

First Regular Session
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STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-0121.01 Jane Ritter x4342

HOUSE BILL 21-1064

HOUSE SPONSORSHIP

Benavidez and Amabile, Bacon, Bennett, Cutter, Esgar, Gonzales-Gutierrez, Herod, Hooton, Kennedy, McCluskie, McCormick, Michaelson Jenet, Ortiz, Ricks, Sirota, Valdez A., Weissman

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House Committees

Judiciary
Appropriations

Senate Committees

Judiciary
Appropriations

SENATE
3rd Reading Unamended
May 24, 2021

A BILL FOR AN ACT

101 **CONCERNING THE IMPLEMENTATION OF RECOMMENDATIONS FROM**
102 **THE LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING THE**
103 **TREATMENT OF PERSONS WITH MENTAL HEALTH DISORDERS IN**
104 **THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS REGARDING**
105 **JUVENILES WHO HAVE COMMITTED SEX OFFENSES, AND, IN**
106 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

SENATE
2nd Reading Unamended
May 21, 2021

HOUSE
3rd Reading Unamended
April 29, 2021

HOUSE
Amended 2nd Reading
April 28, 2021

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>.)

The bill implements various recommendations of the legislative

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

oversight committee concerning the treatment of persons with mental health disorders in the criminal and juvenile justice systems regarding juveniles who have committed sex offenses, including:

- Specifying that if a juvenile who is moving to Colorado would be otherwise required to register on Colorado's sex offender registry (registry) but the juvenile's duty to register in another state has been terminated by a court order, then the juvenile is not required to register or petition the court for removal from the registry;
- Expanding judicial discretion at the time of sentencing to exempt from registration or from requiring juveniles to register for all first offense registerable juvenile sex crimes if a sex offender management board evaluator recommends exemption and the juvenile is otherwise statutorily eligible;
- Adding language to adult or juvenile provisions that currently reference only crimes defined as "unlawful sexual behavior" to also include convictions and adjudications for nonsexual crimes where there has been, pursuant to statute, a judicial finding of an underlying factual basis involving unlawful sexual behavior;
- Adding a requirement for the court to send notice before the end of each juvenile's sentence concerning a juvenile's duty to register and set a hearing to consider the juvenile's ongoing duty to register;
- Adding language that if a person is required to register due to an adjudication or disposition as a juvenile, the duty to register automatically terminates either when the person reaches 25 years of age or 7 years from the date the juvenile was required to register, whichever occurs later;
- Adding language that if a person whose duty to register has automatically terminated either attempts to register or inquires with local law enforcement as to whether the duty to register has automatically terminated, local law enforcement shall advise the person that the person's duty to register terminated, remove the person from any local law enforcement registry, and notify the Colorado bureau of investigation (CBI) that the person's duty to register has terminated. Local law enforcement or the CBI may charge a fee, not to exceed \$15, to determine whether a person's duty to register has terminated.
- Allowing a person whose duty to register arose from an adjudication or disposition as a juvenile, and whose duty to register automatically terminated when the person reached 25 years of age or 7 years had passed from the date the person was required to register, whichever was later, but

- the person's name has not already been removed from the sex offender registry, to petition for an order to remove the person's name from the sex offender registry;
- Changing the current law that allows the Colorado bureau of investigation (CBI) to inform a requesting party if a person is on the registry so that the CBI may release information about a juvenile only under certain restrictions;
- Requiring the CBI to collect data on the number of times information is requested and released concerning juveniles on the registry;
- Creating a new unclassified misdemeanor for members of the public who submit a false statement to the CBI for purposes of obtaining juvenile registry information or who use such information in a prohibited manner;
- Updating current law regarding the posting of information on the registry to the internet to specifically exclude juveniles;
- Clarifying that a local law enforcement agency may not release or post on its website information regarding juveniles on the registry;
- Changing current law that requires lifetime registration for an adult who has more than one adjudication as a juvenile so that juvenile adjudications alone may not trigger mandatory lifetime registration; and
- Updating language in the Colorado "Crime Victim Rights Act" to clarify victim rights when a petition or motion is made to terminate sex offender registration.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-22-102, **amend**
3 (1); and **add** (1.5) and (4.2) as follows:

4 **16-22-102. Definitions.** As used in this article 22, unless the
5 context otherwise requires:

6 (1) "~~Birthday~~" means a person's birthday as reflected on the notice
7 provided to the person pursuant to section 16-22-106 or 16-22-107 or the
8 person's actual date of birth if the notice does not reflect the person's
9 birthday. "ADJUDICATED" OR "ADJUDICATION" MEANS A DETERMINATION
10 BY THE COURT THAT IT HAS BEEN PROVEN BEYOND A REASONABLE DOUBT

1 TO THE TRIER OF FACT THAT A JUVENILE HAS COMMITTED A DELINQUENT
2 ACT OR THAT A JUVENILE HAS PLED GUILTY TO COMMITTING A
3 DELINQUENT ACT. IN ADDITION, WHEN A PREVIOUS CONVICTION MUST BE
4 PLED AND PROVEN AS AN ELEMENT OF AN OFFENSE OR FOR PURPOSES OF
5 SENTENCE ENHANCEMENT, "ADJUDICATION" MEANS CONVICTION.

6 (1.5) "BIRTHDAY" MEANS A PERSON'S BIRTHDAY AS REFLECTED ON
7 THE NOTICE PROVIDED TO THE PERSON PURSUANT TO SECTION 16-22-106
8 OR 16-22-107 OR THE PERSON'S ACTUAL DATE OF BIRTH IF THE NOTICE
9 DOES NOT REFLECT THE PERSON'S BIRTHDAY.

10 (4.2) "JUVENILE" MEANS A PERSON WHO IS UNDER EIGHTEEN
11 YEARS OF AGE AT THE TIME OF THE OFFENSE AND WHO HAS NOT BEEN
12 CRIMINALLY CONVICTED IN THE DISTRICT COURT OF UNLAWFUL SEXUAL
13 BEHAVIOR PURSUANT TO SECTION 19-2-517 OR 19-2-518.

14 **SECTION 2.** In Colorado Revised Statutes, 16-22-103, **amend**
15 (1) introductory portion, (1)(a), (3), (4), and (5)(a) as follows:

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

21 (a) Any person who was convicted on or after July 1, 1991, in the
22 state of Colorado of an unlawful sexual offense, as defined in section
23 18-3-411 (1), ~~C.R.S.~~, enticement of a child, as described in section
24 18-3-305, ~~C.R.S.~~, or internet luring of a child, as described in ~~section~~
25 ~~18-3-306, C.R.S.~~ SECTION 18-3-306 (3);

26 (3) (a) In addition to the persons specified in subsections (1) and
27 (2) of this section, AND EXCEPT AS SET FORTH IN SUBSECTION (3)(b) OF

1 THIS SECTION, any person convicted of an offense in any other state or
2 jurisdiction, including but not limited to a military or federal jurisdiction,
3 for which the person, as a result of the conviction, is required to register
4 if ~~he or she~~ THE PERSON resided in the state or jurisdiction of conviction,
5 or for which ~~such~~ THE person would be required to register if convicted
6 in Colorado, ~~shall be~~ IS required to register in the manner specified in
7 section 16-22-108, so long as ~~such~~ THE person is a temporary or
8 permanent resident of Colorado. ~~Such~~ THE person may petition the court
9 for an order ~~that discontinues~~ TO DISCONTINUE the requirement for
10 registration in this state at the times specified in section 16-22-113 for
11 offense classifications that are comparable to the classification of the
12 offense for which the person was convicted in the other state or
13 jurisdiction. ~~Such~~ THE person may petition the court for an order ~~that~~
14 ~~discontinues~~ TO DISCONTINUE the requirement for registration in this state
15 for offense classifications that ~~such~~ THE person would not be required to
16 register for if convicted in Colorado.

17 (b) IF A JUVENILE IS REQUIRED TO REGISTER ONLY PURSUANT TO
18 SUBSECTION (3)(a) OF THIS SECTION AND THE JUVENILE'S DUTY TO
19 REGISTER IN ANOTHER STATE OR JURISDICTION HAS BEEN TERMINATED BY
20 A COURT ORDER, OR IF A TRIAL COURT HAS DETERMINED THAT THE
21 JUVENILE IS NOT REQUIRED TO REGISTER IN THAT STATE OR JURISDICTION,
22 THEN THE JUVENILE IS NOT REQUIRED TO FULFILL THE REQUIREMENTS FOR
23 REGISTRATION IN COLORADO, AS SET FORTH IN SECTION 16-22-108, AND
24 IS THEREFORE NOT REQUIRED TO PETITION THE COURT FOR REMOVAL FROM
25 THE COLORADO SEX OFFENDER REGISTRY PURSUANT TO SECTION
26 16-22-113.

27 (4) ~~The provisions of~~ This article 22 apply APPLIES to any person

1 who receives a disposition or is adjudicated a juvenile delinquent based
2 on the commission of any act that may constitute unlawful sexual
3 behavior or who receives a deferred adjudication based on commission
4 of any act that may constitute unlawful sexual behavior; except that, with
5 respect to section 16-22-113 (1)(a) to (1)(e), a person WHO IS
6 ADJUDICATED OR RECEIVES A DISPOSITION AS A JUVENILE may petition the
7 court for an order to discontinue the duty to register as provided in those
8 paragraphs SUBSECTIONS, but only if the person has not subsequently
9 received a disposition for, been adjudicated a juvenile delinquent for, or
10 been otherwise BEEN convicted AS AN ADULT of any offense involving
11 unlawful sexual behavior OR CONVICTED AS AN ADULT OF ANOTHER
12 OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVES
13 UNLAWFUL SEXUAL BEHAVIOR. In addition, the duty to provide notice to
14 a person of the duty to register, as set forth in sections 16-22-105 to
15 16-22-107, applies to juvenile parole and probation officers and
16 appropriate personnel of the division of youth services in the department
17 of human services. IF A PERSON IS REQUIRED TO REGISTER PURSUANT TO
18 THIS ARTICLE 22 DUE TO AN ADJUDICATION OR DISPOSITION AS A JUVENILE,
19 THE DUTY TO REGISTER AUTOMATICALLY TERMINATES EITHER WHEN THE
20 PERSON REACHES TWENTY-FIVE YEARS OF AGE OR SEVEN YEARS FROM THE
21 DATE THE JUVENILE WAS REQUIRED TO REGISTER, WHICHEVER OCCURS
22 LATER.

23 (5) (a) Notwithstanding any provision of this article 22 to the
24 contrary, if, pursuant to a motion filed by a person described in this
25 subsection (5) or on its own motion, a court determines that the
26 registration requirement specified in this section would be unfairly
27 punitive and that exempting the person from the registration requirement

1 would not pose a significant risk to the community, the court, upon
2 consideration of the totality of the circumstances, may exempt the person
3 from the registration requirements imposed pursuant to this section if:

4 (I) The person was younger than eighteen years of age at the time
5 of the commission of the offense; and

6 (II) The person has not been previously ~~charged with~~
7 ADJUDICATED OR RECEIVED A DISPOSITION FOR A SEPARATE OFFENSE
8 INVOLVING unlawful sexual behavior; and

9 (III) ~~The offense, as charged in the first petition filed with the~~
10 ~~court, is a first offense of misdemeanor unlawful sexual contact, as~~
11 ~~described in section 18-3-404; indecent exposure, as described in section~~
12 ~~18-7-302; or sexual exploitation of a child, as described in section~~
13 ~~18-6-403, and the person's conduct is limited to the elements in posting~~
14 ~~private images by a juvenile, as described in section 18-7-109 (1), or~~
15 ~~possessing private images by a juvenile, as described in section 18-7-109~~
16 ~~(2); and~~ THE PERSON WAS ADJUDICATED OR RECEIVED A DISPOSITION FOR
17 ANY OFFENSE OF UNLAWFUL SEXUAL BEHAVIOR OR ANOTHER OFFENSE,
18 THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL
19 BEHAVIOR; AND

20 (IV) The person has received ~~a sex offender~~ AN evaluation that
21 conforms with the standards developed pursuant to section 16-11.7-103
22 (4)(i) from an evaluator who meets the standards established by the sex
23 offender management board, and the evaluator recommends exempting
24 the person from the registration requirements based upon the best
25 interests of that person and the community; and

26 (IV.5) THE COURT HAS CONSIDERED A WRITTEN OR ORAL
27 STATEMENT BY THE VICTIM OF THE OFFENSE FOR WHICH THE JUVENILE

1 WOULD OTHERWISE BE REQUIRED TO REGISTER, IF PROVIDED BY THE
2 VICTIM, ON THE QUESTION OF WHETHER THE JUVENILE SHOULD BE
3 EXEMPTED FROM THE STATUTORY DUTY TO REGISTER AS A SEX OFFENDER;
4 AND

5 (V) The court makes written findings of fact specifying the
6 grounds for granting such exemption.

7 **SECTION 3.** In Colorado Revised Statutes, 16-22-108, **amend**
8 (1)(d)(I.5); and **add** (8) as follows:

9 **16-22-108. Registration - procedure - frequency - place -**
10 **change of address - fee.** (1) (d) (I.5) (A) A person convicted AS AN
11 ADULT of an offense in another state or jurisdiction, including but not
12 limited to a military or federal jurisdiction, who, as a result of the
13 conviction, is required to register quarterly as a sex offender in the state
14 or jurisdiction of conviction is required to register as provided in
15 **subparagraph (I) of this paragraph (d)** SUBSECTION (1)(d)(I) OF THIS
16 SECTION, so long as the person is a temporary or permanent resident of
17 Colorado.

18 (B) A person convicted AS AN ADULT of an offense in another
19 state or jurisdiction, including but not limited to a military or federal
20 jurisdiction, which conviction would require the person to register as
21 provided in **subparagraph (I) of this paragraph (d)** SUBSECTION (1)(d)(I)
22 OF THIS SECTION if the conviction occurred in Colorado, is required to
23 register as provided in **said subparagraph (I)** SUBSECTION (1)(d)(I) OF THIS
24 SECTION, so long as the person is a temporary or permanent resident of
25 Colorado.

26 (8) (a) IF A PERSON WHOSE DUTY TO REGISTER HAS
27 AUTOMATICALLY TERMINATED PURSUANT TO SECTION 16-22-103 (4)

1 EITHER ATTEMPTS TO REGISTER OR INQUIRIES WITH LOCAL LAW
2 ENFORCEMENT AS TO WHETHER THE DUTY TO REGISTER HAS
3 AUTOMATICALLY TERMINATED, LOCAL LAW ENFORCEMENT SHALL ADVISE
4 THE PERSON THAT THE PERSON'S DUTY TO REGISTER TERMINATED, REMOVE
5 THE PERSON FROM ANY LOCAL LAW ENFORCEMENT REGISTRY, AND NOTIFY
6 THE CBI THAT THE PERSON'S DUTY TO REGISTER HAS TERMINATED.

7 (b) A LOCAL LAW ENFORCEMENT AGENCY OR THE CBI MAY
8 ESTABLISH A FEE TO DETERMINE WHETHER A PERSON'S DUTY TO REGISTER
9 HAS TERMINATED PURSUANT TO SECTION 16-22-103 (4). THE AMOUNT OF
10 THE FEE MUST REFLECT THE ACTUAL DIRECT COSTS INCURRED BUT MUST
11 NOT EXCEED FIFTEEN DOLLARS. THE FEE MAY BE WAIVED FOR AN
12 INDIGENT PERSON.

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

15 **16-22-109. Registration forms - local law enforcement agencies**
16 **- duties - report.** (4) The forms completed by persons required to
17 register pursuant to this ~~article shall be~~ ARTICLE 22 ARE confidential and
18 ~~shall not be~~ ARE NOT open to inspection by the public or any person other
19 than law enforcement personnel, except as provided in sections 16-22-110
20 (6), 16-22-111, and 16-22-112, and ~~section~~ 25-1-124.5. E.R.S.

21 **SECTION 5.** In Colorado Revised Statutes, 16-22-110, **amend**
22 (6); and **add** (10) as follows:

23 **16-22-110. Colorado sex offender registry - creation -**
24 **maintenance - release of information - data collection.** (6) (a) The
25 general assembly ~~hereby~~ recognizes the need to balance the expectations
26 of persons convicted of offenses involving unlawful sexual behavior and
27 the public's need to adequately protect themselves and their children from

1 these persons, as expressed in section 16-22-112 (1). The general
2 assembly declares, however, that, in making information concerning
3 persons convicted of offenses involving unlawful sexual behavior
4 available to the public, it is not the general assembly's intent that the
5 information be used to inflict retribution or additional punishment on any
6 person convicted of unlawful sexual behavior or of another offense, the
7 underlying factual basis of which involves unlawful sexual behavior.

8 (b) Pursuant to a request for a criminal history RECORD check
9 ~~under the provisions of~~ PURSUANT TO part 3 of article 72 of title 24,
10 C.R.S. UNLESS THE PERSON WHO IS THE SUBJECT OF THE CRIMINAL
11 HISTORY RECORD CHECK WAS REQUIRED TO REGISTER SOLELY BECAUSE
12 THE PERSON WAS ADJUDICATED OR RECEIVED A DISPOSITION AS A
13 JUVENILE, the CBI may inform the requesting party as to whether the
14 person who is the subject of the criminal history check is on the sex
15 offender registry. IF SUCH PERSON IS ON THE SEX OFFENDER REGISTRY
16 SOLELY AS A RESULT OF BEING ADJUDICATED OR RECEIVING A DISPOSITION
17 AS A JUVENILE, THE CBI SHALL NOT RELEASE SUCH INFORMATION TO A
18 PERSON OTHER THAN LAW ENFORCEMENT, PROBATION AND PAROLE
19 PERSONNEL, THE DIVISION OF CHILD WELFARE, THE DIVISION OF YOUTH
20 SERVICES, OR THE VICTIM, AS DEFINED IN SECTION 24-4.1-302 (5).

21 (c) A person may request from the CBI a list of persons on the sex
22 offender registry. THE LIST MUST NOT INCLUDE PERSONS WHO ARE ON THE
23 SEX OFFENDER REGISTRY SOLELY FOR HAVING BEEN ADJUDICATED OR
24 RECEIVED DISPOSITIONS AS JUVENILES.

25 (d) (Deleted by amendment, L. 2005, p. 611, § 1, effective May
26 27, 2005.)

27 (e) Any person requesting information pursuant to paragraph (c)

1 ~~of this subsection (6)~~ SUBSECTION (6)(c) OF THIS SECTION shall show
2 proper identification.

3 (f) IF information IS released pursuant to this subsection (6), IT
4 MUST, at a minimum, ~~shall~~ include the name, address or addresses, and
5 aliases of the registrant; the registrant's date of birth; a photograph of the
6 registrant, if requested and readily available; ~~and the conviction~~ OFFENSE
7 THAT LED TO THE REGISTRATION REQUIREMENT; AND THE DATE OF THE
8 OFFENSE resulting in the registrant being required to register pursuant to
9 this ~~article~~ ARTICLE 22. Information concerning victims ~~shall~~ MUST not be
10 released pursuant to this section.

11 (g) NOTWITHSTANDING THIS SUBSECTION (6) TO THE CONTRARY,
12 THE CBI MAY RELEASE INFORMATION, AS DESCRIBED IN SUBSECTION (6)(i)
13 OF THIS SECTION, ABOUT THE PERSON REGISTERED AS A RESULT OF BEING
14 ADJUDICATED OR RECEIVING A DISPOSITION AS A JUVENILE IF A PERSON,
15 OTHER THAN THE VICTIM, SUBMITS A REQUEST TO THE CBI FOR THE SEX
16 OFFENDER REGISTRY RECORD OF A NAMED PERSON WHO WAS
17 ADJUDICATED OR RECEIVED A DISPOSITION AS A JUVENILE, AND THE
18 REQUESTING PERSON AFFIRMS IN WRITING THAT THE REQUESTED RECORD
19 SHALL NOT BE:

20 (I) PLACED IN PUBLICATION OR POSTED TO A WEBSITE;
21 (II) USED FOR THE PURPOSE OF OBTAINING A PECUNIARY GAIN OR
22 FINANCIAL BENEFIT FOR ANY PERSON OR ENTITY; OR
23 (III) USED OR DISSEMINATED IN ANY MANNER WITH THE INTENT TO
24 HARASS, INTIMIDATE, COERCE, OR CAUSE SERIOUS EMOTIONAL DISTRESS
25 TO ANY PERSON, INCLUDING THE NAMED PERSON.

26 (h) IN ADDITION TO THE WRITTEN AFFIRMATION REQUIRED BY
27 SUBSECTION (6)(g) OF THIS SECTION, THE PERSON REQUESTING

1 INFORMATION SHALL AFFIRM IN WRITING THAT HE OR SHE HAS A NEED FOR
2 THE SEX OFFENDER INFORMATION CONCERNING THE PERSON WHO WAS
3 ADJUDICATED OR RECEIVED A DISPOSITION AS A JUVENILE AND DESCRIBE
4 THAT NEED IN WRITING.

5 (i) UPON RECEIPT OF THE WRITTEN AFFIRMATIONS REQUIRED BY
6 SUBSECTIONS (6)(g) AND (6)(h) OF THIS SECTION, THE CBI SHALL RELEASE
7 TO THE REQUESTING PERSON THE SEX OFFENDER REGISTRY RECORD THAT
8 IS LIMITED TO INCLUDE ONLY THE PERSON'S REGISTRATION STATUS, FULL
9 NAME, ALIASES, DATE OF BIRTH, AND CURRENT ADDRESS OR ADDRESSES;
10 A PHOTOGRAPH OF THE REGISTRANT, IF REQUESTED AND READILY
11 AVAILABLE; THE OFFENSE THAT LED TO THE REGISTRATION; AND THE DATE
12 OF THE OFFENSE AS SUCH INFORMATION CONCERNS THE PERSON WHO WAS
13 ADJUDICATED OR RECEIVED A DISPOSITION AS A JUVENILE. INFORMATION
14 CONCERNING VICTIMS MUST NOT BE RELEASED PURSUANT TO THIS
15 SECTION.

16 (j) NOTHING IN THIS SUBSECTION (6) LIMITS THE VICTIM'S ACCESS
17 TO INFORMATION PURSUANT TO SECTION 24-4.1-302.5.

18 (10) ON OR BEFORE JULY 1, 2022, AND EVERY JULY 1 THEREAFTER,
19 THE CBI SHALL PREPARE A REPORT THAT DETAILS THE NUMBER OF
20 REQUESTS FOR SEX OFFENDER REGISTRATION INFORMATION FOR JUVENILES
21 RECEIVED ANNUALLY PURSUANT TO SUBSECTION (6) OF THIS SECTION AS
22 WELL AS THE NUMBER OF TIMES SUCH INFORMATION WAS RELEASED. THE
23 CBI SHALL INCLUDE THE REPORT AS A PART OF ITS PRESENTATION TO ITS
24 COMMITTEE OF REFERENCE AT A HEARING HELD PURSUANT TO SECTION
25 2-7-203 OF THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE,
26 AND TRANSPARENT (SMART) GOVERNMENT ACT".

27 **SECTION 6.** In Colorado Revised Statutes, 16-22-111, **amend**

1 (1) introductory portion as follows:

2 **16-22-111. Internet posting of sex offenders - procedure.**

3 (1) The CBI shall post a link on the state of Colorado home page on the
4 internet to a list containing the names, addresses, and physical
5 descriptions of certain persons and descriptions of the offenses committed
6 by said persons. A person's physical description ~~shall~~ MUST include, but
7 need not be limited to, the person's sex, height, and weight, any
8 identifying characteristics of the person, and a digitized photograph or
9 image of the person. The list ~~shall~~ MUST specifically exclude any
10 reference to any victims of the offenses. The list ~~shall~~ MUST SPECIFICALLY
11 EXCLUDE PERSONS WHO ARE REQUIRED TO REGISTER SOLELY BECAUSE
12 THEY WERE ADJUDICATED OR RECEIVED DISPOSITIONS AS JUVENILES BUT
13 MUST include the following persons:

14 **SECTION 7.** In Colorado Revised Statutes, 16-22-112, **amend**
15 (2)(a), (2)(b)(I), and (3)(b); and **repeal** (2)(b)(III) and (2)(b)(IV) as
16 follows:

17 **16-22-112. Release of information - law enforcement agencies.**

18 (2) (a) A local law enforcement agency shall release information
19 regarding any person, EXCEPT FOR A PERSON WHO IS REQUIRED TO
20 REGISTER SOLELY BECAUSE THE PERSON WAS ADJUDICATED OR RECEIVED
21 A DISPOSITION AS A JUVENILE, registered with the local law enforcement
22 agency pursuant to this ~~article~~ ARTICLE 22 to any person residing within
23 the local law enforcement agency's jurisdiction. In addition, the local law
24 enforcement agency may post the information specified in ~~paragraph~~ (b)
25 ~~of this subsection~~ (2) SUBSECTION (2)(b) OF THIS SECTION on the law
26 enforcement agency's website.

27 (b) A local law enforcement agency may post on its website sex

1 offender registration information of a person from its registration list only
2 if the person is:

3 (I) An adult convicted of a felony requiring the adult to register
4 pursuant to section 16-22-103; OR

5 (III) ~~A juvenile with a second or subsequent adjudication~~
6 ~~involving unlawful sexual behavior or for a crime of violence as defined~~
7 ~~in section 18-1.3-406, C.R.S.; or~~

8 (IV) ~~A juvenile who is required to register pursuant to section~~
9 ~~16-22-103 because he or she was adjudicated for an offense that would~~
10 ~~have been a felony if committed by an adult and has failed to register as~~
11 ~~required by section 16-22-103.~~

12 (3) (b) At its discretion, a local law enforcement agency may
13 release information regarding any person, EXCEPT FOR A PERSON WHO IS
14 REQUIRED TO REGISTER SOLELY BECAUSE THE PERSON WAS ADJUDICATED
15 OR RECEIVED A DISPOSITION AS A JUVENILE, registered with the local law
16 enforcement agency pursuant to this ~~article~~ ARTICLE 22 to any person who
17 does not reside within the local law enforcement agency's jurisdiction or
18 may post the information specified in ~~paragraph (b) of subsection (2)~~
19 ~~SUBSECTION (2)(b) of this section on the law enforcement agency's~~
20 website. If a local law enforcement agency does not elect to release
21 information regarding any person registered with the local law
22 enforcement agency to a person not residing within the local law
23 enforcement agency's jurisdiction, the local law enforcement agency may
24 submit a request from the person to the CBI.

25 **SECTION 8.** In Colorado Revised Statutes, 16-22-113, **amend**
26 (1)(e), (1.3)(b)(I), (3) introductory portion, and (3)(c); and **add** (1)(g) as
27 follows:

1 **16-22-113. Petition for removal from sex offender registry -**
2 **mandatory hearing for discontinuation and removal.** (1) Except as
3 otherwise provided in subsection (3) of this section, any person required
4 to register pursuant to section 16-22-103 or whose information is required
5 to be posted on the internet pursuant to section 16-22-111 may file a
6 petition with the court that issued the order of judgment for the conviction
7 that requires the person to register for an order to discontinue the
8 requirement for such registration or internet posting, or both, as follows:

9 (e) Except as otherwise ~~provided in subparagraph (H) of~~
10 ~~paragraph (b) of subsection (1.3) REQUIRED BY SUBSECTION (1.3)(b)(II)~~
11 of this section, if the person was younger than eighteen years of age at the
12 time of commission of the offense, after the successful completion of and
13 discharge from a juvenile sentence or disposition, and if the person prior
14 to such time has not been subsequently convicted ~~or has AS AN ADULT OF~~
15 UNLAWFUL SEXUAL BEHAVIOR, OR FOR ANY OTHER OFFENSE, THE
16 UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL
17 BEHAVIOR, OR DOES NOT HAVE a pending prosecution for unlawful sexual
18 behavior AS AN ADULT or for any other offense, the underlying factual
19 basis of which involved unlawful sexual behavior, and the court did not
20 issue an order TO either ~~continuing~~ CONTINUE OR DISCONTINUE the duty
21 to register ~~or discontinuing the duty to register~~ pursuant to ~~paragraph (b)~~
22 ~~of subsection (1.3) SUBSECTION (1.3)(b)~~ of this section. Any A person
23 petitioning pursuant to this ~~paragraph (e)~~ SUBSECTION (1)(e) may also
24 petition for an order ~~removing his or her~~ TO REMOVE THE PERSON'S name
25 from the sex offender registry. In determining whether to grant the order,
26 the court shall consider whether the person is likely to commit a
27 subsequent offense of or involving unlawful sexual behavior. The court

1 shall base its determination on THE FOLLOWING, IF AVAILABLE:
2 Recommendations from the person's probation or community parole
3 officer; the person's treatment provider; and the prosecuting attorney for
4 the jurisdiction in which the person was tried; and on the
5 recommendations included in the person's presentence investigation
6 report. In addition, the court shall consider any written or oral testimony
7 submitted by the victim of the offense for which the petitioner was
8 required to register. Notwithstanding ~~the provisions~~ ANY OTHER
9 REQUIREMENTS of this subsection (1), a juvenile who files a petition
10 pursuant to this section may file the petition with the court to which venue
11 is transferred pursuant to section 19-2-105, C.R.S., if any.

12 (g) IF A PERSON'S DUTY TO REGISTER PURSUANT TO THIS ARTICLE
13 22 DUE TO AN ADJUDICATION OR DISPOSITION AS A JUVENILE HAS
14 AUTOMATICALLY TERMINATED PURSUANT TO SECTION 16-22-103(4), AND
15 THE PERSON'S NAME HAS NOT ALREADY BEEN REMOVED FROM THE SEX
16 OFFENDER REGISTRY BY LOCAL LAW ENFORCEMENT OR THE CBI, THE
17 PERSON MAY PETITION FOR AN ORDER TO REMOVE THE PERSON'S NAME
18 FROM THE SEX OFFENDER REGISTRY. IF THE PERSON HAS REACHED
19 TWENTY-FIVE YEARS OF AGE OR SEVEN YEARS HAVE PASSED FROM THE
20 DATE THE PERSON WAS REQUIRED TO REGISTER, WHICHEVER OCCURS
21 LATER, AND THE PERSON HAS NOT SUBSEQUENTLY BEEN CONVICTED AS AN
22 ADULT OF UNLAWFUL SEXUAL BEHAVIOR, OR FOR ANY OTHER OFFENSE,
23 THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL
24 BEHAVIOR, OR DOES NOT HAVE A PENDING PROSECUTION FOR UNLAWFUL
25 SEXUAL BEHAVIOR AS AN ADULT OR FOR ANY OTHER OFFENSE, THE
26 UNDERLYING FACTUAL BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL
27 BEHAVIOR, THE COURT SHALL ISSUE AN ORDER TO REMOVE THE PERSON'S

1 NAME FROM THE SEX OFFENDER REGISTRY.

2 (1.3) (b) (I) If a PERSON ADJUDICATED OR WHO RECEIVED A
3 DISPOSITION AS A juvenile is ~~eligible to petition to discontinue his or her~~
4 ~~duty to register pursuant to paragraph (e) of subsection (1) of this section~~
5 REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103, the court, at
6 ~~least sixty-three days before discharging~~ WITHIN FOURTEEN DAYS OF THE
7 END OF the juvenile's sentence, shall notify each of the parties described
8 in ~~paragraph (a) of subsection (2)~~ SUBSECTION (2)(a) of this section, the
9 juvenile, and the victim of the offense for which the juvenile was required
10 to register, if the victim has requested notice and has provided current
11 contact information, that the court shall consider whether to order that the
12 juvenile may discontinue ~~his or her~~ THE JUVENILE's duty to register when
13 the court discharges the juvenile's sentence. The court shall set the matter
14 for hearing if ~~any of the parties described in paragraph (a) of subsection~~
15 ~~(2) of this section or the~~ ANY DISTRICT ATTORNEY OR A victim of the
16 offense objects, or if the juvenile requests a hearing. ~~and shall~~ IF AN
17 OBJECTION IS NOT FILED WITHIN SIXTY-THREE DAYS AFTER RECEIPT OF THE
18 NOTICE, THE COURT SHALL, ON THE SIXTY-FOURTH DAY OR THE NEXT DAY
19 THE COURT IS IN SESSION IF THE SIXTY-FOURTH DAY FALLS ON A
20 SATURDAY, SUNDAY, OR COURT HOLIDAY, EITHER ISSUE AN ORDER, AFTER
21 DETERMINATION THAT THE JUVENILE IS ELIGIBLE TO DISCONTINUE
22 REGISTRATION PURSUANT TO SUBSECTION (1)(e) OF THIS SECTION AND A
23 REVIEW OF THE RELEVANT CRITERIA THAT DISCONTINUES THE JUVENILE'S
24 DUTY TO REGISTER, OR SET THE MATTER FOR A HEARING TO DETERMINE IF
25 THE JUVENILE'S DUTY TO REGISTER CONTINUES. AT ANY HEARING, THE
26 COURT SHALL DETERMINE WHETHER THE JUVENILE IS ELIGIBLE TO
27 DISCONTINUE REGISTRATION PURSUANT TO SUBSECTION (1)(e) OF THIS

1 SECTION AND, IF ELIGIBLE, consider the criteria in ~~paragraph (e) of~~
2 ~~subsection (1)~~ SUBSECTION (1)(e) of this section in determining whether
3 to continue or discontinue the duty to register. If the court enters an order
4 ~~discontinuing~~ TO DISCONTINUE the juvenile's duty to register, the
5 ~~department of human services~~ COURT shall send a copy of the order to
6 each local law enforcement agency with which the juvenile is registered,
7 the juvenile parole board, and to the CBI. If the victim of the offense has
8 requested notice, the court shall notify the victim of its decision either to
9 continue or discontinue the juvenile's duty to register.

10 (3) The following persons are not eligible for relief pursuant to
11 this section, but ~~shall be~~ ARE subject for the remainder of their natural
12 lives to the registration requirements specified in this article 22 or to the
13 comparable requirements of any other jurisdictions in which they may
14 reside:

15 (c) Any adult who has more than one conviction ~~or adjudication~~
16 AS AN ADULT for unlawful sexual behavior OR ANY OTHER OFFENSE, THE
17 UNDERLYING FACTUAL BASIS OF WHICH IS UNLAWFUL SEXUAL BEHAVIOR
18 PURSUANT TO SECTION 16-22-103 (2), in this state or any other
19 jurisdiction, OR HAS A CONVICTION AS AN ADULT AND ONE OR MORE
20 ADJUDICATIONS AS A JUVENILE FOR UNLAWFUL SEXUAL BEHAVIOR OR FOR
21 ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH IS
22 UNLAWFUL SEXUAL BEHAVIOR PURSUANT TO SECTION 16-22-103 (2), IN
23 THIS STATE OR ANY OTHER JURISDICTION.

24 **SECTION 9.** In Colorado Revised Statutes, **add** 18-9-310.5 as
25 follows:

26 **18-9-310.5. False statement to the CBI for sex offender**
27 **registry information.** A PERSON WHO VIOLATES SECTION 16-22-110 (6)

1 OR WHO SUBMITS A FALSE STATEMENT TO THE COLORADO BUREAU OF
2 INVESTIGATION TO OBTAIN INFORMATION FROM THE SEX OFFENDER
3 REGISTRY PURSUANT TO SECTION 16-22-110 (6)(g) OR (6)(h) COMMITS AN
4 UNCLASSIFIED MISDEMEANOR PUNISHABLE BY A FINE OF UP TO ONE
5 THOUSAND DOLLARS FOR EACH VIOLATION.

6 **SECTION 10.** In Colorado Revised Statutes, 24-4.1-302, **amend**
7 (2)(r) as follows:

8 **24-4.1-302. Definitions.** As used in this part 3, and for no other
9 purpose, including the expansion of the rights of any defendant:

10 (2) "Critical stages" means the following stages of the criminal
11 justice process:

12 (r) Any petition ~~by a sex offender to terminate sex offender~~
13 ~~registration~~ OR MOTION TO TERMINATE SEX OFFENDER REGISTRATION
14 FILED PURSUANT TO SECTION 16-22-113;

15 **SECTION 11.** In Colorado Revised Statutes, 24-4.1-302.5,
16 **amend** (1)(b.7) as follows:

17 **24-4.1-302.5. Rights afforded to victims - definitions.** (1) In
18 order to preserve and protect a victim's rights to justice and due process,
19 each victim of a crime has the following rights:

20 (b.7) For a victim of a sex offense, the right to be informed of the
21 filing of ~~a petition by the perpetrator of the offense~~ ANY PETITION OR
22 MOTION FILED to terminate sex offender registration pursuant to ~~section~~
23 ~~16-22-113 (2) and (2.5)~~ SECTION 16-22-103 (5) OR 16-22-113 (2) AND
24 (2.5);

25 **SECTION 12.** In Colorado Revised Statutes, 24-4.1-303, **amend**
26 (14.7)(b) as follows:

27 **24-4.1-303. Procedures for ensuring rights of victims of**

1 **crimes.** (14.7) (b) The court shall notify the victim of petitions OR
2 MOTIONS filed by ~~sex offenders~~ to cease sex offender registration
3 pursuant to ~~section 16-22-113 (2) and (2.5)~~ SECTIONS 16-22-103 (5) AND
4 16-22-113 (2) AND (2.5).

5 **SECTION 13. Appropriation.** For the 2021-22 state fiscal year,
6 \$7,200 is appropriated to the department of public safety for use by the
7 Colorado bureau of investigation. This appropriation is from the general
8 fund. To implement this act, the division may use this appropriation for
9 CCIC program support operating expenses related to the Colorado crime
10 information center.

11 **SECTION 14. Effective date.** This act takes effect September 1,
12 2021.

13 **SECTION 15. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, or safety.