

CHAPTER 308

CRIMINAL LAW AND PROCEDURE

SENATE BILL 17-201

BY SENATOR(S) Cooke and Fields, Aguilar, Baumgardner, Crowder, Garcia, Gardner, Hill, Jahn, Kagan, Kefalas, Kerr, Martinez Humenik, Merrifield, Priola, Scott, Smallwood, Tate, Todd, Williams A.;

also REPRESENTATIVE(S) Lee, Arndt, Becker K., Bridges, Exum, Ginal, Hamner, Hansen, Hooton, Lontine, Mitsch Bush, Salazar, Singer, Valdez, Van Winkle, Winter, Young, Duran.

AN ACT

CONCERNING THE CONTINUATION OF THE DOMESTIC VIOLENCE OFFENDER MANAGEMENT BOARD, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS OF THE 2016 SUNSET REPORT ISSUED BY THE DEPARTMENT OF REGULATORY AGENCIES.

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

SECTION 1. In Colorado Revised Statutes, 16-11.8-103, **amend** (1) introductory portion, (1)(g)(I), (1)(g)(II), (1)(g)(III), (1)(n), (2), (3), (4)(a)(I), (4)(a)(III), and (7)(a) as follows:

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

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

(II) Of the five members appointed pursuant to this paragraph (g), ~~one shall be a social worker licensed pursuant to part 4 of article 43 of title 12, C.R.S., one shall be a psychologist licensed pursuant to part 3 of article 43 of title 12, C.R.S., one shall be a marriage and family therapist licensed pursuant to part 5 of article 43 of title 12, C.R.S., one shall be a professional counselor licensed pursuant to part 6 of article 43 of title 12, C.R.S., and one shall be an unlicensed mental health~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~professional~~ SUBSECTION (1)(g), AT LEAST THREE MEMBERS MUST BE MENTAL HEALTH PROFESSIONALS LICENSED PURSUANT TO ARTICLE 43 OF TITLE 12.

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

~~(n) One member appointed by the executive director of the department of public safety, AFTER CONSULTATION WITH A STATEWIDE ORGANIZATION OF CRIMINAL DEFENSE ATTORNEYS, who is a private criminal defense attorney. The member shall serve a term of three years and shall serve without compensation.~~

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

~~(3) (a) Any member of the board created in subsection (1) of this section who is appointed pursuant to paragraphs (a) to (f) of subsection (1)~~ SUBSECTIONS (1)(a) TO (1)(f) of this section shall serve SERVES A TERM OF FOUR YEARS at the pleasure of the official who appointed such THE member. ~~The initial terms for persons appointed pursuant to paragraphs (a) and (d) of subsection (1) of this section shall be two years. The initial terms for persons appointed pursuant to paragraphs (b) and (e) of subsection (1) of this section shall be three years. All other terms including terms after the initial terms shall be four years. Such members shall serve without additional compensation.~~

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

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

(d) ALL MEMBERS SERVE WITHOUT COMPENSATION.

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

(I) Adopt and implement a standardized procedure for the treatment evaluation of domestic violence offenders. Such procedure shall provide for the evaluation and recommend behavior management, monitoring, and treatment AND INCLUDE A PROCEDURE FOR WHEN A TREATMENT PROVIDER RECOMMENDS THAT AN OFFENDER DOES NOT NEED TREATMENT. The board shall develop and implement methods of intervention for domestic violence offenders that have as a priority the physical and psychological safety of victims and potential victims and that are appropriate to the needs of the particular offender, so long as there is no reduction in the level of

safety of victims and potential victims.

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

(A) The board shall develop separate application and review processes for standards that apply to the criminal justice component, such as criminal history record checks, for individual treatment providers and treatment programs. Applications for the criminal justice components, including fingerprints, shall MUST be submitted to the board. The board shall forward the fingerprints to the Colorado bureau of investigation for use in conducting a state criminal history record check and for transmittal to the federal bureau of investigation for a national criminal history record check. The information obtained from the state and national criminal history record check may be used by the board to determine an applicant's eligibility for placement on the approved provider list. The board shall be IS responsible for the implementation of this ~~sub-subparagraph (A)~~ SUBSECTION (4)(a)(III)(A) of the application and review process.

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

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

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

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

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

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

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

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

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

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 2, 2017