

CHAPTER 248

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 95-1202

BY REPRESENTATIVES Agler, Tucker, Kreutz, Faatz, Jerke, Reeser, Adkins, Armstrong, McPherson, Owen, Schwarz, Allen, Anderson, Dean, Lawrence, Morrison, Nichol, and Swenson;
also SENATORS Wham, Alexander, Bishop, Dennis, Gallagher, Hopper, Johnson, Martinez, Mutzebaugh, Norton, R. Powers, Schroeder, and Tebedo.

AN ACT**CONCERNING INCREASED ACCESS TO INFORMATION REGARDING PERSONS CONVICTED OF OFFENSES INVOLVING UNLAWFUL SEXUAL BEHAVIOR.**

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

SECTION 1. 18-3-412.5 (6), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended, and the said 18-3-412.5 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

18-3-412.5. Sex offenders - duty to register - penalties. (6) Upon receipt of any registration form pursuant to this section, the local law enforcement agency shall retain a copy of such form. The director of the Colorado bureau of investigation may establish a central registry of persons required to register pursuant to this section as soon as computerized resources are available. The forms completed by persons required to register pursuant to this section shall be confidential and shall not be open to inspection by the public or any person other than ~~any~~ A law enforcement officer, EXCEPT AS PROVIDED IN SUBSECTION (6.5) OF THIS SECTION.

(6.5) (a) THE GENERAL ASSEMBLY FINDS THAT PERSONS CONVICTED OF OFFENSES INVOLVING UNLAWFUL SEXUAL BEHAVIOR HAVE A REDUCED EXPECTATION OF PRIVACY BECAUSE OF THE PUBLIC'S INTEREST IN PUBLIC SAFETY. THE GENERAL ASSEMBLY FURTHER FINDS THAT THE PUBLIC MUST HAVE LIMITED ACCESS TO INFORMATION CONCERNING PERSONS CONVICTED OF OFFENSES INVOLVING UNLAWFUL SEXUAL BEHAVIOR THAT IS COLLECTED PURSUANT TO THIS SECTION TO ALLOW THEM TO ADEQUATELY PROTECT THEMSELVES AND THEIR CHILDREN FROM THESE PERSONS. THE GENERAL ASSEMBLY DECLARES, HOWEVER, THAT, IN MAKING THIS INFORMATION

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

AVAILABLE ON A LIMITED BASIS TO THE PUBLIC, IT IS NOT THE GENERAL ASSEMBLY'S INTENT THAT THE INFORMATION BE USED TO INFLICT RETRIBUTION OR ADDITIONAL PUNISHMENT ON ANY PERSON CONVICTED OF AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR.

(b) WHEN NECESSARY FOR PUBLIC PROTECTION, A LOCAL LAW ENFORCEMENT AGENCY MAY RELEASE INFORMATION REGARDING ANY PERSON REGISTERED WITH THE LOCAL LAW ENFORCEMENT AGENCY PURSUANT TO THIS SECTION TO ANY PERSON RESIDING WITHIN THE LOCAL LAW ENFORCEMENT AGENCY'S JURISDICTION. ANY PERSON REQUESTING INFORMATION PURSUANT TO THIS PARAGRAPH (b) SHALL SHOW PROPER IDENTIFICATION OR OTHER PROOF OF RESIDENCE.

(c) A LOCAL LAW ENFORCEMENT AGENCY MAY RELEASE INFORMATION REGARDING ANY PERSON REGISTERED WITH THE LOCAL LAW ENFORCEMENT AGENCY PURSUANT TO THIS SECTION TO ANY PERSON LIVING OUTSIDE THE LOCAL LAW ENFORCEMENT AGENCY'S JURISDICTION WHEN NECESSARY FOR PUBLIC PROTECTION AND UPON REQUEST AND DEMONSTRATION OF A NEED TO KNOW. IN DETERMINING WHETHER THE PERSON HAS DEMONSTRATED A NEED TO KNOW, THE LOCAL LAW ENFORCEMENT AGENCY SHALL, AT A MINIMUM, CONSIDER THE NATURE AND EXTENT OF THE PERSON'S PRESENCE OR THE PRESENCE OF THE PERSON'S IMMEDIATE FAMILY IN THE LOCAL LAW ENFORCEMENT AGENCY'S JURISDICTION. FOR PURPOSES OF THIS SUBSECTION (6.5), "IMMEDIATE FAMILY" INCLUDES THE PERSON'S SPOUSE AND THE PERSON'S PARENT, GRANDPARENT, SIBLING, OR CHILD.

(d) INFORMATION RELEASED PURSUANT TO PARAGRAPH (b) OR (c) OF THIS SUBSECTION (6.5) MAY INCLUDE BASIC IDENTIFICATION INFORMATION REGARDING THE REGISTRANT, INCLUDING A PHOTOGRAPH IF READILY AVAILABLE, AND A HISTORY OF THE CONVICTIONS RESULTING IN THE REGISTRANT BEING REQUIRED TO REGISTER PURSUANT TO THIS SECTION.

(9) STATE AGENCIES AND THEIR EMPLOYEES AND LOCAL LAW ENFORCEMENT AGENCIES AND THEIR EMPLOYEES ARE IMMUNE FROM CIVIL OR CRIMINAL LIABILITY FOR THE GOOD FAITH IMPLEMENTATION OF THIS SECTION.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 5, 1995