

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0532.01 Michael Dohr x4347

SENATE BILL 22-089

SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING SEX OFFENDER MANAGEMENT.

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>.)

Under current law, there is a single sex offender management board that sets standards for sex offender treatment and approves sex offender treatment providers (treatment providers), among other things. The bill creates 2 boards, one for adult sex offenders and one for juvenile sex offenders.

Under current law, a sex offender is given the choice of 2 treatment providers. The bill allows a sex offender access to the list of all treatment providers to choose from, with some restrictions.

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.

The bill gives prosecutors discretion to permit a sex offender evaluation to be dispensed with if it is only triggered by sexual offense history.

The bill directs the department of corrections (department) to identify all inmates who are required to undergo sex-offense treatment, are eligible to receive sex-offense treatment, and have not been provided with the opportunity to undergo sex-offense treatment while incarcerated. The department shall provide this data to the adult sex offender management board prior to August 31, 2022. The division of parole in the department and the adult sex offender management board shall meet and develop solutions to address the needs of treatment for offenders incarcerated in the department. The adult sex offender management board shall present findings to the division of criminal justice in the department of public safety prior to January 1, 2023.

The bill requires the boards to create a joint application review subcommittee to serve each board for the application and review process of treatment providers, evaluators, and polygraph examiners. The bill requires the boards to maintain a record of any denial or removal from the list of approved treatment providers or other sanctions due to a provider's criminal history.

The bill requires the adult sex offender management board to conduct a reoffense research project to collect and analyze data related to rearrest and reconviction rates for sex offenders.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-11-102, **amend**
3 (1)(a)(VI) introductory portion, (1)(a)(VI)(A), (1)(b)(I) introductory
4 portion, (1)(b)(II); and **add** (1)(b)(I)(D) as follows:

5 **16-11-102. Presentence or probation investigation.**

6 (1) (a) (VI) The report described in ~~subparagraph (I) of this paragraph (a)~~
7 SUBSECTION (1)(a)(I) OF THIS SECTION need not include the statement
8 described in ~~subparagraph (II) of this paragraph (a)~~ SUBSECTION (1)(a)(II)
9 OF THIS SECTION if:

10 (A) The defendant is a sex offender for whom the ADULT sex
11 offender management board has established separate and distinct release
12 guidelines pursuant to section 18-1.3-1009; ~~C.R.S.;~~

1 (b) (I) Each presentence report prepared regarding a sex offender,
2 as defined in section 16-11.7-102 (2), with respect to any offense
3 committed on or after January 1, 1996, ~~shall~~ MUST contain the results of
4 an evaluation and identification conducted pursuant to article 11.7 of this
5 ~~title~~ TITLE 16; except that:

6 (D) IF THE DEFENDANT IS DESIGNATED A SEX OFFENDER FOR
7 PURPOSES OF REQUIRING AN EVALUATION BECAUSE OF THE DEFENDANT'S
8 PREVIOUS HISTORY OF SEXUAL OFFENSE, AS DESCRIBED IN SECTION
9 16-11.7-102 (2)(a)(II), AND THE DISTRICT ATTORNEY WAIVED THE
10 EVALUATION REQUIREMENT, AS DESCRIBED IN SECTION 16-11.7-104 (1),
11 AN EVALUATION AND IDENTIFICATION PURSUANT TO ARTICLE 11.7 OF THIS
12 TITLE 16 IS NOT REQUIRED BUT MAY BE ORDERED BY THE COURT.

13 (II) In addition, the presentence report ~~shall~~ MUST include, when
14 appropriate as provided in section 18-3-414.5, ~~C.R.S.~~, the results of the
15 risk assessment screening instrument developed pursuant to section
16 16-11.7-103 (4)(d). Notwithstanding ~~the provisions of~~ subsection (4) of
17 this section, a presentence report ~~shall~~ MUST be prepared for each person
18 convicted as a sex offender, and the court may not dispense with the
19 presentence evaluation, risk assessment, and report unless an evaluation
20 and risk assessment has been completed within the last two years and
21 there has been no material change that would affect the evaluation and
22 risk assessment in the past two years, OR IF THE DESIGNATION OF SEX
23 OFFENDER IS DUE TO THE DEFENDANT'S PREVIOUS HISTORY OF SEXUAL
24 OFFENSE, AS DESCRIBED IN SECTION 16-11.7-102 (2)(a)(II), AND THE
25 DISTRICT ATTORNEY WAIVED THE REQUIREMENT FOR AN EVALUATION AND
26 IDENTIFICATION PURSUANT TO ARTICLE 11.7 OF THIS TITLE 16.

27 **SECTION 2.** In Colorado Revised Statutes, 16-11.7-102, **amend**

1 (4); and **repeal** (1.3) as follows:

2 **16-11.7-102. Definitions.** As used in this article 11.7, unless the
3 context otherwise requires:

4 (1.3) "~~Board~~" means ~~the sex offender management board created~~
5 ~~in section 16-11.7-103.~~

6 (4) "Treatment" means therapy, monitoring, and supervision of
7 any sex offender ~~which~~ THAT conforms to the standards created by the
8 ADULT SEX OFFENDER MANAGEMENT board pursuant to section
9 16-11.7-103 OR THE JUVENILE SEX OFFENDER MANAGEMENT BOARD
10 PURSUANT TO SECTION 16-11.7-103.5.

11 **SECTION 3.** In Colorado Revised Statutes, 16-11.7-103, **amend**
12 (1), (3), (4) introductory portion, (4)(b)(II), (4)(e)(I), (4)(h)(II), (6)(a), and
13 (6)(b); **repeal** (4)(i), (4)(j), and (4)(k); and **add** (4)(m) as follows:

14 **16-11.7-103. Adult sex offender management board - creation**
15 **- duties - repeal.** (1) There is ~~hereby~~ created in the department of public
16 safety ~~a~~ AN ADULT sex offender management board, REFERRED TO IN THIS
17 SECTION AS THE "BOARD", that consists of ~~twenty-five~~ FIFTEEN members.
18 The membership of the board must reflect, to the extent possible,
19 representation of PERSONS FROM urban and rural areas of the state;
20 PERSONS WITH DISABILITIES; PERSONS OF DIVERSE RACIAL, ETHNIC,
21 GENDER, LINGUISTIC, AND CULTURAL BACKGROUNDS; and ~~a balance of~~
22 PERSONS WITH expertise in ~~adult and juvenile issues relating to persons~~
23 ~~who commit sex offenses~~ ISSUES RELATED TO SEX OFFENSES COMMITTED
24 BY ADULTS. The membership of the board consists of the following
25 persons, ~~who are~~ appointed as follows:

26 (a) The chief justice of the supreme court shall appoint ~~three~~ TWO
27 members as follows:

- 1 (I) One member who represents the judicial department; AND
- 2 (II) One member who is a district court judge; and
- 3 (III) ~~One member who is a juvenile court judge or juvenile court~~
- 4 ~~magistrate;~~
- 5 (b) The executive director of the department of corrections shall
- 6 appoint one member who represents the department of corrections;
- 7 (c) ~~The executive director of the department of human services~~
- 8 ~~shall appoint three members as follows:~~
- 9 (I) ~~One member who represents the department of human services~~
- 10 ~~and who has recognizable expertise in child welfare and case~~
- 11 ~~management;~~
- 12 (II) ~~One member who represents the division of youth services in~~
- 13 ~~the department of human services; and~~
- 14 (III) ~~One member who is a provider of out-of-home placement~~
- 15 ~~services with recognizable expertise in providing services to juveniles~~
- 16 ~~who have committed sexual offenses;~~
- 17 (d) The executive director of the department of public safety shall
- 18 appoint ~~sixteen~~ ELEVEN members as follows:
- 19 (I) One member who represents the division of criminal justice in
- 20 the department of public safety;
- 21 (II) ~~Two~~ THREE members who are licensed mental health
- 22 professionals with recognizable expertise in the treatment of adult sex
- 23 offenders AND WHO HAVE BEEN PROFESSIONALS APPROVED BY THE BOARD
- 24 PURSUANT TO SECTION 16-11.7-106 (2)(b);
- 25 (III) ~~Two members who are licensed mental health professionals~~
- 26 ~~with recognizable expertise in the treatment of juveniles who have~~
- 27 ~~committed sexual offenses;~~

1 (IV) One member who is a member of a community corrections
2 board;

3 (V) One member who is a public defender with recognizable
4 expertise related to sexual offenses;

5 (VI) One member who represents law enforcement with
6 recognizable expertise in addressing sexual offenses and victimization;

7 (VII) Three members who are recognized experts in the field of
8 sexual abuse and who can represent sexual abuse victims and victims'
9 rights organizations; AND

10 (VIII) One member who is a clinical polygraph examiner WHO
11 HAS BEEN APPROVED BY THE BOARD PURSUANT TO SECTION 16-11.7-106
12 (2)(b);

13 ~~(IX) One member who is a private criminal defense attorney with~~
14 ~~recognizable expertise related to sexual offenses;~~

15 ~~(X) One member who is a county director of human or social~~
16 ~~services, appointed after consultation with a statewide group representing~~
17 ~~counties; and~~

18 ~~(XI) Two members who are county commissioners or members of~~
19 ~~the governing council for a jurisdiction that is a contiguous city and~~
20 ~~county, one of whom shall represent an urban or suburban county and one~~
21 ~~of whom shall represent a rural county, appointed after consultation with~~
22 ~~a statewide group representing counties;~~

23 (e) The executive director of the Colorado district attorneys'
24 council shall appoint one member who represents the interests of
25 prosecuting attorneys and who has recognizable expertise in prosecuting
26 sexual offenses. and

27 (f) ~~The commissioner of education shall appoint one member who~~

1 ~~has experience with juveniles who have committed sexual offenses and~~
2 ~~who are in the public school system.~~

3 (3) Members of the board shall serve at the pleasure of the
4 appointing authority for terms of four years. ~~except that the member~~
5 ~~appointed pursuant to subparagraph (IX) of paragraph (d) of subsection~~
6 ~~(1) of this section prior to July 1, 2011, shall serve the term of years in~~
7 ~~effect at the time of his or her appointment.~~ The appointing authority may
8 reappoint a member for an additional term or terms. Members of the
9 board shall serve without compensation.

10 (4) **Duties of the board.** The board shall carry out HAS the
11 following duties:

12 (b) **Guidelines and standards for treatment of adult offenders.**

13 (II) ~~To revise the guidelines and standards developed pursuant to this~~
14 ~~paragraph (b), the board shall establish a committee to make~~
15 ~~recommendations to the board. At least eighty percent of the members of~~
16 ~~the committee must be approved treatment providers~~ THE REVISION OF
17 THE GUIDELINES AND STANDARDS PURSUANT TO THIS SUBSECTION (4)(b)
18 MUST BE ADOPTED PURSUANT TO THE VOTING PROCEDURES OUTLINED IN
19 THE BYLAWS ADOPTED BY THE BOARD. IN ADDITION, THE BOARD SHALL
20 ESTABLISH ANY NECESSARY COMMITTEES TO CARRY OUT RESEARCH,
21 PUBLIC DISCUSSION, AND PRESENTATION OF INFORMATION TO THE BOARD
22 FOR THE PURPOSE OF REVISING THE GUIDELINES AND STANDARDS. IN
23 ADDITION TO THE NECESSARY COMMITTEES, THE BOARD SHALL ESTABLISH:

24 (A) A BEST PRACTICES COMMITTEE TO PROVIDE GUIDANCE TO THE
25 BOARD ON CURRENT BEST PRACTICES FOR TREATMENT OF SEX OFFENDERS.
26 AT LEAST EIGHTY PERCENT OF THE MEMBERS OF THE BEST PRACTICES
27 COMMITTEE MUST BE APPROVED TREATMENT PROVIDERS.

1 (B) A VICTIM ADVOCACY COMMITTEE TO PROVIDE
2 REPRESENTATION OF VICTIM EXPERIENCES AND PROVIDE GUIDANCE TO THE
3 BOARD ON VICTIM-CENTERED PRACTICES FOR THE EVALUATION,
4 IDENTIFICATION, TREATMENT, MANAGEMENT, AND MONITORING OF SEX
5 OFFENDERS. THE VICTIM ADVOCACY COMMITTEE MAY BE A JOINT
6 COMMITTEE UTILIZED BY BOTH THE BOARD AND THE JUVENILE SEX
7 OFFENDER MANAGEMENT BOARD CREATED IN SECTION 16-11.7-103.5.

8 (e) **Evaluation of policies and procedures - report.** (I) The
9 board shall research, either through direct evaluation or through a review
10 of relevant research articles and sex offender treatment empirical data,
11 and analyze, through a comprehensive review of evidence-based
12 practices, the effectiveness of the evaluation, identification, and treatment
13 policies and procedures for adult sex offenders developed pursuant to this
14 ~~article~~ ARTICLE 11.7. This research ~~shall~~ MUST specifically include, but
15 need not be limited to, reviewing and researching reoffense and factors
16 that contribute to reoffense for sex offenders as defined in this ~~article~~
17 ARTICLE 11.7, the effective use of cognitive behavioral therapy to prevent
18 reoffense, the use of polygraphs in treatment, and the containment model
19 for adult sex offender management and treatment and its effective
20 application. The board shall revise the guidelines and standards for
21 evaluation, identification, and treatment, as appropriate, based upon the
22 results of the board's research and analysis. THE REVISION OF THE
23 GUIDELINES AND STANDARDS MUST BE ADOPTED PURSUANT TO THE
24 VOTING PROCEDURES OUTLINED IN THE BYLAWS ADOPTED BY THE BOARD.
25 The board shall also develop and prescribe a system to implement the
26 guidelines and standards developed pursuant to ~~paragraph (b) of this~~
27 ~~subsection (4)~~ SUBSECTION (4)(b) OF THIS SECTION.

1 (h) **Data collection from treatment providers.** (II) The board
2 shall develop a data collection plan, including associated costs, in
3 consultation with the research and evaluation professionals on the board
4 and within the department of public safety. The board shall report on the
5 data collection plan to the judiciary committees of the general assembly,
6 or any successor committees, as part of its annual report presented
7 pursuant to section 16-11.7-109 (2) in January 2017. By July 1, 2017, the
8 board shall revise the guidelines and standards for approved providers
9 developed pursuant to ~~paragraphs (b) and (j) of this subsection (4)~~
10 ~~SUBSECTION (4)(b) OF THIS SECTION~~ to require evaluators, treatment
11 providers, and polygraph examiners to collect data pursuant to the data
12 collection plan. If the board determines that it will be unable to complete
13 the revision of the guidelines and standards by July 1, 2017, the board
14 shall report to the judiciary committees of the general assembly, or any
15 successor committees, a projected completion date as part of its annual
16 report presented pursuant to section 16-11.7-109 (2) in January 2017.

17 (i) ~~**Standards for identification and evaluation of juvenile**~~
18 ~~**offenders.**~~ The board shall develop, prescribe, and revise, as appropriate,
19 a standard procedure to evaluate and identify juveniles who have
20 committed sexual offenses, including juveniles with developmental
21 disabilities. The procedure shall provide for an evaluation and
22 identification of the juvenile offender and recommend behavior
23 management, monitoring, treatment, and compliance and shall
24 incorporate the concepts of the risk-need-responsivity or another
25 evidence-based correctional model based upon the knowledge that all
26 unlawful sexual behavior poses a risk to the community and that certain
27 juveniles may have the capacity to change their behavior with appropriate

1 intervention and treatment. The board shall develop and implement
2 methods of intervention for juveniles who have committed sexual
3 offenses, which methods have as a priority the physical and psychological
4 safety of victims and potential victims and that are appropriate to the
5 needs of the particular juvenile offender, so long as there is no reduction
6 in the safety of victims and potential victims.

7 (j) ~~(f)~~ **Guidelines and standards for treatment of juvenile**
8 **offenders.** The board shall develop, implement, and revise, as
9 appropriate, guidelines and standards to treat juveniles who have
10 committed sexual offenses, including juveniles with intellectual and
11 developmental disabilities, incorporating in the guidelines and standards
12 the concepts of the risk-need-responsivity or another evidence-based
13 correctional model, which guidelines and standards may be used for
14 juvenile offenders who are placed on probation, committed to the
15 department of human services, placed on parole, or placed in out-of-home
16 placement. Programs implemented pursuant to the guidelines and
17 standards developed pursuant to this subsection (4)(j) must be as flexible
18 as possible so that the programs may be accessed by each juvenile
19 offender to prevent him or her from harming victims and potential
20 victims. Programs must provide a continuing monitoring process and a
21 continuum of treatment options available to a juvenile offender as he or
22 she proceeds through the juvenile justice system. Treatment options may
23 include, but need not be limited to, group counseling, individual
24 counseling, family counseling, outpatient treatment, inpatient treatment,
25 shared living arrangements, and treatment in a therapeutic community.
26 Programs implemented pursuant to the guidelines and standards
27 developed pursuant to this subsection (4)(j) must be, to the extent

1 possible, accessible to all juveniles who have committed sexual offenses
2 and who are in the juvenile justice system, including juveniles with
3 behavioral, mental health, or co-occurring disorders.

4 (H) ~~To revise the guidelines and standards developed pursuant to~~
5 ~~this paragraph (j), the board shall establish a committee to make~~
6 ~~recommendations to the board. At least eighty percent of the members of~~
7 ~~the committee must be approved treatment providers.~~

8 (k) ~~**Evaluation of policies and procedures for juvenile**~~
9 ~~**offenders.**~~ The board shall research and analyze the effectiveness of the
10 evaluation, identification, and treatment procedures developed pursuant
11 to this article for juveniles who have committed sexual offenses. The
12 board shall revise the guidelines and standards for evaluation,
13 identification, and treatment, as appropriate, based upon the results of the
14 board's research and analysis. The board shall also develop and prescribe
15 a system to implement the guidelines and standards developed pursuant
16 to paragraph (j) of this subsection (4).

17 (m) BEGINNING SEPTEMBER 1, 2022, THE BOARD SHALL ESTABLISH
18 A REOFFENSE RESEARCH PROJECT IN ORDER TO COLLECT AND ANALYZE SEX
19 OFFENSE CONVICTIONS, AS "SEX OFFENSE" IS DEFINED IN THIS ARTICLE
20 11.7, AND TRACK CORRELATING REARREST AND RECONVICTION RATES OF
21 ANY FELONY OR MISDEMEANOR NON-TRAFFIC OFFENSES COMMITTED BY A
22 SEX OFFENDER, AS DEFINED IN THIS ARTICLE 11.7, WITH THE EXCEPTION OF
23 JUVENILES WHO HAVE COMMITTED SEXUAL OFFENSES. THE BOARD SHALL
24 WORK IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC SAFETY, THE
25 COLORADO BUREAU OF INVESTIGATION, THE DEPARTMENT OF
26 CORRECTIONS, AND THE STATE BOARD OF PAROLE TO COMPLETE THE
27 RESEARCH AND COMPILE A REPORT TO BE INCLUDED IN THE REPORT TO THE

1 GENERAL ASSEMBLY REQUIRED BY SECTION 16-11.7-109 (2), BEGINNING
2 WITH THE JANUARY 2025 REPORT.

3 (6) **Repeal.** (a) This section is repealed, effective ~~September 1,~~
4 2023 SEPTEMBER 1, 2026. Before the repeal, this section is scheduled for
5 review in accordance with section 24-34-104.

6 (b) ~~Prior to said~~ BEFORE THE repeal, the ADULT sex offender
7 management board appointed pursuant to this section shall be reviewed
8 as provided for in section 24-34-104. ~~C.R.S.~~

9 **SECTION 4.** In Colorado Revised Statutes, **add** 16-11.7-103.5
10 as follows:

11 **16-11.7-103.5. Juvenile sex offender management board -**
12 **creation - duties - repeal.** (1) THERE IS CREATED IN THE DEPARTMENT OF
13 PUBLIC SAFETY A JUVENILE SEX OFFENDER MANAGEMENT BOARD,
14 REFERRED TO IN THIS SECTION AS THE "JUVENILE BOARD", THAT CONSISTS
15 OF THIRTEEN MEMBERS. THE GENERAL ASSEMBLY FINDS THAT, WHILE
16 HOLDING PARAMOUNT THE PUBLIC SAFETY, THE JUVENILE JUSTICE SYSTEM
17 TAKES INTO CONSIDERATION THE BEST INTERESTS OF THE JUVENILE, THE
18 VICTIM, AND THE COMMUNITY IN PROVIDING APPROPRIATE TREATMENT TO
19 REDUCE THE RATE OF RECIDIVISM IN THE JUVENILE JUSTICE SYSTEM AND
20 TO ASSIST THE JUVENILE IN BECOMING A PRODUCTIVE MEMBER OF
21 SOCIETY. THE JUVENILE BOARD SHALL REFLECT THE SAME
22 CONSIDERATIONS. THE MEMBERSHIP OF THE JUVENILE BOARD MUST
23 REFLECT, TO THE EXTENT POSSIBLE, REPRESENTATION OF PERSONS FROM
24 URBAN AND RURAL AREAS OF THE STATE; PERSONS WITH DISABILITIES;
25 PERSONS OF DIVERSE RACIAL, ETHNIC, GENDER, LINGUISTIC, AND
26 CULTURAL BACKGROUNDS; AND PERSONS WITH EXPERTISE IN JUVENILE
27 ISSUES RELATING TO JUVENILES WHO COMMIT SEX OFFENSES. THE

1 MEMBERSHIP OF THE JUVENILE BOARD CONSISTS OF THE FOLLOWING
2 PERSONS, APPOINTED AS FOLLOWS:

3 (a) THE CHIEF JUSTICE OF THE SUPREME COURT SHALL APPOINT
4 TWO MEMBERS AS FOLLOWS:

5 (I) ONE MEMBER WHO REPRESENTS THE JUDICIAL DEPARTMENT;
6 AND

7 (II) ONE MEMBER WHO IS A JUVENILE COURT JUDGE OR JUVENILE
8 COURT MAGISTRATE;

9 (b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN
10 SERVICES SHALL APPOINT THREE MEMBERS AS FOLLOWS:

11 (I) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF HUMAN
12 SERVICES AND WHO HAS RECOGNIZABLE EXPERTISE IN CHILD WELFARE
13 AND CASE MANAGEMENT;

14 (II) ONE MEMBER WHO REPRESENTS THE DIVISION OF YOUTH
15 SERVICES IN THE DEPARTMENT OF HUMAN SERVICES; AND

16 (III) ONE MEMBER WHO IS A PROVIDER OF OUT-OF-HOME
17 PLACEMENT SERVICES WITH RECOGNIZABLE EXPERTISE IN PROVIDING
18 SERVICES TO JUVENILES WHO HAVE COMMITTED SEXUAL OFFENSES;

19 (c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
20 SAFETY SHALL APPOINT SIX MEMBERS AS FOLLOWS:

21 (I) TWO MEMBERS WHO ARE LICENSED MENTAL HEALTH
22 PROFESSIONALS WITH RECOGNIZABLE EXPERTISE IN THE TREATMENT OF
23 JUVENILES WHO HAVE COMMITTED SEXUAL OFFENSES;

24 (II) ONE MEMBER WHO IS A PUBLIC DEFENDER WITH
25 RECOGNIZABLE EXPERTISE RELATED TO JUVENILE SEX OFFENSES;

26 (III) ONE MEMBER WHO REPRESENTS LAW ENFORCEMENT AND HAS
27 WORKED AS A SCHOOL RESOURCE OFFICER WHO HAS EXPERIENCE IN

1 ADDRESSING SEX OFFENSES AND VICTIMIZATION; AND

2 (IV) TWO MEMBERS WHO ARE RECOGNIZED EXPERTS IN THE FIELD
3 OF SEXUAL ABUSE AND WHO CAN REPRESENT SEXUAL ABUSE VICTIMS AND
4 VICTIMS' RIGHTS ORGANIZATIONS;

5 (d) THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT
6 ATTORNEYS' COUNCIL SHALL APPOINT ONE MEMBER WHO REPRESENTS THE
7 INTERESTS OF PROSECUTING ATTORNEYS AND WHO HAS RECOGNIZABLE
8 EXPERTISE IN PROSECUTING JUVENILE SEX OFFENSES; AND

9 (e) THE COMMISSIONER OF EDUCATION SHALL APPOINT ONE
10 MEMBER WHO HAS EXPERIENCE WITH JUVENILES WHO HAVE COMMITTED
11 SEXUAL OFFENSES AND WHO ARE IN THE PUBLIC SCHOOL SYSTEM.

12 (2) THE MEMBERS OF THE JUVENILE BOARD SHALL ELECT
13 PRESIDING OFFICERS FOR THE JUVENILE BOARD, INCLUDING A CHAIR AND
14 VICE-CHAIR, FROM AMONG THE JUVENILE BOARD MEMBERS APPOINTED
15 PURSUANT TO SUBSECTION (1) OF THIS SECTION. THE PRESIDING OFFICERS'
16 TERMS ARE FOR TWO YEARS. JUVENILE BOARD MEMBERS MAY RE-ELECT
17 A PRESIDING OFFICER.

18 (3) A JUVENILE BOARD MEMBER SERVES AT THE PLEASURE OF THE
19 APPOINTING AUTHORITY FOR A TERM OF FOUR YEARS. THE APPOINTING
20 AUTHORITY MAY REAPPOINT A MEMBER FOR AN ADDITIONAL TERM OR
21 TERMS. MEMBERS OF THE JUVENILE BOARD SERVE WITHOUT
22 COMPENSATION. WHEN THERE IS A VACANCY ON THE JUVENILE BOARD,
23 THE APPOINTING AUTHORITY SHALL APPOINT A PERSON TO SERVE THE
24 REMAINDER OF THE TERM FOR THAT JUVENILE BOARD POSITION.

25 (4) **Duties of the board.** THE JUVENILE BOARD HAS THE
26 FOLLOWING DUTIES:

27 (a) **Standards for identification and evaluation of juvenile**

1 **offenders.** THE JUVENILE BOARD SHALL DEVELOP, PRESCRIBE, AND
2 REVISE, AS APPROPRIATE, A STANDARD PROCEDURE TO EVALUATE AND
3 IDENTIFY JUVENILES WHO HAVE COMMITTED SEXUAL OFFENSES,
4 INCLUDING JUVENILES WITH INTELLECTUAL AND DEVELOPMENTAL
5 DISABILITIES, AND JUVENILES WHO HAVE BEEN CONVICTED IN DISTRICT
6 COURT PURSUANT TO SECTION 19-2.5-801 OR 19-2.5-802 IF THE JUVENILE
7 IS SENTENCED AND UNDERGOING SUPERVISION PRIOR TO REACHING
8 TWENTY-ONE YEARS OF AGE. THE PROCEDURE MUST PROVIDE FOR AN
9 EVALUATION AND IDENTIFICATION OF THE JUVENILE OFFENDER AND
10 RECOMMEND BEHAVIOR MANAGEMENT, MONITORING, TREATMENT, AND
11 COMPLIANCE AND MUST INCORPORATE THE CONCEPTS OF THE
12 RISK-NEED-RESPONSIVITY OR ANOTHER EVIDENCE-BASED CORRECTIONAL
13 MODEL BASED UPON THE KNOWLEDGE THAT ALL UNLAWFUL SEXUAL
14 BEHAVIOR POSES A RISK TO THE COMMUNITY AND THAT CERTAIN
15 JUVENILES MAY HAVE THE CAPACITY TO CHANGE THEIR BEHAVIOR WITH
16 APPROPRIATE INTERVENTION AND TREATMENT. THE JUVENILE BOARD
17 SHALL DEVELOP AND IMPLEMENT METHODS OF INTERVENTION FOR
18 JUVENILES WHO HAVE COMMITTED SEXUAL OFFENSES. THE PRIORITY FOR
19 THE INTERVENTION METHODS IS THE PHYSICAL AND PSYCHOLOGICAL
20 SAFETY OF VICTIMS AND POTENTIAL VICTIMS AND THAT THE
21 INTERVENTION METHODS ARE APPROPRIATE TO THE NEEDS OF THE
22 PARTICULAR JUVENILE OFFENDER, SO LONG AS THERE IS NO REDUCTION IN
23 THE SAFETY OF VICTIMS AND POTENTIAL VICTIMS.

24 (b) (I) **Guidelines and standards for treatment of juvenile**
25 **offenders.** THE JUVENILE BOARD SHALL DEVELOP, IMPLEMENT, AND
26 REVISE, AS APPROPRIATE, GUIDELINES AND STANDARDS TO TREAT
27 JUVENILES WHO HAVE COMMITTED SEXUAL OFFENSES, INCLUDING

1 JUVENILES WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES,
2 INCORPORATING IN THE GUIDELINES AND STANDARDS THE CONCEPTS OF
3 THE RISK-NEED-RESPONSIVITY OR ANOTHER EVIDENCE-BASED
4 CORRECTIONAL MODEL. THE GUIDELINES AND STANDARDS MAY BE USED
5 FOR JUVENILE OFFENDERS WHO ARE PLACED ON PROBATION, COMMITTED
6 TO THE DEPARTMENT OF HUMAN SERVICES, PLACED ON PAROLE, OR
7 PLACED IN OUT-OF-HOME PLACEMENT. TREATMENT PROGRAMS
8 IMPLEMENTED PURSUANT TO THE GUIDELINES AND STANDARDS
9 DEVELOPED PURSUANT TO THIS SUBSECTION (4)(b) MUST BE AS FLEXIBLE
10 AS POSSIBLE SO THAT THE TREATMENT PROGRAMS MAY BE ACCESSED BY
11 EACH JUVENILE OFFENDER TO PREVENT THE OFFENDER FROM HARMING
12 VICTIMS AND POTENTIAL VICTIMS. TREATMENT PROGRAMS MUST PROVIDE
13 A CONTINUING MONITORING PROCESS AND A CONTINUUM OF TREATMENT
14 OPTIONS AVAILABLE TO A JUVENILE OFFENDER AS THE OFFENDER
15 PROCEEDS THROUGH THE JUVENILE JUSTICE SYSTEM. TREATMENT OPTIONS
16 MAY INCLUDE, BUT NEED NOT BE LIMITED TO, GROUP COUNSELING,
17 INDIVIDUAL COUNSELING, FAMILY COUNSELING, OUTPATIENT TREATMENT,
18 INPATIENT TREATMENT, SHARED LIVING ARRANGEMENTS, AND TREATMENT
19 IN A THERAPEUTIC COMMUNITY. TREATMENT PROGRAMS IMPLEMENTED
20 PURSUANT TO THE GUIDELINES AND STANDARDS DEVELOPED PURSUANT TO
21 THIS SUBSECTION (4)(b) MUST BE, TO THE EXTENT POSSIBLE, ACCESSIBLE
22 TO ALL JUVENILES WHO HAVE COMMITTED SEXUAL OFFENSES AND WHO
23 ARE IN THE JUVENILE JUSTICE SYSTEM, INCLUDING JUVENILES WITH
24 BEHAVIORAL, MENTAL HEALTH, OR CO-OCCURRING DISORDERS.

25 (II) THE REVISION OF THE GUIDELINES AND STANDARDS PURSUANT
26 TO THIS SUBSECTION (4)(b) MUST BE ADOPTED PURSUANT TO THE VOTING
27 PROCEDURES OUTLINED IN THE BYLAWS ADOPTED BY THE JUVENILE

1 BOARD. IN ADDITION, THE JUVENILE BOARD SHALL ESTABLISH ANY
2 NECESSARY COMMITTEES TO CARRY OUT RESEARCH, PUBLIC DISCUSSION,
3 AND PRESENTATION OF INFORMATION TO THE JUVENILE BOARD FOR THE
4 PURPOSE OF REVISING THE GUIDELINES AND STANDARDS. IN ADDITION TO
5 THE NECESSARY COMMITTEES, THE JUVENILE BOARD SHALL ESTABLISH:

6 (A) A BEST PRACTICES COMMITTEE TO PROVIDE GUIDANCE TO THE
7 JUVENILE BOARD ON CURRENT BEST PRACTICES FOR TREATMENT OF SEX
8 OFFENDERS. AT LEAST EIGHTY PERCENT OF THE MEMBERS OF THE BEST
9 PRACTICES COMMITTEE MUST BE APPROVED TREATMENT PROVIDERS.

10 (B) A VICTIM ADVOCACY COMMITTEE TO PROVIDE
11 REPRESENTATION OF VICTIM EXPERIENCES AND PROVIDE GUIDANCE TO THE
12 JUVENILE BOARD ON VICTIM-CENTERED PRACTICES FOR THE EVALUATION,
13 IDENTIFICATION, TREATMENT, MANAGEMENT, AND MONITORING OF SEX
14 OFFENDERS. THE VICTIM ADVOCACY COMMITTEE MAY BE A JOINT
15 COMMITTEE UTILIZED BY BOTH THE JUVENILE BOARD AND THE ADULT SEX
16 OFFENDER MANAGEMENT BOARD CREATED IN SECTION 16-11.7-103.

17 (c) **Evaluation of policies and procedures for juvenile**
18 **offenders.** THE JUVENILE BOARD SHALL RESEARCH AND ANALYZE THE
19 EFFECTIVENESS OF THE EVALUATION, IDENTIFICATION, AND TREATMENT
20 PROCEDURES DEVELOPED PURSUANT TO THIS ARTICLE 11.7 FOR JUVENILES
21 WHO HAVE COMMITTED SEXUAL OFFENSES. THE JUVENILE BOARD SHALL
22 REVISE THE GUIDELINES AND STANDARDS FOR EVALUATION,
23 IDENTIFICATION, AND TREATMENT, AS APPROPRIATE, BASED UPON THE
24 RESULTS OF THE JUVENILE BOARD'S RESEARCH AND ANALYSIS. THE
25 REVISION OF THE GUIDELINES AND STANDARDS MUST BE ADOPTED
26 PURSUANT TO THE VOTING PROCEDURES OUTLINED IN THE BYLAWS
27 ADOPTED BY THE JUVENILE BOARD. THE JUVENILE BOARD SHALL ALSO

1 DEVELOP AND PRESCRIBE A SYSTEM TO IMPLEMENT THE GUIDELINES AND
2 STANDARDS DEVELOPED PURSUANT TO SUBSECTION (4)(b) OF THIS
3 SECTION.

4 (d) **Educational materials.** THE JUVENILE BOARD, IN
5 COLLABORATION WITH LAW ENFORCEMENT AGENCIES, VICTIM ADVOCACY
6 ORGANIZATIONS, THE DEPARTMENT OF EDUCATION, AND THE DEPARTMENT
7 OF PUBLIC SAFETY, SHALL DEVELOP AND REVISE, AS APPROPRIATE, FOR USE
8 BY SCHOOLS, THE STATEMENT IDENTIFIED IN SECTION 22-1-124 AND
9 EDUCATIONAL MATERIALS REGARDING GENERAL INFORMATION ABOUT
10 JUVENILES WHO HAVE COMMITTED SEXUAL OFFENSES, SAFETY CONCERNS
11 RELATED TO SUCH OFFENDERS, AND OTHER RELEVANT MATERIALS. THE
12 JUVENILE BOARD SHALL PROVIDE THE STATEMENT AND MATERIALS TO THE
13 DEPARTMENT OF EDUCATION, AND THE DEPARTMENT OF EDUCATION SHALL
14 MAKE THE STATEMENT AND MATERIALS AVAILABLE TO SCHOOLS IN THE
15 STATE.

16 (5) **Immunity.** THE JUVENILE BOARD AND THE INDIVIDUAL BOARD
17 MEMBERS ARE IMMUNE FROM ANY LIABILITY, WHETHER CIVIL OR
18 CRIMINAL, FOR THE GOOD-FAITH PERFORMANCE OF THE DUTIES OF THE
19 JUVENILE BOARD.

20 (6) **Repeal.** (a) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER
21 1, 2026.

22 (b) BEFORE THE REPEAL, THE JUVENILE SEX OFFENDER
23 MANAGEMENT BOARD APPOINTED PURSUANT TO THIS SECTION IS
24 SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

25 **SECTION 5.** In Colorado Revised Statutes, 16-11.7-104, **amend**
26 (1) as follows:

27 **16-11.7-104. Sex offenders - evaluation and identification**

1 **required.** (1) On and after January 1, 1994, each convicted adult sex
2 offender and EACH juvenile who has committed a sexual offense who is
3 to be considered for probation ~~shall be~~ IS required, as a part of the
4 presentence or probation investigation required pursuant to section
5 16-11-102, to submit to an evaluation for treatment, an evaluation for
6 risk, procedures required for monitoring of behavior to protect victims
7 and potential victims, and an identification developed pursuant to section
8 16-11.7-103 (4) FOR ADULT SEX OFFENDERS AND 16-11.7-103.5 (4) FOR
9 JUVENILES WHO HAVE COMMITTED SEXUAL OFFENSES; EXCEPT THAT, IN
10 THE EVENT THE DEFENDANT IS DESIGNATED A SEX OFFENDER FOR
11 PURPOSES OF REQUIRING AN EVALUATION BECAUSE OF THE DEFENDANT'S
12 PREVIOUS HISTORY OF SEXUAL OFFENSE, AS DESCRIBED IN SECTION
13 16-11.7-102 (2)(a)(II), THE COURT MAY WAIVE THE REQUIREMENT FOR
14 THE EVALUATION WITH CONSENT OF THE DISTRICT ATTORNEY.

15 **SECTION 6.** In Colorado Revised Statutes, 16-11.7-105, **amend**
16 (2); and **add** (1.5) and (3) as follows:

17 **16-11.7-105. Sentencing of sex offenders - treatment based**
18 **upon evaluation and identification required.** (1.5) THE DEPARTMENT
19 OF CORRECTIONS SHALL IDENTIFY ALL INMATES WHO ARE REQUIRED TO
20 UNDERGO SEX-OFFENSE TREATMENT, ARE ELIGIBLE TO RECEIVE
21 SEX-OFFENSE TREATMENT, AND HAVE NOT BEEN PROVIDED WITH THE
22 OPPORTUNITY TO UNDERGO TREATMENT WHILE INCARCERATED. THE
23 DEPARTMENT OF CORRECTIONS SHALL PROVIDE THIS DATA TO THE ADULT
24 SEX OFFENDER MANAGEMENT BOARD ESTABLISHED IN SECTION
25 16-11.7-103 PRIOR TO AUGUST 31, 2022. THE DIVISION OF PAROLE IN THE
26 DEPARTMENT OF CORRECTIONS AND THE ADULT SEX OFFENDER
27 MANAGEMENT BOARD SHALL MEET AND DEVELOP SOLUTIONS TO ADDRESS

1 THE NEEDS OF TREATMENT FOR OFFENDERS INCARCERATED IN THE
2 DEPARTMENT OF CORRECTIONS. THE ADULT SEX OFFENDER MANAGEMENT
3 BOARD SHALL PRESENT FINDINGS TO THE DIVISION OF CRIMINAL JUSTICE
4 IN THE DEPARTMENT OF PUBLIC SAFETY PRIOR TO JANUARY 1, 2023.

5 (2) For ADULT SEX offenders who begin community supervision
6 on or after ~~August 10, 2016~~ THE EFFECTIVE DATE OF THIS SUBSECTION (2),
7 AS AMENDED, the supervising agency of each ~~adult sex offender and~~
8 ~~juvenile who has committed a sexual offense~~ shall provide the offender
9 with ~~a choice of two appropriate treatment provider agencies staffed by~~
10 ~~approved providers unless the supervising agency documents in the file~~
11 ~~that, based upon the nature of the program offered, the needs of the~~
12 ~~offender, or the proximity of the appropriate treatment provider agency,~~
13 ~~fewer than two such agencies can meet the specific needs of the offender,~~
14 ~~ensure the safety of the public, and provide the supervising agency with~~
15 ~~reasonable access to the treatment provider agency and the offender~~
16 ~~during the course of treatment~~ ACCESS TO A LIST OF TREATMENT
17 PROVIDERS, APPROVED PURSUANT TO SECTION 16-11.7-106, WHO HAVE
18 THE EXPERTISE TO WORK WITH THE SPECIFIC RISKS AND NEEDS OF THAT
19 PARTICULAR OFFENDER. FOR AN OFFENDER WHO IS A PERSON WITH AN
20 INTELLECTUAL AND DEVELOPMENTAL DISABILITY, AS DEFINED IN SECTION
21 25.5-10-202, THE SUPERVISING AGENCY SHALL REFER THAT OFFENDER TO
22 A PROVIDER APPROVED BY THE ADULT SEX OFFENDER MANAGEMENT
23 BOARD TO WORK WITH THAT POPULATION. WHEN MAKING A LIST OF
24 REFERRALS, THE SUPERVISING AGENCY WILL CONSIDER INDIVIDUAL RISKS
25 AND TREATMENT NEEDS OF THE PARTICULAR OFFENDER AND TAILOR
26 REFERRALS TO THOSE CONSIDERATIONS. Once selected, the treatment
27 provider agency may not be changed by the offender without the approval

1 of the community supervision team, the multidisciplinary team, or the
2 court.

3 (3) THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION DO
4 NOT APPLY TO THE DIVISION OF YOUTH SERVICES BASED ON THE NATURE
5 OF THE PROGRAM, THE COMPLEX NEEDS OF THE JUVENILES SERVED, AND
6 THE PLACEMENTS AND APPROVED TREATMENT PROVIDERS AVAILABLE TO
7 WORK WITH JUVENILES FROM THE DIVISION OF YOUTH SERVICES. THE
8 DIVISION OF YOUTH SERVICES SHALL ASSIGN JUVENILES WHO HAVE
9 COMMITTED A SEXUAL OFFENSE TO A TREATMENT PROVIDER BASED ON
10 THE INDIVIDUAL RISKS AND NEEDS OF THE JUVENILE AND HAVE
11 PROCEDURES IN PLACE TO ALLOW FOR A JUVENILE OR FAMILY TO REQUEST
12 A CHANGE IN TREATMENT PROVIDERS BASED ON RESPONSIVITY FACTORS.
13 THE MULTIDISCIPLINARY TEAM FOR THE JUVENILE SHALL REVIEW ALL
14 REQUESTS FOR CHANGES IN TREATMENT PROVIDERS AND APPROVE
15 REQUESTS IF THE MULTIDISCIPLINARY TEAM DETERMINES THE JUVENILE'S
16 RISKS, NEEDS, AND RESPONSIVITY FACTORS CAN BE BETTER SERVED BY AN
17 ALTERNATE TREATMENT PROVIDER.

18 **SECTION 7.** In Colorado Revised Statutes, **amend** 16-11.7-106
19 as follows:

20 **16-11.7-106. Sex offender evaluation, treatment, and**
21 **polygraph services - contracts with providers - placement on**
22 **provider list - joint application review subcommittee - grievances -**
23 **fund created.** (1) (a) The department of corrections, the judicial
24 department, the division of criminal justice in the department of public
25 safety, or the department of human services shall not employ or contract
26 with, and shall not allow an adult sex offender or a juvenile who has
27 committed a sexual offense to employ or contract with, an individual or

1 entity to provide sex-offender-specific evaluation, treatment, or polygraph
2 services pursuant to this ~~article~~ ARTICLE 11.7 unless the
3 sex-offender-specific evaluation, treatment, or polygraph services to be
4 provided by the individual or entity conform with the guidelines and
5 standards developed pursuant to section 16-11.7-103 OR 16-11.7-103.5
6 and the name of the individual providing services is on the list created
7 pursuant to ~~paragraph (b) of subsection (2)~~ SUBSECTION (2)(b) of this
8 section of persons who may provide sex-offender-specific services.

9 (b) TO THE EXTENT POSSIBLE, THE INDIVIDUALS OR ENTITIES
10 PROVIDING SEX-OFFENDER-SPECIFIC EVALUATION, TREATMENT, AND
11 POLYGRAPH SERVICES SHOULD ADEQUATELY REPRESENT THE DIVERSE
12 CLIENTS FOR WHOM THEY PROVIDE SERVICES. THE LIST CREATED
13 PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION MUST INCLUDE, TO THE
14 EXTENT PRACTICABLE, PERSONS WITH DISABILITIES AND PERSONS OF
15 DIVERSE RACIAL, ETHNIC, GENDER, LINGUISTIC, AND CULTURAL
16 BACKGROUNDS.

17 (2) (a) The ~~board~~ ADULT AND JUVENILE SEX OFFENDER
18 MANAGEMENT BOARDS, REFERRED TO IN THIS SECTION AS THE "BOARDS",
19 shall develop an application and review process for treatment providers,
20 evaluators, and polygraph examiners who provide services pursuant to
21 this ~~article~~ ARTICLE 11.7 to adult sex offenders and to juveniles who have
22 committed sexual offenses. The application and review process ~~shall~~
23 MUST allow providers to demonstrate that they are in compliance with the
24 standards adopted pursuant to this ~~article~~ ARTICLE 11.7. THE BOARDS
25 SHALL CREATE A JOINT APPLICATION REVIEW SUBCOMMITTEE TO SERVE
26 EACH BOARD FOR THE APPLICATION AND REVIEW PROCESS OF TREATMENT
27 PROVIDERS, EVALUATORS, AND POLYGRAPH EXAMINERS WHO PROVIDE

1 SERVICES PURSUANT TO THIS ARTICLE 11.7 TO ADULT SEX OFFENDERS AND
2 TO JUVENILES WHO HAVE COMMITTED SEXUAL OFFENSES. AN APPLICANT
3 SEEKING APPROVAL TO PROVIDE SERVICES PURSUANT TO THIS ARTICLE
4 11.7 MUST SUBMIT AN APPLICATION TO THE SUBCOMMITTEE FOR
5 APPROVAL AND SHOULD INDICATE WHETHER THE APPLICANT IS SEEKING
6 APPROVAL FOR SERVICES REGARDING JUVENILES, ADULTS, OR BOTH. The
7 application and review process ~~shall consist~~ CONSISTS of the following
8 three parts:

9 (I) The ~~board~~ BOARDS shall develop separate application and
10 review processes for standards that apply to the criminal justice
11 component, such as criminal history record checks, for evaluators,
12 individual treatment providers, and polygraph examiners. Applications for
13 the criminal justice components, including fingerprints, shall be submitted
14 to the ~~board~~ BOARDS. The ~~board~~ BOARDS shall forward the fingerprints to
15 the Colorado bureau of investigation for use in conducting a state
16 criminal history record check and for transmittal to the federal bureau of
17 investigation for a national criminal history record check. The ~~board~~
18 BOARDS may use information obtained from the state and national
19 criminal history record checks to determine an applicant's eligibility for
20 placement on the approved provider list. The ~~board shall be~~ BOARDS ARE
21 responsible for the implementation of ~~the provisions of this subparagraph~~
22 ~~(I)~~ THIS SUBSECTION (2)(a)(I). THE BOARDS SHALL MAINTAIN A RECORD
23 OF ANY DENIAL OR REMOVAL FROM THE LIST OF APPROVED TREATMENT
24 PROVIDERS OR OTHER SANCTIONS DUE TO A TREATMENT PROVIDER'S
25 CRIMINAL HISTORY.

26 (II) The ~~board~~ BOARDS shall develop an application and review
27 process for the verification of the qualifications and credentials of

1 evaluators, treatment providers, and polygraph examiners.

2 (III) The ~~board~~ BOARDS shall require a person who applies for
3 placement, including a person who applies for continued placement, on
4 the list of persons who may provide sex-offender-specific evaluation,
5 treatment, and polygraph services pursuant to this ~~article~~ ARTICLE 11.7 to
6 submit to a current background investigation that goes beyond the scope
7 of the criminal history record check described in ~~subparagraph (I)~~ of this
8 ~~paragraph (a)~~ SUBSECTION (2)(a)(I) OF THIS SECTION. In conducting the
9 current background investigation required by this ~~subparagraph (II)~~
10 SUBSECTION (2)(a)(III), the ~~board~~ BOARDS shall obtain reference and
11 criminal history information and recommendations that may be relevant
12 to the applicant's fitness to provide sex-offender-specific evaluation,
13 treatment, and polygraph services pursuant to this ~~article~~ ARTICLE 11.7.

14 (b) After the process developed pursuant to ~~paragraph (a)~~ of this
15 ~~subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION is established and
16 providers have met all the criteria of the application and review process,
17 the ~~board~~ BOARDS may approve the provider. The ~~board~~ BOARDS and the
18 department of regulatory agencies shall jointly publish, at least annually,
19 a list of approved providers. The ~~board~~ BOARDS shall forward the list to
20 the office of the state court administrator, the department of public safety,
21 the department of human services, and the department of corrections. The
22 ~~board~~ BOARDS shall update and forward the list of approved providers as
23 necessary.

24 (3) The ~~board~~ BOARDS shall use the information obtained from the
25 state and national criminal history record checks and the current
26 background investigation in determining whether to place or continue the
27 placement of a person on the approved provider list.

1 (4) The ~~board~~ BOARDS may determine the requirements for an
2 evaluator's, treatment provider's, or polygraph examiner's name to be
3 placed on the approved provider list after his or her name has been
4 removed from the list for any reason.

5 (5) The ~~board~~ BOARDS shall develop a renewal process for the
6 continued placement of a person on the approved provider list published
7 pursuant to ~~paragraph (b) of subsection (2)~~ SUBSECTION (2)(b) of this
8 section.

9 (6) The ~~board~~ BOARDS may assess a fee to an applicant for
10 placement on the approved provider list. The fee shall not exceed one
11 hundred twenty-five dollars per application to cover the costs of
12 conducting a current background investigation required by subsection (2)
13 of this section. All ~~moneys~~ MONEY collected pursuant to this subsection
14 (6) shall be transmitted to the state treasurer, who shall credit the same to
15 the sex offender treatment provider fund, which fund is hereby created
16 and referred to in this subsection (6) as the "fund". The ~~moneys~~ MONEY
17 in the fund ~~shall be~~ IS subject to annual appropriation by the general
18 assembly to the division of criminal justice in the department of public
19 safety for the direct and indirect costs associated with the current
20 background investigation required by subsection (2) of this section. Any
21 ~~moneys~~ MONEY in the fund not expended for the purpose of subsection
22 (2) of this section may be invested by the state treasurer as provided by
23 law. All interest and income derived from the investment and deposit of
24 ~~moneys~~ MONEY in the fund ~~shall be~~ IS credited to the fund. Any
25 unexpended and unencumbered ~~moneys~~ MONEY remaining in the fund at
26 the end of a fiscal year ~~shall~~ remain in the fund and shall not be credited
27 or transferred to the general fund or another fund.

1 (7) (a) The ~~board~~ BOARDS shall notify the department of
2 regulatory agencies of the receipt of any complaints or grievances against
3 an individual who provides sex-offender-specific treatment or evaluation
4 services pursuant to this article 11.7 and advise the department of any
5 disciplinary action taken pursuant to subsection (7)(b) of this section. The
6 department of regulatory agencies or the appropriate board, pursuant to
7 article 245 of title 12 and referred to in this subsection (7) as the "DORA
8 board", shall notify the ~~board~~ BOARDS of the receipt of any complaint or
9 grievance against a provider who provides sex-offender-specific
10 treatment or evaluation services pursuant to this article 11.7, if the
11 complaint or grievance was not referred by the ~~board~~ BOARDS, and advise
12 the ~~board~~ BOARDS of any disciplinary action taken against the individual
13 pursuant to any professional licensing act.

14 (b) The ~~board~~ BOARDS shall review and investigate all complaints
15 and grievances concerning compliance with its standards against
16 individuals who provide sex-offender-specific treatment, evaluation, or
17 polygraph services pursuant to this ~~article~~ ARTICLE 11.7. Notwithstanding
18 any action taken by the department of regulatory agencies or the DORA
19 board, the ~~board~~ BOARDS may take appropriate disciplinary action, as
20 permitted by law, against an individual who provides
21 sex-offender-specific treatment, evaluation, or polygraph services
22 pursuant to this ~~article~~ ARTICLE 11.7. The disciplinary action may include,
23 but need not be limited to, the removal of the individual's name from the
24 list of persons who may provide sex offender evaluation, treatment, or
25 polygraph services pursuant to this ~~article~~ ARTICLE 11.7.

26 (c) (I) Nothing in this subsection (7) limits the rights or
27 responsibilities of the department of regulatory agencies or the DORA

1 board with respect to the investigation and resolution of complaints
2 pursuant to article 245 of title 12.

3 (II) Nothing in this subsection (7) limits the rights or
4 responsibilities of the ~~board~~ BOARDS with respect to the addition or
5 removal of an individual's name from the list of persons who may provide
6 sex offender evaluation, treatment, or polygraph services pursuant to this
7 ~~article~~ ARTICLE 11.7.

8 **SECTION 8.** In Colorado Revised Statutes, **amend** 16-11.7-109
9 as follows:

10 **16-11.7-109. Reporting requirements - legislative declaration.**

11 (1) (a) The general assembly finds and declares that:

12 (I) ~~As a body,~~ The ~~board is~~ ADULT SEX OFFENDER MANAGEMENT
13 BOARD AND JUVENILE SEX OFFENDER MANAGEMENT BOARD, REFERRED TO
14 IN THIS SECTION AS "BOARDS", ARE one of Colorado's most important
15 resources ~~on~~ FOR the treatment and management of adult sex offenders
16 and juveniles who have committed sexual offenses;

17 (II) The ~~board's~~ BOARDS' research and analysis of treatment
18 standards and programs, as well as empirical evidence collected and
19 compiled by the ~~board~~ BOARDS with respect to the treatment outcomes of
20 adult sex offenders and juveniles who have committed sexual offenses,
21 is vital to inform the decisions of policymakers.

22 (b) The general assembly therefore finds that it is appropriate for
23 the ~~board~~ BOARDS to report to the general assembly on an annual basis
24 concerning the status of the treatment and management of adult sex
25 offenders and juveniles who have committed sexual offenses in Colorado.

26 (2) Notwithstanding section 24-1-136 (11)(a)(I), on or before
27 January 31, 2012, and on or before January 31 each year thereafter, the

1 ~~board~~ BOARDS shall prepare and present to the judiciary committees of the
2 senate and the house of representatives, or any successor committees, a
3 written report concerning best practices for the treatment and
4 management of adult sex offenders and juveniles who have committed
5 sexual offenses, including any evidence-based analysis of treatment
6 standards and programs as well as information concerning any new
7 federal legislation relating to the treatment and management of adult sex
8 offenders and juveniles who have committed sexual offenses. The report
9 may include the ~~board's~~ BOARDS' recommendations for legislation to carry
10 out the purpose and duties of the ~~board~~ BOARDS to protect the community.

11 **SECTION 9.** In Colorado Revised Statutes, 16-13-902, **amend**
12 (2) as follows:

13 **16-13-902. Definitions.** As used in this part 9, unless the context
14 otherwise requires:

15 (2) "Management board" means the ADULT sex offender
16 management board created in section 16-11.7-103.

17 **SECTION 10.** In Colorado Revised Statutes, 16-22-103, **amend**
18 (5)(a) introductory portion and (5)(a)(IV) as follows:

19 **16-22-103. Sex offender registration - required - applicability**
20 **- exception.** (5) (a) Notwithstanding any provision of this article 22 to
21 the contrary, if, pursuant to a motion filed by a person described in this
22 subsection (5) or on its own motion, a court determines THAT THE
23 REGISTRATION REQUIREMENT SPECIFIED IN THIS SECTION WOULD BE
24 UNFAIRLY PUNITIVE AND that exempting the person from the registration
25 requirement would not pose a significant risk to the community, the court,
26 upon consideration of the totality of the circumstances, may exempt the
27 person from the registration requirements imposed pursuant to this

1 section if:

2 (IV) The person has received ~~an~~ A SEX OFFENDER evaluation that
3 conforms with the standards developed pursuant to ~~section 16-11.7-103~~
4 ~~(4)(i)~~ SECTION 16-11.7-103.5 (4)(b) from an evaluator who meets the
5 standards established by the JUVENILE sex offender management board,
6 and the evaluator recommends exempting the person from the registration
7 requirements based upon the best interests of that person and the
8 community; and

9 **SECTION 11.** In Colorado Revised Statutes, 24-34-104, **repeal**
10 (24)(a)(XIII); and **add** (27)(a)(XX) and (27)(a)(XXI) as follows:

11 **24-34-104. General assembly review of regulatory agencies**
12 **and functions for repeal, continuation, or reestablishment - legislative**
13 **declaration - repeal.** (24) (a) The following agencies, functions, or both,
14 are scheduled for repeal on September 1, 2023:

15 (XIII) ~~The sex offender management board created in section~~
16 ~~16-11.7-103.~~

17 (27) (a) The following agencies, functions, or both, are scheduled
18 for repeal on September 1, 2026:

19 (XX) THE ADULT SEX OFFENDER MANAGEMENT BOARD CREATED
20 IN SECTION 16-11.7-103.

21 (XXI) THE JUVENILE SEX OFFENDER MANAGEMENT BOARD
22 CREATED IN SECTION 16-11.7-103.5.

23 **SECTION 12.** In Colorado Revised Statutes, 16-22-112, **amend**
24 (3.5) as follows:

25 **16-22-112. Release of information - law enforcement agencies.**
26 (3.5) To assist members of the public in protecting themselves from
27 persons who commit offenses involving unlawful sexual behavior, a local

1 law enforcement agency that chooses to post sex offender registration
2 information on its website shall either post educational information
3 concerning protection from sex offenders on its website or provide a link
4 to the educational information included on the CBI website maintained
5 pursuant to section 16-22-111. A local law enforcement agency that posts
6 the educational information shall work with the ADULT sex offender
7 management board created ~~pursuant to~~ IN section 16-11.7-103, THE
8 JUVENILE SEX OFFENDER MANAGEMENT BOARD CREATED IN SECTION
9 16-11.7-103.5, and sexual assault victims' advocacy groups in preparing
10 the educational information.

11 **SECTION 13.** In Colorado Revised Statutes, 17-2-201, **amend**
12 (5.7)(b) as follows:

13 **17-2-201. State board of parole - duties - definitions.** (5.7) If,
14 as a condition of parole, an offender is required to undergo counseling or
15 treatment, unless the parole board determines that treatment at another
16 facility or with another person is warranted, the treatment or counseling
17 must be at a facility or with a person:

18 (b) Certified or approved by the ADULT sex offender management
19 board, established in section 16-11.7-103, ~~C.R.S.~~, if the offender is a sex
20 offender;

21 **SECTION 14.** In Colorado Revised Statutes, 17-22.5-404,
22 **amend** (4)(c)(II) as follows:

23 **17-22.5-404. Parole guidelines - definition.** (4) (c) (II) The
24 administrative release guideline instrument ~~shall~~ MUST not be used in
25 considering those inmates classified as sex offenders with indeterminate
26 sentences for whom the ADULT sex offender management board, ~~pursuant~~
27 ~~to section 18-1.3-1009, C.R.S.~~ ESTABLISHED IN SECTION 16-11.7-103, has

1 established separate and distinct release guidelines. The ADULT sex
2 offender management board, in collaboration with the department of
3 corrections, the judicial department, the division of criminal justice in the
4 department of public safety, and the state board of parole shall develop
5 a specific sex offender release guideline instrument for use by the state
6 board of parole for those inmates classified as sex offenders with
7 determinate sentences.

8 **SECTION 15.** In Colorado Revised Statutes, 17-27.1-101,
9 **amend (5)(a)(II)** as follows:

10 **17-27.1-101. Nongovernmental facilities for offenders -**
11 **registration - notifications - penalties - definitions.** (5) A private
12 treatment program in Colorado shall not admit or accept a supervised or
13 unsupervised person into the program unless the program:

14 (a) Is registered with the compact administrator, and, if the person
15 is a supervised person, the private treatment program is:

16 (II) Certified or approved by the ADULT sex offender management
17 board, established in section 16-11.7-103, ~~C.R.S.~~, if the program provides
18 sex offender treatment;

19 **SECTION 16.** In Colorado Revised Statutes, 18-1.3-101, **amend**
20 **(6)** as follows:

21 **18-1.3-101. Pretrial diversion.** (6) In a jurisdiction that receives
22 state ~~moneys~~ MONEY for the creation or operation of diversion programs
23 pursuant to this section, an individual accused of a sex offense, as defined
24 in section 18-1.3-1003 (5), is not eligible for pretrial diversion unless
25 charges have been filed and, after the individual has had an opportunity
26 to consult with counsel, the individual has completed a
27 sex-offense-specific evaluation, which includes the use of a

1 sex-offense-specific risk assessment instrument, conducted by an
2 evaluator approved by the ADULT sex offender management board, as
3 required by section 16-11.7-103 (4). ~~C.R.S.~~ The district attorney may
4 agree to place the individual in the diversion program established by the
5 district attorney pursuant to this section if ~~he or she~~ THE DISTRICT
6 ATTORNEY finds that, based on the results of that evaluation and the other
7 factors in subsection (3) of this section, the individual is appropriate for
8 the program. Notwithstanding that a successfully completed diversion
9 agreement does not constitute a history of sex offenses for purposes of
10 sections 16-11.7-102 (2)(a)(II) and 16-22-103 (2)(d), ~~C.R.S.~~, the
11 information constituting the crimes charged and facts alleged ~~shall~~ MUST
12 be available for use by a court, district attorney, any law enforcement
13 agency, or agency of the state judicial department, if otherwise permitted
14 by law, in any subsequent criminal investigation, prosecution, risk or
15 needs assessment evaluation, sentencing hearing, or during a probation
16 or parole supervision period.

17 **SECTION 17.** In Colorado Revised Statutes, 18-1.3-204, **amend**
18 (2)(c)(II) as follows:

19 **18-1.3-204. Conditions of probation - interstate compact**
20 **probation transfer cash fund - creation.** (2) (c) If the court orders
21 counseling or treatment as a condition of probation, unless the court
22 makes a specific finding that treatment in another facility or with another
23 person is warranted, the court shall order that the treatment or counseling
24 be at a facility or with a person:

25 (II) Certified or approved, by the ADULT sex offender management
26 board, established in section 16-11.7-103, ~~C.R.S.~~, if the offender is a sex
27 offender;

1 **SECTION 18.** In Colorado Revised Statutes, 18-1.3-407, **amend**
2 (4.3) as follows:

3 **18-1.3-407. Sentences - youthful offenders - legislative**
4 **declaration - powers and duties of district court - authorization for**
5 **youthful offender system - powers and duties of department of**
6 **corrections - definitions.** (4.3) The youthful offender system shall
7 provide sex offender treatment services for an offender who is sentenced
8 to the youthful offender system and who has a history of committing a sex
9 offense as defined in section 16-11.7-102 (3) ~~C.R.S.~~, or who has a history
10 of committing any other offense, the underlying factual basis of which
11 includes a sex offense. Prior to July 1, 2002, the sex offender treatment
12 services provided pursuant to this subsection (4.3) ~~shall~~ **MUST** comply
13 with any existing national standards for juvenile sex offender treatment.
14 On and after July 1, 2002, the sex offender treatment services provided
15 pursuant to this subsection (4.3) ~~shall~~ **MUST** comply with the sex offender
16 treatment standards adopted by the JUVENILE sex offender management
17 board pursuant to ~~section 16-11.7-103, C.R.S.~~ **SECTION 16-11.7-103.5.**

18 **SECTION 19.** In Colorado Revised Statutes, 18-1.3-1003,
19 **amend** (2) as follows:

20 **18-1.3-1003. Definitions.** As used in this part 10, unless the
21 context otherwise requires:

22 (2) "Management board" means the ADULT sex offender
23 management board created in section 16-11.7-103. ~~C.R.S.~~

24 **SECTION 20.** In Colorado Revised Statutes, 18-3-414.5, **amend**
25 (1)(a)(IV) as follows:

26 **18-3-414.5. Sexually violent predators - assessment - annual**
27 **report - definitions.** (1) As used in this section, unless the context

1 otherwise requires:

2 (a) "Sexually violent predator" means an offender:

3 (IV) Who, based upon the results of a risk assessment screening
4 instrument developed by the division of criminal justice in consultation
5 with and approved by the ADULT sex offender management board
6 established pursuant to section 16-11.7-103 (1), ~~C.R.S.~~, is likely to
7 subsequently commit one or more of the offenses specified in
8 ~~subparagraph (H) of this paragraph (a)~~ SUBSECTION (1)(a)(II) OF THIS
9 SECTION under the circumstances described in ~~subparagraph (H) of this~~
10 ~~paragraph (a)~~ SUBSECTION (1)(a)(III) OF THIS SECTION.

11 **SECTION 21.** In Colorado Revised Statutes, 24-33.5-503,
12 **amend** (1)(o) as follows:

13 **24-33.5-503. Duties of division.** (1) The division has the
14 following duties:

15 (o) To develop, in consultation with the sex offender management
16 board, AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF SENATE BILL
17 22-____, ENACTED IN 2022, and the judicial branch by January 1, 1999,
18 the risk assessment screening instrument that will be provided to the
19 sentencing courts to determine the likelihood that a sex offender would
20 commit one or more of the offenses specified in section 18-3-414.5
21 (1)(a)(II), ~~C.R.S.~~, under the circumstances described in section
22 18-3-414.5 (1)(a)(III); ~~C.R.S.~~;

23 **SECTION 22. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly; except
26 that, if a referendum petition is filed pursuant to section 1 (3) of article V
27 of the state constitution against this act or an item, section, or part of this

1 act within such period, then the act, item, section, or part will not take
2 effect unless approved by the people at the general election to be held in
3 November 2022 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.