

CHAPTER 73

CORRECTIONS

HOUSE BILL 08-1247

BY REPRESENTATIVE(S) Primavera, Benefield, Borodkin, Buescher, Carroll M., Carroll T., Casso, Frangas, Gagliardi, Green, Hodge, Jahn, Labuda, Massey, McGihon, Merrifield, Middleton, Mitchell V., Rice, Romanoff, Stafford, Stephens, Summers, and Todd;
also SENATOR(S) Veiga, Boyd, Mitchell S., Penry, Spence, Tupa, and Williams.

AN ACT**CONCERNING PROCEDURES FOR THE DETERMINATION OF WHETHER A SEX OFFENDER IS A SEXUALLY VIOLENT PREDATOR.**

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

SECTION 1. 18-3-414.5 (2), Colorado Revised Statutes, is amended to read:

18-3-414.5. Sexually violent predators - assessment - annual report.

(2) When a defendant 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, unless ~~such an~~ THE evaluation and assessment ~~has~~ HAVE been completed within the six months prior to the conviction or the defendant has been previously designated a sexually violent predator. Based on the results of ~~such~~ THE 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 the provisions of section 16-22-108, C.R.S., and shall be subject to community notification pursuant to part 9 of article 13 of title 16, C.R.S. IF THE DEPARTMENT OF CORRECTIONS RECEIVES A MITTIMUS THAT INDICATES THAT THE COURT DID NOT MAKE A SPECIFIC FINDING OF FACT OR ENTER AN ORDER REGARDING WHETHER THE DEFENDANT IS A SEXUALLY VIOLENT PREDATOR, THE DEPARTMENT SHALL IMMEDIATELY NOTIFY THE COURT AND, IF NECESSARY, RETURN THE DEFENDANT TO THE CUSTODY OF THE SHERIFF FOR DELIVERY TO THE COURT, AND THE COURT SHALL MAKE A FINDING OR ENTER AN ORDER REGARDING WHETHER THE DEFENDANT IS A SEXUALLY VIOLENT PREDATOR; EXCEPT THAT THIS PROVISION SHALL NOT APPLY IF THE COURT WAS NOT REQUIRED

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 ENTER THE ORDER WHEN IMPOSING THE ORIGINAL SENTENCE IN THE CASE.

SECTION 2. 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 26, 2008