

## CHAPTER 251

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**CRIMINAL LAW AND PROCEDURE**

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**HOUSE BILL 05-1308**

BY REPRESENTATIVE(S) Butcher, Berens, Coleman, Frangas, Gallegos, Garcia, Paccione, Penry, and Vigil;  
also SENATOR(S) Tapia, Dyer, Evans, Hanna, Shaffer, Spence, Tochtrop, Tupa, and Williams.

**AN ACT****CONCERNING A REQUIREMENT THAT CERTAIN NOT-GUILTY-BY-REASON-OF-INSANITY DEFENDANTS REGISTER AS SEX OFFENDERS.**

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

**SECTION 1.** 16-8-115 (4) (a), Colorado Revised Statutes, is amended, and the said 16-8-115 (4) is further amended BY THE ADDITION OF A NEW PARAGRAPH, 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.** (4) (a) In addition to any terms and conditions of release imposed pursuant to subsection (3) of this section, a court ~~may~~ SHALL order a defendant, as a condition of release, to register with the local law enforcement agency of the jurisdiction in which the defendant resides if the court finds that:

(I) The defendant was found not guilty by reason of insanity on a charge of an offense involving unlawful sexual behavior; OR

(II) The defendant was found not guilty by reason of insanity on a charge of any other offense, the underlying factual basis of which includes an offense involving unlawful sexual behavior. ~~OR~~

~~(III) The chief officer of the institution in which the defendant has been committed recommends registration based on information obtained from the defendant during the course of treatment that indicates the defendant has committed an offense involving unlawful sexual behavior.~~

(a.5) IN ADDITION TO ANY TERMS AND CONDITIONS OF RELEASE IMPOSED PURSUANT

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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.*

TO SUBSECTION (3) OF THIS SECTION, A COURT MAY ORDER A DEFENDANT, AS A CONDITION OF RELEASE, TO REGISTER WITH THE LOCAL LAW ENFORCEMENT AGENCY OF THE JURISDICTION IN WHICH THE DEFENDANT RESIDES IF THE COURT FINDS THAT THE CHIEF OFFICER OF THE INSTITUTION IN WHICH THE DEFENDANT HAS BEEN COMMITTED RECOMMENDS REGISTRATION BASED ON INFORMATION OBTAINED FROM THE DEFENDANT DURING THE COURSE OF TREATMENT THAT INDICATES THE DEFENDANT HAS COMMITTED AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR.

**SECTION 2.** 16-8-118 (2) (a), Colorado Revised Statutes, is amended, and the said 16-8-118 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**16-8-118. Temporary removal for treatment and rehabilitation.** (2) (a) A court ~~may~~ SHALL order any defendant who receives treatment and rehabilitation activities involving temporary physical removal of the defendant from the institution to register with the local law enforcement agency of the jurisdiction in which the defendant resides if the court finds that:

(I) The defendant was found not guilty by reason of insanity on a charge of an offense involving unlawful sexual behavior; OR

(II) The defendant was found not guilty by reason of insanity on a charge of any other offense, the underlying factual basis of which includes an offense involving unlawful sexual behavior. ~~or~~

~~(III) The chief officer of the institution in which the defendant has been committed recommends registration based on information obtained from the defendant during the course of treatment that indicates the defendant has committed an offense involving unlawful sexual behavior.~~

(a.5) A COURT MAY ORDER ANY DEFENDANT WHO RECEIVES TREATMENT AND REHABILITATION ACTIVITIES INVOLVING TEMPORARY PHYSICAL REMOVAL OF THE DEFENDANT FROM THE INSTITUTION TO REGISTER WITH THE LOCAL LAW ENFORCEMENT AGENCY OF THE JURISDICTION IN WHICH THE DEFENDANT RESIDES IF THE COURT FINDS THAT THE CHIEF OFFICER OF THE INSTITUTION IN WHICH THE DEFENDANT HAS BEEN COMMITTED RECOMMENDS REGISTRATION BASED ON INFORMATION OBTAINED FROM THE DEFENDANT DURING THE COURSE OF TREATMENT THAT INDICATES THE DEFENDANT HAS COMMITTED AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR.

**SECTION 3. 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 2, 2005