

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0603.01 Michael Dohr x4347

SENATE BILL 18-026

SENATE SPONSORSHIP

Kagan,

HOUSE SPONSORSHIP

Herod and Willett,

Senate Committees
Judiciary

House Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO MAKE SEX OFFENDER REGISTRATION**
102 **MORE EFFECTIVE.**

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>.)

Under current law, a person is required to register as a sex offender (registrant) in Colorado if he or she is a Colorado resident and is required to register in another state. The bill states that a Colorado resident only has to register in Colorado for an out-of-state conviction if the person would be required to register in Colorado if the conviction occurred in Colorado.

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.*

SENATE
3rd Reading Unamended
February 27, 2018

SENATE
Amended 2nd Reading
February 22, 2018

In addition, a registrant is required to register in person at his or her local law enforcement agency. The bill allows the law enforcement agency to waive the in-person registration requirement after initial registration if the person suffers from a physical or intellectual disability to the extent that it is a severe hardship to register in person. If the waiver is authorized, the law enforcement agency must reregister the registrant after verifying the registrant's address and provide documentation of the waiver to the Colorado bureau of investigation and any other law enforcement agency with which the person registers.

Under current law, specified registrants can file a petition to discontinue registration. The bill requires the court to grant a petition to discontinue registration if the registrant has successfully completed his or her sentence, the registrant has not been convicted of a subsequent sex offense, and the required waiting period has expired unless the prosecuting attorney or victim objects and presents credible evidence that the registrant is likely to commit a subsequent offense of unlawful sexual behavior.

Notwithstanding any statutory barriers to the contrary, the bill allows a registrant or his or her legal representative to file a petition to discontinue registration if the registrant is incapacitated and does not present an unacceptable public safety risk. The court shall grant the petition if the petitioner shows that the registrant is incapacitated, does not present an unacceptable public safety risk, and is not likely to commit a subsequent sex offense.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-22-103, **amend**
3 (3) as follows:

4 **16-22-103. Sex offender registration - required - applicability**
5 **- exception.** (3) In addition to the persons specified in subsections (1)
6 and (2) of this section, any person convicted of an offense in any other
7 state or jurisdiction, including but not limited to a military or federal
8 jurisdiction, for which the person, as a result of the conviction, is was, has
9 been, or would be required to register if he or she resided in the state or
10 jurisdiction of conviction, or for which such person would be required to
11 register if convicted in Colorado, shall be required to register in the

1 manner specified in section 16-22-108, so long as such person is a
2 temporary or permanent resident of Colorado. Such person may petition
3 the court for an order that discontinues the requirement for registration in
4 this state at the times specified in section 16-22-113 for offense
5 classifications that are comparable to the classification of the offense for
6 which the person was convicted in the other state or jurisdiction. SUCH
7 PERSON MAY PETITION THE COURT FOR AN ORDER THAT DISCONTINUES THE
8 REQUIREMENT FOR REGISTRATION IN THIS STATE FOR OFFENSE
9 CLASSIFICATIONS THAT SUCH PERSON WOULD NOT BE REQUIRED TO
10 REGISTER FOR IF CONVICTED IN COLORADO.

11 **SECTION 2.** In Colorado Revised Statutes, 16-22-108, **amend**
12 (1)(a)(II) and (1)(d)(I) as follows:

13 **16-22-108. Registration - procedure - frequency - place -**
14 **change of address - fee.** (1) (a) (II) Each person who is required to
15 register pursuant to section 16-22-103 shall initially register or, if
16 sentenced on or after January 1, 2005, confirm his or her initial
17 registration within five business days after release from incarceration for
18 commission of the offense requiring registration or within five business
19 days after receiving notice of the duty to register, if the person was not
20 incarcerated. The person shall register with the local law enforcement
21 agency during business hours by completing a standardized registration
22 form provided to the person by the local law enforcement agency and
23 paying the registration fee imposed by the local law enforcement agency
24 as provided in subsection (7) of this section. AFTER THE INITIAL
25 REGISTRATION, THE LOCAL LAW ENFORCEMENT AGENCY MAY WAIVE THE
26 REQUIREMENT THAT THE PERSON REREGISTER IN PERSON IF THE
27 REGISTRANT SUFFERS FROM A CHRONIC PHYSICAL OR INTELLECTUAL

1 DISABILITY THAT SUBSTANTIALLY LIMITS THE PERSON'S ABILITY TO
2 FUNCTION INDEPENDENTLY AND PARTICIPATE IN MAJOR LIFE ACTIVITIES TO
3 THE EXTENT THAT IT IS A SEVERE HARDSHIP TO REREGISTER IN PERSON
4 AND THERE IS A MEDICAL RECORD OF SUCH DISABILITY. IF THE LAW
5 ENFORCEMENT AGENCY WAIVES THE REQUIREMENT TO REREGISTER IN
6 PERSON, THE LAW ENFORCEMENT AGENCY SHALL REREGISTER THE PERSON
7 AFTER VERIFYING THE PERSON'S CURRENT ADDRESS WITH THE PERSON AND
8 AT LEAST ONE OTHER RELIABLE SOURCE WHICH MAY INCLUDE: HIS OR HER
9 CAREGIVER, HIS OR HER FAMILY, THE FACILITY WHERE THE PERSON
10 RESIDES, OR ANOTHER SOURCE OF VERIFICATION SATISFACTORY TO THE
11 LAW ENFORCEMENT AGENCY. THE LAW ENFORCEMENT AGENCY SHALL
12 PROVIDE VERIFICATION OF THE WAIVER, BY THE SUBMISSION OF A FORM
13 DEVELOPED BY THE CBI, TO THE CBI AND ANY OTHER LAW ENFORCEMENT
14 AGENCY WITH WHICH THE REGISTRANT IS REQUIRED TO REGISTER. IF THE
15 LAW ENFORCEMENT AGENCY ISSUES SUCH A WAIVER, EVERY THREE YEARS
16 THE AGENCY MUST DETERMINE WHETHER THE REGISTRANT STILL MEETS
17 THE WAIVER REQUIREMENTS AND REAUTHORIZE THE WAIVER. IF THE LAW
18 ENFORCEMENT AGENCY ISSUES A WAIVER OR REAUTHORIZES THE WAIVER,
19 THE LAW ENFORCEMENT AGENCY SHALL ALSO NOTIFY THE VICTIM OF THE
20 OFFENSE FOR WHICH THE PETITIONER IS REQUIRED TO REGISTER, IF THE
21 VICTIM OF THE OFFENSE HAS REQUESTED NOTICE AND PROVIDED CONTACT
22 INFORMATION. The CBI shall provide standardized registration forms to
23 the local law enforcement agencies pursuant to section 16-22-109.

24 (d) (I) Any person who is a sexually violent predator and any
25 person who is convicted as an adult of any of the offenses specified in
26 ~~subparagraph (H) of this paragraph (d)~~ SUBSECTION (1)(d)(II) OF THIS
27 SECTION has a duty to register for the remainder of his or her natural life;

1 except that, if the person receives a deferred judgment and sentence for
2 one of the offenses specified in ~~subparagraph (II) of this paragraph (d),~~
3 ~~the person may petition the court for discontinuation of the duty to~~
4 ~~register~~ SUBSECTION (1)(d)(II) OF THIS SECTION, THE PERSON'S DUTY TO
5 REGISTER MAY DISCONTINUE as provided in section 16-22-113 (1)(d). In
6 addition to registering as required in ~~paragraph (a) of this subsection (1)~~
7 SUBSECTION (1)(a) OF THIS SECTION, the person shall reregister within five
8 business days before or after the date that is three months after the date
9 on which the person was released from incarceration for commission of
10 the offense requiring registration or, if the person was not incarcerated,
11 after the date on which he or she received notice of the duty to register.
12 The person shall register within five business days before or after that
13 date every three months thereafter until the person's birthday. The person
14 shall reregister within five business days before or after his or her next
15 birthday and shall reregister within five business days before or after that
16 date every three months thereafter. The person shall reregister pursuant
17 to this ~~paragraph (d)~~ SUBSECTION (1)(d) with the local law enforcement
18 agency of each jurisdiction in which the person resides or in any
19 jurisdiction if the person lacks a fixed residence on the reregistration date,
20 in the manner provided in ~~paragraph (a) of this subsection (1)~~
21 SUBSECTION (1)(a) OF THIS SECTION.

22 **SECTION 3.** In Colorado Revised Statutes, 16-22-113, **amend**
23 (3) introductory portion and (3)(b)(I); repeal and reenact, with
24 **amendments,** (2); and **add** (2.5) as follows:

25 **16-22-113. Petition for removal from registry.** (2) (a) A
26 REGISTRANT WHO IS ELIGIBLE TO PETITION TO DISCONTINUE REGISTRATION
27 PURSUANT TO THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION MUST

1 FILE A PETITION WITH THE COURT OF PROPER JURISDICTION AND SHALL
2 PROVIDE A COPY OF THE PETITION BY CERTIFIED MAIL TO EACH OF THE
3 FOLLOWING PARTIES:

4 (I) EACH LAW ENFORCEMENT AGENCY WITH WHICH THE
5 REGISTRANT IS REQUIRED TO REGISTER;

6 (II) THE DISTRICT ATTORNEY FOR THE JURISDICTION IN WHICH THE
7 PETITION TO DISCONTINUE REGISTRATION HAS BEEN FILED; AND

8 (III) THE PROSECUTING ATTORNEY WHO OBTAINED THE
9 CONVICTION OF THE REGISTRANT.

10 (b) WITHIN TWENTY-ONE DAYS AFTER FILING THE PETITION, THE
11 PETITIONER SHALL FILE WITH THE COURT COPIES OF THE RETURN RECEIPTS
12 RECEIVED FROM EACH PARTY NOTIFIED AND ANY DOCUMENTS SUPPORTING
13 HIS OR HER ELIGIBILITY TO PETITION TO DISCONTINUE REGISTRATION. THE
14 SUPPORTING DOCUMENTS MUST INCLUDE RECORDS DOCUMENTING THE
15 COMPLETION OF TREATMENT IF ORDERED BY THE COURT, WHEN SUCH
16 RECORDS ARE AVAILABLE.

17 (c) UPON RECEIPT OF THE PETITION, THE COURT SHALL SET A DATE
18 FOR A HEARING AND SHALL NOTIFY THE PETITIONER AND THE DISTRICT
19 ATTORNEY FOR THAT JURISDICTION OF THE HEARING DATE. THE COURT
20 SHALL ALSO NOTIFY THE VICTIM OF THE OFFENSE FOR WHICH THE
21 PETITIONER WAS REQUIRED TO REGISTER, IF THE VICTIM OF THE OFFENSE
22 HAS REQUESTED NOTICE AND PROVIDED CONTACT INFORMATION.

23 (d) IF THE DISTRICT ATTORNEY OR THE VICTIM OBJECTS TO THE
24 REGISTRANT'S PETITION, THE DISTRICT ATTORNEY SHALL FILE THE
25 OBJECTION WITH THE COURT WITHIN SIXTY-THREE DAYS AFTER RECEIVING
26 THE NOTICE OF THE PETITION.

27 (e) IF NO OBJECTION IS FILED BY THE DISTRICT ATTORNEY OR MADE

1 BY THE VICTIM, THE COURT MAY CONSIDER THE PETITION WITHOUT A
2 HEARING AND SHALL GRANT THE PETITION IF THE COURT FINDS THAT THE
3 PETITIONER HAS COMPLETED THE SENTENCE FOR WHICH HE OR SHE WAS
4 REQUIRED TO REGISTER, THE PETITIONER HAS NOT SUBSEQUENTLY BEEN
5 CONVICTED OF UNLAWFUL SEXUAL BEHAVIOR OR OF ANY OTHER OFFENSE,
6 THE UNDERLYING BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL
7 BEHAVIOR, THE WAITING TIME PERIOD DESCRIBED IN SUBSECTION (1) OF
8 THIS SECTION HAS EXPIRED, AND THE PETITIONER IS NOT LIKELY TO
9 COMMIT A SUBSEQUENT OFFENSE OF OR INVOLVING UNLAWFUL SEXUAL
10 BEHAVIOR. IN DETERMINING WHETHER TO GRANT THE PETITION, THE
11 COURT SHALL CONSIDER ANY TREATMENT RECORDS PROVIDED PURSUANT
12 TO SUBSECTION (2)(b) OF THIS SECTION, ANY WRITTEN OR ORAL
13 STATEMENT OF THE VICTIM OF THE OFFENSE FOR WHICH THE PETITIONER
14 WAS REQUIRED TO REGISTER, AND ANY OTHER RELEVANT INFORMATION
15 PRESENTED BY THE PETITIONER OR DISTRICT ATTORNEY.

16 (f) IF THERE IS OBJECTION TO THE PETITION BY THE DISTRICT
17 ATTORNEY OR VICTIM, THE COURT SHALL CONDUCT A HEARING ON THE
18 PETITION. THE COURT MAY GRANT THE PETITION IF THE COURT FINDS THE
19 PETITIONER HAS COMPLETED THE SENTENCE FOR WHICH HE OR SHE WAS
20 REQUIRED TO REGISTER, THE PETITIONER HAS NOT SUBSEQUENTLY BEEN
21 CONVICTED OF UNLAWFUL SEXUAL BEHAVIOR OR OF ANY OTHER OFFENSE,
22 THE UNDERLYING BASIS OF WHICH INVOLVED UNLAWFUL SEXUAL
23 BEHAVIOR, THE WAITING TIME PERIOD DESCRIBED IN SUBSECTION (1) OF
24 THIS SECTION HAS EXPIRED, AND THE PETITIONER IS NOT LIKELY TO
25 COMMIT A SUBSEQUENT OFFENSE OF OR INVOLVING UNLAWFUL SEXUAL
26 BEHAVIOR. IN DETERMINING WHETHER TO GRANT THE PETITION, THE
27 COURT SHALL CONSIDER ANY TREATMENT RECORDS PROVIDED PURSUANT

1 TO SUBSECTION (2)(b) OF THIS SECTION, ANY WRITTEN OR ORAL
2 STATEMENT OF THE VICTIM OF THE OFFENSE FOR WHICH THE PETITIONER
3 WAS REQUIRED TO REGISTER, AND ANY OTHER RELEVANT INFORMATION
4 PRESENTED BY THE PETITIONER OR DISTRICT ATTORNEY.

5 (g) IF THE COURT ENTERS AN ORDER DISCONTINUING
6 REGISTRATION, THE PETITIONER SHALL PROVIDE A COPY OF THE ORDER TO
7 EACH LOCAL LAW ENFORCEMENT AGENCY WITH WHICH THE PETITIONER IS
8 REGISTERED AND THE CBI. THE COURT SHALL ALSO NOTIFY THE VICTIM,
9 IF THE VICTIM OF THE OFFENSE HAS REQUESTED NOTICE AND PROVIDED
10 CURRENT CONTACT INFORMATION.

11 (h) ON RECEIPT OF A COPY OF AN ORDER DISCONTINUING A
12 PETITIONER'S DUTY TO REGISTER:

13 (I) THE CBI SHALL REMOVE THE PETITIONER'S SEX OFFENDER
14 REGISTRATION INFORMATION FROM THE STATE SEX OFFENDER REGISTRY;
15 AND

16 (II) THE LOCAL LAW ENFORCEMENT AGENCY SHALL REMOVE THE
17 PETITIONER'S SEX OFFENDER REGISTRATION INFORMATION FROM THE
18 LOCAL SEX OFFENDER REGISTRY.

19 (2.5) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO
20 THE CONTRARY, A REGISTRANT OR HIS OR HER LEGAL REPRESENTATIVE
21 MAY FILE A PETITION TO DISCONTINUE REGISTRATION IF THE REGISTRANT
22 SUFFERS FROM A SEVERE PHYSICAL OR INTELLECTUAL DISABILITY TO THE
23 EXTENT THAT HE OR SHE IS PERMANENTLY INCAPACITATED AND DOES NOT
24 PRESENT AN UNREASONABLE RISK TO PUBLIC SAFETY.

25 (b) THE REGISTRANT OR HIS OR HER LEGAL REPRESENTATIVE MUST
26 FILE A PETITION WITH THE COURT OF PROPER JURISDICTION AND SHALL
27 PROVIDE A COPY OF THE PETITION BY CERTIFIED MAIL TO EACH OF THE

1 FOLLOWING PARTIES:

2 (I) EACH LAW ENFORCEMENT AGENCY WITH WHICH THE
3 REGISTRANT IS REQUIRED TO REGISTER;

4 (II) THE DISTRICT ATTORNEY FOR THE JURISDICTION IN WHICH THE
5 PETITION TO DISCONTINUE REGISTRATION HAS BEEN FILED; AND

6 (III) THE PROSECUTING ATTORNEY WHO OBTAINED THE
7 CONVICTION OF THE REGISTRANT.

8 (c) WITHIN TWENTY-ONE DAYS AFTER FILING THE PETITION, THE
9 PETITIONER SHALL FILE WITH THE COURT COPIES OF THE RETURN RECEIPTS
10 RECEIVED FROM EACH PARTY NOTIFIED AND ANY DOCUMENTS SUPPORTING
11 HIS OR HER ELIGIBILITY TO PETITION TO DISCONTINUE REGISTRATION. THE
12 SUPPORTING DOCUMENTS MUST INCLUDE RECORDS DOCUMENTING THE
13 COMPLETION OF TREATMENT IF ORDERED BY THE COURT, WHEN SUCH
14 RECORDS ARE AVAILABLE.

15 (d) UPON RECEIPT OF THE PETITION, THE COURT SHALL SET A DATE
16 FOR A HEARING AND SHALL NOTIFY THE PETITIONER AND THE DISTRICT
17 ATTORNEY FOR THAT JURISDICTION OF THE HEARING DATE. THE COURT
18 SHALL ALSO NOTIFY THE VICTIM OF THE OFFENSE FOR WHICH THE
19 PETITIONER WAS REQUIRED TO REGISTER, IF THE VICTIM OF THE OFFENSE
20 HAS REQUESTED NOTICE AND PROVIDED CONTACT INFORMATION.

21 (e) IF THE DISTRICT ATTORNEY OR THE VICTIM OBJECTS TO THE
22 REGISTRANT'S PETITION, THE DISTRICT ATTORNEY SHALL FILE THE
23 OBJECTION WITH THE COURT WITHIN SIXTY-THREE DAYS OF RECEIVING THE
24 NOTICE OF THE PETITION.

25 (f) IF NO OBJECTION IS FILED BY THE DISTRICT ATTORNEY OR MADE
26 BY THE VICTIM, THE COURT MAY CONSIDER THE PETITION WITHOUT A
27 HEARING AND SHALL GRANT THE PETITION IF THE COURT FINDS THE

1 PETITIONER SUFFERS FROM A SEVERE PHYSICAL OR INTELLECTUAL
2 DISABILITY TO THE EXTENT THAT THE PETITIONER IS PERMANENTLY
3 INCAPACITATED, DOES NOT PRESENT AN UNREASONABLE RISK TO PUBLIC
4 SAFETY, AND IS NOT LIKELY TO COMMIT A SUBSEQUENT OFFENSE OF OR
5 INVOLVING UNLAWFUL SEXUAL BEHAVIOR. IN DETERMINING WHETHER TO
6 GRANT THE PETITION, THE COURT SHALL CONSIDER ANY TREATMENT
7 RECORDS PROVIDED PURSUANT TO SUBSECTION (2.5)(c) OF THIS SECTION,
8 ANY WRITTEN OR ORAL STATEMENT OF THE VICTIM OF THE OFFENSE FOR
9 WHICH THE PETITIONER WAS REQUIRED TO REGISTER, AND ANY OTHER
10 RELEVANT INFORMATION PRESENTED BY THE PETITIONER OR DISTRICT
11 ATTORNEY.

12 (g) IF THERE IS OBJECTION TO THE PETITION BY THE DISTRICT
13 ATTORNEY OR VICTIM, THE COURT SHALL CONDUCT A HEARING ON THE
14 PETITION. THE COURT MAY GRANT THE PETITION IF THE COURT FINDS THE
15 PETITIONER SUFFERS FROM A SEVERE PHYSICAL OR INTELLECTUAL
16 DISABILITY TO THE EXTENT THAT THE PETITIONER IS PERMANENTLY
17 INCAPACITATED, DOES NOT PRESENT AN UNREASONABLE RISK TO PUBLIC
18 SAFETY, AND IS NOT LIKELY TO COMMIT A SUBSEQUENT OFFENSE OF OR
19 INVOLVING UNLAWFUL SEXUAL BEHAVIOR. IN DETERMINING WHETHER TO
20 GRANT THE PETITION, THE COURT SHALL CONSIDER ANY TREATMENT
21 RECORDS PROVIDED PURSUANT TO SUBSECTION (2.5)(c) OF THIS SECTION,
22 ANY WRITTEN OR ORAL STATEMENT OF THE VICTIM OF THE OFFENSE FOR
23 WHICH THE PETITIONER WAS REQUIRED TO REGISTER, AND ANY OTHER
24 RELEVANT INFORMATION PRESENTED BY THE PETITIONER OR DISTRICT
25 ATTORNEY.

26 (h) IF THE COURT ENTERS AN ORDER DISCONTINUING
27 REGISTRATION, THE PETITIONER SHALL PROVIDE A COPY OF THE ORDER TO

1 EACH LOCAL LAW ENFORCEMENT AGENCY WITH WHICH THE PETITIONER IS
2 REGISTERED AND THE CBI. THE COURT SHALL ALSO NOTIFY THE VICTIM,
3 IF THE VICTIM OF THE OFFENSE HAS REQUESTED NOTICE AND PROVIDED
4 CONTACT INFORMATION.

5 (i) ON RECEIPT OF A COPY OF AN ORDER DISCONTINUING A
6 PETITIONER'S DUTY TO REGISTER:

7 (I) THE CBI SHALL REMOVE THE PETITIONER'S SEX OFFENDER
8 REGISTRATION INFORMATION FROM THE STATE SEX OFFENDER REGISTRY;
9 AND

10 (II) THE LOCAL LAW ENFORCEMENT AGENCY SHALL REMOVE THE
11 PETITIONER'S SEX OFFENDER REGISTRATION INFORMATION FROM THE
12 LOCAL SEX OFFENDER REGISTRY.

13 (3) The following persons ~~shall not be~~ ARE NOT eligible for relief
14 pursuant to this section, but shall be subject for the remainder of their
15 natural lives to the registration requirements specified in this ~~article~~
16 ARTICLE 22 or to the comparable requirements of any other jurisdictions
17 in which they may reside:

18 (b) Any person who is convicted as an adult of:

19 (I) Sexual assault, in violation of section 18-3-402; ~~C.R.S.~~, or
20 sexual assault in the first degree, in violation of section 18-3-402, ~~C.R.S.~~,
21 as it existed prior to July 1, 2000; or sexual assault in the second degree,
22 in violation of section 18-3-403, ~~C.R.S.~~, as it existed prior to July 1, 2000;
23 or

24 ==
25 **SECTION 4.** In Colorado Revised Statutes, 24-4.1-302.5, **amend**
26 (1)(b.7) as follows:

27 **24-4.1-302.5. Rights afforded to victims - definitions.** (1) In

1 order to preserve and protect a victim's rights to justice and due process,
2 each victim of a crime has the following rights:

3 (b.7) For a victim of a sex offense, the right to be informed of the
4 filing of a petition by the perpetrator of the offense to terminate sex
5 offender registration pursuant to section 16-22-113 ~~(2)(c)~~, C.R.S. (2) AND
6 (2.5);

7 **SECTION 5.** In Colorado Revised Statutes, 24-4.1-303, **amend**
8 (14.7)(b) as follows:

9 **24-4.1-303. Procedures for ensuring rights of victims of**
10 **crimes.** (14.7) (b) The court shall notify the victim of petitions filed by
11 sex offenders to cease sex offender registration pursuant to section
12 16-22-113 ~~(2)(c)~~, C.R.S. (2) AND (2.5).

13 **SECTION 6. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part will not take effect
20 unless approved by the people at the general election to be held in
21 November 2018 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.