

CHAPTER 231

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 20-1404

BY REPRESENTATIVE(S) Weissman and Soper, Roberts;
also SENATOR(S) Lee and Cooke, Tate.

AN ACT

CONCERNING THE CONTINUATION OF THE SEX OFFENDER MANAGEMENT BOARD, AND, IN CONNECTION THEREWITH, DELAYING CONSIDERATION OF THE RECOMMENDATIONS OF THE 2019 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES UNTIL THE 2021 REGULAR SESSION.

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

SECTION 1. Legislative declaration. (1) The general assembly finds:

(a) The department of regulatory agencies reviewed the sex offender management board pursuant to section 24-34-104, C.R.S., and in 2019 prepared and submitted a report to the general assembly containing its recommendations, but no hearing was held on the report prior to March 14, 2020;

(b) Due to the spread of the COVID-19 virus and the governor's emergency orders, the general assembly adjourned on March 14, 2020, and did not come back until May 26, 2020, limiting the amount of time that the judiciary committee of the house of representatives could spend on the hearing required by section 24-34-104 (6)(a), C.R.S., on the report of the sex offender management board;

(c) The judiciary committee held a hearing on the report pursuant to section 24-34-104 (6)(a), C.R.S., during the 2020 regular session;

(d) However, due to the continued threat posed by the COVID-19 virus, it is likely that a number of people who would have liked to testify at the hearing were not able to attend the hearing;

(e) In order to fully evaluate the factors in section 24-34-104 (6)(b), C.R.S., the judiciary committee must have an opportunity to receive public comment from all

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interested parties; and

(f) It would be best for the general assembly to consider whether the sex offender management board should be repealed, continued, or reestablished and whether its functions should be revised after a hearing during the 2021 regular session, during which the public has a full opportunity to testify.

SECTION 2. In Colorado Revised Statutes, 16-11.7-103, **amend** (6)(a); and **add** (6)(c) as follows:

16-11.7-103. Sex offender management board - creation - duties - repeal. (6) **Repeal.** (a) This section is repealed, effective September 1, ~~2020~~ 2021.

(c) (I) PRIOR TO THE REPEAL OF THIS SECTION IN 2021, THE HOUSE JUDICIARY COMMITTEE, OR ITS SUCCESSOR COMMITTEE, SHALL HOLD AN ADDITIONAL HEARING ON THE REPORT PREPARED BY THE DEPARTMENT OF REGULATORY AGENCIES IN 2019 PURSUANT TO THE PROVISIONS OF SECTION 24-34-104 (6)(a). ANY BILL RECOMMENDED BY THE JUDICIARY COMMITTEE PURSUANT TO THIS SUBSECTION (6)(c)(I) DOES NOT COUNT AGAINST THE NUMBER OF BILLS TO WHICH MEMBERS OF THE GENERAL ASSEMBLY ARE LIMITED BY LAW OR JOINT RULE OF THE SENATE AND HOUSE OF REPRESENTATIVES. THE DEPARTMENT OF REGULATORY AGENCIES IS NOT REQUIRED TO CONDUCT AN ADDITIONAL REVIEW OR PREPARE AN ADDITIONAL REPORT PRIOR THE HEARING IN 2021.

(II) THIS SUBSECTION (6)(c) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.

SECTION 3. In Colorado Revised Statutes, 24-34-104, **repeal** (19)(a)(XI) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (19) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2020:

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

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: July 2, 2020