

Summary of HB16-1345 Amendments

Amendment 9 - Concerning Direct File Juveniles Who Get Adult Probation or Adult Deferred Judgment - For purposes of evaluation and treatment, these offenders are treated under juvenile standards, unless otherwise ordered by the court. The court can determine at the time of pre sentencing-investigation/sentencing whether evaluation/treatment is under juvenile or adult standards.

Amendment 10 - If a new non-sex offense is committed 10 years after completion of the sentence for the sex offense, a new evaluation is not required, but is within the court's discretion.

Amendment 11 - Requires risk-needs-responsivity or evidence based correctional model to be incorporated into the SOMB standards for identification and evaluation of adult sex offenders. Requires the SOMB to a) publish sections of standards upon approval by the board and shall not delay release of approved sections until later date; b) finish standards revisions by July 1, 2017, if more time is needed that schedule shall be reported to Joint Judiciary in January 2017; c) make standards consistent with independent evaluation unless justified.

Amendment 12 - Applies to treatment providers, similar to Amendment 11. This amendment requires risk-needs-responsivity or other evidence based correctional model; completion of these changes by July 1, 2017, unless more time is needed, then that schedule shall be reported in January 2017 to Joint Judiciary.

Amendment 13 - This amendment refers to the use of polygraphs. The standards concerning polygraphs must not a) require a maintenance polygraph if offender is sex offense free for ten years during which time the offender has been under supervision in the community, b) use machine generated polygraph results (can use any statements or admissions made during a polygraph exam) in isolation to support imposing sanctions, increasing restrictions, curtailing activities, preventing progress, or completion of treatment. The scope of this amendment is limited to the "print out" technical results from the machine.

Amendment 14 - The offender has a choice of three approved agencies as treatment providers, unless based on the nature of the program and needs of offender, fewer than three agencies can meet specific needs of the offender and ensure public safety. Once selected, offender can not "shop around" (i.e. not change treatment provider unless approved by community supervisor team or the court).

Amendment 15 - This amendment removes the requirement for DCJ to start data collection on September 1, 2016. It requires SOMB to identify a data plan by January 2017, and report to Joint Judiciary regarding that plan. The amendment further requires the Board to include the data plan in the Standards and Guidelines by July 1, 2017 (or report that schedule in January 2017 if more time is needed) so that approved evaluators, treatment providers, and polygraphers can start collecting the necessary data, ensuring data is available once funding becomes available.