

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0948.01 Michael Dohr x4347

SENATE BILL 24-118

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SENATE SPONSORSHIP

Gonzales,

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Judiciary

House Committees

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A BILL FOR AN ACT

101 CONCERNING CHANGES TO LIFETIME SUPERVISION OF SEX OFFENDERS  
102 TO INCREASE ACCESS TO SEX OFFENDER TREATMENT FOR  
103 HIGH-RISK SEX OFFENDERS IN THE DEPARTMENT OF  
104 CORRECTIONS.

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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, a person convicted of certain sex offenses is subject to an indeterminate prison sentence. The bill eliminates indeterminate prison sentences except for Colorado Jessica's Law

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

convictions and imposes mandatory minimum determinate sentences with a requirement to serve 75% of the sentence before parole eligibility and an indeterminate term of parole. The bill specifies which sex offenders must complete mandatory sex offender treatment while in prison and which sex offenders may complete the treatment in the community while serving the community portion of the sex offender's sentence.

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

2           **SECTION 1.** In Colorado Revised Statutes, 16-11.7-105, **amend**  
3 (1); **repeal** (1.5); and **add** (1.7) as follows:

4           **16-11.7-105. Sentencing of sex offenders - treatment based**  
5 **upon evaluation and identification required.** (1) Each adult sex  
6 offender and juvenile who has committed a sexual offense sentenced by  
7 the court for an offense committed on or after January 1, 1994, ~~shall be~~  
8 IS required, as a part of any sentence to probation, commitment to the  
9 department of human services, sentence to community corrections,  
10 incarceration with the department of corrections, placement on parole, or  
11 out-of-home placement, to undergo treatment to the extent appropriate to  
12 ~~such~~ THE SEX offender based upon the recommendations of the evaluation  
13 and identification made pursuant to section 16-11.7-104 or based upon  
14 any subsequent recommendations by the department of corrections, the  
15 judicial department, the department of human services, or the division of  
16 criminal justice in the department of public safety, whichever is  
17 ~~appropriate.~~ The THE SUPERVISING AGENCY. AN APPROVED PROVIDER  
18 SHALL PROVIDE THE treatment and monitoring ~~shall be provided by an~~  
19 ~~approved provider~~ pursuant to section 16-11.7-106, and the SEX offender  
20 shall pay for the treatment to the extent the SEX offender is financially  
21 able to do so.

22           (1.5) (a) ~~The department of corrections shall identify all inmates~~

1 who are classified to undergo treatment, are eligible to receive treatment  
2 pursuant to the department of corrections' policy, and have not been  
3 provided with the opportunity to undergo treatment while incarcerated.  
4 For each inmate, the department of corrections shall provide the  
5 following data to the board on or before July 31, 2023:

6 (I) The inmate's department of corrections identification number;

7 (II) The date of the inmate's sentence, the crime of conviction, and  
8 length of the sentence, including length of parole;

9 (III) Whether the sentence to the department of corrections was  
10 a result of a parole revocation;

11 (IV) The date the inmate was placed on the global referral list as  
12 established by the department of corrections;

13 (V) The actual or projected parole eligibility date and mandatory  
14 release date, as of July 31, 2023, as well as, if applicable, whether the  
15 inmate is enrolled in or has participated in track I or track II treatment, or  
16 whether the inmate has been placed in the maintenance phase; and

17 (VI) The department of corrections S5 qualifier code for the  
18 inmate, if any.

19 (b) The department of corrections shall further identify, in writing:

20 (I) In the aggregate, validated static risk assessment scores of the  
21 inmates described in this section, if available, separately identifying those  
22 serving indeterminate and determinate sentences;

23 (II) The total treatment capacity in the department of corrections  
24 and, for each facility providing sex offender treatment and monitoring  
25 program treatment services, the treatment program capacity and the  
26 phases or tracks of treatment offered;

27 (III) The names of all board-approved providers employed by or

1 ~~contracting with the department of corrections, the amount of time each~~  
2 ~~provider or contractor has been working with the department of~~  
3 ~~corrections, and at which location each provider or contractor is providing~~  
4 ~~services each month;~~

5 ~~(IV) The frequency of sex offender treatment and monitoring~~  
6 ~~program treatment groups and the frequency of cancellation of such~~  
7 ~~groups in all facilities;~~

8 ~~(V) The number of open positions for any sex offender treatment~~  
9 ~~and monitoring program providers, including group therapy positions,~~  
10 ~~polygraph providers, or any other positions necessary to operate the~~  
11 ~~program; and~~

12 ~~(VI) Any and all efforts made by the department of corrections in~~  
13 ~~the past five years to increase the capacity of the sex offender treatment~~  
14 ~~and monitoring program, fill and maintain the allocated full-time or~~  
15 ~~contract positions, and any data available to address any hiring challenges~~  
16 ~~identified by the department.~~

17 ~~(c) The department of corrections shall provide this data to the~~  
18 ~~board prior to July 31, 2023. The board shall form a subcommittee with~~  
19 ~~representatives from the board, community sex offender treatment~~  
20 ~~providers, the department of corrections, the division of adult parole in~~  
21 ~~the department of corrections, and the state parole board created pursuant~~  
22 ~~to section 17-2-201. The purpose of the subcommittee is to develop~~  
23 ~~solutions to address treatment resources for sex offenders who are~~  
24 ~~incarcerated or in the custody of the department of corrections, including~~  
25 ~~a legal and evidence-based analysis of inmates who are required to~~  
26 ~~progress in treatment in the department of corrections prior to any release~~  
27 ~~pursuant to section 18-1.3-1006 and those who are classified by the~~

1 department of corrections as an inmate who is required to participate in  
2 treatment. The subcommittee shall:

3 (I) ~~Analyze the data provided by the department of corrections and~~  
4 ~~prepare a comprehensive report on the current prison population to~~  
5 ~~identify inmates who are eligible to receive treatment, with special~~  
6 ~~priority toward inmates who are past parole eligibility date, have not been~~  
7 ~~provided a treatment opportunity, and require treatment to meet~~  
8 ~~community corrections or parole eligibility requirements pursuant to~~  
9 ~~section 18-1.3-301 (1)(f), 18-1.3-1006, and 17-22.5-404 (4)(c)(II);~~

10 (II) ~~Identify all barriers the department of corrections faces in~~  
11 ~~providing timely access to treatment to inmates who require treatment to~~  
12 ~~meet parole eligibility requirements pursuant to sections 18-1.3-1006 and~~  
13 ~~17-22.5-404 (4)(c)(II) and make recommendations for workable solutions~~  
14 ~~to increase treatment access in the department of corrections, including~~  
15 ~~evidence-based, validated projections developed in conjunction with the~~  
16 ~~division of criminal justice experts in prison population projections, for~~  
17 ~~the decrease in backlog that would occur with the implementation of any~~  
18 ~~solutions;~~

19 (III) ~~Determine which, if any, standards are barriers to providing~~  
20 ~~timely access to treatment and make recommendations concerning~~  
21 ~~changes or exceptions to the standards for sex offenders incarcerated in~~  
22 ~~the department of corrections;~~

23 (IV) ~~Review and consider revisions to the department of~~  
24 ~~corrections policies and administrative regulations to prevent unnecessary~~  
25 ~~backlog in making treatment accessible to inmates who require treatment~~  
26 ~~to meet parole eligibility requirements;~~

27 (V) ~~Review the criteria established pursuant to section~~

1 ~~18-1.3-1009 and make revisions to policies of the department of~~  
2 ~~corrections and administrative regulations to prevent unnecessary backlog~~  
3 ~~in making treatment accessible to inmates who require treatment to meet~~  
4 ~~parole eligibility requirements pursuant to section 18-1.3-1006;~~

5 ~~(VI) Review parole guidelines for those inmates classified as sex~~  
6 ~~offenders with determinate sentences established pursuant to section~~  
7 ~~17-22.5-404 and make revisions as necessary to prevent unnecessary~~  
8 ~~backlog in making treatment accessible to inmates who require treatment~~  
9 ~~to meet parole eligibility requirements;~~

10 ~~(VII) Determine whether additional treatment providers will~~  
11 ~~contract with the department of corrections to provide evaluation or~~  
12 ~~treatment services to incarcerated individuals and make workable~~  
13 ~~recommendations concerning how to immediately increase inmate access~~  
14 ~~to those approved providers;~~

15 ~~(VIII) Determine whether increased funding or any other~~  
16 ~~resources could make access to telehealth treatment viable for inmates~~  
17 ~~and the amount of increased funding or resources necessary to accomplish~~  
18 ~~this goal; and~~

19 ~~(IX) In consideration of any existing treatment backlog and of~~  
20 ~~finite treatment resources, make recommendations for procuring or~~  
21 ~~making available sufficient treatment resources without negatively~~  
22 ~~impacting public safety and protection of victims.~~

23 ~~(d) The subcommittee created in subsection (1.5)(c) of this section~~  
24 ~~shall present its written findings in a report and proposal to the judiciary~~  
25 ~~committees of the house of representatives and the senate, or any~~  
26 ~~successor committees, on or before February 1, 2024. The department of~~  
27 ~~corrections and the parole board shall comment on the report's findings~~

1 ~~and recommendations on or before March 1, 2024.~~

2 (1.7) (a) A SEX OFFENDER SHALL UNDERGO THE RECOMMENDED  
3 PORTION OF THE RECOMMENDED SEX OFFENDER TREATMENT WHILE THE  
4 SEX OFFENDER IS INCARCERATED IF THE SEX OFFENDER:

5 (I) HAS BEEN SENTENCED TO INCARCERATION IN THE DEPARTMENT  
6 OF CORRECTIONS;

7 (II) HAS BEEN ASSESSED BY THE DEPARTMENT OF CORRECTIONS AS  
8 READY TO ENGAGE IN TREATMENT BASED ON ALL CURRENT ASSESSMENTS  
9 AND BEHAVIORAL REQUIREMENTS; AND

10 (III) IS DETERMINED BY THE DEPARTMENT OF CORRECTIONS AS  
11 HIGH RISK FOR SEXUAL RECIDIVISM, PURSUANT TO THE EVALUATION AND  
12 IDENTIFICATION PROCESS AS DESCRIBED IN SECTION 16-11.7-104 OR ANY  
13 OTHER EVIDENCE-BASED AND VALIDATED ASSESSMENT CONDUCTED BY  
14 THE DEPARTMENT OF CORRECTIONS TO IDENTIFY HIGH RISK OF SEXUAL  
15 RECIDIVISM.

16 (b) FOR A SEX OFFENDER WHO IS SENTENCED TO INCARCERATION  
17 IN THE DEPARTMENT OF CORRECTIONS AND IS NOT IDENTIFIED AS HIGH  
18 RISK FOR SEXUAL RECIDIVISM, PURSUANT TO THE EVALUATION AND  
19 IDENTIFICATION PROCESS AS DESCRIBED IN SECTION 16-11.7-104 OR ANY  
20 OTHER EVIDENCE-BASED AND VALIDATED ASSESSMENT CONDUCTED BY  
21 THE DEPARTMENT OF CORRECTIONS TO IDENTIFY HIGH RISK OF SEXUAL  
22 RECIDIVISM, THE SEX OFFENDER MUST BEGIN ANY RECOMMENDED SEX  
23 OFFENDER TREATMENT IN THE COMMUNITY PLACEMENT OR SUPERVISION  
24 PHASE OF THE SEX OFFENDER'S SENTENCE. THE COMMUNITY PLACEMENT  
25 OR SUPERVISION PHASE MAY INCLUDE COMMUNITY CORRECTIONS  
26 PLACEMENT, INTENSIVE SUPERVISION PAROLE, INMATE STATUS PAROLE, OR  
27 ANY OTHER SIMILAR COMMUNITY-BASED PHASE OF A SENTENCE TO

1 INCARCERATION; EXCEPT THAT, THE SEX OFFENDER MAY ALSO RECEIVE  
2 TREATMENT WHILE INCARCERATED IF THE DEPARTMENT OF CORRECTIONS  
3 HAS SUFFICIENT TREATMENT CAPACITY THAT WOULD REASONABLY ALLOW  
4 THE SEX OFFENDER TO COMPLETE THAT PORTION OF THE RECOMMENDED  
5 TREATMENT PRIOR TO THE SEX OFFENDER'S FIRST PAROLE ELIGIBILITY  
6 DATE.

7 (c) (I) THE DEPARTMENT OF CORRECTIONS SHALL MONITOR ITS  
8 TREATMENT CAPACITY AND MANAGE ITS BED SPACE TO COMPLY WITH THIS  
9 SECTION AND SHALL PRIORITIZE ITS RESOURCES SO THAT A SEX OFFENDER  
10 WHO IS IDENTIFIED AS HIGH RISK FOR SEXUAL RECIDIVISM WILL RECEIVE  
11 TREATMENT WHILE INCARCERATED AND START THE TREATMENT AS SOON  
12 AS PRACTICABLE AND PRIOR TO THE SEX OFFENDER'S PAROLE ELIGIBILITY  
13 DATE.

14 (II) THE DEPARTMENT OF CORRECTIONS SHALL NOT REFER A SEX  
15 OFFENDER WHO IS NOT IDENTIFIED AS HIGH RISK FOR SEXUAL RECIDIVISM  
16 FOR SEX OFFENDER TREATMENT WHILE INCARCERATED.

17 (d) THIS SUBSECTION (1.7)(d) DOES NOT PREVENT THE  
18 DEPARTMENT OF CORRECTIONS FROM DEVELOPING A PRETREATMENT  
19 PREPARATORY PROGRAM OR OTHER RESEARCH-BASED PROGRAM TO  
20 PREPARE A SEX OFFENDER FOR COMMUNITY TREATMENT THROUGH A  
21 CONTINUITY OF CARE PLAN, BUT THE PROGRAM MUST NOT BE A BARRIER  
22 TO PAROLE RELEASE IF THE SEX OFFENDER DOES NOT PARTICIPATE DUE TO  
23 THE LACK OF CAPACITY IN THE PROGRAM.

24 (e) IF A SEX OFFENDER HAS A MEDICAL OR MENTAL HEALTH  
25 CONDITION, INCLUDING DEMENTIA OR OTHER COGNITIVE DISABILITY, THAT  
26 PREVENTS THE SEX OFFENDER FROM PARTICIPATING AND ENGAGING IN THE  
27 SEX OFFENDER TREATMENT PROGRAM PROVIDED BY THE DEPARTMENT OF



1 CORRECTIONS, THE SEX OFFENDER MUST BEGIN AND COMPLETE ANY  
2 RECOMMENDED TREATMENT, TO THE EXTENT POSSIBLE, IN THE  
3 COMMUNITY PLACEMENT OR COMMUNITY SUPERVISION PHASE OF THE SEX  
4 OFFENDER'S SENTENCE, WHICH MAY INCLUDE A COMMUNITY CORRECTIONS  
5 PLACEMENT, INTENSIVE SUPERVISION PAROLE, INMATE STATUS PAROLE, OR  
6 OTHER SIMILAR COMMUNITY-BASED PHASE OF A SENTENCE TO  
7 INCARCERATION.

8 (f) FOR AN ADULT SEX OFFENDER WHO IS SENTENCED TO  
9 INCARCERATION IN THE DEPARTMENT OF CORRECTIONS AND WHO IS  
10 CLASSIFIED BY THE DEPARTMENT OF CORRECTIONS AS A PERSON WHO  
11 DENIES THE SEXUAL OFFENSE AND WHO IS ASSESSED AS HIGH RISK FOR  
12 SEXUAL RECIDIVISM AND IN NEED OF TREATMENT WHILE INCARCERATED,  
13 THE SEX OFFENDER MUST BE PROVIDED DENIER INTERVENTION SERVICES  
14 CONSISTENT WITH THE STANDARDS AND GUIDELINES ESTABLISHED BY THE  
15 SEX OFFENDER MANAGEMENT BOARD AS PROVIDED IN SECTION  
16 16-11.7-103 (4)(b) TO FACILITATE POTENTIAL ENTRY INTO THE  
17 RECOMMENDED TREATMENT. IF A SEX OFFENDER IS WILLING TO  
18 PARTICIPATE IN TREATMENT BUT HAS ELECTED TO EXERCISE THE SEX  
19 OFFENDER'S CONSTITUTIONAL RIGHT TO REMAIN SILENT BASED SOLELY  
20 UPON THE FACT THE SEX OFFENDER IS SEEKING JUDICIAL REVIEW ON  
21 APPEAL, THE DEPARTMENT SHALL ALLOW PARTICIPATION IN TREATMENT  
22 UNLESS THE EXERCISE OF THIS RIGHT WOULD SUBSTANTIALLY ELIMINATE  
23 ENGAGEMENT IN EFFECTIVE TREATMENT.

24 **SECTION 2.** In Colorado Revised Statutes, **amend** 18-1.3-1001  
25 as follows:

26 **18-1.3-1001. Legislative declaration.** The general assembly  
27 ~~hereby~~ finds that ~~the majority~~ of persons who commit sex offenses if

1 ~~incarcerated or supervised without treatment, will continue to present a~~  
2 CAN BENEFIT FROM TREATMENT AND, AS A RESULT, PRESENT A REDUCED  
3 danger to the public when ~~released from incarceration and supervision~~  
4 THE TREATMENT, SPECIFIC TO THE PERSON'S ASSESSED LEVEL OF RISK, IS  
5 REQUIRED AS A CONDITION OF ANY SENTENCE. The general assembly also  
6 finds that keeping all sex offenders in lifetime incarceration imposes an  
7 unacceptably high cost in both state dollars and loss of human potential.  
8 AFTER TWENTY-FIVE YEARS OF IMPLEMENTATION OF LIFETIME  
9 INCARCERATION PURSUANT TO THE "COLORADO SEX OFFENDER LIFETIME  
10 SUPERVISION ACT OF 1998", THERE IS NO EVIDENCE THAT THE MANDATED  
11 LIFETIME INCARCERATION FOR OFFENSES AS PROVIDED IN THIS PART 10  
12 HAS RESULTED IN INCREASED PUBLIC SAFETY. FURTHER, THE INABILITY OF  
13 THE STATE TO PROVIDE TIMELY AND COST-EFFECTIVE TREATMENT WHILE  
14 A SEX OFFENDER IS INCARCERATED HAS RESULTED IN CONSISTENTLY LONG  
15 WAIT LISTS FOR TREATMENT, PROLONGED AND EXPENSIVE DETENTION  
16 BEYOND THE SENTENCE IMPOSED BASED SOLELY ON LACK OF TREATMENT  
17 ACCESS, SIGNIFICANT COSTS TO THE STATE IN LITIGATION AND POTENTIAL  
18 LITIGATION, AND HAS CREATED UNNECESSARY AND DAMAGING  
19 UNCERTAINTY FOR BOTH VICTIMS AND SEX OFFENDERS REGARDING SEX  
20 OFFENDER TREATMENT AND POTENTIAL RELEASE. The general assembly  
21 further finds that ~~some sex offenders respond well to treatment and can~~  
22 ~~function as safe, responsible, and contributing members of society, so~~  
23 ~~long as they receive treatment and supervision~~ RESEARCH SUPPORTS  
24 TREATMENT IN THE COMMUNITY AS THE MOST EFFECTIVE TREATMENT TO  
25 ADDRESS THE PUBLIC SAFETY RISK PRESENTED BY SEX OFFENDERS, AND IT  
26 IS UNREALISTIC FOR THE DEPARTMENT OF CORRECTIONS TO CONTINUE TO  
27 SERVE AS THE SOLE TREATMENT OPTION FOR THE INCREASING NUMBERS OF

1 SEX OFFENDERS INCARCERATED AND ASSESSED FOR TREATMENT. THE  
2 DEPARTMENT OF CORRECTIONS' TREATMENT PLACEMENTS MUST BE  
3 PRIORITIZED FOR USE BY THE HIGHER RISK SEX OFFENDERS BECAUSE  
4 TREATMENT IS MOST EFFECTIVE IN REDUCING THE RISK OF SEXUAL  
5 RECIDIVISM FOR THE HIGHEST RISK SEX OFFENDERS. The general assembly  
6 therefore declares that a program under which sex offenders may receive  
7 treatment and supervision for the rest of their lives ~~if necessary~~ WHILE ON  
8 PROBATION OR PAROLE is necessary for the safety, health, and welfare of  
9 the state.

10 **SECTION 3.** In Colorado Revised Statutes, 18-1.3-1003, **add** (6)  
11 as follows:

12 **18-1.3-1003. Definitions.** As used in this part 10, unless the  
13 context otherwise requires:

14 (6) "SUCCESSFULLY PROGRESSED IN TREATMENT" MEANS THE SEX  
15 OFFENDER HAS MADE SUFFICIENT PROGRESS ON TREATMENT GOALS  
16 RELATED TO SEXUALLY ABUSIVE BEHAVIOR TO ADDRESS THEIR RISK OF  
17 SEXUALLY REOFFENDING, AND THE SEX OFFENDER DOES NOT PRESENT  
18 WITH AN ACTIVE OR ACUTE RISK OF SEXUAL HARM. "SUCCESSFUL  
19 PROGRESS IN TREATMENT" DOES NOT MEAN THAT A SEX OFFENDER MAY  
20 NOT BENEFIT FROM CONTINUED THERAPY, INCLUDING SEX OFFENSE  
21 SPECIFIC THERAPY, IN THE FUTURE OR THAT THERE ARE NO ADDITIONAL OR  
22 ADJUNCT TREATMENT NEEDS.

23 **SECTION 4.** In Colorado Revised Statutes, 18-1.3-1004, **amend**  
24 (1)(a), (1)(b), and (1)(c); and **repeal** (1)(d) as follows:

25 **18-1.3-1004. Indeterminate sentence.** (1) (a) Except as  
26 otherwise provided ~~in this subsection (1) and~~ in subsection (2) of this  
27 section, the district court having jurisdiction shall sentence a sex offender

1 to the custody of the department for ~~an indeterminate~~ A DETERMINATE  
2 term of at least the ~~minimum~~ MIDPOINT of the presumptive range  
3 specified in section 18-1.3-401 for the level of offense committed and a  
4 ~~maximum of the sex offender's natural life~~ TERM OF INDETERMINATE  
5 PAROLE AS PROVIDED FOR IN SECTION 18-1.3-1006.

6 (b) If the sex offender committed a sex offense that constitutes a  
7 crime of violence, as defined in section 18-1.3-406, the district court shall  
8 sentence the sex offender to the custody of the department for ~~an~~  
9 ~~indeterminate~~ A DETERMINATE term of at least the ~~midpoint~~ UPPER LIMIT  
10 in the presumptive range for the level of offense committed and a  
11 ~~maximum of the sex offender's natural life~~ TERM OF INDETERMINATE  
12 PAROLE AS PROVIDED FOR IN SECTION 18-1.3-1006.

13 (c) If the sex offender committed a sex offense that makes ~~him or~~  
14 ~~her~~ THE SEX OFFENDER eligible for sentencing as an habitual sex offender  
15 against children pursuant to section 18-3-412, the district court shall  
16 sentence the sex offender to the custody of the department for ~~an~~  
17 ~~indeterminate~~ A DETERMINATE term of at least three times the upper limit  
18 of the presumptive range for the level of offense committed and a  
19 ~~maximum of the sex offender's natural life~~ TERM OF INDETERMINATE  
20 PAROLE AS PROVIDED FOR IN SECTION 18-1.3-1006.

21 (d) ~~If the sex offender committed a sex offense that constitutes a~~  
22 ~~sexual offense, as defined in section 18-3-415.5, and the sex offender,~~  
23 ~~prior to committing the offense, had notice that he or she had tested~~  
24 ~~positive for the human immunodeficiency virus (HIV) and HIV infection,~~  
25 ~~and the infectious agent of the HIV infection was in fact transmitted, the~~  
26 ~~district court shall sentence the sex offender to the custody of the~~  
27 ~~department for an indeterminate term of at least the upper limit of the~~

1 presumptive range for the level of offense committed and a maximum of  
2 the sex offender's natural life.

3 **SECTION 5.** In Colorado Revised Statutes, 18-1.3-1006, **amend**  
4 (1)(a) as follows:

5 **18-1.3-1006. Release from incarceration - parole - conditions.**

6 (1) (a) (I) On completion of the minimum period of incarceration  
7 specified in a sex offender's indeterminate sentence PURSUANT TO  
8 SECTION 18-1.3-1004 (1)(e), less any earned time credited to the sex  
9 offender pursuant to section 17-22.5-405, ~~C.R.S.~~, the parole board shall  
10 schedule a hearing to determine whether the sex offender may be released  
11 on parole. In determining whether to release the sex offender on parole,  
12 the parole board shall determine whether the sex offender has  
13 successfully progressed in treatment and would not pose an undue threat  
14 to the community if released under appropriate treatment and monitoring  
15 requirements and whether there is a strong and reasonable probability that  
16 the ~~person~~ SEX OFFENDER will not thereafter violate the law. The  
17 department shall make recommendations to the parole board concerning  
18 whether the sex offender should be released on parole and the level of  
19 treatment and monitoring that should be imposed as a condition of parole.  
20 The recommendation ~~shall~~ MUST be based on the criteria established by  
21 the management board pursuant to section 18-1.3-1009.

22 (II) ON COMPLETION OF THE MINIMUM PERIOD OF INCARCERATION  
23 SPECIFIED IN A SEX OFFENDER'S DETERMINATE SENTENCE PURSUANT TO  
24 SECTION 18-1.3-1004 (1)(a), (1)(b), OR (1)(c), LESS ANY EARNED TIME  
25 CREDITED TO THE SEX OFFENDER PURSUANT TO SECTION 17-22.5-405, THE  
26 PAROLE BOARD SHALL SCHEDULE A HEARING TO DETERMINE IF THE SEX  
27 OFFENDER MAY BE RELEASED ON PAROLE. THE DEPARTMENT SHALL MAKE

1 A RECOMMENDATION TO THE PAROLE BOARD CONCERNING WHETHER THE  
2 SEX OFFENDER SHOULD BE RELEASED ON PAROLE CONSISTENT WITH  
3 SECTION 16-11.7-105. UNLESS THE SEX OFFENDER IS ASSESSED AS HIGH  
4 RISK FOR SEXUAL RECIDIVISM BY THE DEPARTMENT, THE PAROLE BOARD  
5 SHALL REQUIRE THAT THE SEX OFFENDER RECEIVE ANY RECOMMENDED  
6 TREATMENT IN THE COMMUNITY PHASE OF THE SEX OFFENDER'S SENTENCE  
7 AND THE PAROLE BOARD SHALL NOT DENY PAROLE TO THE SEX OFFENDER  
8 AS A PUBLIC SAFETY RISK FOR FAILURE TO START TREATMENT WHILE  
9 INCARCERATED IN THE DEPARTMENT.

10 **SECTION 6.** In Colorado Revised Statutes, 18-1.3-1009, **amend**  
11 (1) introductory portion and (1)(b) as follows:

12 **18-1.3-1009. Criteria for release from incarceration, reduction**  
13 **in supervision, and discharge.** (1) On or before ~~July 1, 1999~~  
14 NOVEMBER 1, 2024, the management board, in collaboration with the  
15 department of corrections, the judicial department, and the parole board,  
16 shall establish:

17 (b) The methods of determining whether a sex offender has  
18 successfully progressed in treatment CONSISTENT WITH THE DEFINITION AS  
19 PROVIDED IN SECTION 18-1.3-1003; and

20 **SECTION 7.** In Colorado Revised Statutes, 18-1.3-1010, **amend**  
21 (1)(a) and (2)(a) as follows:

22 **18-1.3-1010. Arrest of parolee or probationer - revocation.**

23 (1) (a) A sex offender paroled pursuant to section 18-1.3-1006 is subject  
24 to arrest and revocation of parole as provided in sections 17-2-103 and  
25 17-2-103.5. ~~C.R.S.~~ At any revocation proceeding, the sex offender's  
26 community parole officer and the treatment provider shall submit written  
27 recommendations concerning the level of treatment and monitoring that

1 should be imposed as a condition of parole if parole is not revoked or  
2 whether the sex offender poses a sufficient threat to the community that  
3 parole should be revoked. IF THE COMMUNITY PAROLE OFFICER  
4 RECOMMENDS THAT PAROLE BE REVOKED, THE COMMUNITY PAROLE  
5 OFFICER SHALL ALSO MAKE A RECOMMENDATION AS TO WHETHER  
6 FURTHER TREATMENT IN CUSTODY IS NECESSARY BASED ON INFORMATION  
7 RECEIVED FROM THE COMMUNITY TREATMENT PROVIDER OR IF  
8 ADDITIONAL COMMUNITY TREATMENT IS RECOMMENDED WHEN THE SEX  
9 OFFENDER IS RE-RELEASED ON PAROLE. ANY RECOMMENDATION  
10 REGARDING TREATMENT WHILE INCARCERATED MUST IDENTIFY THE  
11 DEPARTMENT TREATMENT WAITING LIST AND WHEN THE TREATMENT  
12 WOULD BE AVAILABLE. THE MAXIMUM REVOCATION IS FOR THE  
13 MANDATORY PAROLE TIME PERIOD AS PROVIDED IN SECTION 18-1.3-401  
14 (1)(a)(V.5)(A) FOR THE UNDERLYING FELONY WITH A REVIEW AT LEAST  
15 EVERY YEAR FOR REPAROLE BY THE PAROLE BOARD. The  
16 recommendations ~~shall~~ MUST be based on the criteria established by the  
17 management board pursuant to section 18-1.3-1009. If the parole board  
18 revokes the sex offender's parole, the sex offender ~~shall continue to be~~ IS  
19 subject to the provisions of this part 10. PAROLE MAY BE SUBSEQUENTLY  
20 REVOKED AGAIN FOR AN ADDITIONAL PERIOD AS PROVIDED IN SECTION  
21 18-1.3-401(1)(a)(V.5)(A) FOR THE UNDERLYING FELONY FOR A VIOLATION  
22 OF A PAROLE CONDITION.

23 (2) (a) A sex offender sentenced to probation pursuant to section  
24 18-1.3-1004 (2) is subject to arrest and revocation of probation as  
25 provided in sections 16-11-205 and 16-11-206. ~~C.R.S.~~ At any revocation  
26 proceeding, the sex offender's probation officer and the sex offender's  
27 treatment provider shall submit recommendations concerning the level of

1 treatment and monitoring that should be imposed as a condition of  
2 probation if probation is not revoked or whether the sex offender poses  
3 a sufficient threat to the community that probation should be revoked.  
4 The recommendations ~~shall~~ MUST be based on the criteria established by  
5 the management board pursuant to section 18-1.3-1009. If the court  
6 revokes the sex offender's probation, the court shall sentence the sex  
7 offender as provided in section 18-1.3-1004, and the sex offender ~~shall~~  
8 ~~be~~ IS subject to the SUPERVISION provisions of this part 10.

9 **SECTION 8.** In Colorado Revised Statutes, 17-22.5-403, **amend**  
10 (2)(a), (2)(b), and (7)(b) as follows:

11 **17-22.5-403. Parole eligibility.** (2) (a) Notwithstanding  
12 subsection (1) of this section, any person convicted and sentenced for  
13 second degree murder; first degree assault; first degree kidnapping, unless  
14 the first degree kidnapping is a class 1 felony; first or second degree  
15 sexual assault; first degree arson; first degree burglary; or aggravated  
16 robbery, committed on or after June 7, 1990, and before July 1, 2004,  
17 ~~which~~ AND THE person has previously been convicted of a crime ~~which~~  
18 THAT would have been a crime of violence as defined in section  
19 18-1.3-406, ~~C.R.S. shall be~~ AND A PERSON SENTENCED TO A DETERMINATE  
20 TERM OF IMPRISONMENT PURSUANT TO SECTION 18-1.3-1004 FOR A CRIME  
21 COMMITTED ON OR AFTER OCTOBER 1, 2024, IS eligible for parole after  
22 ~~such~~ THE person has served seventy-five percent of the sentence imposed  
23 upon ~~such~~ THE person, less any time authorized for earned time granted  
24 pursuant to section 17-22.5-405.

25 (b) ~~The provisions of paragraph (a) of this subsection (2) shall not~~  
26 SUBSECTION (2)(a) OF THIS SECTION DOES NOT apply to ~~persons~~ A PERSON  
27 sentenced pursuant to part 10 of article 1.3 of title 18 ~~C.R.S.~~ PRIOR TO



1       OCTOBER 1, 2024, OR TO A PERSON SENTENCED PURSUANT TO SECTION  
2       18-1.3-1004 (1)(e).

3               (7) (b) (I) Notwithstanding ~~the provisions of paragraph (a) of this~~  
4       ~~subsection (7)~~ SUBSECTION (7)(a) OF THIS SECTION, for any sex offender,  
5       as defined in section 18-1.3-1003 (4), ~~C.R.S.~~, who is sentenced pursuant  
6       to the provisions of part 10 of article 1.3 of title 18 ~~C.R.S.~~, for  
7       commission of a sex offense committed on or after November 1, 1998,  
8       the state board of parole shall determine whether or not to grant parole as  
9       provided in section 18-1.3-1006. ~~C.R.S.~~ If the state board of parole  
10       determines that placing a sex offender on parole is appropriate, it shall set  
11       an indeterminate period of parole as provided in section 18-1.3-1006.  
12       ~~C.R.S.~~

13               (II) IF A SEX OFFENDER IS ASSESSED TO RECEIVE SEX OFFENDER  
14       TREATMENT PURSUANT TO SECTION 16-11.7-105, UNLESS THE SEX  
15       OFFENDER IS ASSESSED AS HIGH RISK OF SEXUAL RECIDIVISM BY THE  
16       DEPARTMENT, THE PAROLE BOARD SHALL ORDER THAT THE SEX OFFENDER  
17       RECEIVE ANY RECOMMENDED TREATMENT IN THE COMMUNITY PHASE OF  
18       THE SEX OFFENDER'S SENTENCE, AND THE PAROLE BOARD SHALL NOT DENY  
19       PAROLE TO THE SEX OFFENDER AS A PUBLIC SAFETY RISK FOR FAILURE TO  
20       START TREATMENT WHILE INCARCERATED IN THE DEPARTMENT.

21               **SECTION 9.** In Colorado Revised Statutes, 17-22.5-404, **amend**  
22       (4)(a)(IV) and (4)(c)(II) as follows:

23               **17-22.5-404. Parole guidelines - definition.** (4) (a) In  
24       considering offenders for parole, the state board of parole shall consider  
25       the totality of the circumstances, which include, but need not be limited  
26       to, the following factors:

27               (IV) The offender's program or treatment participation and

1 progress, SUBJECT TO SUBSECTION (4)(c)(II) OF THIS SECTION;

2 (c) (II) The administrative release guideline instrument ~~shall~~ MUST  
3 not be used in considering ~~those~~ inmates classified as sex offenders with  
4 indeterminate sentences for whom the sex offender management board  
5 pursuant to section 18-1.3-1009, C.R.S., has established separate and  
6 distinct release guidelines. The sex offender management board in  
7 collaboration with the department of corrections, the judicial department,  
8 the division of criminal justice in the department of public safety, and the  
9 state board of parole shall develop a specific sex offender release  
10 guideline instrument for use by the state board of parole for those inmates  
11 classified as sex offenders with determinate sentences WHOSE ELIGIBILITY  
12 FOR PAROLE RELEASE WITH RESPECT TO RECOMMENDED TREATMENT IS AS  
13 PROVIDED IN SECTIONS 16-11.7-105 AND 18-1.3-1006.

14 **SECTION 10.** In Colorado Revised Statutes, 18-3-415.5, **repeal**  
15 (5)(b) as follows:

16 **18-3-415.5. Testing persons charged with certain sexual**  
17 **offenses for serious sexually transmitted infections - mandatory**  
18 **sentencing.** (5) (b) If the court determines that the person tested pursuant  
19 to subsection (2) of this section had notice of the HIV infection prior to  
20 the date the offense was committed and the infectious agent of the HIV  
21 infection was in fact transmitted, the judge shall sentence the person to a  
22 mandatory term of incarceration of at least the upper limit of the  
23 presumptive range for the level of offense committed, up to the remainder  
24 of the person's natural life, as provided in section 18-1.3-1004.

25 **SECTION 11. Effective date - applicability.** This act takes  
26 effect October 1, 2024, and applies to offenses committed on or after said  
27 date.

1           **SECTION 12. Safety clause.** The general assembly finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, or safety or for appropriations for  
4 the support and maintenance of the departments of the state and state  
5 institutions.