

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

BILL 6

LLS NO. 17-0152.01 Richard Sweetman x4333

INTERIM COMMITTEE BILL

**Legislative Oversight Committee Concerning the Treatment of Persons
with Mental Illness in the Criminal Justice System**

A BILL FOR AN ACT

101 **CONCERNING EXCLUDING FROM THE COLORADO SEX OFFENDER**
102 **REGISTRY THOSE OFFENDERS WHOSE OFFENSES OCCURRED**
103 **BEFORE THE OFFENDERS WERE FOURTEEN YEARS OF AGE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Legislative Oversight Committee Concerning the Treatment of Persons with Mental Illness in the Criminal Justice System. The bill excludes from the Colorado sex offender registry those offenders whose offenses occurred before the offenders were 14 years of age. In maintaining the sex offender registry, the Colorado bureau of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

investigation shall ensure that the registry only includes offenders who have been convicted for an offense committed while the offender was 14 years of age or older.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-22-103, amend
3 (1), (2)(a), (3), and (4) as follows:

4 **16-22-103. Sex offender registration - required - applicability**
5 **- exception.** (1) Effective July 1, 1998, the following persons shall be
6 ~~required~~ to register pursuant to the provisions of section 16-22-108 and
7 ~~shall be~~ ARE subject to the requirements and other provisions specified in
8 this article:

9 (a) Any person who was convicted on or after July 1, 1991, in the
10 state of Colorado, of an unlawful sexual offense, as defined in section
11 18-3-411 (1), ~~C.R.S.~~; enticement of a child, as described in section
12 18-3-305, ~~C.R.S.~~; or internet luring of a child, as described in section
13 18-3-306, ~~C.R.S.~~ WHICH OFFENSE OCCURRED WHILE THE PERSON WAS
14 FOURTEEN YEARS OF AGE OR OLDER;

15 (b) Any person who was convicted on or after July 1, 1991, in
16 another state or jurisdiction, including but not limited to a military, tribal,
17 territorial, or federal jurisdiction, of an offense that, if committed in
18 Colorado, would constitute an unlawful sexual offense, as defined in
19 section 18-3-411 (1), ~~C.R.S.~~; enticement of a child, as described in
20 section 18-3-305, ~~C.R.S.~~; or internet luring of a child, as described in
21 section 18-3-306, ~~C.R.S.~~ WHICH OFFENSE OCCURRED WHILE THE PERSON
22 WAS FOURTEEN YEARS OF AGE OR OLDER; and

23 (c) Any person who was released on or after July 1, 1991, from
24 the custody of the department of corrections of this state or any other

1 state, having served a sentence for an unlawful sexual offense, as defined
2 in section 18-3-411 (1), ~~C.R.S.~~, enticement of a child, as described in
3 section 18-3-305, ~~C.R.S.~~, or internet luring of a child, as described in
4 section 18-3-306, ~~C.R.S.~~ WHICH OFFENSE OCCURRED WHILE THE PERSON
5 WAS FOURTEEN YEARS OF AGE OR OLDER.

6 (2) (a) On and after July 1, 1994, any person who is convicted in
7 the state of Colorado of unlawful sexual behavior or of another offense,
8 WHICH OFFENSE OCCURRED WHILE THE PERSON WAS FOURTEEN YEARS OF
9 AGE OR OLDER AND the underlying factual basis of which OFFENSE
10 involves unlawful sexual behavior, or any person who is released from
11 the custody of the department of corrections having completed serving a
12 sentence for unlawful sexual behavior or for another offense, WHICH
13 OFFENSE OCCURRED WHILE THE PERSON WAS FOURTEEN YEARS OF AGE OR
14 OLDER AND the underlying factual basis of which OFFENSE involved
15 unlawful sexual behavior, shall ~~be required to~~ register in the manner
16 prescribed in section 16-22-104, section 16-22-106 or 16-22-107,
17 whichever is applicable, and section 16-22-108.

18 (3) In addition to the persons specified in subsections (1) and (2)
19 of this section, any person convicted of an offense in any other state or
20 jurisdiction, including but not limited to a military or federal jurisdiction,
21 WHICH OFFENSE OCCURRED WHILE THE PERSON WAS FOURTEEN YEARS OF
22 AGE OR OLDER AND for which the person, as a result of the conviction, is,
23 was, has been, or would be required to register if he or she resided in the
24 state or jurisdiction of conviction, or for which such person would be
25 required to register if convicted in Colorado, shall ~~be required to~~ register
26 in the manner specified in section 16-22-108, so long as such person is a
27 temporary or permanent resident of Colorado. Such person may petition

1 the court for an order that discontinues the requirement for registration in
2 this state at the times specified in section 16-22-113 for offense
3 classifications that are comparable to the classification of the offense for
4 which the person was convicted in the other state or jurisdiction.

5 (4) The provisions of this article ~~shall~~ apply to any person who
6 receives a disposition or is adjudicated a juvenile delinquent based on the
7 commission of any act that may constitute unlawful sexual behavior or
8 who receives a deferred adjudication based on commission of any act that
9 may constitute unlawful sexual behavior, WHICH ACT WAS COMMITTED
10 WHILE THE PERSON WAS FOURTEEN YEARS OF AGE OR OLDER; except that,
11 with respect to section 16-22-113 (1)(a) to (1)(e), a person may petition
12 the court for an order to discontinue the duty to register as provided in
13 those paragraphs, but only if the person has not subsequently received a
14 disposition for, been adjudicated a juvenile delinquent for, or been
15 otherwise convicted of any offense involving unlawful sexual behavior.
16 In addition, the duty to provide notice to a person of the duty to register,
17 as set forth in sections 16-22-105 to 16-22-107, ~~shall apply~~ APPLIES to
18 juvenile parole and probation officers and appropriate personnel of the
19 division of youth corrections in the department of human services.

20 **SECTION 2.** In Colorado Revised Statutes, 16-22-106, **amend**
21 (3.5) as follows:

22 **16-22-106. Duties - probation department - community**
23 **corrections administrator - court personnel - jail personnel - notice.**

24 (3.5) With regard to a person who is required to register within a state,
25 military, or federal jurisdiction other than Colorado AS A RESULT OF A
26 CONVICTION FOR AN OFFENSE COMMITTED WHILE THE PERSON WAS
27 FOURTEEN YEARS OF AGE OR OLDER, the chief local law enforcement

1 officer, or his or her designee, of the Colorado jurisdiction in which the
2 person resides shall provide notice, as described in section 16-22-105, to
3 the person as soon as possible after discovering the person's presence in
4 the jurisdiction, of the duty to register in accordance with the provisions
5 of this article with the local law enforcement agency of each Colorado
6 jurisdiction in which the person resides. The person shall ~~be required to~~
7 sign the notice as confirmation of receipt and to provide the person's date
8 of birth and the address or addresses at which the person resides.

9 **SECTION 3.** In Colorado Revised Statutes, 16-22-108, **amend**
10 (1)(d)(I.5)(A) as follows:

11 **16-22-108. Registration - procedure - frequency - place -**
12 **change of address - fee.** (1) (d) (I.5) (A) A person convicted of an
13 offense COMMITTED WHILE THE PERSON WAS FOURTEEN YEARS OF AGE OR
14 OLDER in another state or jurisdiction, including but not limited to a
15 military or federal jurisdiction, who, as a result of the conviction, is
16 required to register quarterly as a sex offender in the state or jurisdiction
17 of conviction ~~is required to~~ SHALL register as provided in ~~subparagraph~~
18 ~~(f) of this paragraph (d)~~ SUBSECTION (1)(d)(I) OF THIS SECTION so long as
19 the person is a temporary or permanent resident of Colorado.

20 **SECTION 4.** In Colorado Revised Statutes, 16-22-110, **add** (10)
21 as follows:

22 **16-22-110. Colorado sex offender registry - creation -**
23 **maintenance - release of information.** (10) IN MAINTAINING THE SEX
24 OFFENDER REGISTRY, THE CBI SHALL ENSURE THAT THE REGISTRY ONLY
25 INCLUDES OFFENDERS WHO HAVE BEEN CONVICTED FOR AN OFFENSE
26 COMMITTED WHILE THE OFFENDER WAS FOURTEEN YEARS OF AGE OR
27 OLDER.

1 **SECTION 5.** In Colorado Revised Statutes, 16-22-112, **amend**
2 (2)(b)(III) as follows:

3 **16-22-112. Release of information - law enforcement agencies.**

4 (2) (b) A local law enforcement agency may post on its website sex
5 offender registration information of a person from its registration list only
6 if the person is:

7 (III) A juvenile with a second or subsequent adjudication
8 involving unlawful sexual behavior or for a crime of violence as defined
9 in section 18-1.3-406, ~~C.R.S.~~ WHICH OFFENSE OCCURRED WHILE THE
10 JUVENILE WAS FOURTEEN YEARS OF AGE OR OLDER; or

11 **SECTION 6. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2018 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.