

## CHAPTER 382

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**CRIMINAL LAW AND PROCEDURE**

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**HOUSE BILL 07-1326**

BY REPRESENTATIVE(S) Kerr A. and Swalm, Balmer, Frangas, Gagliardi, Gibbs, Green, Jahn, Kerr J., Labuda, Lambert, Looper, Massey, May M., McNulty, Romanoff, Stafford, Stephens, Summers, Todd, and Roberts;  
also SENATOR(S) Sandoval, Johnson, Boyd, Fitz-Gerald, Groff, Kester, Kopp, McElhany, Mitchell S., Morse, Penry, Romer, Schwartz, Shaffer, Spence, Taylor, Tochtrop, Tupa, Veiga, Ward, Wiens, and Williams.

**AN ACT**

**CONCERNING A REQUIREMENT THAT CERTAIN SEX OFFENDERS PROVIDE ELECTRONIC COMMUNICATION IDENTIFIERS WHEN REGISTERING AS SEX OFFENDERS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** 16-22-108, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**16-22-108. Registration - procedure - frequency - place - change of address - fee.** (2.5) (a) ANY PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103 AND WHO HAS BEEN CONVICTED OF A CHILD SEX CRIME SHALL BE REQUIRED TO REGISTER ALL EMAIL ADDRESSES, INSTANT-MESSAGING IDENTITIES, OR CHAT ROOM IDENTITIES PRIOR TO USING THE ADDRESS OR IDENTITY. THE ENTITY THAT ACCEPTS THE REGISTRATION OF A PERSON REQUIRED TO REGISTER ALL EMAIL ADDRESSES SHALL MAKE A REASONABLE EFFORT TO VERIFY ALL EMAIL ADDRESSES PROVIDED BY THE PERSON.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (2.5), A PERSON SHALL NOT BE REQUIRED TO REGISTER AN EMPLOYMENT EMAIL ADDRESS IF:

(I) THE PERSON'S EMPLOYER PROVIDED THE EMAIL ADDRESS FOR USE PRIMARILY IN THE COURSE OF THE PERSON'S EMPLOYMENT;

(II) THE EMAIL ADDRESS IDENTIFIES THE EMPLOYER BY NAME, INITIALS, OR OTHER COMMONLY RECOGNIZED IDENTIFIER; AND

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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.*

(III) THE PERSON REQUIRED TO REGISTER IS NOT AN OWNER OR OPERATOR OF THE EMPLOYING ENTITY THAT PROVIDED THE EMAIL ADDRESS.

(c) FOR PURPOSES OF THIS SECTION, "CHILD SEX CRIME" MEANS SEXUAL ASSAULT ON A CHILD, AS DESCRIBED IN SECTION 18-3-405, C.R.S.; SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST, AS DESCRIBED IN SECTION 18-3-405.3, C.R.S.; UNLAWFUL SEXUAL CONTACT, AS DESCRIBED IN SECTION 18-3-404 (1.5), C.R.S.; ENTICEMENT OF A CHILD, AS DESCRIBED IN SECTION 18-3-305, C.R.S.; AGGRAVATED INCEST, AS DESCRIBED IN SECTION 18-6-302 (1) (b), C.R.S.; TRAFFICKING IN CHILDREN, AS DESCRIBED IN SECTION 18-6-402, C.R.S.; SEXUAL EXPLOITATION OF CHILDREN, AS DESCRIBED IN SECTION 18-6-403, C.R.S.; PROCUREMENT OF A CHILD FOR SEXUAL EXPLOITATION, AS DESCRIBED IN SECTION 18-6-404, C.R.S.; SOLICITING FOR CHILD PROSTITUTION, AS DESCRIBED IN SECTION 18-7-402, C.R.S.; PANDERING OF A CHILD, AS DESCRIBED IN SECTION 18-7-403, C.R.S.; PROCUREMENT OF A CHILD, AS DESCRIBED IN SECTION 18-7-403.5, C.R.S.; KEEPING A PLACE OF CHILD PROSTITUTION, AS DESCRIBED IN SECTION 18-7-404, C.R.S.; PIMPING OF A CHILD, AS DESCRIBED IN SECTION 18-7-405, C.R.S.; INDUCEMENT OF CHILD PROSTITUTION, AS DESCRIBED IN SECTION 18-7-405.5, C.R.S.; PATRONIZING A PROSTITUTED CHILD, AS DESCRIBED IN SECTION 18-7-406, C.R.S.; INTERNET LURING OF A CHILD, AS DESCRIBED IN SECTION 18-3-306, C.R.S.; INTERNET SEXUAL EXPLOITATION OF A CHILD, AS DESCRIBED IN SECTION 18-3-405.4, C.R.S.; WHOLESALE PROMOTION OF OBSCENITY TO A MINOR, AS DESCRIBED IN SECTION 18-7-102 (1.5), C.R.S.; PROMOTION OF OBSCENITY TO A MINOR, AS DESCRIBED IN SECTION 18-7-102 (2.5), C.R.S.; SEXUAL ASSAULT, AS DESCRIBED IN SECTION 18-3-402 (1) (d) AND (1) (e), C.R.S.; SEXUAL ASSAULT IN THE SECOND DEGREE AS IT EXISTED PRIOR TO JULY 1, 2000, AS DESCRIBED IN SECTION 18-3-403 (1) (e) AND (1) (e.5), C.R.S.; OR CRIMINAL ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT ANY OF THE ACTS SPECIFIED IN THIS PARAGRAPH (c).

(d) THE ENTITY THAT ACCEPTS THE REGISTRATION OF A PERSON REQUIRED TO REGISTER ALL EMAIL ADDRESSES, INSTANT-MESSAGING IDENTITIES, OR CHAT ROOM IDENTITIES PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2.5) SHALL REQUIRE THE PERSON TO SIGN A STATEMENT THAT THE EMAIL ADDRESSES, INSTANT-MESSAGING IDENTITIES, OR CHAT ROOM IDENTITIES PROVIDED ON THE REGISTRATION FORM ARE EMAIL ADDRESSES, INSTANT-MESSAGING IDENTITIES, OR CHAT ROOM IDENTITIES THAT THE PERSON HAS THE AUTHORITY TO USE. THE STATEMENT SHALL ALSO STATE THAT PROVIDING FALSE INFORMATION RELATED TO THE PERSON'S EMAIL ADDRESSES, INSTANT-MESSAGING IDENTITIES, OR CHAT ROOM IDENTITIES MAY CONSTITUTE A MISDEMEANOR OR FELONY CRIMINAL OFFENSE. THIS SIGNED STATEMENT CONSTITUTES A REASONABLE EFFORT TO VERIFY ALL EMAIL ADDRESSES PROVIDED BY THE PERSON AS REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (2.5), BUT DOES NOT PRECLUDE ADDITIONAL VERIFICATION EFFORTS.

**SECTION 2.** 16-22-108 (3) (e) and (3) (f), Colorado Revised Statutes, are amended, and the said 16-22-108 (3) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**16-22-108. Registration - procedure - frequency - place - change of address - fee.** (3) Any person who is required to register pursuant to section 16-22-103 shall be required to register each time such person:

(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; OR

(g) CHANGES HIS OR HER EMAIL ADDRESS, INSTANT MESSAGING IDENTITY, OR CHAT ROOM IDENTITY, IF THE PERSON IS REQUIRED TO REGISTER THAT INFORMATION PURSUANT TO SECTION 16-22-108 (2.5). THE PERSON SHALL REGISTER THE EMAIL ADDRESS, INSTANT MESSAGING IDENTITY, OR CHAT ROOM IDENTITY PRIOR TO USING IT.

**SECTION 3.** The introductory portion to 16-22-109 (1), Colorado Revised Statutes, is amended, and the said 16-22-109 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**16-22-109. Registration forms - local law enforcement agencies - duties.** (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~~ THE 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~~ THE standardized forms may be provided in electronic form. ~~Such~~ THE 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:

(g) ALL EMAIL ADDRESSES, INSTANT-MESSAGING IDENTITIES, AND CHAT ROOM IDENTITIES TO BE USED BY THE PERSON IF THE PERSON IS REQUIRED TO REGISTER THAT INFORMATION PURSUANT TO SECTION 16-22-108 (2.5).

**SECTION 4.** 18-3-412.5 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH 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:

(k) FAILURE TO REGISTER AN EMAIL ADDRESS, INSTANT-MESSAGING IDENTITY, OR CHAT ROOM IDENTITY PRIOR TO USING THE ADDRESS OR IDENTITY IF THE PERSON IS REQUIRED TO REGISTER THAT INFORMATION PURSUANT TO SECTION 16-22-108 (2.5), C.R.S.

**SECTION 5.** Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**17-1-165. Appropriation to comply with section 2-2-703 - HB 07-1326.**

(1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT H.B. 07-1326, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF FIVE HUNDRED THOUSAND SIX HUNDRED SIXTY DOLLARS (\$500,660).

(b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF ONE HUNDRED FIFTY THOUSAND ONE HUNDRED NINETY-EIGHT DOLLARS (\$150,198).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF ONE HUNDRED TEN THOUSAND THREE HUNDRED FORTY-EIGHT DOLLARS (\$110,348).

(c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF SEVENTY-FIVE THOUSAND NINETY-NINE DOLLARS (\$75,099).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF ONE HUNDRED FORTY-THREE THOUSAND FOUR HUNDRED FIFTY-TWO DOLLARS (\$143,452).

(d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF ONE HUNDRED SIXTY THOUSAND FIVE DOLLARS (\$160,005).

(e) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF ONE HUNDRED SIXTY THOUSAND FIVE DOLLARS (\$160,005).

**SECTION 6.** 24-75-302 (2) (t), (2) (u), and (2) (v), Colorado Revised Statutes, are amended to read:

**24-75-302. Capital construction fund - capital assessment fees - calculation.**

(2) As of July 1, 1988, and July 1 of each year thereafter through July 1, 2010, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount which shall accrue pursuant to this subsection (2) shall be as follows:

(t) On July 1, 2007, four hundred sixteen thousand eight hundred two dollars pursuant to H.B. 03-1004, enacted at the first regular session of the sixty-fourth general assembly; plus fifty-five thousand five hundred seventy-four dollars pursuant to H.B. 03-1317, enacted at the first regular session of the sixty-fourth general assembly; plus thirteen thousand eight hundred ninety-three dollars pursuant to H.B. 04-1021, enacted at the second regular session of the sixty-fourth general assembly; plus twenty-two million eight hundred eighty-five thousand three hundred eighty-six dollars pursuant to H.B. 06-1373, enacted at the second regular session of the sixty-fifth general assembly; plus two hundred nine thousand two hundred sixty-six dollars pursuant to S.B. 06-206, enacted at the second regular session of the sixty-fifth general assembly; plus two hundred nine thousand two hundred sixty-six dollars pursuant to S.B. 06-207, enacted at the second regular session of the sixty-fifth general assembly; plus six hundred ten thousand three hundred fifty-eight dollars pursuant to H.B. 06-1326, enacted at the second regular session of the sixty-fifth general assembly; plus sixty-nine thousand seven hundred fifty-five dollars pursuant to H.B. 06-1151, enacted at the second regular session of the sixty-fifth general assembly; plus five hundred twenty-three thousand one hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the second regular session of the sixty-fifth general assembly; plus seventeen thousand four hundred thirty-nine dollars pursuant to S.B. 06S-005, enacted at the first extraordinary session of the sixty-fifth general assembly; PLUS FIVE HUNDRED THOUSAND SIX HUNDRED SIXTY DOLLARS PURSUANT TO H.B. 07-1326, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY;

(u) On July 1, 2008, sixty-nine thousand four hundred sixty-seven dollars pursuant to H.B. 04-1021, enacted at the second regular session of the sixty-fourth general assembly; plus three hundred ninety-two thousand three hundred seventy-three dollars pursuant to S.B. 06-206, enacted at the second regular session of the sixty-fifth general assembly; plus three hundred ninety-two thousand three hundred seventy-three dollars pursuant to S.B. 06-207, enacted at the second regular session of the sixty-fifth general assembly; plus four hundred sixty-two thousand one hundred twenty-eight dollars pursuant to H.B. 06-1326, enacted at the second regular session of the sixty-fifth general assembly; plus twenty-six thousand one hundred fifty-eight dollars pursuant to H.B. 06-1145, enacted at the second regular session of the sixty-fifth general assembly; plus five hundred twenty-three thousand one hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the second regular session of the sixty-fifth general assembly; plus sixty-nine thousand seven hundred fifty-five dollars pursuant to S.B. 06S-004, enacted at the first extraordinary session of the sixty-fifth general assembly; PLUS ONE HUNDRED FIFTY THOUSAND ONE HUNDRED NINETY-EIGHT DOLLARS PURSUANT TO H.B. 07-1326, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY;

(v) On July 1, 2009, five hundred twenty-three thousand one hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second regular session of the sixty-fifth general assembly; plus five hundred twenty-three thousand one hundred sixty-four dollars pursuant to S.B. 06-207, enacted at the second regular session of the sixty-fifth general assembly; plus forty-three thousand five hundred ninety-seven dollars pursuant to H.B. 06-1145, enacted at the second regular session of the sixty-fifth general assembly; plus five hundred twenty-three thousand one hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the second regular session of the sixty-fifth general assembly; PLUS SEVENTY-FIVE THOUSAND NINETY-NINE DOLLARS PURSUANT TO H.B. 07-1326, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY;

**SECTION 7. Appropriation - adjustments to the 2007 long bill.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public safety, for allocation to the Colorado bureau of investigation, for the fiscal year beginning July 1, 2007, the sum of thirty-eight thousand four hundred dollars (\$38,400), or so much thereof as may be necessary, for the implementation of this act.

(2) For the implementation of this act, the appropriation made in section 21 of the annual general appropriation act for the fiscal year beginning July 1, 2007, shall be adjusted as follows: The general fund appropriation to the controlled maintenance trust fund is decreased by the sum of thirty-eight thousand four hundred dollars (\$38,400).

**SECTION 8. Effective date - applicability.** This act shall take effect July 1, 2007, and section 4 of this act shall apply to offenses committed on or after said date.

**SECTION 9. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 31, 2007