

CHAPTER 299

**CRIMINAL LAW AND PROCEDURE**

**HOUSE BILL 02-1114**

BY REPRESENTATIVE(S) Stengel, Boyd, Coleman, Fairbank, Garcia, Groff, Grossman, Harvey, Hefley, Jahn, Kester, Marshall, Romanoff, Sanchez, Smith, Spence, Spradley, Stafford, Tapia, Veiga, Vigil, and Williams S.; also SENATOR(S) Hagedorn, and Owen.

**AN ACT**

**CONCERNING SEX OFFENDER REGISTRATION IN RELATION TO PERSONS ASSOCIATED WITH INSTITUTIONS OF POSTSECONDARY EDUCATION.**

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

**SECTION 1.** 18-3-412.5 (3) (c) and (5), Colorado Revised Statutes, are amended, and the said 18-3-412.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**18-3-412.5. Sex offenders - duty to register - penalties.** (3) (c) Any person who is required to register pursuant to subsection (1) of this section shall be required to register each time such person:

(I) Changes such person's temporary or permanent 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;

(II) Legally changes such person's name;

(III) BECOMES EMPLOYED OR CHANGES EMPLOYMENT OR EMPLOYMENT LOCATION, IF EMPLOYED BY AN INSTITUTION OF POSTSECONDARY EDUCATION;

(IV) BECOMES ENROLLED OR CHANGES ENROLLMENT IN AN INSTITUTION OF POSTSECONDARY EDUCATION, OR CHANGES THE LOCATION OF ENROLLMENT; OR

(V) BECOMES A VOLUNTEER OR CHANGES THE VOLUNTEER WORK LOCATION, IF VOLUNTEERING AT AN INSTITUTION OF POSTSECONDARY EDUCATION.

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

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

(a) The name, address, and place of employment of the person required to register, AND, IF THE PLACE OF EMPLOYMENT IS AN INSTITUTION OF POSTSECONDARY EDUCATION, ALL ADDRESSES AND LOCATIONS OF THE EMPLOYING INSTITUTION OF POSTSECONDARY EDUCATION AT WHICH THE PERSON MAY BE PHYSICALLY LOCATED;

(a.5) IF THE PERSON IS VOLUNTEERING AT AN INSTITUTION OF POSTSECONDARY EDUCATION, ALL ADDRESSES AND LOCATIONS OF THE VOLUNTEERING INSTITUTION OF POSTSECONDARY EDUCATION AT WHICH THE PERSON MAY BE PHYSICALLY LOCATED;

(a.7) IF THE PERSON ENROLLS OR IS ENROLLED IN AN INSTITUTION OF A POSTSECONDARY EDUCATION, ALL ADDRESSES AND LOCATIONS OF THE INSTITUTION OF POSTSECONDARY EDUCATION AT WHICH THE PERSON ATTENDS CLASSES OR OTHERWISE PARTICIPATES IN REQUIRED ACTIVITIES;

(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, AND, IF THE TEMPORARY RESIDENT OF THE STATE IS ENROLLED IN, EMPLOYED BY, OR VOLUNTEERS AT AN INSTITUTION OF POSTSECONDARY EDUCATION, ALL ADDRESSES AND LOCATIONS OF THE INSTITUTION OF POSTSECONDARY EDUCATION AT WHICH THE TEMPORARY RESIDENT ATTENDS CLASSES OR OTHERWISE PARTICIPATES IN REQUIRED ACTIVITIES OR WORKS OR PERFORMS VOLUNTEER ACTIVITIES;

(d) THE NAME, ADDRESS, AND LOCATION OF ANY INSTITUTION OF POSTSECONDARY EDUCATION WHERE THE PERSON REQUIRED TO REGISTER IS ENROLLED;

(e) THE NAME, ADDRESS, AND LOCATION OF ANY INSTITUTION OF POSTSECONDARY EDUCATION WHERE THE PERSON REQUIRED TO REGISTER VOLUNTEERS.

(6.3) THE COLORADO BUREAU OF INVESTIGATION SHALL DEVELOP AN INTERACTIVE DATABASE WITHIN THE CENTRAL REGISTRY CREATED IN SUBSECTION (6) OF THIS SECTION TO PROVIDE, AT A MINIMUM, THE FOLLOWING INFORMATION TO ALL CRIMINAL JUSTICE AGENCIES IN WHOSE JURISDICTIONS AN INSTITUTION OF POSTSECONDARY EDUCATION IS LOCATED:

(a) IDENTIFICATION OF ALL PERSONS REQUIRED TO REGISTER UNDER THIS SECTION WHO VOLUNTEER OR ARE EMPLOYED OR ENROLLED AT AN INSTITUTION OF POSTSECONDARY EDUCATION AND THE INSTITUTION AT WHICH EACH SUCH PERSON VOLUNTEERS, IS EMPLOYED, OR IS ENROLLED;

(b) IDENTIFICATION OF ALL PERSONS WHO ARE ASSESSED AS SEXUALLY VIOLENT

PREDATORS PURSUANT TO SECTION 18-3-414.5 WHO VOLUNTEER OR ARE EMPLOYED OR ENROLLED AT AN INSTITUTION OF POSTSECONDARY EDUCATION AND THE INSTITUTION AT WHICH EACH SUCH PERSON VOLUNTEERS, IS EMPLOYED, OR IS ENROLLED.

**SECTION 2.** Part 1 of article 5 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION 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), C.R.S., CONCERNING REGISTERED SEX OFFENDERS.

**SECTION 3.** 16-22-108 (3), Colorado Revised Statutes, as enacted by Senate Bill 02-010, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

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

(d) BECOMES EMPLOYED OR CHANGES EMPLOYMENT OR EMPLOYMENT LOCATION, IF EMPLOYED BY AN INSTITUTION OF POSTSECONDARY EDUCATION;

(e) BECOMES ENROLLED OR CHANGES ENROLLMENT IN AN INSTITUTION OF POSTSECONDARY EDUCATION, OR CHANGES THE LOCATION OF ENROLLMENT; OR

(f) BECOMES A VOLUNTEER OR CHANGES THE VOLUNTEER WORK LOCATION, IF VOLUNTEERING AT AN INSTITUTION OF POSTSECONDARY EDUCATION.

**SECTION 4.** 16-22-109 (1), Colorado Revised Statutes, as enacted by Senate Bill 02-010, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

**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, AND, IF THE PLACE OF EMPLOYMENT IS AN INSTITUTION OF POSTSECONDARY EDUCATION, ALL ADDRESSES AND LOCATIONS OF THE EMPLOYING INSTITUTION OF POSTSECONDARY EDUCATION AT WHICH THE PERSON MAY BE PHYSICALLY LOCATED;

(a.5) IF THE PERSON IS VOLUNTEERING AT AN INSTITUTION OF POSTSECONDARY EDUCATION, ALL ADDRESSES AND LOCATIONS OF THE VOLUNTEERING INSTITUTION OF POSTSECONDARY EDUCATION AT WHICH THE PERSON MAY BE PHYSICALLY LOCATED;

(a.7) IF THE PERSON ENROLLS OR IS ENROLLED IN AN INSTITUTION OF A POSTSECONDARY EDUCATION, ALL ADDRESSES AND LOCATIONS OF THE INSTITUTION OF POSTSECONDARY EDUCATION AT WHICH THE PERSON ATTENDS CLASSES OR OTHERWISE PARTICIPATES IN REQUIRED ACTIVITIES;

(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, AND, IF THE TEMPORARY RESIDENT OF THE STATE IS ENROLLED IN, EMPLOYED BY, OR VOLUNTEERS AT AN INSTITUTION OF POSTSECONDARY EDUCATION, ALL ADDRESSES AND LOCATIONS OF THE INSTITUTION OF POSTSECONDARY EDUCATION AT WHICH THE TEMPORARY RESIDENT ATTENDS CLASSES OR OTHERWISE PARTICIPATES IN REQUIRED ACTIVITIES OR WORKS OR PERFORMS VOLUNTEER ACTIVITIES;

(d) THE NAME, ADDRESS, AND LOCATION OF ANY INSTITUTION OF POSTSECONDARY EDUCATION WHERE THE PERSON REQUIRED TO REGISTER IS ENROLLED;

(e) THE NAME, ADDRESS, AND LOCATION OF ANY INSTITUTION OF POSTSECONDARY EDUCATION WHERE THE PERSON REQUIRED TO REGISTER VOLUNTEERS.

**SECTION 5.** 16-22-110, Colorado Revised Statutes, as enacted by Senate Bill 02-010, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**16-22-110. Colorado sex offender registry - creation - maintenance - release of information.** (3.5) THE COLORADO BUREAU OF INVESTIGATION SHALL DEVELOP AN INTERACTIVE DATABASE WITHIN THE SEX OFFENDER REGISTRY TO PROVIDE, AT A MINIMUM, THE FOLLOWING INFORMATION TO ALL CRIMINAL JUSTICE AGENCIES IN WHOSE JURISDICTIONS AN INSTITUTION OF POSTSECONDARY EDUCATION IS LOCATED:

(a) IDENTIFICATION OF ALL PERSONS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103 WHO VOLUNTEER OR ARE EMPLOYED OR ENROLLED AT AN INSTITUTION OF

POSTSECONDARY EDUCATION AND THE INSTITUTION AT WHICH EACH SUCH PERSON VOLUNTEERS, IS EMPLOYED, OR IS ENROLLED;

(b) IDENTIFICATION OF ALL PERSONS WHO ARE SEXUALLY VIOLENT PREDATORS WHO VOLUNTEER OR ARE EMPLOYED OR ENROLLED AT AN INSTITUTION OF POSTSECONDARY EDUCATION AND THE INSTITUTION AT WHICH EACH SUCH PERSON VOLUNTEERS, IS EMPLOYED, OR IS ENROLLED.

**SECTION 6. Federal funds.** The general assembly anticipates that, for the fiscal year beginning July 1, 2002, the department of public safety will receive the sum of eleven thousand two-hundred eighty dollars (\$11,280) in federal funds for the implementation of this act. Although these funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.

**SECTION 7. Effective date.** This act shall take effect July 1, 2002; except that section 1 of this act shall take effect only if Senate Bill 02-010 does not pass and does not become law and sections 3, 4, and 5 of this act shall take effect only if Senate Bill 02-010 passes and becomes law.

**SECTION 8. 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