

# LAW SUMMARY

*Office of Legislative Legal Services*



## ***SEX OFFENDER REGISTRATION<sup>1</sup>***

The "**Colorado Sex Offender Registration Act**"<sup>2</sup> requires any person convicted of an unlawful sexual offense or enticement of a child or any person classified as a sexually violent predator<sup>3</sup> to register with the local law enforcement agency where he or she resides or through a law enforcement agency if the person has no fixed address.<sup>4</sup>

After initial registration, a person required to register must register<sup>5</sup> annually within five days of his or her birthday, so long as the person does not relocate before that date. Conversely, a sexually violent predator must re-register every ninety days, so long as the person does not relocate before that date. If the person relocates, he or she must register in his or her new jurisdiction within five business days after relocating. The new registration jurisdiction then notifies the registrant's old jurisdiction that the old registration is cancelled. If a person who is required to register fails to register, does not re-register, or otherwise fails to comply with any provisions of the Sex Offender Registration Act, he or she commits failure to register as a sex offender.<sup>6</sup>

When registering, a person must provide all names, including aliases and legal names, date of birth, address, place of employment, and, if employed at or enrolled in an institution of post-secondary education, all addresses and locations where the person works or attends classes

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<sup>1</sup> This summary contains information commonly requested from the Office of Legislative Legal Services. It does not represent an official legal opinion of the General Assembly or the state of Colorado and does not bind the members of the General Assembly. It is intended to provide a general overview of Colorado law as of the date of its preparation. Any person needing legal advice should consult his or her own lawyer and should not rely on the information in this memorandum.

<sup>2</sup> Article 22 of title 16, C.R.S.

<sup>3</sup> Section 18-3-414.5, C.R.S.

<sup>4</sup> Section 16-22-102 (4.3), C.R.S.

<sup>5</sup> Section 16-22-103, C.R.S.

<sup>6</sup> Section 18-3-412.5, C.R.S.

or other activities. Persons convicted of a child sex crime must also provide their e-mail addresses, instant-messaging identities, and chat-room identities.<sup>7</sup>

Local law enforcement agencies must provide the Colorado Bureau of Investigation (CBI) with all registration information. The CBI uses that information to create a central statewide registry. The registry is an electronic database of all registered sex offenders within the state, accessible by law enforcement agencies.

### **Access to Information**

To assist members of the public in protecting themselves and their children from sexual offenders, the Colorado General Assembly has determined that the public must have access to sex offender information.

A person may request a list of persons on the sex offender registry from the CBI or a local law enforcement agency. The law enforcement agency must provide the registrant's name, address or addresses, and aliases of the registrant; a photograph, if readily available and the registrant's history of sex offense convictions. Information concerning victims cannot be released.

A local law enforcement agency may post on its web site information about the following registered sex offenders:

- A juvenile who has been convicted of two or more offenses involving unlawful sexual behavior, or of a crime of violence;<sup>8</sup> or
- A juvenile who is required to register because he or she was convicted of an offense that would have been a felony if it had been committed by an adult, and who has failed to register; or
- An adult convicted of a felony requiring him or her to register; or
- An adult convicted of two or more misdemeanors, including:
  - Sexual assault on a minor;<sup>9</sup>
  - Unlawful sexual contact;<sup>10</sup>

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<sup>7</sup> Section 16-22-108, C.R.S.

<sup>8</sup> Section 18-1.3-406, C.R.S.

<sup>9</sup> Section 18-3-402 (1) (e), C.R.S.

<sup>10</sup> Section 18-3-404, C.R.S.

- Sexual assault on a client by a psychotherapist;<sup>11</sup>
- Sexual exploitation of a child by possession of sexually exploitive material;<sup>12</sup>
- Indecent exposure;<sup>13</sup> or
- Sexual conduct in a correctional institution.<sup>14</sup>

A local law enforcement agency that posts sex offender registration information on its web site must also post educational information about how to protect oneself from sex offenders or provide a link to such information on the CBI internet homepage.

Additionally, the CBI has a link on its internet homepage to a list of persons required to register as sex offenders. The information includes the names, addresses, and physical descriptions of any person required to register for a felony conviction. The physical description includes the person's sex, height, weight, and any other identifying characteristics. This list does not include any victim information.

### **Removal from the Registry**

A person required to register as a sex offender may petition the district court for an order to discontinue the registration or the court may consider discontinuing the registration requirement at the time that the person satisfies the requirements for discontinuing registration.<sup>15</sup> The following persons are ineligible for deregistration and are subject to registration for the rest of their lives:

- Sexually violent predators;
- Persons convicted as an adult of sexual assault in the first or second degree, sexual assault on a child, sexual assault on a client by a psychotherapist, or incest; and
- Any adult with more than one conviction in the same jurisdiction for unlawful sexual behavior.

Except that a person who suffers from a severe physical or intellectual disability to the extent that he or she is permanently incapacitated and does not present an unreasonable risk

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<sup>11</sup> Section 18-3-405.5 (2), C.R.S.

<sup>12</sup> Section 18-6-403 (3) (b.5), C.R.S.

<sup>13</sup> Section 18-7-302, C.R.S.

<sup>14</sup> Section 18-7-701, C.R.S.

<sup>15</sup> Section 16-22-113 (1), C.R.S.

to public safety may petition for removal even if the person would otherwise be ineligible for deregistration.

Upon receipt of a petition, the court sets a date for a hearing and notifies the victim. If the court enters an order to discontinue the petitioner's duty to register, the petitioner must send a copy of the order to each local law enforcement agency where he or she is registered. The court notifies the victim of its decision to discontinue the petitioner's duty to register. The CBI and the local law enforcement agency remove the petitioner's information from the sex offender registry.

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