

CHAPTER 125

CRIMINAL LAW AND PROCEDURE

SENATE BILL 00-024

BY SENATORS Nichol and Powers;
also REPRESENTATIVES Morrison, Alexander, and Tochtrop.

AN ACT

CONCERNING AUTHORIZATION OF AN EXCEPTION TO THE SEX OFFENDER REGISTRATION REQUIREMENT
FOR JUVENILES WHO COMMIT MISDEMEANOR SEXUAL OFFENSES.

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

SECTION 1. Legislative declaration. The general assembly hereby finds and declares that the current requirement that every juvenile sexual offender, regardless of the nature of the sexual offense, must register with local law enforcement agencies may not adequately address the special circumstances of certain juvenile sexual offenders. The general assembly further finds that while current statutory provisions attempt to address the special circumstances of juvenile offenders, such provisions still mandate initial registration by all juvenile offenders, even though blanket registration of juvenile sexual offenders may not be in the best interest of the juvenile or society. The general assembly therefore finds and declares that it is in the best interest of juveniles and society to grant the court discretion when applying sexual offender registration requirements to juveniles, with such discretion limited to the registration requirements of juveniles, thirteen years of age or younger, who commit sexual offenses that are originally charged as misdemeanors.

SECTION 2. 18-3-412.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

18-3-412.5. Sex offenders - duty to register - penalties.
(8.5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, IF A COURT DETERMINES, PURSUANT TO A MOTION FILED BY A PERSON DESCRIBED IN THIS SUBSECTION (8.5) OR ON ITS OWN MOTION, THAT THE REGISTRATION REQUIREMENT SPECIFIED IN SUBSECTION (1) OF THIS SECTION WOULD BE UNFAIRLY PUNITIVE, THE COURT, UPON CONSIDERATION OF THE TOTALITY OF THE CIRCUMSTANCES, MAY EXEMPT A PERSON FROM THE REGISTRATION REQUIREMENTS IMPOSED PURSUANT TO

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

THIS SECTION IF:

(a) THE PERSON WAS THIRTEEN YEARS OF AGE OR YOUNGER AT THE TIME OF THE COMMISSION OF THE OFFENSE;

(b) THE OFFENSE, AS CHARGED IN THE FIRST PETITION FILED WITH THE COURT, IS A MISDEMEANOR SPECIFIED IN SECTION 18-3-404;

(c) THE PERSON HAS RECEIVED A SEX OFFENDER EVALUATION THAT CONFORMS WITH THE STANDARDS DEVELOPED PURSUANT TO SECTION 16-11.7-103 (4) (b), C.R.S., FROM AN EVALUATOR WHO HAS EXPERIENCE IN JUVENILE ISSUES, AND THE EVALUATOR RECOMMENDS EXEMPTING THE PERSON FROM THE REGISTRATION REQUIREMENTS BASED UPON THE BEST INTERESTS OF THAT PERSON AND THE COMMUNITY; AND

(d) THE COURT MAKES WRITTEN FINDINGS OF FACT SPECIFYING THE GROUNDS FOR GRANTING SUCH EXEMPTION.

SECTION 3. Effective date. This act shall take effect July 1, 2000.

SECTION 4. 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: April 17, 2000