PARTICIPATE IN".
- 14 Page 3, line 26, strike "RECORD OF SUCH IMPAIRMENT." and substitute
15 "MEDICAL RECORD OF SUCH DISABILITY."
- 16 Page 4, line 2, strike "PERSON, HIS" and substitute "PERSON AND AT LEAST
17 ONE OTHER RELIABLE SOURCE WHICH MAY INCLUDE: HIS".
- 18 Page 4, line 4, strike "OTHER" and substitute "ANOTHER".

1 Page 4, line 11, after "WAIVER." insert "IF THE LAW ENFORCEMENT
2 AGENCY ISSUES A WAIVER OR REAUTHORIZES THE WAIVER, THE LAW
3 ENFORCEMENT AGENCY SHALL ALSO NOTIFY THE VICTIM OF THE OFFENSE
4 FOR WHICH THE PETITIONER IS REQUIRED TO REGISTER, IF THE VICTIM OF
5 THE OFFENSE HAS REQUESTED NOTICE AND PROVIDED CONTACT
6 INFORMATION."

7 Page 5, line 13, strike "portion, (3)(b)(I), and (3)(c);" and substitute
8 "portion and (3)(b)(I);".

9 Page 6, line 3, after the period add "THE SUPPORTING DOCUMENTS MUST
10 INCLUDE RECORDS DOCUMENTING THE COMPLETION OF TREATMENT IF
11 ORDERED BY THE COURT, WHEN SUCH RECORDS ARE AVAILABLE."

12 Page 6, line 6, strike "THE DISTRICT".

13 Page 6, strike lines 7 through 9 and substitute "THE COURT SHALL ALSO
14 NOTIFY THE VICTIM OF THE OFFENSE FOR WHICH THE PETITIONER WAS
15 REQUIRED TO REGISTER, IF THE VICTIM OF THE OFFENSE HAS REQUESTED
16 NOTICE AND PROVIDED CONTACT INFORMATION."

17 Page 6, line 14, strike "ATTORNEY," and substitute "ATTORNEY OR MADE
18 BY THE VICTIM,".

19 Page 6, line 21, strike "AND".

20 Page 6, line 22, strike "EXPIRED." and substitute "EXPIRED, AND THE
21 PETITIONER IS NOT LIKELY TO COMMIT A SUBSEQUENT OFFENSE OF OR
22 INVOLVING UNLAWFUL SEXUAL BEHAVIOR. IN DETERMINING WHETHER TO
23 GRANT THE PETITION, THE COURT SHALL CONSIDER ANY TREATMENT
24 RECORDS PROVIDED PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION,
25 ANY WRITTEN OR ORAL STATEMENT OF THE VICTIM OF THE OFFENSE FOR
26 WHICH THE PETITIONER WAS REQUIRED TO REGISTER, AND ANY OTHER
27 RELEVANT INFORMATION PRESENTED BY THE PETITIONER OR DISTRICT
28 ATTORNEY."

29 Page 6, line 23, strike "PETITION," and substitute "PETITION BY THE
30 DISTRICT ATTORNEY OR VICTIM,".

31 Page 6, line 24, strike "PETITION. IF THE COURT FINDS" and substitute

- 1 "PETITION. THE COURT MAY GRANT THE PETITION IF THE COURT FINDS".
- 2 Page 7, line 2, strike "AND".
- 3 Page 7, strike lines 3 through 6 and substitute "OF THIS SECTION HAS
4 EXPIRED, AND THE PETITIONER IS NOT LIKELY TO COMMIT A SUBSEQUENT
5 OFFENSE OF OR INVOLVING UNLAWFUL SEXUAL BEHAVIOR. IN
6 DETERMINING WHETHER TO GRANT THE PETITION, THE COURT SHALL
7 CONSIDER ANY TREATMENT RECORDS PROVIDED PURSUANT TO
8 SUBSECTION (2)(b) OF THIS SECTION, ANY WRITTEN OR ORAL STATEMENT
9 OF THE VICTIM OF THE OFFENSE FOR WHICH THE PETITIONER WAS
10 REQUIRED TO REGISTER, AND ANY OTHER RELEVANT INFORMATION
11 PRESENTED BY THE PETITIONER OR DISTRICT ATTORNEY."
- 12 Page 7, line 10, strike "DISTRICT ATTORNEY SHALL" and substitute "COURT
13 SHALL ALSO".
- 14 Page 7, strike line 11 and substitute "VICTIM, IF THE VICTIM OF THE
15 OFFENSE HAS REQUESTED NOTICE AND PROVIDED CURRENT CONTACT
16 INFORMATION."
- 17 Page 7, line 23, after "SEVERE" insert "PHYSICAL OR INTELLECTUAL".
- 18 Page 7, line 24, before "INCAPACITATED" insert "PERMANENTLY" and
19 strike "UNACCEPTABLE" and substitute "UNREASONABLE".
- 20 Page 8, line 12, after the period, add "THE SUPPORTING DOCUMENTS MUST
21 INCLUDE RECORDS DOCUMENTING THE COMPLETION OF TREATMENT IF
22 ORDERED BY THE COURT, WHEN SUCH RECORDS ARE AVAILABLE."
- 23 Page 8, line 15 strike "THE DISTRICT".
- 24 Page 8, strike lines 16 through 18 and substitute "THE COURT SHALL ALSO
25 NOTIFY THE VICTIM OF THE OFFENSE FOR WHICH THE PETITIONER WAS
26 REQUIRED TO REGISTER, IF THE VICTIM OF THE OFFENSE HAS REQUESTED
27 NOTICE AND PROVIDED CONTACT INFORMATION."
- 28 Page 8, line 23, strike "ATTORNEY," and substitute "ATTORNEY OR MADE
29 BY THE VICTIM,".
- 30 Page 8, line 25, strike "IS" and substitute "SUFFERS FROM A SEVERE

1 PHYSICAL OR INTELLECTUAL DISABILITY TO THE EXTENT THAT THE
2 PETITIONER IS PERMANENTLY".

3 Page 8, line 26, strike "UNACCEPTABLE" and substitute "UNREASONABLE".

4 Page 9, line 1, after the period add "IN DETERMINING WHETHER TO GRANT
5 THE PETITION, THE COURT SHALL CONSIDER ANY TREATMENT RECORDS
6 PROVIDED PURSUANT TO SUBSECTION (2.5)(c) OF THIS SECTION, ANY
7 WRITTEN OR ORAL STATEMENT OF THE VICTIM OF THE OFFENSE FOR WHICH
8 THE PETITIONER WAS REQUIRED TO REGISTER, AND ANY OTHER RELEVANT
9 INFORMATION PRESENTED BY THE PETITIONER OR DISTRICT ATTORNEY."

10 Page 9, line 2, strike "PETITION," and substitute "PETITION BY THE
11 DISTRICT ATTORNEY OR VICTIM,".

12 Page 9, line 3, strike "SHALL" and substitute "MAY".

13 Page 9, line 4, strike "IS" and substitute "SUFFERS FROM A SEVERE
14 PHYSICAL OR INTELLECTUAL DISABILITY TO THE EXTENT THAT THE
15 PETITIONER IS PERMANENTLY".

16 Page 9, line 5, strike "UNACCEPTABLE" and substitute "UNREASONABLE".

17 Page 9, line 7, after the period add "IN DETERMINING WHETHER TO GRANT
18 THE PETITION, THE COURT SHALL CONSIDER ANY TREATMENT RECORDS
19 PROVIDED PURSUANT TO SUBSECTION (2.5)(c) OF THIS SECTION, ANY
20 WRITTEN OR ORAL STATEMENT OF THE VICTIM OF THE OFFENSE FOR WHICH
21 THE PETITIONER WAS REQUIRED TO REGISTER, AND ANY OTHER RELEVANT
22 INFORMATION PRESENTED BY THE PETITIONER OR DISTRICT ATTORNEY."

23 Page 9, line 11, strike "DISTRICT ATTORNEY SHALL" and substitute "COURT
24 SHALL ALSO".

25 Page 9, strike line 12 and substitute "VICTIM, IF THE VICTIM OF THE
26 OFFENSE HAS REQUESTED NOTICE AND PROVIDED CONTACT
27 INFORMATION."

28 Page 9, line 27, strike "FELONY sexual" and substitute "Sexual".

29 Page 10, strike line 5 through 9.

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