

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

REENGROSSED

*This Version Includes All Amendments
Adopted 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
3rd Reading Unamended
February 13, 2020

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.