

CHAPTER 56

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 02-1132

BY REPRESENTATIVE(S) Marshall, Borodkin, Fritz, Garcia, Groff, Hefley, Lee, Madden, Saliman, Veiga, Boyd, Cloer, Coleman, Grossman, Jahn, Jameson, Mace, Miller, Romanoff, Sanchez, Scott, Stafford, Tapia, and Williams S.; also SENATOR(S) Epps and Tupa.

AN ACT**CONCERNING LIMITATIONS ON THE HOUSING USED BY PERSONS CONVICTED OF SEX OFFENSES.**

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds that:

(a) Studies show that persons who are convicted of offenses involving unlawful sexual behavior demonstrate a high likelihood of recidivism and represent a very high risk to the public, especially to children;

(b) While persons who are convicted of offenses involving unlawful sexual behavior may serve their sentences to incarceration, receive treatment, and be returned to the community, such persons continue to require a high degree of supervision and are often prohibited, by court order, from having contact with children;

(c) Currently, there are no statutory restrictions that apply to the living arrangements and locations for persons convicted of offenses involving unlawful sexual behavior, and some homes for two or more such persons are located in close proximity to child care facilities and schools;

(d) It is in the best interests of the citizens of the state of Colorado for the sex offender management board to study the safety issues raised by the location of residences for persons convicted of offenses involving unlawful sexual behavior and adopt guidelines as appropriate to address such issues.

SECTION 2. 16-11.7-103 (4), Colorado Revised Statutes, is amended BY THE

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

ADDITION OF A NEW PARAGRAPH to read:

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

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

(j) THE BOARD SHALL RESEARCH AND ANALYZE THE SAFETY ISSUES RAISED BY LIVING ARRANGEMENTS FOR AND THE LOCATION OF SEX OFFENDERS WITHIN THE COMMUNITY, INCLUDING BUT NOT LIMITED TO SHARED OR STRUCTURED LIVING ARRANGEMENTS. AT A MINIMUM, THE BOARD SHALL CONSIDER THE ISSUES RAISED BY THE LOCATION OF SEX OFFENDER RESIDENCES, ESPECIALLY IN PROXIMITY TO PUBLIC OR PRIVATE SCHOOLS AND CHILD CARE FACILITIES, AND PUBLIC NOTIFICATION OF THE LOCATION OF SEX OFFENDER RESIDENCES. ON OR BEFORE MARCH 15, 2004, THE BOARD SHALL PREPARE AND SUBMIT A REPORT CONCERNING THE RESEARCH AND ANALYSIS CONDUCTED PURSUANT TO THIS PARAGRAPH (j) AND ANY RELATED LEGISLATIVE RECOMMENDATIONS. THE BOARD SHALL SUBMIT THE REPORT TO THE CIVIL JUSTICE AND JUDICIARY AND THE CRIMINAL JUSTICE COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE JUDICIARY COMMITTEE OF THE SENATE. ON OR BEFORE JULY 1, 2004, THE BOARD SHALL ADOPT SUCH GUIDELINES AS IT MAY DEEM APPROPRIATE REGARDING THE LIVING ARRANGEMENTS AND LOCATION OF SEX OFFENDERS. THE BOARD SHALL ACCOMPLISH THE REQUIREMENTS SPECIFIED IN THIS PARAGRAPH (j) WITHIN EXISTING APPROPRIATIONS.

SECTION 3. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 27, 2002