

First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 21-1009.01 Michael Dohr x4347

HOUSE BILL 21-1320

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HOUSE SPONSORSHIP

Tipper and Benavidez,

SENATE SPONSORSHIP

(None),

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE SEX OFFENDER  
102 MANAGEMENT BOARD, AND, IN CONNECTION THEREWITH,  
103 IMPLEMENTING THE RECOMMENDATIONS OF THE 2019 SUNSET  
104 REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.

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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://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

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.

management board (board). The bill continues the functions of the board until 2027.

**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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-11.7-103, **amend**  
3 (6)(a) as follows:

4 **16-11.7-103. Sex offender management board - creation -**  
5 **duties - repeal. (6) Repeal.** (a) This section is repealed, effective  
6 September 1, ~~2021~~ 2027. BEFORE THE REPEAL, THIS SECTION IS  
7 SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

8 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **add**  
9 (28)(a)(V) as follows:

10 **24-34-104. General assembly review of regulatory agencies**  
11 **and functions for repeal, continuation, or reestablishment - legislative**  
12 **declaration - repeal.** (28) (a) The following agencies, functions, or both,  
13 are scheduled for repeal on September 1, 2027:

14 (V) THE SEX OFFENDER MANAGEMENT BOARD CREATED IN

1 SECTION 16-11.7-103;

2 **SECTION 3.** In Colorado Revised Statutes, 16-11.7-102, **add**  
3 (3.5) as follows:

4 **16-11.7-102. Definitions.** As used in this article 11.7, unless the  
5 context otherwise requires:

6 (3.5) "SUPERVISING OFFICER" MEANS ONE OF THE FOLLOWING  
7 INDIVIDUALS WHO IS THE PRIMARY SUPERVISOR OF AND WHO MAINTAINS  
8 THE COMPLETE CASE RECORD FOR A SEX OFFENDER OR A JUVENILE WHO  
9 HAS COMMITTED A SEXUAL OFFENSE:

10 (a) PROBATION OFFICER;

11 (b) PAROLE OFFICER;

12 (c) COMMUNITY CORRECTIONS CASE MANAGER; OR

13 (d) EMPLOYEE OF A STATE OR COUNTY DEPARTMENT OF HUMAN  
14 SERVICES OR SOCIAL SERVICES WHO WORKS WITH AN ADULT SEX  
15 OFFENDER OR A JUVENILE WHO HAS COMMITTED A SEX OFFENSE.

16 **SECTION 4.** In Colorado Revised Statutes, 16-11.7-106, **amend**  
17 (1), (4), and (7) as follows:

18 **16-11.7-106. Sex offender supervision, evaluation, treatment,**  
19 **and polygraph services - contracts with providers - placement on**  
20 **provider list - grievances - fund created.** (1) The department of  
21 corrections, the judicial department, the division of criminal justice in the  
22 department of public safety, or the department of human services shall not  
23 employ or contract with, and shall not allow an adult sex offender or a  
24 juvenile who has committed a sexual offense to employ, ~~or~~ contract with,  
25 OR BE SUPERVISED BY A SUPERVISING OFFICER OR an individual or entity  
26 to provide sex-offender-specific SUPERVISION, evaluation, treatment, or  
27 polygraph services pursuant to this ~~article~~ ARTICLE 11.7 unless:

1 (a) The sex-offender-specific SUPERVISION, evaluation, treatment,  
2 or polygraph services to be provided by the individual or entity conform  
3 with the guidelines and standards developed pursuant to section  
4 16-11.7-103; and

5 (b) EXCEPT FOR SUPERVISING OFFICERS, the name of the individual  
6 providing services is on the list created pursuant to ~~paragraph (b) of~~  
7 ~~subsection (2)~~ SUBSECTION (2)(b) of this section of persons who may  
8 provide sex-offender-specific services.

9 (4) The board, IN CONJUNCTION WITH THE SUPERVISING AGENCY,  
10 may determine the requirements FOR A SUPERVISING OFFICER TO WORK  
11 WITH A SEX OFFENDER OR JUVENILE WHO HAS COMMITTED A SEXUAL  
12 OFFENSE AND for an evaluator's, treatment provider's, or polygraph  
13 examiner's name to be placed on the approved provider list after ~~his or her~~  
14 THAT PERSON'S name has been removed from the list for any reason.

15 (7) (a) The board shall notify the department of regulatory  
16 agencies OR THE AGENCY FOR WHOM THE SUPERVISING OFFICER WORKS of  
17 the receipt of any complaints or grievances against an individual who  
18 provides sex-offender-specific SUPERVISION, treatment, or evaluation  
19 services pursuant to this article 11.7 and advise the department of any  
20 disciplinary action taken pursuant to subsection (7)(b) of this section. The  
21 department of regulatory agencies or the appropriate board, pursuant to  
22 article 245 of title 12 and referred to in this subsection (7) as the "DORA  
23 board", OR THE EMPLOYER OF A SUPERVISING OFFICER shall notify the  
24 board of the receipt of any complaint or grievance against a provider who  
25 provides sex-offender-specific SUPERVISION, treatment, or evaluation  
26 services pursuant to this article 11.7, if the complaint or grievance was  
27 not referred by the board, and advise the board of any disciplinary action

1 taken against the individual. ~~pursuant to any professional licensing act.~~

2 (b) The board shall review and investigate all complaints and  
3 grievances concerning compliance with its standards against individuals  
4 who provide sex-offender-specific SUPERVISION, treatment, evaluation,  
5 or polygraph services pursuant to this ~~article~~ ARTICLE 11.7.  
6 Notwithstanding any action taken by the department of regulatory  
7 agencies, ~~or~~ the DORA board, OR THE EMPLOYER OF A SUPERVISING  
8 OFFICER, the board may take appropriate disciplinary action, as permitted  
9 by law, against an individual who provides sex-offender-specific  
10 SUPERVISION, treatment, evaluation, or polygraph services pursuant to this  
11 ~~article~~ ARTICLE 11.7. THE BOARD SHALL WORK IN CONJUNCTION WITH THE  
12 SUPERVISING AGENCY REGARDING ANY COMPLAINT AGAINST A  
13 SUPERVISING OFFICER. The disciplinary action may include, but need not  
14 be limited to, the removal of the individual's name from the list of persons  
15 who may provide sex offender evaluation, treatment, or polygraph  
16 services pursuant to this ~~article~~ ARTICLE 11.7 OR REMOVING A  
17 SUPERVISING OFFICER'S ABILITY TO SUPERVISE A SEX-OFFENDER-SPECIFIC  
18 CASELOAD.

19 (c) (I) Nothing in this subsection (7) limits the rights or  
20 responsibilities of the department of regulatory agencies, ~~or~~ the DORA  
21 board, OR THE EMPLOYER OF A SUPERVISING OFFICER with respect to the  
22 investigation and resolution of complaints. ~~pursuant to article 245 of title~~  
23 ~~12.~~

24 (II) Nothing in this subsection (7) limits the rights or  
25 responsibilities of the board with respect to the addition or removal of an  
26 individual's name from the list of persons who may provide sex offender  
27 evaluation, treatment, or polygraph services pursuant to this ~~article~~

1 ARTICLE 11.7 OR FROM REMOVING A SUPERVISING OFFICER'S ABILITY TO  
2 SUPERVISE A SEX-OFFENDER-SPECIFIC CASELOAD.

3 **SECTION 5.** In Colorado Revised Statutes, 16-11.7-105, **amend**  
4 (2) as follows:

5 **16-11.7-105. Sentencing of sex offenders - treatment based**  
6 **upon evaluation and identification required.** (2) For offenders who  
7 begin community supervision on or after ~~August 10, 2016~~ THE EFFECTIVE  
8 DATE OF THIS SUBSECTION (2), AS AMENDED, the supervising agency of  
9 each adult sex offender and juvenile who has committed a sexual offense  
10 shall provide the offender with a ~~choice of two appropriate treatment~~  
11 ~~provider agencies staffed by approved providers unless the supervising~~  
12 ~~agency documents in the file that, based upon the nature of the program~~  
13 ~~offered, the needs of the offender, or the proximity of the appropriate~~  
14 ~~treatment provider agency, fewer than two such agencies can meet the~~  
15 ~~specific needs of the offender, ensure the safety of the public, and provide~~  
16 ~~the supervising agency with reasonable access to the treatment provider~~  
17 ~~agency and the offender during the course of treatment~~ LIST OF ALL  
18 TREATMENT PROVIDERS WITH THE EXPERTISE TO WORK WITH THE SPECIFIC  
19 RISKS AND NEEDS OF THE OFFENDER ON THE LIST DEVELOPED PURSUANT  
20 TO SECTION 16-11.7-106. Once selected, the treatment provider ~~agency~~  
21 may not be changed by the offender without the approval of the  
22 community supervision team, the multidisciplinary team, or the court.

23 **SECTION 6.** In Colorado Revised Statutes, 16-11.7-103, **amend**  
24 (4)(d) as follows:

25 **16-11.7-103. Sex offender management board - creation -**  
26 **duties - repeal.** (4) **Duties of the board.** The board shall carry out the  
27 following duties:

1           (d) **Risk assessment screening instrument.** The board shall  
2 consult on, approve, and revise, as necessary, the risk assessment  
3 screening instrument developed by the division of criminal justice to  
4 assist the sentencing court in determining the likelihood that an adult sex  
5 offender will commit ~~one or more of the offenses specified in section~~  
6 ~~18-3-414.5 (1)(a)(II), C.R.S., under the circumstances described in~~  
7 ~~section 18-3-414.5 (1)(a)(III), C.R.S. In carrying out this duty, the board~~  
8 ~~shall consider research on adult sex offender risk assessment and shall~~  
9 ~~consider as one element the risk posed by an adult sex offender who~~  
10 ~~suffers from psychopathy or a personality disorder that makes the person~~  
11 ~~more likely to engage in sexually violent predatory offenses. If a~~  
12 ~~defendant is found to be a sexually violent predator, the defendant shall~~  
13 ~~be required to register pursuant to article 22 of this title and shall be~~  
14 ~~subject to community notification pursuant to part 9 of article 13 of this~~  
15 ~~title~~ A NEW SEX CRIME.

16           **SECTION 7.** In Colorado Revised Statutes, 16-11.7-106, **amend**  
17 (2)(a) introductory portion and (2)(a)(I) as follows:

18           **16-11.7-106. Sex offender evaluation, treatment, and**  
19 **polygraph services - contracts with providers - placement on**  
20 **provider list - grievances - fund created.** (2) (a) The board shall  
21 develop an application and review process for treatment providers,  
22 evaluators, and polygraph examiners who provide services pursuant to  
23 this ~~article~~ ARTICLE 11.7 to adult sex offenders and to juveniles who have  
24 committed sexual offenses. The application and review process ~~shall~~  
25 ~~allow~~ **ALLOWS** providers to demonstrate that they are in compliance with  
26 the standards adopted pursuant to this ~~article~~ ARTICLE 11.7. The  
27 application and review process ~~shall consist~~ **CONSISTS** of the following

1 three parts:

2 (I) (A) The board shall develop separate application and review  
3 processes for standards that apply to the criminal justice component, such  
4 as criminal history record checks, for evaluators, individual treatment  
5 providers, and polygraph examiners. Applications for the criminal justice  
6 components, including fingerprints, ~~shall~~ MUST be submitted to the board.  
7 The board shall forward the fingerprints to the Colorado bureau of  
8 investigation for use in conducting a state criminal history record check  
9 and for transmittal to the federal bureau of investigation for a national  
10 criminal history record check . The board may use information obtained  
11 from the state and national criminal history record checks to determine an  
12 applicant's eligibility for placement on the approved provider list. The  
13 board ~~shall be~~ IS responsible for the implementation of ~~the provisions of~~  
14 ~~this subparagraph (I)~~ THIS SUBSECTION (2)(a)(I).

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

18 **SECTION 8. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, or safety.