

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

May 5, 2021

Committee on Judiciary.

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

HB21-1069 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend reengrossed bill, page 2, after line 1 insert:
- 2 **"SECTION 1. Legislative declaration.** (1) The general
- 3 assembly finds that for the purpose of performing a post-enactment
- 4 review of the implementation of HB 21-1069, it is necessary to review the
- 5 following statewide data for the three years prior and subsequent to the
- 6 passage of HB 21-1069 in order to assess its impact on sentencing and the
- 7 filing of counts based on the number of images in violation of section
- 8 18-6-403 (3)(b.5):
- 9 (a) The number of cases filed that include a violation of section
- 10 18-6-403 (3)(b.5) and the number of counts in each case for violation of
- 11 18-6-403 (3)(b.5);
- 12 (b) The number of convictions for violation of section 18-6-403
- 13 (3)(b.5) resulting in a sentence to the department of corrections and the
- 14 lengths of those sentences; and
- 15 (c) The number of convictions for violation of section 18-6-403
- 16 (3)(b.5) resulting in a sentence to probation or a community-based
- 17 sentence."
- 18 Renumber succeeding sections accordingly.
- 19 Page 2, lines 3 and 4, strike "(2)(i.5), (5)(c), and (5.5)" and substitute
- 20 "(2)(i.5), (5.5), and (5.7)".
- 21 Page 4, strike lines 11 through 13.

1 Page 4, after line 22 insert:
2 "(5.7) NOTWITHSTANDING SECTION 16-22-113 (3)(c) TO THE
3 CONTRARY, AN ADULT WHO HAS MORE THAN ONE CONVICTION OF
4 18-6-403 (3)(b.5) IN A SINGLE CRIMINAL CASE IS ELIGIBLE TO PETITION FOR
5 REMOVAL FROM THE REGISTRY PURSUANT TO SECTION 16-22-113.

6 **SECTION 3.** In Colorado Revised Statutes, 16-22-113, **amend**
7 (3)(c) as follows:

8 **16-22-113. Petition for removal from registry.** (3) The
9 following persons are not eligible for relief pursuant to this section, but
10 shall be subject for the remainder of their natural lives to the registration
11 requirements specified in this article 22 or to the comparable
12 requirements of any other jurisdictions in which they may reside:

13 (c) Any adult who has more than one conviction or adjudication
14 for unlawful sexual behavior in this state or any other jurisdiction,
15 EXCEPT AS PROVIDED IN SECTION 18-6-403 (5.7).".

16 Renumber succeeding sections accordingly.

17 Page 8, after line 25 insert:

18 **"SECTION 7. Accountability.** Notwithstanding the requirement
19 to conduct a review of the implementation of this act either two or five
20 years after the enactment of the act, three years after this act becomes law
21 and in accordance with section 2-2-1201, Colorado Revised Statutes, the
22 legislative service agencies of the Colorado general assembly shall
23 conduct a post-enactment review of the implementation of this act
24 utilizing the information contained in the legislative declaration set forth
25 in section 1 of this act.".

26 Renumber succeeding sections accordingly.

27 Page 1, strike line 103 and substitute "**REQUIRING A POST-ENACTMENT**
28 **REVIEW OF THE IMPLEMENTATION OF THIS ACT AND MAKING AN**
29 **APPROPRIATION.**".

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