

CHAPTER 297

CRIMINAL LAW AND PROCEDURE

SENATE BILL 02-010

BY SENATOR(S) Anderson, Arnold, Chlouber, Dyer, Entz, Epps, Fitz-Gerald, Gordon, Hernandez, Lamborn, Nichol, Phillips, Taylor, Teck, and Tupa;
also REPRESENTATIVE(S) Veiga, Alexander, Boyd, Coleman, Garcia, Groff, Hefley, Jahn, Mace, Madden, Marshall, Romanoff, Sanchez, Spradley, Stafford, and Williams S.

AN ACT

CONCERNING SEX OFFENDER REGISTRATION.

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 22
Colorado Sex Offender Registration Act**

16-22-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO SEX OFFENDER REGISTRATION ACT".

16-22-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

(2) "CBI" MEANS THE COLORADO BUREAU OF INVESTIGATION ESTABLISHED PURSUANT TO PART 4 OF ARTICLE 33.5 OF TITLE 24, C.R.S.

(3) "CONVICTED" OR "CONVICTION" MEANS HAVING RECEIVED A VERDICT OF GUILTY BY A JUDGE OR JURY, HAVING PLEADED GUILTY OR NOLO CONTENDERE, HAVING RECEIVED A DISPOSITION AS A JUVENILE, HAVING BEEN ADJUDICATED A

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

JUVENILE DELINQUENT, OR HAVING RECEIVED A DEFERRED JUDGMENT AND SENTENCE OR A DEFERRED ADJUDICATION.

(4) "IMMEDIATE FAMILY" MEANS A PERSON'S SPOUSE, PARENT, GRANDPARENT, SIBLING, OR CHILD.

(5) "REGISTER" AND "REGISTRATION" INCLUDE INITIAL REGISTRATION PURSUANT TO SECTION 16-22-104, AND REGISTRATION, CONFIRMATION OF REGISTRATION, AND REREGISTRATION, AS REQUIRED IN SECTION 16-22-108.

(6) "SEX OFFENDER REGISTRY" MEANS THE COLORADO SEX OFFENDER REGISTRY CREATED AND MAINTAINED BY THE CBI PURSUANT TO SECTION 16-22-110.

(7) "SEXUALLY VIOLENT PREDATOR" MEANS A PERSON WHO IS FOUND TO BE A SEXUALLY VIOLENT PREDATOR PURSUANT TO SECTION 18-3-414.5, C.R.S.

(8) "TEMPORARY RESIDENT" MEANS ANY PERSON WHO IS:

(a) 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; OR

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

(9) "UNLAWFUL SEXUAL BEHAVIOR" MEANS ANY OF THE FOLLOWING OFFENSES OR CRIMINAL ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT ANY OF THE FOLLOWING OFFENSES:

(a) (I) SEXUAL ASSAULT, IN VIOLATION OF SECTION 18-3-402, C.R.S.; OR

(II) SEXUAL ASSAULT IN THE FIRST DEGREE, IN VIOLATION OF SECTION 18-3-402, C.R.S., AS IT EXISTED PRIOR TO JULY 1, 2000;

(b) SEXUAL ASSAULT IN THE SECOND DEGREE, IN VIOLATION OF SECTION 18-3-403, C.R.S., AS IT EXISTED PRIOR TO JULY 1, 2000;

(c) (I) UNLAWFUL SEXUAL CONTACT, IN VIOLATION OF SECTION 18-3-404, C.R.S.; OR

(II) SEXUAL ASSAULT IN THE THIRD DEGREE, IN VIOLATION OF SECTION 18-3-404, C.R.S., AS IT EXISTED PRIOR TO JULY 1, 2000;

(d) SEXUAL ASSAULT ON A CHILD, IN VIOLATION OF SECTION 18-3-405, C.R.S.;

(e) SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST, IN VIOLATION OF SECTION 18-3-405.3, C.R.S.;

(f) SEXUAL ASSAULT ON A CLIENT BY A PSYCHOTHERAPIST, IN VIOLATION OF SECTION 18-3-405.5, C.R.S.;

- (g) ENTICEMENT OF A CHILD, IN VIOLATION OF SECTION 18-3-305, C.R.S.;
- (h) INCEST, IN VIOLATION OF SECTION 18-6-301, C.R.S.;
- (i) AGGRAVATED INCEST, IN VIOLATION OF SECTION 18-6-302, C.R.S.;
- (j) TRAFFICKING IN CHILDREN, IN VIOLATION OF SECTION 18-6-402, C.R.S.;
- (k) SEXUAL EXPLOITATION OF CHILDREN, IN VIOLATION OF SECTION 18-6-403, C.R.S.;
- (l) PROCUREMENT OF A CHILD FOR SEXUAL EXPLOITATION, IN VIOLATION OF SECTION 18-6-404, C.R.S.;
- (m) INDECENT EXPOSURE, IN VIOLATION OF SECTION 18-7-302, C.R.S.;
- (n) SOLICITING FOR CHILD PROSTITUTION, IN VIOLATION OF SECTION 18-7-402, C.R.S.;
- (o) PANDERING OF A CHILD, IN VIOLATION OF SECTION 18-7-403, C.R.S.;
- (p) PROCUREMENT OF A CHILD, IN VIOLATION OF SECTION 18-7-403.5, C.R.S.;
- (q) KEEPING A PLACE OF CHILD PROSTITUTION, IN VIOLATION OF SECTION 18-7-404, C.R.S.;
- (r) PIMPING OF A CHILD, IN VIOLATION OF SECTION 18-7-405, C.R.S.;
- (s) INDUCEMENT OF CHILD PROSTITUTION, IN VIOLATION OF SECTION 18-7-405.5, C.R.S.;
- (t) PATRONIZING A PROSTITUTED CHILD, IN VIOLATION OF SECTION 18-7-406, C.R.S.;
- (u) ENGAGING IN SEXUAL CONDUCT IN A PENAL INSTITUTION, IN VIOLATION OF SECTION 18-7-701, C.R.S.

16-22-103. Sex offender registration - required - applicability - exception.

(1) EFFECTIVE JULY 1, 1998, THE FOLLOWING PERSONS SHALL BE REQUIRED TO REGISTER PURSUANT TO THE PROVISIONS OF SECTION 16-22-108 AND SHALL BE SUBJECT TO THE REQUIREMENTS AND OTHER PROVISIONS SPECIFIED IN THIS ARTICLE:

- (a) ANY PERSON WHO WAS CONVICTED ON OR AFTER JULY 1, 1991, IN THE STATE OF COLORADO, OF AN UNLAWFUL SEXUAL OFFENSE, AS DEFINED IN SECTION 18-3-411 (1), C.R.S., OR ENTICEMENT OF A CHILD, AS DESCRIBED IN SECTION 18-3-305, C.R.S.;
- (b) ANY PERSON WHO WAS CONVICTED ON OR AFTER JULY 1, 1991, IN ANOTHER STATE OR JURISDICTION OF AN OFFENSE THAT, IF COMMITTED IN COLORADO, WOULD CONSTITUTE AN UNLAWFUL SEXUAL OFFENSE, AS DEFINED IN SECTION 18-3-411 (1), C.R.S., OR ENTICEMENT OF A CHILD, AS DESCRIBED IN SECTION 18-3-305, C.R.S.; AND

(c) ANY PERSON WHO WAS RELEASED ON OR AFTER JULY 1, 1991, FROM THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS HAVING SERVED A SENTENCE FOR AN UNLAWFUL SEXUAL OFFENSE, AS DEFINED IN SECTION 18-3-411 (1), C.R.S., OR ENTICEMENT OF A CHILD, AS DESCRIBED IN SECTION 18-3-305, C.R.S.

(2) (a) ON AND AFTER JULY 1, 1994, ANY PERSON WHO IS CONVICTED IN THE STATE OF COLORADO OF UNLAWFUL SEXUAL BEHAVIOR OR OF ANOTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVES UNLAWFUL SEXUAL BEHAVIOR, OR ANY PERSON WHO IS RELEASED FROM THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS HAVING COMPLETED SERVING A SENTENCE FOR UNLAWFUL SEXUAL BEHAVIOR OR FOR ANOTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL BEHAVIOR, SHALL BE REQUIRED TO REGISTER IN THE MANNER PRESCRIBED IN SECTION 16-22-104, SECTION 16-22-106 OR 16-22-107, WHICHEVER IS APPLICABLE, AND SECTION 16-22-108.

(b) A PERSON SHALL BE DEEMED TO HAVE BEEN CONVICTED OF UNLAWFUL SEXUAL BEHAVIOR IF HE OR SHE IS CONVICTED OF ONE OR MORE OF THE OFFENSES SPECIFIED IN SECTION 16-22-102 (9), OR OF ATTEMPT, SOLICITATION, OR CONSPIRACY TO COMMIT ONE OR MORE OF THE OFFENSES SPECIFIED IN SAID SECTION.

(c) (I) FOR CONVICTIONS ENTERED ON OR AFTER JULY 1, 2002, A PERSON SHALL BE DEEMED TO BE CONVICTED OF AN OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVES UNLAWFUL SEXUAL BEHAVIOR, IF:

(A) THE PERSON IS CONVICTED OF AN OFFENSE THAT REQUIRES PROOF OF UNLAWFUL SEXUAL BEHAVIOR AS AN ELEMENT OF THE OFFENSE; OR

(B) THE PERSON IS CONVICTED OF AN OFFENSE AND IS ELIGIBLE FOR AND RECEIVES AN ENHANCED SENTENCE BASED ON A CIRCUMSTANCE THAT REQUIRES PROOF OF UNLAWFUL SEXUAL BEHAVIOR; OR

(C) THE PERSON WAS ORIGINALLY CHARGED WITH UNLAWFUL SEXUAL BEHAVIOR OR WITH AN OFFENSE THAT MEETS THE DESCRIPTION IN SUB-SUBPARAGRAPH (A) OR (B) OF THIS SUBPARAGRAPH (I), THE PERSON PLEADS GUILTY TO AN OFFENSE THAT DOES NOT CONSTITUTE UNLAWFUL SEXUAL BEHAVIOR, AND, AS PART OF THE PLEA AGREEMENT, THE PERSON ADMITS, AFTER ADVISEMENT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (c), THAT THE UNDERLYING FACTUAL BASIS OF THE OFFENSE TO WHICH HE OR SHE IS PLEADING GUILTY INVOLVES UNLAWFUL SEXUAL BEHAVIOR; OR

(D) THE PERSON WAS CHARGED WITH AND CONVICTED OF AN OFFENSE THAT DOES NOT CONSTITUTE UNLAWFUL SEXUAL BEHAVIOR AND THE PERSON ADMITS ON THE RECORD, AFTER ADVISEMENT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (c), THAT THE UNDERLYING FACTUAL BASIS OF THE OFFENSE INVOLVED UNLAWFUL SEXUAL BEHAVIOR.

(II) IF A PERSON IS ORIGINALLY CHARGED WITH UNLAWFUL SEXUAL BEHAVIOR OR WITH AN OFFENSE THAT MEETS THE DESCRIPTION IN SUB-SUBPARAGRAPH (A) OR (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), THE COURT MAY ACCEPT A PLEA AGREEMENT TO AN OFFENSE THAT DOES NOT CONSTITUTE UNLAWFUL SEXUAL BEHAVIOR ONLY IF:

(A) THE DISTRICT ATTORNEY STIPULATES THAT THE UNDERLYING FACTUAL BASIS OF THE OFFENSE TO WHICH THE PERSON IS PLEADING GUILTY DOES NOT INVOLVE UNLAWFUL SEXUAL BEHAVIOR; OR

(B) THE PERSON ADMITS, AFTER ADVISEMENT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (c), THAT THE UNDERLYING FACTUAL BASIS OF THE OFFENSE TO WHICH HE OR SHE IS PLEADING GUILTY INVOLVES UNLAWFUL SEXUAL BEHAVIOR.

(III) THE ADVISEMENT PROVIDED FOR PURPOSES OF THIS PARAGRAPH (c), IN ADDITION TO MEETING THE REQUIREMENTS OF THE COLORADO RULES OF CRIMINAL PROCEDURE, SHALL ADVISE THE PERSON THAT ADMITTING THAT THE UNDERLYING FACTUAL BASIS OF THE OFFENSE TO WHICH THE PERSON IS PLEADING OR OF WHICH THE PERSON IS CONVICTED INVOLVES UNLAWFUL SEXUAL BEHAVIOR WILL HAVE THE COLLATERAL RESULT OF MAKING THE PERSON SUBJECT TO THE REQUIREMENTS OF THIS ARTICLE. NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (c) TO THE CONTRARY, FAILURE TO ADVISE A PERSON PURSUANT TO THE PROVISIONS OF THIS SUBPARAGRAPH (III) SHALL NOT CONSTITUTE A DEFENSE TO THE OFFENSE OF FAILURE TO REGISTER AS A SEX OFFENDER IF THERE IS EVIDENCE THAT THE DEFENDANT HAD ACTUAL NOTICE OF THE DUTY TO REGISTER.

(IV) IN ANY CASE IN WHICH A PERSON IS DEEMED TO HAVE BEEN CONVICTED OF AN OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVES UNLAWFUL SEXUAL BEHAVIOR, AS PROVIDED IN THIS PARAGRAPH (c), THE JUDGMENT OF CONVICTION SHALL SPECIFY THAT THE PERSON IS CONVICTED OF SUCH AN OFFENSE AND SPECIFY THE PARTICULAR CRIME OF UNLAWFUL SEXUAL BEHAVIOR INVOLVED.

(V) THE PROVISIONS OF THIS PARAGRAPH (c) SHALL APPLY TO JUVENILES FOR PURPOSES OF DETERMINING WHETHER A JUVENILE IS CONVICTED OF AN OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVES UNLAWFUL SEXUAL BEHAVIOR.

(d) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, ANY STIPULATION BY A DISTRICT ATTORNEY AND ANY FINDING OF THE COURT WITH REGARD TO WHETHER THE OFFENSE OF WHICH A PERSON IS CONVICTED INCLUDES AN UNDERLYING FACTUAL BASIS INVOLVING UNLAWFUL SEXUAL BEHAVIOR SHALL NOT LIMIT OR OTHERWISE AFFECT THE ABILITY OF THE DEPARTMENT OF CORRECTIONS TO MAKE SUCH DETERMINATION IN ACCORDANCE WITH DEPARTMENT PROCEDURES FOR PURPOSES OF CLASSIFICATION AND TREATMENT OF ANY PERSON SENTENCED TO THE DEPARTMENT OF CORRECTIONS.

(3) IN ADDITION TO THE PERSONS SPECIFIED IN SUBSECTIONS (1) AND (2) OF THIS SECTION, ANY PERSON CONVICTED OF AN OFFENSE IN ANY OTHER STATE OR JURISDICTION 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 WOULD BE REQUIRED TO REGISTER IF CONVICTED IN COLORADO, SHALL BE REQUIRED TO REGISTER IN THE MANNER SPECIFIED IN SECTION 16-22-108, 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 SECTION 16-22-113 FOR OFFENSE CLASSIFICATIONS THAT ARE COMPARABLE TO THE CLASSIFICATION OF THE OFFENSE FOR WHICH THE PERSON WAS CONVICTED IN THE OTHER STATE OR JURISDICTION.

(4) THE PROVISIONS OF THIS ARTICLE SHALL APPLY TO ANY PERSON WHO RECEIVES A DISPOSITION OR IS ADJUDICATED A JUVENILE DELINQUENT BASED ON THE COMMISSION OF ANY ACT THAT MAY CONSTITUTE UNLAWFUL SEXUAL BEHAVIOR OR WHO RECEIVES A DEFERRED ADJUDICATION BASED ON COMMISSION OF ANY ACT THAT MAY CONSTITUTE UNLAWFUL SEXUAL BEHAVIOR; EXCEPT THAT, WITH RESPECT TO SECTION 16-22-113 (1) (a) TO (1) (e), A PERSON MAY PETITION THE COURT FOR AN ORDER TO DISCONTINUE THE DUTY TO REGISTER AS PROVIDED IN THOSE PARAGRAPHS, BUT ONLY IF THE PERSON HAS NOT SUBSEQUENTLY RECEIVED A DISPOSITION FOR, BEEN ADJUDICATED A JUVENILE DELINQUENT FOR, OR BEEN OTHERWISE CONVICTED OF ANY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR. IN ADDITION, THE DUTY TO PROVIDE NOTICE TO A PERSON OF THE DUTY TO REGISTER, AS SET FORTH IN SECTIONS 16-22-105 TO 16-22-107, SHALL APPLY TO JUVENILE PAROLE AND PROBATION OFFICERS AND APPROPRIATE PERSONNEL OF THE DIVISION OF YOUTH CORRECTIONS IN THE DEPARTMENT OF HUMAN SERVICES.

(5) (a) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, IF, PURSUANT TO A MOTION FILED BY A PERSON DESCRIBED IN THIS SUBSECTION (5) OR ON ITS OWN MOTION, A COURT DETERMINES THAT THE REGISTRATION REQUIREMENT SPECIFIED IN THIS SECTION WOULD BE UNFAIRLY PUNITIVE AND THAT EXEMPTING THE PERSON FROM THE REGISTRATION REQUIREMENT WOULD NOT POSE A SIGNIFICANT RISK TO THE COMMUNITY, THE COURT, UPON CONSIDERATION OF THE TOTALITY OF THE CIRCUMSTANCES, MAY EXEMPT THE PERSON FROM THE REGISTRATION REQUIREMENTS IMPOSED PURSUANT TO THIS SECTION IF:

(I) THE PERSON WAS YOUNGER THAN EIGHTEEN YEARS OF AGE AT THE TIME OF THE COMMISSION OF THE OFFENSE;

(II) THE PERSON HAS NOT BEEN PREVIOUSLY CHARGED WITH UNLAWFUL SEXUAL BEHAVIOR;

(III) THE OFFENSE, AS CHARGED IN THE FIRST PETITION FILED WITH THE COURT, IS A FIRST OFFENSE OF EITHER MISDEMEANOR UNLAWFUL SEXUAL CONTACT, AS DESCRIBED IN SECTION 18-3-404, C.R.S., OR INDECENT EXPOSURE, AS DESCRIBED IN SECTION 18-7-302, C.R.S.;

(IV) THE PERSON HAS RECEIVED A SEX OFFENDER EVALUATION THAT CONFORMS WITH THE STANDARDS DEVELOPED PURSUANT TO SECTION 16-11.7-103 (4) (f), FROM AN EVALUATOR WHO MEETS THE STANDARDS ESTABLISHED BY THE SEX OFFENDER MANAGEMENT BOARD, AND THE EVALUATOR RECOMMENDS EXEMPTING THE PERSON FROM THE REGISTRATION REQUIREMENTS BASED UPON THE BEST INTERESTS OF THAT PERSON AND THE COMMUNITY; AND

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

(b) ANY DEFENDANT WHO FILES A MOTION PURSUANT TO THIS SUBSECTION (5) OR THE COURT, IF CONSIDERING ITS OWN MOTION, SHALL PROVIDE NOTICE OF THE MOTION TO THE PROSECUTING DISTRICT ATTORNEY. IN ADDITION, THE COURT SHALL PROVIDE NOTICE OF THE MOTION TO THE VICTIM OF THE OFFENSE. PRIOR TO DECIDING THE MOTION, THE COURT SHALL CONDUCT A HEARING ON THE MOTION AT WHICH BOTH THE DISTRICT ATTORNEY AND THE VICTIM SHALL HAVE OPPORTUNITY TO BE HEARD.

(6) ANY PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO THIS SECTION AND FAILS TO DO SO OR OTHERWISE FAILS TO COMPLY WITH THE PROVISIONS OF THIS ARTICLE MAY BE SUBJECT TO PROSECUTION FOR THE OFFENSE OF FAILURE TO REGISTER AS A SEX OFFENDER, AS DESCRIBED IN SECTION 18-3-412.5, C.R.S. FAILURE OF ANY GOVERNMENTAL ENTITY OR ANY EMPLOYEE OF ANY GOVERNMENTAL ENTITY TO COMPLY WITH ANY REQUIREMENT OF THIS ARTICLE SHALL NOT CONSTITUTE A DEFENSE TO THE OFFENSE OF FAILURE TO REGISTER AS A SEX OFFENDER IF THERE IS EVIDENCE THAT THE DEFENDANT HAD ACTUAL NOTICE OF THE DUTY TO REGISTER.

16-22-104. Initial registration - effective date. (1) (a) BEGINNING JANUARY 1, 2003, FOR ANY PERSON REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103, THE COURT, WITHIN TWENTY-FOUR HOURS AFTER SENTENCING THE PERSON, SHALL ELECTRONICALLY FILE WITH THE CBI THE INITIAL REGISTRATION OF THE PERSON, PROVIDING THE INFORMATION REQUIRED BY THE CBI.

(b) ANY PERSON WHO IS SENTENCED PRIOR TO JANUARY 1, 2003, AND WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103 SHALL INITIALLY REGISTER IN THE MANNER PROVIDED AND WITHIN THE TIMES SPECIFIED IN SECTION 16-22-108 (1) (a) FOR REGISTRATION.

(c) THE STATE COURT ADMINISTRATOR IS HEREBY AUTHORIZED TO RECEIVE AND EXPEND ANY PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS THAT MAY BE AVAILABLE TO OFFSET THE COSTS INCURRED IN IMPLEMENTING THE PROVISIONS OF THIS SUBSECTION (1).

(2) IN THE COURSE OF PREPARING THE PRESENTENCE INVESTIGATION REPORT PURSUANT TO SECTION 16-11-102, OR OTHERWISE, THE PROBATION DEPARTMENT SHALL COMPLETE THE STANDARDIZED REGISTRATION FORM PROVIDED BY THE CBI, INCLUDING, AT A MINIMUM, THE INFORMATION ELECTRONICALLY TRANSMITTED BY THE COURT AND INFORMATION PERTAINING TO THE REGISTRANT'S MODUS OPERANDI. THE PROBATION DEPARTMENT SHALL TRANSMIT THE COMPLETED STANDARDIZED FORM TO THE CBI FOLLOWING SENTENCING OF THE PERSON.

16-22-105. Notice - requirements - residence - presumption. (1) ANY PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103 SHALL RECEIVE NOTICE OF THE DUTY TO REGISTER AS PROVIDED IN SECTION 16-22-106 OR 16-22-107, WHICHEVER IS APPLICABLE. SUCH NOTICE SHALL INFORM THE PERSON OF THE DUTY TO REGISTER, IN THE MANNER PROVIDED IN SECTION 16-22-108, WITH THE LOCAL LAW ENFORCEMENT AGENCY OF EACH JURISDICTION IN WHICH THE PERSON RESIDES. THE NOTICE SHALL INFORM THE PERSON THAT HE OR SHE HAS A DUTY TO REGISTER WITH LOCAL LAW ENFORCEMENT AGENCIES IN ANY STATE OR OTHER JURISDICTION TO WHICH THE PERSON MAY MOVE AND THAT THE CBI SHALL NOTIFY THE AGENCY RESPONSIBLE FOR REGISTRATION IN THE NEW STATE AS PROVIDED IN SECTION 16-22-108 (4). THE NOTICE SHALL ALSO INFORM THE PERSON THAT, AT THE TIME THE PERSON REGISTERS, HE OR SHE MUST PROVIDE HIS OR HER DATE OF BIRTH, A CURRENT PHOTOGRAPH, AND A COMPLETE SET OF FINGERPRINTS.

(2) FAILURE OF ANY PERSON TO SIGN THE NOTICE OF DUTY TO REGISTER, AS REQUIRED IN SECTIONS 16-22-106 AND 16-22-107, SHALL NOT CONSTITUTE A DEFENSE TO THE OFFENSE OF FAILURE TO REGISTER AS A SEX OFFENDER IF THERE IS EVIDENCE THAT THE PERSON HAD ACTUAL NOTICE OF THE DUTY TO REGISTER.

(3) FOR PURPOSES OF THIS ARTICLE, ANY PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103 SHALL REGISTER IN ALL JURISDICTIONS IN WHICH HE OR SHE ESTABLISHES A RESIDENCE. A PERSON ESTABLISHES A RESIDENCE THROUGH AN INTENT TO MAKE ANY DWELLING HIS OR HER PLACE OF RESIDENCE. THE PROSECUTION MAY PROVE INTENT TO ESTABLISH RESIDENCE BY REFERENCE TO HOTEL OR MOTEL RECEIPTS OR A LEASE OF REAL PROPERTY, PROOF THE PERSON ACCEPTED RESPONSIBILITY FOR UTILITY BILLS, PROOF THE PERSON ESTABLISHED A MAILING ADDRESS, OR ANY OTHER ACTION DEMONSTRATING SUCH INTENT. NOTWITHSTANDING THE EXISTENCE OF ANY OTHER EVIDENCE OF INTENT, OCCUPYING OR INHABITING ANY DWELLING FOR MORE THAN FIFTEEN DAYS IN ANY THIRTY-DAY PERIOD SHALL CONSTITUTE THE ESTABLISHMENT OF RESIDENCE.

16-22-106. Duties - probation department - community corrections administrator - court personnel - jail personnel - notice. (1) (a) IF A PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103 IS SENTENCED TO PROBATION, THE PROBATION DEPARTMENT, AS SOON AS POSSIBLE FOLLOWING SENTENCING, SHALL PROVIDE NOTICE, AS DESCRIBED IN SECTION 16-22-105, TO THE PERSON OF THE DUTY TO REGISTER IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE WITH THE LOCAL LAW ENFORCEMENT AGENCY OF EACH JURISDICTION IN WHICH THE PERSON RESIDES. THE PERSON SHALL BE REQUIRED TO SIGN THE NOTICE AS CONFIRMATION OF RECEIPT AND TO PROVIDE THE PERSON'S DATE OF BIRTH AND THE ADDRESS OR ADDRESSES AT WHICH THE PERSON RESIDES. THE COURT SHALL SPECIFY AS CONDITIONS OF THE PERSON'S PROBATION THE DUTY TO REGISTER AS REQUIRED IN SECTION 16-22-108, INCLUDING BUT NOT LIMITED TO THE DUTY TO CONFIRM REGISTRATION, IF SENTENCED ON OR AFTER JANUARY 1, 2003, AND TO REREGISTER.

(b) THE PROBATION DEPARTMENT SHALL ELECTRONICALLY NOTIFY THE CBI OF ANY MODIFICATIONS TO THE PERSON'S CONDITIONS OF PROBATION AND SHALL NOTIFY THE CBI OF THE DATE ON WHICH PROBATION IS TERMINATED. THE CBI SHALL ELECTRONICALLY NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY OF EACH JURISDICTION IN WHICH THE PERSON RESIDES OF ANY SUCH MODIFICATIONS AND THE DATE OF TERMINATION.

(2) (a) IF A PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103 RECEIVES A DIRECT SENTENCE TO COMMUNITY CORRECTIONS, THE ADMINISTRATOR FOR THE COMMUNITY CORRECTIONS PROGRAM, OR HIS OR HER DESIGNEE, AS SOON AS POSSIBLE FOLLOWING SENTENCING, SHALL PROVIDE NOTICE, AS DESCRIBED IN SECTION 16-22-105, TO THE PERSON OF THE DUTY TO REGISTER IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE WITH THE LOCAL LAW ENFORCEMENT AGENCY OF EACH JURISDICTION IN WHICH THE PERSON RESIDES. THE PERSON SHALL BE REQUIRED TO SIGN THE NOTICE AS CONFIRMATION OF RECEIPT AND TO PROVIDE THE PERSON'S DATE OF BIRTH AND THE ADDRESS OR ADDRESSES AT WHICH THE PERSON RESIDES. THE COURT SHALL SPECIFY AS CONDITIONS OF THE PERSON'S DIRECT SENTENCE TO COMMUNITY CORRECTIONS THE DUTY TO REGISTER AS REQUIRED IN SECTION 16-22-108, INCLUDING BUT NOT LIMITED TO THE DUTY TO CONFIRM REGISTRATION, IF SENTENCED ON OR AFTER JANUARY 1, 2003, AND TO REREGISTER.

(b) THE ADMINISTRATOR OF THE COMMUNITY CORRECTIONS PROGRAM, OR HIS OR HER DESIGNEE, SHALL ELECTRONICALLY NOTIFY THE CBI OF ANY MODIFICATIONS TO THE CONDITIONS OF THE PERSON'S DIRECT SENTENCE TO COMMUNITY CORRECTIONS AND SHALL NOTIFY THE CBI OF THE DATE ON WHICH THE SENTENCE TO COMMUNITY

CORRECTIONS IS TERMINATED. THE CBI SHALL ELECTRONICALLY NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY OF EACH JURISDICTION IN WHICH THE PERSON RESIDES OF ANY SUCH MODIFICATIONS AND THE DATE OF TERMINATION.

(3) (a) (I) IF A PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103 IS SENTENCED TO A COUNTY JAIL, THE SHERIFF OF THE COUNTY IN WHICH THE COUNTY JAIL IS LOCATED, OR HIS OR HER DESIGNEE, AS SOON AS POSSIBLE FOLLOWING SENTENCING, SHALL TRANSMIT TO THE CBI CONFIRMATION OF THE PERSON'S REGISTRATION ON A STANDARDIZED FORM PROVIDED BY THE CBI, USING THE ADDRESS OR ADDRESSES AT WHICH THE PERSON WILL RESIDE WHILE IN CUSTODY OF THE COUNTY JAIL, AND INCLUDING THE PERSON'S DATE OF BIRTH, A CURRENT PHOTOGRAPH OF THE PERSON, AND THE PERSON'S FINGERPRINTS.

(II) THE PROVISIONS OF THIS PARAGRAPH (a) SHALL APPLY TO PERSONS SENTENCED ON OR AFTER JANUARY 1, 2003.

(b) AT LEAST FIVE DAYS PRIOR TO THE DISCHARGE OF THE PERSON FROM CUSTODY, THE SHERIFF, OR HIS OR HER DESIGNEE, SHALL PROVIDE NOTICE, AS DESCRIBED IN SECTION 16-22-105, TO THE PERSON OF THE DUTY TO REGISTER IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE WITH THE LOCAL LAW ENFORCEMENT AGENCY OF EACH JURISDICTION IN WHICH THE PERSON RESIDES. THE PERSON SHALL BE REQUIRED TO SIGN THE NOTICE AS CONFIRMATION OF RECEIPT AND TO PROVIDE THE PERSON'S DATE OF BIRTH AND THE ADDRESS AT WHICH THE PERSON INTENDS TO RESIDE UPON DISCHARGE.

(c) WITHIN FIVE DAYS, BUT NOT FEWER THAN TWO DAYS, PRIOR TO THE DISCHARGE OF THE PERSON FROM CUSTODY, THE SHERIFF, OR HIS OR HER DESIGNEE, SHALL NOTIFY THE CBI AND THE LOCAL LAW ENFORCEMENT AGENCY OF THE JURISDICTION IN WHICH THE PERSON INTENDS TO RESIDE OF THE DATE OF THE PERSON'S DISCHARGE. SUCH NOTICE, AT A MINIMUM, SHALL INCLUDE THE ADDRESS AT WHICH THE PERSON PLANS TO RESIDE UPON DISCHARGE, PROVIDED BY THE PERSON PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2), AND THE PERSON'S DATE OF BIRTH, FINGERPRINTS, AND CURRENT PHOTOGRAPH.

(4) FOR ANY PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103, WHO IS NOT COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES, AND WHO IS NOT SENTENCED TO PROBATION, COMMUNITY CORRECTIONS, COUNTY JAIL, OR THE DEPARTMENT OF CORRECTIONS, THE JUDGE OR MAGISTRATE WHO HAS JURISDICTION OVER THE PERSON SHALL, AT SENTENCING, PROVIDE NOTICE, AS DESCRIBED IN SECTION 16-22-105, TO THE PERSON OF THE DUTY TO REGISTER IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE WITH THE LOCAL LAW ENFORCEMENT AGENCY OF EACH JURISDICTION IN WHICH THE PERSON RESIDES. THE PERSON SHALL BE REQUIRED TO SIGN THE NOTICE AS CONFIRMATION OF RECEIPT AND TO PROVIDE THE PERSON'S DATE OF BIRTH AND THE ADDRESS OR ADDRESSES AT WHICH THE PERSON RESIDES.

16-22-107. Duties - department of corrections - department of human services - confirmation of registration - notice - address verification. (1) (a) IF A PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103 IS SENTENCED TO THE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF CORRECTIONS SHALL TRANSMIT TO THE CBI CONFIRMATION OF THE PERSON'S

REGISTRATION ON A STANDARDIZED FORM PROVIDED BY THE CBI, INCLUDING THE PERSON'S DATE OF BIRTH, A CURRENT PHOTOGRAPH OF THE PERSON, AND THE PERSON'S FINGERPRINTS.

(b) THE PROVISIONS OF THIS SUBSECTION (1) SHALL APPLY TO PERSONS SENTENCED ON OR AFTER JANUARY 1, 2003.

(2) AT LEAST FIVE DAYS PRIOR TO THE RELEASE OR DISCHARGE OF ANY PERSON WHO HAS BEEN SENTENCED TO THE DEPARTMENT OF CORRECTIONS AND IS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103, THE DEPARTMENT OF CORRECTIONS SHALL PROVIDE NOTICE, AS DESCRIBED IN SECTION 16-22-105, TO THE PERSON OF THE DUTY TO REGISTER IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE WITH THE LOCAL LAW ENFORCEMENT AGENCY OF EACH JURISDICTION IN WHICH THE PERSON RESIDES. THE PERSON SHALL BE REQUIRED TO SIGN THE NOTICE AS CONFIRMATION OF RECEIPT AND TO PROVIDE THE PERSON'S DATE OF BIRTH AND THE ADDRESS AT WHICH THE PERSON INTENDS TO RESIDE UPON RELEASE OR DISCHARGE.

(3) WITHIN FIVE DAYS, BUT NOT FEWER THAN TWO DAYS, PRIOR TO THE RELEASE OR DISCHARGE OF ANY PERSON WHO HAS BEEN SENTENCED TO THE DEPARTMENT OF CORRECTIONS AND IS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103, THE DEPARTMENT SHALL NOTIFY THE CBI AND THE LOCAL LAW ENFORCEMENT AGENCY OF THE JURISDICTION IN WHICH THE PERSON INTENDS TO RESIDE OF THE DATE OF THE PERSON'S RELEASE OR DISCHARGE. SUCH NOTICE SHALL INCLUDE THE ADDRESS AT WHICH THE PERSON INTENDS TO RESIDE UPON RELEASE OR DISCHARGE, PROVIDED BY THE PERSON PURSUANT TO SUBSECTION (2) OF THIS SECTION, AND THE PERSON'S DATE OF BIRTH, FINGERPRINTS, AND CURRENT PHOTOGRAPH. IN ADDITION, SUCH NOTICE MAY INCLUDE ADDITIONAL INFORMATION CONCERNING THE PERSON, INCLUDING BUT NOT LIMITED TO ANY INFORMATION OBTAINED IN CONDUCTING THE ASSESSMENT TO DETERMINE WHETHER THE PERSON MAY BE SUBJECT TO COMMUNITY NOTIFICATION PURSUANT TO SECTION 16-13-903.

(4) (a) PRIOR TO THE RELEASE OR DISCHARGE OF ANY PERSON WHO HAS BEEN SENTENCED TO THE DEPARTMENT OF CORRECTIONS AND IS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103, DEPARTMENT OF CORRECTIONS PERSONNEL, IF THE PERSON IS BEING RELEASED ON PAROLE, OR THE LOCAL LAW ENFORCEMENT AGENCY OF THE JURISDICTION IN WHICH THE PERSON INTENDS TO RESIDE, IF THE PERSON IS BEING DISCHARGED, SHALL VERIFY THAT:

(I) THE ADDRESS PROVIDED BY THE PERSON PURSUANT TO SUBSECTION (2) OF THIS SECTION IS A RESIDENCE;

(II) THE OCCUPANTS OR OWNERS OF THE RESIDENCE KNOW OF THE PERSON'S HISTORY OF UNLAWFUL SEXUAL BEHAVIOR;

(III) THE OCCUPANTS OR OWNERS OF THE RESIDENCE HAVE AGREED TO ALLOW THE PERSON TO RESIDE AT THE ADDRESS; AND

(IV) IF THE PERSON IS BEING RELEASED ON PAROLE, THE ADDRESS COMPLIES WITH ANY CONDITIONS IMPOSED BY THE PAROLE BOARD.

(b) IF, IN ATTEMPTING TO VERIFY THE ADDRESS PROVIDED BY THE PERSON,

DEPARTMENT OF CORRECTIONS PERSONNEL OR LOCAL LAW ENFORCEMENT OFFICERS DETERMINE THAT ANY OF THE INFORMATION SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (4) IS NOT TRUE, THE PERSON SHALL BE DEEMED TO HAVE PROVIDED FALSE INFORMATION TO DEPARTMENT PERSONNEL CONCERNING THE ADDRESS AT WHICH THE PERSON INTENDS TO RESIDE UPON RELEASE.

(5) IN THE CASE OF A JUVENILE WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103 AND IS COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES, SAID DEPARTMENT SHALL HAVE AND CARRY OUT THE DUTIES SPECIFIED IN THIS SECTION FOR THE DEPARTMENT OF CORRECTIONS WITH REGARD TO SAID JUVENILE.

16-22-108. Registration - procedure - frequency - place - change of address.

(1) (a) EACH PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103 SHALL REGISTER WITH THE LOCAL LAW ENFORCEMENT AGENCY IN EACH JURISDICTION IN WHICH THE PERSON RESIDES. EACH SUCH PERSON SHALL INITIALLY REGISTER OR, IF SENTENCED ON OR AFTER JANUARY 1, 2003, CONFIRM HIS OR HER INITIAL REGISTRATION WITHIN FIVE BUSINESS DAYS AFTER RELEASE FROM INCARCERATION FOR COMMISSION OF THE OFFENSE REQUIRING REGISTRATION OR WITHIN FIVE BUSINESS DAYS AFTER RECEIVING NOTICE OF THE DUTY TO REGISTER, IF THE PERSON WAS NOT INCARCERATED. SUCH PERSON SHALL REGISTER WITH THE LOCAL LAW ENFORCEMENT AGENCY DURING BUSINESS HOURS BY COMPLETING A STANDARDIZED REGISTRATION FORM PROVIDED TO SUCH PERSON BY THE LOCAL LAW ENFORCEMENT AGENCY. THE CBI SHALL PROVIDE STANDARDIZED REGISTRATION FORMS TO THE LOCAL LAW ENFORCEMENT AGENCIES PURSUANT TO SECTION 16-22-109.

(b) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (d) OF THIS SUBSECTION (1), EACH PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103 SHALL REREGISTER ANNUALLY ON THE PERSON'S BIRTHDAY. IF A PERSON'S BIRTHDAY FALLS ON A SATURDAY, SUNDAY, OR HOLIDAY, THE PERSON SHALL REREGISTER ON THE FIRST BUSINESS DAY FOLLOWING HIS OR HER BIRTHDAY. SUCH PERSON SHALL REREGISTER PURSUANT TO THIS PARAGRAPH (b) WITH THE LOCAL LAW ENFORCEMENT AGENCY OF EACH JURISDICTION IN WHICH THE PERSON RESIDES ON HIS OR HER BIRTHDAY, IN THE MANNER PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION (1).

(c) EACH PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103 AND WHO ESTABLISHES AN ADDITIONAL RESIDENCE SHALL, WITHIN FIVE BUSINESS DAYS AFTER ESTABLISHING AN ADDITIONAL RESIDENCE IN ANY CITY, TOWN, COUNTY, OR CITY AND COUNTY WITHIN COLORADO, REGISTER WITH THE LOCAL LAW ENFORCEMENT AGENCY OF THE JURISDICTION IN WHICH HE OR SHE ESTABLISHES THE ADDITIONAL RESIDENCE. SUCH PERSON SHALL REGISTER IN SAID JURISDICTION IN THE MANNER PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION (1) AND SHALL REREGISTER AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1) OR PARAGRAPH (d) OF THIS SUBSECTION (1), WHICHEVER IS APPLICABLE, IN SAID JURISDICTION SO LONG AS THE PERSON RESIDES IN SAID JURISDICTION.

(d) (I) ANY PERSON WHO IS A SEXUALLY VIOLENT PREDATOR AND ANY PERSON WHO IS CONVICTED AS AN ADULT OF ANY OF THE OFFENSES SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (d) HAS A DUTY TO REGISTER FOR THE REMAINDER OF HIS OR HER NATURAL LIFE. IN ADDITION TO REGISTERING AS REQUIRED IN PARAGRAPH (a) OF THIS SUBSECTION (1), SUCH PERSON SHALL REREGISTER NINETY

DAYS AFTER THE DATE HE OR SHE WAS RELEASED FROM INCARCERATION FOR COMMISSION OF THE OFFENSE REQUIRING REGISTRATION, OR NINETY DAYS AFTER THE DATE HE OR SHE RECEIVED NOTICE OF THE DUTY TO REGISTER, IF THE PERSON WAS NOT INCARCERATED, AND EVERY NINETY DAYS THEREAFTER UNTIL SUCH PERSON'S BIRTHDAY. SUCH PERSON SHALL REREGISTER ON HIS OR HER BIRTHDAY AND SHALL REREGISTER EVERY NINETY DAYS THEREAFTER. IF A PERSON'S BIRTHDAY OR OTHER REREGISTRATION DAY FALLS ON A SATURDAY, SUNDAY, OR HOLIDAY, THE PERSON SHALL REREGISTER ON THE FIRST BUSINESS DAY FOLLOWING HIS OR HER BIRTHDAY OR OTHER REREGISTRATION DAY. SUCH PERSON SHALL REREGISTER PURSUANT TO THIS PARAGRAPH (d) WITH THE LOCAL LAW ENFORCEMENT AGENCY OF EACH JURISDICTION IN WHICH THE PERSON RESIDES ON THE REREGISTRATION DATE, IN THE MANNER PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION (1).

(II) THE PROVISIONS OF THIS PARAGRAPH (d) SHALL APPLY TO PERSONS CONVICTED OF ONE OR MORE OF THE FOLLOWING OFFENSES:

(A) SEXUAL ASSAULT, IN VIOLATION OF SECTION 18-3-402, C.R.S., OR SEXUAL ASSAULT IN THE FIRST DEGREE, IN VIOLATION OF SECTION 18-3-402, C.R.S., AS IT EXISTED PRIOR TO JULY 1, 2000, OR SEXUAL ASSAULT IN THE SECOND DEGREE, IN VIOLATION OF SECTION 18-3-403, C.R.S., AS IT EXISTED PRIOR TO JULY 1, 2000; OR

(B) SEXUAL ASSAULT ON A CHILD IN VIOLATION OF SECTION 18-3-405, C.R.S.; OR

(C) SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST, IN VIOLATION OF SECTION 18-3-405.3, C.R.S.; OR

(D) SEXUAL ASSAULT ON A CLIENT BY A PSYCHOTHERAPIST, IN VIOLATION OF SECTION 18-3-405.5, C.R.S.; OR

(E) INCEST, IN VIOLATION OF SECTION 18-6-301, C.R.S.; OR

(F) AGGRAVATED INCEST, IN VIOLATION OF SECTION 18-6-302, C.R.S.

(e) NOTWITHSTANDING THE TIME PERIOD FOR REGISTRATION SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1), ANY PERSON WHO IS DISCHARGED FROM THE DEPARTMENT OF CORRECTIONS WITHOUT SUPERVISION SHALL REGISTER IN THE MANNER PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION (1) NO LATER THAN THE NEXT BUSINESS DAY FOLLOWING DISCHARGE.

(2) PERSONS WHO RESIDE WITHIN THE CORPORATE LIMITS OF ANY CITY, TOWN, OR CITY AND COUNTY SHALL REGISTER AT THE OFFICE OF THE CHIEF LAW ENFORCEMENT OFFICER OF SUCH CITY, TOWN, OR CITY AND COUNTY; EXCEPT THAT, IF THERE IS NO CHIEF LAW ENFORCEMENT OFFICER OF THE CITY, TOWN, OR CITY AND COUNTY IN WHICH A PERSON RESIDES, THE PERSON SHALL REGISTER AT THE OFFICE OF THE COUNTY SHERIFF OF THE COUNTY IN WHICH THE PERSON RESIDES. PERSONS WHO RESIDE OUTSIDE OF THE CORPORATE LIMITS OF ANY CITY, TOWN, OR CITY AND COUNTY SHALL REGISTER AT THE OFFICE OF THE COUNTY SHERIFF OF THE COUNTY WHERE SUCH PERSON RESIDES.

(3) ANY PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103 SHALL BE REQUIRED TO REGISTER EACH TIME SUCH PERSON:

(a) CHANGES SUCH PERSON'S ADDRESS, REGARDLESS OF WHETHER SUCH PERSON HAS MOVED TO A NEW ADDRESS WITHIN THE JURISDICTION OF THE LAW ENFORCEMENT AGENCY WITH WHICH SUCH PERSON PREVIOUSLY REGISTERED;

(b) LEGALLY CHANGES SUCH PERSON'S NAME; OR

(c) ESTABLISHES AN ADDITIONAL RESIDENCE IN ANOTHER JURISDICTION OR AN ADDITIONAL RESIDENCE IN THE SAME JURISDICTION.

(4) (a) ANY TIME A PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103 CEASES TO RESIDE AT AN ADDRESS, THE PERSON SHALL NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY OF THE JURISDICTION IN WHICH SAID ADDRESS IS LOCATED BY COMPLETING A WRITTEN REGISTRATION CANCELLATION FORM, AVAILABLE FROM THE LOCAL LAW ENFORCEMENT AGENCY. AT A MINIMUM, THE REGISTRATION CANCELLATION FORM SHALL INDICATE THE ADDRESS AT WHICH THE PERSON WILL NO LONGER RESIDE AND ALL ADDRESSES AT WHICH THE PERSON WILL RESIDE. THE PERSON SHALL FILE THE REGISTRATION CANCELLATION FORM WITHIN FIVE BUSINESS DAYS AFTER CEASING TO RESIDE AT AN ADDRESS. A LOCAL LAW ENFORCEMENT AGENCY THAT RECEIVES A REGISTRATION CANCELLATION FORM SHALL ELECTRONICALLY NOTIFY THE CBI OF THE REGISTRATION CANCELLATION. IF THE PERSON MOVES TO ANOTHER STATE, THE CBI SHALL PROMPTLY NOTIFY THE AGENCY RESPONSIBLE FOR REGISTRATION IN THE NEW STATE.

(b) IF A PERSON FAILS TO SUBMIT THE REGISTRATION CANCELLATION FORM AS REQUIRED IN PARAGRAPH (a) OF THIS SUBSECTION (4) AND THE ADDRESS AT WHICH THE PERSON IS NO LONGER RESIDING IS A GROUP FACILITY, OFFICIALS AT SUCH FACILITY MAY PROVIDE INFORMATION CONCERNING THE PERSON'S CESSATION OF RESIDENCY TO THE LOCAL LAW ENFORCEMENT AGENCY OF THE JURISDICTION IN WHICH THE ADDRESS IS LOCATED. IF THE PERSON IS A JUVENILE OR DEVELOPMENTALLY DISABLED AND FAILS TO SUBMIT THE REGISTRATION CANCELLATION FORM AS REQUIRED IN PARAGRAPH (a) OF THIS SUBSECTION (4) AND THE ADDRESS AT WHICH THE PERSON IS NO LONGER RESIDING IS THE RESIDENCE OF HIS OR HER PARENT OR LEGAL GUARDIAN, THE PERSON'S PARENT OR LEGAL GUARDIAN MAY PROVIDE INFORMATION CONCERNING THE PERSON'S CESSATION OF RESIDENCY TO THE LOCAL LAW ENFORCEMENT AGENCY OF THE JURISDICTION IN WHICH THE ADDRESS IS LOCATED. ANY LAW ENFORCEMENT AGENCY THAT RECEIVES SUCH INFORMATION SHALL REFLECT IN ITS RECORDS THAT THE PERSON NO LONGER RESIDES AT SAID GROUP FACILITY OR THE PARENT'S OR LEGAL GUARDIAN'S RESIDENCE AND SHALL TRANSMIT SUCH INFORMATION TO THE CBI. PROVISION OF INFORMATION BY A GROUP FACILITY OR A PERSON'S PARENT OR LEGAL GUARDIAN PURSUANT TO THIS PARAGRAPH (b) SHALL NOT CONSTITUTE A DEFENSE TO A CHARGE OF FAILURE TO REGISTER AS A SEX OFFENDER.

(5) 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 EACH STATE IN WHICH HE OR SHE IS A TEMPORARY RESIDENT.

(6) ANY PERSON REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103, AT THE TIME THE PERSON REGISTERS, SHALL SIT FOR A CURRENT PHOTOGRAPH OR IMAGE OF HIMSELF OR HERSELF AND SHALL SUPPLY A SET OF FINGERPRINTS TO VERIFY THE

PERSON'S IDENTITY. THE PERSON SHALL BEAR THE COST OF THE PHOTOGRAPH OR IMAGE AND FINGERPRINTS.

16-22-109. Registration forms - local law enforcement agencies - duties - repeal. (1) THE DIRECTOR OF THE CBI SHALL PRESCRIBE STANDARDIZED FORMS TO BE USED TO COMPLY WITH THIS ARTICLE, AND THE CBI SHALL PROVIDE COPIES OF SUCH STANDARDIZED FORMS TO THE COURTS, PROBATION DEPARTMENTS, COMMUNITY CORRECTIONS PROGRAMS, THE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF HUMAN SERVICES, AND LOCAL LAW ENFORCEMENT AGENCIES. SUCH STANDARDIZED FORMS MAY BE PROVIDED IN ELECTRONIC FORM. SUCH STANDARDIZED FORMS SHALL BE USED TO REGISTER PERSONS PURSUANT TO THIS ARTICLE AND TO ENABLE PERSONS TO CANCEL REGISTRATION, AS NECESSARY. THE STANDARDIZED FORMS SHALL PROVIDE THAT THE PERSONS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103 DISCLOSE SUCH INFORMATION AS IS REQUIRED ON THE STANDARDIZED FORMS. THE INFORMATION REQUIRED ON THE STANDARDIZED FORMS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) THE NAME, DATE OF BIRTH, ADDRESS, AND PLACE OF EMPLOYMENT OF THE PERSON REQUIRED TO REGISTER;

(b) ALL NAMES USED AT ANY TIME BY THE PERSON REQUIRED TO REGISTER, INCLUDING BOTH ALIASES AND LEGAL NAMES;

(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.

(2) THE STANDARDIZED FORMS PREPARED BY THE CBI PURSUANT TO THIS SECTION, INCLUDING ELECTRONIC VERSIONS OF SAID FORMS, SHALL BE ADMISSIBLE IN COURT WITHOUT EXCLUSION ON HEARSAY OR OTHER EVIDENTIARY GROUNDS AND SHALL BE SELF-AUTHENTICATING AS A PUBLIC RECORD PURSUANT TO THE COLORADO RULES OF EVIDENCE.

(3) UPON RECEIPT OF ANY COMPLETED REGISTRATION FORM PURSUANT TO THIS ARTICLE, THE LOCAL LAW ENFORCEMENT AGENCY SHALL RETAIN A COPY OF SUCH FORM AND SHALL REPORT THE REGISTRATION TO THE CBI IN THE MANNER AND ON THE STANDARDIZED FORM PRESCRIBED BY THE DIRECTOR OF THE CBI. THE LOCAL LAW ENFORCEMENT AGENCY SHALL, WITHIN THREE BUSINESS DAYS AFTER THE DATE ON WHICH A PERSON IS REQUIRED TO REGISTER, REPORT TO THE CBI SUCH REGISTRATION.

(4) THE FORMS COMPLETED BY PERSONS REQUIRED TO REGISTER PURSUANT TO THIS ARTICLE SHALL BE CONFIDENTIAL AND SHALL NOT BE OPEN TO INSPECTION BY THE PUBLIC OR ANY PERSON OTHER THAN LAW ENFORCEMENT PERSONNEL, EXCEPT AS PROVIDED IN SECTIONS 16-22-110 (6), 16-22-111, AND 16-22-112 AND SECTION 25-1-124.5, C.R.S.

(5) (a) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, ANY REQUIREMENT FOR ELECTRONIC NOTIFICATION OR ELECTRONIC TRANSMISSION OF INFORMATION SPECIFIED IN THIS ARTICLE SHALL BE EFFECTIVE ON AND AFTER

JANUARY 1, 2003. PRIOR TO SAID DATE, SUCH NOTIFICATION AND INFORMATION REQUIREMENTS SHALL BE MET BY PROVIDING THE REQUIRED NOTIFICATION OR INFORMATION BY ANY STANDARD MEANS OF TRANSMITTAL, INCLUDING BUT NOT LIMITED TO ELECTRONIC TRANSMISSION IF AVAILABLE.

(b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JANUARY 1, 2003.

16-22-110. Colorado sex offender registry - creation - maintenance - release of information. (1) THE DIRECTOR OF THE COLORADO BUREAU OF INVESTIGATION SHALL ESTABLISH A STATEWIDE CENTRAL REGISTRY OF PERSONS REQUIRED TO REGISTER AS A CONDITION OF PAROLE OR PURSUANT TO THIS ARTICLE, TO BE KNOWN AS THE COLORADO SEX OFFENDER REGISTRY. THE CBI SHALL CREATE AND MAINTAIN THE SEX OFFENDER REGISTRY AS PROVIDED IN THIS SECTION. IN ADDITION, THE CBI SHALL BE THE OFFICIAL CUSTODIAN OF ALL REGISTRATION FORMS COMPLETED PURSUANT TO THIS ARTICLE AND OTHER DOCUMENTS ASSOCIATED WITH SEX OFFENDER REGISTRATION CREATED PURSUANT TO THIS ARTICLE.

(2) THE SEX OFFENDER REGISTRY SHALL PROVIDE, AT A MINIMUM, THE FOLLOWING INFORMATION TO ALL CRIMINAL JUSTICE AGENCIES WITH REGARD TO REGISTERED PERSONS:

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

(b) A PERSON'S DATE OF BIRTH;

(c) DESCRIPTIONS OF THE OFFENSES OF WHICH A PERSON HAS BEEN CONVICTED;

(d) IDENTIFICATION OF PERSONS WHO ARE IDENTIFIED AS SEXUALLY VIOLENT PREDATORS;

(e) NOTIFICATION TO LOCAL LAW ENFORCEMENT AGENCIES WHEN A PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103 FAILS TO REGISTER, WHEN A PERSON IS REQUIRED TO REREGISTER AS PROVIDED IN SECTION 16-22-108, OR WHEN A PERSON REREGISTERS WITH ANOTHER JURISDICTION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 16-22-108;

(f) SPECIFICATION OF MODUS OPERANDI INFORMATION CONCERNING ANY PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103.

(3) (a) IN ADDITION TO THE SEX OFFENDER REGISTRY, THE CBI SHALL MAINTAIN ONE OR MORE INTERACTIVE DATA BASE SYSTEMS TO PROVIDE, AT A MINIMUM, CROSS VALIDATION OF A REGISTRANT'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., AND WITH INFORMATION MAINTAINED BY THE DEPARTMENT OF REVENUE WITH REGARD TO PAYMENT OF COLORADO STATE TAXES. DISCREPANCIES BETWEEN THE KNOWN NAMES OR KNOWN ADDRESSES LISTED IN THE SEX OFFENDER REGISTRY AND INFORMATION MAINTAINED BY THE DEPARTMENT OF REVENUE SHALL BE REPORTED THROUGH THE COLORADO CRIME INFORMATION CENTER TO EACH LOCAL LAW ENFORCEMENT AGENCY THAT HAS JURISDICTION OVER THE LOCATION OF THE PERSON'S LAST-KNOWN RESIDENCES.

(b) THE COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM ESTABLISHED PURSUANT TO ARTICLE 20.5 OF THIS TITLE SHALL BE USED TO FACILITATE THE EXCHANGE OF INFORMATION AMONG AGENCIES AS REQUIRED IN THIS SUBSECTION (3) WHENEVER PRACTICABLE.

(4) UPON DEVELOPMENT OF THE INTERACTIVE DATABASES PURSUANT TO SUBSECTION (3) OF THIS SECTION, PERSONNEL IN THE JUDICIAL DEPARTMENT, THE DEPARTMENT OF CORRECTIONS, AND THE DEPARTMENT OF HUMAN SERVICES SHALL BE RESPONSIBLE FOR ENTERING AND MAINTAINING IN THE DATABASES THE INFORMATION SPECIFIED IN SUBSECTION (2) OF THIS SECTION FOR PERSONS IN THOSE DEPARTMENTS' LEGAL OR PHYSICAL CUSTODY. EACH LOCAL LAW ENFORCEMENT AGENCY SHALL BE RESPONSIBLE FOR ENTERING AND MAINTAINING IN THE DATABASES THE INFORMATION FOR PERSONS REGISTERED WITH THE AGENCY WHO ARE NOT IN THE PHYSICAL OR LEGAL CUSTODY OF THE JUDICIAL DEPARTMENT, THE DEPARTMENT OF CORRECTIONS, OR THE DEPARTMENT OF HUMAN SERVICES.

(5) THE CBI, 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.

(6) (a) THE GENERAL ASSEMBLY HEREBY RECOGNIZES THE NEED TO BALANCE THE EXPECTATIONS OF PERSONS CONVICTED OF OFFENSES INVOLVING UNLAWFUL SEXUAL BEHAVIOR AND THE PUBLIC'S NEED TO ADEQUATELY PROTECT THEMSELVES AND THEIR CHILDREN FROM THESE PERSONS, AS EXPRESSED IN SECTION 16-22-112 (1). THE GENERAL ASSEMBLY DECLARES, HOWEVER, THAT, IN MAKING INFORMATION CONCERNING PERSONS CONVICTED OF OFFENSES INVOLVING UNLAWFUL SEXUAL BEHAVIOR AVAILABLE TO THE PUBLIC ON A LIMITED BASIS, IT IS NOT THE GENERAL ASSEMBLY'S INTENT THAT THE INFORMATION BE USED TO INFLICT RETRIBUTION OR ADDITIONAL PUNISHMENT ON ANY PERSON CONVICTED OF UNLAWFUL SEXUAL BEHAVIOR OR OF ANOTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVES UNLAWFUL SEXUAL BEHAVIOR.

(b) PURSUANT TO A REQUEST FOR A CRIMINAL HISTORY CHECK UNDER THE PROVISIONS OF PART 3 OF ARTICLE 72 OF TITLE 24, C.R.S., THE CBI MAY INFORM THE REQUESTING PARTY AS TO WHETHER THE PERSON WHO IS THE SUBJECT OF THE CRIMINAL HISTORY CHECK IS ON THE SEX OFFENDER REGISTRY.

(c) A PERSON MAY REQUEST FROM THE CBI A LIST OF THOSE PERSONS ON THE SEX OFFENDER REGISTRY WHO RESIDE WITHIN THE SAME LOCAL LAW ENFORCEMENT AGENCY JURISDICTION AS THE REQUESTING PERSON OR IN LOCAL LAW ENFORCEMENT AGENCY JURISDICTIONS CONTIGUOUS THERETO.

(d) WHEN NECESSARY FOR PUBLIC PROTECTION AND UPON A DEMONSTRATION OF A NEED TO KNOW, A PERSON MAY REQUEST FROM THE CBI A LIST OF THOSE PERSONS ON THE SEX OFFENDER REGISTRY WHO RESIDE IN GEOGRAPHIC AREAS OTHER THAN THOSE SPECIFIED IN PARAGRAPH (c) OF THIS SUBSECTION (6). THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY SHALL PROMULGATE RULES TO DEFINE "NEED TO KNOW" FOR PURPOSES OF THIS SUBSECTION (6) AND SPECIFY HOW SUCH NEED MAY BE DEMONSTRATED. IN DETERMINING WHETHER A PERSON HAS DEMONSTRATED A NEED TO KNOW, THE CBI, AT A MINIMUM, SHALL CONSIDER THE

NATURE AND EXTENT OF THE PERSON'S PRESENCE OR THE PRESENCE OF THE PERSON'S IMMEDIATE FAMILY IN THE GEOGRAPHIC AREAS IN WHICH THE PERSONS ON THE SEX OFFENDER REGISTRY RESIDE.

(e) ANY PERSON REQUESTING INFORMATION PURSUANT TO PARAGRAPH (c) OR (d) OF THIS SUBSECTION (6) SHALL SHOW PROPER IDENTIFICATION OR OTHER PROOF OF RESIDENCE.

(f) INFORMATION RELEASED PURSUANT TO THIS SUBSECTION (6), AT A MINIMUM, SHALL INCLUDE THE NAME, ADDRESS OR ADDRESSES, AND ALIASES OF THE REGISTRANT; A PHOTOGRAPH; A HISTORY OF THE CONVICTIONS RESULTING IN THE REGISTRANT BEING REQUIRED TO REGISTER PURSUANT TO THIS ARTICLE; AND ANY OTHER CONVICTIONS THE REGISTRANT MAY HAVE. INFORMATION CONCERNING VICTIMS SHALL NOT BE RELEASED PURSUANT TO THIS SECTION.

(7) THE CBI MAY ASSESS REASONABLE FEES FOR THE SEARCH, RETRIEVAL, AND COPYING OF INFORMATION REQUESTED PURSUANT TO SUBSECTION (6) OF THIS SECTION. THE AMOUNT OF SUCH FEES SHALL REFLECT THE ACTUAL COSTS, INCLUDING BUT NOT LIMITED TO PERSONNEL AND EQUIPMENT, INCURRED IN OPERATING AND MAINTAINING THE SEX OFFENDER REGISTRY. ANY SUCH FEES RECEIVED SHALL BE CREDITED TO THE SEX OFFENDER REGISTRY FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY. THE MONEYS IN THE SEX OFFENDER REGISTRY FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE COSTS, INCLUDING BUT NOT LIMITED TO PERSONNEL AND EQUIPMENT, INCURRED IN OPERATING AND MAINTAINING THE SEX OFFENDER REGISTRY. THE SEX OFFENDER REGISTRY FUND SHALL CONSIST OF THE MONEYS CREDITED THERETO PURSUANT TO THIS SUBSECTION (7) AND ANY ADDITIONAL MONEYS THAT MAY BE APPROPRIATED THERETO BY THE GENERAL ASSEMBLY. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE SEX OFFENDER REGISTRY FUND SHALL BE CREDITED TO THE FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE SEX OFFENDER REGISTRY FUND SHALL REMAIN THEREIN AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(8) ANY INFORMATION RELEASED PURSUANT TO THIS SECTION SHALL INCLUDE IN WRITING THE FOLLOWING STATEMENT:

THE COLORADO SEX OFFENDER REGISTRY INCLUDES ONLY THOSE PERSONS WHO HAVE BEEN REQUIRED BY LAW TO REGISTER 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.

(9) THE CBI SHALL SEEK AND IS HEREBY AUTHORIZED TO RECEIVE AND EXPEND ANY PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS THAT MAY BE AVAILABLE TO IMPLEMENT THE PROVISIONS OF THIS ARTICLE PERTAINING TO ESTABLISHMENT AND MAINTENANCE OF THE SEX OFFENDER REGISTRY, INCLUDING BUT NOT LIMITED TO PROVISIONS PERTAINING TO THE INITIAL REGISTRATION OF PERSONS PURSUANT TO SECTION 16-22-104 AND THE TRANSMITTAL OF INFORMATION BETWEEN AND AMONG LOCAL LAW ENFORCEMENT AGENCIES, COMMUNITY CORRECTIONS PROGRAMS, THE

JUDICIAL DEPARTMENT, THE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF HUMAN SERVICES, AND THE CBI.

16-22-111. Internet posting of sex offenders - procedure. (1) THE CBI SHALL POST A LINK ON THE STATE OF COLORADO HOMEPAGE ON THE INTERNET TO A LIST CONTAINING THE NAMES, ADDRESSES, AND PHYSICAL DESCRIPTIONS OF CERTAIN PERSONS AND DESCRIPTIONS OF THE OFFENSES COMMITTED BY SAID PERSONS. A PERSON'S PHYSICAL DESCRIPTION SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE PERSON'S SEX, HEIGHT, AND WEIGHT, ANY IDENTIFYING CHARACTERISTICS OF THE PERSON, AND A DIGITIZED PHOTOGRAPH OR IMAGE OF THE PERSON. THE LIST SHALL SPECIFICALLY EXCLUDE ANY REFERENCE TO ANY VICTIMS OF THE OFFENSES. THE LIST SHALL INCLUDE THE FOLLOWING PERSONS:

(a) ANY PERSON WHO IS A SEXUALLY VIOLENT PREDATOR;

(b) ANY PERSON SENTENCED AS OR FOUND TO BE AN OFFENDER UNDER THE LAWS OF ANOTHER STATE OR JURISDICTION THAT ARE COMPARABLE TO SECTION 18-3-414.5, C.R.S.;

(c) ANY PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103 AND WHO HAS BEEN CONVICTED AS AN ADULT OF TWO OR MORE OF THE FOLLOWING OFFENSES:

(I) A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR; OR

(II) A CRIME OF VIOLENCE AS DEFINED IN SECTION 16-11-309; AND

(d) ANY PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103 BECAUSE THE PERSON WAS CONVICTED OF A FELONY AS AN ADULT AND WHO FAILS TO REGISTER AS REQUIRED BY SECTION 16-22-108.

(2) FOR PURPOSES OF PARAGRAPH (d) OF SUBSECTION (1) OF THIS SECTION, A PERSON'S FAILURE TO REGISTER SHALL BE DETERMINED BY THE CBI. WHENEVER THE CBI'S RECORDS SHOW THAT A PERSON HAS FAILED TO REGISTER AS REQUIRED BY THIS ARTICLE, THE CBI SHALL FORWARD TO EACH LAW ENFORCEMENT AGENCY WITH WHICH THE PERSON IS REQUIRED TO REGISTER NOTICE OF THE PERSON'S FAILURE TO REGISTER BY THE REQUIRED DATE. EACH LAW ENFORCEMENT AGENCY, WITHIN THREE BUSINESS DAYS AFTER RECEIVING THE NOTICE, SHALL SUBMIT TO THE CBI WRITTEN CONFIRMATION OF THE PERSON'S FAILURE TO REGISTER. UPON RECEIPT OF THE WRITTEN CONFIRMATION FROM THE LAW ENFORCEMENT AGENCY, THE CBI SHALL POST THE INFORMATION CONCERNING THE PERSON ON THE INTERNET AS REQUIRED IN THIS SECTION.

(3) THE INTERNET POSTING REQUIRED BY THIS SECTION SHALL BE IN ADDITION TO ANY OTHER RELEASE OF INFORMATION AUTHORIZED PURSUANT TO THIS ARTICLE OR PURSUANT TO PART 9 OF ARTICLE 13 OF THIS TITLE, OR ANY OTHER PROVISION OF LAW.

16-22-112. Release of information - law enforcement agencies. (1) 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 ARTICLE TO ALLOW THEM TO ADEQUATELY PROTECT THEMSELVES AND THEIR CHILDREN FROM THESE PERSONS. THE GENERAL ASSEMBLY DECLARES, HOWEVER, THAT, IN MAKING THIS INFORMATION AVAILABLE ON A LIMITED BASIS TO THE PUBLIC, AS PROVIDED IN THIS SECTION AND SECTION 16-22-110 (6), IT IS NOT THE GENERAL ASSEMBLY'S INTENT THAT THE INFORMATION BE USED TO INFLICT RETRIBUTION OR ADDITIONAL PUNISHMENT ON ANY PERSON CONVICTED OF UNLAWFUL SEXUAL BEHAVIOR OR OF ANOTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVES UNLAWFUL SEXUAL BEHAVIOR.

(2) A LOCAL LAW ENFORCEMENT AGENCY SHALL RELEASE INFORMATION REGARDING ANY PERSON REGISTERED WITH THE LOCAL LAW ENFORCEMENT AGENCY PURSUANT TO THIS ARTICLE TO ANY PERSON RESIDING WITHIN THE LOCAL LAW ENFORCEMENT AGENCY'S JURISDICTION. ANY PERSON REQUESTING INFORMATION PURSUANT TO THIS SUBSECTION (2) SHALL SHOW PROPER IDENTIFICATION OR OTHER PROOF OF RESIDENCE.

(3) (a) A LOCAL LAW ENFORCEMENT AGENCY SHALL SUBMIT TO THE CBI A REQUEST FROM ANY PERSON RESIDING WITHIN THE LOCAL LAW ENFORCEMENT AGENCY'S JURISDICTION FOR THE RELEASE OF INFORMATION CONCERNING PERSONS REQUIRED TO REGISTER PURSUANT TO THIS ARTICLE WHO RESIDE WITHIN ANY LAW ENFORCEMENT JURISDICTION CONTIGUOUS TO THE JURISDICTIONAL BOUNDARIES OF THE LOCAL LAW ENFORCEMENT AGENCY.

(b) WHEN NECESSARY FOR PUBLIC PROTECTION AND UPON DEMONSTRATION OF A NEED TO KNOW, A LOCAL LAW ENFORCEMENT AGENCY SHALL SUBMIT TO THE CBI A REQUEST FROM ANY PERSON RESIDING WITHIN THE LOCAL LAW ENFORCEMENT AGENCY'S JURISDICTION FOR THE RELEASE OF INFORMATION CONCERNING PERSONS REQUIRED TO REGISTER PURSUANT TO THIS ARTICLE WHO RESIDE OUTSIDE OF THE GEOGRAPHIC AREAS DESCRIBED IN SUBSECTION (2) OF THIS SECTION OR PARAGRAPH (a) OF THIS SUBSECTION (3). 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.

(c) ANY PERSON REQUESTING INFORMATION PURSUANT TO THIS SUBSECTION (3) SHALL SHOW PROPER IDENTIFICATION OR OTHER PROOF OF RESIDENCE.

(d) UPON RECEIPT OF A REQUEST FOR INFORMATION FROM A LAW ENFORCEMENT AGENCY PURSUANT TO THIS SUBSECTION (3), THE CBI SHALL MAIL THE REQUESTED INFORMATION TO THE PERSON MAKING THE REQUEST, OR, AT THE OPTION OF THE LAW ENFORCEMENT AGENCY, TRANSMIT THE INFORMATION BACK TO THE LAW ENFORCEMENT AGENCY, WHICH MAY RELEASE SUCH INFORMATION TO THE PERSON MAKING THE REQUEST.

(4) INFORMATION RELEASED PURSUANT TO THIS SECTION, AT A MINIMUM, SHALL INCLUDE THE NAME, ADDRESS OR ADDRESSES, AND ALIASES OF THE REGISTRANT; A PHOTOGRAPH, IF READILY AVAILABLE; A HISTORY OF THE CONVICTIONS RESULTING IN THE REGISTRANT BEING REQUIRED TO REGISTER PURSUANT TO THIS ARTICLE; AND ANY

OTHER CONVICTIONS THE REGISTRANT MAY HAVE. INFORMATION CONCERNING VICTIMS SHALL NOT BE RELEASED PURSUANT TO THIS SECTION.

(5) ANY INFORMATION RELEASED PURSUANT TO THIS SECTION SHALL INCLUDE IN WRITING THE FOLLOWING STATEMENT:

THE COLORADO SEX OFFENDER REGISTRY INCLUDES ONLY THOSE PERSONS WHO HAVE BEEN REQUIRED BY LAW TO REGISTER 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.

16-22-113. Petition for removal from registry. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION, ANY PERSON REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103 OR WHOSE INFORMATION IS REQUIRED TO BE POSTED ON THE INTERNET PURSUANT TO SECTION 16-22-111 MAY PETITION THE DISTRICT COURT FOR AN ORDER THAT DISCONTINUES THE REQUIREMENT FOR SUCH REGISTRATION OR INTERNET POSTING, OR BOTH, AS FOLLOWS:

(a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPHS (d), (e), AND (f) OF THIS SUBSECTION (1), IF THE OFFENSE THAT REQUIRED SUCH PERSON TO REGISTER CONSTITUTED OR WOULD CONSTITUTE A CLASS 1, 2, OR 3 FELONY, AFTER A PERIOD OF TWENTY YEARS FROM THE DATE OF SUCH PERSON'S DISCHARGE FROM THE DEPARTMENT OF CORRECTIONS, IF SUCH PERSON WAS SENTENCED TO INCARCERATION, OR DISCHARGE FROM THE DEPARTMENT OF HUMAN SERVICES, IF SUCH PERSON WAS COMMITTED, OR FINAL RELEASE FROM THE JURISDICTION OF THE COURT FOR SUCH OFFENSE, IF SUCH PERSON HAS NOT SUBSEQUENTLY BEEN CONVICTED OF UNLAWFUL SEXUAL BEHAVIOR OR OF ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL BEHAVIOR;

(b) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPHS (d), (e), AND (f) OF THIS SUBSECTION (1), IF THE OFFENSE THAT REQUIRED SUCH PERSON TO REGISTER CONSTITUTED OR WOULD CONSTITUTE A CLASS 4, 5, OR 6 FELONY OR THE CLASS 1 MISDEMEANOR OF UNLAWFUL SEXUAL CONTACT, AS DESCRIBED IN SECTION 18-3-404, C.R.S., OR SEXUAL ASSAULT IN THE THIRD DEGREE AS DESCRIBED IN SECTION 18-3-404, C.R.S., AS IT EXISTED PRIOR TO JULY 1, 2000, AFTER A PERIOD OF TEN YEARS FROM THE DATE OF SUCH PERSON'S DISCHARGE FROM THE DEPARTMENT OF CORRECTIONS, IF SUCH PERSON WAS SENTENCED TO INCARCERATION, OR DISCHARGE FROM THE DEPARTMENT OF HUMAN SERVICES, IF SUCH PERSON WAS COMMITTED, OR FINAL RELEASE FROM THE JURISDICTION OF THE COURT FOR SUCH OFFENSE, IF SUCH PERSON HAS NOT SUBSEQUENTLY BEEN CONVICTED OF UNLAWFUL SEXUAL BEHAVIOR OR OF ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL BEHAVIOR;

(c) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPHS (d), (e), AND (f) OF THIS SUBSECTION (1), IF THE OFFENSE THAT REQUIRED SUCH PERSON TO REGISTER CONSTITUTED OR WOULD CONSTITUTE A MISDEMEANOR OTHER THAN THE CLASS 1 MISDEMEANOR OF UNLAWFUL SEXUAL CONTACT, AS DESCRIBED IN SECTION 18-3-404, C.R.S., OR SEXUAL ASSAULT IN THE THIRD DEGREE AS DESCRIBED IN SECTION 18-3-404, C.R.S., AS IT EXISTED PRIOR TO JULY 1, 2000, AFTER A PERIOD OF FIVE

YEARS FROM THE DATE OF SUCH PERSON'S FINAL RELEASE FROM THE JURISDICTION OF THE COURT FOR SUCH OFFENSE, IF SUCH PERSON HAS NOT SUBSEQUENTLY BEEN CONVICTED OF UNLAWFUL SEXUAL BEHAVIOR OR OF ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL BEHAVIOR;

(d) IF THE PERSON WAS REQUIRED TO REGISTER DUE TO BEING PLACED ON A DEFERRED JUDGMENT AND SENTENCE OR A DEFERRED ADJUDICATION FOR AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AFTER THE SUCCESSFUL COMPLETION OF THE DEFERRED JUDGMENT AND SENTENCE OR DEFERRED ADJUDICATION AND DISMISSAL OF THE CASE, IF THE PERSON PRIOR TO SUCH TIME HAS NOT BEEN SUBSEQUENTLY CONVICTED OF UNLAWFUL SEXUAL BEHAVIOR OR OF ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL BEHAVIOR;

(e) IF THE PERSON WAS YOUNGER THAN EIGHTEEN YEARS OF AGE AT THE TIME OF DISPOSITION OR ADJUDICATION, AFTER THE SUCCESSFUL COMPLETION OF AND DISCHARGE FROM THE SENTENCE, IF THE PERSON PRIOR TO SUCH TIME HAS NOT BEEN SUBSEQUENTLY CONVICTED OF UNLAWFUL SEXUAL BEHAVIOR OR OF ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL BEHAVIOR. ANY PERSON PETITIONING PURSUANT TO THIS PARAGRAPH (e) MAY ALSO PETITION FOR AN ORDER REMOVING HIS OR HER NAME FROM THE SEX OFFENDER REGISTRY. IN DETERMINING WHETHER TO GRANT THE ORDER, THE COURT SHALL CONSIDER WHETHER THE PERSON IS LIKELY TO COMMIT A SUBSEQUENT OFFENSE OF OR INVOLVING UNLAWFUL SEXUAL BEHAVIOR. THE COURT SHALL BASE ITS DETERMINATION ON RECOMMENDATIONS FROM THE PERSON'S PROBATION OR PAROLE OFFICER, THE PERSON'S TREATMENT PROVIDER, AND THE PROSECUTING ATTORNEY FOR THE JURISDICTION IN WHICH THE PERSON WAS TRIED AND ON THE RECOMMENDATIONS INCLUDED IN THE PERSON'S PRESENTENCE INVESTIGATION REPORT. IN ADDITION, THE COURT SHALL CONSIDER ANY WRITTEN OR ORAL TESTIMONY SUBMITTED BY THE VICTIM OF THE OFFENSE FOR WHICH THE PETITIONER WAS REQUIRED TO REGISTER.

(f) IF THE INFORMATION ABOUT THE PERSON WAS REQUIRED TO BE POSTED ON THE INTERNET PURSUANT TO SECTION 16-22-111 (1) (d) ONLY FOR FAILURE TO REGISTER, IF THE PERSON HAS FULLY COMPLIED WITH ALL REGISTRATION REQUIREMENTS FOR A PERIOD OF NOT LESS THAN ONE YEAR AND IF THE PERSON, PRIOR TO SUCH TIME, HAS NOT BEEN SUBSEQUENTLY CONVICTED OF UNLAWFUL SEXUAL BEHAVIOR OR OF ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL BEHAVIOR; EXCEPT THAT THE PROVISIONS OF THIS PARAGRAPH (f) SHALL APPLY ONLY TO A PETITION TO DISCONTINUE THE REQUIREMENT FOR INTERNET POSTING.

(2) (a) PRIOR TO FILING A PETITION PURSUANT TO THIS SECTION, THE PETITIONER SHALL NOTIFY EACH OF THE FOLLOWING PARTIES BY CERTIFIED MAIL OF THE PETITIONER'S INTENT TO FILE A REQUEST PURSUANT TO THIS SECTION:

(I) EACH LOCAL LAW ENFORCEMENT AGENCY WITH WHICH THE PETITIONER IS REQUIRED TO REGISTER;

(II) THE PROSECUTING ATTORNEY FOR THE JURISDICTION IN WHICH EACH SUCH LOCAL LAW ENFORCEMENT AGENCY IS LOCATED; AND

(III) THE PROSECUTING ATTORNEY WHO OBTAINED THE CONVICTION FOR WHICH THE PETITIONER IS REQUIRED TO REGISTER.

(b) WHEN FILING THE PETITION, THE PETITIONER SHALL ATTACH TO THE PETITION COPIES OF THE RETURN RECEIPTS RECEIVED FROM EACH PARTY NOTIFIED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2).

(c) UPON THE FILING OF THE PETITION, THE COURT SHALL SET A DATE FOR A HEARING AND SHALL NOTIFY THE VICTIM OF THE OFFENSE FOR WHICH THE PETITIONER WAS REQUIRED TO REGISTER. IF THE COURT ENTERS AN ORDER DISCONTINUING THE PETITIONER'S DUTY TO REGISTER, THE PETITIONER SHALL SEND A COPY OF THE ORDER TO EACH LOCAL LAW ENFORCEMENT AGENCY WITH WHICH THE PETITIONER IS REGISTERED AND THE CBI. THE COURT SHALL NOTIFY THE VICTIM OF THE OFFENSE OF ITS DECISION EITHER TO CONTINUE OR DISCONTINUE THE PETITIONER'S DUTY TO REGISTER.

(3) THE FOLLOWING PERSONS SHALL NOT BE ELIGIBLE FOR RELIEF PURSUANT TO THIS SECTION, BUT SHALL BE SUBJECT FOR THE REMAINDER OF THEIR NATURAL LIVES TO THE REGISTRATION REQUIREMENTS SPECIFIED IN THIS ARTICLE OR TO THE COMPARABLE REQUIREMENTS OF ANY OTHER JURISDICTIONS IN WHICH THEY MAY RESIDE:

(a) ANY PERSON WHO IS A SEXUALLY VIOLENT PREDATOR;

(b) ANY PERSON WHO IS CONVICTED AS AN ADULT OF:

(I) SEXUAL ASSAULT, IN VIOLATION OF SECTION 18-3-402, C.R.S., OR SEXUAL ASSAULT IN THE FIRST DEGREE, IN VIOLATION OF SECTION 18-3-402, C.R.S., AS IT EXISTED PRIOR TO JULY 1, 2000, OR SEXUAL ASSAULT IN THE SECOND DEGREE, IN VIOLATION OF SECTION 18-3-403, C.R.S., AS IT EXISTED PRIOR TO JULY 1, 2000; OR

(II) SEXUAL ASSAULT ON A CHILD, IN VIOLATION OF SECTION 18-3-405, C.R.S.; OR

(III) SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST, IN VIOLATION OF SECTION 18-3-405.3, C.R.S.; OR

(IV) SEXUAL ASSAULT ON A CLIENT BY A PSYCHOTHERAPIST, IN VIOLATION OF SECTION 18-3-405.5, C.R.S.; OR

(V) INCEST, IN VIOLATION OF SECTION 18-6-301, C.R.S.; OR

(VI) AGGRAVATED INCEST, IN VIOLATION OF SECTION 18-6-302, C.R.S.;

(c) ANY ADULT WHO HAS MORE THAN ONE CONVICTION OR ADJUDICATION FOR UNLAWFUL SEXUAL BEHAVIOR IN THIS STATE OR ANY OTHER JURISDICTION.

16-22-114. Immunity. 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 ARTICLE.

SECTION 2. 18-3-412.5, Colorado Revised Statutes, is REPEALED AND

REENACTED, WITH AMENDMENTS, to read:

18-3-412.5. Failure to register as a sex offender. (1) ANY PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO ARTICLE 22 OF TITLE 16, C.R.S., AND WHO FAILS TO COMPLY WITH ANY OF THE REQUIREMENTS PLACED ON REGISTRANTS BY SAID ARTICLE, INCLUDING BUT NOT LIMITED TO COMMITTING ANY OF THE ACTS SPECIFIED IN THIS SUBSECTION (1), COMMITS THE OFFENSE OF FAILURE TO REGISTER AS A SEX OFFENDER:

(a) FAILURE TO REGISTER PURSUANT TO ARTICLE 22 OF TITLE 16, C.R.S.;

(b) SUBMISSION OF A REGISTRATION FORM CONTAINING FALSE INFORMATION OR SUBMISSION OF AN INCOMPLETE REGISTRATION FORM;

(c) FAILURE TO PROVIDE INFORMATION OR KNOWINGLY PROVIDING FALSE INFORMATION TO A PROBATION DEPARTMENT EMPLOYEE, TO A COMMUNITY CORRECTIONS ADMINISTRATOR OR HIS OR HER DESIGNEE, OR TO A JUDGE OR MAGISTRATE WHEN RECEIVING NOTICE PURSUANT TO SECTION 16-22-106 (1), (2), OR (3), C.R.S., OF THE DUTY TO REGISTER;

(d) IF THE PERSON HAS BEEN SENTENCED TO A COUNTY JAIL, OTHERWISE INCARCERATED, OR COMMITTED, DUE TO CONVICTION OF OR DISPOSITION OR ADJUDICATION FOR AN OFFENSE SPECIFIED IN SECTION 16-22-103, C.R.S., FAILURE TO PROVIDE NOTICE OF THE ADDRESS WHERE THE PERSON INTENDS TO RESIDE UPON RELEASE AS REQUIRED IN SECTIONS 16-22-106 AND 16-22-107, C.R.S.;

(e) KNOWINGLY PROVIDING FALSE INFORMATION TO A SHERIFF OR HIS OR HER DESIGNEE, DEPARTMENT OF CORRECTIONS PERSONNEL, OR DEPARTMENT OF HUMAN SERVICES PERSONNEL CONCERNING THE ADDRESS WHERE THE PERSON INTENDS TO RESIDE UPON RELEASE FROM THE COUNTY JAIL, THE DEPARTMENT OF CORRECTIONS, OR THE DEPARTMENT OF HUMAN SERVICES. PROVIDING FALSE INFORMATION SHALL INCLUDE, BUT IS NOT LIMITED TO, PROVIDING FALSE INFORMATION AS DESCRIBED IN SECTION 16-22-107 (4) (b), C.R.S.;

(f) FAILURE WHEN REGISTERING TO PROVIDE THE PERSON'S CURRENT NAME AND ANY FORMER NAMES;

(g) FAILURE TO REGISTER WITH THE LOCAL LAW ENFORCEMENT AGENCY IN EACH JURISDICTION IN WHICH THE PERSON RESIDES UPON CHANGING AN ADDRESS, ESTABLISHING AN ADDITIONAL RESIDENCE, OR LEGALLY CHANGING NAMES;

(h) FAILURE TO PROVIDE THE PERSON'S CORRECT DATE OF BIRTH, TO SIT FOR OR OTHERWISE PROVIDE A CURRENT PHOTOGRAPH OR IMAGE, TO PROVIDE A CURRENT SET OF FINGERPRINTS, OR TO PROVIDE THE PERSON'S CORRECT ADDRESS;

(i) FAILURE TO COMPLETE A CANCELLATION OF REGISTRATION FORM AND FILE THE FORM WITH THE LOCAL LAW ENFORCEMENT AGENCY OF THE JURISDICTION IN WHICH THE PERSON WILL NO LONGER RESIDE.

(2) (a) FAILURE TO REGISTER AS A SEX OFFENDER IS A CLASS 6 FELONY IF THE PERSON WAS CONVICTED OF FELONY UNLAWFUL SEXUAL BEHAVIOR, OR OF ANOTHER

OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INCLUDES FELONY UNLAWFUL SEXUAL BEHAVIOR, OR IF THE PERSON RECEIVED A DISPOSITION OR WAS ADJUDICATED FOR AN OFFENSE THAT WOULD CONSTITUTE FELONY UNLAWFUL SEXUAL BEHAVIOR IF COMMITTED BY AN ADULT, OR FOR ANOTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVES FELONY UNLAWFUL SEXUAL BEHAVIOR; EXCEPT THAT ANY SECOND OR SUBSEQUENT OFFENSE OF FAILURE TO REGISTER AS A SEX OFFENDER BY SUCH PERSON IS A CLASS 5 FELONY.

(b) ANY PERSON CONVICTED OF FELONY FAILURE TO REGISTER AS A SEX OFFENDER SHALL BE SENTENCED PURSUANT TO THE PROVISIONS OF SECTION 18-1-105. IF SUCH PERSON IS SENTENCED TO PROBATION, THE COURT SHALL REQUIRE, AS A CONDITION OF PROBATION, THAT THE PERSON PARTICIPATE UNTIL FURTHER ORDER OF THE COURT IN AN INTENSIVE SUPERVISION PROBATION PROGRAM ESTABLISHED PURSUANT TO SECTION 16-13-807, C.R.S. IF SUCH PERSON IS SENTENCED TO INCARCERATION AND SUBSEQUENTLY RELEASED ON PAROLE, THE PAROLE BOARD SHALL REQUIRE, AS A CONDITION OF PAROLE, THAT THE PERSON PARTICIPATE IN AN INTENSIVE SUPERVISION PAROLE PROGRAM ESTABLISHED PURSUANT TO SECTION 16-13-805, C.R.S.

(3) FAILURE TO REGISTER AS A SEX OFFENDER IS A CLASS 1 MISDEMEANOR IF THE PERSON WAS CONVICTED OF MISDEMEANOR UNLAWFUL SEXUAL BEHAVIOR, OR OF ANOTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVES MISDEMEANOR UNLAWFUL SEXUAL BEHAVIOR, OR IF THE PERSON RECEIVED A DISPOSITION OR WAS ADJUDICATED FOR AN OFFENSE THAT WOULD CONSTITUTE MISDEMEANOR UNLAWFUL SEXUAL BEHAVIOR IF COMMITTED BY AN ADULT, OR FOR ANOTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVES MISDEMEANOR UNLAWFUL SEXUAL BEHAVIOR.

(4) (a) ANY JUVENILE WHO RECEIVES A DISPOSITION OR IS ADJUDICATED FOR A DELINQUENT ACT OF FAILURE TO REGISTER AS A SEX OFFENDER THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT SHALL BE SENTENCED TO A FORTY-FIVE-DAY MANDATORY MINIMUM DETENTION SENTENCE; EXCEPT THAT ANY JUVENILE WHO RECEIVES A DISPOSITION OR IS ADJUDICATED FOR A SECOND OR SUBSEQUENT DELINQUENT ACT OF FAILURE TO REGISTER AS A SEX OFFENDER THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT SHALL BE PLACED OR COMMITTED OUT OF THE HOME FOR NOT LESS THAN ONE YEAR.

(b) ANY JUVENILE WHO RECEIVES A DISPOSITION OR IS ADJUDICATED FOR A DELINQUENT ACT OF FAILURE TO REGISTER AS A SEX OFFENDER THAT WOULD CONSTITUTE A MISDEMEANOR IF COMMITTED BY AN ADULT SHALL BE SENTENCED TO A THIRTY-DAY MANDATORY MINIMUM DETENTION SENTENCE; EXCEPT THAT ANY JUVENILE WHO RECEIVES A DISPOSITION OR IS ADJUDICATED FOR A SECOND OR SUBSEQUENT DELINQUENT ACT OF FAILURE TO REGISTER AS A SEX OFFENDER THAT WOULD CONSTITUTE A MISDEMEANOR IF COMMITTED BY AN ADULT SHALL BE SENTENCED TO A FORTY-FIVE-DAY MANDATORY MINIMUM DETENTION SENTENCE.

SECTION 3. Part 1 of article 1 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25-1-124.5. Nursing care facilities - employees - criminal history check.

(1) ON AND AFTER SEPTEMBER 1, 1996, PRIOR TO EMPLOYING ANY PERSON, A NURSING CARE FACILITY OR THE PERSON SEEKING EMPLOYMENT AT A NURSING CARE

FACILITY SHALL MAKE AN INQUIRY TO THE DIRECTOR OF THE COLORADO BUREAU OF INVESTIGATION OR TO PRIVATE CRIMINAL BACKGROUND CHECK COMPANIES AUTHORIZED TO DO BUSINESS IN THE STATE OF COLORADO TO ASCERTAIN WHETHER SUCH PERSON HAS A CRIMINAL HISTORY, INCLUDING ARREST AND CONVICTION RECORDS. THE COLORADO BUREAU OF INVESTIGATION OR PRIVATE CRIMINAL BACKGROUND CHECK COMPANIES ARE AUTHORIZED TO UTILIZE FINGERPRINTS TO ASCERTAIN FROM THE FEDERAL BUREAU OF INVESTIGATION WHETHER SUCH PERSON HAS A CRIMINAL HISTORY RECORD. THE NURSING CARE FACILITY OR THE PERSON SEEKING EMPLOYMENT IN A NURSING CARE FACILITY SHALL PAY THE COSTS OF SUCH INQUIRY. THE CRIMINAL HISTORY CHECK SHALL BE CONDUCTED NOT MORE THAN NINETY DAYS PRIOR TO THE EMPLOYMENT OF THE APPLICANT. FOR PURPOSES OF THIS SECTION, CRIMINAL BACKGROUND CHECK COMPANIES SHALL BE APPROVED BY THE STATE BOARD OF NURSING. IN APPROVING SUCH COMPANIES, APPROVAL SHALL BE BASED UPON THE PROVISION OF LAWFULLY AVAILABLE, ACCURATE, AND THOROUGH INFORMATION PERTAINING TO CRIMINAL HISTORIES, INCLUDING ARREST AND CONVICTION RECORDS.

(2) AS USED IN THIS SECTION, "NURSING CARE FACILITY" INCLUDES, BUT IS NOT LIMITED TO:

- (a) A NURSING FACILITY AS DEFINED IN SECTION 26-4-103 (11), C.R.S.;
- (b) AN INTERMEDIATE NURSING FACILITY FOR THE MENTALLY RETARDED AS DEFINED IN SECTION 26-4-103 (8), C.R.S.;
- (c) AN ADULT DAY CARE FACILITY AS DEFINED IN SECTION 26-4-603 (1), C.R.S.;
- (d) AN ALTERNATIVE CARE FACILITY AS DEFINED IN SECTION 26-4-603 (3), C.R.S.;
- (e) ANY BUSINESS THAT PROVIDES TEMPORARY NURSING CARE SERVICES OR THAT PROVIDES PERSONNEL WHO PROVIDE SUCH SERVICES.

SECTION 4. 18-1-202 (12), Colorado Revised Statutes, is amended to read:

18-1-202. Place of trial. (12) If a person commits the offense of failure to register as a sex offender as provided in section 18-3-412.5, the offense is committed and the offender may be tried ~~either~~ IN THE COUNTY IN WHICH THE OFFENDER WAS RELEASED FROM INCARCERATION FOR COMMISSION OF THE OFFENSE REQUIRING REGISTRATION OR in the county in which the offender resides or in the county in which the offender is apprehended.

SECTION 5. 17-2-201 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

17-2-201. State board of parole. (5) (j) AS A CONDITION OF PAROLE, THE BOARD MAY ORDER ANY PERSON WHO IS NOT OTHERWISE SUBJECT TO THE PROVISIONS OF ARTICLE 22 OF TITLE 16, C.R.S., AND IS CONVICTED OF AN OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH IS DETERMINED BY THE DEPARTMENT OF CORRECTIONS TO INVOLVE UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9), C.R.S., TO REGISTER AS A SEX OFFENDER FOR THE PERIOD OF THE PERSON'S PAROLE. SUCH REGISTRATION SHALL BE COMPLETED AS PROVIDED IN ARTICLE 22 OF TITLE 16,

C.R.S. WITHIN FIVE BUSINESS DAYS AFTER COMPLETION OF THE PERIOD OF PAROLE AND FINAL DISCHARGE FROM THE LEGAL CUSTODY OF THE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF CORRECTIONS SHALL NOTIFY THE COLORADO BUREAU OF INVESTIGATION TO REMOVE THE PERSON'S NAME FROM THE COLORADO SEX OFFENDER REGISTRY.

SECTION 6. 16-7-402 (3), Colorado Revised Statutes, is amended to read:

16-7-402. Counseling or treatment for alcohol or drug abuse.

(3) Notwithstanding the provisions of subsection (2) of this section, in any case in which treatment or counseling for alcohol or drug abuse is authorized and ordered by the court in connection with a deferred prosecution or probation for an offense involving unlawful sexual behavior, as defined in ~~section 18-3-412.5, C.R.S.~~ SECTION 16-22-102 (9), the court shall order that the counseling or treatment be obtained from a treatment facility or person approved by the division of alcohol and drug abuse, established in part 2 of article 1 of title 25, C.R.S.

SECTION 7. 16-10-301 (2), Colorado Revised Statutes, is amended to read:

16-10-301. Evidence of similar transactions - legislative declaration. (2) This section applies to prosecution for any offense involving unlawful sexual behavior as defined in ~~section 18-3-412.5 (1), C.R.S.~~ SECTION 16-22-102 (9), or first degree murder, as defined in section 18-3-102 (1) (d), C.R.S., in which the underlying felony on which the first degree murder charge is based is the commission or attempted commission of sexual assault, as described in ~~section 18-4-302, SECTION 18-3-402, C.R.S.,~~ sexual assault in the first or second degree as those offenses were described in sections 18-3-402 and 18-3-403, C.R.S., as they existed prior to July 1, 2000, or the commission of a class 3 felony for sexual assault on a child as defined in section 18-3-405 (2), C.R.S.

SECTION 8. 16-11-101 (3) (a), Colorado Revised Statutes, is amended to read:

16-11-101. Alternatives in sentencing - repeal. (3) (a) In determining the appropriate sentencing alternative for a defendant who has been convicted of unlawful sexual behavior as defined in ~~section 18-3-412.5 (1) (b), C.R.S.~~ SECTION 16-22-102 (9), the sentencing court shall consider the defendant's previous criminal and juvenile delinquency records, if any, set forth in the presentence investigation report prepared pursuant to section 16-11-102 (1) (a).

SECTION 9. 16-11-102 (1) (a), Colorado Revised Statutes, is amended to read:

16-11-102. Presentence or probation investigation. (1) (a) Following the return of a verdict of guilty of a felony, other than a class 1 felony, or following a finding of guilt on such charge where the issues were tried to the court, or on a plea of guilty or nolo contendere to such a charge, or upon order of the court in any misdemeanor conviction, the probation officer shall make an investigation and written report to the court before the imposition of sentence. Each presentence report shall include a substance abuse assessment or evaluation made pursuant to article 11.5 of this title and, unless waived by the court, shall include, but not be limited to, information as to the defendant's family background, educational history, employment record, and past criminal record, including the defendant's past juvenile delinquency

record, if any, if the defendant has been convicted of unlawful sexual behavior as defined in ~~section 18-3-412.5 (1) (b), C.R.S.~~ SECTION 16-22-102 (9), an evaluation of the alternative dispositions available for the defendant; the information required by the court pursuant to article 18.5 of this title; a victim impact statement; and such other information as the court may require. A victim impact statement shall be prepared by the district attorney's office on and after September 1, 1985. The department of human services shall provide the district attorney's office with the information necessary for the preparation of a victim impact statement. In addition, the court, in cases that it deems appropriate, may require the presentence report to include the findings and results of a professionally conducted psychiatric examination of the defendant. No less than seventy-two hours prior to the sentencing hearing, copies of the presentence report, including any recommendations as to probation, shall be furnished to the prosecuting attorney and defense counsel or to the defendant if he or she is unrepresented. A copy of the presentence report shall be transmitted to the department of corrections together with the mittimus.

SECTION 10. 16-11-102.3 (1) (a), Colorado Revised Statutes, is amended to read:

16-11-102.3. Genetic testing of convicted offenders. (1) As used in this section, unless the context otherwise requires, "convicted offender" means a person who is not required to submit to a chemical testing of the person's blood to determine the genetic markers thereof pursuant to any other provision and who is convicted of, or pleads guilty to any of the following offenses:

(a) An offense involving, or for which the factual basis involved, unlawful sexual behavior as defined in ~~section 18-3-412.5 (1) (b), C.R.S.~~ SECTION 16-22-102 (9);

SECTION 11. 16-11-104 (5), Colorado Revised Statutes, is amended to read:

16-11-104. Genetic testing. (5) As used in this section, "unlawful sexual behavior" shall have the same meaning as provided in ~~section 18-3-412.5 (1) (b), C.R.S.~~ SECTION 16-22-102 (9).

SECTION 12. 16-11-204 (2) (d), Colorado Revised Statutes, is amended to read:

16-11-204. Conditions of probation. (2) (d) Notwithstanding the provisions of paragraph (c) of this subsection (2), if the court orders counseling or treatment as a condition of probation for an offender convicted of an offense involving unlawful sexual behavior, as defined in ~~section 18-3-412.5, C.R.S.~~ SECTION 16-22-102 (9), the court shall order such treatment or counseling be at a facility or with a person listed in paragraph (c) of this subsection (2), and the court may not make a specific finding that treatment in another facility or with another person is warranted.

SECTION 13. 16-11-204.3 (5), Colorado Revised Statutes, is amended to read:

16-11-204.3. Genetic testing as a condition of probation. (5) As used in this section, "unlawful sexual behavior" shall have the same meaning as in ~~section 18-3-412.5 (1), C.R.S.~~ SECTION 16-22-102 (9).

SECTION 14. 16-11-311 (11.5) (a) (I), Colorado Revised Statutes, is amended

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.~~ SECTION 16-22-102 (9), 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.

SECTION 15. 16-11.7-103 (4) (c.5), Colorado Revised Statutes, is amended to read:

16-11.7-103. Sex offender management board - creation - duties - repeal. (4) The board shall carry out the following duties:

(c.5) On or before January 1, 1999, the board shall consult on and approve the risk assessment screening instrument developed by the division of criminal justice to assist the sentencing court in determining the likelihood that an offender would commit one or more of the offenses specified in section 18-3-414.5 (1) (a) (II), C.R.S., under the circumstances described in section 18-3-414.5 (1) (a) (III), C.R.S. No state general fund moneys shall be used to develop the risk assessment screening instrument. In carrying out this duty, the board shall consider sex offender risk assessment research and shall consider as one element the risk posed by a sex offender who suffers from a mental abnormality, psychosis, or personality disorder that makes the person more likely to engage in sexually violent predatory offenses. For purposes of this subsection (4) only, "mental abnormality" means a congenital or acquired condition that affects the emotional or volitional capacity of a person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a significant risk to the health and safety of other persons. If a defendant is found to be a sexually violent predator, the defendant shall be required to register pursuant to ~~section 18-3-412.5 (3.5)~~; ~~C.R.S.~~ ARTICLE 22 OF THIS TITLE.

SECTION 16. 16-13-805 (1.5), Colorado Revised Statutes, is amended to read:

16-13-805. Parole - intensive supervision program. (1.5) In addition to the persons specified in subsection (1) of this section, the parole board shall require, as a condition of parole, any person convicted of felony failure to register as a sex offender, as described in ~~section 18-3-412.5 (4) (b) (I)~~ SECTION 18-3-412.5, C.R.S., who is sentenced to incarceration and subsequently released on parole, to participate in the intensive supervision parole program established pursuant to this section.

SECTION 17. 16-13-807 (1.5), Colorado Revised Statutes, is amended to read:

16-13-807. Probation - intensive supervision program. (1.5) In addition to the persons specified in subsection (1) of this section, the court shall require any person convicted of felony failure to register as a sex offender, as described in ~~section 18-3-412.5 (4) (b) (I)~~ SECTION 18-3-412.5, C.R.S., and sentenced to probation to participate, as a condition of probation and until further order of the court, in the intensive supervision probation program established pursuant to this section.

SECTION 18. 16-13-903 (3), Colorado Revised Statutes, is amended to read:

16-13-903. Sexually violent predator subject to community notification - determination - implementation. (3) If the parole board or the court determines that the sexually violent predator is subject to community notification, the department or the sexually violent predator's supervising officer shall notify the local law enforcement agency for the jurisdiction in which the sexually violent predator resides or plans to reside upon release from incarceration. The local law enforcement agency shall notify the Colorado bureau of investigation, and the sexually violent predator's status as being subject to community notification shall be entered in the central registry of persons required to register as sex offenders created pursuant to ~~section 18-3-412.5 (6), C.R.S.~~ SECTION 16-22-110.

SECTION 19. 17-2-201 (5) (a), (5) (a.5), and (5.8), Colorado Revised Statutes, are amended to read:

17-2-201. State board of parole. (5) (a) As to any person sentenced for conviction of a felony committed prior to July 1, 1979, or of a misdemeanor and as to any person sentenced for conviction of an offense involving unlawful sexual behavior or for which the factual basis involved an offense involving unlawful sexual behavior, as defined in ~~section 18-3-412.5 (1)~~ SECTION 16-22-102 (9), C.R.S., committed prior to July 1, 1996, or a class 1 felony and as to any person sentenced as a habitual criminal pursuant to section 16-13-101, C.R.S., the board has the sole power to grant or refuse to grant parole and to fix the condition thereof and has full discretion to set the duration of the term of parole granted, but in no event shall the term of parole exceed the maximum sentence imposed upon the inmate by the court or five years, whichever is less.

(a.5) As to any person sentenced for conviction of an offense involving unlawful sexual behavior or for which the factual basis involved an offense involving unlawful sexual behavior as defined in ~~section 18-3-412.5 (1)~~ SECTION 16-22-102 (9), C.R.S., committed on or after July 1, 1996, the board has the sole power to grant or refuse to grant parole and to fix the condition thereof and has full discretion to set the duration of the term of parole granted, but in no event shall the term of parole exceed the maximum sentence imposed upon the inmate by the court.

(5.8) Notwithstanding the provision of subsection (5.7) of this section, if, as a condition of parole, an offender who was convicted of or plead guilty to an offense involving unlawful sexual behavior, as defined in ~~section 18-3-412.5~~ SECTION 16-22-102 (9), C.R.S., is required to undergo counseling or treatment, such treatment or counseling shall be at a facility or with a person listed in subsection (5.7) of this section and the parole board may not determine treatment at another facility or with another person is warranted.

SECTION 20. 17-22.5-202 (3) (b.5) (I) and (3) (b.5) (II), Colorado Revised Statutes, are amended to read:

17-22.5-202. Ticket to leave - discharge - clothes, money, transportation. (3) Prior to the release from a correctional facility by discharge or parole of any person imprisoned for the commission of a child abuse offense which occurred within the state of Colorado, the executive director shall:

(b.5) (I) On and after July 1, 1994, direct appropriate personnel with the department of corrections to require any offender 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 unlawful sexual behavior as defined in ~~section 18-3-412.5 (1)~~ SECTION 16-22-102 (9), C.R.S., 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 ~~section 18-3-412.5~~ THE PROVISIONS OF ARTICLE 22 OF TITLE 16, C.R.S. The same persons, after obtaining a signed notice from an offender, shall notify local law enforcement agencies where the offender plans to reside of the offender's address within forty-eight hours after an offender has been placed on parole or probation when such an address is provided in the signed notice. Department of corrections personnel shall provide such notice no later than two days before the offender is to be released from the department of corrections.

(II) In addition, the department shall require any offender convicted of or who pleads guilty or nolo contendere to an offense involving unlawful sexual behavior or for which the factual basis involved unlawful sexual behavior as defined in ~~section 18-3-412.5 (1)~~ SECTION 16-22-102 (9), C.R.S., to submit to chemical testing of the offender's blood to determine the genetic markers thereof and to chemical testing of the offender's saliva to determine the secretor status thereof. Such testing shall occur prior to the offender's release from incarceration, 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.

SECTION 21. 18-1-106 (3) (b) (VI), Colorado Revised Statutes, is amended to read:

18-1-106. Misdemeanors classified - penalties. (3) (b) Misdemeanors that present an extraordinary risk of harm to society shall include the following:

(VI) Misdemeanor failure to register as a sex offender, as described in ~~section 18-3-412.5 (4) (b) (II)~~ SECTION 18-3-412.5.

SECTION 22. 18-3-414.5 (2) and (3), Colorado Revised Statutes, are amended to read:

18-3-414.5. Sexually violent predator. (2) At the time a presentence investigation report is conducted for a defendant who is convicted of one of the offenses specified in subparagraph (II) of paragraph (a) of subsection (1) of this section, the probation department shall, in coordination with the evaluator completing the mental health sex offense specific evaluation, complete the sexually violent predator risk assessment. Based on the results of such assessment, the court shall make specific findings of fact and enter an order concerning whether the defendant is a sexually violent predator. If the defendant is found to be a sexually violent predator, the defendant shall be required to register pursuant to ~~section 18-3-412.5 (3.5)~~ THE PROVISIONS OF SECTION 16-22-108, C.R.S.

(3) When considering release on parole for an offender who was convicted of one of the offenses specified in subparagraph (II) of paragraph (a) of subsection (1) of this section, the parole board shall make specific findings concerning whether the

offender is a sexually violent predator, based on the results of a sexually violent predator assessment conducted by the department of corrections. If the parole board finds that the offender is a sexually violent predator, the offender shall be required to register pursuant to ~~section 18-3-412.5 (3.5)~~ THE PROVISIONS OF SECTION 16-22-108, C.R.S.

SECTION 23. 19-1-304 (5), Colorado Revised Statutes, is amended to read:

19-1-304. Juvenile delinquency records. (5) **Direct filings - arrest and criminal records open.** Whenever a petition filed in juvenile court alleges that a juvenile between the ages of twelve to eighteen years has committed an offense that would constitute unlawful sexual behavior, as defined in ~~section 18-3-412.5 (1) (b)~~ SECTION 16-22-102 (9), C.R.S., or a crime of violence, as defined in section 16-11-309, C.R.S., if committed by an adult or whenever charges filed in district court allege that a juvenile has committed such an offense, then the arrest and criminal records information, as defined in section 24-72-302 (1), C.R.S., and including a juvenile's physical description, concerning such juvenile shall be made available to the public. The information is available only from the investigative law enforcement agency, the agency responsible for filing a petition, and the court, and shall not include records of investigation as such records are described in section 24-72-305 (5), C.R.S. Basic identification information, as defined in section 24-72-302 (2), C.R.S., along with the details of the alleged delinquent act or offense, shall be provided immediately to the school district in which the juvenile is enrolled. Such information shall be used by the board of education for purposes of section 22-33-105 (5), C.R.S., but information made available to the school district and not otherwise available to the public shall remain confidential.

SECTION 24. 19-1-306 (7) (d), Colorado Revised Statutes, is amended to read:

19-1-306. Expungement of juvenile delinquent records. (7) The following persons are not eligible to petition for the expungement of any juvenile record:

(d) Any person who has been adjudicated for an offense involving unlawful sexual behavior as defined in ~~section 18-3-412.5 (1)~~ SECTION 16-22-102 (9), C.R.S.

SECTION 25. 19-2-905 (1) (a) (IV) and (1) (b), Colorado Revised Statutes, are amended to read:

19-2-905. Presentence investigation. (1) (a) Prior to the sentencing hearing, the juvenile probation department for the judicial district in which the juvenile is adjudicated shall conduct a presentence investigation unless waived by the court on its own determination or on recommendation of the prosecution or the juvenile. The presentence investigation shall take into consideration and build on the intake assessment performed by the screening team. The presentence investigation may address, but is not limited to, the following:

(IV) The juvenile's previous criminal record, if any, if the juvenile has not been adjudicated for an act that constitutes unlawful sexual behavior as defined in ~~section 18-3-412.5 (1) (b)~~ SECTION 16-22-102 (9), C.R.S.;

(b) If the juvenile has been adjudicated for an act that constitutes unlawful sexual

behavior as defined in ~~section 18-3-412.5 (1) (b)~~ SECTION 16-22-102 (9), C.R.S., then the report on the presentence investigation shall include the juvenile's previous criminal and juvenile delinquency records, if any.

SECTION 26. 19-2-906 (1) (b), Colorado Revised Statutes, is amended to read:

19-2-906. Sentencing hearing. (1) (b) In those cases in which the juvenile is adjudicated a juvenile delinquent for an act that constitutes unlawful sexual behavior as defined in ~~section 18-3-412.5 (1) (b)~~ SECTION 16-22-102 (9), C.R.S., the court shall consider the juvenile's previous criminal and juvenile delinquency records, if any, set forth in the presentence investigation report prepared pursuant to section 19-2-905 (1) (b) in determining the proper disposition for the juvenile and the public.

SECTION 27. 19-2-924.5 (1) (a), Colorado Revised Statutes, is amended 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)~~ SECTION 16-22-102 (9), 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.

SECTION 28. 19-2-925.5 (1) (a), Colorado Revised Statutes, is amended to read:

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)~~ SECTION 16-22-102 (9), 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.

SECTION 29. 22-33-105 (5) (a), Colorado Revised Statutes, is amended to read:

22-33-105. Suspension, expulsion, and denial of admission. (5) (a) Whenever a petition filed in juvenile court alleges that a child at least twelve years of age but under eighteen years of age has committed an offense that would constitute unlawful sexual behavior, as defined in ~~section 18-3-412.5 (1) (b)~~ SECTION 16-22-102 (9), C.R.S., or a crime of violence, as defined in section 16-11-309, C.R.S., if committed by an adult or whenever charges filed in district court allege that a child has committed such an offense, basic identification information concerning such child and the details of the alleged delinquent act or offense shall be provided immediately to the school district in which the child is enrolled in accordance with the provisions of section 19-1-304 (5), C.R.S. Upon receipt of such information, the board of education of the school district or its designee shall determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or of school personnel in the school and whether educating the student in the school may disrupt the learning environment in the school, provide a negative example for other students, or create a dangerous and unsafe environment for students, teachers, and other school personnel. The determination may be made in executive session to the extent allowed by section 24-6-402 (4) (h), C.R.S. If the

board of education or its designee, in accordance with the provisions of this subsection (5), makes a determination that the student should not be educated in the school, it may proceed with suspension or expulsion in accordance with subsection (2) of this section and section 22-33-106. Alternatively, the board of education or its designee may determine that it will wait until the conclusion of the juvenile proceedings to consider the expulsion matter, in which case it shall be the responsibility of the district to provide the student with an appropriate alternate education program, including but not limited to an on-line program authorized pursuant to section 22-33-104.6, or a home-based education program during the period pending the resolution of the juvenile proceedings. Information made available to the school district and not otherwise available to the public pursuant to the provisions of section 19-1-304, C.R.S., shall remain confidential.

SECTION 30. 22-33-106.5 (2), Colorado Revised Statutes, is amended to read:

22-33-106.5. Information concerning offenses committed by students.

(2) Upon adjudication or conviction of a person under the age of eighteen years for an offense that constitutes a crime of violence, as defined in section 16-11-309, C.R.S., or for an offense involving controlled substances, or, for a person under eighteen years of age but at least twelve years of age, for an offense that would constitute unlawful sexual behavior, as defined in ~~section 18-3-412.5(1)(b)~~ SECTION 16-22-102 (9), C.R.S., if committed by an adult the adjudicating or convicting court shall notify the school district in which the person is enrolled of the person's adjudication or conviction.

SECTION 31. 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~~ ARTICLE 22 OF TITLE 16, 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)~~ SECTION 16-22-102 (9), C.R.S.;

SECTION 32. 24-72-305.3 (2) (b) (III), Colorado Revised Statutes, is amended to read:

24-72-305.3. Private access to criminal history records of volunteers and employees of charitable organizations. (2) (b) For the purpose of implementing the provisions of the "Volunteers for Children Act", contained in Public Law 105-251, as amended, on and after July 1, 2000, each qualified entity in the state may contact an authorized agency for the purpose of determining whether a provider has been convicted of, or is under pending indictment for, a crime that bears upon the provider's fitness to have responsibility for the safety and well-being of children, the elderly, or individuals with disabilities. Such crimes shall include, but need not be limited to:

(III) Any felony offenses involving unlawful sexual behavior, as defined in ~~section~~

~~18-3-412.5~~ SECTION 16-22-102 (9), C.R.S.;

SECTION 33. 24-72-308 (3) (c), Colorado Revised Statutes, is amended to read:

24-72-308. Sealing of records. (3) Exceptions. (c) This section shall not apply to records pertaining to a conviction of an offense for which the factual basis involved unlawful sexual behavior, as defined in ~~section 18-3-412.5 (1)~~ SECTION 16-22-102 (9), C.R.S.

SECTION 34. 26-6-104 (7) (a) (I) (C), Colorado Revised Statutes, is amended to read:

26-6-104. Licenses - out-of-state notices and consent. (7) (a) (I) No license or certificate to operate a family child care home, a foster care home, a child care center, a residential child care facility, a secure residential child care facility, or a child placement agency shall be issued by the state department, a county department or a child placement agency licensed under the provisions of this part 1 if the person applying for such a license or certificate has been convicted of:

(C) Any felony offenses involving unlawful sexual behavior, as defined in ~~section 18-3-412.5~~ SECTION 16-22-102 (9), C.R.S.;

SECTION 35. 27-1-110 (7) (b) (II), Colorado Revised Statutes, is amended to read:

27-1-110. Employment of personnel - screening of applicants - disqualifications from employment. (7) (b) Except as otherwise provided in paragraph (d) of this subsection (7), a person shall be disqualified from employment either as an employee or as a contracting employee regardless of the length of time that may have passed since the discharge of the sentence imposed for any of the following criminal offenses:

(II) Any felony offense involving unlawful sexual behavior, as defined in ~~section 18-3-412.5~~ SECTION 16-22-102 (9), C.R.S.;

SECTION 36. 16-11-214 (1), Colorado Revised Statutes, is amended to read:

16-11-214. Fund created - probation services - repeal. (1) (a) There is hereby created in the state treasury the offender services fund to which shall be credited one hundred percent of any cost of care payments or probation supervision fees paid to the state pursuant to section 16-11-204 (2) (a) (V) or section 19-2-114 (1), C.R.S., and from which the general assembly shall make annual appropriations for administrative and personnel costs for adult and juvenile probation services as well as for adjunct adult and juvenile probation services in the judicial department, including treatment services, contract services, drug and alcohol treatment services, and program development, and for associated administrative and personnel costs. Any moneys remaining in said fund at the end of any fiscal year shall not revert to the general fund.

(b) (I) FOR THE 2003-04, 2004-05, AND 2005-06 FISCAL YEARS, IN ADDITION TO THE PURPOSES SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1), THE GENERAL

ASSEMBLY MAY APPROPRIATE FROM THE OFFENDER SERVICES FUND TO THE COLORADO BUREAU OF INVESTIGATION CREATED IN SECTION 24-33.5-401, C.R.S., AN ANNUAL AMOUNT OF UP TO ONE HUNDRED FIFTY-NINE THOUSAND EIGHT HUNDRED EIGHTY-THREE DOLLARS AND 2.2 FTE, FOR THE COSTS INCURRED IN OPERATING AND MAINTAINING THE COLORADO SEX OFFENDER REGISTRY PURSUANT TO ARTICLE 22 OF THIS TITLE. MONEYS FOR SUCH PURPOSE MAY BE APPROPRIATED FROM THE OFFENDER SERVICES FUND ONLY IN FISCAL YEARS IN WHICH THE MONEYS APPROPRIATED FROM THE SEX OFFENDER REGISTRY FUND CREATED IN SECTION 16-22-110(7) AND MONEYS REMAINING AFTER THE PAYMENT OF PROGRAM COSTS FROM THE AMOUNT COLLECTED BY THE COLORADO BUREAU OF INVESTIGATION PURSUANT TO SECTION 24-72-306, C.R.S., ARE INSUFFICIENT TO OFFSET THE COSTS INCURRED BY THE BUREAU IN OPERATING AND MAINTAINING THE COLORADO SEX OFFENDER REGISTRY.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2006.

SECTION 37. 16-8-115 (4) (f), Colorado Revised Statutes, as enacted by House Bill 02-1019, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

16-8-115. Release from commitment after verdict of not guilty by reason of insanity or not guilty by reason of impaired mental condition. (f) The local law enforcement agency shall transmit any registrations received pursuant to paragraph (e) of this subsection (4) to the Colorado bureau of investigation within three business days following receipt. The Colorado bureau of investigation shall include any registration information received pursuant to this section in the central registry established pursuant to ~~section 18-3-412.5, C.R.S.~~ SECTION 16-22-110, and shall specify that the information applies to a defendant required to register as a condition of release pursuant to this section. The forms completed by defendants required to register as a condition of release pursuant to this subsection (4) shall be confidential and shall not be open to inspection except as provided in paragraph (e) of subsection (3) of this section and except as provided for release of information to the public pursuant to ~~section 18-3-412.5 (6.5), C.R.S.~~ SECTIONS 16-22-110(6) AND 16-22-112.

SECTION 38. 16-8-118 (2) (c), Colorado Revised Statutes, as enacted by House Bill 02-1019, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

16-8-118. Temporary removal for treatment and rehabilitation. (2) (c) Any defendant required to register pursuant to this subsection (2) shall register as provided in section 16-8-115 (4). The local law enforcement agency shall transmit any registrations received pursuant to this subsection (2) to the Colorado bureau of investigation within three business days following receipt. The Colorado bureau of investigation shall include any registration information received pursuant to this section in the central registry established pursuant to ~~section 18-3-412.5, C.R.S.~~ SECTION 16-22-110, and shall specify that the information applies to a defendant required to register as a condition of temporary physical removal from an institution. The forms completed by defendants required to register pursuant to this subsection (2) shall be confidential and shall not be open to inspection except as otherwise provided in section 16-8-115 (3) (e) for information pertaining to persons granted conditional release and except as provided for release of information to the public pursuant to ~~section 18-3-412.5 (6.5), C.R.S.~~ SECTIONS 16-22-110(6) AND 16-22-112.

SECTION 39. 23-5-124, Colorado Revised Statutes, as enacted by House Bill 02-1114, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

23-5-124. Campus sex offender information. Each institution of postsecondary education in the state shall provide a statement to its campus community identifying the name and location at which members of the community may obtain the law enforcement agency information collected pursuant to ~~section 18-3-412.5 (6.3)~~ SECTION 16-22-110 (3.5), C.R.S., concerning registered sex offenders.

SECTION 40. 17-2-201 (5) (a.6), Colorado Revised Statutes, as enacted by House Bill 02-1223, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

17-2-201. State board of parole. (5) (a.6) As to any person who is sentenced for conviction of an offense committed on or after July 1, 2002, involving unlawful sexual behavior, as defined in ~~section 18-3-412.5 (1)~~ SECTION 16-22-102 (9), C.R.S., or for conviction of an offense committed on or after July 1, 2002, the underlying factual basis of which involved unlawful sexual behavior, and who is not subject to the provisions of part 8 of article 13 of title 16, C.R.S., such person shall be subject to the mandatory period of parole set forth in section 18-1-105 (1) (a) (V) (A), C.R.S.

SECTION 41. 18-1-105 (1) (a) (V) (C.7), Colorado Revised Statutes, as enacted by House Bill 02-1223, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

18-1-105. Felonies classified - presumptive penalties. (1) (a) (V) (C.7) Any person sentenced for a felony committed on or after July 1, 2002, involving unlawful sexual behavior, as defined in ~~section 18-3-412.5 (1)~~ SECTION 16-22-102 (9), C.R.S., or for a felony, committed on or after July 1, 2002, the underlying factual basis of which involved unlawful sexual behavior, and who is not subject to the provisions of part 8 of article 13 of title 16, C.R.S., shall be subject to the mandatory period of parole specified in sub-subparagraph (A) of this subparagraph (V).

SECTION 42. 26-6-404 (1) (a) (I) (C), Colorado Revised Statutes, as enacted by House Bill 02-1361, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

26-6-404. Denial of original license application - required. (1) (a) (I) No license or certificate to operate a foster care home, a residential child care facility, a secure residential child care facility, or a child placement agency shall be issued by the division of child welfare services in the department of human services, a county department, or a child placement agency licensed under the provisions of this part 4 if the person applying for such a license or certificate has been convicted of:

(C) Any felony offenses involving unlawful sexual behavior, as defined in ~~section 18-3-412.5~~ SECTION 16-22-102 (9), C.R.S.;

SECTION 43. 19-1-103 (1) (a) (II), Colorado Revised Statutes, as amended by Senate Bill 02-187, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

19-1-103. Definitions. As used in this title or in the specified portion of this title, unless the context otherwise requires:

(1) (a) "Abuse" or "child abuse or neglect", as used in part 3 of article 3 of this title, means an act or omission in one of the following categories that threatens the health or welfare of a child:

(II) Any case in which a child is subjected to unlawful sexual behavior as defined in ~~section 18-3-412.5 (1) (b)~~ SECTION 16-22-102 (9), C.R.S.;

SECTION 44. 22-60.5-107 (2.5) (c), Colorado Revised Statutes, as enacted by Senate Bill 02-228, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

22-60.5-107. Grounds for denying, annulling, suspending, or revoking license, certificate, endorsement, or authorization. (2.5) Any license, certificate, endorsement, or authorization shall be denied, annulled, suspended, or revoked in the manner prescribed in section 22-60.5-108, notwithstanding the provisions of subsection (1) of this section to the contrary, if the person applying for or holding such license, certificate, endorsement, or authorization has been convicted of, pled nolo contendere to, or received a deferred sentence or a deferred prosecution for a violation of any law of this state involving unlawful behavior pursuant to any of the following statutory provisions:

(c) Any felony offense involving unlawful sexual behavior, as defined in ~~section 18-3-412.5~~ SECTION 16-22-102, C.R.S.;

SECTION 45. No general fund appropriation. The general assembly has determined that this act can be implemented within existing state general fund appropriations, and therefore no separate appropriation of state general fund moneys is necessary to carry out the purposes of this act.

SECTION 46. Future appropriations. (1) Although no appropriation is included in this act for the fiscal year beginning July 1, 2002, it appears that this act will require appropriations for subsequent fiscal years. The amount required to be appropriated from any moneys in the sex offender registry fund, created in section 16-22-110 (7), Colorado Revised Statutes, not otherwise appropriated for the fiscal year beginning July 1, 2003, is estimated to be one hundred fifty-nine thousand eight hundred eighty-three dollars (\$159,883) and 2.2 FTE.

(2) For the fiscal year beginning July 1, 2003, if there are insufficient moneys in the sex offender registry fund, created in section 16-22-110 (7), Colorado Revised Statutes, to fully fund the costs incurred by the department of public safety, Colorado bureau of investigation in implementing the provisions of this act, up to one hundred fifty-nine thousand eight hundred eighty-three dollars (\$159,883) and 2.2 FTE may be appropriated from any moneys not otherwise appropriated that are received by the Colorado bureau of investigation pursuant to section 24-72-306, Colorado Revised Statutes, for fingerprint and name check processing fees for services collected from non-state agencies.

SECTION 47. Effective date - applicability. This act shall take effect July 1,

2002; except that sections 16-22-104 (1) (a), 16-22-106 (3) (a), and 16-22-107 (1), Colorado Revised Statutes, as enacted in this act, shall take effect only if funds are received by the judicial department and the Colorado bureau of investigation in an amount sufficient for the implementation of said sections, and section 36 of this act shall take effect only if Senate Bill 02-018 is enacted during the Second Regular Session of the Sixty-third General Assembly and becomes law, and sections 37 and 38 shall take effect only if House Bill 02-1019 is enacted during the Second Regular Session of the Sixty-third General Assembly and becomes law, and section 39 shall take effect only if House Bill 02-1114 is enacted during the Second Regular Session of the Sixty-third General Assembly and becomes law, and section 42 shall take effect only if House Bill 02-1361 is enacted during the Second Regular Session of the Sixty-third General Assembly and becomes law, and section 43 shall take effect only if Senate Bill 02-187 is enacted during the Second Regular Session of the Sixty-third General Assembly and becomes law, and section 44 shall take effect only if Senate Bill 02-228 is enacted during the Second Regular Session of the Sixty-third General Assembly and becomes law. Section 2 of this act shall apply to offenses committed on or after said date.

SECTION 48. 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 3, 2002