

CHAPTER 320

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 21-1064

BY REPRESENTATIVE(S) Benavidez and Amabile, Bacon, Bernett, Cutter, Esgar, Gonzales-Gutierrez, Herod, Hooton, Kennedy, McCluskie, McCormick, Michaelson Jenet, Ortiz, Ricks, Sirota, Valdez A., Weissman;
also SENATOR(S) Rodriguez, Buckner, Gonzales, Lee, Moreno.

AN ACT

CONCERNING THE IMPLEMENTATION OF RECOMMENDATIONS FROM THE LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING THE TREATMENT OF PERSONS WITH MENTAL HEALTH DISORDERS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS REGARDING JUVENILES WHO HAVE COMMITTED SEX OFFENSES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 16-22-102, **amend** (1); and **add** (1.5) and (4.2) as follows:

16-22-102. Definitions. As used in this article 22, unless the context otherwise requires:

(1) ~~"Birthday" means a person's birthday as reflected on the notice provided to the person pursuant to section 16-22-106 or 16-22-107 or the person's actual date of birth if the notice does not reflect the person's birthday~~ "ADJUDICATED" OR "ADJUDICATION" MEANS A DETERMINATION BY THE COURT THAT IT HAS BEEN PROVEN BEYOND A REASONABLE DOUBT TO THE TRIER OF FACT THAT A JUVENILE HAS COMMITTED A DELINQUENT ACT OR THAT A JUVENILE HAS PLED GUILTY TO COMMITTING A DELINQUENT ACT. IN ADDITION, WHEN A PREVIOUS CONVICTION MUST BE PLED AND PROVEN AS AN ELEMENT OF AN OFFENSE OR FOR PURPOSES OF SENTENCE ENHANCEMENT, "ADJUDICATION" MEANS CONVICTION.

(1.5) "BIRTHDAY" MEANS A PERSON'S BIRTHDAY AS REFLECTED ON THE NOTICE PROVIDED TO THE PERSON PURSUANT TO SECTION 16-22-106 OR 16-22-107 OR THE PERSON'S ACTUAL DATE OF BIRTH IF THE NOTICE DOES NOT REFLECT THE PERSON'S BIRTHDAY.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(4.2) "JUVENILE" MEANS A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE AT THE TIME OF THE OFFENSE AND WHO HAS NOT BEEN CRIMINALLY CONVICTED IN THE DISTRICT COURT OF UNLAWFUL SEXUAL BEHAVIOR PURSUANT TO SECTION 19-2-517 OR 19-2-518.

SECTION 2. In Colorado Revised Statutes, 16-22-103, **amend** (1) introductory portion, (1)(a), (3), (4), and (5)(a) as follows:

16-22-103. Sex offender registration - required - applicability - exception.

(1) Effective July 1, 1998, the following persons ~~shall be~~ ARE required to register pursuant to ~~the provisions of~~ section 16-22-108 and ~~shall be~~ ARE subject to the requirements and other provisions specified in this ~~article~~ ARTICLE 22:

(a) Any person who was convicted on or after July 1, 1991, in the state of Colorado of an unlawful sexual offense, as defined in section 18-3-411 (1), ~~C.R.S.~~, enticement of a child, as described in section 18-3-305, ~~C.R.S.~~, or internet luring of a child, as described in ~~section 18-3-306, C.R.S.~~ SECTION 18-3-306 (3);

(3) (a) In addition to the persons specified in subsections (1) and (2) of this section, AND EXCEPT AS SET FORTH IN SUBSECTION (3)(b) OF THIS SECTION, any person convicted of an offense in any other state or jurisdiction, including but not limited to a military or federal jurisdiction, for which the person, as a result of the conviction, is required to register if ~~he or she~~ THE PERSON resided in the state or jurisdiction of conviction, or for which ~~such~~ THE person would be required to register if convicted in Colorado, ~~shall be~~ IS required to register in the manner specified in section 16-22-108, so long as ~~such~~ THE person is a temporary or permanent resident of Colorado. ~~Such~~ THE person may petition the court for an order ~~that discontinues~~ TO DISCONTINUE the requirement for registration in this state at the times specified in section 16-22-113 for offense classifications that are comparable to the classification of the offense for which the person was convicted in the other state or jurisdiction. ~~Such~~ THE person may petition the court for an order ~~that discontinues~~ TO DISCONTINUE the requirement for registration in this state for offense classifications that ~~such~~ THE person would not be required to register for if convicted in Colorado.

(b) IF A JUVENILE IS REQUIRED TO REGISTER ONLY PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION AND THE JUVENILE'S DUTY TO REGISTER IN ANOTHER STATE OR JURISDICTION HAS BEEN TERMINATED BY A COURT ORDER, OR IF A TRIAL COURT HAS DETERMINED THAT THE JUVENILE IS NOT REQUIRED TO REGISTER IN THAT STATE OR JURISDICTION, THEN THE JUVENILE IS NOT REQUIRED TO FULFILL THE REQUIREMENTS FOR REGISTRATION IN COLORADO, AS SET FORTH IN SECTION 16-22-108, AND IS THEREFORE NOT REQUIRED TO PETITION THE COURT FOR REMOVAL FROM THE COLORADO SEX OFFENDER REGISTRY PURSUANT TO SECTION 16-22-113.

(4) ~~The provisions of~~ This article 22 ~~apply~~ APPLIES to any person who receives a disposition or is adjudicated a juvenile delinquent based on the commission of any act that may constitute unlawful sexual behavior or who receives a deferred adjudication based on commission of any act that may constitute unlawful sexual behavior; except that, with respect to section 16-22-113 (1)(a) to (1)(e), a person WHO IS ADJUDICATED OR RECEIVES A DISPOSITION AS A JUVENILE may petition the court for an order to discontinue the duty to register as provided in those ~~paragraphs~~

SUBSECTIONS, but only if the person has not subsequently received a disposition for, been adjudicated a juvenile delinquent for, or been otherwise BEEN CONVICTED AS AN ADULT of any offense involving unlawful sexual behavior OR CONVICTED AS AN ADULT OF ANOTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVES UNLAWFUL SEXUAL BEHAVIOR. In addition, the duty to provide notice to a person of the duty to register, as set forth in sections 16-22-105 to 16-22-107, applies to juvenile parole and probation officers and appropriate personnel of the division of youth services in the department of human services. IF A PERSON IS REQUIRED TO REGISTER PURSUANT TO THIS ARTICLE 22 DUE TO AN ADJUDICATION OR DISPOSITION AS A JUVENILE, THE DUTY TO REGISTER AUTOMATICALLY TERMINATES EITHER WHEN THE PERSON REACHES TWENTY-FIVE YEARS OF AGE OR SEVEN YEARS FROM THE DATE THE JUVENILE WAS REQUIRED TO REGISTER, WHICHEVER OCCURS LATER.

(5) (a) Notwithstanding any provision of this article 22 to the contrary, if, pursuant to a motion filed by a person described in this subsection (5) or on its own motion, a court determines that the registration requirement specified in this section would be unfairly punitive and that exempting the person from the registration requirement would not pose a significant risk to the community, the court, upon consideration of the totality of the circumstances, may exempt the person from the registration requirements imposed pursuant to this section if:

(I) The person was younger than eighteen years of age at the time of the commission of the offense; and

(II) The person has not been previously charged with ADJUDICATED OR RECEIVED A DISPOSITION FOR A SEPARATE OFFENSE INVOLVING unlawful sexual behavior; and

(III) ~~The offense, as charged in the first petition filed with the court, is a first offense of misdemeanor unlawful sexual contact, as described in section 18-3-404; indecent exposure, as described in section 18-7-302; or sexual exploitation of a child, as described in section 18-6-403, and the person's conduct is limited to the elements in posting private images by a juvenile, as described in section 18-7-109 (1), or possessing private images by a juvenile, as described in section 18-7-109 (2); and~~ THE PERSON WAS ADJUDICATED OR RECEIVED A DISPOSITION FOR ANY OFFENSE OF UNLAWFUL SEXUAL BEHAVIOR OR ANOTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL BEHAVIOR; AND

(IV) The person has received a sex offender AN evaluation that conforms with the standards developed pursuant to section 16-11.7-103 (4)(i) from an evaluator who meets the standards established by the sex offender management board, and the evaluator recommends exempting the person from the registration requirements based upon the best interests of that person and the community; and

(IV.5) THE COURT HAS CONSIDERED A WRITTEN OR ORAL STATEMENT BY THE VICTIM OF THE OFFENSE FOR WHICH THE JUVENILE WOULD OTHERWISE BE REQUIRED TO REGISTER, IF PROVIDED BY THE VICTIM, ON THE QUESTION OF WHETHER THE JUVENILE SHOULD BE EXEMPTED FROM THE STATUTORY DUTY TO REGISTER AS A SEX OFFENDER; AND

(V) The court makes written findings of fact specifying the grounds for granting such exemption.

SECTION 3. In Colorado Revised Statutes, 16-22-108, **amend** (1)(d)(I.5); and **add** (8) as follows:

16-22-108. Registration - procedure - frequency - place - change of address - fee. (1) (d) (I.5) (A) A person convicted AS AN ADULT of an offense in another state or jurisdiction, including but not limited to a military or federal jurisdiction, who, as a result of the conviction, is required to register quarterly as a sex offender in the state or jurisdiction of conviction is required to register as provided in ~~subparagraph (f) of this paragraph (d)~~ SUBSECTION (1)(d)(I) OF THIS SECTION, so long as the person is a temporary or permanent resident of Colorado.

(B) A person convicted AS AN ADULT of an offense in another state or jurisdiction, including but not limited to a military or federal jurisdiction, which conviction would require the person to register as provided in ~~subparagraph (f) of this paragraph (d)~~ SUBSECTION (1)(d)(I) OF THIS SECTION if the conviction occurred in Colorado, is required to register as provided in ~~said subparagraph (f)~~ SUBSECTION (1)(d)(I) OF THIS SECTION, so long as the person is a temporary or permanent resident of Colorado.

(8)(a) IF A PERSON WHOSE DUTY TO REGISTER HAS AUTOMATICALLY TERMINATED PURSUANT TO SECTION 16-22-103 (4) EITHER ATTEMPTS TO REGISTER OR INQUIRES WITH LOCAL LAW ENFORCEMENT AS TO WHETHER THE DUTY TO REGISTER HAS AUTOMATICALLY TERMINATED, LOCAL LAW ENFORCEMENT SHALL ADVISE THE PERSON THAT THE PERSON'S DUTY TO REGISTER TERMINATED, REMOVE THE PERSON FROM ANY LOCAL LAW ENFORCEMENT REGISTRY, AND NOTIFY THE CBI THAT THE PERSON'S DUTY TO REGISTER HAS TERMINATED.

(b) A LOCAL LAW ENFORCEMENT AGENCY OR THE CBI MAY ESTABLISH A FEE TO DETERMINE WHETHER A PERSON'S DUTY TO REGISTER HAS TERMINATED PURSUANT TO SECTION 16-22-103 (4). THE AMOUNT OF THE FEE MUST REFLECT THE ACTUAL DIRECT COSTS INCURRED BUT MUST NOT EXCEED FIFTEEN DOLLARS. THE FEE MAY BE WAIVED FOR AN INDIGENT PERSON.

SECTION 4. In Colorado Revised Statutes, 16-22-109, **amend** (4) as follows:

16-22-109. Registration forms - local law enforcement agencies - duties - report. (4) The forms completed by persons required to register pursuant to this ~~article shall be~~ ARTICLE 22 ARE confidential and ~~shall not be~~ ARE NOT open to inspection by the public or any person other than law enforcement personnel, except as provided in sections 16-22-110 (6), 16-22-111, ~~and~~ 16-22-112, and ~~section~~ 25-1-124.5. ~~C.R.S.~~

SECTION 5. In Colorado Revised Statutes, 16-22-110, **amend** (6); and **add** (10) as follows:

16-22-110. Colorado sex offender registry - creation - maintenance - release of information - data collection. (6) (a) The general assembly hereby recognizes the need to balance the expectations of persons convicted of offenses involving unlawful sexual behavior and the public's need to adequately protect themselves and their children from these persons, as expressed in section 16-22-112 (1). The general assembly declares, however, that, in making information concerning persons

convicted of offenses involving unlawful sexual behavior available to the public, it is not the general assembly's intent that the information be used to inflict retribution or additional punishment on any person convicted of unlawful sexual behavior or of another offense, the underlying factual basis of which involves unlawful sexual behavior.

(b) Pursuant to a request for a criminal history RECORD check ~~under the provisions of~~ PURSUANT TO part 3 of article 72 of title 24, ~~C.R.S.~~ UNLESS THE PERSON WHO IS THE SUBJECT OF THE CRIMINAL HISTORY RECORD CHECK WAS REQUIRED TO REGISTER SOLELY BECAUSE THE PERSON WAS ADJUDICATED OR RECEIVED A DISPOSITION AS A JUVENILE, the CBI may inform the requesting party as to whether the person who is the subject of the criminal history check is on the sex offender registry. If SUCH PERSON IS ON THE SEX OFFENDER REGISTRY SOLELY AS A RESULT OF BEING ADJUDICATED OR RECEIVING A DISPOSITION AS A JUVENILE, THE CBI SHALL NOT RELEASE SUCH INFORMATION TO A PERSON OTHER THAN LAW ENFORCEMENT, PROBATION AND PAROLE PERSONNEL, THE DIVISION OF CHILD WELFARE, THE DIVISION OF YOUTH SERVICES, OR THE VICTIM, AS DEFINED IN SECTION 24-4.1-302 (5).

(c) A person may request from the CBI a list of persons on the sex offender registry. THE LIST MUST NOT INCLUDE PERSONS WHO ARE ON THE SEX OFFENDER REGISTRY SOLELY FOR HAVING BEEN ADJUDICATED OR RECEIVED DISPOSITIONS AS JUVENILES.

(d) (Deleted by amendment, L. 2005, p. 611, § 1, effective May 27, 2005.)

(e) Any person requesting information pursuant to ~~paragraph (c) of this subsection (6)~~ SUBSECTION (6)(c) OF THIS SECTION shall show proper identification.

(f) IF information IS released pursuant to this subsection (6), IT MUST, at a minimum, ~~shall~~ include the name, address or addresses, and aliases of the registrant; the registrant's date of birth; a photograph of the registrant, if requested and readily available; ~~and the conviction~~ OFFENSE THAT LED TO THE REGISTRATION REQUIREMENT; AND THE DATE OF THE OFFENSE resulting in the registrant being required to register pursuant to this ~~article~~ ARTICLE 22. Information concerning victims ~~shall~~ MUST not be released pursuant to this section.

(g) NOTWITHSTANDING THIS SUBSECTION (6) TO THE CONTRARY, THE CBI MAY RELEASE INFORMATION, AS DESCRIBED IN SUBSECTION (6)(i) OF THIS SECTION, ABOUT THE PERSON REGISTERED AS A RESULT OF BEING ADJUDICATED OR RECEIVING A DISPOSITION AS A JUVENILE IF A PERSON, OTHER THAN THE VICTIM, SUBMITS A REQUEST TO THE CBI FOR THE SEX OFFENDER REGISTRY RECORD OF A NAMED PERSON WHO WAS ADJUDICATED OR RECEIVED A DISPOSITION AS A JUVENILE, AND THE REQUESTING PERSON AFFIRMS IN WRITING THAT THE REQUESTED RECORD SHALL NOT BE:

(I) PLACED IN PUBLICATION OR POSTED TO A WEBSITE;

(II) USED FOR THE PURPOSE OF OBTAINING A PECUNIARY GAIN OR FINANCIAL BENEFIT FOR ANY PERSON OR ENTITY; OR

(III) USED OR DISSEMINATED IN ANY MANNER WITH THE INTENT TO HARASS, INTIMIDATE, COERCE, OR CAUSE SERIOUS EMOTIONAL DISTRESS TO ANY PERSON, INCLUDING THE NAMED PERSON.

(h) IN ADDITION TO THE WRITTEN AFFIRMATION REQUIRED BY SUBSECTION (6)(g) OF THIS SECTION, THE PERSON REQUESTING INFORMATION SHALL AFFIRM IN WRITING THAT HE OR SHE HAS A NEED FOR THE SEX OFFENDER INFORMATION CONCERNING THE PERSON WHO WAS ADJUDICATED OR RECEIVED A DISPOSITION AS A JUVENILE AND DESCRIBE THAT NEED IN WRITING.

(i) UPON RECEIPT OF THE WRITTEN AFFIRMATIONS REQUIRED BY SUBSECTIONS (6)(g) AND (6)(h) OF THIS SECTION, THE CBI SHALL RELEASE TO THE REQUESTING PERSON THE SEX OFFENDER REGISTRY RECORD THAT IS LIMITED TO INCLUDE ONLY THE PERSON'S REGISTRATION STATUS, FULL NAME, ALIASES, DATE OF BIRTH, AND CURRENT ADDRESS OR ADDRESSES; A PHOTOGRAPH OF THE REGISTRANT, IF REQUESTED AND READILY AVAILABLE; THE OFFENSE THAT LED TO THE REGISTRATION; AND THE DATE OF THE OFFENSE AS SUCH INFORMATION CONCERNS THE PERSON WHO WAS ADJUDICATED OR RECEIVED A DISPOSITION AS A JUVENILE. INFORMATION CONCERNING VICTIMS MUST NOT BE RELEASED PURSUANT TO THIS SECTION.

(j) NOTHING IN THIS SUBSECTION (6) LIMITS THE VICTIM'S ACCESS TO INFORMATION PURSUANT TO SECTION 24-4.1-302.5.

(10) ON OR BEFORE JULY 1, 2022, AND EVERY JULY 1 THEREAFTER, THE CBI SHALL PREPARE A REPORT THAT DETAILS THE NUMBER OF REQUESTS FOR SEX OFFENDER REGISTRATION INFORMATION FOR JUVENILES RECEIVED ANNUALLY PURSUANT TO SUBSECTION (6) OF THIS SECTION AS WELL AS THE NUMBER OF TIMES SUCH INFORMATION WAS RELEASED. THE CBI SHALL INCLUDE THE REPORT AS A PART OF ITS PRESENTATION TO ITS COMMITTEE OF REFERENCE AT A HEARING HELD PURSUANT TO SECTION 2-7-203 OF THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT".

SECTION 6. In Colorado Revised Statutes, 16-22-111, **amend** (1) introductory portion as follows:

16-22-111. Internet posting of sex offenders - procedure. (1) The CBI shall post a link on the state of Colorado home page on the internet to a list containing the names, addresses, and physical descriptions of certain persons and descriptions of the offenses committed by said persons. A person's physical description ~~shall~~ MUST include, but need not be limited to, the person's sex, height, and weight, any identifying characteristics of the person, and a digitized photograph or image of the person. The list ~~shall~~ MUST specifically exclude any reference to any victims of the offenses. The list ~~shall~~ MUST SPECIFICALLY EXCLUDE PERSONS WHO ARE REQUIRED TO REGISTER SOLELY BECAUSE THEY WERE ADJUDICATED OR RECEIVED DISPOSITIONS AS JUVENILES BUT MUST include the following persons:

SECTION 7. In Colorado Revised Statutes, 16-22-112, **amend** (2)(a), (2)(b)(I), and (3)(b); and **repeal** (2)(b)(III) and (2)(b)(IV) as follows:

16-22-112. Release of information - law enforcement agencies. (2) (a) A local

law enforcement agency shall release information regarding any person, EXCEPT FOR A PERSON WHO IS REQUIRED TO REGISTER SOLELY BECAUSE THE PERSON WAS ADJUDICATED OR RECEIVED A DISPOSITION AS A JUVENILE, registered with the local law enforcement agency pursuant to this ~~article~~ ARTICLE 22 to any person residing within the local law enforcement agency's jurisdiction. In addition, the local law enforcement agency may post the information specified in ~~paragraph (b) of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION on the law enforcement agency's website.

(b) A local law enforcement agency may post on its website sex offender registration information of a person from its registration list only if the person is:

(I) An adult convicted of a felony requiring the adult to register pursuant to section 16-22-103; OR

~~(III) A juvenile with a second or subsequent adjudication involving unlawful sexual behavior or for a crime of violence as defined in section 18-1.3-406, C.R.S.; or~~

~~(IV) A juvenile who is required to register pursuant to section 16-22-103 because he or she was adjudicated for an offense that would have been a felony if committed by an adult and has failed to register as required by section 16-22-103.~~

(3) (b) At its discretion, a local law enforcement agency may release information regarding any person, EXCEPT FOR A PERSON WHO IS REQUIRED TO REGISTER SOLELY BECAUSE THE PERSON WAS ADJUDICATED OR RECEIVED A DISPOSITION AS A JUVENILE, registered with the local law enforcement agency pursuant to this ~~article~~ ARTICLE 22 to any person who does not reside within the local law enforcement agency's jurisdiction or may post the information specified in ~~paragraph (b) of subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION on the law enforcement agency's website. If a local law enforcement agency does not elect to release information regarding any person registered with the local law enforcement agency to a person not residing within the local law enforcement agency's jurisdiction, the local law enforcement agency may submit a request from the person to the CBI.

SECTION 8. In Colorado Revised Statutes, 16-22-113, **amend** (1)(e), (1.3)(b)(I), (3) introductory portion, and (3)(c); and **add** (1)(g) as follows:

16-22-113. Petition for removal from sex offender registry - mandatory hearing for discontinuation and removal. (1) Except as otherwise provided in subsection (3) of this section, any person required to register pursuant to section 16-22-103 or whose information is required to be posted on the internet pursuant to section 16-22-111 may file a petition with the court that issued the order of judgment for the conviction that requires the person to register for an order to discontinue the requirement for such registration or internet posting, or both, as follows:

~~(e) Except as otherwise provided in subparagraph (II) of paragraph (b) of subsection (1.3)~~ REQUIRED BY SUBSECTION (1.3)(b)(II) OF THIS SECTION, if the person was younger than eighteen years of age at the time of commission of the offense, after the successful completion of and discharge from a juvenile sentence or

disposition, and if the person prior to such time has not been subsequently convicted ~~or has~~ AS AN ADULT OF UNLAWFUL SEXUAL BEHAVIOR, OR FOR ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL BEHAVIOR, OR DOES NOT HAVE a pending prosecution for unlawful sexual behavior AS AN ADULT or for any other offense, the underlying factual basis of which involved unlawful sexual behavior, and the court did not issue an order to either ~~continuing~~ CONTINUE OR DISCONTINUE the duty to register ~~or discontinuing the duty to register pursuant to paragraph (b) of subsection (1.3)~~ SUBSECTION (1.3)(b) of this section. ~~Any~~ A person petitioning pursuant to this ~~paragraph (e)~~ SUBSECTION (1)(e) may also petition for an order ~~removing his or her~~ TO REMOVE THE PERSON'S name from the sex offender registry. In determining whether to grant the order, the court shall consider whether the person is likely to commit a subsequent offense of or involving unlawful sexual behavior. The court shall base its determination on THE FOLLOWING, IF AVAILABLE: Recommendations from the person's probation or community parole officer; the person's treatment provider; ~~and~~ the prosecuting attorney for the jurisdiction in which the person was tried; and on the recommendations included in the person's presentence investigation report. In addition, the court shall consider any written or oral testimony submitted by the victim of the offense for which the petitioner was required to register. Notwithstanding ~~the provisions~~ ANY OTHER REQUIREMENTS of this subsection (1), a juvenile who files a petition pursuant to this section may file the petition with the court to which venue is transferred pursuant to section 19-2-105, C.R.S., if any.

(g) IF A PERSON'S DUTY TO REGISTER PURSUANT TO THIS ARTICLE 22 DUE TO AN ADJUDICATION OR DISPOSITION AS A JUVENILE HAS AUTOMATICALLY TERMINATED PURSUANT TO SECTION 16-22-103 (4), AND THE PERSON'S NAME HAS NOT ALREADY BEEN REMOVED FROM THE SEX OFFENDER REGISTRY BY LOCAL LAW ENFORCEMENT OR THE CBI, THE PERSON MAY PETITION FOR AN ORDER TO REMOVE THE PERSON'S NAME FROM THE SEX OFFENDER REGISTRY. IF THE PERSON HAS REACHED TWENTY-FIVE YEARS OF AGE OR SEVEN YEARS HAVE PASSED FROM THE DATE THE PERSON WAS REQUIRED TO REGISTER, WHICHEVER OCCURS LATER, AND THE PERSON HAS NOT SUBSEQUENTLY BEEN CONVICTED AS AN ADULT OF UNLAWFUL SEXUAL BEHAVIOR, OR FOR ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL BEHAVIOR, OR DOES NOT HAVE A PENDING PROSECUTION FOR UNLAWFUL SEXUAL BEHAVIOR AS AN ADULT OR FOR ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL BEHAVIOR, THE COURT SHALL ISSUE AN ORDER TO REMOVE THE PERSON'S NAME FROM THE SEX OFFENDER REGISTRY.

(1.3) (b) (I) If a PERSON ADJUDICATED OR WHO RECEIVED A DISPOSITION AS A juvenile is eligible to petition to ~~discontinue his or her duty to register pursuant to paragraph (c) of subsection (1) of this section~~ REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103, the court, ~~at least sixty-three days before discharging~~ WITHIN FOURTEEN DAYS OF THE END OF the juvenile's sentence, shall notify each of the parties described in ~~paragraph (a) of subsection (2)~~ SUBSECTION (2)(a) of this section, the juvenile, and the victim of the offense for which the juvenile was required to register, if the victim has requested notice and has provided current contact information, that the court shall consider whether to order that the juvenile may discontinue ~~his or her~~ THE JUVENILE'S duty to register when the court discharges the juvenile's sentence. The court shall set the matter for hearing if ~~any~~ of the parties described in ~~paragraph (a) of subsection (2) of this section or the~~ ANY

DISTRICT ATTORNEY OR A victim of the offense objects, or if the juvenile requests a hearing, ~~and shall~~ IF AN OBJECTION IS NOT FILED WITHIN SIXTY-THREE DAYS AFTER RECEIPT OF THE NOTICE, THE COURT SHALL, ON THE SIXTY-FOURTH DAY OR THE NEXT DAY THE COURT IS IN SESSION IF THE SIXTY-FOURTH DAY FALLS ON A SATURDAY, SUNDAY, OR COURT HOLIDAY, EITHER ISSUE AN ORDER, AFTER DETERMINATION THAT THE JUVENILE IS ELIGIBLE TO DISCONTINUE REGISTRATION PURSUANT TO SUBSECTION (1)(e) OF THIS SECTION AND A REVIEW OF THE RELEVANT CRITERIA THAT DISCONTINUES THE JUVENILE'S DUTY TO REGISTER, OR SET THE MATTER FOR A HEARING TO DETERMINE IF THE JUVENILE'S DUTY TO REGISTER CONTINUES. AT ANY HEARING, THE COURT SHALL DETERMINE WHETHER THE JUVENILE IS ELIGIBLE TO DISCONTINUE REGISTRATION PURSUANT TO SUBSECTION (1)(e) OF THIS SECTION AND, IF ELIGIBLE, consider the criteria in ~~paragraph (e) of subsection (1)~~ SUBSECTION (1)(e) of this section in determining whether to continue or discontinue the duty to register. If the court enters an order ~~discontinuing~~ TO DISCONTINUE the juvenile's duty to register, the ~~department of human services~~ COURT shall send a copy of the order to each local law enforcement agency with which the juvenile is registered, the juvenile parole board, and to the CBI. If the victim of the offense has requested notice, the court shall notify the victim of its decision either to continue or discontinue the juvenile's duty to register.

(3) The following persons are not eligible for relief pursuant to this section, but ~~shall be~~ ARE subject for the remainder of their natural lives to the registration requirements specified in this article 22 or to the comparable requirements of any other jurisdictions in which they may reside:

(c) Any adult who has more than one conviction ~~or adjudication~~ AS AN ADULT for unlawful sexual behavior OR ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH IS UNLAWFUL SEXUAL BEHAVIOR PURSUANT TO SECTION 16-22-103 (2), in this state or any other jurisdiction, OR HAS A CONVICTION AS AN ADULT AND ONE OR MORE ADJUDICATIONS AS A JUVENILE FOR UNLAWFUL SEXUAL BEHAVIOR OR FOR ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH IS UNLAWFUL SEXUAL BEHAVIOR PURSUANT TO SECTION 16-22-103 (2), IN THIS STATE OR ANY OTHER JURISDICTION.

SECTION 9. In Colorado Revised Statutes, **add** 18-9-310.5 as follows:

18-9-310.5. False statement to the CBI for sex offender registry information.

A PERSON WHO VIOLATES SECTION 16-22-110 (6) OR WHO SUBMITS A FALSE STATEMENT TO THE COLORADO BUREAU OF INVESTIGATION TO OBTAIN INFORMATION FROM THE SEX OFFENDER REGISTRY PURSUANT TO SECTION 16-22-110 (6)(g) OR (6)(h) COMMITS AN UNCLASSIFIED MISDEMEANOR PUNISHABLE BY A FINE OF UP TO ONE THOUSAND DOLLARS FOR EACH VIOLATION.

SECTION 10. In Colorado Revised Statutes, 24-4.1-302, **amend** (2)(r) as follows:

24-4.1-302. Definitions. As used in this part 3, and for no other purpose, including the expansion of the rights of any defendant:

(2) "Critical stages" means the following stages of the criminal justice process:

(r) Any petition ~~by a sex offender to terminate sex offender registration~~ OR MOTION TO TERMINATE SEX OFFENDER REGISTRATION FILED PURSUANT TO SECTION 16-22-113;

SECTION 11. In Colorado Revised Statutes, 24-4.1-302.5, **amend** (1)(b.7) as follows:

24-4.1-302.5. Rights afforded to victims - definitions. (1) In order to preserve and protect a victim's rights to justice and due process, each victim of a crime has the following rights:

(b.7) For a victim of a sex offense, the right to be informed of the filing of a ~~petition by the perpetrator of the offense~~ ANY PETITION OR MOTION FILED to terminate sex offender registration pursuant to ~~section 16-22-113 (2) and (2.5)~~ SECTION 16-22-103 (5) OR 16-22-113 (2) AND (2.5);

SECTION 12. In Colorado Revised Statutes, 24-4.1-303, **amend** (14.7)(b) as follows:

24-4.1-303. Procedures for ensuring rights of victims of crimes. (14.7) (b) The court shall notify the victim of petitions OR MOTIONS filed ~~by sex offenders~~ to cease sex offender registration pursuant to ~~section 16-22-113 (2) and (2.5)~~ SECTIONS 16-22-103 (5) AND 16-22-113 (2) AND (2.5).

SECTION 13. Appropriation. For the 2021-22 state fiscal year, \$7,200 is appropriated to the department of public safety for use by the Colorado bureau of investigation. This appropriation is from the general fund. To implement this act, the division may use this appropriation for CCIC program support operating expenses related to the Colorado crime information center.

SECTION 14. Effective date. This act takes effect September 1, 2021.

SECTION 15. 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: June 24, 2021