

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 22-0326.01 Michael Dohr x4347

HOUSE BILL 22-1210

HOUSE SPONSORSHIP

Benavidez and Duran, Bacon, Bernett, Boesenecker, Cutter, Esgar, Exum, Froelich, Gray, Herod, Jodeh, Kennedy, Kipp, Lindsay, Lontine, McCluskie, Michaelson Jenet, Mullica, Ricks, Roberts, Sullivan, Titone, Valdez A., Weissman, Young

SENATE SPONSORSHIP

Winter,

House Committees

Judiciary
Appropriations

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 AND MAKING AN APPROPRIATION.**

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.

HOUSE
3rd Reading Unamended
April 11, 2022

HOUSE
Amended 2nd Reading
April 8, 2022

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), (4)(a)(IV), and (7)(a); and **add** (4)(a)(III.3) and (5.5) as
5 follows:

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

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

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

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

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

1 ~~to this subsection (4)(a)(III):~~ THE BOARD SHALL PERFORM COMPLIANCE
2 ~~REVIEWS ON AT LEAST TEN PERCENT OF THE TREATMENT PROVIDERS~~
3 ~~EVERY TWO YEARS BEGINNING NO LATER THAN JULY 1, 2023.~~

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

12 (IV) Research and analyze the effectiveness of the treatment
13 evaluation and treatment procedures and programs developed pursuant to
14 ~~this article~~ ARTICLE 11.8. THE BOARD SHALL DEVELOP A DATA
15 COLLECTION PLAN AND REQUIRE APPROVED PROVIDERS TO BEGIN DATA
16 COLLECTION PURSUANT TO THE PLAN ADOPTED BY THE BOARD NO LATER
17 JANUARY 1, 2023. The board shall also develop and prescribe a system for
18 implementation of the guidelines and standards developed pursuant to
19 ~~subparagraphs (I) and (II) of this paragraph (a)~~ SUBSECTIONS (4)(a)(I)
20 AND (4)(a)(II) OF THIS SECTION and for tracking offenders who have been
21 evaluated and treated pursuant to ~~this article~~ ARTICLE 11.8. In addition,
22 the board shall develop a system for monitoring offender behaviors and
23 offender adherence to prescribed behavioral changes. The results of such
24 tracking and behavioral monitoring shall be a part of any analysis made
25 pursuant to ~~this subparagraph (IV)~~ SUBSECTION (4)(a)(IV).

26 (5.5) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), ON OR
27 BEFORE JANUARY 31, 2023, AND ON OR BEFORE EACH JANUARY 31

1 THEREAFTER, THE BOARD SHALL PREPARE AND PRESENT A WRITTEN
2 REPORT TO THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND
3 THE SENATE JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES.

4 THE REPORT MUST INCLUDE:

5 (a) THE NUMBER OF PEOPLE WHO RECEIVED DOMESTIC VIOLENCE
6 OFFENDER TREATMENT IN THE PRECEDING YEAR, THE NUMBER OF THOSE
7 WHO SUCCESSFULLY COMPLETED THE TREATMENT, THE NUMBER OF THOSE
8 WHO DID NOT COMPLETE THE TREATMENT, AND THE NUMBER OF THOSE
9 WHO REOFFENDED AND WERE REMOVED FROM TREATMENT;

10 (b) THE NUMBER OF TREATMENT PROVIDERS WHO PROVIDED
11 DOMESTIC VIOLENCE OFFENDER TREATMENT IN THE PRECEDING YEAR;

12 (c) THE NUMBER OF TREATMENT PROVIDERS WHO APPLIED TO BE
13 PLACED ON THE LIST OF APPROVED TREATMENT PROVIDERS PURSUANT TO
14 SUBSECTION (4)(a)(III)(C) OF THIS SECTION AND THE NUMBER OF
15 TREATMENT PROVIDERS PLACED ON THE LIST;

16 (d) THE BEST PRACTICES FOR THE TREATMENT AND MANAGEMENT
17 OF DOMESTIC VIOLENCE; AND

18 (e) ANY OTHER RELEVANT INFORMATION, INCLUDING ANY BOARD
19 RECOMMENDATIONS FOR LEGISLATION TO CARRY OUT THE PURPOSE AND
20 DUTIES OF THE BOARD TO PROTECT THE COMMUNITY.

21 (7) (a) This section is repealed, effective ~~September 1, 2022~~
22 SEPTEMBER 1, 2027.

23 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
24 (23)(a)(IX); and **add** (28)(a)(VII) as follows:

25 **24-34-104. General assembly review of regulatory agencies**
26 **and functions for repeal, continuation, or reestablishment - legislative**
27 **declaration - repeal.** (23) (a) The following agencies, functions, or both,

1 are scheduled for repeal on September 1, 2022:

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

4 (28) (a) The following agencies, functions, or both, are scheduled
5 for repeal on September 1, 2027:

6 (VII) THE DOMESTIC VIOLENCE OFFENDER MANAGEMENT BOARD
7 CREATED IN SECTION 16-11.8-103.

8 **SECTION 3. Appropriation.** For the 2022-23 state fiscal year,
9 \$70,232 is appropriated to the department of public safety for use by the
10 division of criminal justice. This appropriation is from the general fund
11 and is based on an assumption that the division will require an additional
12 1.0 FTE. To implement this act, the division may use this appropriation
13 for DCJ administrative services.

14 **SECTION 4. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly; except
17 that, if a referendum petition is filed pursuant to section 1 (3) of article V
18 of the state constitution against this act or an item, section, or part of this
19 act within such period, then the act, item, section, or part will not take
20 effect unless approved by the people at the general election to be held in
21 November 2022 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.