

HOUSE COMMITTEE OF REFERENCE REPORT

June 2, 2021

Chair of Committee

Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB21-1320 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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~~ the supervision of the
10 criminal justice system and juveniles who have committed A sexual
11 offenses OFFENSE who are subject to the supervision of the juvenile
12 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,



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1 and (4); and **add** (5) as follows:

2 **16-11.7-102. Definitions.** As used in this article 11.7, unless the
3 context otherwise requires:

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

8 (1.3) "Board" means the sex offender management board created
9 in section 16-11.7-103 OR, AFTER SEPTEMBER 1, 2022, THE SEXUAL
10 OFFENSE MANAGEMENT BOARD CREATED IN SECTION 16-11.7-103.5.

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

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

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

16 (4) "Treatment" means therapy, monitoring, and supervision of any
17 ~~sex offender which~~ ADULT OR JUVENILE WHO HAS COMMITTED A SEXUAL
18 OFFENSE THAT conforms to the standards ~~created~~ ADOPTED by the board
19 pursuant to section 16-11.7-103.

20 (5) "TREATMENT PROVIDER" MEANS A PERSON APPROVED TO
21 PROVIDE SEX-OFFENSE-SPECIFIC MENTAL HEALTH TREATMENT PURSUANT
22 TO SECTION 16-11.7-106. A POLYGRAPH EXAMINER IS NOT A TREATMENT
23 PROVIDER UNLESS ALSO APPROVED TO PROVIDE SUCH MENTAL HEALTH
24 TREATMENT.

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

27 **16-11.7-103. Sex offender management board - creation -**
28 **duties - repeal.** (1) There is hereby created in the department of public
29 safety a sex offender management board that consists of twenty-five
30 members. The membership of the board must reflect, to the extent
31 possible, representation of urban and rural areas of the state, PERSONS
32 WITH DISABILITIES, and a balance of expertise in adult and juvenile issues
33 relating to persons who commit ~~sex offenses~~ A SEXUAL OFFENSE. The
34 membership of the board consists of the following persons who are
35 appointed as follows:

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

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

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

40 (III) One member who is a juvenile court judge or juvenile court
41 magistrate;



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

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

17 (II) Two members who are licensed mental health professionals
18 with recognizable expertise in the treatment of ~~adult sex offenders~~
19 ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE;

20 (III) Two members who are licensed mental health professionals
21 with recognizable expertise in the treatment of juveniles who have
22 committed ~~sexual offenses~~ A SEXUAL OFFENSE;

23 (IV) One member who is a member of a community corrections
24 board;

25 (V) One member who is a public defender with recognizable
26 expertise related to sexual offenses;

27 (VI) One member who represents law enforcement with
28 recognizable expertise in addressing sexual offenses and victimization;

(VII) Three members who are recognized experts in the field of sexual abuse and who can represent sexual abuse victims and victims' rights organizations;

32 (VIII) One member who is a clinical polygraph examiner;

33 (IX) One member who is a private criminal defense attorney with
34 recognizable expertise related to sexual offenses;

35 (X) One member who is a county director of human or social
36 services, appointed after consultation with a statewide group representing
37 counties; and

38 (XI) Two members who are county commissioners or members of
39 the governing council for a jurisdiction that is a contiguous city and
40 county, one of whom shall represent an urban or suburban county and one
41 of whom shall represent a rural county, appointed after consultation with



1 a statewide group representing counties;

2 (e) The executive director of the Colorado district attorneys' council shall appoint one member who represents the interests of prosecuting attorneys and who has recognizable expertise in prosecuting sexual offenses; and

6 (f) The commissioner of education shall appoint one member who has experience with juveniles who have committed A sexual ~~offenses~~ OFFENSE and who are in the public school system.

9 (2) The members of the board shall elect presiding officers for the board, including a chair and vice-chair, from among the board members appointed pursuant to subsection (1) of this section, which presiding officers shall serve terms of two years. Board members may re-elect a presiding officer.

14 (3) Members of the board shall serve at the pleasure of the appointing authority for terms of four years; except that the member appointed pursuant to subparagraph (IX) of paragraph (d) of subsection (1) SUBSECTION (1)(d)(IX) of this section prior to July 1, 2011, shall serve the term of years in effect at the time of his or her THE MEMBER'S appointment. The appointing authority may reappoint a member for an additional term or terms. Members of the board shall serve without compensation.

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

24 (a) **Standards for evaluation of adults who have committed a sexual offense.** (I) The board shall ~~develop~~ ADOPT, prescribe, and revise, as appropriate, a standard procedure to evaluate ~~and identify~~ adult sex offenders ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE, including adult sex offenders ADULTS with AN INTELLECTUAL AND developmental disabilities DISABILITY. The procedures ~~shall~~ MUST provide for an evaluation ~~and identification~~ of the adult sex offender SUCH ADULTS and recommend management, monitoring, and treatment based upon existing research and shall incorporate the concepts of the risk-need-responsivity or another evidence-based correctional model. There is currently no way to ensure that adult sex offenders AN ADULT WHO HAS COMMITTED A SEXUAL OFFENSE with the propensity to commit sexual offenses will not reoffend. Because there are adult sex offenders ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE who can learn to manage unhealthy patterns and learn behaviors that can lessen their risk to society in the course of ongoing treatment, management, and monitoring, the board shall ~~develop~~ ADOPT a procedure for evaluating, ~~and identifying~~, on a case-by-case basis, reliably lower-risk sex offenders ADULTS WHO HAVE



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1 COMMITTED A SEXUAL OFFENSE whose risk to sexually reoffend may not
2 be further reduced by participation in treatment as described in paragraph
3 (b) of this subsection (4) SUBSECTION (4)(b) OF THIS SECTION. The board
4 shall ~~develop~~ ADOPT and implement methods of intervention for ~~adult sex~~
5 ~~offenders which~~ ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE. The
6 methods MUST have as a priority the physical and psychological safety of
7 victims and potential victims and ~~which are~~ MUST BE appropriate to the
8 assessed needs of the ~~particular offender~~ ADULT WHO COMMITTED THE
9 SEXUAL OFFENSE, so long as there is no reduction in the safety of victims
10 and potential victims.

11 **(b) Guidelines and standards for treatment of persons who**
12 **have committed a sexual offense.** (I) The board shall ~~develop~~ ADOPT,
13 implement, and revise, as appropriate, guidelines and standards to treat
14 ~~adult sex offenders~~ ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE,
15 including ~~adult sex offenders~~ AN ADULT with AN intellectual and
16 developmental ~~disabilities~~ DISABILITY, incorporating in the guidelines and
17 standards the concepts of the risk-need-responsivity or another
18 evidence-based correctional model, which guidelines and standards can
19 be used in the treatment of ~~offenders~~ INDIVIDUALS who are placed on
20 probation, incarcerated with the department of corrections, placed on
21 parole, or placed in community corrections. Programs implemented
22 pursuant to the guidelines and standards ~~developed~~ ADOPTED pursuant to
23 this subsection (4)(b) must be as flexible as possible so that the programs
24 may be accessed by each ~~adult sex offender~~ ADULT WHO HAS COMMITTED
25 A SEXUAL OFFENSE to prevent the ~~offender from~~ harming harm to victims
26 and potential victims. Programs must include a continuing monitoring
27 process and a continuum of treatment options available to ~~an adult sex~~
28 ~~offender as he or she~~ AN ADULT WHO HAS COMMITTED A SEXUAL OFFENSE
29 AS THE ADULT proceeds through the criminal justice system. Treatment
30 options must be determined by a current risk assessment and evaluation
31 and may include, but need not be limited to, group counseling, individual
32 counseling, family counseling, outpatient treatment, inpatient treatment,
33 shared living arrangements, or treatment in a therapeutic community.
34 Programs implemented pursuant to the guidelines and standards
35 ~~developed~~ ADOPTED pursuant to this subsection (4)(b) must, to the extent
36 possible, be accessible to ~~all adult sex offenders~~ EVERYONE in the
37 criminal justice system, including ~~those offenders~~ ADULTS with
38 behavioral, mental health, and co-occurring disorders, The procedures for
39 evaluation, identification, treatment, and monitoring ~~developed~~ pursuant
40 to this subsection (4) must be implemented only to the extent that money
41 is available in the ~~sex offender~~ surcharge fund created in section



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1 18-21-103 (3) AND, TO THE EXTENT POSSIBLE, ENSURE TREATMENT THAT
2 IS RESPONSIVE TO THE LINGUISTIC, CULTURAL, RELIGIOUS, RACIAL, AND
3 SEXUAL AND GENDER IDENTITY CHARACTERISTICS OF THE ADULT WHO HAS
4 COMMITTED A SEXUAL OFFENSE.

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

13 (II) (A) To revise the guidelines and standards developed
14 ADOPTED pursuant to this paragraph (b) SUBSECTION (4)(b), the board
15 shall establish a committee to make recommendations to the board. At
16 least eighty percent of the members of the committee must be approved
17 treatment providers.

18 (B) THIS SUBSECTION (4)(b) IS REPEALED, EFFECTIVE AUGUST 31,
19 2022.

20 (III) Repealed.

21 (c) **Allocation of money in sex offender surcharge fund.** The
22 board shall ~~develop~~ ADOPT an annual plan for the allocation of ~~money~~
23 MONEY deposited in the sex offender surcharge fund, REFERRED TO IN
24 THIS SUBSECTION (4)(c) AS THE "FUND", created pursuant to section
25 18-21-103 (3) ~~E.R.S.~~, among the judicial department, the department of
26 corrections, the division of criminal justice in the department of public
27 safety, and the department of human services. ~~In addition,~~ The board shall
28 coordinate the expenditure of ~~money~~ MONEY from the ~~sex offender~~
29 ~~surcharge~~ fund with any ~~money~~ MONEY expended by any of the
30 departments described in this ~~paragraph (c) to identify~~ SUBSECTION (4)(c)
31 TO evaluate and treat ~~adult sex offenders~~ ADULTS and juveniles who have
32 committed ~~sexual offenses~~ A SEXUAL OFFENSE. IN ADDITION, IN
33 RECOGNITION OF THE OVERREPRESENTATION OF SOME RACIAL, ETHNIC,
34 GENDER, AND SEXUAL IDENTITY GROUPS WITHIN THE POPULATION OF
35 INDIVIDUALS SENTENCED FOR SEXUAL OFFENSES, AND THE SIMULTANEOUS
36 UNDERREPRESENTATION OF TREATMENT PROVIDERS FROM THE SAME
37 GROUPS, THE BOARD SHALL ADOPT A PROCESS AND CRITERIA BY WHICH A
38 POTENTIAL TREATMENT PROVIDER MAY APPLY TO THE FUND FOR GRANTS
39 OR SCHOLARSHIPS IF THE APPLICANT'S ENTRY INTO THE TREATMENT
40 PROVIDER COMMUNITY WOULD DIVERSIFY THE FIELD OR ENHANCE
41 RESOURCES TO UNDERSERVED AREAS OF COLORADO. THE BOARD SHALL



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1 APPLY FOR GRANTS OR SEEK GIFTS OR DONATIONS FROM PRIVATE OR
2 PUBLIC SOURCES FOR THE PURPOSE OF PROVIDING THE GRANTS OR
3 SCHOLARSHIPS. THE MONEY USED FOR THE GRANTS OR SCHOLARSHIPS
4 SHALL NOT COME FROM SEX OFFENDER SURCHARGE FEES. THE GRANTS OR
5 SCHOLARSHIPS MAY INCLUDE, BUT ARE NOT LIMITED TO, AWARDS TO
6 ASSIST CANDIDATES IN MEETING THE EDUCATIONAL, LICENSURE, OR
7 CLINICAL TRAINING REQUIREMENTS DESCRIBED IN SECTION 16-11.7-106
8 AND MUST SEEK TO INCREASE THE LIKELIHOOD THAT AN ADULT OR
9 JUVENILE WHO HAS COMMITTED A SEXUAL OFFENSE WILL HAVE ACCESS TO
10 TREATMENT PROVIDERS WHO CAN MEET THEIR LINGUISTIC, CULTURAL,
11 RELIGIOUS, RACIALLY, AND SEXUAL AND GENDER IDENTITY DIVERSE
12 NEEDS. The general assembly may appropriate ~~moneys~~ MONEY from the
13 ~~sex offender surcharge~~ fund in accordance with the plan.

14 (d) **Risk assessment screening instrument.** The board shall
15 consult on, approve, and revise, as necessary, the risk assessment
16 screening instrument developed by the division of criminal justice to
17 assist the sentencing court in determining the likelihood that an adult sex
18 offender will commit one or more of the offenses specified in section
19 18-3-414.5 (1)(a)(II), C.R.S., under the circumstances described in
20 section 18-3-414.5 (1)(a)(III), C.R.S. In carrying out this duty, the board
21 shall consider research on adult sex offender risk assessment and shall
22 consider as one element the risk posed by an adult sex offender who
23 suffers from psychopathy or a personality disorder that makes the person
24 more likely to engage in sexually violent predatory offenses. If a
25 defendant is found to be a sexually violent predator, the defendant shall
26 be required to register pursuant to article 22 of this title and shall be
27 subject to community notification pursuant to part 9 of article 13 of this
28 title. THE BOARD SHALL STUDY AND, IN CONSULTATION WITH RESEARCH
29 AND EVALUATION PROFESSIONALS THE BOARD DEEMS APPROPRIATE, MAKE
30 RECOMMENDATIONS FOR APPROVAL BY THE GENERAL ASSEMBLY ON A
31 MODEL FOR A THREE-TIER RISK LEVEL SYSTEM. THE PROPOSED MODEL
32 MUST REQUIRE THE TIERING OF INDIVIDUAL REGISTRANTS BASED UPON
33 THEIR RISK TO SEXUALLY REOFFEND AND MUST INCLUDE A PROCESS TO
34 RECLASSIFY ALL PERSONS WHO ARE DESIGNATED AS SEXUALLY VIOLENT
35 PREDATORS PRIOR TO JULY 1, 2023. RECOGNIZING THAT RISK IS DYNAMIC,
36 THE PROPOSED MODEL MUST ENSURE THAT PERSONS REQUIRED TO
37 REGISTER WILL BE RECLASSIFIED BASED UPON CHANGES IN THEIR RISK
38 STATUS. ON OR BEFORE JANUARY 31, 2022, THE BOARD SHALL REPORT ON
39 THE PROPOSED MODEL AND ITS ASSOCIATED COSTS TO THE JUDICIARY
40 COMMITTEES OF THE GENERAL ASSEMBLY, OR ANY SUCCESSOR
41 COMMITTEES, AS PART OF ITS ANNUAL REPORT PRESENTED PURSUANT TO



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1 SECTION 16-11.7-109 (2).

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

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



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1 supervised in the community if ~~he or she~~ SUCH ADULT were released from
2 incarceration, released to a reduced level of supervision, or discharged
3 from probation or parole. The criteria ~~shall~~ MUST not limit the
4 decision-making authority of the court or the state board of parole.

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

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

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



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1 sex-offender-specific SEX-OFFENSE-SPECIFIC evaluation, treatment, or
2 polygraph services; or for any other purposes consistent with the
3 provisions of this ~~article~~ ARTICLE 11.7.

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

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

38 (j) (I) **Guidelines and standards for treatment of juveniles**
39 **who have committed a sexual offense.** The board shall ~~develop~~ ADOPT,
40 implement, and revise, as appropriate, guidelines and standards to treat
41 juveniles who have committed ~~sexual offenses~~ A SEXUAL OFFENSE,



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1 including juveniles with AN intellectual and developmental disabilities
2 DISABILITY, OR A JUVENILE WHO HAS BEEN CRIMINALLY CONVICTED IN
3 DISTRICT COURT PURSUANT TO SECTION 19-2-517 OR 19-2-518, UNLESS
4 THE JUVENILE HAS ALSO BEEN CONVICTED OF A SEX OFFENSE COMMITTED
5 ON OR AFTER THE DAY THE JUVENILE ATTAINED EIGHTEEN YEARS OF AGE,
6 incorporating in the guidelines and standards the concepts of the
7 risk-need-responsivity or another evidence-based correctional model,
8 which guidelines and standards may be used for ~~juvenile offenders~~
9 JUVENILES who are placed on probation, committed to the department of
10 human services, placed on parole, or placed in out-of-home placement.
11 Programs implemented pursuant to the guidelines and standards
12 ~~developed~~ ADOPTED pursuant to this subsection (4)(j) must be as flexible
13 as possible so that the programs may be accessed by each juvenile
14 offender to prevent ~~him or her~~ from harming HARM TO victims and
15 potential victims. Programs must provide a continuing monitoring process
16 and a continuum of treatment options available to a juvenile offender as
17 ~~he or she~~ AS THE JUVENILE proceeds through the juvenile justice system.
18 Treatment options may include, but need not be limited to, group
19 counseling, individual counseling, family counseling, outpatient
20 treatment, inpatient treatment, shared living arrangements, and treatment
21 in a therapeutic community. Programs implemented pursuant to the
22 guidelines and standards ~~developed~~ ADOPTED pursuant to this subsection
23 (4)(j) must be, to the extent possible, accessible to all juveniles who have
24 committed ~~sexual offenses~~ A SEXUAL OFFENSE and who are in the juvenile
25 justice system, including juveniles with behavioral, mental health, or
26 co-occurring disorders, AND MUST ENSURE TREATMENT THAT IS
27 RESPONSIVE TO THE LINGUISTIC, CULTURAL, RELIGIOUS, AND RACIAL
28 CHARACTERISTICS AND THE SEXUAL AND GENDER IDENTITY OF THE
29 JUVENILE WHO HAS COMMITTED A SEXUAL OFFENSE SERVED, TO THE
30 EXTENT POSSIBLE.

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

39 (II) To revise the guidelines and standards ~~developed~~ ADOPTED
40 pursuant to this ~~paragraph~~ (j) SUBSECTION (4)(j), the board shall establish
41 a committee to make recommendations to the board. At least eighty



1 percent of the members of the committee must be approved treatment
2 providers.

3 **(k) Evaluation of policies and procedures for juveniles who**
4 **have committed a sexual offense.** The board shall research and analyze
5 the effectiveness of the evaluation ~~identification~~, and treatment
6 procedures ~~developed~~ ADOPTED pursuant to this ~~article~~ ARTICLE 11.7 for
7 juveniles who have committed ~~sexual offenses~~ A SEXUAL OFFENSE. The
8 board shall revise the guidelines and standards for evaluation
9 ~~identification~~, and treatment, as appropriate, based upon the results of the
10 board's research and analysis. The board shall also ~~develop~~ ADOPT and
11 prescribe a system to implement the guidelines and standards ~~developed~~
12 ADOPTED pursuant to ~~paragraph (j) of this subsection (4) SUBSECTION~~ (4)(j) OF THIS SECTION.

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

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

28 **(6) Repeal.** (a) This section is repealed, effective ~~September 1,~~
29 ~~2021~~ AUGUST, 31, 2022.

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

33 **(c) (I) Prior to the repeal of this section in 2021, the house OF**
34 ~~REPRESENTATIVES~~ judiciary committee, or its successor committee, shall
35 hold an additional hearing on the report prepared by the department of
36 regulatory agencies in 2019 pursuant to the provisions of section
37 24-34-104 (6)(a). Any bill recommended by the judiciary committee
38 pursuant to this subsection (6)(c)(I) does not count against the number of
39 bills to which members of the general assembly are limited by law or joint
40 rule of the senate and house of representatives. The department of
41 regulatory agencies is not required to conduct an additional review or



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1 prepare an additional report prior to the hearing in 2021.

2 (II) This subsection (6)(c) is repealed, effective September 1,
3 2021 AUGUST 31, 2022.

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

6 **16-11.7-103.5. Sexual offense management board - task force**
7 **- creation - membership - duties - repeal.** (1) (a) THERE IS CREATED IN
8 THE DEPARTMENT OF PUBLIC SAFETY A SEXUAL OFFENSE MANAGEMENT
9 BOARD THAT CONSISTS OF TWELVE VOTING MEMBERS. THE MEMBERSHIP
10 OF THE BOARD MUST REFLECT AND INCLUDE, TO THE EXTENT POSSIBLE,
11 REPRESENTATION OF URBAN AND RURAL AREAS OF THE STATE, PERSONS
12 WITH DISABILITIES, AND PERSONS WHO HAVE EXPERTISE IN ADULT AND
13 JUVENILE ISSUES RELATING TO PERSONS WHO HAVE COMMITTED A SEXUAL
14 OFFENSE. THE MEMBERSHIP OF THE BOARD CONSISTS OF THE FOLLOWING
15 PERSONS APPOINTED AS FOLLOWS:

16 (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
17 SAFETY SHALL APPOINT:

18 (A) FOUR MEMBERS WHO WORK FOR BUSINESS ENTITIES THAT ARE
19 DISTINCT FROM EACH OTHER AND WHO ARE LICENSED MENTAL HEALTH
20 PROFESSIONALS WHO ARE APPROVED AND IN GOOD STANDING TO PROVIDE
21 EVALUATION OR TREATMENT SERVICES PURSUANT TO THIS ARTICLE 16 TO
22 ADULTS, BUT WHO HAVE RECOGNIZABLE EXPERTISE IN THE TREATMENT OF
23 ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE;

24 (B) ONE MEMBER WHO WORKS FOR A BUSINESS ENTITY THAT IS
25 DISTINCT FROM THE APPOINTMENTS MADE PURSUANT TO SUBSECTION
26 (1)(a)(I)(A) OF THIS SECTION AND WHO IS A LICENSED MENTAL HEALTH
27 PROFESSIONAL WHO ARE APPROVED AND IN GOOD STANDING TO PROVIDE
28 EVALUATION OR TREATMENT SERVICES UNDER THIS ARTICLE 16 TO
29 JUVENILES, BUT WHO HAS RECOGNIZABLE EXPERTISE IN THE TREATMENT
30 OF JUVENILES WHO HAVE COMMITTED A SEXUAL OFFENSE;

31 (C) ONE MEMBER WHO IS A RECOGNIZED EXPERT IN THE FIELD OF
32 SEXUAL ABUSE OR SEXUAL ASSAULT AND WHO CAN REPRESENT SEXUAL
33 ABUSE AND SEXUAL ASSAULT VICTIMS AND VICTIMS' RIGHTS
34 ORGANIZATIONS;

35 (D) ONE MEMBER WHO REPRESENTS LAW ENFORCEMENT, WITH
36 RECOGNIZABLE EXPERIENCE INVESTIGATING SEXUAL OFFENSES;

37 (E) ONE MEMBER WHO WORKS AS A VICTIM ASSISTANT IN A
38 DISTRICT ATTORNEY'S OFFICE WITH EXPERIENCE WORKING WITH
39 SURVIVORS OF SEXUAL ASSAULT.

40 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
41 CORRECTIONS SHALL APPOINT ONE MEMBER WHO REPRESENTS THE



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1 DIVISION OF ADULT PAROLE;

2 (III) THE CHIEF JUSTICE OF THE SUPREME COURT SHALL APPOINT

3 ONE MEMBER WHO REPRESENTS THE PROBATION DEPARTMENT;

4 (IV) THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT

5 ATTORNEYS' COUNCIL SHALL APPOINT ONE MEMBER WHO REPRESENTS THE

6 INTERESTS OF PROSECUTING ATTORNEYS AND WHO HAS RECOGNIZABLE

7 EXPERTISE IN PROSECUTING SEXUAL OFFENSES; AND

8 (V) THE OFFICE OF THE COLORADO STATE PUBLIC DEFENDER

9 SHALL APPOINT ONE MEMBER WHO IS A PUBLIC DEFENDER WITH

10 RECOGNIZABLE EXPERTISE RELATED TO SEXUAL OFFENSES.

11 (b) THE BOARD IS RESPONSIBLE FOR THE OVERSIGHT OF THE TASK

12 FORCE CREATED IN SUBSECTION (2) OF THIS SECTION. THE BOARD SHALL

13 DELEGATE TASKS OR AREAS OF STUDY TO THE TASK FORCE. THE BOARD

14 SHALL CONSIDER ANY RECOMMENDATIONS MADE BY THE TASK FORCE

15 RELATED TO DUTIES OF THE BOARD.

16 (c) THE MEMBERS OF THE SEXUAL OFFENSE MANAGEMENT BOARD

17 SHALL ELECT PRESIDING OFFICERS FOR THE BOARD, INCLUDING A CHAIR

18 AND VICE-CHAIR, FROM AMONG THE BOARD MEMBERS APPOINTED

19 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, WHICH PRESIDING

20 OFFICERS SHALL SERVE TERMS OF TWO YEARS. BOARD MEMBERS MAY

21 RE-ELECT A PRESIDING OFFICER.

22 (d) MEMBERS OF THE BOARD SHALL SERVE AT THE PLEASURE OF

23 THE APPOINTING AUTHORITY FOR TERMS OF FOUR YEARS AND MAY SERVE

24 NO MORE THAN TWO TERMS; EXCEPT THAT A MEMBER OF THE BOARD MAY

25 NOT BE APPOINTED TO THE BOARD IF THE MEMBER SERVED TWO OR MORE

26 TERMS ON THE BOARD CREATED IN THE REPEALED SUBSECTION (1) OF THIS

27 SECTION OR, IF A MEMBER SERVED ONE TERM ON THE BOARD CREATED IN

28 THE REPEALED SUBSECTION (1) OF THIS SECTION, THE MEMBER MAY ONLY

29 SERVE ONE TERM. MEMBERS OF THE BOARD SHALL SERVE WITHOUT

30 COMPENSATION.

31 (2)(a) THERE IS CREATED A FOURTEEN-MEMBER NONVOTING TASK

32 FORCE OF THE BOARD THAT SERVES TO MEET WITH AND PROVIDE

33 INFORMATION AND INPUT TO THE VOTING MEMBERS OF THE BOARD AS

34 DELEGATED BY THE BOARD IN SUBSECTION (1)(b) OF THIS SECTION. THE

35 MEMBERSHIP OF THE TASK FORCE CONSISTS OF THE FOLLOWING PERSONS

36 APPOINTED AS FOLLOWS:

37 (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC

38 SAFETY SHALL APPOINT:

39 (A) ONE MEMBER FROM THE DIVISION OF CRIMINAL JUSTICE WITH

40 RECOGNIZABLE EXPERTISE IN COMMUNITY CORRECTIONS PROGRAMS;

41 (B) TWO MEMBERS WHO WORK FOR BUSINESS ENTITIES THAT ARE



1 DISTINCT FROM EACH OTHER AND WHO ARE MENTAL HEALTH
2 PROFESSIONALS WHO ARE APPROVED AND IN GOOD STANDING TO PROVIDE
3 EVALUATION OR TREATMENT SERVICES UNDER THIS ARTICLE 16 BUT WHO
4 HAVE RECOGNIZABLE EXPERTISE IN THE TREATMENT OF ADULTS WHO
5 HAVE COMMITTED A SEXUAL OFFENSE;

6 (C) TWO MEMBERS WHO ARE RECOGNIZED EXPERTS IN THE FIELD
7 OF SEXUAL ABUSE OR SEXUAL ASSAULT AND WHO CAN REPRESENT SEXUAL
8 ABUSE AND SEXUAL ASSAULT VICTIMS AND VICTIMS' RIGHTS
9 ORGANIZATIONS;

10 (D) ONE MEMBER WHO REPRESENTS A COMMUNITY CORRECTIONS
11 PROVIDER WHO PROVIDES SERVICES TO ADULTS WHO HAVE COMMITTED A
12 SEXUAL OFFENSE; AND

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

15 (II) THE CHIEF JUSTICE OF THE SUPREME COURT SHALL APPOINT
16 TWO MEMBERS, ONE WHO IS A DISTRICT COURT JUDGE AND ONE WHO IS A
17 JUVENILE COURT JUDGE; AND

18 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN
19 SERVICES SHALL APPOINT:

20 (A) ONE MEMBER WHO REPRESENTS THE DIVISION OF YOUTH
21 SERVICES IN THE DEPARTMENT OF HUMAN SERVICES;

22 (B) ONE MEMBER FROM THE OFFICE OF BEHAVIORAL HEALTH; AND
23 (C) ONE MEMBER FROM THE DIVISION OF CHILD WELFARE;

24 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
25 CORRECTIONS SHALL APPOINT ONE MEMBER FROM THE DEPARTMENT OF
26 CORRECTIONS; AND

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

28 (b) THE TASK FORCE SHALL STUDY AND DEVELOP PROPOSALS FOR
29 THE TASK OR AREA OF RESEARCH ASSIGNED TO IT BY THE BOARD
30 PURSUANT TO SUBSECTION (1) (b) OF THIS SECTION. THE TASK FORCE MAY
31 PROVIDE GUIDANCE AND MAKE RECOMMENDATIONS OF AREAS OF STUDY
32 OR ISSUES FOR CONSIDERATION TO THE BOARD.

33 (c) MEMBERS OF THE TASK FORCE SHALL SERVE AT THE PLEASURE
34 OF THE APPOINTING AUTHORITY FOR TERMS OF FOUR YEARS. THE
35 APPOINTING AUTHORITY MAY REAPPOINT A MEMBER FOR AN ADDITIONAL
36 TERM OR TERMS. MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT
37 COMPENSATION.

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

40 (a) **Standards for evaluation of adults who have committed a
41 sexual offense.** THE BOARD SHALL ADOPT, PRESCRIBE, AND REVISE, AS



1 APPROPRIATE, A STANDARD PROCEDURE TO EVALUATE ADULTS WHO HAVE
2 COMMITTED A SEXUAL OFFENSE, INCLUDING ADULTS WITH AN
3 INTELLECTUAL AND DEVELOPMENTAL DISABILITY. THE PROCEDURES MUST
4 PROVIDE FOR AN EVALUATION OF SUCH PERSONS AND RECOMMEND
5 MANAGEMENT, MONITORING, AND TREATMENT BASED UPON EXISTING
6 RESEARCH AND SHALL INCORPORATE THE CONCEPTS OF THE
7 RISK-NEED-RESPONSIVITY OR ANOTHER EVIDENCE-BASED CORRECTIONAL
8 MODEL. THERE IS CURRENTLY NO WAY TO ENSURE THAT AN ADULT WHO
9 HAS COMMITTED A SEXUAL OFFENSE WITH THE PROPENSITY TO COMMIT
10 SEXUAL OFFENSES WILL NOT REOFFEND. BECAUSE THERE ARE ADULTS
11 WHO HAVE COMMITTED A SEXUAL OFFENSE WHO CAN LEARN TO MANAGE
12 UNHEALTHY PATTERNS AND LEARN BEHAVIORS THAT CAN LESSEN THEIR
13 RISK TO SOCIETY IN THE COURSE OF ONGOING TREATMENT, MANAGEMENT,
14 AND MONITORING, THE BOARD SHALL ADOPT A PROCEDURE FOR
15 EVALUATING, ON A CASE-BY-CASE BASIS, RELIABLY LOWER-RISK ADULTS
16 WHO HAVE COMMITTED A SEXUAL OFFENSE WHOSE RISK TO SEXUALLY
17 REOFFEND MAY NOT BE FURTHER REDUCED BY PARTICIPATION IN
18 TREATMENT AS DESCRIBED IN SUBSECTION (3)(b) OF THIS SECTION. THE
19 BOARD SHALL ADOPT AND IMPLEMENT METHODS OF INTERVENTION FOR
20 ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE. THE METHODS MUST
21 HAVE AS A PRIORITY THE PHYSICAL AND PSYCHOLOGICAL SAFETY OF
22 VICTIMS AND POTENTIAL VICTIMS AND MUST BE APPROPRIATE TO THE
23 ASSESSED NEEDS OF THE ADULT WHO COMMITTED THE SEXUAL OFFENSE,
24 SO LONG AS THERE IS NO REDUCTION IN THE SAFETY OF VICTIMS AND
25 POTENTIAL VICTIMS.

26 **(b) (I) Guidelines and standards for treatment of adults who**
27 **have committed a sexual offense.** THE BOARD SHALL ADOPT,
28 IMPLEMENT, AND REVISE, AS APPROPRIATE, GUIDELINES AND STANDARDS
29 TO TREAT ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE, INCLUDING
30 ADULTS WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY,
31 INCORPORATING IN THE GUIDELINES AND STANDARDS THE CONCEPTS OF
32 THE RISK-NEED-RESPONSIVITY OR ANOTHER EVIDENCE-BASED
33 CORRECTIONAL MODEL, WHICH GUIDELINES AND STANDARDS CAN BE USED
34 IN THE TREATMENT OF PERSONS WHO ARE PLACED ON PROBATION,
35 INCARCERATED WITH THE DEPARTMENT OF CORRECTIONS, PLACED ON
36 PAROLE, OR PLACED IN COMMUNITY CORRECTIONS. PROGRAMS
37 IMPLEMENTED PURSUANT TO THE GUIDELINES AND STANDARDS ADOPTED
38 PURSUANT TO THIS SUBSECTION (3)(b) MUST BE AS FLEXIBLE AS POSSIBLE
39 SO THAT THE PROGRAMS MAY BE ACCESSED BY EACH ADULT WHO HAS
40 COMMITTED A SEXUAL OFFENSE TO PREVENT HARM TO VICTIMS AND
41 POTENTIAL VICTIMS. PROGRAMS MUST INCLUDE A CONTINUING



1 MONITORING PROCESS AND A CONTINUUM OF TREATMENT OPTIONS
2 AVAILABLE TO A ADULT WHO HAS COMMITTED A SEXUAL OFFENSE AS THE
3 ADULT PROCEEDS THROUGH THE CRIMINAL JUSTICE SYSTEM. TREATMENT
4 OPTIONS MUST BE DETERMINED BY A CURRENT RISK ASSESSMENT AND
5 EVALUATION AND MAY INCLUDE, BUT NEED NOT BE LIMITED TO, GROUP
6 COUNSELING, INDIVIDUAL COUNSELING, FAMILY COUNSELING, OUTPATIENT
7 TREATMENT, INPATIENT TREATMENT, SHARED LIVING ARRANGEMENTS, OR
8 TREATMENT IN A THERAPEUTIC COMMUNITY. PROGRAMS IMPLEMENTED
9 PURSUANT TO THE GUIDELINES AND STANDARDS ADOPTED PURSUANT TO
10 THIS SUBSECTION (3)(b) MUST, TO THE EXTENT POSSIBLE, BE ACCESSIBLE
11 TO EVERYONE IN THE CRIMINAL JUSTICE SYSTEM, INCLUDING ADULTS WITH
12 BEHAVIORAL, MENTAL HEALTH, AND CO-OCCURRING DISORDERS AND, TO
13 THE EXTENT POSSIBLE, ENSURE TREATMENT THAT IS RESPONSIVE TO THE
14 LINGUISTIC, CULTURAL, RELIGIOUS, RACIAL, AND SEXUAL AND GENDER
15 IDENTITY CHARACTERISTICS OF THE ADULT OR JUVENILE WHO HAS
16 COMMITTED A SEXUAL OFFENSE SERVED.

17 (II) THE GUIDELINES AND STANDARDS MUST NOT REQUIRE THE
18 TREATMENT PROVIDER OR SUPERVISING OFFICER TO USE POLYGRAPH
19 TESTING, BUT ITS USE MAY BE PERMITTED IN CASES IN WHICH THERE IS A
20 SPECIFIC DOCUMENTED RATIONALE BASED ON INDIVIDUAL RISK AND NEED
21 AFTER CONSIDERATION OF HOW THE INFORMATION SOUGHT WILL INFORM
22 TREATMENT OR SUPERVISION, THE ALTERNATE METHODS AVAILABLE TO
23 OBTAIN THE INFORMATION, AND WHETHER CURRENT BEHAVIORS, RISK
24 FACTORS, AND NEEDS WOULD BE ADDRESSED BY POLYGRAPH TESTING.

25 (c) **Allocation of money in sex offender surcharge fund.** THE
26 BOARD SHALL ADOPT AN ANNUAL PLAN FOR THE ALLOCATION OF MONEY
27 DEPOSITED IN THE SEX OFFENDER SURCHARGE FUND, REFERRED TO IN THIS
28 SUBSECTION (4)(c) AS THE "FUND", CREATED PURSUANT TO SECTION
29 18-21-103 (3) AMONG THE JUDICIAL DEPARTMENT, THE DEPARTMENT OF
30 CORRECTIONS, THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
31 PUBLIC SAFETY, AND THE DEPARTMENT OF HUMAN SERVICES. THE BOARD
32 SHALL COORDINATE THE EXPENDITURE OF MONEY FROM THE FUND WITH
33 ANY MONEY EXPENDED BY ANY OF THE DEPARTMENTS DESCRIBED IN THIS
34 SUBSECTION (3)(c) TO EVALUATE AND TREAT ADULTS AND JUVENILES WHO
35 HAVE COMMITTED A SEXUAL OFFENSE. IN ADDITION, IN RECOGNITION OF
36 THE OVERREPRESENTATION OF SOME RACIAL, ETHNIC, GENDER, AND
37 SEXUAL IDENTITY GROUPS WITHIN THE POPULATION OF INDIVIDUALS
38 SENTENCED FOR SEXUAL OFFENSES, AND THE SIMULTANEOUS
39 UNDERREPRESENTATION OF TREATMENT PROVIDERS FROM THE SAME
40 GROUPS, THE BOARD SHALL ADOPT A PROCESS BY WHICH A POTENTIAL
41 TREATMENT PROVIDER MAY APPLY TO THE FUND FOR GRANTS OR



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1 SCHOLARSHIPS IF THE APPLICANT'S ENTRY INTO THE TREATMENT PROVIDER
2 COMMUNITY WOULD DIVERSIFY THE FIELD OR ENHANCE RESOURCES TO
3 UNDERSERVED AREAS OF COLORADO. THE BOARD SHALL APPLY FOR
4 GRANTS OR SEEK GIFTS OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES
5 FOR THE PURPOSE OF PROVIDING THE GRANTS OR SCHOLARSHIPS. THE
6 MONEY USED FOR THE GRANTS OR SCHOLARSHIPS SHALL NOT COME FROM
7 SEX OFFENDER SURCHARGE FEES. THE GRANTS OR SCHOLARSHIPS MAY
8 INCLUDE, BUT ARE NOT LIMITED TO, AWARDS TO ASSIST CANDIDATES IN
9 MEETING THE EDUCATIONAL, LICENSURE, OR CLINICAL TRAINING
10 REQUIREMENTS DESCRIBED IN SECTION 16-11.7-106 AND MUST SEEK TO
11 INCREASE THE LIKELIHOOD THAT ADULTS OR JUVENILES WHO HAVE
12 COMMITTED A SEXUAL OFFENSE WILL HAVE ACCESS TO TREATMENT
13 PROVIDERS WHO CAN MEET THEIR LINGUISTIC, CULTURAL, RELIGIOUS,
14 RACIALLY, AND SEXUAL AND GENDER IDENTITY DIVERSE NEEDS. THE
15 GENERAL ASSEMBLY MAY APPROPRIATE MONEY FROM THE FUND IN
16 ACCORDANCE WITH THE PLAN.

17 (d) **Evaluation of policies and procedures - report.** (I) THE
18 BOARD SHALL RESEARCH, EITHER THROUGH DIRECT EVALUATION OR
19 THROUGH A REVIEW OF RELEVANT RESEARCH ARTICLES AND SEXUAL
20 OFFENSE TREATMENT EMPIRICAL DATA, AND ANALYZE, THROUGH A
21 COMPREHENSIVE REVIEW OF EVIDENCE-BASED PRACTICES, THE
22 EFFECTIVENESS OF THE EVALUATION AND TREATMENT POLICIES AND
23 PROCEDURES FOR PERSONS WHO HAVE COMMITTED A SEXUAL OFFENSE
24 ADOPTED PURSUANT TO THIS ARTICLE 11.7. THIS RESEARCH MUST
25 SPECIFICALLY INCLUDE, BUT NEED NOT BE LIMITED TO, REVIEWING AND
26 RESEARCHING REOFFENSE AND FACTORS THAT CONTRIBUTE TO REOFFENSE,
27 THE EFFECTIVE USE OF COGNITIVE BEHAVIORAL THERAPY TO PREVENT
28 REOFFENSE, THE USE OF POLYGRAPHS IN TREATMENT, AND THE
29 CONTAINMENT MODEL FOR THE MANAGEMENT AND TREATMENT OF
30 PERSONS WHO HAVE COMMITTED A SEXUAL OFFENSE AND ITS EFFECTIVE
31 APPLICATION. THE BOARD SHALL REVISE THE GUIDELINES AND STANDARDS
32 FOR EVALUATION AND TREATMENT, AS APPROPRIATE, BASED UPON THE
33 RESULTS OF THE BOARD'S RESEARCH AND ANALYSIS. THE BOARD SHALL
34 ALSO ADOPT AND PRESCRIBE A SYSTEM TO IMPLEMENT THE GUIDELINES
35 AND STANDARDS ADOPTED PURSUANT TO SUBSECTION (3)(b) OF THIS
36 SECTION.

37 (e) **Criteria for measuring progress in treatment.**
38 (I) PURSUANT TO SECTION 18-1.3-1009, CONCERNING THE CRITERIA FOR
39 RELEASE FROM INCARCERATION, REDUCTION IN SUPERVISION, AND
40 DISCHARGE FOR CERTAIN ADULTS WHO HAVE COMMITTED A SEXUAL
41 OFFENSE, THE BOARD, IN COLLABORATION WITH THE DEPARTMENT OF



1 CORRECTIONS, THE JUDICIAL DEPARTMENT, AND THE STATE BOARD OF
2 PAROLE, SHALL ADOPT, AS APPROPRIATE, CRITERIA FOR MEASURING AN
3 ADULT WHO HAS COMMITTED A SEXUAL OFFENSE'S PROGRESS IN
4 TREATMENT. THE CRITERIA SHALL ASSIST THE COURT AND THE STATE
5 BOARD OF PAROLE IN DETERMINING WHETHER AN ADULT WHO HAS
6 COMMITTED A SEXUAL OFFENSE MAY APPROPRIATELY BE RELEASED FROM
7 INCARCERATION PURSUANT TO SECTION 18-1.3-1006(1), OR WHETHER THE
8 LEVEL OF SUPERVISION FOR AN ADULT WHO HAS COMMITTED A SEXUAL
9 OFFENSE MAY BE REDUCED PURSUANT TO SECTION 18-1.3-1006 (2)(a) OR
10 18-1.3-1008, OR WHETHER THE ADULT WHO HAS COMMITTED A SEXUAL
11 OFFENSE MAY APPROPRIATELY BE DISCHARGED FROM PROBATION OR
12 PAROLE PURSUANT TO SECTION 18-1.3-1006 OR 18-1.3-1008. AT A
13 MINIMUM, THE CRITERIA MUST BE DESIGNED TO ASSIST THE COURT AND
14 THE STATE BOARD OF PAROLE IN DETERMINING WHETHER THE ADULT WHO
15 COMMITTED A SEXUAL OFFENSE COULD BE APPROPRIATELY SUPERVISED IN
16 THE COMMUNITY IF HE OR SHE WERE RELEASED FROM INCARCERATION,
17 RELEASED TO A REDUCED LEVEL OF SUPERVISION, OR DISCHARGED FROM
18 PROBATION OR PAROLE. THE CRITERIA MUST NOT LIMIT THE
19 DECISION-MAKING AUTHORITY OF THE COURT OR THE STATE BOARD OF
20 PAROLE.

21 (II) THE BOARD, IN COLLABORATION WITH THE DEPARTMENT OF
22 CORRECTIONS, THE JUDICIAL DEPARTMENT, AND THE STATE BOARD OF
23 PAROLE, SHALL ADOPT STANDARDS FOR COMMUNITY ENTITIES THAT
24 PROVIDE SUPERVISION AND TREATMENT SPECIFICALLY DESIGNED FOR
25 ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE WHO HAVE
26 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES. AT A MINIMUM, THE
27 STANDARDS MUST DETERMINE WHETHER AN ENTITY WOULD PROVIDE
28 ADEQUATE SUPPORT AND SUPERVISION TO MINIMIZE ANY THREAT THAT
29 THE ADULT WHO HAS COMMITTED A SEXUAL OFFENSE MAY POSE TO THE
30 COMMUNITY.

31 **(f) Living arrangements for persons who have committed a**
32 **sexual offense - recommendations.** THE BOARD SHALL RESEARCH,
33 ANALYZE, AND MAKE RECOMMENDATIONS THAT REFLECT BEST PRACTICES
34 FOR LIVING ARRANGEMENTS FOR AND THE LOCATION OF ADULTS WHO
35 HAVE COMMITTED A SEXUAL OFFENSE WITHIN THE COMMUNITY,
36 INCLUDING BUT NOT LIMITED TO SHARED LIVING ARRANGEMENTS. AT A
37 MINIMUM, THE BOARD SHALL CONSIDER THE SAFETY ISSUES RAISED BY THE
38 LOCATION OF RESIDENCES FOR ADULTS WHO HAVE COMMITTED A SEXUAL
39 OFFENSE, ESPECIALLY IN PROXIMITY TO PUBLIC OR PRIVATE SCHOOLS AND
40 CHILD CARE FACILITIES, AND PUBLIC NOTIFICATION OF THE LOCATION OF
41 SUCH RESIDENCES. THE BOARD SHALL ADOPT AND REVISE AS APPROPRIATE



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1 SUCH GUIDELINES AS IT MAY DEEM APPROPRIATE REGARDING THE LIVING
2 ARRANGEMENTS AND LOCATION OF ADULTS WHO HAVE COMMITTED A
3 SEXUAL OFFENSE AND THEIR HOUSING. THE BOARD SHALL ACCOMPLISH
4 THE REQUIREMENTS SPECIFIED IN THIS SUBSECTION (3)(f) WITHIN EXISTING
5 APPROPRIATIONS.

6 (g) **Data collection from treatment providers.** IF THE
7 DEPARTMENT OF PUBLIC SAFETY ACQUIRES SUFFICIENT FUNDING, THE
8 BOARD MAY REQUEST THAT INDIVIDUALS OR ENTITIES PROVIDING
9 SEX-OFFENSE-SPECIFIC EVALUATION, TREATMENT, OR POLYGRAPH
10 SERVICES THAT CONFORM WITH STANDARDS ADOPTED BY THE BOARD
11 PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION SUBMIT TO THE BOARD
12 DATA AND INFORMATION AS DETERMINED BY THE BOARD AT THE TIME
13 THAT FUNDING BECOMES AVAILABLE. THIS DATA AND INFORMATION MAY
14 BE USED BY THE BOARD TO EVALUATE THE EFFECTIVENESS OF THE
15 GUIDELINES AND STANDARDS ADOPTED PURSUANT TO THIS ARTICLE 11.7;
16 TO EVALUATE THE EFFECTIVENESS OF INDIVIDUALS OR ENTITIES
17 PROVIDING SEX-OFFENSE-SPECIFIC EVALUATION, TREATMENT, OR
18 POLYGRAPH SERVICES; OR FOR ANY OTHER PURPOSES CONSISTENT WITH
19 THE PROVISIONS OF THIS ARTICLE 11.7.

20 (h) **Standards for evaluation of juveniles who have committed**
21 **a sexual offense.** THE BOARD SHALL ADOPT, PRESCRIBE, AND REVISE, AS
22 APPROPRIATE, A STANDARD PROCEDURE TO EVALUATE JUVENILES WHO
23 HAVE COMMITTED A SEXUAL OFFENSE, INCLUDING JUVENILES WITH AN
24 INTELLECTUAL AND DEVELOPMENTAL DISABILITY. THE PROCEDURE MUST
25 PROVIDE FOR AN EVALUATION AND OF THE JUVENILE AND RECOMMEND
26 BEHAVIOR MANAGEMENT, MONITORING, TREATMENT, AND COMPLIANCE
27 AND MUST INCORPORATE THE CONCEPTS OF THE RISK-NEED-RESPONSIVITY
28 OR ANOTHER EVIDENCE-BASED CORRECTIONAL MODEL BASED UPON THE
29 KNOWLEDGE THAT ALL UNLAWFUL SEXUAL BEHAVIOR POSES A RISK TO
30 THE COMMUNITY AND THAT CERTAIN JUVENILES MAY HAVE THE CAPACITY
31 TO CHANGE THEIR BEHAVIOR WITH APPROPRIATE INTERVENTION AND
32 TREATMENT. THE BOARD SHALL ADOPT AND IMPLEMENT METHODS OF
33 INTERVENTION FOR JUVENILES WHO HAVE COMMITTED A SEXUAL OFFENSE,
34 WHICH METHODS HAVE AS A PRIORITY THE PHYSICAL AND PSYCHOLOGICAL
35 SAFETY OF VICTIMS AND POTENTIAL VICTIMS AND THAT ARE APPROPRIATE
36 TO THE NEEDS OF THE PARTICULAR JUVENILE, SO LONG AS THERE IS NO
37 REDUCTION IN THE SAFETY OF VICTIMS AND POTENTIAL VICTIMS.

38 (i) (I) **Guidelines and standards for treatment of juveniles who**
39 **have committed a sexual offense.** THE BOARD SHALL ADOPT,
40 IMPLEMENT, AND REVISE, AS APPROPRIATE, GUIDELINES AND STANDARDS
41 TO TREAT JUVENILES WHO HAVE COMMITTED A SEXUAL OFFENSE,



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

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

40 (j) **Evaluation of policies and procedures for juveniles who**
41 **have committed a sexual offense.** THE BOARD SHALL RESEARCH AND



1 ANALYZE THE EFFECTIVENESS OF THE EVALUATION AND TREATMENT
2 PROCEDURES ADOPTED PURSUANT TO THIS ARTICLE 11.7 FOR JUVENILES
3 WHO HAVE COMMITTED A SEXUAL OFFENSE. THE BOARD SHALL REVISE THE
4 GUIDELINES AND STANDARDS FOR EVALUATION AND TREATMENT, AS
5 APPROPRIATE, BASED UPON THE RESULTS OF THE BOARD'S RESEARCH AND
6 ANALYSIS.

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

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

22 **(5) Repeal.** (a) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER
23 1, 2027. BEFORE THE REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN
24 ACCORDANCE WITH SECTION 24-34-104.

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

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

30 **16-11.7-104. Persons who have committed a sexual offense -**
31 **evaluation required.** (1) On and after January 1, 1994, each convicted
32 adult ~~sex offender~~ and juvenile who has committed a sexual offense who
33 is to be considered for probation ~~shall be~~ IS required, as a part of the
34 presentence or probation investigation required pursuant to section
35 16-11-102, to submit to an evaluation for treatment, an evaluation for
36 risk, AND procedures required for monitoring of behavior to protect
37 victims and potential victims, ~~and an identification developed AS THESE~~
38 STANDARDS ARE ADOPTED pursuant to section 16-11.7-103 (4); EXCEPT
39 THAT THE COURT MAY DISPENSE WITH THE EVALUATION AS AUTHORIZED
40 IN SECTION 16-11-102.

41 **SECTION 6.** In Colorado Revised Statutes, amend 16-11.7-105



1 as follows:

2 **16-11.7-105. Sentencing of persons who commit a sexual**
3 **offense - treatment based upon evaluation required.** (1) Each adult
4 ~~sex offender~~ and juvenile who has committed a sexual offense sentenced
5 by the court for an offense committed on or after January 1, 1994, ~~shall~~
6 ~~be~~ IS required, as a part of any sentence to probation, commitment to the
7 department of human services, sentence to community corrections,
8 incarceration with the department of corrections, placement on parole, or
9 out-of-home placement to undergo treatment to the extent appropriate to
10 such ~~offender~~ ADULT OR JUVENILE WHO COMMITTED A SEXUAL OFFENSE
11 based upon the recommendations of the evaluation ~~and identification~~
12 made pursuant to section 16-11.7-104 or based upon any subsequent
13 recommendations by the department of corrections, the judicial
14 department, the department of human services, or the division of criminal
15 justice in the department of public safety, whichever is appropriate. The
16 treatment and monitoring shall be provided by an approved TREATMENT
17 provider pursuant to section 16-11.7-106, and the ~~offender~~ ADULT OR
18 JUVENILE WHO COMMITTED A SEXUAL OFFENSE shall pay for the treatment
19 to the extent the ~~offender~~ ADULT OR JUVENILE WHO COMMITTED A SEXUAL
20 OFFENSE is financially able to do so.

21 (1.5) THE DEPARTMENT OF CORRECTIONS SHALL IDENTIFY ALL
22 INMATES WHO HAVE A NEED FOR SEX-OFFENSE-SPECIFIC TREATMENT AND
23 HAVE NOT RECEIVED THE TREATMENT. THE SEX OFFENDER MANAGEMENT
24 BOARD, PRIOR TO AUGUST 31, 2022, OR THE SEX OFFENSE MANAGEMENT
25 BOARD, ON OR AFTER SEPTEMBER 1, 2022; THE DEPARTMENT OF
26 CORRECTIONS; AND THE DIVISION OF PAROLE SHALL MEET AND DEVELOP
27 SOLUTIONS TO ADDRESS THE UNMET SEX-OFFENSE-SPECIFIC TREATMENT
28 NEEDS OF ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE IN THE
29 DEPARTMENT OF CORRECTIONS.

30 (2) For ~~offenders~~ ADULTS AND JUVENILES who begin community
31 supervision on or after ~~August 10, 2016~~, THE EFFECTIVE DATE OF THIS
32 SUBSECTION (2), AS AMENDED, the supervising agency of each adult ~~sex~~
33 ~~offender and juvenile~~ who has committed a sexual offense shall provide
34 the ~~offender~~ ADULT with ACCESS TO a choice of two appropriate treatment
35 provider agencies staffed by approved providers unless the supervising
36 agency documents in the file that, based upon the nature of the program
37 offered, the needs of the ~~offender~~, or the proximity of the appropriate
38 treatment provider agency, fewer than two such agencies can meet the
39 specific needs of the ~~offender~~, ensure the safety of the public, and provide
40 the supervising agency with reasonable access to the treatment provider
41 agency and the ~~offender~~ during the course of treatment LIST OF ALL



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

28 **SECTION 7.** In Colorado Revised Statutes, 16-11.7-106, **amend**
29 (1), (2), (4), and (7) as follows:

30 **16-11.7-106. Sexual offense evaluation, treatment, and**
31 **polygraph services - contracts with treatment providers - placement**
32 **on treatment provider list - grievances - fund created.** (1) The
33 department of corrections, the judicial department, the division of
34 criminal justice in the department of public safety, or the department of
35 human services shall not employ or contract with, and shall not allow an
36 adult ~~sex offender~~ or a juvenile who has committed a sexual offense to
37 employ or contract with, an individual or entity to provide
38 ~~sex-offender-specific evaluation, treatment, or polygraph services~~
39 TREATMENT pursuant to this ~~article~~ ARTICLE 11.7 unless:

40 (a) The ~~sex-offender-specific~~ SEX-OFFENSE-SPECIFIC evaluation,
41 treatment, or polygraph services to be provided by the individual or entity



1 conform with the guidelines and standards ~~developed~~ ADOPTED pursuant
2 to section 16-11.7-103; and

3 (b) The name of the individual providing services is on the list
4 created pursuant to paragraph (b) of subsection (2) SUBSECTION (2)(b) of
5 this section of persons who may provide ~~sex-offender-specific~~
6 SEX-OFFENSE-SPECIFIC services.

7 (2) (a) The board shall ~~develop~~ ADOPT an application and review
8 process for treatment providers, evaluators, and polygraph examiners who
9 provide services pursuant to this ~~article~~ ARTICLE 11.7 to ~~adult sex~~
10 ~~offenders~~ ADULTS and ~~to~~ juveniles who have committed A sexual ~~offenses~~
11 OFFENSE. The application and review process ~~shall allow~~ ALLOWS
12 TREATMENT providers to demonstrate that they are in compliance with the
13 standards adopted pursuant to this ~~article~~ ARTICLE 11.7. The application
14 and review process ~~shall~~ MUST consist of the following three parts:

15 (I) (A) The board shall ~~develop~~ ADOPT separate application and
16 review processes for standards that apply to the criminal justice
17 component, such as criminal history record checks, for evaluators,
18 individual treatment providers, and polygraph examiners. Applications for
19 the criminal justice components, including fingerprints, ~~shall~~ MUST be
20 submitted to the board. The board shall forward the fingerprints to the
21 Colorado bureau of investigation for use in conducting a state criminal
22 history record check and for transmittal to the federal bureau of
23 investigation for a national criminal history record check. The board may
24 use information obtained from the state and national criminal history
25 record checks to determine an applicant's eligibility for placement on the
26 approved TREATMENT provider list. The board ~~shall be~~ is responsible for
27 the implementation of the provisions of this subparagraph (I) THIS
28 SUBSECTION (2)(a)(I).

29 (B) THE BOARD SHALL MAINTAIN A RECORD OF ANY DENIAL OR
30 REMOVAL FROM THE LIST OF APPROVED TREATMENT PROVIDERS OR OTHER
31 SANCTIONS DUE TO A TREATMENT PROVIDER'S CRIMINAL HISTORY.

32 (II) The board shall ~~develop~~ ADOPT an application and review
33 process for the verification of the qualifications and credentials of
34 evaluators, treatment providers, and polygraph examiners. THIS
35 EVALUATION AND REVIEW PROCESS MUST REQUIRE ALL EVALUATORS TO
36 NOT BE UNDER CURRENT DISCIPLINARY ACTION THAT THE BOARD
37 DETERMINES WOULD IMPEDE THE APPLICANT'S ABILITY TO PRACTICE AS A
38 SEX-OFFENSE-MANAGEMENT-BOARD-LISTED TREATMENT PROVIDER.

39 (III) The board shall require a person who applies for placement,
40 including a person who applies for continued placement, on the list of
41 persons who may provide ~~sex-offender-specific~~ SEX-OFFENSE-SPECIFIC



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

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

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

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



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

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

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

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

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

29 **16-11.7-109. Reporting requirements - legislative declaration.**

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

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

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

40 (b) The general assembly therefore finds that it is appropriate for
41 the board to report to the general assembly on an annual basis concerning



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1 the status of the treatment and management of ~~adult sex offenders~~ ADULTS
2 and juveniles who have committed ~~sexual offenses~~ A SEXUAL OFFENSE in
3 Colorado.

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

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

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

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

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

37 (II) In addition, the presentence report shall include, when
38 appropriate as provided in section 18-3-414.5, C.R.S., the results of the
39 risk assessment screening instrument developed pursuant to section
40 16-11.7-103 (4)(d). Notwithstanding the provisions of EXCEPT AS
41 PROVIDED IN subsection (4) of this section, a presentence report shall be



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1 prepared for each person convicted as a ~~sex offender~~; AN ADULT OR
2 JUVENILE WHO COMMITTED A SEXUAL OFFENSE, and the court may not
3 dispense with the presentence evaluation, risk assessment, and report
4 unless an evaluation and risk assessment has been completed within the
5 last two years and there has been no material change that would affect the
6 evaluation and risk assessment in the past two years.

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

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

16 **18-21-103. Source of revenues - allocation of moneys - sex**
17 **offender surcharge fund - creation.** (3) There is hereby created in the
18 state treasury a sex offender surcharge fund which shall consist of ~~moneys~~
19 MONEY received by the state treasurer pursuant to ~~paragraph (b) of~~
20 ~~subsection (2)~~ SUBSECTION (2)(b) of this section; GIFTS, GRANTS, AND
21 DONATIONS RECEIVED PURSUANT TO SECTION 16-11.7-103 (4)(c) or
22 16-11.7-103.5 (3)(c); AND MONEY RECEIVED PURSUANT TO SECTION
23 16-11.7-103 (4)(c) OR 16-11.7-103 (3)(c). The state treasurer may invest
24 any ~~moneys~~ MONEY in the fund not expended for the purpose of this
25 section as provided by law. The state treasurer shall credit all interest and
26 income derived from the investment and deposit of ~~moneys~~ MONEY in the
27 fund to the fund. Any ~~moneys~~ MONEY not appropriated by the general
28 assembly shall remain in the sex offender surcharge fund and shall not be
29 transferred or revert to the general fund of the state at the end of any
30 fiscal year. All ~~moneys~~ MONEY in the fund shall be subject to annual
31 appropriation by the general assembly to the judicial department, the
32 department of corrections, the division of criminal justice of the
33 department of public safety, and the department of human services, after
34 consideration of the plan ~~developed~~ ADOPTED pursuant to section
35 16-11.7-103 (4)(c), ~~C.R.S.~~, to cover the direct and indirect costs
36 associated with the evaluation ~~identification~~, and treatment and the
37 continued monitoring of sex offenders.

38 **SECTION 11.** In Colorado Revised Statutes, **repeal** part 9 of
39 article 13 of title 16, 16-22-102 (7), 16-22-110 (2)(d), 16-22-110 (3)(b),
40 16-22-111 (1)(a), 16-22-111 (1)(b), 16-22-113 (3)(a), 17-2-103
41 (11)(b)(VI), 18-3-414.5 (1)(a)(IV), and 24-33.5-503 (1)(o).



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

3 **16-22-107. Duties - department of corrections - department**
4 **of human services - confirmation of registration - notice - address**
5 **verification.** (3) Within five days, but not fewer than two days, prior to
6 the release or discharge of any person who has been sentenced to the
7 department of corrections and is required to register pursuant to section
8 16-22-103, the department shall notify the CBI and the local law
9 enforcement agency of the jurisdiction in which the person intends to
10 reside of the date of the person's release or discharge. ~~Such~~ THE notice
11 shall **MUST** include the address at which the person intends to reside upon
12 release or discharge, provided by the person pursuant to subsection (2) of
13 this section, and the person's date of birth and the person's current
14 photograph if requested by the CBI. In addition, ~~such~~ THE notice may
15 include additional information concerning the person. ~~including but not~~
16 ~~limited to any information obtained in conducting the assessment to~~
17 ~~determine whether the person may be subject to community notification~~
18 ~~pursuant to section 16-13-903.~~

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

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



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1 lacks a fixed residence on the reregistration date, in the manner provided
2 in subsection (1)(a) of this section.

3 **SECTION 14.** In Colorado Revised Statutes, 16-22-109, **amend**
4 (3.5)(a) as follows:

5 **16-22-109. Registration forms - local law enforcement agencies**
6 - **duties.** (3.5) (a) The local law enforcement agency with which a person
7 registers pursuant to this ~~article~~ ARTICLE 22 shall, as soon as possible
8 following the registrant's first registration with the local law enforcement
9 agency and at least annually thereafter, verify the residential address
10 reported by the registrant on the standardized form. ~~except that, if the~~
11 ~~registrant is a sexually violent predator, the local law enforcement agency~~
12 ~~shall verify the registrant's residential address quarterly.~~

13 **SECTION 15.** In Colorado Revised Statutes, 24-34-104, **add**
14 (28)(a)(V) as follows:

15 **24-34-104. General assembly review of regulatory agencies**
16 **and functions for repeal, continuation, or reestablishment - legislative**
17 **declaration - repeal.** (28) (a) The following agencies, functions, or both,
18 are scheduled for repeal on September 1, 2027:

19 (V) THE SEXUAL OFFENSE MANAGEMENT BOARD CREATED IN
20 SECTION 16-11.7-103.5;

21 **SECTION 16.** In Colorado Revised Statutes, 16-22-103, **amend**
22 (5)(a)(IV) as follows:

23 **16-22-103. Sex offender registration - required - applicability**
24 - **exception.** (5) (a) Notwithstanding any provision of this article 22 to
25 the contrary, if, pursuant to a motion filed by a person described in this
26 subsection (5) or on its own motion, a court determines that the
27 registration requirement specified in this section would be unfairly
28 punitive and that exempting the person from the registration requirement
29 would not pose a significant risk to the community, the court, upon
30 consideration of the totality of the circumstances, may exempt the person
31 from the registration requirements imposed pursuant to this section if:

32 (IV) The person has received a sex offender evaluation that
33 conforms with the standards developed pursuant to section 16-11.7-103
34 (4)(i), from an evaluator who meets the standards established by the sex
35 offender management board PRIOR TO SEPTEMBER 1, 2022, AND THE
36 SEXUAL OFFENSE MANAGEMENT BOARD ON OR AFTER SEPTEMBER 1, 2022,
37 and the evaluator recommends exempting the person from the registration
38 requirements based upon the best interests of that person and the
39 community; and

40 **SECTION 17.** In Colorado Revised Statutes, 16-22-112, **amend**
41 (3.5) as follows:



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

(3.5) To assist members of the public in protecting themselves from persons who commit offenses involving unlawful sexual behavior, a local law enforcement agency that chooses to post sex offender registration information on its website shall either post educational information concerning protection from sex offenders on its website or provide a link to the educational information included on the CBI website maintained pursuant to section 16-22-111. A local law enforcement agency that posts the educational information shall work with the sex offender management board created pursuant to section 16-11.7-103, C.R.S., PRIOR TO SEPTEMBER 1, 2022, AND THE SEXUAL OFFENSE MANAGEMENT BOARD CREATED PURSUANT TO SECTION 16-11.7-103.5 ON OR AFTER SEPTEMBER 1, 2022, and sexual assault victims' advocacy groups in preparing the educational information.

15 **SECTION 18.** In Colorado Revised Statutes, 17-2-201, amend
16 (5.7)(b) as follows:

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

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

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

29 **17-22.5-404. Parole guidelines - definition.** (4) (c) (II) The
30 administrative release guideline instrument shall not be used in
31 considering those inmates classified as sex offenders with indeterminate
32 sentences for whom the sex offender management board ~~pursuant to~~
33 ~~section 18-1.3-1009, C.R.S.~~, ESTABLISHED IN SECTION 16-11.7-103 PRIOR
34 TO SEPTEMBER 1, 2022, AND THE SEXUAL OFFENSE MANAGEMENT BOARD
35 CREATED PURSUANT TO SECTION 16-11.7-103.5 ON OR AFTER SEPTEMBER
36 1, 2022, REFERRED TO IN THIS SECTION AS THE "BOARD" has established
37 separate and distinct release guidelines. The ~~sex offender management~~
38 board, in collaboration with the department of corrections, the judicial
39 department, the division of criminal justice in the department of public
40 safety, and the state board of parole shall develop a specific sex offender
41 release guideline instrument for use by the state board of parole for those



1 inmates classified as sex offenders with determinate sentences.

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

4 **17-27.1-101. Nongovernmental facilities for offenders -**
5 **registration - notifications - penalties - definitions.** (5) A private
6 treatment program in Colorado shall not admit or accept a supervised or
7 unsupervised person into the program unless the program:

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

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

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

17 **18-1.3-101. Pretrial diversion.** (6) In a jurisdiction that receives
18 state moneys for the creation or operation of diversion programs pursuant
19 to this section, an individual accused of a sex offense as defined in
20 section 18-1.3-1003 (5) is not eligible for pretrial diversion unless charges
21 have been filed and, after the individual has had an opportunity to consult
22 with counsel, the individual has completed a sex-offense-specific
23 evaluation, which includes the use of a sex-offense-specific risk
24 assessment instrument, conducted by an evaluator approved by the sex
25 offender management board, ON OR BEFORE AUGUST 31, 2022, as required
26 by section 16-11.7-103 (4). ~~C.R.S.~~ OR THE SEXUAL OFFENSE
27 MANAGEMENT BOARD ON OR AFTER SEPTEMBER 1, 2022. The district
28 attorney may agree to place the individual in the diversion program
29 established by the district attorney pursuant to this section if ~~he or she~~ THE
30 DISTRICT ATTORNEY finds that, based on the results of that evaluation and
31 the other factors in subsection (3) of this section, the individual is
32 appropriate for the program. Notwithstanding that a successfully
33 completed diversion agreement does not constitute a history of ~~sex~~
34 SEXUAL offenses for purposes of sections 16-11.7-102 (2)(a)(II) and
35 16-22-103 (2)(d), ~~C.R.S.~~, the information constituting the crimes charged
36 and facts alleged ~~shall~~ MUST be available for use by a court, district
37 attorney, any law enforcement agency, or agency of the state judicial
38 department, if otherwise permitted by law, in any subsequent criminal
39 investigation, prosecution, risk or needs assessment evaluation,
40 sentencing hearing, or during a probation or parole supervision period.

41 **SECTION 22.** In Colorado Revised Statutes, 18-1.3-204, **amend**



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1 (2)(c)(II) as follows:

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

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

13 **SECTION 23.** In Colorado Revised Statutes, 18-1.3-407, amend
14 (4.3) as follows:

15 **18-1.3-407. Sentences - youthful offenders - legislative**
16 **declaration - powers and duties of district court - authorization for**
17 **youthful offender system - powers and duties of department of**
18 **corrections - definitions.** (4.3) The youthful offender system shall
19 provide sex offender treatment services for an offender who is sentenced
20 to the youthful offender system and who has a history of committing a ~~sex~~
21 SEXUAL offense as defined in section 16-11.7-102 (3), C.R.S., or who has
22 a history of committing any other offense, the underlying factual basis of
23 which includes a ~~sex~~ SEXUAL offense. Prior to July 1, 2002, the sex
24 offender treatment services provided pursuant to this subsection (4.3)
25 shall comply with any existing national standards for juvenile sex
26 offender treatment. On and after July 1, 2002, the sex offender treatment
27 services provided pursuant to this subsection (4.3) shall comply with the
28 sex offender treatment standards adopted PRIOR TO AUGUST 31, 2022, by
29 the sex offender management board pursuant to section 16-11.7-103.
30 C.R.S., OR THE SEXUAL OFFENSE MANAGEMENT BOARD PURSUANT TO
31 SECTION 16-11.7-103 ON OR AFTER SEPTEMBER 1, 2022.

32 **SECTION 24. Effective date.** This act takes effect upon passage;
33 except that sections 11 through 14 take effect July 1, 2023.

34 **SECTION 25. Safety clause.** The general assembly hereby finds,
35 determines, and declares that this act is necessary for the immediate
36 preservation of the public peace, health, or safety.".

Page 1, strike lines 103 and 104 and substitute "**MAKING RELATED CHANGES.**".

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