

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 20-0257.01 Jane Ritter x4342

HOUSE BILL 20-1079

HOUSE SPONSORSHIP

Benavidez and Singer,

SENATE SPONSORSHIP

Rodriguez,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

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

Bill Summary

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

**The Legislative Oversight Committee Concerning the
Treatment of Persons with Mental Health Disorders in the Criminal**

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.

and Juvenile Justice Systems. The bill implements various recommendations of the legislative oversight committee concerning the treatment of persons with mental health disorders in the criminal and juvenile justice systems regarding juveniles who have committed sex offenses, including:

- ! Specifying that if a juvenile who is moving to Colorado would be otherwise required to register on Colorado's sex offender registry (registry) but the juvenile's duty to register in another state has been terminated by a court order, then the juvenile is not required to register or petition the court for removal from the registry;
- ! Expanding judicial discretion at the time of sentencing to exempt from registration or require juveniles to register for all first offense registerable juvenile sex crimes if a sex offender management board evaluator recommends exemption and the juvenile is otherwise statutorily eligible;
- ! Adding language to adult and juvenile provisions that currently reference only crimes defined as "unlawful sexual behavior" to also include convictions and adjudications for nonsexual crimes where there has been, pursuant to statute, a judicial finding of an underlying factual basis involving unlawful sexual behavior;
- ! Creating a process for the court to reconsider its ruling on whether to require registration if new information is discovered after the court made its initial ruling;
- ! Adding a requirement for the court to issue a ruling or set a mandatory hearing no later than 14 days before the end of each juvenile's sentence concerning a juvenile's ongoing duty to register;
- ! Changing the current law that allows the Colorado Bureau of Investigation (CBI) to inform the requesting party if a person is on the registry so that the CBI may release information about a juvenile only under certain restrictions;
- ! Requiring the CBI to collect data on the number of times information is requested and released concerning juveniles on the registry;
- ! Creating a new unclassified misdemeanor for members of the public who submit a false statement to the CBI for purposes of obtaining juvenile registry information or who use such information in a prohibited manner;
- ! Updating current law regarding the posting of information on the registry to the internet to specifically exclude juveniles;
- ! Clarifying that a local law enforcement agency may not release or post on its website information regarding

- juveniles on the registry;
- ! Changing current law that requires lifetime registration for an adult who has more than one adjudication as a juvenile so that juvenile adjudications alone may not trigger mandatory lifetime registration; and
- ! Updating language in the Colorado crime victim rights act to clarify victim rights when a petition or motion is made to terminate sex offender registration.

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

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

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

6 (1) ~~"Birthday" means a person's birthday as reflected on the notice~~
7 ~~provided to the person pursuant to section 16-22-106 or 16-22-107 or the~~
8 ~~person's actual date of birth if the notice does not reflect the person's~~
9 ~~birthday~~ "ADJUDICATED" OR "ADJUDICATION" MEANS A DETERMINATION
10 BY THE COURT THAT IT HAS BEEN PROVEN BEYOND A REASONABLE DOUBT
11 TO THE TRIER OF FACT THAT A JUVENILE HAS COMMITTED A DELINQUENT
12 ACT OR THAT A JUVENILE HAS PLED GUILTY TO COMMITTING A
13 DELINQUENT ACT. IN ADDITION, WHEN A PREVIOUS CONVICTION MUST BE
14 PLED AND PROVEN AS AN ELEMENT OF AN OFFENSE OR FOR PURPOSES OF
15 SENTENCE ENHANCEMENT, "ADJUDICATION" MEANS CONVICTION.

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

20 (4.2) "JUVENILE" MEANS A PERSON WHO IS UNDER EIGHTEEN
21 YEARS OF AGE AT THE TIME OF THE OFFENSE AND WHO HAS NOT BEEN

1 CRIMINALLY CONVICTED IN THE DISTRICT COURT OF UNLAWFUL SEXUAL
2 BEHAVIOR PURSUANT TO SECTION 19-2-517 OR 19-2-518.

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

5 **16-22-103. Sex offender registration - required - applicability**
6 **- exception.** (3) (a) In addition to the persons specified in subsections (1)
7 and (2) of this section, AND EXCEPT AS PROVIDED FOR IN SUBSECTION
8 (3)(b) OF THIS SECTION, any person convicted of an offense in any other
9 state or jurisdiction, including but not limited to a military or federal
10 jurisdiction, for which the person, as a result of the conviction, is required
11 to register if he or she resided in the state or jurisdiction of conviction, or
12 for which ~~such~~ THE person would be required to register if convicted in
13 Colorado, ~~shall be~~ IS required to register in the manner specified in
14 section 16-22-108, so long as ~~such~~ THE person is a temporary or
15 permanent resident of Colorado. ~~Such~~ THE person may petition the court
16 for an order that discontinues the requirement for registration in this state
17 at the times specified in section 16-22-113 for offense classifications that
18 are comparable to the classification of the offense for which the person
19 was convicted in the other state or jurisdiction. ~~Such~~ THE person may
20 petition the court for an order that discontinues the requirement for
21 registration in this state for offense classifications that ~~such~~ THE person
22 would not be required to register for if convicted in Colorado.

23 (b) IF A JUVENILE IS REQUIRED TO REGISTER ONLY PURSUANT TO
24 SUBSECTION (3)(a) OF THIS SECTION, AND THE JUVENILE'S DUTY TO
25 REGISTER IN ANOTHER STATE OR JURISDICTION HAS BEEN TERMINATED BY
26 A COURT ORDER, OR IF A TRIAL COURT HAS DETERMINED THAT THE
27 JUVENILE IS NOT REQUIRED TO REGISTER IN THAT STATE OR JURISDICTION,

1 THEN THE JUVENILE IS NOT REQUIRED TO FULFILL THE REQUIREMENTS FOR
2 REGISTRATION IN COLORADO, AS SET FORTH IN SECTION 16-22-108, AND
3 IS THEREFORE NOT REQUIRED TO PETITION THE COURT FOR REMOVAL FROM
4 THE COLORADO SEX OFFENDER REGISTRY PURSUANT TO SECTION
5 16-22-113.

6 (4) The provisions of this article 22 apply to any person who
7 receives a disposition or is adjudicated a juvenile delinquent based on the
8 commission of any act that may constitute unlawful sexual behavior or
9 who receives a deferred adjudication based on commission of any act that
10 may constitute unlawful sexual behavior; except that, with respect to
11 section 16-22-113 (1)(a) to (1)(e), a person WHO IS ADJUDICATED OR
12 RECEIVES A DISPOSITION AS A JUVENILE may petition the court for an order
13 to discontinue the duty to register as provided in those ~~paragraphs~~
14 ~~SUBSECTIONS~~, but only if the person has not subsequently ~~received a~~
15 ~~disposition for, been adjudicated a juvenile delinquent for, or been~~
16 ~~otherwise~~ BEEN convicted AS AN ADULT of any offense involving
17 unlawful sexual behavior OR CONVICTED AS AN ADULT OF ANOTHER
18 OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INVOLVES
19 UNLAWFUL SEXUAL BEHAVIOR. In addition, the duty to provide notice to
20 a person of the duty to register, as set forth in sections 16-22-105 to
21 16-22-107, applies to juvenile parole and probation officers and
22 appropriate personnel of the division of youth services in the department
23 of human services.

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

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

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

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

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

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

27 (IV.5) THE COURT HAS CONSIDERED A WRITTEN OR ORAL

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

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

8 [REDACTED]
9 **SECTION 3.** In Colorado Revised Statutes, 16-22-103, **amend**
10 (1) introductory portion and (1)(a) as follows:

11 **16-22-103. Sex offender registration - required - applicability**
12 **- exception.** (1) Effective July 1, 1998, the following persons ~~shall be~~
13 ARE required to register pursuant to the provisions of section 16-22-108
14 and ~~shall be~~ ARE subject to the requirements and other provisions
15 specified in this ~~article~~ ARTICLE 22:

16 (a) Any person who was convicted on or after July 1, 1991, in the
17 state of Colorado, of an unlawful sexual offense, as defined in section
18 18-3-411 (1), ~~C.R.S.~~, enticement of a child, as described in section
19 18-3-305, ~~C.R.S.~~, or internet luring of a child, as described in ~~section~~
20 ~~18-3-306, C.R.S.~~ SECTION 18-3-306 (3);

21 **SECTION 4.** In Colorado Revised Statutes, 16-22-108, **amend**
22 (1)(d)(I.5)(A) and (1)(d)(I.5)(B) as follows:

23 **16-22-108. Registration - procedure - frequency - place -**
24 **change of address - fee.** (1) (d) (I.5) (A) A person convicted AS AN
25 ADULT of an offense in another state or jurisdiction, including but not
26 limited to a military or federal jurisdiction, who, as a result of the
27 conviction, is required to register quarterly as a sex offender in the state

1 or jurisdiction of conviction is required to register as provided in
2 ~~subparagraph (f) of this paragraph (d)~~ SUBSECTION (1)(d)(I) OF THIS
3 SECTION, so long as the person is a temporary or permanent resident of
4 Colorado.

5 (B) A person convicted AS AN ADULT of an offense in another
6 state or jurisdiction, including but not limited to a military or federal
7 jurisdiction, which conviction would require the person to register as
8 provided in ~~subparagraph (f) of this paragraph (d)~~ SUBSECTION (1)(d)(I)
9 OF THIS SECTION if the conviction occurred in Colorado, is required to
10 register as provided in ~~said subparagraph (f)~~ SUBSECTION (1)(d)(I) OF THIS
11 SECTION, so long as the person is a temporary or permanent resident of
12 Colorado.

13 **SECTION 5.** In Colorado Revised Statutes, 16-22-109, **amend**
14 (4) as follows:

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

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

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

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

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

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

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

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

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

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

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

20 (I) PLACED IN PUBLICATION OR POSTED TO A WEBSITE;

21 (II) USED FOR THE PURPOSE OF OBTAINING A PECUNIARY GAIN OR
22 FINANCIAL BENEFIT FOR ANY PERSON OR ENTITY; OR

23 (III) USED OR DISSEMINATED IN ANY MANNER WITH THE INTENT TO
24 HARASS, INTIMIDATE, COERCE, OR CAUSE SERIOUS EMOTIONAL DISTRESS
25 TO ANY PERSON, INCLUDING THE NAMED PERSON.

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

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

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

15 
16 (j) NOTHING IN THIS SUBSECTION (6) LIMITS THE VICTIM'S ACCESS
17 TO INFORMATION PURSUANT TO SECTION 24-4.1-302.5.

18 (10) ON OR BEFORE JULY 1, 2021, AND EVERY JULY 1 THEREAFTER,
19 THE CBI SHALL PREPARE A REPORT THAT DETAILS THE NUMBER OF
20 REQUESTS FOR SEX OFFENDER REGISTRATION INFORMATION FOR JUVENILES
21 RECEIVED ANNUALLY PURSUANT TO SUBSECTION (6) OF THIS SECTION AS
22 WELL AS THE NUMBER OF TIMES SUCH INFORMATION WAS RELEASED. THE
23 CBI SHALL INCLUDE THE REPORT AS A PART OF ITS PRESENTATION TO ITS
24 COMMITTEE OF REFERENCE AT A HEARING HELD PURSUANT TO SECTION
25 2-7-203 OF THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE,
26 AND TRANSPARENT (SMART) GOVERNMENT ACT".

27 **SECTION 7.** In Colorado Revised Statutes, 16-22-111, **amend**

1 (1) introductory portion as follows:

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

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

14 **SECTION 8.** In Colorado Revised Statutes, 16-22-112, **amend**
15 (2)(a), (2)(b)(I), and (3)(b); and **repeal** (2)(b)(III) and (2)(b)(IV) as
16 follows:

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

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

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

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

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

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

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

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

25 **SECTION 9.** In Colorado Revised Statutes, 16-22-113, **amend**
26 (1)(e), (1.3)(b)(I), (3) introductory portion, and (3)(c) as follows:

27 **16-22-113. Petition for removal from registry - mandatory**

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

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

1 and the prosecuting attorney for the jurisdiction in which the person was
2 tried and on the recommendations included in the person's presentence
3 investigation report. In addition, the court shall consider any written or
4 oral testimony submitted by the victim of the offense for which the
5 petitioner was required to register. Notwithstanding the provisions of this
6 subsection (1), a juvenile who files a petition pursuant to this section may
7 file the petition with the court to which venue is transferred pursuant to
8 section 19-2-105, ~~C.R.S.~~, if any.

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

1 DETERMINATION THAT THE JUVENILE IS ELIGIBLE TO DISCONTINUE
2 REGISTRATION PURSUANT TO SUBSECTION (1)(e) OF THIS SECTION AND A
3 REVIEW OF THE RELEVANT CRITERIA THAT DISCONTINUES THE JUVENILE'S
4 DUTY TO REGISTER, OR SET THE MATTER FOR A HEARING TO DETERMINE IF
5 THE JUVENILE'S DUTY TO REGISTER CONTINUES. AT ANY HEARING, THE
6 COURT SHALL DETERMINE WHETHER THE JUVENILE IS ELIGIBLE TO
7 DISCONTINUE REGISTRATION PURSUANT TO SUBSECTION (1)(e) OF THIS
8 SECTION AND, IF ELIGIBLE, consider the criteria in ~~paragraph (e) of~~
9 ~~subsection (1)~~ SUBSECTION (1)(e) of this section in determining whether
10 to continue or discontinue the duty to register. If the court enters an order
11 discontinuing the juvenile's duty to register, the ~~department of human~~
12 ~~services~~ COURT shall send a copy of the order to each local law
13 enforcement agency with which the juvenile is registered, the juvenile
14 parole board, and to the CBI. If the victim of the offense has requested
15 notice, the court shall notify the victim of its decision either to continue
16 or discontinue the juvenile's duty to register.

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

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

1 ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH IS
2 UNLAWFUL SEXUAL BEHAVIOR PURSUANT TO SECTION 16-22-103 (2), IN
3 THIS STATE OR ANY OTHER JURISDICTION.

4 **SECTION 10.** In Colorado Revised Statutes, **add** 18-9-310.5 as
5 follows:

6 **18-9-310.5. False statement to CBI for sex offender registry**
7 **information.** A PERSON WHO VIOLATES THE PROVISIONS OF SECTION
8 16-22-110 (6) OR WHO SUBMITS A FALSE STATEMENT TO THE COLORADO
9 BUREAU OF INVESTIGATION TO OBTAIN INFORMATION FROM THE SEX
10 OFFENDER REGISTRY PURSUANT TO THE PROVISIONS OF SECTION 16-22-110
11 (6)(g) OR (6)(h), COMMITS AN UNCLASSIFIED MISDEMEANOR AND SHALL
12 BE PUNISHED BY A FINE OF UP TO ONE THOUSAND DOLLARS FOR EACH
13 VIOLATION.

14 **SECTION 11.** In Colorado Revised Statutes, 24-4.1-302, **amend**
15 (2)(r) as follows:

16 **24-4.1-302. Definitions.** As used in this part 3, and for no other
17 purpose, including the expansion of the rights of any defendant:

18 (2) "Critical stages" means the following stages of the criminal
19 justice process:

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

23 **SECTION 12.** In Colorado Revised Statutes, 24-4.1-302.5,
24 **amend** (1)(b.7) as follows:

25 **24-4.1-302.5. Rights afforded to victims - definitions.** (1) In
26 order to preserve and protect a victim's rights to justice and due process,
27 each victim of a crime has the following rights:

1 (b.7) For a victim of a sex offense, the right to be informed of the
2 filing of a ~~petition by the perpetrator of the offense~~ ANY PETITION OR
3 MOTION FILED to terminate sex offender registration pursuant to ~~section~~
4 ~~16-22-113 (2) and (2.5)~~ SECTION 16-22-103 (5), 16-22-103 (8), 16-22-113
5 (2), OR 16-22-113 (2.5);

6 **SECTION 13.** In Colorado Revised Statutes, 24-4.1-303, **amend**
7 (14.7)(b) as follows:

8 **24-4.1-303. Procedures for ensuring rights of victims of**
9 **crimes.** (14.7) (b) The court shall notify the victim of petitions OR
10 MOTIONS filed by ~~sex offenders~~ to cease sex offender registration
11 pursuant to ~~section 16-22-113 (2) and (2.5)~~ SECTION 16-22-103 (5),
12 16-22-103 (8), 16-22-113 (2), OR 16-22-113 (2.5).

13 **SECTION 14. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part will not take effect
20 unless approved by the people at the general election to be held in
21 November 2020 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.