

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 21-1009.01 Michael Dohr x4347

HOUSE BILL 21-1320

HOUSE SPONSORSHIP

Tipper and Benavidez,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE SEX OFFENDER**
102 **MANAGEMENT BOARD, AND, IN CONNECTION THEREWITH,**
103 **MAKING RELATED CHANGES.**

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 - House Judiciary Committee. Sections 1 and

2. The bill implements the recommendations of the department of regulatory agencies' sunset review and report on the sex offender management board (board). The bill continues the functions of the board until 2027.

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.

Sections 3 and 4. The bill requires persons who supervise sex offenders (supervising officers) to conform to the guidelines and standards of the board and authorizes the board to work with the supervising agencies to hear and act on complaints against supervising officers, including removing a supervising officer's ability to supervise a sex-offender-specific caseload.

Section 5. Under current law, the agency supervising an adult sex offender or juvenile is required to give the offender or juvenile a choice of 2 appropriate treatment provider agencies. The bill requires the supervising agency to provide a list of all approved treatment providers with expertise to work with the specific risks and needs of the offender or juvenile.

Section 6. Other statutes define sexually violent predators and require them to register and be subject to community notification. The bill strikes unnecessary language referring to sexually violent predators

Section 7. The bill requires the board to maintain a record of any denial or removal from the list of approved providers or other sanctions due to a provider's criminal history.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 16-11.7-101

3 as follows:

4 **16-11.7-101. Legislative declaration.** (1) The general assembly
5 finds that, to protect the public and to work toward the elimination of
6 sexual offenses, it is necessary to comprehensively evaluate, **identify**,
7 **treat**, **manage**, and **monitor** ~~adult sex offenders~~ **ADULTS WHO HAVE**
8 **COMMITTED A sexual OFFENSE** who are subject to ~~the~~ supervision of the
9 criminal justice system and juveniles who have committed **A sexual**
10 **offenses OFFENSE** who are subject to the supervision of the juvenile
11 justice system.

12 (2) Therefore, the general assembly declares that it is necessary to
13 **create** **ADOPT** a program that establishes evidence-based standards for the
14 evaluation, **identification**, treatment, management, and monitoring of
15 ~~adult sex offenders~~ **ADULTS** and juveniles who have committed **A sexual**

1 ~~offenses at each stage~~ OFFENSE AT VARIOUS STAGES of the criminal or
2 juvenile justice system to prevent ~~offenders~~ THEM from reoffending and
3 enhance the protection of victims and potential victims. The general
4 assembly does not intend to imply that all ~~offenders~~ ADULTS OR
5 JUVENILES WHO HAVE COMMITTED A SEXUAL OFFENSE can or will
6 positively respond to treatment.

7 **SECTION 2.** In Colorado Revised Statutes, 16-11.7-102, **amend**
8 (1), (1.3), (2)(a) introductory portion, (2)(a)(IV), (3) introductory portion,
9 and (4); and **add** (5) as follows:

10 **16-11.7-102. Definitions.** As used in this article 11.7, unless the
11 context otherwise requires:

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

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

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

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

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

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

1 (5) "TREATMENT PROVIDER" MEANS A PERSON APPROVED TO
2 PROVIDE SEX-OFFENSE-SPECIFIC MENTAL HEALTH TREATMENT PURSUANT
3 TO SECTION 16-11.7-106. A POLYGRAPH EXAMINER IS NOT A TREATMENT
4 PROVIDER UNLESS ALSO APPROVED TO PROVIDE SUCH MENTAL HEALTH
5 TREATMENT.

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

16-11.7-103. Sex offender management board - creation -

9 **duties - repeal.** (1) There is hereby created in the department of public
10 safety a sex offender management board that consists of twenty-five
11 members. The membership of the board must reflect, to the extent
12 possible, representation of urban and rural areas of the state, PERSONS
13 WITH DISABILITIES, and a balance of expertise in adult and juvenile issues
14 relating to persons who commit sex offenses A SEXUAL OFFENSE. The
15 membership of the board consists of the following persons who are
16 appointed as follows:

25 (c) The executive director of the department of human services
26 shall appoint three members as follows:

(I) One member who represents the department of human services

1 and who has recognizable expertise in child welfare and case
2 management;

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

5 (III) One member who is a provider of out-of-home placement
6 services with recognizable expertise in providing services to juveniles
7 who have committed ~~A sexual offenses~~ OFFENSE;

8 (d) The executive director of the department of public safety shall
9 appoint sixteen members as follows:

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

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

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

18 (IV) One member who is a member of a community corrections
19 board;

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

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

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

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

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

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

(XI) Two members who are county commissioners or members of the governing council for a jurisdiction that is a contiguous city and county, one of whom shall represent an urban or suburban county and one of whom shall represent a rural county, appointed after consultation with a statewide group representing counties;

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

23 (3) Members of the board shall serve at the pleasure of the
24 appointing authority for terms of four years; except that the member
25 appointed pursuant to subparagraph (IX) of paragraph (d) of subsection
26 (1) SUBSECTION (1)(d)(IX) of this section prior to July 1, 2011, shall serve
27 the term of years in effect at the time of ~~his or her~~ THE MEMBER'S

1 appointment. The appointing authority may reappoint a member for an
2 additional term or terms. Members of the board shall serve without
3 compensation.

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

6 **(a) Standards for evaluation of adults who have committed a**
7 **sexual offense.** (I) The board shall ~~develop~~ ADOPT, prescribe, and revise,
8 as appropriate, a standard procedure to evaluate ~~and identify~~ adult sex
9 ~~offenders~~ ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE, including
10 ~~adult sex offenders~~ ADULTS with AN INTELLECTUAL AND developmental
11 ~~disabilities~~ DISABILITY. The procedures ~~shall~~ MUST provide for an
12 evaluation ~~and identification of the adult sex offender~~ SUCH ADULTS and
13 recommend management, monitoring, and treatment based upon existing
14 research and shall incorporate the concepts of the risk-need-responsivity
15 or another evidence-based correctional model. There is currently no way
16 to ensure that ~~adult sex offenders~~ AN ADULT WHO HAS COMMITTED A
17 SEXUAL OFFENSE with the propensity to commit sexual offenses will not
18 reoffend. Because there are ~~adult sex offenders~~ ADULTS WHO HAVE
19 COMMITTED A SEXUAL OFFENSE who can learn to manage unhealthy
20 patterns and learn behaviors that can lessen their risk to society in the
21 course of ongoing treatment, management, and monitoring, the board
22 shall ~~develop~~ ADOPT a procedure for evaluating, ~~and identifying~~, on a
23 case-by-case basis, reliably lower-risk ~~sex offenders~~ ADULTS WHO HAVE
24 COMMITTED A SEXUAL OFFENSE whose risk to sexually reoffend may not
25 be further reduced by participation in treatment as described in ~~paragraph~~
26 ~~(b) of this subsection (4) SUBSECTION (4)(b) OF THIS SECTION.~~ The board
27 shall ~~develop~~ ADOPT and implement methods of intervention for ~~adult sex~~

1 offenders which ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE. THE
2 methods MUST have as a priority the physical and psychological safety of
3 victims and potential victims and which are MUST BE appropriate to the
4 assessed needs of the particular offender ADULT WHO COMMITTED THE
5 SEXUAL OFFENSE, so long as there is no reduction in the safety of victims
6 and potential victims.

(b) Guidelines and standards for treatment of persons who have committed a sexual offense. (I) The board shall develop ADOPT, implement, and revise, as appropriate, guidelines and standards to treat adult sex offenders ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE, including adult sex offenders AN ADULT with AN intellectual and developmental disabilities DISABILITY, incorporating in the guidelines and standards the concepts of the risk-need-responsivity or another evidence-based correctional model, which guidelines and standards can be used in the treatment of offenders INDIVIDUALS who are placed on probation, incarcerated with the department of corrections, placed on parole, or placed in community corrections. Programs implemented pursuant to the guidelines and standards developed ADOPTED pursuant to this subsection (4)(b) must be as flexible as possible so that the programs may be accessed by each adult sex offender ADULT WHO HAS COMMITTED A SEXUAL OFFENSE to prevent the offender from harming harm to victims and potential victims. Programs must include a continuing monitoring process and a continuum of treatment options available to an adult sex offender as he or she AN ADULT WHO HAS COMMITTED A SEXUAL OFFENSE AS THE ADULT proceeds through the criminal justice system. Treatment options must be determined by a current risk assessment and evaluation and may include, but need not be limited to, group counseling, individual

1 counseling, family counseling, outpatient treatment, inpatient treatment,
2 shared living arrangements, or treatment in a therapeutic community.
3 Programs implemented pursuant to the guidelines and standards
4 ~~developed~~ ADOPTED pursuant to this subsection (4)(b) must, to the extent
5 possible, be accessible to ~~all adult sex offenders~~ EVERYONE in the
6 criminal justice system, including ~~those offenders~~ ADULTS with
7 behavioral, mental health, and co-occurring disorders, ~~The procedures for~~
8 ~~evaluation, identification, treatment, and monitoring developed pursuant~~
9 ~~to this subsection (4) must be implemented only to the extent that money~~
10 ~~is available in the sex offender surcharge fund created in section~~
11 ~~18-21-103(3) AND, TO THE EXTENT POSSIBLE, ENSURE TREATMENT THAT~~
12 ~~IS RESPONSIVE TO THE LINGUISTIC, CULTURAL, RELIGIOUS, RACIAL, AND~~
13 ~~SEXUAL AND GENDER IDENTITY CHARACTERISTICS OF THE ADULT WHO HAS~~
14 ~~COMMITTED A SEXUAL OFFENSE.~~

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

23 (II) (A) To revise the guidelines and standards ~~developed~~
24 ADOPTED pursuant to this ~~paragraph (b)~~ SUBSECTION (4)(b), the board
25 shall establish a committee to make recommendations to the board. At
26 least eighty percent of the members of the committee must be approved
27 treatment providers.

1 (B) THIS SUBSECTION (4)(b) IS REPEALED, EFFECTIVE AUGUST 31,
2 2022.

3 (III) Repealed.

4 (c) Allocation of money in sex offender surcharge fund. The
5 board shall develop ADOPT an annual plan for the allocation of moneys
6 MONEY deposited in the sex offender surcharge fund, REFERRED TO IN
7 THIS SUBSECTION (4)(c) AS THE "FUND", created pursuant to section
8 18-21-103 (3) ~~E.R.S.~~, among the judicial department, the department of
9 corrections, the division of criminal justice in the department of public
10 safety, and the department of human services. ~~In addition,~~ The board shall
11 coordinate the expenditure of moneys MONEY from the ~~sex offender~~
12 ~~surcharge~~ fund with any ~~moneys~~ MONEY expended by any of the
13 departments described in this paragraph (e) to identify, SUBSECTION (4)(c)
14 TO evaluate and treat ~~adult sex offenders~~ ADULTS and juveniles who have
15 committed ~~sexual offenses~~ A SEXUAL OFFENSE. IN ADDITION, IN
16 RECOGNITION OF THE OVERREPRESENTATION OF SOME RACIAL, ETHNIC,
17 GENDER, AND SEXUAL IDENTITY GROUPS WITHIN THE POPULATION OF
18 INDIVIDUALS SENTENCED FOR SEXUAL OFFENSES, AND THE SIMULTANEOUS
19 UNDERREPRESENTATION OF TREATMENT PROVIDERS FROM THE SAME
20 GROUPS, THE BOARD SHALL ADOPT A PROCESS AND CRITERIA BY WHICH A
21 POTENTIAL TREATMENT PROVIDER MAY APPLY TO THE FUND FOR GRANTS
22 OR SCHOLARSHIPS IF THE APPLICANT'S ENTRY INTO THE TREATMENT
23 PROVIDER COMMUNITY WOULD DIVERSIFY THE FIELD OR ENHANCE
24 RESOURCES TO UNDERSERVED AREAS OF COLORADO. THE BOARD SHALL
25 APPLY FOR GRANTS OR SEEK GIFTS OR DONATIONS FROM PRIVATE OR
26 PUBLIC SOURCES FOR THE PURPOSE OF PROVIDING THE GRANTS OR
27 SCHOLARSHIPS. THE MONEY USED FOR THE GRANTS OR SCHOLARSHIPS

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

11 (d) **Risk assessment screening instrument.** The board shall
12 consult on, approve, and revise, as necessary, the risk assessment
13 screening instrument developed by the division of criminal justice to
14 assist the sentencing court in determining the likelihood that an adult sex
15 offender will commit one or more of the offenses specified in section
16 18-3-414.5 (1)(a)(II), C.R.S., under the circumstances described in
17 section 18-3-414.5 (1)(a)(III), C.R.S. In carrying out this duty, the board
18 shall consider research on adult sex offender risk assessment and shall
19 consider as one element the risk posed by an adult sex offender who
20 suffers from psychopathy or a personality disorder that makes the person
21 more likely to engage in sexually violent predatory offenses. If a
22 defendant is found to be a sexually violent predator, the defendant shall
23 be required to register pursuant to article 22 of this title and shall be
24 subject to community notification pursuant to part 9 of article 13 of this
25 title. THE BOARD SHALL STUDY AND, IN CONSULTATION WITH RESEARCH
26 AND EVALUATION PROFESSIONALS THE BOARD DEEMS APPROPRIATE, MAKE
27 RECOMMENDATIONS FOR APPROVAL BY THE GENERAL ASSEMBLY ON A

1 MODEL FOR A THREE-TIER RISK LEVEL SYSTEM. THE PROPOSED MODEL
2 MUST REQUIRE THE TIERING OF INDIVIDUAL REGISTRANTS BASED UPON
3 THEIR RISK TO SEXUALLY REOFFEND AND MUST INCLUDE A PROCESS TO
4 RECLASSIFY ALL PERSONS WHO ARE DESIGNATED AS SEXUALLY VIOLENT
5 PREDATORS PRIOR TO JULY 1, 2023. RECOGNIZING THAT RISK IS DYNAMIC,
6 THE PROPOSED MODEL MUST ENSURE THAT PERSONS REQUIRED TO
7 REGISTER WILL BE RECLASSIFIED BASED UPON CHANGES IN THEIR RISK
8 STATUS. ON OR BEFORE JANUARY 31, 2022, THE BOARD SHALL REPORT ON
9 THE PROPOSED MODEL AND ITS ASSOCIATED COSTS TO THE JUDICIARY
10 COMMITTEES OF THE GENERAL ASSEMBLY, OR ANY SUCCESSOR
11 COMMITTEES, AS PART OF ITS ANNUAL REPORT PRESENTED PURSUANT TO
12 SECTION 16-11.7-109 (2).

13 (e) **Evaluation of policies and procedures - report.** The board
14 shall research, either through direct evaluation or through a review of
15 relevant research articles and sex offender OFFENSE treatment empirical
16 data, and analyze, through a comprehensive review of evidence-based
17 practices, the effectiveness of the evaluation identification, and treatment
18 policies and procedures for adult sex offenders developed ADULTS WHO
19 HAVE COMMITTED A SEXUAL OFFENSE ADOPTED pursuant to this article
20 ARTICLE 11.7. This research shall MUST specifically include, but need not
21 be limited to, reviewing and researching reoffense and factors that
22 contribute to reoffense, for sex offenders as defined in this article, the
23 effective use of cognitive behavioral therapy to prevent reoffense, the use
24 of polygraphs in treatment, and the containment model for adult sex
25 offender THE management and treatment OF ADULTS WHO HAVE
26 COMMITTED A SEXUAL OFFENSE and its effective application. The board
27 shall revise the guidelines and standards for evaluation identification, and

1 treatment, as appropriate, based upon the results of the board's research
2 and analysis. The board shall also ~~develop~~ ADOPT and prescribe a system
3 to implement the guidelines and standards ~~developed~~ ADOPTED pursuant
4 to ~~paragraph (b) of this subsection (4)~~ SUBSECTION (4)(b) OF THIS
5 SECTION.

6 **(f) Criteria for measuring progress in treatment.** (I) Pursuant
7 to section 18-1.3-1009, ~~C.R.S.~~, concerning the criteria for release from
8 incarceration, reduction in supervision, and discharge for certain ~~adult sex~~
9 ~~offenders~~, ~~ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE~~, the board,
10 in collaboration with the department of corrections, the judicial
11 department, and the state board of parole, shall ~~develop and revise~~ ADOPT,
12 as appropriate, criteria for measuring ~~an adult sex offender's progress~~ THE
13 ~~PROGRESS OF AN ADULT WHO HAS COMMITTED A SEXUAL OFFENSE~~ in
14 treatment. The criteria shall assist the court and the state board of parole
15 in determining whether an adult ~~sex offenders~~ WHO HAS COMMITTED A
16 ~~SEXUAL OFFENSE~~ may appropriately be released from incarceration
17 pursuant to section 18-1.3-1006 (1), ~~C.R.S.~~, or whether the ~~adult sex~~
18 ~~offender's~~ level of supervision ~~OF THE ADULT WHO HAS COMMITTED A~~
19 ~~SEXUAL OFFENSE~~ may be reduced pursuant to section 18-1.3-1006 (2)(a)
20 or 18-1.3-1008, ~~C.R.S.~~, or whether the adult ~~sex offender~~ WHO HAS
21 COMMITTED A ~~SEXUAL OFFENSE~~ may appropriately be discharged from
22 probation or parole pursuant to section 18-1.3-1006 or 18-1.3-1008.
23 ~~C.R.S.~~ At a minimum, the criteria ~~shall~~ ~~MUST~~ be designed to assist the
24 court and the state board of parole in determining whether the adult ~~sex~~
25 ~~offender~~ WHO HAS COMMITTED A ~~SEXUAL OFFENSE~~ could be appropriately
26 supervised in the community if ~~he or she~~ ~~SUCH ADULT~~ were released from
27 incarceration, released to a reduced level of supervision, or discharged

1 from probation or parole. The criteria ~~shall~~ MUST not limit the
2 decision-making authority of the court or the state board of parole.

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

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

(4)(g) within existing appropriations.

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

1 the revision of the guidelines and standards by July 1, 2017, the board
2 shall report to the judiciary committees of the general assembly, or any
3 successor committees, a projected completion date as part of its annual
4 report presented pursuant to section 16-11.7-109 (2) in January 2017.

5 **(i) Standards for evaluation of juveniles who have committed**
6 **a sexual offense.** The board shall ~~develop~~ ADOPT, prescribe, and revise,
7 as appropriate, a standard procedure to evaluate ~~and identify~~ juveniles
8 who have committed ~~sexual offenses~~ A SEXUAL OFFENSE, including
9 juveniles with ~~AN INTELLECTUAL AND~~ developmental ~~disabilities~~
10 ~~DISABILITY.~~ The procedure ~~shall~~ MUST provide for an evaluation ~~and~~
11 ~~identification~~ of the juvenile ~~offender~~ and recommend behavior
12 management, monitoring, treatment, and compliance and ~~shall~~ MUST
13 incorporate the concepts of the risk-need-responsivity or another
14 evidence-based correctional model based upon the knowledge that all
15 unlawful sexual behavior poses a risk to the community and that certain
16 juveniles may have the capacity to change their behavior with appropriate
17 intervention and treatment. The board shall ~~develop~~ ADOPT and
18 implement methods of intervention for juveniles who have committed
19 ~~sexual offenses~~ A SEXUAL OFFENSE, which methods have as a priority the
20 physical and psychological safety of victims and potential victims and
21 that are appropriate to the needs of the particular juvenile, ~~offender~~, so
22 long as there is no reduction in the safety of victims and potential victims.

23 **(j) (I) Guidelines and standards for treatment of juveniles**
24 **who have committed a sexual offense.** The board shall ~~develop~~ ADOPT,
25 implement, and revise, as appropriate, guidelines and standards to treat
26 juveniles who have committed ~~sexual offenses~~ A SEXUAL OFFENSE,
27 including juveniles with ~~AN~~ intellectual and developmental ~~disabilities~~

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

1 JUVENILE WHO HAS COMMITTED A SEXUAL OFFENSE SERVED, TO THE
2 EXTENT POSSIBLE.

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

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

16 (k) **Evaluation of policies and procedures for juveniles who**
17 **have committed a sexual offense.** The board shall research and analyze
18 the effectiveness of the evaluation ~~identification~~, and treatment
19 procedures ~~developed~~ ADOPTED pursuant to this ~~article~~ ARTICLE 11.7 for
20 juveniles who have committed ~~sexual offenses~~ A SEXUAL OFFENSE. The
21 board shall revise the guidelines and standards for evaluation
22 ~~identification~~, and treatment, as appropriate, based upon the results of the
23 board's research and analysis. The board shall also ~~develop~~ ADOPT and
24 prescribe a system to implement the guidelines and standards ~~developed~~
25 ~~ADOPTED~~ pursuant to ~~paragraph (j) of this subsection (4)~~ SUBSECTION
26 (4)(j) OF THIS SECTION.

27 (l) **Educational materials.** The board, in collaboration with law

1 enforcement agencies, victim advocacy organizations, the department of
2 education, and the department of public safety, shall ~~develop~~ ADOPT and
3 revise, as appropriate, for use by schools, the statement identified in
4 section 22-1-124 C.R.S., and educational materials regarding general
5 information about ~~adult sex offenders~~ ADULTS and juveniles who have
6 committed ~~sexual offenses~~ A SEXUAL OFFENSE, safety concerns related to
7 such ~~offenders~~ ADULTS AND JUVENILES, and other relevant materials. The
8 board shall provide the statement and materials to the department of
9 education, and the department of education shall make the statement and
10 materials available to schools in the state.

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

14 (6) **Repeal.** (a) This section is repealed, effective ~~September 1,~~
15 ~~2021~~ AUGUST, 31, 2022.

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

19 (c) (I) ~~Prior to the repeal of this section in 2021, the house OF
20 REPRESENTATIVES judiciary committee, or its successor committee, shall
21 hold an additional hearing on the report prepared by the department of
22 regulatory agencies in 2019 pursuant to the provisions of section
23 24-34-104 (6)(a). Any bill recommended by the judiciary committee
24 pursuant to this subsection (6)(c)(I) does not count against the number of
25 bills to which members of the general assembly are limited by law or joint
26 rule of the senate and house of representatives. The department of
27 regulatory agencies is not required to conduct an additional review or~~

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

1 EVALUATION OR TREATMENT SERVICES UNDER THIS ARTICLE 16 TO
2 JUVENILES, BUT WHO HAS RECOGNIZABLE EXPERTISE IN THE TREATMENT
3 OF JUVENILES WHO HAVE COMMITTED A SEXUAL OFFENSE;

4 (C) ONE MEMBER WHO IS A RECOGNIZED EXPERT IN THE FIELD OF
5 SEXUAL ABUSE OR SEXUAL ASSAULT AND WHO CAN REPRESENT SEXUAL
6 ABUSE AND SEXUAL ASSAULT VICTIMS AND VICTIMS' RIGHTS
7 ORGANIZATIONS;

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

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

13 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
14 CORRECTIONS SHALL APPOINT ONE MEMBER WHO REPRESENTS THE
15 DIVISION OF ADULT PAROLE;

16 (III) THE CHIEF JUSTICE OF THE SUPREME COURT SHALL APPOINT
17 ONE MEMBER WHO REPRESENTS THE PROBATION DEPARTMENT;

18 (IV) THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT
19 ATTORNEYS' COUNCIL SHALL APPOINT ONE MEMBER WHO REPRESENTS THE
20 INTERESTS OF PROSECUTING ATTORNEYS AND WHO HAS RECOGNIZABLE
21 EXPERTISE IN PROSECUTING SEXUAL OFFENSES; AND

22 (V) THE OFFICE OF THE COLORADO STATE PUBLIC DEFENDER
23 SHALL APPOINT ONE MEMBER WHO IS A PUBLIC DEFENDER WITH
24 RECOGNIZABLE EXPERTISE RELATED TO SEXUAL OFFENSES.

25 (b) THE BOARD IS RESPONSIBLE FOR THE OVERSIGHT OF THE TASK
26 FORCE CREATED IN SUBSECTION (2) OF THIS SECTION. THE BOARD SHALL
27 DELEGATE TASKS OR AREAS OF STUDY TO THE TASK FORCE. THE BOARD

1 SHALL CONSIDER ANY RECOMMENDATIONS MADE BY THE TASK FORCE
2 RELATED TO DUTIES OF THE BOARD.

3 (c) THE MEMBERS OF THE SEXUAL OFFENSE MANAGEMENT BOARD
4 SHALL ELECT PRESIDING OFFICERS FOR THE BOARD, INCLUDING A CHAIR
5 AND VICE-CHAIR, FROM AMONG THE BOARD MEMBERS APPOINTED
6 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, WHICH PRESIDING
7 OFFICERS SHALL SERVE TERMS OF TWO YEARS. BOARD MEMBERS MAY
8 RE-ELECT A PRESIDING OFFICER.

9 (d) MEMBERS OF THE BOARD SHALL SERVE AT THE PLEASURE OF
10 THE APPOINTING AUTHORITY FOR TERMS OF FOUR YEARS AND MAY SERVE
11 NO MORE THAN TWO TERMS; EXCEPT THAT A MEMBER OF THE BOARD MAY
12 NOT BE APPOINTED TO THE BOARD IF THE MEMBER SERVED TWO OR MORE
13 TERMS ON THE BOARD CREATED IN THE REPEALED SUBSECTION (1) OF THIS
14 SECTION OR, IF A MEMBER SERVED ONE TERM ON THE BOARD CREATED IN
15 THE REPEALED SUBSECTION (1) OF THIS SECTION, THE MEMBER MAY ONLY
16 SERVE ONE TERM. MEMBERS OF THE BOARD SHALL SERVE WITHOUT
17 COMPENSATION.

18 (2)(a) THERE IS CREATED A FOURTEEN-MEMBER NONVOTING TASK
19 FORCE OF THE BOARD THAT SERVES TO MEET WITH AND PROVIDE
20 INFORMATION AND INPUT TO THE VOTING MEMBERS OF THE BOARD AS
21 DELEGATED BY THE BOARD IN SUBSECTION (1)(b) OF THIS SECTION. THE
22 MEMBERSHIP OF THE TASK FORCE CONSISTS OF THE FOLLOWING PERSONS
23 APPOINTED AS FOLLOWS:

24 (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
25 SAFETY SHALL APPOINT:

26 (A) ONE MEMBER FROM THE DIVISION OF CRIMINAL JUSTICE WITH
27 RECOGNIZABLE EXPERTISE IN COMMUNITY CORRECTIONS PROGRAMS;

1 (B) TWO MEMBERS WHO WORK FOR BUSINESS ENTITIES THAT ARE
2 DISTINCT FROM EACH OTHER AND WHO ARE MENTAL HEALTH
3 PROFESSIONALS WHO ARE APPROVED AND IN GOOD STANDING TO PROVIDE
4 EVALUATION OR TREATMENT SERVICES UNDER THIS ARTICLE 16 BUT WHO
5 HAVE RECOGNIZABLE EXPERTISE IN THE TREATMENT OF ADULTS WHO
6 HAVE COMMITTED A SEXUAL OFFENSE;

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

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

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

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

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

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

23 (B) ONE MEMBER FROM THE OFFICE OF BEHAVIORAL HEALTH; AND

24 (C) ONE MEMBER FROM THE DIVISION OF CHILD WELFARE;

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

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

2 (b) THE TASK FORCE SHALL STUDY AND DEVELOP PROPOSALS FOR
3 THE TASK OR AREA OF RESEARCH ASSIGNED TO IT BY THE BOARD
4 PURSUANT TO SUBSECTION (1) (b) OF THIS SECTION. THE TASK FORCE MAY
5 PROVIDE GUIDANCE AND MAKE RECOMMENDATIONS OF AREAS OF STUDY
6 OR ISSUES FOR CONSIDERATION TO THE BOARD.

7 (c) MEMBERS OF THE TASK FORCE SHALL SERVE AT THE PLEASURE
8 OF THE APPOINTING AUTHORITY FOR TERMS OF FOUR YEARS. THE
9 APPOINTING AUTHORITY MAY REAPPOINT A MEMBER FOR AN ADDITIONAL
10 TERM OR TERMS. MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT
11 COMPENSATION.

14 (a) Standards for evaluation of adults who have committed a
15 sexual offense. THE BOARD SHALL ADOPT, PRESCRIBE, AND REVISE, AS
16 APPROPRIATE, A STANDARD PROCEDURE TO EVALUATE ADULTS WHO HAVE
17 COMMITTED A SEXUAL OFFENSE, INCLUDING ADULTS WITH AN
18 INTELLECTUAL AND DEVELOPMENTAL DISABILITY. THE PROCEDURES MUST
19 PROVIDE FOR AN EVALUATION OF SUCH PERSONS AND RECOMMEND
20 MANAGEMENT, MONITORING, AND TREATMENT BASED UPON EXISTING
21 RESEARCH AND SHALL INCORPORATE THE CONCEPTS OF THE
22 RISK-NEED-RESPONSIVITY OR ANOTHER EVIDENCE-BASED CORRECTIONAL
23 MODEL. THERE IS CURRENTLY NO WAY TO ENSURE THAT AN ADULT WHO
24 HAS COMMITTED A SEXUAL OFFENSE WITH THE PROPENSITY TO COMMIT
25 SEXUAL OFFENSES WILL NOT REOFFEND. BECAUSE THERE ARE ADULTS
26 WHO HAVE COMMITTED A SEXUAL OFFENSE WHO CAN LEARN TO MANAGE
27 UNHEALTHY PATTERNS AND LEARN BEHAVIORS THAT CAN LESSEN THEIR

1 RISK TO SOCIETY IN THE COURSE OF ONGOING TREATMENT, MANAGEMENT,
2 AND MONITORING, THE BOARD SHALL ADOPT A PROCEDURE FOR
3 EVALUATING, ON A CASE-BY-CASE BASIS, RELIABLY LOWER-RISK ADULTS
4 WHO HAVE COMMITTED A SEXUAL OFFENSE WHOSE RISK TO SEXUALLY
5 REOFFEND MAY NOT BE FURTHER REDUCED BY PARTICIPATION IN
6 TREATMENT AS DESCRIBED IN SUBSECTION (3)(b) OF THIS SECTION. THE
7 BOARD SHALL ADOPT AND IMPLEMENT METHODS OF INTERVENTION FOR
8 ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE. THE METHODS MUST
9 HAVE AS A PRIORITY THE PHYSICAL AND PSYCHOLOGICAL SAFETY OF
10 VICTIMS AND POTENTIAL VICTIMS AND MUST BE APPROPRIATE TO THE
11 ASSESSED NEEDS OF THE ADULT WHO COMMITTED THE SEXUAL OFFENSE,
12 SO LONG AS THERE IS NO REDUCTION IN THE SAFETY OF VICTIMS AND
13 POTENTIAL VICTIMS.

14 **(b) (I) Guidelines and standards for treatment of adults who**
15 **have committed a sexual offense.** THE BOARD SHALL ADOPT,
16 IMPLEMENT, AND REVISE, AS APPROPRIATE, GUIDELINES AND STANDARDS
17 TO TREAT ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE, INCLUDING
18 ADULTS WITH AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY,
19 INCORPORATING IN THE GUIDELINES AND STANDARDS THE CONCEPTS OF
20 THE RISK-NEED-RESPONSIVITY OR ANOTHER EVIDENCE-BASED
21 CORRECTIONAL MODEL, WHICH GUIDELINES AND STANDARDS CAN BE USED
22 IN THE TREATMENT OF PERSONS WHO ARE PLACED ON PROBATION,
23 INCARCERATED WITH THE DEPARTMENT OF CORRECTIONS, PLACED ON
24 PAROLE, OR PLACED IN COMMUNITY CORRECTIONS. PROGRAMS
25 IMPLEMENTED PURSUANT TO THE GUIDELINES AND STANDARDS ADOPTED
26 PURSUANT TO THIS SUBSECTION (3)(b) MUST BE AS FLEXIBLE AS POSSIBLE
27 SO THAT THE PROGRAMS MAY BE ACCESSED BY EACH ADULT WHO HAS

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

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

27 (c) **Allocation of money in sex offender surcharge fund.** THE

1 BOARD SHALL ADOPT AN ANNUAL PLAN FOR THE ALLOCATION OF MONEY
2 DEPOSITED IN THE SEX OFFENDER SURCHARGE FUND, REFERRED TO IN THIS
3 SUBSECTION (4)(c) AS THE "FUND", CREATED PURSUANT TO SECTION
4 18-21-103 (3) AMONG THE JUDICIAL DEPARTMENT, THE DEPARTMENT OF
5 CORRECTIONS, THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
6 PUBLIC SAFETY, AND THE DEPARTMENT OF HUMAN SERVICES. THE BOARD
7 SHALL COORDINATE THE EXPENDITURE OF MONEY FROM THE FUND WITH
8 ANY MONEY EXPENDED BY ANY OF THE DEPARTMENTS DESCRIBED IN THIS
9 SUBSECTION (3)(c) TO EVALUATE AND TREAT ADULTS AND JUVENILES WHO
10 HAVE COMMITTED A SEXUAL OFFENSE. IN ADDITION, IN RECOGNITION OF
11 THE OVERREPRESENTATION OF SOME RACIAL, ETHNIC, GENDER, AND
12 SEXUAL IDENTITY GROUPS WITHIN THE POPULATION OF INDIVIDUALS
13 SENTENCED FOR SEXUAL OFFENSES, AND THE SIMULTANEOUS
14 UNDERREPRESENTATION OF TREATMENT PROVIDERS FROM THE SAME
15 GROUPS, THE BOARD SHALL ADOPT A PROCESS BY WHICH A POTENTIAL
16 TREATMENT PROVIDER MAY APPLY TO THE FUND FOR GRANTS OR
17 SCHOLARSHIPS IF THE APPLICANT'S ENTRY INTO THE TREATMENT PROVIDER
18 COMMUNITY WOULD DIVERSIFY THE FIELD OR ENHANCE RESOURCES TO
19 UNDERSERVED AREAS OF COLORADO. THE BOARD SHALL APPLY FOR
20 GRANTS OR SEEK GIFTS OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES
21 FOR THE PURPOSE OF PROVIDING THE GRANTS OR SCHOLARSHIPS. THE
22 MONEY USED FOR THE GRANTS OR SCHOLARSHIPS SHALL NOT COME FROM
23 SEX OFFENDER SURCHARGE FEES. THE GRANTS OR SCHOLARSHIPS MAY
24 INCLUDE, BUT ARE NOT LIMITED TO, AWARDS TO ASSIST CANDIDATES IN
25 MEETING THE EDUCATIONAL, LICENSURE, OR CLINICAL TRAINING
26 REQUIREMENTS DESCRIBED IN SECTION 16-11.7-106 AND MUST SEEK TO
27 INCREASE THE LIKELIHOOD THAT ADULTS OR JUVENILES WHO HAVE

1 COMMITTED A SEXUAL OFFENSE WILL HAVE ACCESS TO TREATMENT
2 PROVIDERS WHO CAN MEET THEIR LINGUISTIC, CULTURAL, RELIGIOUS,
3 RACIALLY, AND SEXUAL AND GENDER IDENTITY DIVERSE NEEDS. THE
4 GENERAL ASSEMBLY MAY APPROPRIATE MONEY FROM THE FUND IN
5 ACCORDANCE WITH THE PLAN.

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

26 **(e) Criteria for measuring progress in treatment.**
27 (I) PURSUANT TO SECTION 18-1.3-1009, CONCERNING THE CRITERIA FOR

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

24 (II) THE BOARD, IN COLLABORATION WITH THE DEPARTMENT OF
25 CORRECTIONS, THE JUDICIAL DEPARTMENT, AND THE STATE BOARD OF
26 PAROLE, SHALL ADOPT STANDARDS FOR COMMUNITY ENTITIES THAT
27 PROVIDE SUPERVISION AND TREATMENT SPECIFICALLY DESIGNED FOR

1 ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE WHO HAVE
2 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES. AT A MINIMUM, THE
3 STANDARDS MUST DETERMINE WHETHER AN ENTITY WOULD PROVIDE
4 ADEQUATE SUPPORT AND SUPERVISION TO MINIMIZE ANY THREAT THAT
5 THE ADULT WHO HAS A COMMITTED A SEXUAL OFFENSE MAY POSE TO THE
6 COMMUNITY.

7 **(f) Living arrangements for persons who have committed a**
8 **sexual offense - recommendations.** THE BOARD SHALL RESEARCH,
9 ANALYZE, AND MAKE RECOMMENDATIONS THAT REFLECT BEST PRACTICES
10 FOR LIVING ARRANGEMENTS FOR AND THE LOCATION OF ADULTS WHO
11 HAVE COMMITTED A SEXUAL OFFENSE WITHIN THE COMMUNITY,
12 INCLUDING BUT NOT LIMITED TO SHARED LIVING ARRANGEMENTS. AT A
13 MINIMUM, THE BOARD SHALL CONSIDER THE SAFETY ISSUES RAISED BY THE
14 LOCATION OF RESIDENCES FOR ADULTS WHO HAVE COMMITTED A SEXUAL
15 OFFENSE, ESPECIALLY IN PROXIMITY TO PUBLIC OR PRIVATE SCHOOLS AND
16 CHILD CARE FACILITIES, AND PUBLIC NOTIFICATION OF THE LOCATION OF
17 SUCH RESIDENCES. THE BOARD SHALL ADOPT AND REVISE AS APPROPRIATE
18 SUCH GUIDELINES AS IT MAY DEEM APPROPRIATE REGARDING THE LIVING
19 ARRANGEMENTS AND LOCATION OF ADULTS WHO HAVE COMMITTED A
20 SEXUAL OFFENSE AND THEIR HOUSING. THE BOARD SHALL ACCOMPLISH
21 THE REQUIREMENTS SPECIFIED IN THIS SUBSECTION (3)(f) WITHIN EXISTING
22 APPROPRIATIONS.

23 **(g) Data collection from treatment providers.** IF THE
24 DEPARTMENT OF PUBLIC SAFETY ACQUIRES SUFFICIENT FUNDING, THE
25 BOARD MAY REQUEST THAT INDIVIDUALS OR ENTITIES PROVIDING
26 SEX-OFFENSE-SPECIFIC EVALUATION, TREATMENT, OR POLYGRAPH
27 SERVICES THAT CONFORM WITH STANDARDS ADOPTED BY THE BOARD

1 PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION SUBMIT TO THE BOARD
2 DATA AND INFORMATION AS DETERMINED BY THE BOARD AT THE TIME
3 THAT FUNDING BECOMES AVAILABLE. THIS DATA AND INFORMATION MAY
4 BE USED BY THE BOARD TO EVALUATE THE EFFECTIVENESS OF THE
5 GUIDELINES AND STANDARDS ADOPTED PURSUANT TO THIS ARTICLE 11.7;
6 TO EVALUATE THE EFFECTIVENESS OF INDIVIDUALS OR ENTITIES
7 PROVIDING SEX-OFFENSE-SPECIFIC EVALUATION, TREATMENT, OR
8 POLYGRAPH SERVICES; OR FOR ANY OTHER PURPOSES CONSISTENT WITH
9 THE PROVISIONS OF THIS ARTICLE 11.7.

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

(i) (I) Guidelines and standards for treatment of juveniles who have committed a sexual offense. The Board shall adopt, implement, and revise, as appropriate, guidelines and standards to treat juveniles who have committed a sexual offense, including juveniles with an intellectual and developmental disability, or a juvenile who has been criminally convicted in district court pursuant to section 19-2-517 or 19-2-518, unless the juvenile has also been convicted of a sex offense committed on or after the day the juvenile attained eighteen years of age, incorporating in the guidelines and standards the concepts of the risk-need-responsivity or another evidence-based correctional model, which guidelines and standards may be used for juveniles who are placed on probation, committed to the department of human services, placed on parole, or placed in out-of-home placement. Programs implemented pursuant to the guidelines and standards adopted pursuant to this subsection (3)(i) must be as flexible as possible so that the programs may be accessed by each juvenile to prevent harm to victims and potential victims. Programs must provide a continuing monitoring process and a continuum of treatment options available to a juvenile as the juvenile proceeds through the juvenile justice system. Treatment options may include, but need not be limited to, group counseling, individual counseling, family counseling, outpatient treatment, inpatient treatment, shared living arrangements, and treatment in a therapeutic community. Programs implemented pursuant to the guidelines and standards adopted pursuant to this subsection (3)(i) must be,

1 TO THE EXTENT POSSIBLE, ACCESSIBLE TO ALL JUVENILES WHO HAVE
2 COMMITTED A SEXUAL OFFENSE AND WHO ARE IN THE JUVENILE JUSTICE
3 SYSTEM, INCLUDING JUVENILES WITH BEHAVIORAL, MENTAL HEALTH, OR
4 CO-OCCURRING DISORDERS, AND MUST ENSURE TREATMENT THAT IS
5 RESPONSIVE TO THE LINGUISTIC, CULTURAL, RELIGIOUS, AND RACIAL
6 CHARACTERISTICS, AND THE SEXUAL AND GENDER IDENTITY OF THE ADULT
7 OR JUVENILE WHO HAS COMMITTED A SEXUAL OFFENSE SERVED, TO THE
8 EXTENT POSSIBLE.

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

17 (j) **Evaluation of policies and procedures for juveniles who**
18 **have committed a sexual offense.** THE BOARD SHALL RESEARCH AND
19 ANALYZE THE EFFECTIVENESS OF THE EVALUATION AND TREATMENT
20 PROCEDURES ADOPTED PURSUANT TO THIS ARTICLE 11.7 FOR JUVENILES
21 WHO HAVE COMMITTED A SEXUAL OFFENSE. THE BOARD SHALL REVISE THE
22 GUIDELINES AND STANDARDS FOR EVALUATION AND TREATMENT, AS
23 APPROPRIATE, BASED UPON THE RESULTS OF THE BOARD'S RESEARCH AND
24 ANALYSIS.

25 (k) **Educational materials.** THE BOARD, IN COLLABORATION WITH
26 LAW ENFORCEMENT AGENCIES, VICTIM ADVOCACY ORGANIZATIONS, THE
27 DEPARTMENT OF EDUCATION, AND THE DEPARTMENT OF PUBLIC SAFETY,

1 SHALL ADOPT AND REVISE, AS APPROPRIATE, FOR USE BY SCHOOLS, THE
2 STATEMENT IDENTIFIED IN SECTION 22-1-124, AND EDUCATIONAL
3 MATERIALS REGARDING GENERAL INFORMATION ABOUT PERSONS AND
4 JUVENILES WHO HAVE COMMITTED A SEXUAL OFFENSE, SAFETY CONCERNS
5 RELATED TO SUCH PERSONS, AND OTHER RELEVANT MATERIALS. THE
6 BOARD SHALL PROVIDE THE STATEMENT AND MATERIALS TO THE
7 DEPARTMENT OF EDUCATION, AND THE DEPARTMENT OF EDUCATION SHALL
8 MAKE THE STATEMENT AND MATERIALS AVAILABLE TO SCHOOLS IN THE
9 STATE.

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

13 (5) **Repeal.** (a) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER
14 1, 2027. BEFORE THE REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN
15 ACCORDANCE WITH SECTION 24-34-104.

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

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

21 **16-11.7-104. Persons who have committed a sexual offense -**
22 **evaluation required.** (1) On and after January 1, 1994, each convicted
23 adult ~~sex offender~~ and juvenile who has committed a sexual offense who
24 is to be considered for probation ~~shall be~~ IS required, as a part of the
25 presentence or probation investigation required pursuant to section
26 16-11-102, to submit to an evaluation for treatment, an evaluation for
27 risk, AND procedures required for monitoring of behavior to protect

1 victims and potential victims, ~~and an identification developed~~ AS THESE
2 STANDARDS ARE ADOPTED pursuant to section 16-11.7-103 (4); EXCEPT
3 THAT THE COURT MAY DISPENSE WITH THE EVALUATION AS AUTHORIZED
4 IN SECTION 16-11-102.

5 **SECTION 6.** In Colorado Revised Statutes, **amend** 16-11.7-105
6 as follows:

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

26 (1.5) THE DEPARTMENT OF CORRECTIONS SHALL IDENTIFY ALL
27 INMATES WHO HAVE A NEED FOR SEX-OFFENSE-SPECIFIC TREATMENT AND

1 HAVE NOT RECEIVED THE TREATMENT. THE SEX OFFENDER MANAGEMENT
2 BOARD, PRIOR TO AUGUST 31, 2022, OR THE SEX OFFENSE MANAGEMENT
3 BOARD, ON OR AFTER SEPTEMBER 1, 2022; THE DEPARTMENT OF
4 CORRECTIONS; AND THE DIVISION OF PAROLE SHALL MEET AND DEVELOP
5 SOLUTIONS TO ADDRESS THE UNMET SEX-OFFENSE-SPECIFIC TREATMENT
6 NEEDS OF ADULTS WHO HAVE COMMITTED A SEXUAL OFFENSE IN THE
7 DEPARTMENT OF CORRECTIONS.

8 (2) For offenders ADULTS AND JUVENILES who begin community
9 supervision on or after August 10, 2016, THE EFFECTIVE DATE OF THIS
10 SUBSECTION (2), AS AMENDED, the supervising agency of each adult sex
11 offender and juvenile who has committed a sexual offense shall provide
12 the offender ADULT with ACCESS TO a choice of two appropriate treatment
13 provider agencies staffed by approved providers unless the supervising
14 agency documents in the file that, based upon the nature of the program
15 offered, the needs of the offender, or the proximity of the appropriate
16 treatment provider agency, fewer than two such agencies can meet the
17 specific needs of the offender, ensure the safety of the public, and provide
18 the supervising agency with reasonable access to the treatment provider
19 agency and the offender during the course of treatment LIST OF ALL
20 TREATMENT PROVIDERS APPROVED TO WORK WITH THE ADULT WHO HAS
21 COMMITTED A SEXUAL OFFENSE PURSUANT TO SECTION 16-11.7-106.
22 NOTHING IN THIS SECTION LIMITS THE SUPERVISING AGENCY FROM
23 RECOMMENDING TREATMENT PROVIDERS BASED UPON THE NATURE OF THE
24 PROGRAM OFFERED, THE NEEDS OF THE ADULT, OR THE PROXIMITY OF THE
25 TREATMENT PROVIDER'S AGENCY. FOR ADULTS AND JUVENILES WHO HAVE
26 COMMITTED A SEXUAL OFFENSE WHO PREFER TO RECEIVE TREATMENT IN
27 A LANGUAGE OTHER THAN ENGLISH, REFERRALS MUST BE OFFERED TO

1 TREATMENT PROVIDERS WHO ARE FLUENT IN THE TARGET LANGUAGE
2 WHEN POSSIBLE. Once selected, the treatment provider agency may not be
3 changed by the ~~offender~~ ADULT RECEIVING TREATMENT MORE THAN ONE
4 TIME without the approval of the community supervision team, the
5 multidisciplinary team, or the court. THE REQUIREMENTS OF THIS
6 SUBSECTION (2) DO NOT APPLY TO THE DIVISION OF YOUTH SERVICES
7 BASED ON THE NATURE OF THE PROGRAM, THE COMPLEX NEEDS OF THE
8 JUVENILES SERVED, AND THE PLACEMENTS AND APPROVED TREATMENT
9 PROVIDERS AVAILABLE TO WORK WITH JUVENILES FROM THE DIVISION OF
10 YOUTH SERVICES. THE DIVISION OF YOUTH SERVICES SHALL ASSIGN
11 JUVENILES WHO HAVE COMMITTED A SEXUAL OFFENSE TO A TREATMENT
12 PROVIDER BASED ON THE INDIVIDUAL RISKS AND NEEDS OF THE JUVENILE
13 AND HAVE PROCEDURES IN PLACE TO ALLOW FOR A JUVENILE OR FAMILY
14 TO REQUEST A CHANGE IN TREATMENT PROVIDERS BASED ON
15 RESPONSIVITY FACTORS. THE MULTIDISCIPLINARY TEAM FOR THE JUVENILE
16 SHALL REVIEW ALL REQUESTS FOR CHANGES IN TREATMENT PROVIDERS
17 AND APPROVE REQUESTS IF THE MULTIDISCIPLINARY TEAM DETERMINES
18 THE JUVENILE'S RISKS, NEEDS, AND RESPONSIVITY FACTORS CAN BE
19 BETTER SERVED BY AN ALTERNATE TREATMENT PROVIDER.

20 **SECTION 7.** In Colorado Revised Statutes, 16-11.7-106, amend
21 (1), (2), (4), and (7) as follows:

22 **16-11.7-106. Sexual offense evaluation, treatment, and**
23 **polygraph services - contracts with treatment providers - placement**
24 **on treatment provider list - grievances - fund created.** (1) The
25 department of corrections, the judicial department, the division of
26 criminal justice in the department of public safety, or the department of
27 human services shall not employ or contract with, and shall not allow an

1 adult ~~sex offender~~ or a juvenile who has committed a sexual offense to
2 employ or contract with, an individual or entity to provide
3 ~~sex-offender-specific evaluation, treatment, or polygraph services~~
4 ~~TREATMENT~~ pursuant to this ~~article~~ ARTICLE 11.7 unless:

5 (a) The ~~sex-offender-specific~~ SEX-OFFENSE-SPECIFIC evaluation,
6 treatment, or polygraph services to be provided by the individual or entity
7 conform with the guidelines and standards ~~developed~~ ADOPTED pursuant
8 to section 16-11.7-103; and

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

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

21 (I) (A) The board shall ~~develop~~ ADOPT separate application and
22 review processes for standards that apply to the criminal justice
23 component, such as criminal history record checks, for evaluators,
24 individual treatment providers, and polygraph examiners. Applications for
25 the criminal justice components, including fingerprints, ~~shall~~ MUST be
26 submitted to the board. The board shall forward the fingerprints to the
27 Colorado bureau of investigation for use in conducting a state criminal

1 history record check and for transmittal to the federal bureau of
2 investigation for a national criminal history record check. The board may
3 use information obtained from the state and national criminal history
4 record checks to determine an applicant's eligibility for placement on the
5 approved TREATMENT provider list. The board ~~shall be~~ IS responsible for
6 the implementation of the provisions of this subparagraph (I) THIS
7 SUBSECTION (2)(a)(I).

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

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

18 (III) The board shall require a person who applies for placement,
19 including a person who applies for continued placement, on the list of
20 persons who may provide ~~sex-offender-specific~~ SEX-OFFENSE-SPECIFIC
21 evaluation, treatment, and polygraph services pursuant to this ~~article~~
22 ARTICLE 11.7 to submit to a current background investigation that goes
23 beyond the scope of the criminal history record check described in
24 subparagraph (I) of this paragraph (a) SUBSECTION (2)(a)(I) OF THIS
25 SECTION. In conducting the current background investigation required by
26 this subparagraph (III) SUBSECTION (2)(a)(III), the board shall obtain
27 reference and criminal history information and recommendations that may

1 be relevant to the applicant's fitness to provide sex-offender-specific
2 SEX-OFFENSE-SPECIFIC evaluation, treatment, and polygraph services
3 pursuant to this article ARTICLE 11.7.

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

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

19 (7) (a) The board shall notify the department of regulatory
20 agencies of the receipt of any complaints or grievances against an
21 individual who provides sex-offender-specific SEX-OFFENSE-SPECIFIC
22 treatment or evaluation services pursuant to this article 11.7 and advise
23 the department of any disciplinary action taken pursuant to subsection
24 (7)(b) of this section. The department of regulatory agencies or the
25 appropriate board, pursuant to article 245 of title 12 and referred to in this
26 subsection (7) as the "DORA board", shall notify the board of the receipt
27 of any complaint or grievance against a TREATMENT provider who

1 provides ~~sex-offender-specific~~ SEX-OFFENSE-SPECIFIC treatment or
2 evaluation services pursuant to this article 11.7 if the complaint or
3 grievance was not referred by the board, and advise the board of any
4 disciplinary action taken against the individual pursuant to any
5 professional licensing act. ~~IF ANY ACTION TAKEN BY THE DEPARTMENT OF~~
6 ~~REGULATORY AGENCIES OR THE LICENSING OR CERTIFICATION BOARD~~
7 ~~RENDERS THE INDIVIDUAL INELIGIBLE TO PROVIDE SERVICES AS AN~~
8 ~~EVALUATOR OR TREATMENT PROVIDER PURSUANT TO THE REQUIREMENTS~~
9 ~~OF SECTION (2)(a) OF THIS SECTION, THE BOARD SHALL REMOVE THE~~
10 ~~INDIVIDUAL'S NAME FROM THE APPROVED TREATMENT PROVIDER LIST~~
11 ~~CREATED IN THIS ARTICLE 11.7.~~

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

25 (c) (I) Nothing in this subsection (7) limits the rights or
26 responsibilities of the department of regulatory agencies or the DORA
27 board with respect to the investigation and resolution of complaints.

1 pursuant to article 245 of title 12.

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

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

9 **16-11.7-109. Reporting requirements - legislative declaration.**

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

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

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

20 (b) The general assembly therefore finds that it is appropriate for
21 the board to report to the general assembly on an annual basis concerning
22 the status of the treatment and management of ~~adult sex offenders~~ ~~ADULTS~~
23 and juveniles who have committed ~~sexual offenses~~ A SEXUAL OFFENSE in
24 Colorado.

25 (2) Notwithstanding section 24-1-136 (11)(a)(I), on or before
26 January 31, 2012, and on or before January 31 each year thereafter, the
27 board shall prepare and present to the judiciary committees of the senate

1 and the house of representatives, or any successor committees, a written
2 report concerning best practices for the treatment and management of
3 ~~adult sex offenders~~ ADULTS and juveniles who have committed ~~sexual~~
4 ~~offenses~~ A SEXUAL OFFENSE, including any evidence-based analysis of
5 treatment standards and programs as well as information concerning any
6 new federal legislation relating to the treatment and management of ~~adult~~
7 ~~sex offenders~~ ADULTS and juveniles who have committed ~~sexual offenses~~
8 A SEXUAL OFFENSE. The report may include the board's recommendations
9 for legislation to carry out the purpose and duties of the board to protect
10 the community.

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

14 **16-11-102. Presentence or probation investigation.**

15 (1) (a) (VI) The report described in subparagraph (I) of this paragraph (a)
16 SUBSECTION (1)(a)(I) OF THIS SECTION need not include the statement
17 described in subparagraph (II) of this paragraph (a) SUBSECTION (1)(a)(II)
18 OF THIS SECTION if:

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

25 (1) (b) (I) Each presentence report prepared regarding a ~~sex~~
26 ~~offender~~ AN ADULT WHO HAS COMMITTED A SEXUAL OFFENSE, as defined
27 in section 16-11.7-102 (2), with respect to any offense committed on or

1 after January 1, 1996, shall MUST contain the results of an evaluation and
2 identification conducted pursuant to article 11.7 of this title TITLE 16;
3 except that:

4 (II) In addition, the presentence report shall include, when
5 appropriate as provided in section 18-3-414.5, C.R.S., the results of the
6 risk assessment screening instrument developed pursuant to section
7 16-11.7-103 (4)(d). Notwithstanding the provisions of EXCEPT AS
8 PROVIDED IN subsection (4) of this section, a presentence report shall be
9 prepared for each person convicted as a sex offender, AN ADULT OR
10 JUVENILE WHO COMMITTED A SEXUAL OFFENSE, and the court may not
11 dispense with the presentence evaluation, risk assessment, and report
12 unless an evaluation and risk assessment has been completed within the
13 last two years and there has been no material change that would affect the
14 evaluation and risk assessment in the past two years.

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

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

24 **18-21-103. Source of revenues - allocation of moneys - sex
25 offender surcharge fund - creation.** (3) There is hereby created in the
26 state treasury a sex offender surcharge fund which shall consist of moneys
27 MONEY received by the state treasurer pursuant to paragraph (b) of

1 subsection (2) SUBSECTION (2)(b) of this section; GIFTS, GRANTS, AND
2 DONATIONS RECEIVED PURSUANT TO SECTION 16-11.7-103 (4)(c) OR
3 16-11.7-103.5 (3)(c); AND MONEY RECEIVED PURSUANT TO SECTION
4 16-11.7-103 (4)(c) OR 16-11.7-103 (3)(c). The state treasurer may invest
5 any ~~moneys~~ MONEY in the fund not expended for the purpose of this
6 section as provided by law. The state treasurer shall credit all interest and
7 income derived from the investment and deposit of ~~moneys~~ MONEY in the
8 fund to the fund. Any ~~moneys~~ MONEY not appropriated by the general
9 assembly shall remain in the sex offender surcharge fund and shall not be
10 transferred or revert to the general fund of the state at the end of any
11 fiscal year. All ~~moneys~~ MONEY in the fund shall be subject to annual
12 appropriation by the general assembly to the judicial department, the
13 department of corrections, the division of criminal justice of the
14 department of public safety, and the department of human services, after
15 consideration of the plan ~~developed~~ ADOPTED pursuant to section
16 16-11.7-103 (4)(c), E.R.S., to cover the direct and indirect costs
17 associated with the evaluation ~~identification~~, and treatment and the
18 continued monitoring of sex offenders.

19 **SECTION 11.** In Colorado Revised Statutes, **repeal** part 9 of
20 article 13 of title 16, 16-22-102 (7), 16-22-110 (2)(d), 16-22-110 (3)(b),
21 16-22-111 (1)(a), 16-22-111 (1)(b), 16-22-113 (3)(a), 17-2-103
22 (11)(b)(VI), 18-3-414.5 (1)(a)(IV), and 24-33.5-503 (1)(o).

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

25 **16-22-107. Duties - department of corrections - department**
26 **of human services - confirmation of registration - notice - address**
27 **verification.** (3) Within five days, but not fewer than two days, prior to

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

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

16 **16-22-108. Registration - procedure - frequency - place -**
17 **change of address - fee.** (1) (d) (I) Any person ~~who is a sexually violent~~
18 ~~predator and any person~~ who is convicted as an adult of any of the
19 offenses specified in subsection (1)(d)(II) of this section has a duty to
20 register for the remainder of ~~his or her~~ THE ADULT'S natural life; except
21 that, if the person receives a deferred judgment and sentence for one of
22 the offenses specified in subsection (1)(d)(II) of this section, the person's
23 duty to register may discontinue as provided in section 16-22-113 (1)(d).
24 In addition to registering as required in subsection (1)(a) of this section,
25 the person shall reregister within five business days before or after the
26 date that is three months after the date on which the person was released
27 from incarceration for commission of the offense requiring registration

1 or, if the person was not incarcerated, after the date on which ~~he or she~~
2 ~~THE PERSON~~ received notice of the duty to register. The person shall
3 register within five business days before or after that date every three
4 months thereafter until the person's birthday. The person shall reregister
5 within five business days before or after ~~his or her~~ ~~THE PERSON'S~~ next
6 birthday and shall reregister within five business days before or after that
7 date every three months thereafter. The person shall reregister pursuant
8 to this subsection (1)(d) with the local law enforcement agency of each
9 jurisdiction in which the person resides or in any jurisdiction if the person
10 lacks a fixed residence on the reregistration date, in the manner provided
11 in subsection (1)(a) of this section.

12 **SECTION 14.** In Colorado Revised Statutes, 16-22-109, **amend**
13 (3.5)(a) as follows:

14 **16-22-109. Registration forms - local law enforcement agencies**
15 **- duties.** (3.5)(a) The local law enforcement agency with which a person
16 registers pursuant to this ~~article~~ ARTICLE 22 shall, as soon as possible
17 following the registrant's first registration with the local law enforcement
18 agency and at least annually thereafter, verify the residential address
19 reported by the registrant on the standardized form. ~~except that, if the~~
20 ~~registrant is a sexually violent predator, the local law enforcement agency~~
21 ~~shall verify the registrant's residential address quarterly.~~

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

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

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

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

16-22-103. Sex offender registration - required - applicability

6 - **exception.** (5) (a) Notwithstanding any provision of this article 22 to
7 the contrary, if, pursuant to a motion filed by a person described in this
8 subsection (5) or on its own motion, a court determines that the
9 registration requirement specified in this section would be unfairly
10 punitive and that exempting the person from the registration requirement
11 would not pose a significant risk to the community, the court, upon
12 consideration of the totality of the circumstances, may exempt the person
13 from the registration requirements imposed pursuant to this section if:

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

22 **SECTION 17.** In Colorado Revised Statutes, 16-22-112, amend
23 (3.5) as follows:

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

25 (3.5) To assist members of the public in protecting themselves from
26 persons who commit offenses involving unlawful sexual behavior, a local
27 law enforcement agency that chooses to post sex offender registration

1 information on its website shall either post educational information
2 concerning protection from sex offenders on its website or provide a link
3 to the educational information included on the CBI website maintained
4 pursuant to section 16-22-111. A local law enforcement agency that posts
5 the educational information shall work with the sex offender management
6 board created pursuant to section 16-11.7-103, ~~C.R.S.~~, PRIOR TO
7 SEPTEMBER 1, 2022, AND THE SEXUAL OFFENSE MANAGEMENT BOARD
8 CREATED PURSUANT TO SECTION 16-11.7-103.5 ON OR AFTER SEPTEMBER
9 1, 2022, and sexual assault victims' advocacy groups in preparing the
10 educational information.

11 **SECTION 18.** In Colorado Revised Statutes, 17-2-201, **amend**
12 (5.7)(b) as follows:

13 **17-2-201. State board of parole - duties - definitions.** (5.7) If,
14 as a condition of parole, an offender is required to undergo counseling or
15 treatment, unless the parole board determines that treatment at another
16 facility or with another person is warranted, the treatment or counseling
17 must be at a facility or with a person:

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

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

25 **17-22.5-404. Parole guidelines - definition.** (4) (c) (II) The
26 administrative release guideline instrument shall not be used in
27 considering those inmates classified as sex offenders with indeterminate

1 sentences for whom the sex offender management board pursuant to
2 section 18-1.3-1009, C.R.S., ESTABLISHED IN SECTION 16-11.7-103 PRIOR
3 TO SEPTEMBER 1, 2022, AND THE SEXUAL OFFENSE MANAGEMENT BOARD
4 CREATED PURSUANT TO SECTION 16-11.7-103.5 ON OR AFTER SEPTEMBER
5 1, 2022, REFERRED TO IN THIS SECTION AS THE "BOARD" has established
6 separate and distinct release guidelines. The sex offender management
7 board, in collaboration with the department of corrections, the judicial
8 department, the division of criminal justice in the department of public
9 safety, and the state board of parole shall develop a specific sex offender
10 release guideline instrument for use by the state board of parole for those
11 inmates classified as sex offenders with determinate sentences.

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

14 **17-27.1-101. Nongovernmental facilities for offenders -**
15 **registration - notifications - penalties - definitions.** (5) A private
16 treatment program in Colorado shall not admit or accept a supervised or
17 unsupervised person into the program unless the program:

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

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

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

27 **18-1.3-101. Pretrial diversion.** (6) In a jurisdiction that receives

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

24 **SECTION 22.** In Colorado Revised Statutes, 18-1.3-204, amend
25 (2)(c)(II) as follows:

26 **18-1.3-204. Conditions of probation - interstate compact**
27 **probation transfer cash fund - creation.** (2) (c) If the court orders

1 counseling or treatment as a condition of probation, unless the court
2 makes a specific finding that treatment in another facility or with another
3 person is warranted, the court shall order that the treatment or counseling
4 be at a facility or with a person:

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

10 **SECTION 23.** In Colorado Revised Statutes, 18-1.3-407, **amend**
11 (4.3) as follows:

12 **18-1.3-407. Sentences - youthful offenders - legislative**
13 **declaration - powers and duties of district court - authorization for**
14 **youthful offender system - powers and duties of department of**
15 **corrections - definitions.** (4.3) The youthful offender system shall
16 provide sex offender treatment services for an offender who is sentenced
17 to the youthful offender system and who has a history of committing a ~~sex~~
18 SEXUAL offense as defined in section 16-11.7-102 (3), C.R.S., or who has
19 a history of committing any other offense, the underlying factual basis of
20 which includes a ~~sex~~ SEXUAL offense. Prior to July 1, 2002, the sex
21 offender treatment services provided pursuant to this subsection (4.3)
22 shall comply with any existing national standards for juvenile sex
23 offender treatment. On and after July 1, 2002, the sex offender treatment
24 services provided pursuant to this subsection (4.3) shall comply with the
25 sex offender treatment standards adopted PRIOR TO AUGUST 31, 2022, by
26 the sex offender management board pursuant to section 16-11.7-103.
27 C.R.S., OR THE SEXUAL OFFENSE MANAGEMENT BOARD PURSUANT TO

1 SECTION 16-11.7-103 ON OR AFTER SEPTEMBER 1, 2022.

2 **SECTION 24. Effective date.** This act takes effect upon passage;

3 except that sections 11 through 14 take effect July 1, 2023.

4 **SECTION 25. Safety clause.** The general assembly hereby finds,

5 determines, and declares that this act is necessary for the immediate

6 preservation of the public peace, health, or safety.