

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0566.01 Jessica Herrera x4218

HOUSE BILL 25-1150

HOUSE SPONSORSHIP

Weinberg,

SENATE SPONSORSHIP

(None),

House Committees
Finance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE FORFEITURE OF PUBLIC EMPLOYEES' RETIREMENT
102 ASSOCIATION BENEFITS BY CONVICTED SEX OFFENDERS, AND, IN
103 CONNECTION THEREWITH, CREATING THE SEXUAL ASSAULT
104 SURVIVORS' CASH FUND.

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>.)

Effective January 1, 2026, the bill requires a member or retiree of the public employees' retirement association (PERA) who has been convicted of a sex crime and exhausted all appellate review for such a

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.

conviction to forfeit their PERA benefits and requires a PERA member to forfeit the option to refund their member contributions and matching employer contributions. The bill creates the sexual assault survivors' cash fund (fund) and requires PERA to transfer an amount of money equal to the forfeited benefits to the fund. The bill also creates the sexual assault survivors' grant program in the department of corrections to provide grants to survivors of a sex crime to use for necessary medical and mental health resources.

The bill requires a district court to provide for the rights of innocent persons including, but not limited to, providing the member or retiree adequate notice of a forfeiture proceeding and holding a hearing to provide the member or retiree a fair opportunity to defend their entitlement. The bill forbids a district court from including in the judgement or order to the association any forfeited retirement benefit to which a spouse or former spouse of the defendant is entitled under law or as determined by a court order.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-51-222 as
3 follows:

4 **24-51-222. Forfeiture of benefits by convicted sex offenders -**
5 **definitions - creation - sexual assault survivors' cash fund - definition.**

6 (1) (a) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES, "SEX CRIME" MEANS ANY OF THE FOLLOWING OFFENSES:

8 (I) SEXUAL ASSAULT, AS DESCRIBED IN SECTION 18-3-402;

9 (II) UNLAWFUL SEXUAL CONTACT, AS DESCRIBED IN SECTION
10 18-3-404;

11 (III) SEXUAL ASSAULT ON A CHILD, AS DESCRIBED IN SECTION
12 18-3-405;

13 (IV) SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF
14 TRUST, AS DESCRIBED IN SECTION 18-3-405.3;

15 (V) HUMAN TRAFFICKING OF A MINOR FOR SEXUAL SERVITUDE, AS
16 DESCRIBED IN SECTION 18-3-504 (2);

1 (VI) SEXUAL EXPLOITATION OF A CHILD, AS DESCRIBED IN SECTION
2 18-6-403;

3 (VII) SOLICITING FOR CHILD PROSTITUTION, AS DESCRIBED IN
4 SECTION 18-7-402; OR

5 (VIII) INTERNET SEXUAL EXPLOITATION OF A CHILD, AS DESCRIBED
6 IN SECTION 18-3-405.4.

7 (2) EFFECTIVE JANUARY 1, 2026, ANY MEMBER OR RETIREE WHO
8 IS CONVICTED OF A SEX CRIME AND HAS EXHAUSTED ALL APPELLATE
9 REVIEW FORFEITS ANY RETIREMENT BENEFITS, INCLUDING THE OPTION TO
10 RECEIVE A REFUND OF ANY MEMBER CONTRIBUTION OR MATCHING
11 EMPLOYER CONTRIBUTION AS DETERMINED BY A DISTRICT COURT ORDER
12 AND JUDGMENT IN ACCORDANCE WITH SUBSECTIONS (3) AND (4) OF THIS
13 SECTION.

14 (3) (a) EFFECTIVE JANUARY 1, 2026, UNLESS PROHIBITED BY
15 APPLICABLE FEDERAL LAW, IF A DISTRICT COURT DETERMINES THAT IT IS
16 APPROPRIATE TO REQUIRE A CONVICTED MEMBER OR RETIREE TO FORFEIT
17 RETIREMENT BENEFITS IN ACCORDANCE WITH SUBSECTION (2) OF THIS
18 SECTION AFTER MAKING DUE PROVISION FOR THE RIGHTS OF INNOCENT
19 PERSONS, INCLUDING, BUT NOT LIMITED TO, PROVIDING THE CONVICTED
20 MEMBER OR RETIREE ADEQUATE NOTICE OF A FORFEITURE PROCEEDING
21 AND HOLDING A HEARING TO PROVIDE THE CONVICTED MEMBER OR
22 RETIREE A FAIR OPPORTUNITY TO DEFEND THEIR ENTITLEMENT, THE
23 DISTRICT COURT MUST ISSUE THE APPROPRIATE ORDERS AND JUDGMENTS
24 THAT DIRECT THE ASSOCIATION TO COMMENCE THE FORFEITURE OF
25 RETIREMENT BENEFITS IN ACCORDANCE WITH SUBSECTION (2) OF THIS
26 SECTION. THE ORDERS AND JUDGMENTS MADE MUST INCLUDE:

27 (I) A DETERMINATION THAT THE MEMBER OR RETIREE HAS BEEN

1 CONVICTED OF A SEX CRIME AND EXHAUSTED ALL APPELLATE REVIEW FOR
2 SUCH A CONVICTION;

3 (II) AN ORDER TO THE ASSOCIATION TO CALCULATE THE AMOUNT
4 OF RETIREMENT BENEFITS THE MEMBER OR RETIREE IS ELIGIBLE TO
5 RECEIVE MINUS ANY RETIREMENT BENEFITS FORFEITED IN ACCORDANCE
6 WITH SUBSECTION (2) OF THIS SECTION; AND

7 (III) AN ORDER TO THE ASSOCIATION TO TRANSFER AN AMOUNT
8 EQUAL TO THE RETIREMENT BENEFITS FORFEITED TO THE SEXUAL ASSAULT
9 SURVIVORS' CASH FUND CREATED IN SUBSECTION (5) OF THIS SECTION.

10 (4) A DISTRICT COURT THAT HAS ISSUED A JUDGMENT AND ORDER
11 FOR THE FORFEITURE OF RETIREMENT BENEFITS IN ACCORDANCE WITH
12 SUBSECTION (3) OF THIS SECTION MUST TAKE INTO CONSIDERATION ANY
13 ENTITLEMENT A CONVICTED MEMBER OR RETIREE'S SPOUSE OR FORMER
14 SPOUSE HAS TO THE RETIREMENT BENEFITS. A DISTRICT COURT MAY NOT
15 REQUIRE THE FORFEITURE OF ANY RETIREMENT BENEFITS TO WHICH A
16 SPOUSE OR FORMER SPOUSE IS ENTITLED UNDER LAW OR AS DETERMINED
17 BY A COURT ORDER.

18 (5) (a) THE SEXUAL ASSAULT SURVIVORS' CASH FUND IS CREATED
19 IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE
20 FUND PURSUANT TO SUBSECTION (3) OF THIS SECTION AND ANY OTHER
21 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
22 TO THE FUND.

23 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
24 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
25 SEXUAL ASSAULT SURVIVORS' CASH FUND TO THE FUND.

26 **SECTION 2.** In Colorado Revised Statutes, **add** 17-28-104 as
27 follows:

1 **17-28-104. Sexual assault survivors' restitution grant program**

2 **- application - rules.** (1) THE SEXUAL ASSAULT SURVIVORS' RESTITUTION
3 GRANT PROGRAM IS CREATED IN THE DEPARTMENT. THE PURPOSE OF THE
4 PROGRAM IS TO PROVIDE GRANTS TO SURVIVORS OF A SEX CRIME AS
5 DEFINED IN SECTION 24-51-222.

6 (2) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH
7 THE GRANT PROGRAM TO RECEIVE MEDICAL AND MENTAL HEALTH
8 RESOURCES.

9 (3) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM
10 AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS
11 PROVIDED IN THIS SECTION. GRANTS MUST BE PAID OUT OF THE SEXUAL
12 ASSAULT SURVIVORS' CASH FUND CREATED IN SECTION 24-51-222 (5).

13 (4) THE DEPARTMENT MAY PROMULGATE RULES AS NECESSARY TO
14 IMPLEMENT THE GRANT PROGRAM. AT A MINIMUM, THE RULES MUST
15 SPECIFY THE CRITERIA FOR PROVIDING GRANTS TO SURVIVORS AND THE
16 APPLICATION PROCESS.

17 (5) TO RECEIVE A GRANT, A SURVIVOR OF A SEX CRIME MUST
18 SUBMIT AN APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH
19 RULES PROMULGATED BY THE DEPARTMENT.

20 **SECTION 3. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly; except
23 that, if a referendum petition is filed pursuant to section 1 (3) of article V
24 of the state constitution against this act or an item, section, or part of this
25 act within such period, then the act, item, section, or part will not take
26 effect unless approved by the people at the general election to be held in

- 1 November 2026 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.