

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

**BILL B**

LLS NO. 20-0257.01 Jane Ritter x4342

**HOUSE BILL**

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**HOUSE SPONSORSHIP**

**Benavidez and Singer,**

**SENATE SPONSORSHIP**

**Rodriguez,**

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**House Committees**

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE IMPLEMENTATION OF RECOMMENDATIONS FROM**  
102            **THE LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING THE**  
103            **TREATMENT OF PERSONS WITH MENTAL HEALTH DISORDERS IN**  
104            **THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS REGARDING**  
105            **JUVENILES WHO HAVE COMMITTED SEX OFFENSES.**

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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/>.)*

**The Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal**

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.

**and Juvenile Justice Systems.** The bill implements various recommendations of the legislative oversight committee concerning the treatment of persons with mental health disorders in the criminal and juvenile justice systems regarding juveniles who have committed sex offenses, including:

- Specifying that if a juvenile who is moving to Colorado would be otherwise required to register on Colorado's sex offender registry (registry) but the juvenile's duty to register in another state has been terminated by a court order, then the juvenile is not required to register or petition the court for removal from the registry;
- Expanding judicial discretion at the time of sentencing to exempt from registration or require juveniles to register for all first offense registerable juvenile sex crimes if a sex offender management board evaluator recommends exemption and the juvenile is otherwise statutorily eligible;
- Adding language to adult and juvenile provisions that currently reference only crimes defined as "unlawful sexual behavior" to also include convictions and adjudications for nonsexual crimes where there has been, pursuant to statute, a judicial finding of an underlying factual basis involving unlawful sexual behavior;
- Creating a process for the court to reconsider its ruling on whether to require registration if new information is discovered after the court made its initial ruling;
- Adding a requirement for the court to issue a ruling or set a mandatory hearing no later than 14 days before the end of each juvenile's sentence concerning a juvenile's ongoing duty to register;
- Changing the current law that allows the Colorado Bureau of Investigation (CBI) to inform the requesting party if a person is on the registry so that the CBI may release information about a juvenile only under certain restrictions;
- Requiring the CBI to collect data on the number of times information is requested and released concerning juveniles on the registry;
- Creating a new unclassified misdemeanor for members of the public who submit a false statement to the CBI for purposes of obtaining juvenile registry information or who use such information in a prohibited manner;
- Updating current law regarding the posting of information on the registry to the internet to specifically exclude juveniles;
- Clarifying that a local law enforcement agency may not release or post on its website information regarding

- juveniles on the registry;
- Changing current law that requires lifetime registration for an adult who has more than one adjudication as a juvenile so that juvenile adjudications alone may not trigger mandatory lifetime registration; and
- Updating language in the Colorado crime victim rights act to clarify victim rights when a petition or motion is made to terminate sex offender registration.

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

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

4           **16-22-102. Definitions.** As used in this article 22, unless the  
5 context otherwise requires:

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

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

20           (4.2) "JUVENILE" MEANS A PERSON WHO IS UNDER EIGHTEEN  
21 YEARS OF AGE AT THE TIME OF THE OFFENSE AND WHO HAS NOT BEEN

1 CRIMINALLY CONVICTED IN THE DISTRICT COURT OF UNLAWFUL SEXUAL  
2 BEHAVIOR PURSUANT TO SECTION 19-2-517 OR 19-2-518.

3 **SECTION 2.** In Colorado Revised Statutes, 16-22-103, **amend**  
4 (3), (4), and (5)(a); and **add** (7) and (8) as follows:

5 **16-22-103. Sex offender registration - required - applicability**  
6 **- exception.** (3) (a) In addition to the persons specified in subsections (1)  
7 and (2) of this section, AND EXCEPT AS PROVIDED FOR IN SUBSECTION  
8 (3)(b) OF THIS SECTION, any person convicted of an offense in any other  
9 state or jurisdiction, including but not limited to a military or federal  
10 jurisdiction, for which the person, as a result of the conviction, is required  
11 to register if he or she resided in the state or jurisdiction of conviction, or  
12 for which ~~such~~ THE person would be required to register if convicted in  
13 Colorado, ~~shall be~~ IS required to register in the manner specified in  
14 section 16-22-108, so long as ~~such~~ THE person is a temporary or  
15 permanent resident of Colorado. ~~Such~~ THE person may petition the court  
16 for an order that discontinues the requirement for registration in this state  
17 at the times specified in section 16-22-113 for offense classifications that  
18 are comparable to the classification of the offense for which the person  
19 was convicted in the other state or jurisdiction. ~~Such~~ THE person may  
20 petition the court for an order that discontinues the requirement for  
21 registration in this state for offense classifications that ~~such~~ THE person  
22 would not be required to register for if convicted in Colorado.

23 (b) IF A JUVENILE IS REQUIRED TO REGISTER ONLY PURSUANT TO  
24 SUBSECTION (3)(a) OF THIS SECTION, AND THE JUVENILE'S DUTY TO  
25 REGISTER IN ANOTHER STATE OR JURISDICTION HAS BEEN TERMINATED BY  
26 A COURT ORDER, OR IF A TRIAL COURT HAS DETERMINED THAT THE  
27 JUVENILE IS NOT REQUIRED TO REGISTER IN THAT STATE OR JURISDICTION,

1 THEN THE JUVENILE IS NOT REQUIRED TO FULFILL THE REQUIREMENTS FOR  
2 REGISTRATION IN COLORADO, AS SET FORTH IN SECTION 16-22-108, AND  
3 IS THEREFORE NOT REQUIRED TO PETITION THE COURT FOR REMOVAL FROM  
4 THE COLORADO SEX OFFENDER REGISTRY PURSUANT TO SECTION  
5 16-22-113.

6 (4) The provisions of this article 22 apply to any person who  
7 receives a disposition or is adjudicated a juvenile delinquent based on the  
8 commission of any act that may constitute unlawful sexual behavior or  
9 who receives a deferred adjudication based on commission of any act that  
10 may constitute unlawful sexual behavior; except that, with respect to  
11 section 16-22-113 (1)(a) to (1)(e), a person WHO IS ADJUDICATED OR  
12 RECEIVES A DISPOSITION AS A JUVENILE may petition the court for an order  
13 to discontinue the duty to register as provided in those ~~paragraphs~~  
14 SUBSECTIONS, but only if the person has not subsequently ~~received a~~  
15 ~~disposition for, been adjudicated a juvenile delinquent for, or been~~  
16 ~~otherwise~~ BEEN convicted AS AN ADULT of any offense involving  
17 unlawful sexual behavior OR CONVICTED AS AN ADULT OF ANOTHER  
18 OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVES  
19 UNLAWFUL SEXUAL BEHAVIOR. In addition, the duty to provide notice to  
20 a person of the duty to register, as set forth in sections 16-22-105 to  
21 16-22-107, applies to juvenile parole and probation officers and  
22 appropriate personnel of the division of youth services in the department  
23 of human services.

24 (5) (a) Notwithstanding any provision of this article 22 to the  
25 contrary, if, pursuant to a motion filed by a person described in this  
26 subsection (5) or on its own motion, a court determines that the  
27 registration requirement specified in this section would be unfairly

1 punitive and that exempting the person from the registration requirement  
2 would not pose a significant risk to the community, the court, upon  
3 consideration of the totality of the circumstances, may exempt the person  
4 from the registration requirements imposed pursuant to this section if:

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

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

10 (III) ~~The offense, as charged in the first petition filed with the~~  
11 ~~court, is a first offense of misdemeanor unlawful sexual contact, as~~  
12 ~~described in section 18-3-404; indecent exposure, as described in section~~  
13 ~~18-7-302; or sexual exploitation of a child, as described in section~~  
14 ~~18-6-403, and the person's conduct is limited to the elements in posting~~  
15 ~~private images by a juvenile, as described in section 18-7-109 (1), or~~  
16 ~~possessing private images by a juvenile, as described in section 18-7-109~~  
17 ~~(2); and~~ THE PERSON WAS ADJUDICATED OR RECEIVED A DISPOSITION FOR  
18 ANY OFFENSE OF UNLAWFUL SEXUAL BEHAVIOR OR ANOTHER OFFENSE,  
19 THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL  
20 BEHAVIOR; AND

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

27 (IV.5) THE COURT HAS CONSIDERED A WRITTEN OR ORAL

1 STATEMENT BY THE VICTIM OF THE OFFENSE FOR WHICH THE JUVENILE  
2 WOULD OTHERWISE BE REQUIRED TO REGISTER, IF PROVIDED BY THE  
3 VICTIM, ON THE QUESTION OF WHETHER THE JUVENILE SHOULD BE  
4 EXEMPTED FROM THE STATUTORY DUTY TO REGISTER AS A SEX OFFENDER;  
5 AND

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

8 (7) IF A JUVENILE HAS BEEN EXEMPTED FROM THE DUTY TO  
9 REGISTER PURSUANT TO SUBSECTION (5) OF THIS SECTION BUT, PRIOR TO  
10 THE TERMINATION OF THE JUVENILE'S SENTENCE FOR THE OFFENSE THAT  
11 TRIGGERED THE DUTY TO REGISTER, THE MULTIDISCIPLINARY TEAM  
12 DISCOVERS ADDITIONAL INFORMATION THAT WAS NOT KNOWN AT THE  
13 TIME THE EXEMPTION WAS GRANTED THAT CAUSES ANY MEMBER OF THE  
14 MULTIDISCIPLINARY TEAM TO BELIEVE THE COURT SHOULD REQUIRE SEX  
15 OFFENDER REGISTRATION PURSUANT TO THIS SECTION, THE JUVENILE'S  
16 SUPERVISING OFFICER SHALL NOTIFY THE PROSECUTING ATTORNEY. THE  
17 PROSECUTING ATTORNEY SHALL ADVISE THE VICTIM OF THE OFFENSE AND  
18 MAY THEN FILE A MOTION TO RECONSIDER THE ORDER EXEMPTING THE  
19 JUVENILE FROM THE DUTY TO REGISTER AS A SEX OFFENDER. THE MOTION  
20 MUST INCLUDE THE ADDITIONAL INFORMATION DISCOVERED.

21 (8) IF A JUVENILE HAS BEEN REQUIRED TO REGISTER PURSUANT TO  
22 THIS SECTION BUT, PRIOR TO THE TERMINATION OF THE JUVENILE'S  
23 SENTENCE FOR THE OFFENSE THAT TRIGGERED THE DUTY TO REGISTER,  
24 THE JUVENILE CAN PROVIDE ADDITIONAL INFORMATION TO THE COURT  
25 THAT WAS NOT KNOWN AT THE TIME REGISTRATION WAS REQUIRED AND  
26 IS RELEVANT TO THE FINDINGS REQUIRED TO DETERMINE AN EXEMPTION  
27 PURSUANT TO THIS SECTION, THE JUVENILE MAY FILE A MOTION TO

1 RECONSIDER THE ORDER REQUIRING THE JUVENILE TO REGISTER AS A SEX  
2 OFFENDER. THE MOTION MUST INCLUDE THE ADDITIONAL INFORMATION,  
3 AND A COPY OF THE MOTION MUST BE PROVIDED TO THE DISTRICT  
4 ATTORNEY AND THE JUVENILE'S SUPERVISING OFFICER PRIOR TO ANY  
5 HEARING. THE DISTRICT ATTORNEY SHALL PROVIDE NOTICE TO THE VICTIM  
6 OF THE OFFENSE. THE DISTRICT ATTORNEY, THE MULTIDISCIPLINARY  
7 TEAM, AND THE VICTIM MUST BE PROVIDED THE OPPORTUNITY TO BE  
8 HEARD AT THE HEARING. A NEW MOTION SEEKING RECONSIDERATION OF  
9 A COURT'S ORDER TO REGISTER MAY NOT BE FILED MORE THAN ONCE IN A  
10 SIX-MONTH PERIOD.

11 **SECTION 3.** In Colorado Revised Statutes, 16-22-109, **amend**  
12 (4) as follows:

13 **16-22-109. Registration forms - local law enforcement agencies**  
14 **- duties.** (4) The forms completed by persons required to register  
15 pursuant to this ~~article shall be~~ ARTICLE 22 ARE confidential and ~~shall not~~  
16 ~~be~~ ARE NOT open to inspection by the public or any person other than law  
17 enforcement personnel, except as provided in sections 16-22-110 (6),  
18 16-22-111, and 16-22-112, and ~~section~~ 25-1-124.5. ~~C.R.S.~~

19 **SECTION 4.** In Colorado Revised Statutes, 16-22-110, **amend**  
20 (6); and **add** (10) as follows:

21 **16-22-110. Colorado sex offender registry - creation -**  
22 **maintenance - release of information - data collection.** (6) (a) The  
23 general assembly ~~hereby~~ recognizes the need to balance the expectations  
24 of persons convicted of offenses involving unlawful sexual behavior and  
25 the public's need to adequately protect themselves and their children from  
26 these persons, as expressed in section 16-22-112 (1). The general  
27 assembly declares, however, that, in making information concerning



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

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

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

23 (d) (Deleted by amendment, L. 2005, p. 611, § 1, effective May  
24 27, 2005.)

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

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

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

- 18 (I) PLACED IN PUBLICATION OR POSTED TO A WEBSITE;
- 19 (II) USED FOR THE PURPOSE OF OBTAINING A PECUNIARY GAIN OR  
20 FINANCIAL BENEFIT FOR ANY PERSON OR ENTITY; OR
- 21 (III) USED OR DISSEMINATED IN ANY MANNER WITH THE INTENT TO  
22 HARASS, INTIMIDATE, COERCE, OR CAUSE SERIOUS EMOTIONAL DISTRESS  
23 TO ANY PERSON, INCLUDING THE NAMED PERSON.

24 (h) IN ADDITION TO THE WRITTEN AFFIRMATION REQUIRED BY  
25 SUBSECTION (6)(g) OF THIS SECTION, THE PERSON REQUESTING  
26 INFORMATION SHALL AFFIRM IN WRITING THAT HE OR SHE HAS A NEED FOR  
27 THE SEX OFFENDER INFORMATION CONCERNING THE PERSON WHO WAS

1 ADJUDICATED OR RECEIVED A DISPOSITION AS A JUVENILE AND DESCRIBES  
2 THAT NEED IN WRITING.

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

13 (j) A PERSON WHO VIOLATES THE PROVISIONS OF THIS SUBSECTION  
14 (6) OR WHO SUBMITS A FALSE STATEMENT TO THE CBI TO OBTAIN  
15 INFORMATION PURSUANT TO THE PROVISIONS OF THIS SUBSECTION (6)  
16 COMMITS AN UNCLASSIFIED MISDEMEANOR AND SHALL BE PUNISHED BY A  
17 FINE OF UP TO ONE THOUSAND DOLLARS FOR EACH VIOLATION.

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

20 (10) ON OR BEFORE JULY 1, 2021, AND EVERY JULY 1 THEREAFTER,  
21 THE CBI SHALL PREPARE A REPORT THAT DETAILS THE NUMBER OF  
22 REQUESTS FOR SEX OFFENDER REGISTRATION INFORMATION FOR JUVENILES  
23 RECEIVED ANNUALLY PURSUANT TO SUBSECTION (6) OF THIS SECTION AS  
24 WELL AS THE NUMBER OF TIMES SUCH INFORMATION WAS RELEASED. THE  
25 CBI SHALL INCLUDE THE REPORT AS A PART OF ITS PRESENTATION TO ITS  
26 COMMITTEE OF REFERENCE AT A HEARING HELD PURSUANT TO SECTION  
27 2-7-203 OF THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE,

1 AND TRANSPARENT (SMART) GOVERNMENT ACT".

2 **SECTION 5.** In Colorado Revised Statutes, 16-22-111, **amend**  
3 (1) introductory portion as follows:

4 **16-22-111. Internet posting of sex offenders - procedure.**

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

16 **SECTION 6.** In Colorado Revised Statutes, 16-22-112, **amend**  
17 (2)(a), (2)(b)(I), and (3)(b); and **repeal** (2)(b)(III) and (2)(b)(IV) as  
18 follows:

19 **16-22-112. Release of information - law enforcement agencies.**

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

1 enforcement agency's website.

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

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

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

10 (IV) ~~A juvenile who is required to register pursuant to section~~  
11 ~~16-22-103 because he or she was adjudicated for an offense that would~~  
12 ~~have been a felony if committed by an adult and has failed to register as~~  
13 ~~required by section 16-22-103.~~

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

27 **SECTION 7.** In Colorado Revised Statutes, 16-22-113, **amend**

1 (1)(e), (1.3)(b)(I), (3) introductory portion, and (3)(c) as follows:

2 **16-22-113. Petition for removal from registry - mandatory**  
3 **hearing for discontinuation and removal.** (1) Except as otherwise  
4 provided in subsection (3) of this section, any person required to register  
5 pursuant to section 16-22-103 or whose information is required to be  
6 posted on the internet pursuant to section 16-22-111 may file a petition  
7 with the court that issued the order of judgment for the conviction that  
8 requires the person to register for an order to discontinue the requirement  
9 for such registration or internet posting, or both, as follows:

10 (e) Except as otherwise provided in ~~subparagraph (H) of~~  
11 ~~paragraph (b) of subsection (1.3)~~ SUBSECTION (1.3)(b)(II) of this section,  
12 if the person was younger than eighteen years of age at the time of  
13 commission of the offense, after the successful completion of and  
14 discharge from a juvenile sentence or disposition, and if the person prior  
15 to such time has not been subsequently convicted ~~or has~~ AS AN ADULT OF  
16 UNLAWFUL SEXUAL BEHAVIOR, OR FOR ANY OTHER OFFENSE, THE  
17 UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL  
18 BEHAVIOR, OR DOES NOT HAVE a pending prosecution for unlawful sexual  
19 behavior AS AN ADULT or for any other offense, the underlying factual  
20 basis of which involved unlawful sexual behavior, and the court did not  
21 issue an order either continuing the duty to register or discontinuing the  
22 duty to register pursuant to ~~paragraph (b) of subsection (1.3)~~ SUBSECTION  
23 (1.3)(b) of this section. Any person petitioning pursuant to this ~~paragraph~~  
24 ~~(e)~~ SUBSECTION (1)(e) may also petition for an order removing his or her  
25 name from the sex offender registry. In determining whether to grant the  
26 order, the court shall consider whether the person is likely to commit a  
27 subsequent offense of or involving unlawful sexual behavior. The court

1 shall base its determination on recommendations from the person's  
2 probation or community parole officer, the person's treatment provider,  
3 and the prosecuting attorney for the jurisdiction in which the person was  
4 tried and on the recommendations included in the person's presentence  
5 investigation report. In addition, the court shall consider any written or  
6 oral testimony submitted by the victim of the offense for which the  
7 petitioner was required to register. Notwithstanding the provisions of this  
8 subsection (1), a juvenile who files a petition pursuant to this section may  
9 file the petition with the court to which venue is transferred pursuant to  
10 section 19-2-105, ~~C.R.S.~~, if any.

11 (1.3) (b) (I) If a PERSON ADJUDICATED OR WHO RECEIVED A  
12 DISPOSITION AS A juvenile is ~~eligible to petition to discontinue his or her~~  
13 ~~duty to register pursuant to paragraph (c) of subsection (1) of this section~~  
14 REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103, the court, at  
15 least sixty-three days ~~before discharging~~ PRIOR TO THE END OF the  
16 juvenile's sentence, shall notify each of the parties described in ~~paragraph~~  
17 ~~(a) of subsection (2)~~ SUBSECTION (2)(a) of this section, the juvenile, and  
18 the victim of the offense for which the juvenile was required to register,  
19 if the victim has requested notice and has provided current contact  
20 information, that the court shall consider whether to order that the  
21 juvenile may discontinue his or her duty to register when the court  
22 discharges the juvenile's sentence. The court shall set the matter for  
23 hearing if ~~any of the parties described in paragraph (a) of subsection (2)~~  
24 ~~of this section or the~~ ANY DISTRICT ATTORNEY OR A victim of the offense  
25 objects, or if the juvenile requests a hearing. ~~and shall~~ IF AN OBJECTION  
26 IS NOT FILED WITHIN THIRTY-FIVE DAYS AFTER RECEIPT OF THE NOTICE,  
27 THE COURT SHALL, AT LEAST FOURTEEN DAYS PRIOR TO THE END OF THE

1 JUVENILE'S SENTENCE, EITHER ISSUE AN ORDER, AFTER DETERMINATION  
2 THAT THE JUVENILE IS ELIGIBLE TO DISCONTINUE REGISTRATION PURSUANT  
3 TO SUBSECTION (1)(e) OF THIS SECTION AND A REVIEW OF THE RELEVANT  
4 CRITERIA THAT DISCONTINUES THE JUVENILE'S DUTY TO REGISTER, OR SET  
5 THE MATTER FOR A HEARING TO DETERMINE IF THE JUVENILE'S DUTY TO  
6 REGISTER CONTINUES. AT ANY HEARING, THE COURT SHALL DETERMINE  
7 WHETHER THE JUVENILE IS ELIGIBLE TO DISCONTINUE REGISTRATION  
8 PURSUANT TO SUBSECTION (1)(e) OF THIS SECTION AND, IF ELIGIBLE,  
9 consider the criteria in ~~paragraph (c) of subsection (1)~~ SUBSECTION (1)(e)  
10 of this section in determining whether to continue or discontinue the duty  
11 to register. If the court enters an order discontinuing the juvenile's duty  
12 to register, the ~~department of human services~~ COURT shall send a copy of  
13 the order to each local law enforcement agency with which the juvenile  
14 is registered, the juvenile parole board, and to the CBI. If the victim of the  
15 offense has requested notice, the court shall notify the victim of its  
16 decision either to continue or discontinue the juvenile's duty to register.

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

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



1 ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH IS  
2 UNLAWFUL SEXUAL BEHAVIOR PURSUANT TO SECTION 16-22-103 (2), IN  
3 THIS STATE OR ANY OTHER JURISDICTION.

4 **SECTION 8.** In Colorado Revised Statutes, 24-4.1-302, **amend**  
5 (2)(r) as follows:

6 **24-4.1-302. Definitions.** As used in this part 3, and for no other  
7 purpose, including the expansion of the rights of any defendant:

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

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

13 **SECTION 9.** In Colorado Revised Statutes, 24-4.1-302.5, **amend**  
14 (1)(b.7) as follows:

15 **24-4.1-302.5. Rights afforded to victims - definitions.** (1) In  
16 order to preserve and protect a victim's rights to justice and due process,  
17 each victim of a crime has the following rights:

18 (b.7) For a victim of a sex offense, the right to be informed of the  
19 filing of ~~a petition by the perpetrator of the offense~~ ANY PETITION OR  
20 MOTION FILED to terminate sex offender registration pursuant to ~~section~~  
21 ~~16-22-113 (2) and (2.5)~~ SECTION 16-22-103 (5), 16-22-103 (8), 16-22-113  
22 (2), OR 16-22-113 (2.5);

23 **SECTION 10.** In Colorado Revised Statutes, 24-4.1-303, **amend**  
24 (14.7)(b) as follows:

25 **24-4.1-303. Procedures for ensuring rights of victims of**  
26 **crimes.** (14.7) (b) The court shall notify the victim of petitions OR  
27 MOTIONS filed ~~by sex offenders~~ to cease sex offender registration

1 pursuant to ~~section 16-22-113 (2) and (2.5)~~ SECTION 16-22-103 (5),  
2 16-22-103 (8), 16-22-113 (2), OR 16-22-113 (2.5).

3           **SECTION 11. Act subject to petition - effective date.** This act  
4 takes effect at 12:01 a.m. on the day following the expiration of the  
5 ninety-day period after final adjournment of the general assembly (August  
6 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
7 referendum petition is filed pursuant to section 1 (3) of article V of the  
8 state constitution against this act or an item, section, or part of this act  
9 within such period, then the act, item, section, or part will not take effect  
10 unless approved by the people at the general election to be held in  
11 November 2020 and, in such case, will take effect on the date of the  
12 official declaration of the vote thereon by the governor.