

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 20-0669.01 Jerry Barry x4341

SENATE BILL 20-085

SENATE SPONSORSHIP

Zenzinger and Gardner,

HOUSE SPONSORSHIP

Michaelson Jenet and Soper,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT A SEX OFFENDER BEING PLACED**
102 **IN A COMMUNITY CORRECTIONS PROGRAM MEET CERTAIN**
103 **REQUIREMENTS FOR A SEX OFFENDER BEING RELEASED ON**
104 **PAROLE.**

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://leg.colorado.gov>.)

The bill clarifies that an offender sentenced pursuant to the "Colorado Sex Offender Lifetime Supervision Act of 1998" may be released to a community corrections program only if the offender meets

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

SENATE
Amended 2nd Reading
February 12, 2020

certain requirements for an offender being released on parole including that:

- ! The offender has successfully progressed in treatment and would not pose a threat to the community if released to community corrections;
- ! There is a strong and reasonable probability that the offender would not thereafter violate the law; and
- ! After considering criteria established by the sex offender management board and other factors, the executive director finds that release to community corrections is appropriate.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.3-301, **add**
3 (2)(f) as follows:

4 **18-1.3-301. Authority to place offenders in community**
5 **corrections programs. (2) (f) Requirements for sex offenders.**

6 (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
7 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL
8 NOT TRANSFER AN OFFENDER SENTENCED PURSUANT TO THE "COLORADO
9 SEX OFFENDER LIFETIME SUPERVISION ACT OF 1998", PART 10 OF THIS
10 ARTICLE 1.3, UNLESS:

11 (A) THE OFFENDER HAS SUCCESSFULLY PROGRESSED IN THE
12 TREATMENT REQUIRED BY SECTION 16-11.7-105, AS DETERMINED BY THE
13 DEPARTMENT OF CORRECTIONS AFTER CONSIDERATION OF THE CRITERIA
14 DEVELOPED BY THE SEX OFFENDER MANAGEMENT BOARD PURSUANT TO
15 SECTION 18-1.3-1009 (1)(b), AND WOULD NOT POSE AN UNDUE THREAT TO
16 THE COMMUNITY IF TRANSFERRED TO A COMMUNITY CORRECTIONS
17 PROGRAM UNDER APPROPRIATE TREATMENT AND MONITORING
18 REQUIREMENTS; AND

19 (B) THERE IS A STRONG AND REASONABLE PROBABILITY THAT THE
20 OFFENDER WOULD NOT THEREAFTER COMMIT A NEW CRIMINAL OFFENSE.

1 (II) IN MAKING THE DETERMINATION PURSUANT TO SUBSECTION
2 (2)(f)(I) OF THIS SECTION, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
3 OF CORRECTIONS SHALL CONSIDER THE RELEVANT CRITERIA ESTABLISHED
4 BY THE SEX OFFENDER MANAGEMENT BOARD PURSUANT TO SECTION
5 18-1.3-1009 AND ANY OTHER RELEVANT FACTORS.

6 **SECTION 2. Applicability.** This act applies to the transfer of
7 offenders on or after the effective date of this act.

8 **SECTION 3. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, or safety.