

**First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 23-0955.01 Michael Dohr x4347

**HOUSE BILL 23-1268**

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**A BILL FOR AN ACT**

101      **CONCERNING CHANGES TO THE PROCESS FOR A PERSON SERVING A**  
102              **CRIMINAL SENTENCE IN COLORADO FOR A CONVICTION IN**  
103              **ANOTHER STATE TO PARTICIPATE IN A PRIVATE TREATMENT**  
104              **PROGRAM.**

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**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>.)*

Colorado participates in an interstate compact that allows a person convicted of a crime in another state to have the person's probation or parole supervised in Colorado (supervised person) and allows a person

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

SENATE  
2nd Reading Unamended  
May 2, 2023

HOUSE  
3rd Reading Unamended  
April 14, 2023

HOUSE  
Amended 2nd Reading  
April 13, 2023

convicted in another state who is not required to be supervised to complete the person's court-ordered treatment in Colorado (unsupervised person). The bill clarifies the process for treating a supervised or unsupervised person in a private treatment program in Colorado. A private treatment program is a program that provides substance use treatment, sex offender management services, or domestic violence services (program). The bill directs the program to assist the supervised or unsupervised person with registering with the interstate compact administrator. The department of corrections (department) is required to complete a criminal history records check of the supervised or unsupervised person to verify that the person is a supervised or unsupervised person. The bill specifies the requirements for programs when the participant is a supervised person.

Current law subjects a program or supervised person to a misdemeanor for violating the provisions of the interstate compact. The bill states that a violation may be reported to the program's appropriate licensing, certifying, or approving agency for potential corrective action. The bill requires the department to periodically update the out-of-state offender questionnaire used by private treatment program providers.

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

2           **SECTION 1.** In Colorado Revised Statutes, 17-27.1-101, **amend**  
3 (2)(d), (2)(f), (2)(h), (3)(b), (5), (6), (7), and (9); **repeal** (4); and **add** (7.5)  
4 and (13) as follows:

5           **17-27.1-101. Nongovernmental facilities for offenders -**  
6 **registration - notifications - penalties - definitions.** (2) As used in this  
7 section, unless the context otherwise requires:

8           (d) "Private treatment program" means any residential or  
9 nonresidential program that provides services, treatment, rehabilitation,  
10 education, or criminal-history-related treatment for supervised or  
11 unsupervised persons ~~but does not include~~ IN NEED OF SUBSTANCE USE  
12 TREATMENT, SEX OFFENDER MANAGEMENT SERVICES, OR DOMESTIC  
13 VIOLENCE SERVICES REQUIRED AS PART OF THE SENDING STATE'S  
14 SENTENCE. "PRIVATE TREATMENT PROGRAM" DOES NOT INCLUDE A

1 LICENSED BEHAVIORAL HEALTH ENTITY ENDORSED TO PROVIDE CRISIS  
2 CARE OR WITHDRAWAL MANAGEMENT, a private contract prison facility,  
3 a prison facility operated by a political subdivision of the state, a facility  
4 providing treatment for persons with mental health disorders or  
5 intellectual and developmental disabilities, or a community corrections  
6 program established pursuant to article 27 of this title 17.

7 (f) "Supervised person" means a person eighteen years of age or  
8 older who is adjudicated for or convicted of or has agreed to a deferred  
9 judgment, deferred sentence, or deferred prosecution for a crime in  
10 another state but is or will be under the supervision of a probation officer  
11 or community parole officer in Colorado pursuant to the interstate  
12 compact. "SUPERVISED INDIVIDUAL" DOES NOT INCLUDE AN INDIVIDUAL  
13 CHARGED WITH A CRIME, BUT NOT CONVICTED AND SENTENCED, IN A  
14 SENDING STATE.

15 (h) "Unsupervised person" means a person eighteen years of age  
16 or older who, although not required to be under the jurisdiction of a  
17 probation officer or community parole officer in Colorado, is adjudicated  
18 for or convicted of or has agreed to a deferred judgment, deferred  
19 sentence, or deferred prosecution for a crime outside of the state of  
20 Colorado and is directed to attend a private treatment program in  
21 Colorado by any court, department of corrections, state board of parole,  
22 probation department, parole division, adult diversion program, or any  
23 other similar entity or program in a state other than Colorado.  
24 "UNSUPERVISED INDIVIDUAL" DOES NOT INCLUDE AN INDIVIDUAL  
25 CHARGED WITH A CRIME, BUT NOT CONVICTED AND SENTENCED, IN A  
26 SENDING STATE.

27 (3) (b) A sending state shall not permit travel of a supervised

1 person who is a nonresident of this state to the state of Colorado without  
2 written notification from the compact administrator of acceptance of the  
3 supervised person into a private treatment program WHEN TREATMENT IS  
4 REQUIRED BY LAW OR AS PART OF THE SENDING STATE'S SENTENCE.

5 ~~(4) No private treatment program in Colorado shall admit or~~  
6 ~~accept a supervised or unsupervised person into the program unless the~~  
7 ~~supervised or unsupervised person has signed a waiver that authorizes the~~  
8 ~~release of confidential information.~~

9 (5) A private treatment program in Colorado ~~shall not admit or~~  
10 ~~accept~~ THAT ADMITS OR ACCEPTS a supervised or unsupervised person  
11 into the program ~~unless the program:~~ SHALL, IMMEDIATELY FOLLOWING  
12 INTAKE TO THE PROGRAM, NOTIFY THE SUPERVISED OR UNSUPERVISED  
13 PERSON OF THE PERSON'S NEED TO REGISTER WITH THE COMPACT  
14 ADMINISTRATOR AND SHALL ASSIST THE SUPERVISED OR UNSUPERVISED  
15 PERSON IN PROVIDING THE PERSON'S NAME, DATE OF BIRTH, PROOF OF  
16 IDENTIFICATION, AND ANY NECESSARY RELEASE OF INFORMATION TO THE  
17 COMPACT ADMINISTRATOR IMMEDIATELY SO THE DEPARTMENT MAY  
18 COMPLETE A COMPLETE CRIMINAL HISTORY RECORDS CHECK OF THE  
19 PERSON AS SHOWN BY A NATIONAL CRIMINAL INFORMATION CHECK.

20 (a) ~~Is registered with the compact administrator, and, if the person~~  
21 ~~is a supervised person, the private treatment program is:~~

22 ~~(I) Approved by the behavioral health administration in the~~  
23 ~~department of human services if the program provides alcohol or drug~~  
24 ~~abuse treatment;~~

25 ~~(II) Certified or approved by the sex offender management board,~~  
26 ~~established in section 16-11.7-103, C.R.S., if the program provides sex~~  
27 ~~offender treatment;~~

1           ~~(III) Certified or approved by a domestic violence treatment~~  
2 ~~board, established pursuant to part 8 of article 6 of title 18, C.R.S., if the~~  
3 ~~program provides treatment for persons who were convicted of an act of~~  
4 ~~domestic violence as defined in section 18-6-800.3, C.R.S., or of an act~~  
5 ~~for which the underlying factual basis included an act of domestic~~  
6 ~~violence; or~~

7           ~~(IV) Licensed or certified by the division of adult parole in the~~  
8 ~~department of corrections, the department of regulatory agencies, the~~  
9 ~~behavioral health administration in the department of human services, the~~  
10 ~~state board of nursing, or the Colorado medical board if the program~~  
11 ~~provides treatment that requires certification or licensure;~~

12           ~~(b) If the person is unsupervised, has notified the compact~~  
13 ~~administrator of the following information for each such unsupervised~~  
14 ~~person:~~

15           ~~(I) Name, date and place of birth, and social security number;~~

16           ~~(II) Complete criminal history of the person as shown by a~~  
17 ~~national criminal information check;~~

18           ~~(III) Name and address of any court, department, board of parole,~~  
19 ~~probation department, parole division, adult diversion program, or other~~  
20 ~~similar entity or program having jurisdiction over the person; and~~

21           ~~(IV) Terms and conditions under which the person is required or~~  
22 ~~directed to attend the program; and~~

23           ~~(c) (I) If the person is supervised and is a resident of the state of~~  
24 ~~Colorado, has confirmed that the sending state has provided all~~  
25 ~~information concerning the supervised person required by the interstate~~  
26 ~~compact to the compact administrator; and~~

27           ~~(II) If the person is supervised and is a nonresident of the state of~~

1 Colorado, has confirmed that the compact administrator has accepted the  
2 person for placement in the private treatment program.

3 (6) (a) Pursuant to criteria established by the interstate compact,  
4 the compact administrator shall either accept or reject the placement of  
5 the supervised person in the private treatment program. THE DEPARTMENT  
6 SHALL, WITHIN FORTY-EIGHT HOURS, RUN A COMPLETE CRIMINAL HISTORY  
7 RECORDS CHECK ON THE INDIVIDUAL AND VERIFY THE PERSON IS A  
8 SUPERVISED OR AN UNSUPERVISED PERSON. IF THE PERSON IS DETERMINED  
9 TO BE A SUPERVISED OR AN UNSUPERVISED PERSON, THE DEPARTMENT  
10 SHALL IMMEDIATELY NOTIFY THE PRIVATE TREATMENT PROGRAM AND THE  
11 CHIEF LAW ENFORCEMENT OFFICIAL WHERE THE PRIVATE TREATMENT  
12 PROGRAM IS LOCATED AND, IF SUPERVISED, THE PERSON'S PROBATION OR  
13 COMMUNITY PAROLE OFFICER, OF THE PERSON'S STATUS.

14 (b) For all unsupervised persons and for supervised persons that  
15 the compact administrator accepts for placement in a private treatment  
16 program, the compact administrator shall immediately notify the  
17 appropriate chief law enforcement official and the director of the  
18 Colorado bureau of investigation. PURSUANT TO CRITERIA ESTABLISHED  
19 BY THE INTERSTATE COMPACT, THE COMPACT ADMINISTRATOR SHALL  
20 EITHER ACCEPT OR REJECT THE PLACEMENT OF THE SUPERVISED PERSON  
21 IN THE PRIVATE TREATMENT PROGRAM.

22 (c) (Deleted by amendment, L. 2000, p. 232, § 1, effective July 1,  
23 2000.)

24 (d) FOR ALL UNSUPERVISED PERSONS AND FOR SUPERVISED  
25 PERSONS THAT THE COMPACT ADMINISTRATOR ACCEPTS FOR PLACEMENT  
26 IN A PRIVATE TREATMENT PROGRAM, THE COMPACT ADMINISTRATOR  
27 SHALL IMMEDIATELY NOTIFY THE DIRECTOR OF THE COLORADO BUREAU

1 OF INVESTIGATION.

2 (7) ~~By written policy, a local law enforcement agency shall~~  
3 ~~require a supervised or unsupervised person to physically appear at the~~  
4 ~~local law enforcement agency for fingerprinting and photographing.~~ THE  
5 DEPARTMENT SHALL NOTIFY THE PRIVATE TREATMENT PROGRAM AND  
6 CHIEF LAW ENFORCEMENT OFFICIAL WHERE THE PRIVATE TREATMENT  
7 PROGRAM IS LOCATED IF THE PERSON IS DETERMINED TO BE A SUPERVISED  
8 OR AN UNSUPERVISED PERSON.

9 (7.5) (a) A SUPERVISED OR AN UNSUPERVISED PERSON MAY BE  
10 REQUIRED TO APPEAR AT A LAW ENFORCEMENT AGENCY FOR  
11 FINGERPRINTING AND PHOTOGRAPHING. A PROBATION DEPARTMENT, THE  
12 DIVISION OF PAROLE, OR OTHER AGENCY RESPONSIBLE FOR SUPERVISING  
13 A SUPERVISED PERSON IS RESPONSIBLE FOR NOTIFYING THE PERSON OF THE  
14 FINGERPRINTING AND PHOTOGRAPHING REQUIREMENT. THE COMPACT  
15 ADMINISTRATOR SHALL ARRANGE FOR NOTIFICATION TO AN UNSUPERVISED  
16 PERSON OF THE FINGERPRINTING AND PHOTOGRAPHING REQUIREMENT AND  
17 MAY REQUIRE AUTHORITIES IN THE SENDING STATE TO ASSIST WITH  
18 NOTIFICATION. A LAW ENFORCEMENT AGENCY SHALL TAKE PHOTOGRAPHS  
19 AND FINGERPRINTS OF A SUPERVISED OR UNSUPERVISED PERSON AS  
20 REQUIRED BUT MAY SET REASONABLE LIMITATIONS ON THE HOURS AND  
21 LOCATION.

22 (b) FOR A SUPERVISED PERSON, THE PRIVATE TREATMENT  
23 PROGRAM MUST BE:

24 (I) APPROVED BY THE BEHAVIORAL HEALTH ADMINISTRATION IN  
25 THE DEPARTMENT OF HUMAN SERVICES IF THE PROGRAM PROVIDES  
26 ALCOHOL OR SUBSTANCE USE TREATMENT TO A SUPERVISED PERSON IF THE  
27 TREATMENT WOULD BE REQUIRED IF THE OFFENSE HAD BEEN COMMITTED

1 IN COLORADO;

2 (II) CERTIFIED OR APPROVED BY THE SEX OFFENDER MANAGEMENT  
3 BOARD, ESTABLISHED IN SECTION 16-11.7-103, IF THE PROGRAM PROVIDES  
4 SEX OFFENDER TREATMENT TO A SUPERVISED PERSON IF THE TREATMENT  
5 WOULD BE REQUIRED IF THE OFFENSE HAD BEEN COMMITTED IN  
6 COLORADO;

7 (III) CERTIFIED OR APPROVED BY THE DOMESTIC VIOLENCE  
8 OFFENDER MANAGEMENT BOARD, ESTABLISHED IN SECTION 16-11.8-103,  
9 IF THE PROGRAM PROVIDES TREATMENT TO A SUPERVISED PERSON IF THE  
10 TREATMENT FOR AN OFFENSE IF COMMITTED IN COLORADO WOULD HAVE  
11 BEEN AN ACT OF DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3,  
12 OR OF AN ACT FOR WHICH THE UNDERLYING FACTUAL BASIS INCLUDED AN  
13 ACT OF DOMESTIC VIOLENCE; OR

14 (IV) LICENSED OR CERTIFIED BY THE DIVISION OF ADULT PAROLE  
15 IN THE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF REGULATORY  
16 AGENCIES, THE BEHAVIORAL HEALTH ADMINISTRATION IN THE  
17 DEPARTMENT OF HUMAN SERVICES, THE STATE BOARD OF NURSING, OR THE  
18 COLORADO MEDICAL BOARD, IF THE PROGRAM PROVIDES TREATMENT  
19 THAT REQUIRES CERTIFICATION OR LICENSURE.

20 (c) (I) IF THE SUPERVISED PERSON IS A RESIDENT OF THE STATE OF  
21 COLORADO, THE SUPERVISED PERSON SHALL CONFIRM THAT THE SENDING  
22 STATE HAS PROVIDED ALL INFORMATION CONCERNING THE SUPERVISED  
23 PERSON REQUIRED BY THE INTERSTATE COMPACT TO THE COMPACT  
24 ADMINISTRATOR.

25 (II) IF THE SUPERVISED PERSON IS A NONRESIDENT OF THE STATE  
26 OF COLORADO, THE SUPERVISED PERSON SHALL CONFIRM THAT THE  
27 COMPACT ADMINISTRATOR HAS ACCEPTED THE PERSON FOR PLACEMENT



1 IN THE PRIVATE TREATMENT PROGRAM.

2 (9) (a) Any private treatment program or supervising person that  
3 violates this section ~~commits a misdemeanor. Upon a first conviction, the~~  
4 ~~private treatment program or supervising person shall be punished by a~~  
5 ~~fine of five hundred dollars. Upon a second conviction, a private~~  
6 ~~treatment program or supervising person shall be punished by a fine of~~  
7 ~~one thousand dollars. Upon a third or subsequent conviction, a private~~  
8 ~~treatment program or supervising person shall be punished by a fine of~~  
9 ~~five thousand dollars~~ MAY BE REPORTED TO THE APPROPRIATE LICENSING,  
10 CERTIFYING, OR APPROVING AGENCY RESPONSIBLE FOR OVERSIGHT OF THE  
11 PRIVATE TREATMENT PROGRAM FOR POTENTIAL CORRECTIVE ACTION.

12 (b) ~~Each failure to comply with a provision of this section by a~~  
13 ~~private treatment program or supervising person relating to a different~~  
14 ~~person constitutes a separate violation.~~

15 (13) THE DEPARTMENT SHALL PERIODICALLY UPDATE THE  
16 OUT-OF-STATE OFFENDER QUESTIONNAIRE USED BY PRIVATE TREATMENT  
17 PROVIDERS. IN UPDATING THE QUESTIONNAIRE, THE DEPARTMENT SHALL  
18 ENGAGE STAKEHOLDERS, INCLUDING, BUT NOT LIMITED TO, THE  
19 BEHAVIORAL HEALTH ADMINISTRATION IN THE DEPARTMENT OF HUMAN  
20 SERVICES, SUBSTANCE USE TREATMENT PROVIDERS, LAW ENFORCEMENT,  
21 THE OFFICE OF THE STATE PUBLIC DEFENDER, AND OTHER CONCERNED  
22 STAKEHOLDERS.

23 **SECTION 2.** In Colorado Revised Statutes, 25-1-1202, **repeal**  
24 (1)(bb) as follows:

25 **25-1-1202. Index of statutory sections regarding medical**  
26 **record confidentiality and health information.** (1) Statutory provisions  
27 concerning policies, procedures, and references to the release, sharing,

1 and use of medical records and health information include the following:

2 (bb) ~~Section 17-27.1-101 (4), C.R.S., concerning~~  
3 ~~nongovernmental facilities for offenders and the waiver of confidential~~  
4 ~~information;~~

5 **SECTION 3.** In Colorado Revised Statutes, 18-6-801, **amend**  
6 **(1)(a) and (1)(b) as follows:**

7 **18-6-801. Domestic violence - sentencing.** (1) (a) In addition to  
8 any sentence that is imposed upon a person for violation of any criminal  
9 law under this ~~title~~ TITLE 18, any person who is convicted of any crime,  
10 the underlying factual basis of which has been found by the court on the  
11 record to include an act of domestic violence, as defined in section  
12 18-6-800.3 (1), or any crime against property, whether or not such crime  
13 is a felony, when such crime is used as a method of coercion, control,  
14 punishment, intimidation, or revenge directed against a person with whom  
15 the actor is or has been involved in an intimate relationship shall be  
16 ordered to complete a treatment program and a treatment evaluation that  
17 conform with the standards adopted by the domestic violence offender  
18 management board as required by section 16-11.8-103 (4); ~~C.R.S.,~~  
19 ~~EXCEPT A PERSON GRANTED PROBATION WHOSE SUPERVISION IS~~  
20 ~~TRANSFERRED TO ANOTHER STATE PURSUANT TO THE INTERSTATE~~  
21 ~~COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS SHALL FOLLOW THE~~  
22 ~~REQUIREMENTS FOR A TREATMENT EVALUATION AND A TREATMENT~~  
23 ~~PROGRAM OF THE STATE WHERE THE PERSON IS BEING SUPERVISED.~~  
24 ~~EXCEPT FOR A PERSON GRANTED PROBATION WHOSE SUPERVISION IS~~  
25 ~~TRANSFERRED PURSUANT TO THE INTERSTATE COMPACT FOR THE~~  
26 ~~SUPERVISION OF ADULT OFFENDERS, if an intake evaluation conducted by~~  
27 ~~an approved treatment program provider discloses that sentencing to a~~

1 treatment program would be inappropriate, the person shall be referred  
2 back to the court for alternative disposition.

3 (b) The court may order a treatment evaluation to be conducted  
4 prior to sentencing if a treatment evaluation would assist the court in  
5 determining an appropriate sentence. The person ordered to undergo such  
6 evaluation shall be required to pay the cost of the treatment evaluation. If  
7 such treatment evaluation recommends treatment, and if the court so  
8 finds, the person shall be ordered to complete a treatment program that  
9 conforms with the standards adopted by the domestic violence offender  
10 management board as required by section 16-11.8-103 (4); ~~C.R.S.~~,  
11 EXCEPT A PERSON GRANTED PROBATION WHOSE SUPERVISION IS  
12 TRANSFERRED TO ANOTHER STATE PURSUANT TO THE INTERSTATE  
13 COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS SHALL FOLLOW THE  
14 REQUIREMENTS FOR A TREATMENT EVALUATION AND A TREATMENT  
15 PROGRAM OF THE STATE WHERE THE PERSON IS BEING SUPERVISED.

16 **SECTION 4. Act subject to petition - effective date.** This act  
17 takes effect at 12:01 a.m. on the day following the expiration of the  
18 ninety-day period after final adjournment of the general assembly; except  
19 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
20 of the state constitution against this act or an item, section, or part of this  
21 act within such period, then the act, item, section, or part will not take  
22 effect unless approved by the people at the general election to be held in  
23 November 2024 and, in such case, will take effect on the date of the  
24 official declaration of the vote thereon by the governor.