

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0318.01 Jerry Barry x4341

SUNSET BILL 17-201

SENATE SPONSORSHIP

Cooke and Fields,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House 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 OF THE
104 2016 SUNSET REPORT ISSUED BY THE DEPARTMENT OF
105 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 - Senate Judiciary Committee. The bill extends the domestic violence offender management board (board) until

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.

September 1, 2022. In addition, the bill:

- ! Changes the appointment authority for 5 members of the board from the executive director of the department of regulatory agencies (DORA) to the executive director of the department of public safety (director);
- ! Changes the qualifications for 5 members of the board to require all to have experience in the field of domestic violence, at least 3 members to be licensed mental health professionals, and at least 3 to be on the list of approved providers published by the board;
- ! Repeals language concerning staggered terms for members of the initial board;
- ! Authorizes the board to elect a presiding officer rather than having the director appoint the presiding officer;
- ! Changes the responsibility for the review of providers' applications and review of mandatory continuing education course requirements from DORA to the board; and
- ! Makes the board solely responsible for publishing the list of approved providers and relieves DORA from this responsibility.

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 (1) introductory portion, (1)(g)(I), (1)(g)(II), (1)(g)(III), (2), (3),
4 (4)(a)(III), and (7)(a) as follows:

5 **16-11.8-103. Domestic violence offender management board**
6 **- creation - duties - repeal.** (1) There is ~~hereby~~ created, in the
7 department of public safety, the domestic violence offender management
8 board ~~that shall consist~~ CONSISTING of nineteen members with
9 recognizable expertise in the field of domestic violence offenders. The
10 membership of the board ~~shall consist~~ CONSISTS of the following persons:

11 (g) (I) Five members appointed by the executive director of the
12 department of ~~regulatory agencies~~ PUBLIC SAFETY WHO ARE REGULATED
13 PURSUANT TO ARTICLE 43 OF TITLE 12 AND HAVE EXPERIENCE IN THE FIELD
14 OF DOMESTIC VIOLENCE.

1 (II) Of the five members appointed pursuant to this paragraph (g),
2 one shall be a social worker licensed pursuant to part 4 of article 43 of
3 title 12, C.R.S., one shall be a psychologist licensed pursuant to part 3 of
4 article 43 of title 12, C.R.S., one shall be a marriage and family therapist
5 licensed pursuant to part 5 of article 43 of title 12, C.R.S., one shall be a
6 professional counselor licensed pursuant to part 6 of article 43 of title 12,
7 C.R.S., and one shall be an unlicensed mental health professional
8 SUBSECTION (1)(g), AT LEAST THREE MEMBERS MUST BE MENTAL HEALTH
9 PROFESSIONALS LICENSED PURSUANT TO ARTICLE 43 OF TITLE 12.

10 (III) Of the five members appointed pursuant to this paragraph (g),
11 two shall THIS SUBSECTION (1)(g), AT LEAST THREE MUST be providers on
12 the approved list pursuant to sub-subparagraph (C) of subparagraph (HH)
13 of paragraph (a) of subsection (4) SUBSECTION (4)(a)(III)(C) of this
14 section.

15 (2) The executive director of the department of public safety
16 BOARD shall appoint ELECT a presiding officer for the board from among
17 the board ITS members appointed pursuant to subsection (1) of this
18 section, which presiding officer shall serve WHO SERVES at the pleasure
19 of such director THE BOARD.

20 (3) (a) Any member of the board created in subsection (1) of this
21 section who is appointed pursuant to paragraphs (a) to (f) of subsection
22 (1) SUBSECTIONS (1)(a) TO (1)(f) of this section shall serve SERVES A
23 TERM OF FOUR YEARS at the pleasure of the official who appointed such
24 THE member. The initial terms for persons appointed pursuant to
25 paragraphs (a) and (d) of subsection (1) of this section shall be two years.
26 The initial terms for persons appointed pursuant to paragraphs (b) and (e)
27 of subsection (1) of this section shall be three years. All other terms

1 including terms after the initial terms shall be four years. Such members
2 shall serve without additional compensation.

3 (b) Any member of the board ~~created in subsection (1) of this~~
4 ~~section who is appointed pursuant to paragraphs (g) to (m) of subsection~~
5 ~~(1) SUBSECTIONS (1)(g) TO (1)(m) of this section shall serve for~~ SERVES
6 a term of four years. ~~except that, the initial term of two of the persons~~
7 ~~appointed pursuant to paragraph (g) of subsection (1) of this section and~~
8 ~~the persons appointed pursuant to paragraph (k) of subsection (1) of this~~
9 ~~section shall be two years and the initial terms of persons appointed~~
10 ~~pursuant to paragraphs (h), (i), and (j) of subsection (1) of this section~~
11 ~~shall be three years. Such members shall serve without compensation.~~

12 (c) No member shall serve more than eight consecutive years.

13 (d) ALL MEMBERS SERVE WITHOUT COMPENSATION.

14 (4) (a) The board shall carry out the following duties:

15 (III) Develop an application and review process for treatment
16 providers who provide services to domestic violence offenders pursuant
17 to ~~subparagraph (I) or (H) of this paragraph (a). Such~~ SUBSECTION
18 (4)(a)(I) OR (4)(a)(II) OF THIS SECTION. THE standards ~~shall~~ MUST allow
19 providers to demonstrate that they are in compliance with the standards
20 adopted pursuant to ~~subparagraphs (I) and (H) of this paragraph (a)~~
21 SUBSECTIONS (4)(a)(I) AND (4)(a)(II) OF THIS SECTION. The application
22 and review process ~~shall~~ MUST consist of the following three parts:

23 (A) The board shall develop separate application and review
24 processes for standards that apply to the criminal justice component, such
25 as criminal history record checks, for individual treatment providers and
26 treatment programs. Applications for the criminal justice components,
27 including fingerprints, ~~shall~~ MUST be submitted to the board. The board

1 shall forward the fingerprints to the Colorado bureau of investigation for
2 use in conducting a state criminal history record check and for transmittal
3 to the federal bureau of investigation for a national criminal history
4 record check. The information obtained from the state and national
5 criminal history record check may be used by the board to determine an
6 applicant's eligibility for placement on the approved provider list. The
7 board ~~shall be~~ IS responsible for the implementation of this
8 ~~sub-subparagraph (A)~~ SUBSECTION (4)(a)(III)(A) of the application and
9 review process.

10 (B) The board shall develop an application and review process for
11 the verification of the qualifications and credentials of the treatment
12 providers. The applications ~~shall~~ MUST be submitted to the ~~department of~~
13 ~~regulatory agencies and forwarded to the appropriate board pursuant to~~
14 ~~part 2 of article 43 of title 12, C.R.S. The department of regulatory~~
15 ~~agencies shall be~~ BOARD. THE BOARD IS responsible for the
16 implementation of this ~~sub-subparagraph (B)~~ SUBSECTION (4)(a)(III)(B)
17 of the application and review process. The board shall require that
18 treatment providers complete mandatory continuing education courses in
19 areas related to domestic violence.

20 (C) After ~~the process to be developed pursuant to~~
21 ~~sub-subparagraphs (A) and (B) of this subparagraph (III) is established~~
22 ~~and~~ providers have met the criteria of both parts of the application and
23 review process, ~~the department of regulatory agencies and the board shall~~
24 ~~jointly~~ publish at least annually a list of approved providers. The BOARD
25 SHALL FORWARD THE list ~~shall be forwarded~~ to the office of the state court
26 administrator, the department of public safety, the department of human
27 services, and the department of corrections. The BOARD SHALL UPDATE

1 THE list of approved providers ~~shall be jointly updated and forwarded~~
2 FORWARD as changes are made.

3 (D) Notwithstanding any action taken by the department of
4 regulatory agencies against a treatment provider, the board may take
5 action against a treatment provider including, but not limited to, removing
6 a treatment provider from the approved provider list. The board may
7 determine the requirements for a treatment provider's name to be placed
8 on the list after his or her name has been removed from the list pursuant
9 to this ~~subparagraph (H)~~ SUBSECTION (4)(a)(III).

10 (7) (a) This section is repealed, effective September 1, ~~2017~~ 2022.

11 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **amend**
12 (23)(a) introductory portion; **repeal** (13)(a)(I); and **add** (23)(a)(VIII) as
13 follows:

14 **24-34-104. General assembly review of regulatory agencies**
15 **and functions for repeal, continuation, or reestablishment - legislative**
16 **declaration - repeal.** (13) (a) The following agencies, functions, or both,
17 will repeal on September 1, 2017:

18 (I) ~~The domestic violence offender management board created in~~
19 ~~section 16-11.8-103, C.R.S.;~~

20 (23) (a) The following agencies, functions, or both, ~~will~~ ARE
21 SCHEDULED FOR repeal on September 1, 2022:

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

24 **SECTION 3. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2018 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.