

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB21-1320 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **amend** 16-11.7-101
4 as follows:

5 **16-11.7-101. Legislative declaration.** (1) The general assembly
6 finds that, to protect the public and to work toward the elimination of
7 sexual offenses, it is necessary to comprehensively evaluate, ~~identify,~~
8 treat, manage, and monitor ~~adult sex offenders~~ ADULTS WHO HAVE
9 COMMITTED A sexual OFFENSE who are subject to ~~the~~ COMMUNITY
10 supervision of the criminal justice system and juveniles who have
11 committed A sexual ~~offenses~~ OFFENSE who are subject to the supervision
12 of the juvenile justice system.

13 (2) Therefore, the general assembly declares that it is necessary to
14 ~~create~~ ADOPT a program that establishes evidence-based standards for the
15 evaluation, ~~identification,~~ treatment, management, and monitoring of
16 ~~adult sex offenders~~ ADULTS and juveniles who have committed A sexual
17 ~~offenses at each stage~~ OFFENSE AT VARIOUS STAGES of the criminal or
18 juvenile justice system to prevent ~~offenders~~ THEM from reoffending and
19 enhance the protection of victims and potential victims. The general
20 assembly does not intend to imply that all ~~offenders~~ ADULTS OR
21 JUVENILES WHO HAVE COMMITTED A SEXUAL OFFENSE can or will
22 positively respond to treatment.

23 **SECTION 2.** In Colorado Revised Statutes, 16-11.7-102, **amend**
24 (1), (1.3), (2)(a) introductory portion, (2)(a)(IV), (3) introductory portion,
25 and (4); and **add** (5) as follows:

26 **16-11.7-102. Definitions.** As used in this article 11.7, unless the
27 context otherwise requires:

28 (1) "Adult ~~sex offender~~ WHO HAS COMMITTED A SEXUAL OFFENSE"
29 means a person who has been convicted, as described in ~~subparagraphs~~
30 ~~(I) to (III) of paragraph (a) of subsection (2) of this section~~ SUBSECTION
31 (2)(a)(I) TO (2)(a)(III) OF THIS SECTION, of a ~~sex~~ SEXUAL offense.

32 (1.3) "Board" means the sex offender management board created
33 in section 16-11.7-103 OR, AFTER SEPTEMBER 1, 2022, THE SEXUAL
34 OFFENSE MANAGEMENT BOARD CREATED IN SECTION 16-11.7-103.5.

35 (2) (a) "~~Sex offender~~ "PERSON WHO HAS COMMITTED A SEXUAL
36 OFFENSE" means any person who is:

37 (IV) A juvenile who has committed a sexual offense.

38 (3) "~~Sex~~ "SEXUAL offense" means any felony or misdemeanor
39 offense described in this subsection (3) as follows:

40 (4) "Treatment" means therapy, monitoring, and supervision of any

1 ~~sex offender which~~ ADULT OR JUVENILE WHO HAS COMMITTED A SEXUAL
2 OFFENSE THAT conforms to the standards ~~created~~ ADOPTED by the board
3 pursuant to section 16-11.7-103.

4 (5) "TREATMENT PROVIDER" MEANS A PERSON APPROVED TO
5 PROVIDE SEX-OFFENSE-SPECIFIC MENTAL HEALTH TREATMENT PURSUANT
6 TO SECTION 16-11.7-106. A POLYGRAPH EXAMINER IS NOT A TREATMENT
7 PROVIDER UNLESS ALSO APPROVED TO PROVIDE SUCH MENTAL HEALTH
8 TREATMENT.

9 **SECTION 3.** In Colorado Revised Statutes, **amend** 16-11.7-103
10 as follows:

11 **16-11.7-103. Sex offender management board - creation -**
12 **duties - repeal.** (1) There is ~~hereby~~ created in the department of public
13 safety a sex offender management board that consists of twenty-five
14 members. The membership of the board must reflect, to the extent
15 possible, representation of urban and rural areas of the state, PERSONS
16 WITH DISABILITIES, and a balance of expertise in adult and juvenile issues
17 relating to persons who commit ~~sex offenses~~ A SEXUAL OFFENSE. The
18 membership of the board consists of the following persons who are
19 appointed as follows:

20 (a) The chief justice of the supreme court shall appoint three
21 members as follows:

22 (I) One member who represents the judicial department;

23 (II) One member who is a district court judge; and

24 (III) One member who is a juvenile court judge or juvenile court
25 magistrate;

26 (b) The executive director of the department of corrections shall
27 appoint one member who represents the department of corrections;

28 (c) The executive director of the department of human services
29 shall appoint three members as follows:

30 (I) One member who represents the department of human services
31 and who has recognizable expertise in child welfare and case
32 management;

33 (II) One member who represents the division of youth services in
34 the department of human services; and

35 (III) One member who is a provider of out-of-home placement
36 services with recognizable expertise in providing services to juveniles
37 who have committed A sexual ~~offenses~~ OFFENSE;

38 (d) The executive director of the department of public safety shall
39 appoint sixteen members as follows:

40 (I) One member who represents the division of criminal justice in
41 the department of public safety;

42 (II) Two members who are licensed mental health professionals
43 with recognizable expertise in the treatment of ~~adult sex offenders~~

1 ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE;
2 (III) Two members who are licensed mental health professionals
3 with recognizable expertise in the treatment of juveniles who have
4 committed ~~sexual offenses~~ A SEXUAL OFFENSE;
5 (IV) One member who is a member of a community corrections
6 board;
7 (V) One member who is a public defender with recognizable
8 expertise related to sexual offenses;
9 (VI) One member who represents law enforcement with
10 recognizable expertise in addressing sexual offenses and victimization;
11 (VII) Three members who are recognized experts in the field of
12 sexual abuse and who can represent sexual abuse victims and victims'
13 rights organizations;
14 (VIII) One member who is a clinical polygraph examiner;
15 (IX) One member who is a private criminal defense attorney with
16 recognizable expertise related to sexual offenses;
17 (X) One member who is a county director of human or social
18 services, appointed after consultation with a statewide group representing
19 counties; and
20 (XI) Two members who are county commissioners or members of
21 the governing council for a jurisdiction that is a contiguous city and
22 county, one of whom shall represent an urban or suburban county and one
23 of whom shall represent a rural county, appointed after consultation with
24 a statewide group representing counties;
25 (e) The executive director of the Colorado district attorneys'
26 council shall appoint one member who represents the interests of
27 prosecuting attorneys and who has recognizable expertise in prosecuting
28 sexual offenses; and
29 (f) The commissioner of education shall appoint one member
30 who has experience with juveniles who have committed A sexual offenses
31 OFFENSE and who are in the public school system.
32 (2) The members of the board shall elect presiding officers for the
33 board, including a chair and vice-chair, from among the board members
34 appointed pursuant to subsection (1) of this section, which presiding
35 officers shall serve terms of two years. Board members may re-elect a
36 presiding officer.
37 (3) Members of the board shall serve at the pleasure of the
38 appointing authority for terms of four years; except that the member
39 appointed pursuant to ~~subparagraph (IX) of paragraph (d) of subsection~~
40 ~~(1)(d)(IX)~~ of this section prior to July 1, 2011, shall serve
41 the term of years in effect at the time of ~~his or her~~ THE MEMBER'S
42 appointment. The appointing authority may reappoint a member for an
43 additional term or terms. Members of the board shall serve without

1 compensation.

2 (4) **Duties of the board.** The board shall carry out the following
3 duties:

4 (a) **Standards for evaluation of adults who have committed a**
5 **sexual offense.** (I) The board shall ~~develop~~ ADOPT, prescribe, and revise,
6 as appropriate, a standard procedure to evaluate ~~and identify adult sex~~
7 ~~offenders~~ ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE, including
8 ~~adult sex offenders~~ ADULTS WITH AN INTELLECTUAL AND developmental
9 ~~disabilities~~ DISABILITY. The procedures ~~shall~~ MUST provide for an
10 evaluation ~~and identification of the adult sex offender~~ SUCH ADULTS and
11 recommend management, monitoring, and treatment based upon existing
12 research and shall incorporate the concepts of the risk-need-responsivity
13 or another evidence-based correctional model. There is currently no way
14 to ensure that ~~adult sex offenders~~ AN ADULT WHO HAS COMMITTED A
15 SEXUAL OFFENSE with the propensity to commit sexual offenses will not
16 reoffend. Because there are ~~adult sex offenders~~ ADULTS WHO HAVE
17 COMMITTED A SEXUAL OFFENSE who can learn to manage unhealthy
18 patterns and learn behaviors that can lessen their risk to society in the
19 course of ongoing treatment, management, and monitoring, the board
20 shall ~~develop~~ ADOPT a procedure for evaluating, ~~and identifying,~~ on a
21 case-by-case basis, reliably lower-risk ~~sex offenders~~ ADULTS WHO HAVE
22 COMMITTED A SEXUAL OFFENSE whose risk to sexually reoffend may not
23 be further reduced by participation in treatment as described in ~~paragraph~~
24 ~~(b) of this subsection (4)~~ SUBSECTION (4)(b) OF THIS SECTION. The board
25 shall ~~develop~~ ADOPT and implement methods of intervention for ~~adult sex~~
26 ~~offenders which~~ ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE. THE
27 methods MUST have as a priority the physical and psychological safety of
28 victims and potential victims and ~~which are~~ MUST BE appropriate to the
29 assessed needs of the ~~particular offender~~ ADULT WHO COMMITTED THE
30 SEXUAL OFFENSE, so long as there is no reduction in the safety of victims
31 and potential victims.

32 (b) **Guidelines and standards for treatment of persons who**
33 **have committed a sexual offense.** (I) The board shall ~~develop~~ ADOPT,
34 implement, and revise, as appropriate, guidelines and standards to treat
35 ~~adult sex offenders~~ ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE,
36 including ~~adult sex offenders~~ AN ADULT with AN intellectual and
37 developmental ~~disabilities~~ DISABILITY, incorporating in the guidelines and
38 standards the concepts of the risk-need-responsivity or another
39 evidence-based correctional model, which guidelines and standards can
40 be used in the treatment of ~~offenders~~ INDIVIDUALS who are placed on
41 probation, ~~incarcerated with the department of corrections,~~ placed on
42 parole, or placed in community corrections. Programs implemented
43 pursuant to the guidelines and standards ~~developed~~ ADOPTED pursuant to

1 this subsection (4)(b) must be as flexible as possible so that the programs
2 may be accessed by each ~~adult sex offender~~ ADULT WHO HAS COMMITTED
3 A SEXUAL OFFENSE to prevent ~~the offender from harming~~ harm to victims
4 and potential victims. Programs must include a continuing monitoring
5 process and a continuum of treatment options available to ~~an adult sex~~
6 ~~offender as he or she~~ AN ADULT WHO HAS COMMITTED A SEXUAL OFFENSE
7 AS THE ADULT proceeds through the criminal justice system. Treatment
8 options must be determined by a current risk assessment and evaluation
9 and may include, but need not be limited to, group counseling, individual
10 counseling, family counseling, outpatient treatment, inpatient treatment,
11 shared living arrangements, or treatment in a therapeutic community.
12 Programs implemented pursuant to the guidelines and standards
13 ~~developed~~ ADOPTED pursuant to this subsection (4)(b) must, to the extent
14 possible, be accessible to ~~all adult sex offenders~~ EVERYONE in the
15 criminal justice system, including ~~those offenders~~ ADULTS with
16 behavioral, mental health, and co-occurring disorders, ~~The procedures for~~
17 ~~evaluation, identification, treatment, and monitoring developed pursuant~~
18 ~~to this subsection (4) must be implemented only to the extent that money~~
19 ~~is available in the sex offender surcharge fund created in section~~
20 ~~18-21-103 (3)~~ AND, TO THE EXTENT POSSIBLE, ENSURE TREATMENT THAT
21 IS RESPONSIVE TO THE LINGUISTIC, CULTURAL, RELIGIOUS, RACIAL, AND
22 SEXUAL AND GENDER IDENTITY CHARACTERISTICS OF THE ADULT WHO HAS
23 COMMITTED A SEXUAL OFFENSE.

24 (I.5) THE GUIDELINES AND STANDARDS MUST NOT REQUIRE THE
25 TREATMENT PROVIDER OR SUPERVISING OFFICER TO USE POLYGRAPH
26 TESTING, BUT ITS USE MAY BE PERMITTED IN CASES IN WHICH THERE IS A
27 SPECIFIC DOCUMENTED RATIONALE BASED ON INDIVIDUAL RISK AND NEED
28 AFTER CONSIDERATION OF HOW THE INFORMATION SOUGHT WILL INFORM
29 TREATMENT OR SUPERVISION, THE ALTERNATE METHODS AVAILABLE TO
30 OBTAIN THE INFORMATION, AND WHETHER CURRENT BEHAVIORS, RISK
31 FACTORS, AND NEEDS WOULD BE ADDRESSED BY POLYGRAPH TESTING.

32 (II) (A) To revise the guidelines and standards ~~developed~~
33 ADOPTED pursuant to this ~~paragraph (b)~~ SUBSECTION (4)(b), the board
34 shall establish a committee to make recommendations to the board. At
35 least eighty percent of the members of the committee must be approved
36 treatment providers.

37 (B) THIS SUBSECTION (4)(b) IS REPEALED, EFFECTIVE AUGUST 31,
38 2022.

39 (III) Repealed.

40 (c) **Allocation of money in sex offender surcharge fund.** The
41 board shall ~~develop~~ ADOPT an annual plan for the allocation of ~~moneys~~
42 MONEY deposited in the sex offender surcharge fund, REFERRED TO IN
43 THIS SUBSECTION (4)(c) AS THE "FUND", created pursuant to section

1 18-21-103 (3) ~~C.R.S.~~, among the judicial department, the department of
2 corrections, the division of criminal justice in the department of public
3 safety, and the department of human services. ~~In addition,~~ The board shall
4 coordinate the expenditure of ~~moneys~~ MONEY from the ~~sex-offender~~
5 ~~surcharge~~ fund with any ~~moneys~~ MONEY expended by any of the
6 departments described in this ~~paragraph (c) to identify,~~ SUBSECTION (4)(c)
7 TO evaluate and treat ~~adult sex-offenders~~ ADULTS and juveniles who have
8 committed ~~sexual-offenses~~ A SEXUAL OFFENSE. IN ADDITION, IN
9 RECOGNITION OF THE OVERREPRESENTATION OF SOME RACIAL, ETHNIC,
10 GENDER, AND SEXUAL IDENTITY GROUPS WITHIN THE POPULATION OF
11 INDIVIDUALS SENTENCED FOR SEXUAL OFFENSES, AND THE SIMULTANEOUS
12 UNDERREPRESENTATION OF TREATMENT PROVIDERS FROM THE SAME
13 GROUPS, THE BOARD SHALL ADOPT A PROCESS AND CRITERIA BY WHICH A
14 POTENTIAL TREATMENT PROVIDER MAY APPLY TO THE FUND FOR GRANTS
15 OR SCHOLARSHIPS IF THE APPLICANT'S ENTRY INTO THE TREATMENT
16 PROVIDER COMMUNITY WOULD DIVERSIFY THE FIELD OR ENHANCE
17 RESOURCES TO UNDERSERVED AREAS OF COLORADO. THE BOARD SHALL
18 APPLY FOR GRANTS OR SEEK GIFTS OR DONATIONS FROM PRIVATE OR
19 PUBLIC SOURCES FOR THE PURPOSE OF PROVIDING THE GRANTS OR
20 SCHOLARSHIPS. THE MONEY USED FOR THE GRANTS OR SCHOLARSHIPS
21 SHALL NOT COME FROM SEX OFFENDER SURCHARGE FEES. THE GRANTS OR
22 SCHOLARSHIPS MAY INCLUDE, BUT ARE NOT LIMITED TO, AWARDS TO
23 ASSIST CANDIDATES IN MEETING THE EDUCATIONAL, LICENSURE, OR
24 CLINICAL TRAINING REQUIREMENTS DESCRIBED IN SECTION 16-11.7-106
25 AND MUST SEEK TO INCREASE THE LIKELIHOOD THAT AN ADULT OR
26 JUVENILE WHO HAS COMMITTED A SEXUAL OFFENSE WILL HAVE ACCESS TO
27 TREATMENT PROVIDERS WHO CAN MEET THEIR LINGUISTIC, CULTURAL,
28 RELIGIOUS, RACIALLY, AND SEXUAL AND GENDER IDENTITY DIVERSE
29 NEEDS. The general assembly may appropriate ~~moneys~~ MONEY from the
30 ~~sex-offender surcharge~~ fund in accordance with the plan.

31 (d) **Risk assessment screening instrument.** ~~The board shall~~
32 ~~consult on, approve, and revise, as necessary, the risk assessment~~
33 ~~screening instrument developed by the division of criminal justice to~~
34 ~~assist the sentencing court in determining the likelihood that an adult sex~~
35 ~~offender will commit one or more of the offenses specified in section~~
36 ~~18-3-414.5 (1)(a)(II), C.R.S., under the circumstances described in~~
37 ~~section 18-3-414.5 (1)(a)(III), C.R.S. In carrying out this duty, the board~~
38 ~~shall consider research on adult sex offender risk assessment and shall~~
39 ~~consider as one element the risk posed by an adult sex offender who~~
40 ~~suffers from psychopathy or a personality disorder that makes the person~~
41 ~~more likely to engage in sexually violent predatory offenses. If a~~
42 ~~defendant is found to be a sexually violent predator, the defendant shall~~
43 ~~be required to register pursuant to article 22 of this title and shall be~~

1 ~~subject to community notification pursuant to part 9 of article 13 of this~~
2 ~~title.~~

3 (e) **Evaluation of policies and procedures - report.** The board
4 shall research, either through direct evaluation or through a review of
5 relevant research articles and ~~sex offender~~ OFFENSE treatment empirical
6 data, and analyze, through a comprehensive review of evidence-based
7 practices, the effectiveness of the evaluation ~~identification~~, and treatment
8 policies and procedures for ~~adult sex offenders developed~~ ADULTS WHO
9 HAVE COMMITTED A SEXUAL OFFENSE ADOPTED pursuant to this ~~article~~
10 ARTICLE 11.7. This research ~~shall~~ MUST specifically include, but need not
11 be limited to, reviewing and researching reoffense and factors that
12 contribute to reoffense, ~~for sex offenders as defined in this article~~, the
13 effective use of cognitive behavioral therapy to prevent reoffense, the use
14 of polygraphs in treatment, and the containment model for ~~adult sex~~
15 ~~offender~~ THE management and treatment OF ADULTS WHO HAVE
16 COMMITTED A SEXUAL OFFENSE and its effective application. The board
17 shall revise the guidelines and standards for evaluation ~~identification~~, and
18 treatment, as appropriate, based upon the results of the board's research
19 and analysis. The board shall also ~~develop~~ ADOPT and prescribe a system
20 to implement the guidelines and standards ~~developed~~ ADOPTED pursuant
21 to ~~paragraph (b) of this subsection (4)~~ SUBSECTION (4)(b) OF THIS
22 SECTION.

23 (f) **Criteria for measuring progress in treatment.** (I) Pursuant
24 to section 18-1.3-1009, ~~€R.S.~~, concerning the criteria for release from
25 incarceration, reduction in supervision, and discharge for certain ~~adult sex~~
26 ~~offenders~~, ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE, the board,
27 in collaboration with the department of corrections, the judicial
28 department, and the state board of parole, shall ~~develop and revise~~ ADOPT,
29 as appropriate, criteria for measuring ~~an adult sex offender's progress~~ THE
30 PROGRESS OF AN ADULT WHO HAS COMMITTED A SEXUAL OFFENSE in
31 treatment. The criteria shall assist the court and the state board of parole
32 in determining whether an adult ~~sex offenders~~ WHO HAS COMMITTED A
33 SEXUAL OFFENSE may appropriately be released from incarceration
34 pursuant to section 18-1.3-1006 (1), ~~€R.S.~~, or whether the ~~adult sex~~
35 ~~offender's~~ level of supervision OF THE ADULT WHO HAS COMMITTED A
36 SEXUAL OFFENSE may be reduced pursuant to section 18-1.3-1006 (2)(a)
37 or 18-1.3-1008, ~~€R.S.~~, or whether the adult ~~sex offender~~ WHO HAS
38 COMMITTED A SEXUAL OFFENSE may appropriately be discharged from
39 probation or parole pursuant to section 18-1.3-1006 or 18-1.3-1008.
40 ~~€R.S.~~ At a minimum, the criteria ~~shall~~ MUST be designed to assist the
41 court and the state board of parole in determining whether the adult ~~sex~~
42 ~~offender~~ WHO HAS COMMITTED A SEXUAL OFFENSE could be appropriately
43 supervised in the community if ~~he or she~~ SUCH ADULT were released from

1 incarceration, released to a reduced level of supervision, or discharged
2 from probation or parole. The criteria ~~shall~~ MUST not limit the
3 decision-making authority of the court or the state board of parole.

4 (II) The board, in collaboration with the department of
5 corrections, the judicial department, and the state board of parole, shall
6 ~~establish~~ ADOPT standards for community entities that provide supervision
7 and treatment specifically designed for ~~adult sex offenders who have~~
8 ~~developmental disabilities~~ AN ADULT WHO HAS COMMITTED A SEXUAL
9 OFFENSE AND WHO HAS AN INTELLECTUAL AND DEVELOPMENTAL
10 DISABILITY. At a minimum, the standards ~~shall~~ MUST determine whether
11 an entity would provide adequate support and supervision to minimize
12 any threat that the ~~adult sex offender~~ WHO HAS COMMITTED A SEXUAL
13 OFFENSE may pose to the community.

14 (g) **Living arrangements for adults who have committed a**
15 **sexual offense - recommendations.** The board shall research, analyze,
16 and make recommendations that reflect best practices for living
17 arrangements for and the location of ~~adult sex offenders~~ ADULTS WHO
18 HAVE COMMITTED A SEXUAL OFFENSE within the community, including
19 but not limited to shared living arrangements. At a minimum, the board
20 shall consider the safety issues raised by the location of ~~sex offender~~
21 residences FOR ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE,
22 especially in proximity to public or private schools and child care
23 facilities, and public notification of the location of ~~sex offender~~ SUCH
24 residences. The board shall adopt and revise as appropriate such
25 guidelines as it may deem appropriate regarding the living arrangements
26 and location of ~~adult sex offenders~~ ADULTS WHO HAVE COMMITTED A
27 SEXUAL OFFENSE and ~~adult sex offender~~ THEIR housing. The board shall
28 accomplish the requirements specified in this ~~paragraph (g)~~ SUBSECTION
29 (4)(g) within existing appropriations.

30 (h) **Data collection from treatment providers.** (I) If the
31 department of public safety acquires sufficient funding, the board may
32 request that individuals or entities providing ~~sex-offender-specific~~
33 SEX-OFFENSE-SPECIFIC evaluation, treatment, or polygraph services that
34 conform with standards ~~developed~~ ADOPTED by the board pursuant to
35 ~~paragraph (b) of this subsection (4)~~ SUBSECTION (4)(b) OF THIS SECTION
36 submit to the board data and information as determined by the board at
37 the time that funding becomes available. This data and information may
38 be used by the board to evaluate the effectiveness of the guidelines and
39 standards ~~developed~~ ADOPTED pursuant to this ~~article~~ ARTICLE 11.7; to
40 evaluate the effectiveness of individuals or entities providing
41 ~~sex-offender-specific~~ SEX-OFFENSE-SPECIFIC evaluation, treatment, or
42 polygraph services; or for any other purposes consistent with the
43 provisions of this ~~article~~ ARTICLE 11.7.

1 (II) The board shall ~~develop~~ ADOPT a data collection plan,
2 including associated costs, in consultation with the research and
3 evaluation professionals on the board and within the department of public
4 safety. The board shall report on the data collection plan to the judiciary
5 committees of the general assembly, or any successor committees, as part
6 of its annual report presented pursuant to section 16-11.7-109 (2) in
7 January 2017. By July 1, 2017, the board shall revise the guidelines and
8 standards for approved TREATMENT providers ~~developed~~ ADOPTED
9 pursuant to ~~paragraphs (b) and (j) of this subsection (4)~~ SUBSECTIONS
10 (4)(b) AND (4)(j) OF THIS SECTION to require evaluators, treatment
11 providers, and polygraph examiners to collect data pursuant to the data
12 collection plan. If the board determines that it will be unable to complete
13 the revision of the guidelines and standards by July 1, 2017, the board
14 shall report to the judiciary committees of the general assembly, or any
15 successor committees, a projected completion date as part of its annual
16 report presented pursuant to section 16-11.7-109 (2) in January 2017.

17 (i) **Standards for evaluation of juveniles who have committed**
18 **a sexual offense.** The board shall ~~develop~~ ADOPT, prescribe, and revise,
19 as appropriate, a standard procedure to evaluate ~~and identify~~ juveniles
20 who have committed ~~sexual offenses~~ A SEXUAL OFFENSE, including
21 juveniles with AN INTELLECTUAL AND developmental ~~disabilities~~
22 DISABILITY. The procedure ~~shall~~ MUST provide for an evaluation ~~and~~
23 ~~identification~~ of the juvenile ~~offender~~ and recommend behavior
24 management, monitoring, treatment, and compliance and ~~shall~~ MUST
25 incorporate the concepts of the risk-need-responsivity or another
26 evidence-based correctional model based upon the knowledge that all
27 unlawful sexual behavior poses a risk to the community and that certain
28 juveniles may have the capacity to change their behavior with appropriate
29 intervention and treatment. The board shall ~~develop~~ ADOPT and
30 implement methods of intervention for juveniles who have committed
31 ~~sexual offenses~~ A SEXUAL OFFENSE, which methods have as a priority the
32 physical and psychological safety of victims and potential victims and
33 that are appropriate to the needs of the particular juvenile, ~~offender~~, so
34 long as there is no reduction in the safety of victims and potential victims.

35 (j) (I) **Guidelines and standards for treatment of juveniles**
36 **who have committed a sexual offense.** The board shall ~~develop~~ ADOPT,
37 implement, and revise, as appropriate, guidelines and standards to treat
38 juveniles who have committed ~~sexual offenses~~ A SEXUAL OFFENSE,
39 including juveniles with AN intellectual and developmental ~~disabilities~~
40 DISABILITY, OR A JUVENILE WHO HAS BEEN CRIMINALLY CONVICTED IN
41 DISTRICT COURT PURSUANT TO SECTION 19-2-517 OR 19-2-518, UNLESS
42 THE JUVENILE HAS ALSO BEEN CONVICTED OF A SEX OFFENSE COMMITTED
43 ON OR AFTER THE DAY THE JUVENILE ATTAINED EIGHTEEN YEARS OF AGE,

1 incorporating in the guidelines and standards the concepts of the
2 risk-need-responsivity or another evidence-based correctional model,
3 which guidelines and standards may be used for ~~juvenile offenders~~
4 JUVENILES who are placed on probation, committed to the department of
5 human services, placed on parole, or placed in out-of-home placement.
6 Programs implemented pursuant to the guidelines and standards
7 ~~developed~~ ADOPTED pursuant to this subsection (4)(j) must be as flexible
8 as possible so that the programs may be accessed by each juvenile
9 ~~offender~~ to prevent ~~him or her from harming~~ HARM TO victims and
10 potential victims. Programs must provide a continuing monitoring process
11 and a continuum of treatment options available to a juvenile ~~offender as~~
12 ~~he or she~~ AS THE JUVENILE proceeds through the juvenile justice system.
13 Treatment options may include, but need not be limited to, group
14 counseling, individual counseling, family counseling, outpatient
15 treatment, inpatient treatment, shared living arrangements, and treatment
16 in a therapeutic community. Programs implemented pursuant to the
17 guidelines and standards ~~developed~~ ADOPTED pursuant to this subsection
18 (4)(j) must be, to the extent possible, accessible to all juveniles who have
19 committed ~~sexual offenses~~ A SEXUAL OFFENSE and who are in the juvenile
20 justice system, including juveniles with behavioral, mental health, or
21 co-occurring disorders, AND MUST ENSURE TREATMENT THAT IS
22 RESPONSIVE TO THE LINGUISTIC, CULTURAL, RELIGIOUS, AND RACIAL
23 CHARACTERISTICS AND THE SEXUAL AND GENDER IDENTITY OF THE
24 JUVENILE WHO HAS COMMITTED A SEXUAL OFFENSE SERVED, TO THE
25 EXTENT POSSIBLE.

26 (I.5) THE GUIDELINES AND STANDARDS MUST NOT REQUIRE THE
27 TREATMENT PROVIDER OR SUPERVISING OFFICER TO USE POLYGRAPH
28 TESTING, BUT ITS USE MAY BE PERMITTED IN CASES IN WHICH THERE IS A
29 SPECIFIC DOCUMENTED RATIONALE BASED ON INDIVIDUAL RISK AND NEED
30 AFTER CONSIDERATION OF HOW THE INFORMATION SOUGHT WILL INFORM
31 TREATMENT OR SUPERVISION, THE ALTERNATE METHODS AVAILABLE TO
32 OBTAIN THE INFORMATION, AND WHETHER CURRENT BEHAVIORS, RISK
33 FACTORS, AND NEEDS WOULD BE ADDRESSED BY POLYGRAPH TESTING.

34 (II) To revise the guidelines and standards ~~developed~~ ADOPTED
35 pursuant to this ~~paragraph (j)~~ SUBSECTION (4)(j), the board shall establish
36 a committee to make recommendations to the board. At least eighty
37 percent of the members of the committee must be approved treatment
38 providers.

39 (k) **Evaluation of policies and procedures for juveniles who**
40 **have committed a sexual offense.** The board shall research and analyze
41 the effectiveness of the evaluation ~~identification~~, and treatment
42 procedures ~~developed~~ ADOPTED pursuant to this ~~article~~ ARTICLE 11.7 for
43 juveniles who have committed ~~sexual offenses~~ A SEXUAL OFFENSE. The

1 board shall revise the guidelines and standards for evaluation
2 ~~identification~~, and treatment, as appropriate, based upon the results of the
3 board's research and analysis. The board shall also ~~develop~~ ADOPT and
4 prescribe a system to implement the guidelines and standards ~~developed~~
5 ADOPTED pursuant to ~~paragraph (j) of this subsection (4)~~ SUBSECTION
6 (4)(j) OF THIS SECTION.

7 (l) **Educational materials.** The board, in collaboration with law
8 enforcement agencies, victim advocacy organizations, the department of
9 education, and the department of public safety, shall ~~develop~~ ADOPT and
10 revise, as appropriate, for use by schools, the statement identified in
11 section 22-1-124 ~~C.R.S.~~, and educational materials regarding general
12 information about ~~adult sex offenders~~ ADULTS and juveniles who have
13 committed ~~sexual offenses~~ A SEXUAL OFFENSE, safety concerns related to
14 such ~~offenders~~ ADULTS AND JUVENILES, and other relevant materials. The
15 board shall provide the statement and materials to the department of
16 education, and the department of education shall make the statement and
17 materials available to schools in the state.

18 (5) **Immunity.** The board and the individual board members ~~shall~~
19 ~~be~~ ARE immune from any liability, whether civil or criminal, for the good
20 faith performance of the duties of the board.

21 (6) **Repeal.** (a) This section is repealed, effective ~~September 1,~~
22 ~~2021~~ AUGUST, 31, 2022.

23 (b) ~~Prior to said repeal, the sex offender management board~~
24 ~~appointed pursuant to this section shall be reviewed as provided for in~~
25 ~~section 24-34-104, C.R.S.~~

26 (c) (I) Prior to the repeal of this section in 2021, the house OF
27 REPRESENTATIVES judiciary committee, or its successor committee, shall
28 hold an additional hearing on the report prepared by the department of
29 regulatory agencies in 2019 pursuant to the provisions of section
30 24-34-104 (6)(a). Any bill recommended by the judiciary committee
31 pursuant to this subsection (6)(c)(I) does not count against the number of
32 bills to which members of the general assembly are limited by law or joint
33 rule of the senate and house of representatives. The department of
34 regulatory agencies is not required to conduct an additional review or
35 prepare an additional report prior to the hearing in 2021.

36 (II) This subsection (6)(c) is repealed, effective ~~September 1,~~
37 ~~2021~~ AUGUST 31, 2022.

38 **SECTION 4.** In Colorado Revised Statutes, ~~add~~ 16-11.7-103.5
39 as follows:

40 **16-11.7-103.5. Sexual offense management board - task force**
41 **- creation - membership - duties - repeal.** (1) (a) THERE IS CREATED IN
42 THE DEPARTMENT OF PUBLIC SAFETY A SEXUAL OFFENSE MANAGEMENT
43 BOARD THAT CONSISTS OF ELEVEN VOTING MEMBERS. THE MEMBERSHIP

1 OF THE BOARD MUST REFLECT AND INCLUDE, TO THE EXTENT POSSIBLE,
2 REPRESENTATION OF URBAN AND RURAL AREAS OF THE STATE, PERSONS
3 WITH DISABILITIES, AND PERSONS WHO HAVE EXPERTISE IN ADULT AND
4 JUVENILE ISSUES RELATING TO PERSONS WHO HAVE COMMITTED A SEXUAL
5 OFFENSE. THE MEMBERSHIP OF THE BOARD CONSISTS OF THE FOLLOWING
6 PERSONS APPOINTED AS FOLLOWS:

7 (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
8 SAFETY SHALL APPOINT:

9 (A) FOUR MEMBERS WHO WORK FOR BUSINESS ENTITIES THAT ARE
10 DISTINCT FROM EACH OTHER AND WHO ARE LICENSED MENTAL HEALTH
11 PROFESSIONALS WHO MAY OR MAY NOT BE APPROVED TO PROVIDE
12 EVALUATION OR TREATMENT SERVICES PURSUANT TO THIS ARTICLE 16 TO
13 ADULTS, BUT WHO HAVE RECOGNIZABLE EXPERTISE IN THE TREATMENT OF
14 ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE;

15 (B) ONE MEMBER WHO WORKS FOR A BUSINESS ENTITY THAT IS
16 DISTINCT FROM THE APPOINTMENTS MADE PURSUANT TO SUBSECTION
17 (1)(a)(I)(A) OF THIS SECTION AND WHO IS A LICENSED MENTAL HEALTH
18 PROFESSIONAL WHO MAY OR MAY NOT BE APPROVED TO PROVIDE
19 EVALUATION OR TREATMENT SERVICES UNDER THIS ARTICLE 16 TO
20 JUVENILES, BUT WHO HAS RECOGNIZABLE EXPERTISE IN THE TREATMENT
21 OF JUVENILES WHO HAVE COMMITTED A SEXUAL OFFENSE;

22 (C) ONE MEMBER WHO WORKS AS A CONFIDENTIAL VICTIM'S
23 ADVOCATE, AS DESCRIBED IN SECTION 13-90-107 (1)(k)(II), WITH
24 EXPERIENCE WORKING WITH SURVIVORS OF SEXUAL ASSAULT; AND

25 (D) ONE MEMBER WHO WORKS AS A VICTIM ASSISTANT IN A
26 DISTRICT ATTORNEY'S OFFICE WITH EXPERIENCE WORKING WITH
27 SURVIVORS OF SEXUAL ASSAULT.

28 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
29 CORRECTIONS SHALL APPOINT ONE MEMBER WHO REPRESENTS THE
30 DIVISION OF ADULT PAROLE;

31 (III) THE CHIEF JUSTICE OF THE SUPREME COURT SHALL APPOINT
32 ONE MEMBER WHO REPRESENTS THE PROBATION DEPARTMENT;

33 (IV) THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT
34 ATTORNEYS' COUNCIL SHALL APPOINT ONE MEMBER WHO REPRESENTS THE
35 INTERESTS OF PROSECUTING ATTORNEYS AND WHO HAS RECOGNIZABLE
36 EXPERTISE IN PROSECUTING SEXUAL OFFENSES; AND

37 (V) THE OFFICE OF THE COLORADO STATE PUBLIC DEFENDER
38 SHALL APPOINT ONE MEMBER WHO IS A PUBLIC DEFENDER WITH
39 RECOGNIZABLE EXPERTISE RELATED TO SEXUAL OFFENSES.

40 (b) THE BOARD IS RESPONSIBLE FOR THE OVERSIGHT OF THE TASK
41 FORCE CREATED IN SUBSECTION (2) OF THIS SECTION. THE BOARD SHALL
42 DELEGATE TASKS OR AREAS OF STUDY TO THE TASK FORCE. THE BOARD
43 SHALL CONSIDER ANY RECOMMENDATIONS MADE BY THE TASK FORCE

1 RELATED TO DUTIES OF THE BOARD.

2 (c) THE MEMBERS OF THE SEXUAL OFFENSE MANAGEMENT BOARD
3 SHALL ELECT PRESIDING OFFICERS FOR THE BOARD, INCLUDING A CHAIR
4 AND VICE-CHAIR, FROM AMONG THE BOARD MEMBERS APPOINTED
5 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, WHICH PRESIDING
6 OFFICERS SHALL SERVE TERMS OF TWO YEARS. BOARD MEMBERS MAY
7 RE-ELECT A PRESIDING OFFICER.

8 (d) MEMBERS OF THE BOARD SHALL SERVE AT THE PLEASURE OF
9 THE APPOINTING AUTHORITY FOR TERMS OF FOUR YEARS AND MAY SERVE
10 NO MORE THAN TWO TERMS; EXCEPT THAT A MEMBER OF THE BOARD MAY
11 NOT BE APPOINTED TO THE BOARD IF THE MEMBER SERVED TWO OR MORE
12 TERMS ON THE BOARD CREATED IN THE REPEALED SUBSECTION (1) OF THIS
13 SECTION OR, IF A MEMBER SERVED ONE TERM ON THE BOARD CREATED IN
14 THE REPEALED SUBSECTION (1) OF THIS SECTION, THE MEMBER MAY ONLY
15 SERVE ONE TERM. MEMBERS OF THE BOARD SHALL SERVE WITHOUT
16 COMPENSATION.

17 (2) (a) THERE IS CREATED A TWELVE-MEMBER NONVOTING TASK
18 FORCE OF THE BOARD THAT SERVES TO MEET WITH AND PROVIDE
19 INFORMATION AND INPUT TO THE VOTING MEMBERS OF THE BOARD AS
20 DELEGATED BY THE BOARD IN SUBSECTION (1)(b) OF THIS SECTION. THE
21 MEMBERSHIP OF THE TASK FORCE CONSISTS OF THE FOLLOWING PERSONS
22 APPOINTED AS FOLLOWS:

23 (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
24 SAFETY SHALL APPOINT:

25 (A) ONE MEMBER FROM THE DIVISION OF CRIMINAL JUSTICE WITH
26 RECOGNIZABLE EXPERTISE IN COMMUNITY CORRECTIONS PROGRAMS;

27 (B) TWO MEMBERS WHO WORK FOR BUSINESS ENTITIES THAT ARE
28 DISTINCT FROM EACH OTHER AND WHO ARE MENTAL HEALTH
29 PROFESSIONALS WHO MAY OR MAY NOT BE APPROVED TO PROVIDE
30 EVALUATION OR TREATMENT SERVICES UNDER THIS ARTICLE 16 BUT WHO
31 HAVE RECOGNIZABLE EXPERTISE IN THE TREATMENT OF ADULTS WHO
32 HAVE COMMITTED A SEXUAL OFFENSE;

33 (C) ONE MEMBER WHO REPRESENTS LAW ENFORCEMENT, WITH
34 RECOGNIZABLE EXPERIENCE INVESTIGATING SEXUAL OFFENSES;

35 (D) ONE MEMBER WHO REPRESENTS A COMMUNITY CORRECTIONS
36 PROVIDER WHO PROVIDES SERVICES TO ADULTS WHO HAVE COMMITTED A
37 SEXUAL OFFENSE; AND

38 (E) ONE MEMBER WHO IS AN ACADEMIC RESEARCHER WITH
39 EXPERTISE IN THE CRIMINOLOGY OF SEXUAL OFFENSES;

40 (II) THE CHIEF JUSTICE OF THE SUPREME COURT SHALL APPOINT
41 TWO MEMBERS, ONE WHO IS A DISTRICT COURT JUDGE AND ONE WHO IS A
42 JUVENILE COURT JUDGE; AND

43 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN

1 SERVICES SHALL APPOINT:

2 (A) ONE MEMBER WHO REPRESENTS THE DIVISION OF YOUTH
3 SERVICES IN THE DEPARTMENT OF HUMAN SERVICES; AND

4 (B) ONE MEMBER FROM THE OFFICE OF BEHAVIORAL HEALTH.

5 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
6 CORRECTIONS SHALL APPOINT ONE MEMBER FROM THE DEPARTMENT OF
7 CORRECTIONS; AND

8 (V) THE CHAIR OF THE PAROLE BOARD OR THE CHAIR'S DESIGNEE.

9 (b) THE TASK FORCE SHALL STUDY AND DEVELOP PROPOSALS FOR
10 THE TASK OR AREA OF RESEARCH ASSIGNED TO IT BY THE BOARD
11 PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION. THE TASK FORCE MAY
12 PROVIDE GUIDANCE AND MAKE RECOMMENDATIONS OF AREAS OF STUDY
13 OR ISSUES FOR CONSIDERATION TO THE BOARD.

14 (c) MEMBERS OF THE TASK FORCE SHALL SERVE AT THE PLEASURE
15 OF THE APPOINTING AUTHORITY FOR TERMS OF FOUR YEARS. THE
16 APPOINTING AUTHORITY MAY REAPPOINT A MEMBER FOR AN ADDITIONAL
17 TERM OR TERMS. MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT
18 COMPENSATION.

19 (3) **Duties of the board.** THE BOARD SHALL CARRY OUT THE
20 FOLLOWING DUTIES:

21 (a) **Standards for evaluation of adults who have committed a**
22 **sexual offense.** THE BOARD SHALL ADOPT, PRESCRIBE, AND REVISE, AS
23 APPROPRIATE, A STANDARD PROCEDURE TO EVALUATE ADULTS WHO HAVE
24 COMMITTED A SEXUAL OFFENSE, INCLUDING ADULTS WITH AN
25 INTELLECTUAL AND DEVELOPMENTAL DISABILITY. THE PROCEDURES MUST
26 PROVIDE FOR AN EVALUATION OF SUCH PERSONS AND RECOMMEND
27 MANAGEMENT, MONITORING, AND TREATMENT BASED UPON EXISTING
28 RESEARCH AND SHALL INCORPORATE THE CONCEPTS OF THE
29 RISK-NEED-RESPONSIVITY OR ANOTHER EVIDENCE-BASED CORRECTIONAL
30 MODEL. THERE IS CURRENTLY NO WAY TO ENSURE THAT AN ADULT WHO
31 HAS COMMITTED A SEXUAL OFFENSE WITH THE PROPENSITY TO COMMIT
32 SEXUAL OFFENSES WILL NOT REOFFEND. BECAUSE THERE ARE ADULTS
33 WHO HAVE COMMITTED A SEXUAL OFFENSE WHO CAN LEARN TO MANAGE
34 UNHEALTHY PATTERNS AND LEARN BEHAVIORS THAT CAN LESSEN THEIR
35 RISK TO SOCIETY IN THE COURSE OF ONGOING TREATMENT, MANAGEMENT,
36 AND MONITORING, THE BOARD SHALL ADOPT A PROCEDURE FOR
37 EVALUATING, ON A CASE-BY-CASE BASIS, RELIABLY LOWER-RISK ADULTS
38 WHO HAVE COMMITTED A SEXUAL OFFENSE WHOSE RISK TO SEXUALLY
39 REOFFEND MAY NOT BE FURTHER REDUCED BY PARTICIPATION IN
40 TREATMENT AS DESCRIBED IN SUBSECTION (3)(b) OF THIS SECTION. THE
41 BOARD SHALL ADOPT AND IMPLEMENT METHODS OF INTERVENTION FOR
42 ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE. THE METHODS MUST
43 HAVE AS A PRIORITY THE PHYSICAL AND PSYCHOLOGICAL SAFETY OF

1 VICTIMS AND POTENTIAL VICTIMS AND MUST BE APPROPRIATE TO THE
2 ASSESSED NEEDS OF THE ADULT WHO COMMITTED THE SEXUAL OFFENSE,
3 SO LONG AS THERE IS NO REDUCTION IN THE SAFETY OF VICTIMS AND
4 POTENTIAL VICTIMS.

5 **(b) (I) Guidelines and standards for treatment of adults who**
6 **have committed a sexual offense.** THE BOARD SHALL ADOPT,
7 IMPLEMENT, AND REVISE, AS APPROPRIATE, GUIDELINES AND STANDARDS
8 TO TREAT ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE, INCLUDING
9 ADULTS WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY,
10 INCORPORATING IN THE GUIDELINES AND STANDARDS THE CONCEPTS OF
11 THE RISK-NEED-RESPONSIVITY OR ANOTHER EVIDENCE-BASED
12 CORRECTIONAL MODEL, WHICH GUIDELINES AND STANDARDS CAN BE USED
13 IN THE TREATMENT OF PERSONS WHO ARE PLACED ON PROBATION, PLACED
14 ON PAROLE, OR PLACED IN COMMUNITY CORRECTIONS. PROGRAMS
15 IMPLEMENTED PURSUANT TO THE GUIDELINES AND STANDARDS ADOPTED
16 PURSUANT TO THIS SUBSECTION (3)(b) MUST BE AS FLEXIBLE AS POSSIBLE
17 SO THAT THE PROGRAMS MAY BE ACCESSED BY EACH ADULT WHO HAS
18 COMMITTED A SEXUAL OFFENSE TO PREVENT HARM TO VICTIMS AND
19 POTENTIAL VICTIMS. PROGRAMS MUST INCLUDE A CONTINUING
20 MONITORING PROCESS AND A CONTINUUM OF TREATMENT OPTIONS
21 AVAILABLE TO A ADULT WHO HAS COMMITTED A SEXUAL OFFENSE AS THE
22 ADULT PROCEEDS THROUGH THE CRIMINAL JUSTICE SYSTEM. TREATMENT
23 OPTIONS MUST BE DETERMINED BY A CURRENT RISK ASSESSMENT AND
24 EVALUATION AND MAY INCLUDE, BUT NEED NOT BE LIMITED TO, GROUP
25 COUNSELING, INDIVIDUAL COUNSELING, FAMILY COUNSELING, OUTPATIENT
26 TREATMENT, INPATIENT TREATMENT, SHARED LIVING ARRANGEMENTS, OR
27 TREATMENT IN A THERAPEUTIC COMMUNITY. PROGRAMS IMPLEMENTED
28 PURSUANT TO THE GUIDELINES AND STANDARDS ADOPTED PURSUANT TO
29 THIS SUBSECTION (3)(b) MUST, TO THE EXTENT POSSIBLE, BE ACCESSIBLE
30 TO EVERYONE IN THE CRIMINAL JUSTICE SYSTEM, INCLUDING ADULTS WITH
31 BEHAVIORAL, MENTAL HEALTH, AND CO-OCCURRING DISORDERS AND, TO
32 THE EXTENT POSSIBLE, ENSURE TREATMENT THAT IS RESPONSIVE TO THE
33 LINGUISTIC, CULTURAL, RELIGIOUS, RACIAL, AND SEXUAL AND GENDER
34 IDENTITY CHARACTERISTICS OF THE ADULT OR JUVENILE WHO HAS
35 COMMITTED A SEXUAL OFFENSE SERVED.

36 **(II)** THE GUIDELINES AND STANDARDS MUST NOT REQUIRE THE
37 TREATMENT PROVIDER OR SUPERVISING OFFICER TO USE POLYGRAPH
38 TESTING, BUT ITS USE MAY BE PERMITTED IN CASES IN WHICH THERE IS A
39 SPECIFIC DOCUMENTED RATIONALE BASED ON INDIVIDUAL RISK AND NEED
40 AFTER CONSIDERATION OF HOW THE INFORMATION SOUGHT WILL INFORM
41 TREATMENT OR SUPERVISION, THE ALTERNATE METHODS AVAILABLE TO
42 OBTAIN THE INFORMATION, AND WHETHER CURRENT BEHAVIORS, RISK
43 FACTORS, AND NEEDS WOULD BE ADDRESSED BY POLYGRAPH TESTING.

1 **(c) Allocation of money in sex offender surcharge fund.** THE
2 BOARD SHALL ADOPT AN ANNUAL PLAN FOR THE ALLOCATION OF MONEY
3 DEPOSITED IN THE SEX OFFENDER SURCHARGE FUND, REFERRED TO IN THIS
4 SUBSECTION (4)(c) AS THE "FUND", CREATED PURSUANT TO SECTION
5 18-21-103 (3) AMONG THE JUDICIAL DEPARTMENT, THE DEPARTMENT OF
6 CORRECTIONS, THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
7 PUBLIC SAFETY, AND THE DEPARTMENT OF HUMAN SERVICES. THE BOARD
8 SHALL COORDINATE THE EXPENDITURE OF MONEY FROM THE FUND WITH
9 ANY MONEY EXPENDED BY ANY OF THE DEPARTMENTS DESCRIBED IN THIS
10 SUBSECTION (3)(c) TO EVALUATE AND TREAT ADULTS AND JUVENILES WHO
11 HAVE COMMITTED A SEXUAL OFFENSE. IN ADDITION, IN RECOGNITION OF
12 THE OVERREPRESENTATION OF SOME RACIAL, ETHNIC, GENDER, AND
13 SEXUAL IDENTITY GROUPS WITHIN THE POPULATION OF INDIVIDUALS
14 SENTENCED FOR SEXUAL OFFENSES, AND THE SIMULTANEOUS
15 UNDERREPRESENTATION OF TREATMENT PROVIDERS FROM THE SAME
16 GROUPS, THE BOARD SHALL ADOPT A PROCESS BY WHICH A POTENTIAL
17 TREATMENT PROVIDER MAY APPLY TO THE FUND FOR GRANTS OR
18 SCHOLARSHIPS IF THE APPLICANT'S ENTRY INTO THE TREATMENT PROVIDER
19 COMMUNITY WOULD DIVERSIFY THE FIELD OR ENHANCE RESOURCES TO
20 UNDERSERVED AREAS OF COLORADO. THE BOARD SHALL APPLY FOR
21 GRANTS OR SEEK GIFTS OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES
22 FOR THE PURPOSE OF PROVIDING THE GRANTS OR SCHOLARSHIPS. THE
23 MONEY USED FOR THE GRANTS OR SCHOLARSHIPS SHALL NOT COME FROM
24 SEX OFFENDER SURCHARGE FEES. THE GRANTS OR SCHOLARSHIPS MAY
25 INCLUDE, BUT ARE NOT LIMITED TO, AWARDS TO ASSIST CANDIDATES IN
26 MEETING THE EDUCATIONAL, LICENSURE, OR CLINICAL TRAINING
27 REQUIREMENTS DESCRIBED IN SECTION 16-11.7-106 AND MUST SEEK TO
28 INCREASE THE LIKELIHOOD THAT ADULTS OR JUVENILES WHO HAVE
29 COMMITTED A SEXUAL OFFENSE WILL HAVE ACCESS TO TREATMENT
30 PROVIDERS WHO CAN MEET THEIR LINGUISTIC, CULTURAL, RELIGIOUS,
31 RACIALLY, AND SEXUAL AND GENDER IDENTITY DIVERSE NEEDS. THE
32 GENERAL ASSEMBLY MAY APPROPRIATE MONEY FROM THE FUND IN
33 ACCORDANCE WITH THE PLAN.

34 **(d) Evaluation of policies and procedures - report.** (I) THE
35 BOARD SHALL RESEARCH, EITHER THROUGH DIRECT EVALUATION OR
36 THROUGH A REVIEW OF RELEVANT RESEARCH ARTICLES AND SEXUAL
37 OFFENSE TREATMENT EMPIRICAL DATA, AND ANALYZE, THROUGH A
38 COMPREHENSIVE REVIEW OF EVIDENCE-BASED PRACTICES, THE
39 EFFECTIVENESS OF THE EVALUATION AND TREATMENT POLICIES AND
40 PROCEDURES FOR PERSONS WHO HAVE COMMITTED A SEXUAL OFFENSE
41 ADOPTED PURSUANT TO THIS ARTICLE 11.7. THIS RESEARCH MUST
42 SPECIFICALLY INCLUDE, BUT NEED NOT BE LIMITED TO, REVIEWING AND
43 RESEARCHING REOFFENSE AND FACTORS THAT CONTRIBUTE TO REOFFENSE,

1 THE EFFECTIVE USE OF COGNITIVE BEHAVIORAL THERAPY TO PREVENT
2 REOFFENSE, THE USE OF POLYGRAPHS IN TREATMENT, AND THE
3 CONTAINMENT MODEL FOR THE MANAGEMENT AND TREATMENT OF
4 PERSONS WHO HAVE COMMITTED A SEXUAL OFFENSE AND ITS EFFECTIVE
5 APPLICATION. THE BOARD SHALL REVISE THE GUIDELINES AND STANDARDS
6 FOR EVALUATION AND TREATMENT, AS APPROPRIATE, BASED UPON THE
7 RESULTS OF THE BOARD'S RESEARCH AND ANALYSIS. THE BOARD SHALL
8 ALSO ADOPT AND PRESCRIBE A SYSTEM TO IMPLEMENT THE GUIDELINES
9 AND STANDARDS ADOPTED PURSUANT TO SUBSECTION (3)(b) OF THIS
10 SECTION.

11 (e) **Criteria for measuring progress in treatment.**

12 (I) PURSUANT TO SECTION 18-1.3-1009, CONCERNING THE CRITERIA FOR
13 RELEASE FROM INCARCERATION, REDUCTION IN SUPERVISION, AND
14 DISCHARGE FOR CERTAIN ADULTS WHO HAVE COMMITTED A SEXUAL
15 OFFENSE, THE BOARD, IN COLLABORATION WITH THE DEPARTMENT OF
16 CORRECTIONS, THE JUDICIAL DEPARTMENT, AND THE STATE BOARD OF
17 PAROLE, SHALL ADOPT, AS APPROPRIATE, CRITERIA FOR MEASURING AN
18 ADULT WHO HAS COMMITTED A SEXUAL OFFENSE'S PROGRESS IN
19 TREATMENT. THE CRITERIA SHALL ASSIST THE COURT AND THE STATE
20 BOARD OF PAROLE IN DETERMINING WHETHER AN ADULT WHO HAS
21 COMMITTED A SEXUAL OFFENSE MAY APPROPRIATELY BE RELEASED FROM
22 INCARCERATION PURSUANT TO SECTION 18-1.3-1006(1), OR WHETHER THE
23 LEVEL OF SUPERVISION FOR AN ADULT WHO HAS COMMITTED A SEXUAL
24 OFFENSE MAY BE REDUCED PURSUANT TO SECTION 18-1.3-1006 (2)(a) OR
25 18-1.3-1008, OR WHETHER THE ADULT WHO HAS COMMITTED A SEXUAL
26 OFFENSE MAY APPROPRIATELY BE DISCHARGED FROM PROBATION OR
27 PAROLE PURSUANT TO SECTION 18-1.3-1006 OR 18-1.3-1008. AT A
28 MINIMUM, THE CRITERIA MUST BE DESIGNED TO ASSIST THE COURT AND
29 THE STATE BOARD OF PAROLE IN DETERMINING WHETHER THE ADULT WHO
30 COMMITTED A SEXUAL OFFENSE COULD BE APPROPRIATELY SUPERVISED IN
31 THE COMMUNITY IF HE OR SHE WERE RELEASED FROM INCARCERATION,
32 RELEASED TO A REDUCED LEVEL OF SUPERVISION, OR DISCHARGED FROM
33 PROBATION OR PAROLE. THE CRITERIA MUST NOT LIMIT THE
34 DECISION-MAKING AUTHORITY OF THE COURT OR THE STATE BOARD OF
35 PAROLE.

36 (II) THE BOARD, IN COLLABORATION WITH THE DEPARTMENT OF
37 CORRECTIONS, THE JUDICIAL DEPARTMENT, AND THE STATE BOARD OF
38 PAROLE, SHALL ADOPT STANDARDS FOR COMMUNITY ENTITIES THAT
39 PROVIDE SUPERVISION AND TREATMENT SPECIFICALLY DESIGNED FOR
40 ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE WHO HAVE
41 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES. AT A MINIMUM, THE
42 STANDARDS MUST DETERMINE WHETHER AN ENTITY WOULD PROVIDE
43 ADEQUATE SUPPORT AND SUPERVISION TO MINIMIZE ANY THREAT THAT

1 THE ADULT WHO HAS A COMMITTED A SEXUAL OFFENSE MAY POSE TO THE
2 COMMUNITY.

3 (f) **Living arrangements for persons who have committed a**
4 **sexual offense - recommendations.** THE BOARD SHALL RESEARCH,
5 ANALYZE, AND MAKE RECOMMENDATIONS THAT REFLECT BEST PRACTICES
6 FOR LIVING ARRANGEMENTS FOR AND THE LOCATION OF ADULTS WHO
7 HAVE COMMITTED A SEXUAL OFFENSE WITHIN THE COMMUNITY,
8 INCLUDING BUT NOT LIMITED TO SHARED LIVING ARRANGEMENTS. AT A
9 MINIMUM, THE BOARD SHALL CONSIDER THE SAFETY ISSUES RAISED BY THE
10 LOCATION OF RESIDENCES FOR ADULTS WHO HAVE COMMITTED A SEXUAL
11 OFFENSE, ESPECIALLY IN PROXIMITY TO PUBLIC OR PRIVATE SCHOOLS AND
12 CHILD CARE FACILITIES, AND PUBLIC NOTIFICATION OF THE LOCATION OF
13 SUCH RESIDENCES. THE BOARD SHALL ADOPT AND REVISE AS APPROPRIATE
14 SUCH GUIDELINES AS IT MAY DEEM APPROPRIATE REGARDING THE LIVING
15 ARRANGEMENTS AND LOCATION OF ADULTS WHO HAVE COMMITTED A
16 SEXUAL OFFENSE AND THEIR HOUSING. THE BOARD SHALL ACCOMPLISH
17 THE REQUIREMENTS SPECIFIED IN THIS SUBSECTION (3)(f) WITHIN EXISTING
18 APPROPRIATIONS.

19 (g) **Data collection from treatment providers.** IF THE
20 DEPARTMENT OF PUBLIC SAFETY ACQUIRES SUFFICIENT FUNDING, THE
21 BOARD MAY REQUEST THAT INDIVIDUALS OR ENTITIES PROVIDING
22 SEX-OFFENSE-SPECIFIC EVALUATION, TREATMENT, OR POLYGRAPH
23 SERVICES THAT CONFORM WITH STANDARDS ADOPTED BY THE BOARD
24 PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION SUBMIT TO THE BOARD
25 DATA AND INFORMATION AS DETERMINED BY THE BOARD AT THE TIME
26 THAT FUNDING BECOMES AVAILABLE. THIS DATA AND INFORMATION MAY
27 BE USED BY THE BOARD TO EVALUATE THE EFFECTIVENESS OF THE
28 GUIDELINES AND STANDARDS ADOPTED PURSUANT TO THIS ARTICLE 11.7;
29 TO EVALUATE THE EFFECTIVENESS OF INDIVIDUALS OR ENTITIES
30 PROVIDING SEX-OFFENSE-SPECIFIC EVALUATION, TREATMENT, OR
31 POLYGRAPH SERVICES; OR FOR ANY OTHER PURPOSES CONSISTENT WITH
32 THE PROVISIONS OF THIS ARTICLE 11.7.

33 (h) **Standards for evaluation of juveniles who have committed**
34 **a sexual offense.** THE BOARD SHALL ADOPT, PRESCRIBE, AND REVISE, AS
35 APPROPRIATE, A STANDARD PROCEDURE TO EVALUATE JUVENILES WHO
36 HAVE COMMITTED A SEXUAL OFFENSE, INCLUDING JUVENILES WITH AN
37 INTELLECTUAL AND DEVELOPMENTAL DISABILITY. THE PROCEDURE MUST
38 PROVIDE FOR AN EVALUATION AND OF THE JUVENILE AND RECOMMEND
39 BEHAVIOR MANAGEMENT, MONITORING, TREATMENT, AND COMPLIANCE
40 AND MUST INCORPORATE THE CONCEPTS OF THE RISK-NEED-RESPONSIVITY
41 OR ANOTHER EVIDENCE-BASED CORRECTIONAL MODEL BASED UPON THE
42 KNOWLEDGE THAT ALL UNLAWFUL SEXUAL BEHAVIOR POSES A RISK TO
43 THE COMMUNITY AND THAT CERTAIN JUVENILES MAY HAVE THE CAPACITY

1 TO CHANGE THEIR BEHAVIOR WITH APPROPRIATE INTERVENTION AND
2 TREATMENT. THE BOARD SHALL ADOPT AND IMPLEMENT METHODS OF
3 INTERVENTION FOR JUVENILES WHO HAVE COMMITTED A SEXUAL OFFENSE,
4 WHICH METHODS HAVE AS A PRIORITY THE PHYSICAL AND PSYCHOLOGICAL
5 SAFETY OF VICTIMS AND POTENTIAL VICTIMS AND THAT ARE APPROPRIATE
6 TO THE NEEDS OF THE PARTICULAR JUVENILE, SO LONG AS THERE IS NO
7 REDUCTION IN THE SAFETY OF VICTIMS AND POTENTIAL VICTIMS.

8 (i) **(I) Guidelines and standards for treatment of juveniles who**
9 **have committed a sexual offense.** THE BOARD SHALL ADOPT,
10 IMPLEMENT, AND REVISE, AS APPROPRIATE, GUIDELINES AND STANDARDS
11 TO TREAT JUVENILES WHO HAVE COMMITTED A SEXUAL OFFENSE,
12 INCLUDING JUVENILES WITH AN INTELLECTUAL AND DEVELOPMENTAL
13 DISABILITY, OR A JUVENILE WHO HAS BEEN CRIMINALLY CONVICTED IN
14 DISTRICT COURT PURSUANT TO SECTION 19-2-517 OR 19-2-518, UNLESS
15 THE JUVENILE HAS ALSO BEEN CONVICTED OF A SEX OFFENSE COMMITTED
16 ON OR AFTER THE DAY THE JUVENILE ATTAINED EIGHTEEN YEARS OF AGE,
17 INCORPORATING IN THE GUIDELINES AND STANDARDS THE CONCEPTS OF
18 THE RISK-NEED-RESPONSIVITY OR ANOTHER EVIDENCE-BASED
19 CORRECTIONAL MODEL, WHICH GUIDELINES AND STANDARDS MAY BE USED
20 FOR JUVENILES WHO ARE PLACED ON PROBATION, COMMITTED TO THE
21 DEPARTMENT OF HUMAN SERVICES, PLACED ON PAROLE, OR PLACED IN
22 OUT-OF-HOME PLACEMENT. PROGRAMS IMPLEMENTED PURSUANT TO THE
23 GUIDELINES AND STANDARDS ADOPTED PURSUANT TO THIS SUBSECTION
24 (3)(i) MUST BE AS FLEXIBLE AS POSSIBLE SO THAT THE PROGRAMS MAY BE
25 ACCESSED BY EACH JUVENILE TO PREVENT HARM TO VICTIMS AND
26 POTENTIAL VICTIMS. PROGRAMS MUST PROVIDE A CONTINUING
27 MONITORING PROCESS AND A CONTINUUM OF TREATMENT OPTIONS
28 AVAILABLE TO A JUVENILE AS THE JUVENILE PROCEEDS THROUGH THE
29 JUVENILE JUSTICE SYSTEM. TREATMENT OPTIONS MAY INCLUDE, BUT NEED
30 NOT BE LIMITED TO, GROUP COUNSELING, INDIVIDUAL COUNSELING,
31 FAMILY COUNSELING, OUTPATIENT TREATMENT, INPATIENT TREATMENT,
32 SHARED LIVING ARRANGEMENTS, AND TREATMENT IN A THERAPEUTIC
33 COMMUNITY. PROGRAMS IMPLEMENTED PURSUANT TO THE GUIDELINES
34 AND STANDARDS ADOPTED PURSUANT TO THIS SUBSECTION (3)(i) MUST BE,
35 TO THE EXTENT POSSIBLE, ACCESSIBLE TO ALL JUVENILES WHO HAVE
36 COMMITTED A SEXUAL OFFENSE AND WHO ARE IN THE JUVENILE JUSTICE
37 SYSTEM, INCLUDING JUVENILES WITH BEHAVIORAL, MENTAL HEALTH, OR
38 CO-OCCURRING DISORDERS, AND MUST ENSURE TREATMENT THAT IS
39 RESPONSIVE TO THE LINGUISTIC, CULTURAL, RELIGIOUS, AND RACIAL
40 CHARACTERISTICS, AND THE SEXUAL AND GENDER IDENTITY OF THE ADULT
41 OR JUVENILE WHO HAS COMMITTED A SEXUAL OFFENSE SERVED, TO THE
42 EXTENT POSSIBLE.

43 (II) THE GUIDELINES AND STANDARDS MUST NOT REQUIRE THE

1 TREATMENT PROVIDER OR SUPERVISING OFFICER TO USE POLYGRAPH
2 TESTING, BUT ITS USE MAY BE PERMITTED IN CASES IN WHICH THERE IS A
3 SPECIFIC DOCUMENTED RATIONALE BASED ON INDIVIDUAL RISK AND NEED
4 AFTER CONSIDERATION OF HOW THE INFORMATION SOUGHT WILL INFORM
5 TREATMENT OR SUPERVISION, THE ALTERNATE METHODS AVAILABLE TO
6 OBTAIN THE INFORMATION, AND WHETHER CURRENT BEHAVIORS, RISK
7 FACTORS, AND NEEDS WOULD BE ADDRESSED BY POLYGRAPH TESTING.

8 (j) **Evaluation of policies and procedures for juveniles who**
9 **have committed a sexual offense.** THE BOARD SHALL RESEARCH AND
10 ANALYZE THE EFFECTIVENESS OF THE EVALUATION AND TREATMENT
11 PROCEDURES ADOPTED PURSUANT TO THIS ARTICLE 11.7 FOR JUVENILES
12 WHO HAVE COMMITTED A SEXUAL OFFENSE. THE BOARD SHALL REVISE THE
13 GUIDELINES AND STANDARDS FOR EVALUATION AND TREATMENT, AS
14 APPROPRIATE, BASED UPON THE RESULTS OF THE BOARD'S RESEARCH AND
15 ANALYSIS.

16 (k) **Educational materials.** THE BOARD, IN COLLABORATION WITH
17 LAW ENFORCEMENT AGENCIES, VICTIM ADVOCACY ORGANIZATIONS, THE
18 DEPARTMENT OF EDUCATION, AND THE DEPARTMENT OF PUBLIC SAFETY,
19 SHALL ADOPT AND REVISE, AS APPROPRIATE, FOR USE BY SCHOOLS, THE
20 STATEMENT IDENTIFIED IN SECTION 22-1-124, AND EDUCATIONAL
21 MATERIALS REGARDING GENERAL INFORMATION ABOUT PERSONS AND
22 JUVENILES WHO HAVE COMMITTED A SEXUAL OFFENSE, SAFETY CONCERNS
23 RELATED TO SUCH PERSONS, AND OTHER RELEVANT MATERIALS. THE
24 BOARD SHALL PROVIDE THE STATEMENT AND MATERIALS TO THE
25 DEPARTMENT OF EDUCATION, AND THE DEPARTMENT OF EDUCATION SHALL
26 MAKE THE STATEMENT AND MATERIALS AVAILABLE TO SCHOOLS IN THE
27 STATE.

28 (4) **Immunity.** THE BOARD AND THE INDIVIDUAL BOARD MEMBERS
29 ARE IMMUNE FROM ANY LIABILITY, WHETHER CIVIL OR CRIMINAL, FOR THE
30 GOOD FAITH PERFORMANCE OF THE DUTIES OF THE BOARD.

31 (5) **Repeal.** (a) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER
32 1, 2027. BEFORE THE REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN
33 ACCORDANCE WITH SECTION 24-34-104.

34 (b) PRIOR TO SAID REPEAL, THE SEXUAL OFFENSE MANAGEMENT
35 BOARD APPOINTED PURSUANT TO THIS SECTION SHALL BE REVIEWED AS
36 PROVIDED FOR IN SECTION 24-34-104.

37 **SECTION 5.** In Colorado Revised Statutes, 16-11.7-104, **amend**
38 (1) as follows:

39 **16-11.7-104. Persons who have committed a sexual offense -**
40 **evaluation required.** (1) On and after January 1, 1994, each convicted
41 adult ~~sex offender~~ and juvenile who has committed a sexual offense who
42 is to be considered for probation ~~shall be~~ is required, as a part of the
43 presentence or probation investigation required pursuant to section

1 16-11-102, to submit to an evaluation for treatment, an evaluation for
2 risk, AND procedures required for monitoring of behavior to protect
3 victims and potential victims, ~~and an identification developed~~ AS THESE
4 STANDARDS ARE ADOPTED pursuant to section 16-11.7-103 (4); EXCEPT
5 THAT THE COURT MAY DISPENSE WITH THE EVALUATION AS AUTHORIZED
6 IN SECTION 16-11-102.

7 **SECTION 6.** In Colorado Revised Statutes, **amend** 16-11.7-105
8 as follows:

9 **16-11.7-105. Sentencing of persons who commit a sexual**
10 **offense - treatment based upon evaluation required.** (1) Each adult
11 ~~sex-offender~~ and juvenile who has committed a sexual offense sentenced
12 by the court for an offense committed on or after January 1, 1994, ~~shall~~
13 ~~be~~ IS required, as a part of any sentence to probation, commitment to the
14 department of human services, sentence to community corrections,
15 ~~incarceration with the department of corrections,~~ placement on parole, or
16 out-of-home placement to undergo treatment to the extent appropriate to
17 such ~~offender~~ ADULT OR JUVENILE WHO COMMITTED A SEXUAL OFFENSE
18 based upon the recommendations of the evaluation ~~and identification~~
19 made pursuant to section 16-11.7-104 or based upon any subsequent
20 recommendations by the department of corrections, the judicial
21 department, the department of human services, or the division of criminal
22 justice in the department of public safety, whichever is appropriate. The
23 treatment and monitoring shall be provided by an approved TREATMENT
24 provider pursuant to section 16-11.7-106, and the ~~offender~~ ADULT OR
25 JUVENILE WHO COMMITTED A SEXUAL OFFENSE shall pay for the treatment
26 to the extent the ~~offender~~ ADULT OR JUVENILE WHO COMMITTED A SEXUAL
27 OFFENSE is financially able to do so.

28 (1.5) THE DEPARTMENT OF CORRECTIONS SHALL IDENTIFY ALL
29 INMATES WHO HAVE A NEED FOR SEX-OFFENSE-SPECIFIC TREATMENT AND
30 HAVE NOT RECEIVED THE TREATMENT. THE SEX OFFENDER MANAGEMENT
31 BOARD, PRIOR TO AUGUST 31, 2022, OR THE SEX OFFENSE MANAGEMENT
32 BOARD, ON OR AFTER SEPTEMBER 1, 2022; THE DEPARTMENT OF
33 CORRECTIONS; AND THE DIVISION OF PAROLE SHALL MEET AND DEVELOP
34 SOLUTIONS TO ADDRESS THE UNMET SEX-OFFENSE-SPECIFIC TREATMENT
35 NEEDS OF ADULTS WHO HAVE COMMITTTED A SEXUAL OFFENSE IN THE
36 DEPARTMENT OF CORRECTIONS.

37 (2) For ~~offenders~~ ADULTS AND JUVENILES who begin community
38 supervision on or after ~~August 10, 2016~~, THE EFFECTIVE DATE OF THIS
39 SUBSECTION (2), AS AMENDED, the supervising agency of each adult ~~sex~~
40 ~~offender and juvenile~~ who has committed a sexual offense shall provide
41 the ~~offender~~ ADULT with ACCESS to a ~~choice of two appropriate treatment~~
42 ~~provider agencies staffed by approved providers unless the supervising~~
43 ~~agency documents in the file that, based upon the nature of the program~~

1 ~~offered, the needs of the offender, or the proximity of the appropriate~~
2 ~~treatment provider agency, fewer than two such agencies can meet the~~
3 ~~specific needs of the offender, ensure the safety of the public, and provide~~
4 ~~the supervising agency with reasonable access to the treatment provider~~
5 ~~agency and the offender during the course of treatment~~ LIST OF ALL
6 TREATMENT PROVIDERS APPROVED TO WORK WITH THE ADULT WHO HAS
7 COMMITTED A SEXUAL OFFENSE PURSUANT TO SECTION 16-11.7-106.
8 NOTHING IN THIS SECTION LIMITS THE SUPERVISING AGENCY FROM
9 RECOMMENDING TREATMENT PROVIDERS BASED UPON THE NATURE OF THE
10 PROGRAM OFFERED, THE NEEDS OF THE ADULT, OR THE PROXIMITY OF THE
11 TREATMENT PROVIDER'S AGENCY. FOR ADULTS AND JUVENILES WHO HAVE
12 COMMITTED A SEXUAL OFFENSE WHO PREFER TO RECEIVE TREATMENT IN
13 A LANGUAGE OTHER THAN ENGLISH, REFERRALS MUST BE OFFERED TO
14 TREATMENT PROVIDERS WHO ARE FLUENT IN THE TARGET LANGUAGE
15 WHEN POSSIBLE. Once selected, the treatment provider agency may not be
16 changed by the offender ADULT RECEIVING TREATMENT MORE THAN ONE
17 TIME without the approval of the community supervision team, the
18 multidisciplinary team, or the court. THE REQUIREMENTS OF THIS
19 SUBSECTION (2) DO NOT APPLY TO THE DIVISION OF YOUTH SERVICES
20 BASED ON THE NATURE OF THE PROGRAM, THE COMPLEX NEEDS OF THE
21 JUVENILES SERVED, AND THE PLACEMENTS AND APPROVED TREATMENT
22 PROVIDERS AVAILABLE TO WORK WITH JUVENILES FROM THE DIVISION OF
23 YOUTH SERVICES. THE DIVISION OF YOUTH SERVICES SHALL ASSIGN
24 JUVENILES WHO HAVE COMMITTED A SEXUAL OFFENSE TO A TREATMENT
25 PROVIDER BASED ON THE INDIVIDUAL RISKS AND NEEDS OF THE JUVENILE
26 AND HAVE PROCEDURES IN PLACE TO ALLOW FOR A JUVENILE OR FAMILY
27 TO REQUEST A CHANGE IN TREATMENT PROVIDERS BASED ON
28 RESPONSIVITY FACTORS. THE MULTIDISCIPLINARY TEAM FOR THE JUVENILE
29 SHALL REVIEW ALL REQUESTS FOR CHANGES IN TREATMENT PROVIDERS
30 AND APPROVE REQUESTS IF THE MULTIDISCIPLINARY TEAM DETERMINES
31 THE JUVENILE'S RISKS, NEEDS, AND RESPONSIVITY FACTORS CAN BE
32 BETTER SERVED BY AN ALTERNATE TREATMENT PROVIDER.

33 **SECTION 7.** In Colorado Revised Statutes, 16-11.7-106, **amend**
34 (1), (2), (4), and (7) as follows:

35 **16-11.7-106. Sexual offense evaluation, treatment, and**
36 **polygraph services - contracts with treatment providers - placement**
37 **on treatment provider list - grievances - fund created.** (1) The
38 department of corrections, the judicial department, the division of
39 criminal justice in the department of public safety, or the department of
40 human services shall not employ or contract with, and shall not allow an
41 adult ~~sex-offender~~ or a juvenile who has committed a sexual offense to
42 employ or contract with, an individual or entity to provide
43 ~~sex-offender-specific evaluation, treatment, or polygraph services~~

1 TREATMENT pursuant to this ~~article~~ ARTICLE 11.7 unless:
2 (a) The ~~sex-offender-specific~~ SEX-OFFENSE-SPECIFIC evaluation,
3 treatment, or polygraph services to be provided by the individual or entity
4 conform with the guidelines and standards ~~developed~~ ADOPTED pursuant
5 to section 16-11.7-103; and
6 (b) The name of the individual providing services is on the list
7 created pursuant to ~~paragraph (b) of subsection (2)~~ SUBSECTION (2)(b) of
8 this section of persons who may provide ~~sex-offender-specific~~
9 SEX-OFFENSE-SPECIFIC services.
10 (2) (a) The board shall ~~develop~~ ADOPT an application and review
11 process for treatment providers, evaluators, and polygraph examiners who
12 provide services pursuant to this ~~article~~ ARTICLE 11.7 to ~~adult sex~~
13 ~~offenders~~ ADULTS and to juveniles who have committed A sexual offenses
14 OFFENSE. The application and review process ~~shall allow~~ ALLOWS
15 TREATMENT providers to demonstrate that they are in compliance with the
16 standards adopted pursuant to this ~~article~~ ARTICLE 11.7. The application
17 and review process ~~shall~~ MUST consist of the following three parts:
18 (I) (A) The board shall ~~develop~~ ADOPT separate application and
19 review processes for standards that apply to the criminal justice
20 component, such as criminal history record checks, for evaluators,
21 individual treatment providers, and polygraph examiners. Applications for
22 the criminal justice components, including fingerprints, ~~shall~~ MUST be
23 submitted to the board. The board shall forward the fingerprints to the
24 Colorado bureau of investigation for use in conducting a state criminal
25 history record check and for transmittal to the federal bureau of
26 investigation for a national criminal history record check. The board may
27 use information obtained from the state and national criminal history
28 record checks to determine an applicant's eligibility for placement on the
29 approved TREATMENT provider list. The board ~~shall be~~ IS responsible for
30 the implementation of ~~the provisions of this subparagraph (I)~~ THIS
31 SUBSECTION (2)(a)(I).
32 (B) THE BOARD SHALL MAINTAIN A RECORD OF ANY DENIAL OR
33 REMOVAL FROM THE LIST OF APPROVED TREATMENT PROVIDERS OR OTHER
34 SANCTIONS DUE TO A TREATMENT PROVIDER'S CRIMINAL HISTORY.
35 (II) The board shall ~~develop~~ ADOPT an application and review
36 process for the verification of the qualifications and credentials of
37 evaluators, treatment providers, and polygraph examiners. THIS
38 EVALUATION AND REVIEW PROCESS MUST REQUIRE ALL EVALUATORS TO
39 NOT BE UNDER CURRENT DISCIPLINARY ACTION THAT THE BOARD
40 DETERMINES WOULD IMPEDE THE APPLICANT'S ABILITY TO PRACTICE AS A
41 SEX-OFFENSE-MANAGEMENT-BOARD-LISTED TREATMENT PROVIDER.
42 (III) The board shall require a person who applies for placement,
43 including a person who applies for continued placement, on the list of

1 persons who may provide ~~sex-offender-specific~~ SEX-OFFENSE-SPECIFIC
2 evaluation, treatment, and polygraph services pursuant to this ~~article~~
3 ARTICLE 11.7 to submit to a current background investigation that goes
4 beyond the scope of the criminal history record check described in
5 ~~subparagraph (I) of this paragraph (a)~~ SUBSECTION (2)(a)(I) OF THIS
6 SECTION. In conducting the current background investigation required by
7 this ~~subparagraph (III)~~ SUBSECTION (2)(a)(III), the board shall obtain
8 reference and criminal history information and recommendations that may
9 be relevant to the applicant's fitness to provide ~~sex-offender-specific~~
10 SEX-OFFENSE-SPECIFIC evaluation, treatment, and polygraph services
11 pursuant to this ~~article~~ ARTICLE 11.7.

12 (b) After the process ~~developed~~ ADOPTED pursuant to ~~paragraph~~
13 ~~(a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION is
14 established and TREATMENT providers have met all the criteria of the
15 application and review process, the board may approve the TREATMENT
16 provider. The board and the department of regulatory agencies shall
17 jointly publish at least annually a list of approved TREATMENT providers.
18 The board shall forward the list to the office of the state court
19 administrator, the department of public safety, the department of human
20 services, and the department of corrections. The board shall update and
21 forward the list of approved TREATMENT providers as necessary.

22 (4) The board may determine the requirements for an evaluator's,
23 treatment provider's, or polygraph examiner's name to be placed on the
24 approved TREATMENT provider list after ~~his or her~~ THAT PERSON'S name
25 has been removed from the list for any reason SO LONG AS THE PERSON
26 CONTINUES TO MEET THE CRITERIA IN SUBSECTION (2)(a) OF THIS SECTION.

27 (7) (a) The board shall notify the department of regulatory
28 agencies of the receipt of any complaints or grievances against an
29 individual who provides ~~sex-offender-specific~~ SEX-OFFENSE-SPECIFIC
30 treatment or evaluation services pursuant to this article 11.7 and advise
31 the department of any disciplinary action taken pursuant to subsection
32 (7)(b) of this section. The department of regulatory agencies or the
33 appropriate board, pursuant to article 245 of title 12 and referred to in this
34 subsection (7) as the "DORA board", shall notify the board of the receipt
35 of any complaint or grievance against a TREATMENT provider who
36 provides ~~sex-offender-specific~~ SEX-OFFENSE-SPECIFIC treatment or
37 evaluation services pursuant to this article 11.7 if the complaint or
38 grievance was not referred by the board, and advise the board of any
39 disciplinary action taken against the individual pursuant to any
40 professional licensing act. IF ANY ACTION TAKEN BY THE DEPARTMENT OF
41 REGULATORY AGENCIES OR THE LICENSING OR CERTIFICATION BOARD
42 RENDERS THE INDIVIDUAL INELIGIBLE TO PROVIDE SERVICES AS AN
43 EVALUATOR OR TREATMENT PROVIDER PURSUANT TO THE REQUIREMENTS

1 OF SECTION (2)(a) OF THIS SECTION, THE BOARD SHALL REMOVE THE
2 INDIVIDUAL'S NAME FROM THE APPROVED TREATMENT PROVIDER LIST
3 CREATED IN THIS ARTICLE 11.7.

4 (b) The board shall review and investigate all complaints and
5 grievances concerning compliance with its standards against individuals
6 who provide ~~sex-offender-specific~~ SEX-OFFENSE-SPECIFIC treatment,
7 evaluation, or polygraph services pursuant to this ~~article~~ ARTICLE 11.7.
8 Notwithstanding any action taken by the department of regulatory
9 agencies, ~~or the DORA board~~, the board may take appropriate disciplinary
10 action, as permitted by law, against an individual who provides
11 ~~sex-offender-specific~~ SEX-OFFENSE-SPECIFIC treatment, evaluation, or
12 polygraph services pursuant to this ~~article~~ ARTICLE 11.7. The disciplinary
13 action may include, but need not be limited to, the removal of the
14 individual's name from the list of persons who may provide ~~sex-offender~~
15 SEX-OFFENSE-SPECIFIC evaluation, treatment, or polygraph services
16 pursuant to this ~~article~~ ARTICLE 11.7.

17 (c) (I) Nothing in this subsection (7) limits the rights or
18 responsibilities of the department of regulatory agencies or the DORA
19 board with respect to the investigation and resolution of complaints.
20 ~~pursuant to article 245 of title 12.~~

21 (II) Nothing in this subsection (7) limits the rights or
22 responsibilities of the board with respect to the addition or removal of an
23 individual's name from the list of persons who may provide ~~sex-offender~~
24 SEX-OFFENSE-SPECIFIC evaluation, treatment, or polygraph services
25 pursuant to this ~~article~~ ARTICLE 11.7.

26 **SECTION 8.** In Colorado Revised Statutes, **amend** 16-11.7-109
27 as follows:

28 **16-11.7-109. Reporting requirements - legislative declaration.**

29 (1) (a) The general assembly finds and declares that:

30 (I) As a body, the board is one of Colorado's most important
31 resources on the treatment and management of ~~adult sex offenders~~
32 ADULTS and juveniles who have committed ~~sexual offenses~~ A SEXUAL
33 OFFENSE;

34 (II) The board's research and analysis of treatment standards and
35 programs, as well as empirical evidence collected and compiled by the
36 board with respect to the treatment outcomes of ~~adult sex offenders~~
37 ADULTS and juveniles who have committed ~~sexual offenses~~ A SEXUAL
38 OFFENSE, is vital to inform the decisions of policymakers.

39 (b) The general assembly therefore finds that it is appropriate for
40 the board to report to the general assembly on an annual basis concerning
41 the status of the treatment and management of ~~adult sex offenders~~ ADULTS
42 and juveniles who have committed ~~sexual offenses~~ A SEXUAL OFFENSE in
43 Colorado.

1 (2) Notwithstanding section 24-1-136 (11)(a)(I), on or before
2 January 31, 2012, and on or before January 31 each year thereafter, the
3 board shall prepare and present to the judiciary committees of the senate
4 and the house of representatives, or any successor committees, a written
5 report concerning best practices for the treatment and management of
6 ~~adult sex offenders~~ ADULTS and juveniles who have committed ~~sexual~~
7 ~~offenses~~ A SEXUAL OFFENSE, including any evidence-based analysis of
8 treatment standards and programs as well as information concerning any
9 new federal legislation relating to the treatment and management of ~~adult~~
10 ~~sex offenders~~ ADULTS and juveniles who have committed ~~sexual offenses~~
11 A SEXUAL OFFENSE. The report may include the board's recommendations
12 for legislation to carry out the purpose and duties of the board to protect
13 the community.

14 **SECTION 9.** In Colorado Revised Statutes, 16-11-102, **amend**
15 (1)(a)(VI) introductory portion, (1)(a)(VI)(A), (1)(b)(I) introductory
16 portion, (1)(b)(II), and (4) as follows:

17 **16-11-102. Presentence or probation investigation.**
18 (1) (a) (VI) The report described in ~~subparagraph (I) of this paragraph (a)~~
19 SUBSECTION (1)(a)(I) OF THIS SECTION need not include the statement
20 described in ~~subparagraph (II) of this paragraph (a)~~ SUBSECTION (1)(a)(II)
21 OF THIS SECTION if:

22 (A) The defendant is ~~a sex offender~~ AN ADULT WHO HAS
23 COMMITTED A SEXUAL OFFENSE for whom the sex ~~offender~~ OFFENSE
24 management board has established separate and distinct release guidelines
25 pursuant to ~~section 18-1.3-1009, C.R.S.~~ SECTION 16-11.7-103 PRIOR TO
26 AUGUST 31, 2022, AND THE SEXUAL OFFENSE MANAGEMENT BOARD AFTER
27 SEPTEMBER 1, 2022;

28 (1) (b) (I) Each presentence report prepared regarding a ~~sex~~
29 ~~offender~~ AN ADULT WHO HAS COMMITTED A SEXUAL OFFENSE, as defined
30 in section 16-11.7-102 (2), with respect to any offense committed on or
31 after January 1, 1996, ~~shall~~ MUST contain the results of an evaluation ~~and~~
32 ~~identification~~ conducted pursuant to article 11.7 of this ~~title~~ TITLE 16;
33 except that:

34 (II) ~~In addition, the presentence report shall include, when~~
35 ~~appropriate as provided in section 18-3-414.5, C.R.S., the results of the~~
36 ~~risk assessment screening instrument developed pursuant to section~~
37 ~~16-11.7-103 (4)(d). Notwithstanding the provisions of~~ EXCEPT AS
38 PROVIDED IN subsection (4) of this section, a presentence report shall be
39 prepared for each person convicted as ~~a sex offender~~, AN ADULT OR
40 JUVENILE WHO COMMITTED A SEXUAL OFFENSE, and the court may not
41 dispense with the presentence evaluation, risk assessment, and report
42 unless an evaluation and risk assessment has been completed within the
43 last two years and there has been no material change that would affect the

1 evaluation and risk assessment in the past two years.

2 (4) The court, with the concurrence of the defendant and the
3 prosecuting attorney, may dispense with the presentence examination and
4 report OR ANY EVALUATION REQUIRED BY SECTION 16-11.7-104; except
5 that the information required by section 18-1.3-603 (2), ~~C.R.S.~~, and a
6 victim impact statement shall be made in every case. The amount of
7 restitution shall be ordered pursuant to section 18-1.3-603, ~~C.R.S.~~, and
8 article 18.5 of this title TITLE 16 and endorsed upon the mittimus.

9 **SECTION 10.** In Colorado Revised Statutes, 18-21-103, **amend**
10 (3) as follows:

11 **18-21-103. Source of revenues - allocation of moneys - sex**
12 **offender surcharge fund - creation.** (3) There is hereby created in the
13 state treasury a sex offender surcharge fund which shall consist of ~~moneys~~
14 MONEY received by the state treasurer pursuant to ~~paragraph (b) of~~
15 ~~subsection (2)~~ SUBSECTION (2)(b) of this section; GIFTS, GRANTS, AND
16 DONATIONS RECEIVED PURSUANT TO SECTION 16-11.7-103 (4)(c) or
17 16-11.7-103.5 (3)(c); AND MONEY RECEIVED PURSUANT TO SECTION
18 16-11.7-103 (4)(c) OR 16-11.7-103 (3)(c). The state treasurer may invest
19 any ~~moneys~~ MONEY in the fund not expended for the purpose of this
20 section as provided by law. The state treasurer shall credit all interest and
21 income derived from the investment and deposit of ~~moneys~~ MONEY in the
22 fund to the fund. Any ~~moneys~~ MONEY not appropriated by the general
23 assembly shall remain in the sex offender surcharge fund and shall not be
24 transferred or revert to the general fund of the state at the end of any
25 fiscal year. All ~~moneys~~ MONEY in the fund shall be subject to annual
26 appropriation by the general assembly to the judicial department, the
27 department of corrections, the division of criminal justice of the
28 department of public safety, and the department of human services, after
29 consideration of the plan ~~developed~~ ADOPTED pursuant to section
30 16-11.7-103 (4)(c), ~~C.R.S.~~, to cover the direct and indirect costs
31 associated with the evaluation ~~identification~~, and treatment and the
32 continued monitoring of sex offenders.

33 **SECTION 11.** In Colorado Revised Statutes, **repeal** part 9 of
34 article 13 of title 16, 16-22-102 (7), 16-22-110 (2)(d), 16-22-110 (3)(b),
35 16-22-111 (1)(a), 16-22-111 (1)(b), 16-22-113 (3)(a), 17-2-103
36 (11)(b)(VI), 18-3-414.5 (1)(a)(IV), and 24-33.5-503 (1)(o).

37 **SECTION 12.** In Colorado Revised Statutes, 16-22-107, **amend**
38 (3) as follows:

39 **16-22-107. Duties - department of corrections - department**
40 **of human services - confirmation of registration - notice - address**
41 **verification.** (3) Within five days, but not fewer than two days, prior to
42 the release or discharge of any person who has been sentenced to the
43 department of corrections and is required to register pursuant to section

1 16-22-103, the department shall notify the CBI and the local law
2 enforcement agency of the jurisdiction in which the person intends to
3 reside of the date of the person's release or discharge. ~~Such~~ THE notice
4 ~~shall~~ MUST include the address at which the person intends to reside upon
5 release or discharge, provided by the person pursuant to subsection (2) of
6 this section, and the person's date of birth and the person's current
7 photograph if requested by the CBI. In addition, ~~such~~ THE notice may
8 include additional information concerning the person. ~~including but not~~
9 ~~limited to any information obtained in conducting the assessment to~~
10 ~~determine whether the person may be subject to community notification~~
11 ~~pursuant to section 16-13-903.~~

12 **SECTION 13.** In Colorado Revised Statutes, 16-22-108, **amend**
13 (1)(d)(I) as follows:

14 **16-22-108. Registration - procedure - frequency - place -**
15 **change of address - fee.** (1) (d) (I) Any person ~~who is a sexually violent~~
16 ~~predator and any person~~ who is convicted as an adult of any of the
17 offenses specified in subsection (1)(d)(II) of this section has a duty to
18 register for the remainder of ~~his or her~~ THE ADULT'S natural life; except
19 that, if the person receives a deferred judgment and sentence for one of
20 the offenses specified in subsection (1)(d)(II) of this section, the person's
21 duty to register may discontinue as provided in section 16-22-113 (1)(d).
22 In addition to registering as required in subsection (1)(a) of this section,
23 the person shall reregister within five business days before or after the
24 date that is three months after the date on which the person was released
25 from incarceration for commission of the offense requiring registration
26 or, if the person was not incarcerated, after the date on which ~~he or she~~
27 THE PERSON received notice of the duty to register. The person shall
28 register within five business days before or after that date every three
29 months thereafter until the person's birthday. The person shall reregister
30 within five business days before or after ~~his or her~~ THE PERSON'S next
31 birthday and shall reregister within five business days before or after that
32 date every three months thereafter. The person shall reregister pursuant
33 to this subsection (1)(d) with the local law enforcement agency of each
34 jurisdiction in which the person resides or in any jurisdiction if the person
35 lacks a fixed residence on the reregistration date, in the manner provided
36 in subsection (1)(a) of this section.

37 **SECTION 14.** In Colorado Revised Statutes, 16-22-109, **amend**
38 (3.5)(a) as follows:

39 **16-22-109. Registration forms - local law enforcement agencies**
40 **- duties.** (3.5) (a) The local law enforcement agency with which a person
41 registers pursuant to this ~~article~~ ARTICLE 22 shall, as soon as possible
42 following the registrant's first registration with the local law enforcement
43 agency and at least annually thereafter, verify the residential address

1 reported by the registrant on the standardized form. ~~except that, if the~~
2 ~~registrant is a sexually violent predator, the local law enforcement agency~~
3 ~~shall verify the registrant's residential address quarterly.~~
4 **SECTION 15.** In Colorado Revised Statutes, 24-34-104, **add**
5 (28)(a)(V) as follows:
6 **24-34-104. General assembly review of regulatory agencies**
7 **and functions for repeal, continuation, or reestablishment - legislative**
8 **declaration - repeal.** (28) (a) The following agencies, functions, or both,
9 are scheduled for repeal on September 1, 2027:
10 (V) THE SEXUAL OFFENSE MANAGEMENT BOARD CREATED IN
11 SECTION 16-11.7-103.5;
12 **SECTION 16.** In Colorado Revised Statutes, 16-22-103, **amend**
13 (5)(a)(IV) as follows:
14 **16-22-103. Sex offender registration - required - applicability**
15 **- exception.** (5) (a) Notwithstanding any provision of this article 22 to
16 the contrary, if, pursuant to a motion filed by a person described in this
17 subsection (5) or on its own motion, a court determines that the
18 registration requirement specified in this section would be unfairly
19 punitive and that exempting the person from the registration requirement
20 would not pose a significant risk to the community, the court, upon
21 consideration of the totality of the circumstances, may exempt the person
22 from the registration requirements imposed pursuant to this section if:
23 (IV) The person has received a sex offender evaluation that
24 conforms with the standards developed pursuant to section 16-11.7-103
25 (4)(i), from an evaluator who meets the standards established by the sex
26 offender management board PRIOR TO SEPTEMBER 1, 2022, AND THE
27 SEXUAL OFFENSE MANAGEMENT BOARD ON OR AFTER SEPTEMBER 1, 2022,
28 and the evaluator recommends exempting the person from the registration
29 requirements based upon the best interests of that person and the
30 community; and
31 **SECTION 17.** In Colorado Revised Statutes, 16-22-112, **amend**
32 (3.5) as follows:
33 **16-22-112. Release of information - law enforcement agencies.**
34 (3.5) To assist members of the public in protecting themselves from
35 persons who commit offenses involving unlawful sexual behavior, a local
36 law enforcement agency that chooses to post sex offender registration
37 information on its website shall either post educational information
38 concerning protection from sex offenders on its website or provide a link
39 to the educational information included on the CBI website maintained
40 pursuant to section 16-22-111. A local law enforcement agency that posts
41 the educational information shall work with the sex offender management
42 board created pursuant to section 16-11.7-103, ~~C.R.S.~~, PRIOR TO
43 SEPTEMBER 1, 2022, AND THE SEXUAL OFFENSE MANAGEMENT BOARD

1 CREATED PURSUANT TO SECTION 16-11.7-103.5 ON OR AFTER SEPTEMBER
2 1, 2022, and sexual assault victims' advocacy groups in preparing the
3 educational information.

4 **SECTION 18.** In Colorado Revised Statutes, 17-2-201, **amend**
5 (5.7)(b) as follows:

6 **17-2-201. State board of parole - duties - definitions.** (5.7) If,
7 as a condition of parole, an offender is required to undergo counseling or
8 treatment, unless the parole board determines that treatment at another
9 facility or with another person is warranted, the treatment or counseling
10 must be at a facility or with a person:

11 (b) Certified or approved by the sex offender management board,
12 established in section 16-11.7-103, ~~C.R.S.~~, PRIOR TO SEPTEMBER 1, 2022,
13 AND THE SEXUAL OFFENSE MANAGEMENT BOARD CREATED PURSUANT TO
14 SECTION 16-11.7-103.5 ON OR AFTER SEPTEMBER 1, 2022, if the offender
15 is a sex offender;

16 **SECTION 19.** In Colorado Revised Statutes, 17-22.5-404,
17 **amend** (4)(c)(II) as follows:

18 **17-22.5-404. Parole guidelines - definition.** (4) (c) (II) The
19 administrative release guideline instrument shall not be used in
20 considering those inmates classified as sex offenders with indeterminate
21 sentences for whom the sex offender management board ~~pursuant to~~
22 ~~section 18-1.3-1009, C.R.S.~~, ESTABLISHED IN SECTION 16-11.7-103 PRIOR
23 TO SEPTEMBER 1, 2022, AND THE SEXUAL OFFENSE MANAGEMENT BOARD
24 CREATED PURSUANT TO SECTION 16-11.7-103.5 ON OR AFTER SEPTEMBER
25 1, 2022, REFERRED TO IN THIS SECTION AS THE "BOARD" has established
26 separate and distinct release guidelines. The ~~sex offender management~~
27 board, in collaboration with the department of corrections, the judicial
28 department, the division of criminal justice in the department of public
29 safety, and the state board of parole shall develop a specific sex offender
30 release guideline instrument for use by the state board of parole for those
31 inmates classified as sex offenders with determinate sentences.

32 **SECTION 20.** In Colorado Revised Statutes, 17-27.1-101,
33 **amend** (5)(a)(II) as follows:

34 **17-27.1-101. Nongovernmental facilities for offenders -**
35 **registration - notifications - penalties - definitions.** (5) A private
36 treatment program in Colorado shall not admit or accept a supervised or
37 unsupervised person into the program unless the program:

38 (a) Is registered with the compact administrator, and, if the person
39 is a supervised person, the private treatment program is:

40 (II) Certified or approved by the sex offender management board,
41 established in section 16-11.7-103, ~~C.R.S.~~, PRIOR TO SEPTEMBER 1, 2022,
42 AND THE SEXUAL OFFENSE MANAGEMENT BOARD CREATED PURSUANT TO
43 SECTION 16-11.7-103.5 ON OR AFTER SEPTEMBER 1, 2022, if the program

1 provides sex offender treatment;

2 **SECTION 21.** In Colorado Revised Statutes, 18-1.3-101, **amend**
3 (6) as follows:

4 **18-1.3-101. Pretrial diversion.** (6) In a jurisdiction that receives
5 state moneys for the creation or operation of diversion programs pursuant
6 to this section, an individual accused of a sex offense as defined in
7 section 18-1.3-1003 (5) is not eligible for pretrial diversion unless charges
8 have been filed and, after the individual has had an opportunity to consult
9 with counsel, the individual has completed a sex-offense-specific
10 evaluation, which includes the use of a sex-offense-specific risk
11 assessment instrument, conducted by an evaluator approved by the sex
12 offender management board, ON OR BEFORE AUGUST 31, 2022, as required
13 by section 16-11.7-103 (4). ~~C.R.S.~~ OR THE SEXUAL OFFENSE
14 MANAGEMENT BOARD ON OR AFTER SEPTEMBER 1, 2022. The district
15 attorney may agree to place the individual in the diversion program
16 established by the district attorney pursuant to this section if ~~he or she~~ THE
17 DISTRICT ATTORNEY finds that, based on the results of that evaluation and
18 the other factors in subsection (3) of this section, the individual is
19 appropriate for the program. Notwithstanding that a successfully
20 completed diversion agreement does not constitute a history of ~~sex~~
21 SEXUAL offenses for purposes of sections 16-11.7-102 (2)(a)(II) and
22 16-22-103 (2)(d), ~~C.R.S.~~, the information constituting the crimes charged
23 and facts alleged ~~shall~~ MUST be available for use by a court, district
24 attorney, any law enforcement agency, or agency of the state judicial
25 department, if otherwise permitted by law, in any subsequent criminal
26 investigation, prosecution, risk or needs assessment evaluation,
27 sentencing hearing, or during a probation or parole supervision period.

28 **SECTION 22.** In Colorado Revised Statutes, 18-1.3-204, **amend**
29 (2)(c)(II) as follows:

30 **18-1.3-204. Conditions of probation - interstate compact**
31 **probation transfer cash fund - creation.** (2) (c) If the court orders
32 counseling or treatment as a condition of probation, unless the court
33 makes a specific finding that treatment in another facility or with another
34 person is warranted, the court shall order that the treatment or counseling
35 be at a facility or with a person:

36 (II) Certified or approved ON OR BEFORE AUGUST 31, 2022, by the
37 sex offender management board, established in section 16-11.7-103,
38 ~~C.R.S.~~, OR, IF ON OR AFTER SEPTEMBER 1, 2022, BY THE SEXUAL OFFENSE
39 MANAGEMENT BOARD ESTABLISHED IN SECTION 16-11.7-103.5, if the
40 offender is a sex offender.

41 **SECTION 23.** In Colorado Revised Statutes, 18-1.3-407, **amend**
42 (4.3) as follows:

43 **18-1.3-407. Sentences - youthful offenders - legislative**

1 **declaration - powers and duties of district court - authorization for**
2 **youthful offender system - powers and duties of department of**
3 **corrections - definitions.** (4.3) The youthful offender system shall
4 provide sex offender treatment services for an offender who is sentenced
5 to the youthful offender system and who has a history of committing a ~~sex~~
6 SEXUAL offense as defined in section 16-11.7-102 (3), ~~C.R.S.~~, or who has
7 a history of committing any other offense, the underlying factual basis of
8 which includes a ~~sex~~ SEXUAL offense. Prior to July 1, 2002, the sex
9 offender treatment services provided pursuant to this subsection (4.3)
10 shall comply with any existing national standards for juvenile sex
11 offender treatment. On and after July 1, 2002, the sex offender treatment
12 services provided pursuant to this subsection (4.3) shall comply with the
13 sex offender treatment standards adopted PRIOR TO AUGUST 31, 2022, by
14 the sex offender management board pursuant to section 16-11.7-103.
15 ~~C.R.S.~~, OR THE SEXUAL OFFENSE MANAGEMENT BOARD PURSUANT TO
16 SECTION 16-11.7-103 ON OR AFTER SEPTEMBER 1, 2022.

17 **SECTION 24. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety."

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