

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0326.01 Michael Dohr x4347

HOUSE BILL 22-1210

HOUSE SPONSORSHIP

Benavidez,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE DOMESTIC VIOLENCE
102 OFFENDER MANAGEMENT BOARD, AND, IN CONNECTION
103 THEREWITH, IMPLEMENTING THE RECOMMENDATIONS
104 CONTAINED IN THE 2021 SUNSET REPORT BY THE DEPARTMENT
105 OF REGULATORY AGENCIES.

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. The bill implements the recommendation of the department of regulatory agencies'

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.

sunset review and report concerning the domestic violence offender management board (board). The bill extends the board until September 1, 2033. The bill requires the board to conduct annual compliance reviews on at least 5% of the treatment providers who provide services to domestic violence offenders. The bill conforms the fingerprint-based background check process for treatment providers to current law and practice.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-11.8-103, **amend**
3 (4)(a) introductory portion, (4)(a)(III) introductory portion, (4)(a)(III)(A),
4 (4)(a)(III)(D), and (7)(a); and **add** (4)(a)(III.3) as follows:

5 **16-11.8-103. Domestic violence offender management board**
6 **- creation - duties - repeal.** (4) (a) The board ~~shall carry out~~ HAS the
7 following duties:

8 (III) Develop an application and review process for treatment
9 providers who provide services to domestic violence offenders pursuant
10 to subsection (4)(a)(I) or (4)(a)(II) of this section. The standards must
11 allow providers to demonstrate that they are in compliance with the
12 standards adopted pursuant to subsections (4)(a)(I) and (4)(a)(II) of this
13 section. The application and review process ~~must consist~~ CONSISTS of the
14 following ~~three~~ parts:

15 (A) The board shall develop separate application and review
16 processes for standards that apply to the criminal justice component, such
17 as criminal history record checks, for individual treatment providers and
18 treatment programs. ~~Applications for the criminal justice components,~~
19 ~~including fingerprints, must be submitted to the board. The board shall~~
20 ~~forward the fingerprints to the Colorado bureau of investigation for use~~
21 ~~in conducting a state criminal history record check and for transmittal to~~
22 ~~the federal bureau of investigation for a national criminal history record~~

1 ~~check. The information obtained from the state and national criminal~~
2 ~~history record check may be used by the board to determine an applicant's~~
3 ~~eligibility for placement on the approved provider list. The board is~~
4 ~~responsible for the implementation of this subsection (4)(a)(III)(A) of the~~
5 ~~application and review process. A LOCAL LAW ENFORCEMENT AGENCY OR~~
6 ~~A THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION,~~
7 ~~FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY~~
8 ~~RECORD CHECK, SHALL TAKE THE FINGERPRINTS OF EACH APPLICANT. IF~~
9 ~~AN APPROVED THIRD PARTY TAKES THE APPLICANT'S FINGERPRINTS, THE~~
10 ~~FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO~~
11 ~~BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. THE~~
12 ~~APPLICANT SHALL SUBMIT PAYMENT FOR THE FINGERPRINTS AND FOR THE~~
13 ~~ACTUAL COSTS OF THE RECORD CHECK AT THE TIME THE FINGERPRINTS~~
14 ~~ARE SUBMITTED TO THE COLORADO BUREAU OF INVESTIGATION. UPON~~
15 ~~RECEIPT OF FINGERPRINTS AND PAYMENT FOR COSTS, THE COLORADO~~
16 ~~BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL~~
17 ~~FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING~~
18 ~~RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE~~
19 ~~FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE RESULTS~~
20 ~~OF THE CRIMINAL HISTORY RECORD CHECK TO THE BOARD.~~

21 (D) ~~Notwithstanding any action taken by the department of~~
22 ~~regulatory agencies against a treatment provider, the board may take~~
23 ~~action against a treatment provider including, but not limited to, removing~~
24 ~~a treatment provider from the approved provider list. The board may~~
25 ~~determine the requirements for a treatment provider's name to be placed~~
26 ~~on the list after his or her name has been removed from the list pursuant~~
27 ~~to this subsection (4)(a)(III). THE BOARD SHALL PERFORM COMPLIANCE~~

1 REVIEWS ON AT LEAST FIVE PERCENT OF THE TREATMENT PROVIDERS EACH
2 YEAR.

3 (III.3) NOTWITHSTANDING ANY ACTION TAKEN BY THE
4 DEPARTMENT OF REGULATORY AGENCIES AGAINST A TREATMENT
5 PROVIDER, THE BOARD MAY TAKE INDEPENDENT ACTION AGAINST A
6 TREATMENT PROVIDER INCLUDING, BUT NOT LIMITED TO, REMOVING A
7 TREATMENT PROVIDER FROM THE APPROVED PROVIDER LIST. THE BOARD
8 MAY DETERMINE THE REQUIREMENTS FOR A TREATMENT PROVIDER'S NAME
9 TO BE PLACED ON THE LIST AFTER THE NAME HAS BEEN REMOVED FROM
10 THE LIST PURSUANT TO THIS SUBSECTION (4)(a)(III.3).

11 (7) (a) This section is repealed, effective ~~September 1, 2022~~
12 SEPTEMBER 1, 2033.

13 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
14 (23)(a)(IX); and **add** (34)(a)(II) as follows:

15 **24-34-104. General assembly review of regulatory agencies**
16 **and functions for repeal, continuation, or reestablishment - legislative**
17 **declaration - repeal.** (23) (a) The following agencies, functions, or both,
18 are scheduled for repeal on September 1, 2022:

19 (IX) ~~The domestic violence offender management board created~~
20 ~~in section 16-11.8-103;~~

21 (34) (a) The following agencies, functions, or both, are scheduled
22 for repeal on September 1, 2033:

23 (II) THE DOMESTIC VIOLENCE OFFENDER MANAGEMENT BOARD
24 CREATED IN SECTION 16-11.8-103;

25 **SECTION 3. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly; except

1 that, if a referendum petition is filed pursuant to section 1 (3) of article V
2 of the state constitution against this act or an item, section, or part of this
3 act within such period, then the act, item, section, or part will not take
4 effect unless approved by the people at the general election to be held in
5 November 2022 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.