

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0318.01 Jerry Barry x4341

SENATE BILL 17-201

SENATE SPONSORSHIP

Cooke and Fields,

HOUSE SPONSORSHIP

(None),

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE DOMESTIC VIOLENCE**
102 **OFFENDER MANAGEMENT BOARD, AND, IN CONNECTION**
103 **THEREWITH, IMPLEMENTING THE RECOMMENDATIONS OF THE**
104 **2016 SUNSET REPORT ISSUED BY THE DEPARTMENT OF**
105 **REGULATORY AGENCIES.**

Bill Summary

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

Sunset Process - Senate Judiciary Committee. The bill extends the domestic violence offender management board (board) until

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

September 1, 2022. In addition, the bill:

- ! Changes the appointment authority for 5 members of the board from the executive director of the department of regulatory agencies (DORA) to the executive director of the department of public safety (director);
- ! Changes the qualifications for 5 members of the board to require all to have experience in the field of domestic violence, at least 3 members to be licensed mental health professionals, and at least 3 to be on the list of approved providers published by the board;
- ! Repeals language concerning staggered terms for members of the initial board;
- ! Authorizes the board to elect a presiding officer rather than having the director appoint the presiding officer;
- ! Changes the responsibility for the review of providers' applications and review of mandatory continuing education course requirements from DORA to the board; and
- ! Makes the board solely responsible for publishing the list of approved providers and relieves DORA from this responsibility.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-11.8-103, **amend**
3 (1) introductory portion, (1)(g)(I), (1)(g)(II), (1)(g)(III), (1)(n), (2), (3),
4 (4)(a)(III), and (7)(a) as follows:

5 **16-11.8-103. Domestic violence offender management board**
6 - **creation - duties - repeal.** (1) There is ~~hereby~~ created, in the
7 department of public safety, the domestic violence offender management
8 board ~~that shall consist~~ CONSISTING of nineteen members with
9 recognizable expertise in the field of domestic violence offenders. The
10 membership of the board ~~shall consist~~ CONSISTS of the following persons:

11 (g) (I) Five members appointed by the executive director of the
12 department of ~~regulatory agencies~~ PUBLIC SAFETY WHO ARE REGULATED
13 PURSUANT TO ARTICLE 43 OF TITLE 12 AND HAVE EXPERIENCE IN THE FIELD
14 OF DOMESTIC VIOLENCE.

10 (III) Of the five members appointed pursuant to this paragraph (g),
11 two shall THIS SUBSECTION (1)(g), AT LEAST THREE MUST be providers on
12 the approved list pursuant to sub-subparagraph (C) of subparagraph (III)
13 of paragraph (a) of subsection (4) SUBSECTION (4)(a)(III)(C) of this
14 section.

15 (n) One member appointed by the executive director of the
16 department of public safety, AFTER CONSULTATION WITH A STATEWIDE
17 ORGANIZATION OF CRIMINAL DEFENSE ATTORNEYS, who is a private
18 criminal defense attorney. The member shall serve a term of three years
19 and shall serve without compensation.

25 (3) (a) Any member of the board created in subsection (1) of this
26 section who is appointed pursuant to paragraphs (a) to (f) of subsection
27 (1) SUBSECTIONS (1)(a) TO (1)(f) of this section shall serve SERVES A

1 TERM OF FOUR YEARS at the pleasure of the official who appointed such
2 THE member. The initial terms for persons appointed pursuant to
3 paragraphs (a) and (d) of subsection (1) of this section shall be two years.
4 The initial terms for persons appointed pursuant to paragraphs (b) and (e)
5 of subsection (1) of this section shall be three years. All other terms
6 including terms after the initial terms shall be four years. Such members
7 shall serve without additional compensation.

8 (b) Any member of the board created in subsection (1) of this
9 section who is appointed pursuant to paragraphs (g) to (m) of subsection
10 (1) SUBSECTIONS (1)(g) TO (1)(m) of this section shall serve for SERVES
11 a term of four years. except that, the initial term of two of the persons
12 appointed pursuant to paragraph (g) of subsection (1) of this section and
13 the persons appointed pursuant to paragraph (k) of subsection (1) of this
14 section shall be two years and the initial terms of persons appointed
15 pursuant to paragraphs (h), (i), and (j) of subsection (1) of this section
16 shall be three years. Such members shall serve without compensation.

17 (c) No member shall serve more than eight consecutive years.
18 (d) ALL MEMBERS SERVE WITHOUT COMPENSATION.

19 (4) (a) The board shall carry out the following duties:

20 (III) Develop an application and review process for treatment
21 providers who provide services to domestic violence offenders pursuant
22 to subparagraph (I) or (II) of this paragraph (a). Such SUBSECTION
23 (4)(a)(I) OR (4)(a)(II) OF THIS SECTION. THE standards shall MUST allow
24 providers to demonstrate that they are in compliance with the standards
25 adopted pursuant to subparagraphs (I) and (II) of this paragraph (a)
26 SUBSECTIONS (4)(a)(I) AND (4)(a)(II) OF THIS SECTION. The application
27 and review process shall MUST consist of the following three parts:

25 (C) After the process to be developed pursuant to
26 sub-subparagraphs (A) and (B) of this subparagraph (III) is established
27 and providers have met the criteria of both parts of the application and

1 review process, ~~the department of regulatory agencies and the board shall~~
2 ~~jointly publish at least annually a list of approved providers. The BOARD~~
3 ~~SHALL FORWARD THE list shall be forwarded~~ to the office of the state court
4 administrator, the department of public safety, the department of human
5 services, and the department of corrections. The BOARD SHALL UPDATE
6 ~~THE list of approved providers shall be jointly updated and forwarded~~
7 FORWARD as changes are made.

8 (D) Notwithstanding any action taken by the department of
9 regulatory agencies against a treatment provider, the board may take
10 action against a treatment provider including, but not limited to, removing
11 a treatment provider from the approved provider list. The board may
12 determine the requirements for a treatment provider's name to be placed
13 on the list after his or her name has been removed from the list pursuant
14 to this ~~subparagraph (III) SUBSECTION (4)(a)(III)~~.

15 (7) (a) This section is repealed, effective September 1, 2017 2022.

16 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **amend**
17 (23)(a) introductory portion; **repeal** (13)(a)(I); and **add** (23)(a)(VIII) as
18 follows:

19 **24-34-104. General assembly review of regulatory agencies**
20 **and functions for repeal, continuation, or reestablishment - legislative**
21 **declaration - repeal.** (13)(a) The following agencies, functions, or both,
22 will repeal on September 1, 2017:

23 (I) ~~The domestic violence offender management board created in~~
24 ~~section 16-11.8-103, C.R.S.;~~

25 (23) (a) The following agencies, functions, or both, ~~will~~ ARE
26 SCHEDULED FOR repeal on September 1, 2022:

27 (VIII) THE DOMESTIC VIOLENCE OFFENDER MANAGEMENT BOARD

1 CREATED IN SECTION 16-11.8-103;

2 **SECTION 3. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly (August
5 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
6 referendum petition is filed pursuant to section 1 (3) of article V of the
7 state constitution against this act or an item, section, or part of this act
8 within such period, then the act, item, section, or part will not take effect
9 unless approved by the people at the general election to be held in
10 November 2018 and, in such case, will take effect on the date of the
11 official declaration of the vote thereon by the governor.