

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0433.02 Jerry Barry x4341

HOUSE BILL 16-1345

HOUSE SPONSORSHIP

Kagan, Court

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE SEX OFFENDER
102 MANAGEMENT BOARD, AND, IN CONNECTION THEREWITH,
103 IMPLEMENTING THE RECOMMENDATIONS OF THE 2015 SUNSET
104 REPORT ISSUED BY THE DEPARTMENT OF REGULATORY
105 AGENCIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Sunset Process - House Judiciary Committee. The bill extends the sex offender management board (board) from September 1, 2016, to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

September 1, 2021. In addition, the bill:

- ! Requires the board to collect and use data to evaluate the effectiveness of its guidelines and standards;
- ! Requires the board to review and investigate complaints and grievances against authorized providers concerning its standards and to notify the department of regulatory agencies (DORA) of any complaints or grievances and the outcomes of any investigations; and
- ! Requires DORA to notify the board of any complaints or grievances received concerning authorized providers and the outcomes of any investigations.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-11.7-103, **amend**
3 (4) (h) and (6) (a) as follows:

4 **16-11.7-103. Sex offender management board - creation -**
5 **duties - repeal. (4) Duties of the board.** The board shall carry out the
6 following duties:

7 (h) **Data collection from treatment providers.** ~~If the department~~
8 ~~of public safety acquires sufficient funding,~~ ON AND AFTER SEPTEMBER
9 1, 2016, the board ~~may~~ SHALL request that individuals or entities
10 providing sex-offender-specific evaluation, treatment, or polygraph
11 services that conform with standards developed by the board pursuant to
12 paragraph (b) of this subsection (4) submit to the board data and
13 information as determined by the board. ~~at the time that funding becomes~~
14 ~~available.~~ THE BOARD SHALL USE this data and information ~~may be used~~
15 ~~by the board~~ to evaluate the effectiveness of the guidelines and standards
16 developed pursuant to this article; to evaluate the effectiveness of
17 individuals or entities providing sex-offender-specific evaluation,
18 treatment, or polygraph services; or for any other purposes consistent with
19 the provisions of this article.

1 (6) **Repeal.** (a) This section is repealed, effective September 1,
2 ~~2016~~ 2021.

3 **SECTION 2.** In Colorado Revised Statutes, 16-11.7-106, **repeal**
4 **and reenact, with amendments,** (7) as follows:

5 **16-11.7-106. Sex offender evaluation, treatment, and**
6 **polygraph services - contracts with providers - placement on**
7 **provider list - grievances - fund created.** (7) (a) THE BOARD SHALL
8 NOTIFY THE DEPARTMENT OF REGULATORY AGENCIES OF THE RECEIPT OF
9 ANY COMPLAINTS OR GRIEVANCES AGAINST AN INDIVIDUAL WHO PROVIDES
10 SEX-OFFENDER-SPECIFIC TREATMENT OR EVALUATION SERVICES
11 PURSUANT TO THIS ARTICLE AND ADVISE THE DEPARTMENT OF ANY
12 DISCIPLINARY ACTION TAKEN PURSUANT TO PARAGRAPH (b) OF THIS
13 SUBSECTION (7). THE DEPARTMENT OF REGULATORY AGENCIES OR THE
14 APPROPRIATE BOARD, PURSUANT TO ARTICLE 43 OF TITLE 12, C.R.S., AND
15 REFERRED TO IN THIS SUBSECTION (7) AS THE "DORA BOARD", SHALL
16 NOTIFY THE BOARD OF THE RECEIPT OF ANY COMPLAINT OR GRIEVANCE
17 AGAINST A PROVIDER WHO PROVIDES SEX-OFFENDER-SPECIFIC TREATMENT
18 OR EVALUATION SERVICES PURSUANT TO THIS ARTICLE, IF THE COMPLAINT
19 OR GRIEVANCE WAS NOT REFERRED BY THE BOARD, AND ADVISE THE
20 BOARD OF ANY DISCIPLINARY ACTION TAKEN AGAINST THE INDIVIDUAL
21 PURSUANT TO ANY PROFESSIONAL LICENSING ACT.

22 (b) THE BOARD SHALL REVIEW AND INVESTIGATE ALL COMPLAINTS
23 AND GRIEVANCES CONCERNING COMPLIANCE WITH ITS STANDARDS
24 AGAINST INDIVIDUALS WHO PROVIDE SEX-OFFENDER-SPECIFIC
25 TREATMENT, EVALUATION, OR POLYGRAPH SERVICES PURSUANT TO THIS
26 ARTICLE. NOTWITHSTANDING ANY ACTION TAKEN BY THE DEPARTMENT OF
27 REGULATORY AGENCIES OF THE DORA BOARD, THE BOARD MAY TAKE

1 APPROPRIATE DISCIPLINARY ACTION, AS PERMITTED BY LAW, AGAINST AN
2 INDIVIDUAL WHO PROVIDES SEX-OFFENDER-SPECIFIC TREATMENT,
3 EVALUATION, OR POLYGRAPH SERVICES PURSUANT TO THIS ARTICLE. THE
4 DISCIPLINARY ACTION MAY INCLUDE, BUT NEED NOT BE LIMITED TO, THE
5 REMOVAL OF THE INDIVIDUAL'S NAME FROM THE LIST OF PERSONS WHO
6 MAY PROVIDE SEX OFFENDER EVALUATION, TREATMENT, OR POLYGRAPH
7 SERVICES PURSUANT TO THIS ARTICLE.

8 (c) (I) NOTHING IN THIS SUBSECTION (7) LIMITS THE RIGHTS OR
9 RESPONSIBILITIES OF THE DEPARTMENT OF REGULATORY AGENCIES OR THE
10 DORA BOARD WITH RESPECT TO THE INVESTIGATION AND RESOLUTION OF
11 COMPLAINTS PURSUANT TO ARTICLE 43 OF TITLE 12, C.R.S.

12 (II) NOTHING IN THIS SUBSECTION (7) LIMITS THE RIGHTS OR
13 RESPONSIBILITIES OF THE BOARD WITH RESPECT TO THE ADDITION OR
14 REMOVAL OF AN INDIVIDUAL'S NAME FROM THE LIST OF PERSONS WHO MAY
15 PROVIDE SEX OFFENDER EVALUATION, TREATMENT, OR POLYGRAPH
16 SERVICES PURSUANT TO THIS ARTICLE.

17 **SECTION 3.** In Colorado Revised Statutes, 24-34-104, **repeal**
18 (47.5) (f); and **add** (52.5) (f) as follows:

19 **24-34-104. General assembly review of regulatory agencies**
20 **and functions for termination, continuation, or reestablishment.**

21 (47.5) The following agencies, functions, or both, shall terminate on
22 September 1, 2016:

23 (f) ~~The sex offender management board created in section~~
24 ~~16-11.7-103, C.R.S.;~~

25 (52.5) The following agencies, functions, or both, terminate on
26 September 1, 2021:

27 (f) THE SEX OFFENDER MANAGEMENT BOARD CREATED IN SECTION

1 16-11.7-103, C.R.S.

2 **SECTION 4. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly (August
5 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
6 referendum petition is filed pursuant to section 1 (3) of article V of the
7 state constitution against this act or an item, section, or part of this act
8 within such period, then the act, item, section, or part will not take effect
9 unless approved by the people at the general election to be held in
10 November 2016 and, in such case, will take effect on the date of the
11 official declaration of the vote thereon by the governor.