

**Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 16-1179.01 Richard Sweetman x4333

**SENATE BILL 16-180**

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**SENATE SPONSORSHIP**

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**A BILL FOR AN ACT**

101      **CONCERNING A SPECIALIZED PROGRAM WITHIN THE DEPARTMENT OF**  
102                    **CORRECTIONS FOR CERTAIN OFFENDERS WHO WERE CONVICTED**  
103                    **AS ADULTS FOR OFFENSES THEY COMMITTED AS JUVENILES.**

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**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://www.leg.state.co.us/bills summaries>.)*

The bill requires the department of corrections (department) to develop and implement a program for offenders who were sentenced to an adult prison for a felony offense committed while the offender was less than 18 years of age and who are determined to be appropriate for placement in the program. An offender serving a sentence for a felony

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

committed while the offender was a juvenile may apply for placement in the program if he or she has served 20 calendar years of his or her sentence and has not been released on parole.

Upon receiving a petition from an eligible offender, the executive director of the department or his or her designee shall review the petition. In determining whether to place an offender in the program, the executive director or his or her designee shall consider certain criteria.

An offender who successfully completes the program may apply to the governor for early parole. The governor may grant early parole to such an offender if, in the governor's opinion, extraordinary mitigating circumstances exist and the offender's release from custody is compatible with the safety and welfare of society. The state board of parole shall make a recommendation to the governor concerning whether early parole should be granted to such an offender.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) The United States supreme court has held in several recent  
5 decisions regarding the criminal sentencing of juveniles that children are  
6 constitutionally different than adults for purposes of sentencing and  
7 should be given a meaningful opportunity for release based on  
8 demonstrated maturity and rehabilitation;

9 (b) Colorado recognizes that children have not yet reached  
10 developmental maturity before the age of eighteen years and therefore  
11 have a heightened capacity to change behavior and a greater potential for  
12 rehabilitation;

13 (c) Colorado has many offenders currently serving sentences in  
14 the department of corrections who committed crimes when they were less  
15 than eighteen years old and who no longer present a threat to public  
16 safety; and

17 (d) Colorado is committed to research-based best practices in the

1 development and implementation of correctional policies and practices.

2 (2) Now, therefore, Colorado desires to implement a system that  
3 allows any offender who committed a serious crime as a juvenile, was  
4 treated as an adult by the criminal justice system, and has served more  
5 than twenty calendar years of a sentence to the department of corrections,  
6 during which he or she has exhibited growth and rehabilitation, the  
7 opportunity to further demonstrate rehabilitation and earn early release in  
8 a specialized program in a less secure setting without compromising  
9 public safety.

10 **SECTION 2.** In Colorado Revised Statutes, **add** article 34 to title  
11 17 as follows:

12 **ARTICLE 34**

13 **Specialized Program For Juveniles**

14 **Convicted As Adults**

15 **17-34-101. Juveniles who are convicted as adults in district**  
16 **court - eligibility for specialized program placement - petitions.**

17 (1) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN OFFENDER  
18 SERVING A SENTENCE IN THE DEPARTMENT FOR A FELONY OFFENSE AS A  
19 RESULT OF THE FILING OF CRIMINAL CHARGES BY AN INFORMATION OR  
20 INDICTMENT PURSUANT TO SECTION 19-2-517, C.R.S., OR THE TRANSFER  
21 OF PROCEEDINGS TO THE DISTRICT COURT PURSUANT TO SECTION  
22 19-2-518, C.R.S., AND WHO REMAINS IN THE CUSTODY OF THE  
23 DEPARTMENT FOR THAT FELONY OFFENSE MAY PETITION FOR PLACEMENT  
24 IN THE SPECIALIZED PROGRAM DESCRIBED IN SECTION 17-34-102,  
25 REFERRED TO WITHIN THIS SECTION AS THE "SPECIALIZED PROGRAM", IF HE  
26 OR SHE:

27 (I) HAS SERVED TWENTY CALENDAR YEARS OF HIS OR HER

1 SENTENCE; AND

2 (II) HAS NOT BEEN RELEASED ON PAROLE.

3 (b) AN OFFENDER WHO IS DESCRIBED IN PARAGRAPH (a) OF THIS  
4 SUBSECTION (1) MAY APPLY FOR PLACEMENT IN THE SPECIALIZED  
5 PROGRAM NOTWITHSTANDING HIS OR HER SENTENCE OR PAROLE  
6 ELIGIBILITY DATE.

7 (2) UPON RECEIVING A PETITION FROM AN OFFENDER DESCRIBED  
8 IN SUBSECTION (1) OF THIS SECTION, THE EXECUTIVE DIRECTOR OR HIS OR  
9 HER DESIGNEE SHALL REVIEW THE PETITION AND DETERMINE WHETHER TO  
10 PLACE THE OFFENDER IN THE SPECIALIZED PROGRAM. IN MAKING THIS  
11 DETERMINATION, THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE  
12 SHALL CONSIDER THE FOLLOWING CRITERIA:

13 (a) THE NATURE OF THE OFFENSE AND THE CIRCUMSTANCES  
14 SURROUNDING THE OFFENSE, INCLUDING THE EXTENT OF THE OFFENDER'S  
15 PARTICIPATION IN THE CRIMINAL CONDUCT;

16 (b) THE AGE AND MATURITY OF THE OFFENDER AT THE TIME OF THE  
17 OFFENSE;

18 (c) THE BEHAVIOR OF THE OFFENDER IN ANY INSTITUTION FOR THE  
19 DURATION OF HIS OR HER SENTENCE, INCLUDING CONSIDERATION OF ANY  
20 VIOLATIONS OF THE INMATE CODE OF CONDUCT AND DATES OF THE  
21 VIOLATIONS OR, IN THE ALTERNATIVE, THE LACK OF ANY SUCH  
22 VIOLATIONS;

23 (d) THE ASSESSED RISK AND NEEDS OF THE OFFENDER;

24 (e) THE IMPACT OF THE OFFENSE ON ANY VICTIM AND ANY VICTIM'S  
25 IMMEDIATE FAMILY MEMBER; AND

26 (f) ANY OTHER FACTOR DETERMINED TO BE RELEVANT BY THE  
27 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE IN ASSESSING AND MAKING

1 A DETERMINATION REGARDING THE OFFENDER'S DEMONSTRATED  
2 REHABILITATION.

3 (3) THE DEPARTMENT SHALL MAKE RESTORATIVE JUSTICE  
4 PRACTICES, AS DEFINED IN SECTION 18-1-901 (3) (o.5), C.R.S., AVAILABLE  
5 TO ANY VICTIM OF ANY OFFENDER WHO PETITIONS FOR PLACEMENT IN THE  
6 SPECIALIZED PROGRAM. ACCORDINGLY, THE DEPARTMENT SHALL PROVIDE  
7 NOTICE TO ANY VICTIM, AS PROVIDED IN SECTION 24-4.1-302.5 (1) (1.5),  
8 C.R.S.

9 (4) (a) IF AFTER REVIEW OF AN OFFENDER'S PETITION, THE  
10 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE DETERMINES THAT THE  
11 OFFENDER IS AN APPROPRIATE CANDIDATE FOR PLACEMENT IN THE  
12 SPECIALIZED PROGRAM, THE DEPARTMENT SHALL PLACE THE OFFENDER IN  
13 THE SPECIALIZED PROGRAM AS SOON AS PRACTICABLE.

14 (b) ANY VICTIM OR VICTIM'S IMMEDIATE FAMILY MEMBER, AS  
15 DEFINED IN SECTION 24-4.1-302 (5) AND (6), C.R.S., HAS THE RIGHT TO BE  
16 INFORMED OF THE PLACEMENT OF AN OFFENDER PURSUANT TO SECTION  
17 24-4.1-302.5 (1) (q), C.R.S.

18 (5) IF THE EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE DENIES  
19 AN OFFENDER'S PETITION FOR PLACEMENT IN THE SPECIALIZED PROGRAM  
20 BASED ON A DETERMINATION THAT THE OFFENDER IS INAPPROPRIATE FOR  
21 SUCH PLACEMENT AFTER CONSIDERATION OF THE CRITERIA SET FORTH IN  
22 SUBSECTION (2) OF THIS SECTION, THE OFFENDER MAY PETITION THE  
23 EXECUTIVE DIRECTOR OR HIS OR HER DESIGNEE FOR PLACEMENT IN THE  
24 SPECIALIZED PROGRAM NOT SOONER THAN TWO YEARS AFTER THE  
25 ISSUANCE OF THE DENIAL.

26 (6) THE DEPARTMENT SHALL DEVELOP POLICIES AND PROCEDURES  
27 FOR THE PREPARATION, SUBMISSION, AND REVIEW OF PETITIONS FOR

1 PLACEMENT OF OFFENDERS IN THE SPECIALIZED PROGRAM, AS DESCRIBED  
2 IN THIS SECTION.

3 **17-34-102. Specialized program for juveniles convicted as**  
4 **adults - report - repeal.** (1) THE DEPARTMENT SHALL DEVELOP AND  
5 IMPLEMENT A SPECIALIZED PROGRAM FOR OFFENDERS WHO HAVE BEEN  
6 SENTENCED TO AN ADULT PRISON FOR A FELONY OFFENSE COMMITTED  
7 WHILE THE OFFENDER WAS LESS THAN EIGHTEEN YEARS OF AGE AS A  
8 RESULT OF THE FILING OF CRIMINAL CHARGES BY AN INFORMATION OR  
9 INDICTMENT PURSUANT TO SECTION 19-2-517, C.R.S., OR THE TRANSFER  
10 OF PROCEEDINGS TO THE DISTRICT COURT PURSUANT TO SECTION  
11 19-2-518, C.R.S., AND WHO ARE DETERMINED TO BE APPROPRIATE FOR  
12 PLACEMENT IN THE SPECIALIZED PROGRAM. THE DEPARTMENT SHALL  
13 IMPLEMENT THE SPECIALIZED PROGRAM IN CONJUNCTION WITH A MINIMUM  
14 SECURITY FACILITY OPERATED BY, OR UNDER CONTRACT WITH, THE  
15 DEPARTMENT.

16 (2) THE SPECIALIZED PROGRAM MUST INCLUDE COMPONENTS THAT  
17 ALLOW AN OFFENDER TO EXPERIENCE A LESS SECURE PLACEMENT WITH  
18 MORE INDEPENDENCE IN DAILY LIFE, WITH ADDITIONAL WORK-RELATED  
19 RESPONSIBILITIES AND OTHER PROGRAM COMPONENTS THAT WILL ASSIST  
20 AND SUPPORT THE OFFENDER'S SUCCESSFUL REINTEGRATION INTO THE  
21 COMMUNITY OF TEENAGE OFFENDERS WHO HAVE NEVER LIVED  
22 INDEPENDENTLY OR FUNCTIONED IN THE COMMUNITY AS AN ADULT. THE  
23 SPECIALIZED PROGRAM MUST ALSO INCLUDE THE BEST AND MOST  
24 PROMISING PRACTICES IN INDEPENDENT LIVING SKILLS DEVELOPMENT,  
25 REENTRY SERVICES FOR LONG-TERM OFFENDERS, AND INTENSIVE  
26 SUPERVISION AND MONITORING.

27 (3) THE DEPARTMENT SHALL MAKE RESTORATIVE JUSTICE

1 PRACTICES, AS DEFINED IN SECTION 18-1-901 (3) (o.5), C.R.S., AVAILABLE  
2 TO ANY VICTIM OF ANY OFFENDER WHO IS PLACED IN THE SPECIALIZED  
3 PROGRAM. ACCORDINGLY, THE DEPARTMENT SHALL PROVIDE NOTICE TO  
4 ANY VICTIM, AS PROVIDED IN SECTION 24-4.1-302.5 (1) (1.5), C.R.S.

5 (4) (a) THE DEPARTMENT SHALL COMPLETE THE DESIGN OF THE  
6 SPECIALIZED PROGRAM ON OR BEFORE DECEMBER 31, 2016. THE  
7 DEPARTMENT SHALL COMMENCE PLACEMENT OF ELIGIBLE OFFENDERS IN  
8 THE SPECIALIZED PROGRAM ON OR BEFORE MARCH 31, 2017. IF THE  
9 SPECIALIZED PROGRAM CANNOT BE OPERATIONAL BY THIS DATE, THE  
10 EXECUTIVE DIRECTOR SHALL REPORT TO THE GENERAL ASSEMBLY ON OR  
11 BEFORE JANUARY 31, 2017, THE REASONS FOR THE DELAY AND THE DATE  
12 THAT THE SPECIALIZED PROGRAM WILL BE OPERATIONAL.

13 (b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JUNE 30, 2017.

14 (5) THE DEPARTMENT SHALL INCLUDE IN THE SPECIALIZED  
15 PROGRAM RULES OF CONDUCT FOR PROGRAM PARTICIPANTS AND A POLICY  
16 WHEREBY PROGRAM PARTICIPANTS WHO FAIL TO COMPLY WITH THE RULES  
17 OF CONDUCT ARE TERMINATED FROM PARTICIPATION IN THE SPECIALIZED  
18 PROGRAM AND RETURNED TO AN APPROPRIATE PRISON PLACEMENT.

19 (6) NOTWITHSTANDING ANY PROVISION OF LAW, AN OFFENDER  
20 WHO SUCCESSFULLY COMPLETES THE SPECIALIZED PROGRAM IS ELIGIBLE  
21 TO APPLY FOR EARLY PAROLE PURSUANT TO THE PROVISIONS OF SECTION  
22 17-22.5-403 (4.5) OR 17-22.5-403.7.

23 (7) IF AN OFFENDER HAS SERVED AT LEAST TWENTY-FIVE  
24 CALENDAR YEARS OF HIS OR HER SENTENCE AND SUCCESSFULLY  
25 COMPLETED THE SPECIALIZED PROGRAM, IT IS PRESUMED THAT:

26 (a) THE OFFENDER HAS MET THE FACTUAL BURDEN OF PRESENTING  
27 EXTRAORDINARY MITIGATING CIRCUMSTANCES; AND

1           (b) THE OFFENDER'S RELEASE TO EARLY PAROLE IS COMPATIBLE  
2 WITH THE SAFETY AND WELFARE OF SOCIETY

3           (8) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, AN  
4 OFFENDER WHO SUCCESSFULLY COMPLETES THE SPECIALIZED PROGRAM  
5 REMAINS ELIGIBLE, LIKE ANY OTHER SENTENCED OFFENDER, TO APPLY FOR  
6 CLEMENCY BY THE GOVERNOR PURSUANT TO SECTION 7 OF ARTICLE IV OF  
7 THE STATE CONSTITUTION.

8           (9) ON AND AFTER JANUARY 1, 2018, DURING ITS ANNUAL  
9 PRESENTATION BEFORE THE JOINT JUDICIARY COMMITTEE OF THE GENERAL  
10 ASSEMBLY, OR ANY SUCCESSOR JOINT COMMITTEE, PURSUANT TO SECTION  
11 2-7-203, C.R.S., THE DEPARTMENT SHALL INCLUDE A STATUS REPORT  
12 REGARDING THE PROGRESS AND OUTCOMES OF THE SPECIALIZED PROGRAM  
13 DEVELOPED AND IMPLEMENTED BY THE DEPARTMENT PURSUANT TO THIS  
14 SECTION DURING THE PRECEDING YEAR. THE REPORT, AT A MINIMUM,  
15 SHALL INCLUDE:

16           (a) A DESCRIPTION OF THE SPECIALIZED PROGRAM, INCLUDING THE  
17 EVIDENCE-BASED AND PROMISING PRACTICES THAT ARE INCLUDED IN THE  
18 SPECIALIZED PROGRAM;

19           (b) THE POLICIES AND PROCEDURES DEVELOPED BY THE  
20 DEPARTMENT TO DETERMINE WHICH ELIGIBLE OFFENDERS MAY BE PLACED  
21 IN THE SPECIALIZED PROGRAM;

22           (c) THE POLICIES AND PROCEDURES DEVELOPED BY THE  
23 DEPARTMENT TO ADDRESS THE CONDUCT OF PARTICIPANTS IN THE  
24 SPECIALIZED PROGRAM;

25           (d) THE LOCATION OF THE PROGRAM AND THE NUMBER OF BEDS  
26 AVAILABLE FOR SPECIALIZED PROGRAM PARTICIPANTS;

27           (e) THE NUMBER OF OFFENDERS SELECTED TO PARTICIPATE IN THE



1 SPECIALIZED PROGRAM; THE NUMBER OF OFFENDERS WHO WERE DENIED  
2 PLACEMENT IN THE SPECIALIZED PROGRAM, INCLUDING THE REASONS FOR  
3 SUCH DENIALS; AND THE NUMBER OF OFFENDERS WHO WERE REMOVED  
4 FROM THE SPECIALIZED PROGRAM AND THE REASONS FOR THEIR REMOVAL;

5 (f) A SUMMARY CONCERNING THE STAFFING OF THE SPECIALIZED  
6 PROGRAM;

7 (g) INFORMATION CONCERNING THE BEHAVIOR PATTERNS OF THE  
8 OFFENDERS IN THE SPECIALIZED PROGRAM;

9 (h) THE NUMBER OF OFFENDERS WHO SUCCESSFULLY COMPLETED  
10 THE SPECIALIZED PROGRAM;

11 (i) THE NUMBER OF SPECIALIZED PROGRAM PARTICIPANTS WHO  
12 HAVE BEEN REFERRED TO THE PAROLE BOARD FOR EARLY PAROLE; AND

13 (j) THE NUMBER OF SPECIALIZED PROGRAM PARTICIPANTS WHO  
14 WERE GRANTED EARLY PAROLE BY THE GOVERNOR.

15 **SECTION 3.** In Colorado Revised Statutes, 17-22.5-403, **add**  
16 (4.5) as follows:

17 **17-22.5-403. Parole eligibility.** (4.5) (a) AFTER CONSIDERING  
18 THE PRESUMPTIONS SET FORTH IN SECTION 17-34-102 (7), THE GOVERNOR  
19 MAY GRANT EARLY PAROLE TO AN OFFENDER TO WHOM SUBSECTION (1) OR  
20 (2.5) OF THIS SECTION APPLIES WHEN THE OFFENDER SUCCESSFULLY  
21 COMPLETES THE SPECIALIZED PROGRAM DESCRIBED IN SECTION 17-34-102  
22 AFTER BEING SENTENCED TO THE DEPARTMENT FOR A FELONY OFFENSE AS  
23 A RESULT OF THE FILING OF CRIMINAL CHARGES BY AN INFORMATION OR  
24 INDICTMENT PURSUANT TO SECTION 19-2-517, C.R.S., OR THE TRANSFER  
25 OF PROCEEDINGS TO THE DISTRICT COURT PURSUANT TO SECTION  
26 19-2-518, C.R.S., IF, IN THE GOVERNOR'S OPINION, EXTRAORDINARY  
27 MITIGATING CIRCUMSTANCES EXIST AND THE OFFENDER'S RELEASE FROM

1 INSTITUTIONAL CUSTODY IS COMPATIBLE WITH THE SAFETY AND WELFARE  
2 OF SOCIETY.

3 (b) WHEN AN OFFENDER APPLIES FOR EARLY PAROLE PURSUANT TO  
4 PARAGRAPH (a) OF THIS SUBSECTION (4.5) AFTER HAVING SUCCESSFULLY  
5 COMPLETED THE SPECIALIZED PROGRAM DESCRIBED IN SECTION 17-34-102,  
6 THE OFFENDER SHALL MAKE HIS OR HER APPLICATION TO THE GOVERNOR'S  
7 OFFICE WITH NOTICE AND A COPY OF THE APPLICATION SENT TO THE STATE  
8 BOARD OF PAROLE CREATED IN SECTION 17-2-201. THE STATE BOARD OF  
9 PAROLE SHALL REVIEW THE OFFENDER'S APPLICATION AND ALL  
10 SUPPORTING DOCUMENTS AND SCHEDULE A HEARING IF APPROPRIATE. NOT  
11 LATER THAN NINETY DAYS AFTER RECEIPT OF A COPY OF AN OFFENDER'S  
12 APPLICATION FOR EARLY PAROLE, THE STATE BOARD OF PAROLE, AFTER  
13 CONSIDERING THE PRESUMPTIONS SET FORTH IN SECTION 17-34-102 (7),  
14 SHALL MAKE A RECOMMENDATION TO THE GOVERNOR CONCERNING  
15 WHETHER EARLY PAROLE SHOULD BE GRANTED TO THE OFFENDER.

16 (c) THE DEPARTMENT, IN CONSULTATION WITH THE STATE BOARD  
17 OF PAROLE, SHALL DEVELOP ANY NECESSARY POLICIES AND PROCEDURES  
18 TO IMPLEMENT THIS SUBSECTION (4.5), INCLUDING PROCEDURES FOR  
19 PROVIDING NOTICE TO ANY VICTIM, AS REQUIRED BY SECTION 24-4.1-302.5  
20 (1) (1.5), C.R.S., AND TO THE DISTRICT ATTORNEY'S OFFICE THAT  
21 PROSECUTED THE CRIME FOR WHICH THE OFFENDER WAS SENTENCED.

22 **SECTION 4.** In Colorado Revised Statutes, 17-22.5-403.7,  
23 **amend (2); and add (6) as follows:**

24 **17-22.5-403.7. Parole eligibility - class 1 felony - juvenile**  
25 **offender convicted as adult.** (2) AFTER CONSIDERING THE  
26 PRESUMPTIONS SET FORTH IN SECTION 17-34-102 (7), the governor may  
27 grant parole to an inmate prior to the inmate's parole eligibility date if, in

1 the governor's opinion, extraordinary mitigating circumstances exist and  
2 the inmate's release from institutional custody is compatible with the  
3 safety and welfare of society.

4 (6) (a) WHEN AN OFFENDER APPLIES FOR EARLY PAROLE PURSUANT  
5 TO THIS SECTION AFTER HAVING SUCCESSFULLY COMPLETED THE  
6 SPECIALIZED PROGRAM DESCRIBED IN SECTION 17-34-102, THE OFFENDER  
7 SHALL MAKE HIS OR HER APPLICATION TO THE GOVERNOR'S OFFICE WITH  
8 NOTICE AND A COPY OF THE APPLICATION SENT TO THE STATE BOARD OF  
9 PAROLE CREATED IN SECTION 17-2-201. THE STATE BOARD OF PAROLE  
10 SHALL REVIEW THE OFFENDER'S APPLICATION AND ALL SUPPORTING  
11 DOCUMENTS AND SCHEDULE A HEARING IF APPROPRIATE. NOT LATER THAN  
12 NINETY DAYS AFTER RECEIPT OF A COPY OF AN OFFENDER'S APPLICATION  
13 FOR EARLY PAROLE, THE STATE BOARD OF PAROLE, AFTER CONSIDERING  
14 THE PRESUMPTIONS SET FORTH IN SECTION 17-34-102 (7), SHALL MAKE A  
15 RECOMMENDATION TO THE GOVERNOR CONCERNING WHETHER EARLY  
16 PAROLE SHOULD BE GRANTED TO THE OFFENDER.

17 (b) THE DEPARTMENT, IN CONSULTATION WITH THE STATE BOARD  
18 OF PAROLE, SHALL DEVELOP ANY NECESSARY POLICIES AND PROCEDURES  
19 TO IMPLEMENT THIS SUBSECTION (6), INCLUDING PROCEDURES FOR  
20 PROVIDING NOTICE TO ANY VICTIM, AS REQUIRED BY SECTION 24-4.1-302.5  
21 (1) (1.5), C.R.S., AND TO THE DISTRICT ATTORNEY'S OFFICE THAT  
22 PROSECUTED THE CRIME FOR WHICH THE OFFENDER WAS SENTENCED.

23 **SECTION 5. Act subject to petition - effective date.** This act  
24 takes effect at 12:01 a.m. on the day following the expiration of the  
25 ninety-day period after final adjournment of the general assembly (August  
26 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act  
2 within such period, then the act, item, section, or part will not take effect  
3 unless approved by the people at the general election to be held in  
4 November 2016 and, in such case, will take effect on the date of the  
5 official declaration of the vote thereon by the governor.