

CHAPTER 215

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 00-1263

BY REPRESENTATIVES Tool, Kaufman, Lawrence, Chavez, Clarke, Decker, Grossman, Hefley, Leyba, McPherson, Mitchell, Morrison, Spence, Veiga, Alexander, Allen, Coleman, Gagliardi, Hagedorn, Kester, Mace, McElhany, Tapia, S. Williams, and Windels;
also SENATORS Evans and Tanner.

AN ACT

CONCERNING THE MANAGEMENT OF DOMESTIC VIOLENCE OFFENDERS, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Title 16, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 11.8
Management of Domestic
Violence Offenders**

16-11.8-101. Legislative declaration. THE GENERAL ASSEMBLY HEREBY DECLARES THAT THE CONSISTENT AND COMPREHENSIVE EVALUATION, TREATMENT, AND CONTINUED MONITORING OF DOMESTIC VIOLENCE OFFENDERS WHO HAVE BEEN CONVICTED OF, PLED GUILTY TO, OR RECEIVED A DEFERRED JUDGMENT OR PROSECUTION FOR ANY CRIME THE UNDERLYING FACTUAL BASIS OF WHICH INCLUDES AN ACT OF DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S., AND WHO ARE SUBJECT TO THE SUPERVISION OF THE CRIMINAL JUSTICE SYSTEM IS NECESSARY IN ORDER TO WORK TOWARD THE ELIMINATION OF RECIDIVISM BY SUCH OFFENDERS. THEREFORE, THE GENERAL ASSEMBLY HEREBY CREATES A PROGRAM THAT STANDARDIZES THE EVALUATION, TREATMENT, AND CONTINUED MONITORING OF DOMESTIC VIOLENCE OFFENDERS AT EACH STAGE OF THE CRIMINAL JUSTICE SYSTEM SO THAT SUCH OFFENDERS WILL BE LESS LIKELY TO OFFEND AGAIN AND THE PROTECTION OF VICTIMS AND POTENTIAL VICTIMS WILL BE ENHANCED.

16-11.8-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT

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

OTHERWISE REQUIRES:

(1) "BOARD" MEANS THE DOMESTIC VIOLENCE OFFENDER MANAGEMENT BOARD CREATED IN SECTION 16-11.8-103.

(2) "DOMESTIC VIOLENCE OFFENDER" MEANS ANY PERSON WHO ON OR AFTER JANUARY 1, 2001, HAS BEEN CONVICTED OF, PLEAD GUILTY TO, OR RECEIVED A DEFERRED JUDGMENT OR DEFERRED PROSECUTION FOR ANY DOMESTIC VIOLENCE OFFENSE AS DEFINED IN SUBSECTION (3) OF THIS SECTION.

(3) "DOMESTIC VIOLENCE OFFENSE" MEANS ANY CRIME THE UNDERLYING FACTUAL BASIS OF WHICH INCLUDES AN ACT OF DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S.

(4) "TREATMENT" MEANS COUNSELING, MONITORING, AND SUPERVISION OF ANY DOMESTIC VIOLENCE OFFENDER THAT CONFORMS TO THE STANDARDS CREATED BY THE BOARD PURSUANT TO SECTION 16-11.8-103.

(5) "TREATMENT EVALUATION" MEANS A DETERMINATION OF TREATMENT AMENABILITY AS RECOMMENDED BY A DOMESTIC VIOLENCE EVALUATOR APPROVED BY THE DOMESTIC VIOLENCE OFFENDER MANAGEMENT BOARD.

16-11.8-103. Domestic violence offender management board - creation - duties - repeal. (1) THERE IS HEREBY CREATED, IN THE DEPARTMENT OF PUBLIC SAFETY, THE DOMESTIC VIOLENCE OFFENDER MANAGEMENT BOARD THAT SHALL CONSIST OF EIGHTEEN MEMBERS WITH RECOGNIZABLE EXPERTISE IN THE FIELD OF DOMESTIC VIOLENCE OFFENDERS. THE MEMBERSHIP OF THE BOARD SHALL CONSIST OF THE FOLLOWING PERSONS:

(a) ONE MEMBER REPRESENTING THE JUDICIAL DEPARTMENT APPOINTED BY THE CHIEF JUSTICE OF THE SUPREME COURT;

(b) ONE MEMBER REPRESENTING THE DEPARTMENT OF CORRECTIONS APPOINTED BY THE EXECUTIVE DIRECTOR OF SUCH DEPARTMENT;

(c) ONE MEMBER REPRESENTING THE DEPARTMENT OF HUMAN SERVICES APPOINTED BY THE EXECUTIVE DIRECTOR OF SUCH DEPARTMENT;

(d) ONE MEMBER REPRESENTING THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF CRIMINAL JUSTICE, APPOINTED BY THE EXECUTIVE DIRECTOR OF SUCH DEPARTMENT;

(e) ONE MEMBER REPRESENTING THE DEPARTMENT OF REGULATORY AGENCIES WHO IS APPOINTED BY THE EXECUTIVE DIRECTOR OF SUCH DEPARTMENT;

(f) ONE MEMBER APPOINTED BY THE CHIEF JUSTICE OF THE SUPREME COURT WHO IS A JUDGE;

(g) (I) FIVE MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES.

(II) OF THE FIVE MEMBERS APPOINTED PURSUANT TO THIS PARAGRAPH (g), ONE SHALL BE A SOCIAL WORKER LICENSED PURSUANT TO PART 4 OF ARTICLE 43 OF TITLE 12, C.R.S., ONE SHALL BE A PSYCHOLOGIST LICENSED PURSUANT TO PART 3 OF ARTICLE 43 OF TITLE 12, C.R.S., ONE SHALL BE A MARRIAGE AND FAMILY THERAPIST LICENSED PURSUANT TO PART 5 OF ARTICLE 43 OF TITLE 12, C.R.S., ONE SHALL BE A PROFESSIONAL COUNSELOR LICENSED PURSUANT TO PART 6 OF ARTICLE 43 OF TITLE 12, C.R.S., AND ONE SHALL BE AN UNLICENSED MENTAL HEALTH PROFESSIONAL;

(III) OF THE FIVE MEMBERS APPOINTED PURSUANT TO THIS PARAGRAPH (g), TWO SHALL BE PROVIDERS CERTIFIED PURSUANT TO SECTION 18-6-802, C.R.S., OR PROVIDERS ON THE APPROVED LIST PURSUANT TO SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (III) OF PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION.

(IV) INTERESTED PARTIES SHALL SUBMIT NOMINATIONS FOR PERSONS TO SERVE AS MEMBERS APPOINTED PURSUANT TO THIS PARAGRAPH (g). THE EXECUTIVE DIRECTOR SHALL APPOINT MEMBERS UNDER THIS PARAGRAPH (g) FROM THE NOMINEES SUBMITTED BY THE INTERESTED PARTIES.

(h) ONE MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT ATTORNEY'S COUNCIL WHO REPRESENTS THE INTERESTS OF PROSECUTING ATTORNEYS;

(i) ONE MEMBER APPOINTED BY THE COLORADO STATE PUBLIC DEFENDER WHO IS A PUBLIC DEFENDER;

(j) ONE MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY WHO IS A REPRESENTATIVE OF LAW ENFORCEMENT;

(k) TWO MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY WHO CAN REPRESENT DOMESTIC VIOLENCE VICTIMS AND VICTIM ORGANIZATIONS;

(l) ONE MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY WHO IS FROM A RURAL AREA AND IS ACTIVE IN THE LOCAL COORDINATION OF CRIMINAL JUSTICE AND VICTIM SERVICES ADVOCACY FOR DOMESTIC VIOLENCE; AND

(m) ONE MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY WHO IS FROM AN URBAN AREA AND IS ACTIVE IN THE LOCAL COORDINATION OF CRIMINAL JUSTICE AND VICTIM SERVICES ADVOCACY FOR DOMESTIC VIOLENCE.

(2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY SHALL APPOINT A PRESIDING OFFICER FOR THE BOARD FROM AMONG THE BOARD MEMBERS APPOINTED PURSUANT TO SUBSECTION (1) OF THIS SECTION, WHICH PRESIDING OFFICER SHALL SERVE AT THE PLEASURE OF SUCH DIRECTOR.

(3) (a) ANY MEMBER OF THE BOARD CREATED IN SUBSECTION (1) OF THIS SECTION WHO IS APPOINTED PURSUANT TO PARAGRAPHS (a) THROUGH (f) OF SUBSECTION (1) OF THIS SECTION SHALL SERVE AT THE PLEASURE OF THE OFFICIAL WHO APPOINTED SUCH MEMBER. THE INITIAL TERMS FOR PERSONS APPOINTED PURSUANT TO

PARAGRAPHS (a) AND (d) OF SUBSECTION (1) OF THIS SECTION SHALL BE TWO YEARS. THE INITIAL TERMS FOR PERSONS APPOINTED PURSUANT TO PARAGRAPHS (b) AND (e) OF SUBSECTION (1) OF THIS SECTION SHALL BE THREE YEARS. ALL OTHER TERMS INCLUDING TERMS AFTER THE INITIAL TERMS SHALL BE FOUR YEARS. SUCH MEMBERS SHALL SERVE WITHOUT ADDITIONAL COMPENSATION.

(b) ANY MEMBER OF THE BOARD CREATED IN SUBSECTION (1) OF THIS SECTION WHO IS APPOINTED PURSUANT TO PARAGRAPHS (g) TO (m) OF SUBSECTION (1) OF THIS SECTION SHALL SERVE FOR A TERM OF FOUR YEARS; EXCEPT THAT, THE INITIAL TERM OF TWO OF THE PERSONS APPOINTED PURSUANT TO PARAGRAPH (g) OF SUBSECTION (1) OF THIS SECTION AND THE PERSONS APPOINTED PURSUANT TO PARAGRAPH (k) OF SUBSECTION (1) OF THIS SECTION SHALL BE TWO YEARS AND THE INITIAL TERMS OF PERSONS APPOINTED PURSUANT TO PARAGRAPHS (h), (i), AND (j) OF SUBSECTION (1) OF THIS SECTION SHALL BE THREE YEARS. SUCH MEMBERS SHALL SERVE WITHOUT COMPENSATION.

(c) NO MEMBER SHALL SERVE MORE THAN EIGHT CONSECUTIVE YEARS.

(4) THE BOARD SHALL CARRY OUT THE FOLLOWING DUTIES:

(a) PRIOR TO JANUARY 1, 2001, THE BOARD SHALL:

(I) ADOPT THE STANDARDS DRAFTED BY THE COMMISSION APPOINTED PURSUANT TO SECTION 18-6-803, C.R.S., TO BE USED AS THE STANDARDS FOR TRANSITIONAL PURPOSES AND REVIEW;

(II) OBTAIN FROM THE LOCAL ADVISORY BOARDS ESTABLISHED PURSUANT TO SECTION 18-6-802, C.R.S., A LIST OF THE PROVIDERS WHO WERE CERTIFIED BY THE LOCAL BOARD; AND

(III) AFTER THE REVIEW OF THE MANUAL ADOPTED BY THE COMMISSION APPOINTED PURSUANT TO SECTION 18-6-803, C.R.S., DEVELOP AND PUBLISH AN APPLICATION AND REVIEW PROCESS TO DEMONSTRATE THAT THE PROVIDERS WHOSE IDENTITIES WERE RECEIVED PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) ARE IN COMPLIANCE WITH THE STANDARDS ADOPTED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

(b) PRIOR TO JANUARY 1, 2002, THE BOARD SHALL:

(I) ADOPT AND IMPLEMENT A STANDARDIZED PROCEDURE FOR THE TREATMENT EVALUATION OF DOMESTIC VIOLENCE OFFENDERS. SUCH PROCEDURE SHALL PROVIDE FOR THE EVALUATION AND RECOMMEND BEHAVIOR MANAGEMENT, MONITORING, AND TREATMENT. THE BOARD SHALL DEVELOP AND IMPLEMENT METHODS OF INTERVENTION FOR DOMESTIC VIOLENCE OFFENDERS THAT HAVE AS A PRIORITY THE PHYSICAL AND PSYCHOLOGICAL SAFETY OF VICTIMS AND POTENTIAL VICTIMS AND THAT ARE APPROPRIATE TO THE NEEDS OF THE PARTICULAR OFFENDER, SO LONG AS THERE IS NO REDUCTION IN THE LEVEL OF SAFETY OF VICTIMS AND POTENTIAL VICTIMS.

(II) ADOPT AND IMPLEMENT GUIDELINES AND STANDARDS FOR A SYSTEM OF PROGRAMS FOR THE TREATMENT OF DOMESTIC VIOLENCE OFFENDERS THAT SHALL BE

UTILIZED BY OFFENDERS WHO HAVE COMMITTED A CRIME, THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF DOMESTIC VIOLENCE, AND WHO ARE PLACED ON PROBATION, PLACED ON PAROLE, OR PLACED IN COMMUNITY CORRECTIONS. THE PROGRAMS DEVELOPED PURSUANT TO THIS SUBPARAGRAPH (II) SHALL BE AS FLEXIBLE AS POSSIBLE SO THAT SUCH PROGRAMS MAY BE UTILIZED BY EACH OFFENDER TO PREVENT THE OFFENDER FROM HARMING VICTIMS AND POTENTIAL VICTIMS. THE PROGRAMS SHALL BE STRUCTURED IN SUCH A MANNER THAT THEY PROVIDE A CONTINUING MONITORING PROCESS AS WELL AS A CONTINUUM OF TREATMENT PROGRAMS FOR EACH OFFENDER AS THAT OFFENDER PROCEEDS THROUGH THE CRIMINAL JUSTICE SYSTEM AND MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, GROUP COUNSELING, INDIVIDUAL COUNSELING, OUTPATIENT TREATMENT, OR TREATMENT IN A THERAPEUTIC COMMUNITY. ALSO, SUCH PROGRAMS SHALL BE DEVELOPED IN SUCH A MANNER THAT, TO THE EXTENT POSSIBLE, THE PROGRAMS MAY BE ACCESSED BY ALL OFFENDERS IN THE CRIMINAL JUSTICE SYSTEM.

(III) DEVELOP AN APPLICATION AND REVIEW PROCESS FOR TREATMENT PROVIDERS AND EVALUATORS WHO PROVIDE SERVICES TO DOMESTIC VIOLENCE OFFENDERS PURSUANT TO SUBPARAGRAPHS (I) OR (II) OF THIS PARAGRAPH (b). SUCH STANDARDS SHALL ALLOW PROVIDERS AND EVALUATORS TO DEMONSTRATE THAT THEY ARE IN COMPLIANCE WITH THE STANDARDS ADOPTED PURSUANT TO SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (b). THE APPLICATION AND REVIEW PROCESS SHALL CONSIST OF THE FOLLOWING THREE PARTS:

(A) THE BOARD SHALL DEVELOP SEPARATE APPLICATION AND REVIEW PROCESSES FOR STANDARDS THAT APPLY TO THE CRIMINAL JUSTICE COMPONENT, SUCH AS CRIMINAL BACKGROUND CHECKS, FOR INDIVIDUAL TREATMENT PROVIDERS AND TREATMENT PROGRAMS. APPLICATIONS FOR THE CRIMINAL JUSTICE COMPONENTS SHALL BE SUBMITTED TO THE BOARD. APPLICATIONS SHALL INCLUDE A REQUIREMENT THAT THE TREATMENT PROVIDERS AND EVALUATORS SUBMIT A SET OF FINGERPRINTS FOR USE BY THE COLORADO BUREAU OF INVESTIGATION AND FOR TRANSMITTAL TO THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY CHECK. THE INFORMATION OBTAINED FROM THE STATE AND NATIONAL CRIMINAL HISTORY CHECK MAY BE USED BY THE BOARD TO DETERMINE AN APPLICANT'S ELIGIBILITY FOR PLACEMENT ON THE APPROVED PROVIDER LIST. THE BOARD SHALL BE RESPONSIBLE FOR THE IMPLEMENTATION OF THIS SUB-SUBPARAGRAPH (A) OF THE APPLICATION AND REVIEW PROCESS.

(B) THE BOARD SHALL DEVELOP AN APPLICATION AND REVIEW PROCESS FOR THE VERIFICATION OF THE QUALIFICATIONS AND CREDENTIALS OF THE TREATMENT PROVIDERS. SAID APPLICATIONS SHALL BE SUBMITTED TO THE DEPARTMENT OF REGULATORY AGENCIES, AND FORWARDED TO THE APPROPRIATE BOARD PURSUANT TO PART 2 OF ARTICLE 43 OF TITLE 12, C.R.S. THE DEPARTMENT OF REGULATORY AGENCIES SHALL BE RESPONSIBLE FOR THE IMPLEMENTATION OF THIS SUB-SUBPARAGRAPH (B) OF THE APPLICATION AND REVIEW PROCESS.

(C) AFTER THE PROCESS TO BE DEVELOPED PURSUANT TO SUB-SUBPARAGRAPHS (A) AND (B) OF THIS SUBPARAGRAPH (III) ARE ESTABLISHED AND PROVIDERS AND EVALUATORS HAVE MET THE CRITERIA OF BOTH PARTS OF THE APPLICATION AND REVIEW PROCESS, THE DEPARTMENT OF REGULATORY AGENCIES AND THE BOARD SHALL JOINTLY PUBLISH AT LEAST ANNUALLY A LIST OF APPROVED PROVIDERS. SUCH

LIST SHALL BE FORWARDED TO THE OFFICE OF THE STATE COURT ADMINISTRATOR, THE DEPARTMENT OF PUBLIC SAFETY, THE DEPARTMENT OF HUMAN SERVICES, AND THE DEPARTMENT OF CORRECTIONS. THE LIST OF APPROVED PROVIDERS SHALL BE JOINTLY UPDATED AND FORWARDED AS CHANGES ARE MADE.

(IV) RESEARCH AND ANALYZE THE EFFECTIVENESS OF THE TREATMENT EVALUATION AND TREATMENT PROCEDURES AND PROGRAMS DEVELOPED PURSUANT TO THIS ARTICLE. THE BOARD SHALL ALSO DEVELOP AND PRESCRIBE A SYSTEM FOR IMPLEMENTATION OF THE GUIDELINES AND STANDARDS DEVELOPED PURSUANT TO SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (b) AND FOR TRACKING OFFENDERS WHO HAVE BEEN EVALUATED AND TREATED PURSUANT TO THIS ARTICLE. IN ADDITION, THE BOARD SHALL DEVELOP A SYSTEM FOR MONITORING OFFENDER BEHAVIORS AND OFFENDER ADHERENCE TO PRESCRIBED BEHAVIORAL CHANGES. THE RESULTS OF SUCH TRACKING AND BEHAVIORAL MONITORING SHALL BE A PART OF ANY ANALYSIS MADE PURSUANT TO THIS SUBPARAGRAPH (IV).

(c) AFTER THE GUIDELINES AND STANDARDS REQUIRED PURSUANT TO SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (b) OF THIS SUBSECTION (4) ARE ADOPTED, THE BOARD SHALL REFER ANY COMPLAINTS OR GRIEVANCES AGAINST DOMESTIC VIOLENCE OFFENDER TREATMENT PROVIDERS TO THE DEPARTMENT OF REGULATORY AGENCIES FOR RESOLUTION. NOTWITHSTANDING ANY OTHER LAW OR ADMINISTRATIVE RULE, THE RESOLUTION OF ANY COMPLAINT OR GRIEVANCE REFERRED BY THE BOARD PURSUANT TO THIS PARAGRAPH (c) SHALL BE BASED ON SUCH STANDARDS. ALL COMPLAINTS AND GRIEVANCES SHALL BE REVIEWED BY THE APPROPRIATE BOARD PURSUANT TO PART 2 OF ARTICLE 43 OF TITLE 12, C.R.S., WHOSE DECISION SHALL BE BASED ON ACCEPTED COMMUNITY STANDARDS AS DESCRIBED IN SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (b) OF THIS SUBSECTION (4) AND THE PROHIBITED ACTIVITIES AS DEFINED IN SECTION 12-43-222 (1), C.R.S. THE DEPARTMENT OF REGULATORY AGENCIES SHALL PROVIDE NOTICE OF THE DISCIPLINARY ACTION TO THE BOARD.

(5) THE BOARD AND THE INDIVIDUAL MEMBERS THEREOF SHALL BE IMMUNE FROM ANY LIABILITY, WHETHER CIVIL OR CRIMINAL, FOR THE GOOD FAITH PERFORMANCE OF THE DUTIES OF THE BOARD AS SPECIFIED IN THIS SECTION.

(6) ON OR BEFORE JANUARY 15, 2003, THE BOARD AND THE DEPARTMENTS OF PUBLIC SAFETY AND REGULATORY AGENCIES SHALL REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES ON ALL ASPECTS OF THE IMPLEMENTATION OF THIS ARTICLE.

(7) (a) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2008.

(b) PRIOR TO SAID REPEAL, THE DOMESTIC VIOLENCE OFFENDER MANAGEMENT BOARD APPOINTED PURSUANT TO THIS SECTION SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 24-34-104, C.R.S.

16-11.8-104. Domestic violence offender treatment - contracts with providers. ON AND AFTER JANUARY 1, 2001, THE DEPARTMENT OF CORRECTIONS, THE JUDICIAL DEPARTMENT, THE DIVISION OF CRIMINAL JUSTICE WITHIN THE DEPARTMENT OF PUBLIC SAFETY, OR THE DEPARTMENT OF HUMAN SERVICES SHALL NOT EMPLOY OR CONTRACT WITH AND SHALL NOT ALLOW A DOMESTIC VIOLENCE

OFFENDER TO EMPLOY OR CONTRACT WITH ANY INDIVIDUAL OR ENTITY TO PROVIDE DOMESTIC VIOLENCE OFFENDER TREATMENT EVALUATION OR TREATMENT SERVICES PURSUANT TO THIS ARTICLE UNLESS THE INDIVIDUAL OR ENTITY APPEARS ON THE APPROVED LIST DEVELOPED PURSUANT TO SECTION 16-11.8-103 (4).

SECTION 2. 18-6-801 (1) (a) and (1) (b), Colorado Revised Statutes, are amended to read:

18-6-801. Domestic violence - sentencing. (1) (a) In addition to any sentence ~~which~~ THAT is imposed upon a person for violation of any criminal law under this title, any person who is convicted of any crime, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3 (1), or any crime against property, whether or not such crime is a felony, when such crime is used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship, shall be ordered to complete a treatment program ~~which is certified in accordance with section 18-6-802~~ AND A TREATMENT EVALUATION THAT CONFORM WITH THE STANDARDS ADOPTED BY THE DOMESTIC VIOLENCE MANAGEMENT TREATMENT BOARD AS REQUIRED BY SECTION 16-11.8-104, C.R.S. If an intake evaluation conducted by a ~~certified~~ APPROVED treatment program provider discloses that sentencing to a treatment program would be inappropriate, the person shall be referred back to the court for alternative disposition.

(b) The court may order ~~an~~ A TREATMENT evaluation to be conducted prior to sentencing if ~~an~~ A TREATMENT evaluation would assist the court in determining an appropriate sentence. The person ordered to undergo such evaluation shall be required to pay the cost of the TREATMENT evaluation. If such TREATMENT evaluation recommends treatment, and if the court so finds, the person shall be ordered to complete a treatment program ~~which is certified in accordance with section 18-6-802~~ THAT CONFORMS WITH THE STANDARDS ADOPTED BY THE DOMESTIC VIOLENCE MANAGEMENT BOARD AS REQUIRED BY SECTION 16-11.8-104, C.R.S.

SECTION 3. 18-6-802, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

18-6-802. Domestic violence - local board - treatment programs - liability immunity-repeal. (4) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2001.

SECTION 4. 18-6-803 (1), Colorado Revised Statutes, is amended, and the said section 18-6-803 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

18-6-803. Commission - manual of standards for treatment of domestic violence perpetrators. (1) The chief justice of the supreme court or ~~his~~ THE CHIEF JUSTICE'S designee shall appoint a commission ~~which~~ THAT shall draft a manual of standards for treatment of domestic violence perpetrators to be used as provided in section ~~18-6-802~~ and ~~which manual shall be made available to local boards appointed pursuant to said section.~~ 16-11.8-103, C.R.S.

(5) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2001.

SECTION 5. Repeal. 18-6-805, Colorado Revised Statutes, is repealed as follows:

18-6-805. Repeal of sections - repeal. ~~(1) Sections 18-6-802 and 18-6-803 are repealed, effective July 1, 2000. Prior to such repeal, the functions of certifying and setting standards for domestic violence treatment programs by local boards and the commission on domestic violence shall be reviewed as provided for in section 24-34-104, C.R.S. Such review shall be made by the same legislative committee or committees of reference, designated pursuant to section 2-3-1201, C.R.S., that will conduct such review pursuant to section 12-43-229, C.R.S.~~

~~(2) This section is repealed, effective July 1, 2000.~~

SECTION 6. 24-34-104 (39) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (39) (b) The following agencies, functions, or both, shall terminate on July 1, 2008:

(XI) THE DOMESTIC VIOLENCE OFFENDER MANAGEMENT BOARD CREATED IN SECTION 16-11.8-103, C.R.S.

SECTION 7. Appropriation - adjustment in 2000 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public safety, for allocation to the division of criminal justice, for the fiscal year beginning July 1, 2000, the sum of one hundred thirty thousand one hundred twenty-eight dollars (\$130,128) and 2.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 2000, shall be adjusted as follows:

(a) The general fund appropriation to the capital construction fund outlined in section 3 (1) (f) is reduced by one hundred thirty thousand one hundred twenty-eight dollars (\$130,128).

(b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by one hundred thirty thousand one hundred twenty-eight dollars (\$130,128).

SECTION 8. Effective date. This act shall take effect July 1, 2000, except that section 2 of this act shall not take effect until January 1, 2001, and shall apply to sentences entered on or after such date.

SECTION 9. 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: May 25, 2000