

CHAPTER 216

**CRIMINAL LAW AND PROCEDURE**

**HOUSE BILL 00-1317**

BY REPRESENTATIVES Tool, Gagliardi, Kaufman, Lawrence, Lee, Mace, Scott, Stengel, and Tapia;  
also SENATORS Anderson, Epps, Lamborn, and Powers.

**AN ACT**

CONCERNING SEX OFFENDERS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

**SECTION 1.** The introductory portion to 18-3-412.5 (1) (b) and 18-3-412.5 (1) (d), (2) (a) (I), (3) (a), (3) (d), (3.5) (a), and (6) (c), Colorado Revised Statutes, are amended, and the said 18-3-412.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**18-3-412.5. Sex offenders - duty to register - penalties.** (1) (b) On and after July 1, 1994, any person who is convicted in the state of Colorado of an offense involving unlawful sexual behavior or for which the factual basis involved an offense involving unlawful sexual behavior as defined in this subsection (1) ~~and any person who has been convicted on and after July 1, 1994, in any other state or jurisdiction of an offense that, if committed in the state of Colorado, would constitute an offense involving unlawful sexual behavior as defined in this subsection (1)~~ or any person who is released from the custody of the department of corrections having completed serving a sentence for an offense involving unlawful sexual behavior or for which the factual basis involved an offense involving unlawful sexual behavior as defined in this subsection (1) shall be required to register in the manner prescribed in subsection (3) of this section. For purposes of this section, "unlawful sexual behavior" means any of the following offenses or criminal attempt, conspiracy, or solicitation to commit any of the following offenses:

(d) In addition to the persons specified in paragraphs (a) and (b) of this subsection (1), any person convicted ~~prior to July 1, 1994,~~ of an offense in any other state or jurisdiction ~~that, if committed in this state, would have constituted unlawful sexual behavior and who,~~ FOR WHICH THE PERSON, as a result of the conviction, is required to register in the state or jurisdiction of conviction, OR FOR WHICH SUCH PERSON

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

WOULD BE REQUIRED TO REGISTER IF CONVICTED IN COLORADO, shall be required to register in the manner specified in subsection (3) of this section so long as such person is a temporary or permanent resident of Colorado. Such person may petition the court for an order that discontinues the requirement for registration in this state at the times specified in subsection (7) of this section for offense classifications that are comparable to the classification of the offense for which the sex offender was convicted in the other state or jurisdiction.

(2) (a) (I) Probation and parole officers, appropriate county jail personnel, and appropriate personnel with the department of corrections and the department of human services shall require any offender described in subsection (1) of this section who is under their jurisdiction to sign a notice that informs the offender of the duty to register with local law enforcement agencies in accordance with this section. IN ADDITION, THE NOTICE SHALL INFORM THE OFFENDER THAT HE OR SHE HAS A DUTY TO REGISTER WITH LOCAL LAW ENFORCEMENT AGENCIES IN ANY STATE OR OTHER JURISDICTION TO WHICH THE OFFENDER MAY MOVE AND THAT THE LOCAL LAW ENFORCEMENT AGENCY OF THE JURISDICTION IN WHICH THE OFFENDER RESIDES IN THIS STATE SHALL NOTIFY THE AGENCY RESPONSIBLE FOR REGISTRATION IN THE NEW STATE AS PROVIDED IN PARAGRAPH (d) OF SUBSECTION (3) OF THIS SECTION.

(3) (a) (I) Each person who is required to register pursuant to subsection (1) of this section, within ~~seven calendar~~ FIVE BUSINESS days of becoming a temporary or permanent resident of any city, town, county, or city and county in the state of Colorado, and annually thereafter on the person's birth date or the first business day after the person's birth date so long as the person resides in the city, town, county, or city and county, shall register DURING BUSINESS HOURS with the local law enforcement agency in the place of such person's temporary or permanent residence by completing a registration form provided to such person by the local law enforcement agency. Such registration form shall contain such information regarding such person as shall be required by the local law enforcement agency pursuant to subsection (5) of this section.

(II) NOTWITHSTANDING THE TIME PERIOD FOR REGISTRATION SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), ANY PERSON WHO IS DISCHARGED FROM THE DEPARTMENT OF CORRECTIONS WITHOUT SUPERVISION SHALL REGISTER AS PROVIDED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) NO LATER THAN THE NEXT BUSINESS DAY FOLLOWING DISCHARGE.

(d) (I) Upon moving to a new jurisdiction within this state or to another state, any person who is required to register pursuant to subsection (1) of this section shall notify the local law enforcement agency of the jurisdiction from which the person moved by completing a written form of change of residency, available from the local law enforcement agency. At a minimum, the change of residency form shall indicate the person's previous residential address and the person's new residential address. The person shall file the change of residency form within ~~seven days~~ FIVE BUSINESS DAYS after moving to a new jurisdiction. If the person moves to another state, the local law enforcement agency of the jurisdiction in this state from which the person moved shall promptly notify the agency responsible for registration in the new state.

(II) IF A PERSON FAILS TO SUBMIT THE WRITTEN FORM OF CHANGE OF RESIDENCY AS REQUIRED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) AND THE PERSON, PRIOR

TO MOVING, RESIDED IN A GROUP FACILITY, OR, IF THE PERSON IS A JUVENILE, RESIDED WITH HIS OR HER PARENT OR LEGAL GUARDIAN, OFFICIALS AT SUCH FACILITY OR THE PARENT OR LEGAL GUARDIAN MAY PROVIDE INFORMATION CONCERNING THE PERSON'S CHANGE OF RESIDENCY TO THE LOCAL LAW ENFORCEMENT AGENCY OF THE JURISDICTION FROM WHICH THE PERSON MOVED. ANY LAW ENFORCEMENT AGENCY THAT RECEIVES SUCH NOTIFICATION SHALL REFLECT IN ITS RECORDS THAT THE OFFENDER NO LONGER RESIDES AT SAID GROUP FACILITY OR THE PARENT'S OR LEGAL GUARDIAN'S RESIDENCE.

(3.5) (a) EACH PERSON WHO IS SENTENCED AS A SEXUALLY VIOLENT PREDATOR PURSUANT TO SECTION 18-3-414.5 HAS A DUTY FOR THE REMAINDER OF HIS OR HER NATURAL LIFE TO REGISTER WITH THE LOCAL LAW ENFORCEMENT AGENCY OF THE JURISDICTION IN WHICH HE OR SHE RESIDES. ~~Within seven calendar~~ FIVE BUSINESS days after becoming a temporary or permanent resident of any city, town, county, or city and county in the state of Colorado, and quarterly thereafter so long as the person resides in the city, town, county, or city and county, each person who is sentenced as a sexually violent predator pursuant to section 18-3-414.5, shall register DURING BUSINESS HOURS with the local law enforcement agency in the place of such person's temporary or permanent residence by completing a registration form provided to such person by the local law enforcement agency. The registration form shall contain such information regarding the person as shall be required by the local law enforcement agency pursuant to subsection (5) of this section.

(3.7) (a) FOR PURPOSES OF THIS SECTION, PERSONS DEEMED TO BE TEMPORARY RESIDENTS OF THE STATE SHALL INCLUDE:

(I) ANY PERSON WHO IS EMPLOYED IN THIS STATE ON A FULL-TIME OR PART-TIME BASIS, WITH OR WITHOUT COMPENSATION, FOR MORE THAN FOURTEEN CONSECUTIVE BUSINESS DAYS OR FOR AN AGGREGATE PERIOD OF MORE THAN THIRTY DAYS IN ANY CALENDAR YEAR; AND

(II) ANY PERSON WHO IS ENROLLED IN ANY TYPE OF EDUCATIONAL INSTITUTION IN THIS STATE ON A FULL-TIME OR PART-TIME BASIS.

(b) DURING THE INITIAL REGISTRATION PROCESS FOR A TEMPORARY RESIDENT, THE LOCAL LAW ENFORCEMENT AGENCY WITH WHICH THE TEMPORARY RESIDENT IS REGISTERING SHALL INFORM THE TEMPORARY RESIDENT THAT HE OR SHE IS REQUIRED TO REGISTER IN ANY STATE IN WHICH HE OR SHE IS A TEMPORARY RESIDENT.

(6) (c) (I) ~~The Colorado criminal justice information system, established in article 20.5 of title 16, C.R.S., shall develop an interactive data base system for the purpose of querying and entering sex offender's registration status, known names, known addresses, and modus operandi. The system shall be accessible through the Colorado crime information center to law enforcement agencies, the department of corrections, the judicial department, and each district attorney's office. THE COLORADO BUREAU OF INVESTIGATION SHALL DEVELOP OR ADOPT ONE OR MORE INTERACTIVE DATA BASE SYSTEMS TO PROVIDE, AT A MINIMUM, THE FOLLOWING INFORMATION TO ALL CRIMINAL JUSTICE AGENCIES:~~

(A) IDENTIFICATION OF A PERSON'S REGISTRATION STATUS;

(B) IDENTIFICATION OF PERSONS WHO ARE ASSESSED AS SEXUALLY VIOLENT PREDATORS PURSUANT TO SECTION 18-3-414.5;

(C) NOTIFICATION WHEN A PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SUBSECTION (1) OR (3.5) OF THIS SECTION FAILS TO REGISTER, WHEN A PERSON IS REQUIRED TO REREGISTER AS PROVIDED IN SUBSECTION (3) OR (3.5) OF THIS SECTION, OR WHEN A PERSON REREGISTERS WITH ANOTHER JURISDICTION IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (3) OR (3.5) OF THIS SECTION;

(D) SPECIFICATION OF MODUS OPERANDI INFORMATION CONCERNING ANY PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SUBSECTION (1) OR (3.5) OF THIS SECTION.

(II) At a minimum, the system shall build in cross validation of the offender's known names and known addresses with information maintained by the department of revenue concerning driver's licenses and identification cards issued under article 2 of title 42, C.R.S. Discrepancies between the known names or known addresses listed in the system and the department of revenue shall be reported through the Colorado crime information center to the local law enforcement agency that has jurisdiction over the location of the offender's last-known address.

(III) THE COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM ESTABLISHED PURSUANT TO ARTICLE 20.5 OF TITLE 16, C.R.S., SHALL BE USED TO FACILITATE THE EXCHANGE OF INFORMATION AMONG AGENCIES AS REQUIRED IN THIS PARAGRAPH (c) WHENEVER PRACTICABLE.

**SECTION 2.** 18-3-412.5 (4) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

**18-3-412.5. Sex offenders - duty to register - penalties.** (4) (a) Any person who is required to register pursuant to subsection (1) or (3.5) of this section and who commits any of the acts specified in this paragraph (a) commits the offense of failure to register as a sex offender:

(VII) FAILURE TO COMPLETE A CHANGE OF RESIDENCY FORM AND FILE THE FORM WITH THE LOCAL LAW ENFORCEMENT AGENCY OF THE JURISDICTION FROM WHICH THE PERSON MOVES.

**SECTION 3.** 18-3-412.5 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**18-3-412.5. Sex offenders - duty to register - penalties.** (5) Each local law enforcement agency in the state of Colorado shall prepare registration forms to be utilized to comply with this section. Such forms shall be used to register persons pursuant to this section. The forms shall provide that the persons required to register pursuant to this section disclose such information as required by the local law enforcement agency. The information required by the local law enforcement agency shall include, but need not be limited to:

(c) FOR ANY PERSON WHO IS A TEMPORARY RESIDENT OF THE STATE, THE PERSON'S ADDRESS IN HIS OR HER STATE OF PERMANENT RESIDENCE AND THE PERSON'S PLACE

OF EMPLOYMENT IN THIS STATE OR THE EDUCATIONAL INSTITUTION IN WHICH HE OR SHE IS ENROLLED IN THIS STATE.

**SECTION 4.** 18-3-412.5 (6), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**18-3-412.5. Sex offenders - duty to register - penalties.** (6) (e) THE COLORADO BUREAU OF INVESTIGATION, UPON RECEIPT OF FINGERPRINTS AND CONVICTION DATA CONCERNING A PERSON CONVICTED OF UNLAWFUL SEXUAL BEHAVIOR, SHALL TRANSMIT PROMPTLY SUCH FINGERPRINTS AND CONVICTION DATA TO THE FEDERAL BUREAU OF INVESTIGATION.

**SECTION 5.** 18-3-412.5 (6.5) (d), Colorado Revised Statutes, is amended, and the said 18-3-412.5 (6.5) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**18-3-412.5. Sex offenders - duty to register - penalties.** (6.5) (d) Information released pursuant to paragraph (b) or (c) of this subsection (6.5), ~~may~~ AT A MINIMUM, SHALL 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 AND ANY OTHER CONVICTIONS THE REGISTRANT MAY HAVE.

(e) ANY INFORMATION RELEASED PURSUANT TO PARAGRAPH (b) OR (c) OF THIS SUBSECTION (6.5) SHALL INCLUDE IN WRITING THE FOLLOWING STATEMENT:

THE STATE SEX OFFENDER REGISTRY INCLUDES ONLY THOSE PERSONS WHO HAVE BEEN CONVICTED OF CERTAIN ACTS OF UNLAWFUL SEXUAL BEHAVIOR SINCE JULY 1, 1991, AND WHO ARE IN COMPLIANCE WITH THE SEX OFFENDER REGISTRATION LAWS. PERSONS SHOULD NOT RELY SOLELY ON THE SEX OFFENDER REGISTRY AS A SAFEGUARD AGAINST PERPETRATORS OF SEXUAL ASSAULT IN THEIR COMMUNITIES. THE CRIME FOR WHICH A PERSON IS CONVICTED MAY NOT ACCURATELY REFLECT THE LEVEL OF RISK.

**SECTION 6.** The introductory portion to 18-3-412.5 (7) (a), Colorado Revised Statutes, is amended, and the said 18-3-412.5 (7) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**18-3-412.5. Sex offenders - duty to register - penalties.** (7) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (7), any person required to register pursuant to subsection (1) ~~or (3.5)~~ of this section may petition the district court for an order that discontinues the requirement for such registration as follows:

(c) ANY PERSON WHO IS SENTENCED AS A SEXUALLY VIOLENT PREDATOR PURSUANT TO SECTION 18-3-414.5 OR ANY ADULT WHO HAS MORE THAN ONE CONVICTION OR ADJUDICATION FOR UNLAWFUL SEXUAL BEHAVIOR IN THIS STATE OR ANY OTHER JURISDICTION SHALL NOT BE ELIGIBLE FOR RELIEF PURSUANT TO THIS SUBSECTION (7), BUT SHALL BE SUBJECT FOR THE REMAINDER OF HIS OR HER NATURAL LIFE TO THE REGISTRATION REQUIREMENTS SPECIFIED IN THIS SECTION OR TO THE COMPARABLE REQUIREMENTS OF ANY OTHER JURISDICTION IN WHICH HE OR SHE MAY RESIDE.

**SECTION 7.** Article 7 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 7**  
**SEXUAL CONDUCT IN PENAL INSTITUTIONS**

**18-7-701. Sexual conduct in penal institutions.** (1) AN EMPLOYEE OF A CORRECTIONAL FACILITY OR JAIL WHO ENGAGES IN SEXUAL CONDUCT WITH A PERSON WHO IS IN LAWFUL CUSTODY AND CONFINEMENT IN A CORRECTIONAL FACILITY OPERATED BY OR UNDER CONTRACT WITH THE DEPARTMENT OF CORRECTIONS OR IN A COUNTY OR MUNICIPAL JAIL COMMITS:

(a) A CLASS 6 FELONY IF THE SEXUAL CONDUCT CONSISTS SOLELY OF SEXUAL CONTACT;

(b) A CLASS 5 FELONY IF THE SEXUAL CONDUCT INCLUDES SEXUAL INTRUSION OR SEXUAL PENETRATION.

(2) FOR PURPOSES OF THIS SECTION, "SEXUAL CONDUCT" MEANS SEXUAL CONTACT AS DEFINED IN SECTION 18-3-401 (4), SEXUAL INTRUSION AS DEFINED IN SECTION 18-3-401 (5), OR SEXUAL PENETRATION AS DEFINED IN SECTION 18-3-401 (6). "SEXUAL CONDUCT" DOES NOT INCLUDE ACTS OF AN EMPLOYEE OF A CORRECTIONAL FACILITY OR JAIL OR A PERSON WHO HAS CUSTODY OF ANOTHER PERSON THAT ARE PERFORMED TO CARRY OUT THE NECESSARY DUTIES OF THE EMPLOYEE OR THE PERSON WITH CUSTODY.

**SECTION 8.** 18-3-412.5 (1) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

**18-3-412.5. Sex offenders - duty to register - penalties.** (1) (b) On and after July 1, 1994, any person who is convicted in the state of Colorado of an offense involving unlawful sexual behavior or for which the factual basis involved an offense involving unlawful sexual behavior as defined in this subsection (1) and any person who has been convicted on and after July 1, 1994, in any other state or jurisdiction of an offense that, if committed in the state of Colorado, would constitute an offense involving unlawful sexual behavior as defined in this subsection (1) or any person who is released from the custody of the department of corrections having completed serving a sentence for an offense involving unlawful sexual behavior or for which the factual basis involved an offense involving unlawful sexual behavior as defined in this subsection (1) shall be required to register in the manner prescribed in subsection (3) of this section. For purposes of this section, "unlawful sexual behavior" means any of the following offenses or criminal attempt, conspiracy, or solicitation to commit any of the following offenses:

(XXIV) ENGAGING IN SEXUAL CONDUCT IN VIOLATION OF SECTION 18-7-701.

**SECTION 9.** 16-11.7-102 (2), Colorado Revised Statutes, is amended to read:

**16-11.7-102. Definitions.** As used in this article, unless the context otherwise requires:

(2) (a) "Sex offender" means any person who is:

(I) Convicted in the state of Colorado, on or after January 1, 1994, of any sex offense as defined in subsection (3) of this section; or

(II) CONVICTED IN THE STATE OF COLORADO ON OR AFTER JANUARY 1, 1994, of any criminal offense, if such person has previously been convicted of a sex offense as described in subsection (3) of this section in the state of Colorado, or if such person has previously been convicted in any other jurisdiction of any offense ~~which~~ THAT would constitute a sex offense as defined in subsection (3) of this section, or if such person has a history of any sex offenses as defined in subsection (3) of this section; OR

(III) CONVICTED IN THE STATE OF COLORADO ON OR AFTER JULY 1, 2000, OF ANY CRIMINAL OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVES A SEX OFFENSE; OR

(IV) ADJUDICATED AS A JUVENILE OR WHO RECEIVES A DEFERRED ADJUDICATION ON OR AFTER JULY 1, 2002, FOR AN OFFENSE THAT WOULD CONSTITUTE A SEX OFFENSE IF COMMITTED BY AN ADULT OR FOR ANY OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVES A SEX OFFENSE.

(b) For purposes of this subsection (2), any person who receives a deferred judgment or deferred sentence for the offenses specified in this subsection (2) is deemed convicted.

**SECTION 10.** 16-11.7-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**16-11.7-103. Sex offender management board - creation - duties - repeal.**

(1.5) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, EFFECTIVE JULY 1, 2000, THE MEMBERSHIP OF THE SEX OFFENDER MANAGEMENT BOARD SHALL BE INCREASED TO TWENTY-ONE MEMBERS BY THE ADDITION OF THE FOLLOWING MEMBERS:

(I) ONE MEMBER, IN ADDITION TO THOSE APPOINTED PURSUANT TO PARAGRAPH (f) OF SUBSECTION (1) OF THIS SECTION, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY WHO IS A LICENSED MENTAL HEALTH PROFESSIONAL WITH RECOGNIZABLE EXPERTISE IN THE TREATMENT OF JUVENILE SEX OFFENDERS;

(II) ONE MEMBER, IN ADDITION TO THOSE APPOINTED PURSUANT TO PARAGRAPH (k) OF SUBSECTION (1) OF THIS SECTION, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY WHO IS A RECOGNIZED EXPERT IN THE FIELD OF SEX ABUSE AND WHO CAN REPRESENT SEX ABUSE VICTIMS AND VICTIMS' RIGHTS ORGANIZATIONS;

(III) ONE MEMBER, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, WHO REPRESENTS THE DIVISION OF YOUTH CORRECTIONS WITHIN THE DEPARTMENT OF HUMAN SERVICES;

(IV) ONE MEMBER, APPOINTED BY THE COMMISSIONER OF EDUCATION, WHO HAS

EXPERIENCE DEALING WITH JUVENILE SEX OFFENDERS IN THE PUBLIC SCHOOL SYSTEM;

(V) ONE MEMBER, APPOINTED BY THE CHIEF JUSTICE OF THE SUPREME COURT, WHO IS A JUVENILE MAGISTRATE WITH EXPERTISE IN DEALING WITH JUVENILE SEX OFFENDERS; AND

(VI) ONE MEMBER, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, WHO IS A PROVIDER OF OUT-OF-HOME PLACEMENT SERVICES AND WHO HAS EXPERTISE IN PROVIDING SERVICES TO JUVENILE SEX OFFENDERS.

(b) THE MEMBER APPOINTED ON OR AFTER JULY 1, 2000, PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION SHALL HAVE EXPERTISE IN CHILD WELFARE AND CASE MANAGEMENT.

(c) MEMBERS APPOINTED ON OR AFTER JULY 1, 2000, PURSUANT TO PARAGRAPHS (a), (i), AND (j) OF SUBSECTION (1) OF THIS SECTION, IN ADDITION TO THE REQUIREMENTS SPECIFIED IN SAID PARAGRAPHS, SHALL HAVE EXPERTISE IN DEALING WITH JUVENILE SEX OFFENDERS.

(d) OF THE MEMBERS APPOINTED PURSUANT TO PARAGRAPH (f) OF SUBSECTION (1) OF THIS SECTION ON OR AFTER JULY 1, 2000, TWO SHALL HAVE EXPERTISE IN DEALING WITH ADULT SEX OFFENDERS AND ONE SHALL HAVE EXPERTISE IN DEALING WITH JUVENILE SEX OFFENDERS.

(e) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (g) OF SUBSECTION (1) OF THIS SECTION, THE MEMBER APPOINTED ON OR AFTER JULY 1, 2000, PURSUANT TO SAID PARAGRAPH SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT ATTORNEYS COUNCIL, SHALL REPRESENT THE INTERESTS OF PROSECUTING ATTORNEYS, AND SHALL HAVE EXPERTISE IN DEALING WITH ADULT AND JUVENILE SEX OFFENDERS.

**SECTION 11.** 16-11.7-103 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**16-11.7-103. Sex offender management board - creation - duties - repeal.**

(3) (c) (I) THE MEMBERS OF THE BOARD WHO ARE THE FIRST PERSONS APPOINTED PURSUANT TO SUBPARAGRAPHS (I), (II), AND (III) OF PARAGRAPH (a) OF SUBSECTION (1.5) OF THIS SECTION SHALL EACH SERVE A TERM OF THREE YEARS. SUBSEQUENT MEMBERS APPOINTED PURSUANT TO SAID PARAGRAPHS SHALL SERVE TERMS OF FOUR YEARS. SUCH MEMBERS SHALL SERVE WITHOUT COMPENSATION.

(II) EACH MEMBER OF THE BOARD WHO IS APPOINTED PURSUANT TO SUBPARAGRAPH (IV), (V), OR (VI) OF PARAGRAPH (a) OF SUBSECTION (1.5) OF THIS SECTION SHALL SERVE A TERM OF FOUR YEARS. SUCH MEMBERS SHALL SERVE WITHOUT COMPENSATION.

**SECTION 12.** 16-11.7-103 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

**16-11.7-103. Sex offender management board - creation - duties - repeal.**

(4) The board shall carry out the following duties:

(f) PRIOR TO JULY 1, 2002, THE BOARD SHALL DEVELOP AND PRESCRIBE A STANDARDIZED PROCEDURE FOR THE EVALUATION AND IDENTIFICATION OF JUVENILE SEX OFFENDERS. SUCH PROCEDURE SHALL PROVIDE FOR AN EVALUATION AND IDENTIFICATION OF THE JUVENILE OFFENDER AND RECOMMEND BEHAVIOR MANAGEMENT, MONITORING, TREATMENT, AND COMPLIANCE BASED UPON THE KNOWLEDGE THAT ALL UNLAWFUL SEXUAL BEHAVIOR POSES A RISK TO THE COMMUNITY. THE BOARD SHALL DEVELOP AND IMPLEMENT METHODS OF INTERVENTION FOR JUVENILE SEX 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 JUVENILE OFFENDER, SO LONG AS THERE IS NO REDUCTION OF THE SAFETY OF VICTIMS AND POTENTIAL VICTIMS.

(g) PRIOR TO JULY 1, 2002, THE BOARD SHALL DEVELOP AND IMPLEMENT GUIDELINES AND STANDARDS FOR A SYSTEM OF PROGRAMS FOR THE TREATMENT OF JUVENILE SEX OFFENDERS THAT MAY BE UTILIZED FOR JUVENILE OFFENDERS WHO ARE PLACED ON PROBATION, COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES, PLACED ON PAROLE, OR PLACED IN OUT-OF-HOME PLACEMENT. THE PROGRAMS DEVELOPED PURSUANT TO THIS PARAGRAPH (g) SHALL BE AS FLEXIBLE AS POSSIBLE SO THAT SUCH PROGRAMS MAY BE UTILIZED BY EACH JUVENILE OFFENDER TO PREVENT HIM OR HER FROM HARMING VICTIMS AND POTENTIAL VICTIMS. SUCH PROGRAMS SHALL BE STRUCTURED TO PROVIDE A CONTINUING MONITORING PROCESS AS WELL AS A CONTINUUM OF TREATMENT PROGRAMS FOR EACH JUVENILE OFFENDER AS HE OR SHE PROCEEDS THROUGH THE JUVENILE JUSTICE SYSTEM AND MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, GROUP COUNSELING, INDIVIDUAL COUNSELING, OUTPATIENT TREATMENT, INPATIENT TREATMENT, OR TREATMENT IN A THERAPEUTIC COMMUNITY. SUCH PROGRAMS SHALL BE DEVELOPED IN SUCH A MANNER THAT, TO THE EXTENT POSSIBLE, THE PROGRAMS MAY BE ACCESSED BY ALL JUVENILE OFFENDERS IN THE JUVENILE JUSTICE SYSTEM.

(h) PRIOR TO JULY 1, 2003, THE BOARD SHALL DEVELOP AND IMPLEMENT A SYSTEM BY WHICH PROGRESS AND SUCCESS IN TREATMENT OF JUVENILE SEX OFFENDERS MAY BE MEASURED.

(i) THE BOARD SHALL RESEARCH AND ANALYZE THE EFFECTIVENESS OF THE EVALUATION, IDENTIFICATION, AND TREATMENT PROCEDURES AND PROGRAMS DEVELOPED PURSUANT TO THIS ARTICLE FOR JUVENILE SEX OFFENDERS. THE BOARD SHALL ALSO DEVELOP AND PRESCRIBE A SYSTEM FOR IMPLEMENTATION OF THE GUIDELINES AND STANDARDS DEVELOPED PURSUANT TO PARAGRAPH (f) OF THIS SUBSECTION (4) AND FOR TRACKING JUVENILE SEX OFFENDERS WHO HAVE BEEN SUBJECTED TO EVALUATION, IDENTIFICATION, AND TREATMENT 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 PARAGRAPH (i).

**SECTION 13.** 18-21-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**18-21-103. Source of revenues - allocation of moneys.** (1.5) ON AND AFTER JULY 1, 2000, EACH JUVENILE WHO IS ADJUDICATED FOR COMMISSION OF AN OFFENSE

THAT WOULD CONSTITUTE A SEX OFFENSE IF COMMITTED BY AN ADULT OR WHO RECEIVES FOR SUCH OFFENSE A DEFERRED ADJUDICATION SHALL BE REQUIRED TO PAY A SURCHARGE TO THE CLERK OF THE COURT IN WHICH THE ADJUDICATION OCCURS OR IN WHICH THE DEFERRED ADJUDICATION IS ENTERED. THE AMOUNT OF SUCH SURCHARGE SHALL BE HALF THE AMOUNT THAT WOULD HAVE BEEN ASSESSED AGAINST AN ADULT OFFENDER PURSUANT TO SUBSECTION (1) OF THIS SECTION FOR COMMISSION OF THE OFFENSE.

**SECTION 14.** 19-2-907, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**19-2-907. Sentencing schedule - options.** (6) ON AND AFTER JULY 1, 2000, EACH JUVENILE WHO IS ADJUDICATED FOR COMMISSION OF AN OFFENSE THAT WOULD CONSTITUTE A SEX OFFENSE IF COMMITTED BY AN ADULT OR WHO RECEIVES FOR SUCH OFFENSE A DEFERRED ADJUDICATION SHALL BE REQUIRED TO PAY A SURCHARGE TO THE SEX OFFENDER SURCHARGE FUND, AS PROVIDED IN SECTION 18-21-103, C.R.S.; EXCEPT THAT THE JUDGE MAY WAIVE PAYMENT OF ALL OR ANY PORTION OF SUCH SURCHARGE AS PROVIDED IN SECTION 18-21-103 (4), C.R.S.

**SECTION 15.** 16-13-904 (1) (b), Colorado Revised Statutes, is amended to read:

**16-13-904. Sex offender management board - duties.** (1) On or before November 1, 1999, the management board, in collaboration with the department of corrections, the judicial department, and the parole board, shall establish:

(b) Criteria to be applied by a local law enforcement agency in determining ~~whether~~ WHEN to carry out a community notification;

**SECTION 16.** 16-13-906, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**16-13-906. Division of criminal justice - technical assistance team.** (3) THE MEMBERS OF THE SEX OFFENDER MANAGEMENT BOARD COMMUNITY NOTIFICATION TECHNICAL ASSISTANCE TEAM AND THE MEMBERS OF ANY LOCAL COMMUNITY NOTIFICATION TEAM SHALL NOT BE LIABLE FOR ANY ACT OR OMISSION COMMITTED IN CARRYING OUT COMMUNITY NOTIFICATION SO LONG AS THE ACT OR OMISSION IS NOT GROSSLY NEGLIGENT OR COMMITTED WILLFULLY AND WANTONLY.

**SECTION 17.** Part 9 of article 2 of title 19, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

**19-2-924.5. Juveniles committed to department of human services - genetic testing.** (1) (a) ANY JUVENILE WHO IS COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES FOLLOWING ADJUDICATION FOR AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 18-3-412.5 (1) (b), C.R.S., OR FOR WHICH THE UNDERLYING FACTUAL BASIS INVOLVED AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, SHALL SUBMIT TO AND PAY FOR A CHEMICAL TESTING OF THE JUVENILE'S BLOOD TO DETERMINE THE GENETIC MARKERS THEREOF.

(b) COLLECTION OF THE BLOOD SAMPLE SHALL OCCUR AS SOON AS POSSIBLE AFTER BEING COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES, AND THE RESULTS

THEREOF SHALL BE FILED WITH AND MAINTAINED BY THE COLORADO BUREAU OF INVESTIGATION. THE RESULTS OF SUCH TESTS SHALL BE FURNISHED TO ANY LAW ENFORCEMENT AGENCY UPON REQUEST.

(2) THE DEPARTMENT OF HUMAN SERVICES OR ITS DESIGNEE OR CONTRACTOR MAY USE REASONABLE FORCE TO OBTAIN BLOOD SAMPLES IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION.

(3) ANY MONEYS RECEIVED FROM JUVENILES PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION SHALL BE DEPOSITED IN THE SEX OFFENDER IDENTIFICATION FUND CREATED IN SECTION 24-33.5-415.5, C.R.S.

(4) THE COLORADO BUREAU OF INVESTIGATION IS DIRECTED TO CONDUCT THE CHEMICAL TESTING OF THE BLOOD OBTAINED PURSUANT TO THIS SECTION.

**19-2-925.5. Genetic testing.** (1) (a) AS A CONDITION OF PROBATION OR SUPERVISION, ANY JUVENILE WHO IS ADJUDICATED OR RECEIVES A DEFERRED ADJUDICATION FOR AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 18-3-412.5 (1) (b), C.R.S., OR FOR WHICH THE UNDERLYING FACTUAL BASIS INVOLVED AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, SHALL SUBMIT TO AND PAY FOR A CHEMICAL TESTING OF THE JUVENILE'S BLOOD TO DETERMINE THE GENETIC MARKERS THEREOF.

(b) COLLECTION OF THE BLOOD SAMPLE SHALL OCCUR AS SOON AS POSSIBLE AFTER BEING PLACED ON PROBATION OR UNDER SUPERVISION, AND THE RESULTS THEREOF SHALL BE FILED WITH AND MAINTAINED BY THE COLORADO BUREAU OF INVESTIGATION. THE RESULTS OF SUCH TESTS SHALL BE FURNISHED TO ANY LAW ENFORCEMENT AGENCY UPON REQUEST.

(2) THE JUDICIAL DEPARTMENT OR ITS DESIGNEE OR CONTRACTOR MAY USE REASONABLE FORCE TO OBTAIN BLOOD SAMPLES IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION. IN ADDITION, THE REFUSAL TO COMPLY WITH SAID SUBSECTION (1) MAY BE GROUNDS FOR REVOCATION OF PROBATION.

(3) ANY MONEYS RECEIVED FROM JUVENILES PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION SHALL BE DEPOSITED IN THE SEX OFFENDER IDENTIFICATION FUND CREATED IN SECTION 24-33.5-415.5, C.R.S.

(4) THE COLORADO BUREAU OF INVESTIGATION IS DIRECTED TO CONDUCT THE CHEMICAL TESTING OF THE BLOOD OBTAINED PURSUANT TO THIS SECTION.

**SECTION 18.** 16-11-311, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**16-11-311. Sentences - youthful offenders - legislative declaration - powers and duties of district court - authorization for youthful offender system - powers and duties of department of corrections - repeal.** (11.5) (a) (I) ANY JUVENILE WHO IS SENTENCED TO THE YOUTHFUL OFFENDER SYSTEM FOLLOWING CONVICTION OF AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 18-3-412.5 (1) (b), C.R.S., OR FOR WHICH THE UNDERLYING FACTUAL BASIS INVOLVED AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, SHALL

SUBMIT TO AND PAY FOR A CHEMICAL TESTING OF THE JUVENILE'S BLOOD TO DETERMINE THE GENETIC MARKERS THEREOF.

(II) COLLECTION OF THE BLOOD SAMPLE SHALL OCCUR AS SOON AS POSSIBLE AFTER BEING SENTENCED TO THE YOUTHFUL OFFENDER SYSTEM, AND THE RESULTS THEREOF SHALL BE FILED WITH AND MAINTAINED BY THE COLORADO BUREAU OF INVESTIGATION. THE RESULTS OF SUCH TESTS SHALL BE FURNISHED TO ANY LAW ENFORCEMENT AGENCY UPON REQUEST.

(b) THE DEPARTMENT OF CORRECTIONS OR ITS DESIGNEE OR CONTRACTOR MAY USE REASONABLE FORCE TO OBTAIN BLOOD SAMPLES IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (11.5).

(c) ANY MONEYS RECEIVED FROM JUVENILES PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (11.5) SHALL BE DEPOSITED IN THE SEX OFFENDER IDENTIFICATION FUND CREATED IN SECTION 24-33.5-415.5, C.R.S.

(d) THE COLORADO BUREAU OF INVESTIGATION IS DIRECTED TO CONDUCT THE CHEMICAL TESTING OF THE BLOOD OBTAINED PURSUANT TO THIS SUBSECTION (11.5).

**SECTION 19.** 24-33.5-415.5, Colorado Revised Statutes, is amended to read:

**24-33.5-415.5. Sex offender identification - fund.** There is hereby created in the state treasury the sex offender identification fund, referred to in this section as the "fund". Moneys in the fund shall consist of payments for genetic testing received from offenders pursuant to sections 16-11-104, ~~and~~ 16-11-204.3 (1) (a), AND 16-11-311, C.R.S., AND SECTIONS 19-2-924.5 AND 19-2-925.5, C.R.S. The fund shall also include any additional moneys that may be appropriated thereto by the general assembly to fund the costs incurred in genetic testing of sex offenders. Subject to annual appropriations by the general assembly, the executive director and the state court administrator are authorized to expend moneys in the fund to pay for genetic testing of offenders pursuant to sections 16-11-104, ~~and~~ 16-11-204.3 (1) (a), AND 16-11-311, C.R.S., AND SECTIONS 19-2-924.5 AND 19-2-925.5, C.R.S. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund.

**SECTION 20.** 24-33.5-412 (1) (k), Colorado Revised Statutes, is amended to read:

**24-33.5-412. Functions of bureau - legislative review.** (1) The bureau has the following authority:

(k) To carry out the duties described in section 18-3-412.5, C.R.S., INCLUDING BUT NOT LIMITED TO PROMPTLY TRANSMITTING TO THE FEDERAL BUREAU OF INVESTIGATION UPON RECEIPT ANY FINGERPRINTS AND CONVICTION DATA CONCERNING A PERSON CONVICTED OF UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 18-3-412.5 (1) (b), C.R.S.;

**SECTION 21.** 16-11.7-106, Colorado Revised Statutes, is amended to read:

**16-11.7-106. Sex offender treatment - contracts with providers.** (1) The

department of corrections, the judicial department, the division of criminal justice of the department of public safety, or the department of human services shall not employ or contract with and shall not allow a sex offender to employ or contract with any individual or entity to provide sex offender evaluation or treatment services pursuant to this article unless the sex offender evaluation or treatment services to be provided by such individual or entity conforms with the standards developed pursuant to section 16-11.7-103 (4) (b).

(2) THE BOARD SHALL REQUIRE ANY PERSON WHO APPLIES FOR PLACEMENT ON THE LIST OF PERSONS WHO MAY PROVIDE SEX OFFENDER TREATMENT SERVICES PURSUANT TO THIS ARTICLE TO SUBMIT A COMPLETE SET OF HIS OR HER FINGERPRINTS. THE BOARD SHALL FORWARD ANY SUCH FINGERPRINTS RECEIVED PURSUANT TO THIS SUBSECTION (2) TO THE COLORADO BUREAU OF INVESTIGATION FOR USE IN CONDUCTING A STATE CRIMINAL HISTORY RECORD CHECK AND FOR TRANSMITTAL TO THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORD CHECK. THE BOARD SHALL USE THE INFORMATION OBTAINED FROM THE STATE AND NATIONAL CRIMINAL HISTORY RECORD CHECK IN DETERMINING WHETHER TO PLACE THE PERSON ON THE APPROVED PROVIDER LIST.

**SECTION 22. 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, for the fiscal year beginning July 1, 2000, the sum of three hundred sixty-six thousand four hundred seventy-six dollars (\$366,476) and 2.0 FTE, or so much thereof as may be necessary, for the implementation of this act. Of such sum, four thousand six hundred twenty dollars (\$4,620), or so much thereof as may be necessary, is appropriated to the judicial department for allocation to probation and related services; two hundred thirty-three thousand nine hundred eighty-four dollars (\$233,984) and 0.3 FTE, or so much thereof as may be necessary, is appropriated to the department of public safety, for allocation to the Colorado bureau of investigation; and one hundred twenty-seven thousand eight hundred seventy-two dollars (\$127,872) and 1.7 FTE, or so much thereof as may be necessary, is appropriated to the department of public safety, for allocation to the division of criminal justice.

(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 three hundred sixty-six thousand four hundred seventy-six dollars (\$366,476).

(b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by three hundred sixty-six thousand four hundred seventy-six dollars (\$366,476).

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, if House Bill 00-1166 is enacted at the second regular session of the sixty-second general assembly, the amount allocated to the Colorado bureau of investigation pursuant to subsection (1) of this section shall be reduced by one hundred forty-eight thousand dollars (\$148,000), resulting in an allocation of eighty-five thousand nine

hundred eighty-four dollars (\$85,984) to the Colorado bureau of investigation. Further, there shall be a corresponding reduction of one hundred forty-eight thousand dollars (\$148,000) in the total amount appropriated pursuant to subsection (1) of this section and the adjustments to the general appropriations act made pursuant to subsection (2) of this section, resulting in a total appropriation of two hundred eighteen thousand four hundred seventy-six dollars (\$218,476) and an adjustment of two hundred eighteen thousand four hundred seventy-six dollars (\$218,476).

**SECTION 23.** Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**17-1-131. Appropriation to comply with section 2-2-703.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT HB 00-1317, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2000, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF SIXTY-NINE THOUSAND FOUR HUNDRED SIXTY-SEVEN DOLLARS (\$69,467).

(b) FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWENTY-SIX THOUSAND TWO HUNDRED THIRTY-EIGHT DOLLARS (\$26,238).

(c) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWENTY-SIX THOUSAND TWO HUNDRED THIRTY-EIGHT DOLLARS (\$26,238).

(d) FOR THE FISCAL YEARS BEGINNING JULY 1, 2003, AND JULY 1, 2004, THE GENERAL ASSEMBLY HAS DETERMINED THAT HB 00-1317 CAN BE IMPLEMENTED WITHIN EXISTING APPROPRIATIONS, AND THEREFORE NO SEPARATE APPROPRIATION OF STATE MONEY IS NECESSARY TO CARRY OUT THE PURPOSES OF HB 00-1317.

**SECTION 24.** 24-75-302 (2) (m), Colorado Revised Statutes, is amended to read:

**24-75-302. Capital construction fund - capital assessment fees - calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter through July 1, 2002, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount which shall accrue pursuant to this subsection (2) shall be as follows:

(m) On July 1, 2000, one hundred million dollars, plus one hundred eighty-four thousand ninety dollars pursuant to H.B. 97-1186; plus four hundred seventy-eight thousand six hundred thirty-four dollars pursuant to H.B. 97-1077, enacted at the first regular session of the sixty-first general assembly; plus twelve thousand two hundred seventeen dollars pursuant to S.B. 98-021, enacted at the second regular session of the sixty-first general assembly; plus seventy-one thousand two hundred seven dollars pursuant to H.B. 98-1160, enacted at the second regular session of the sixty-first general assembly; PLUS SIXTY-NINE THOUSAND FOUR HUNDRED SIXTY-SEVEN DOLLARS PURSUANT TO H.B. 00-1317, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY;

**SECTION 25. Effective date - applicability.** This act shall take effect July 1, 2000, and sections 2, 7, 8, 13, and 14 of this act shall apply to offenses committed on or after said date.

**SECTION 26. 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