

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 9, 2001
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB01-210 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, after line 1, insert the following:

2 **"SECTION 1. Legislative declaration.** (1) The general
3 assembly hereby finds that:

4 (a) Studies show that the recidivism rate for certain persons who
5 are convicted of unlawful sexual behavior is significantly higher than for
6 persons who are convicted of other crimes;

7 (b) Persons who are convicted of unlawful sexual behavior and
8 subsequently released into the community with little or no supervision
9 can pose an extreme danger to society, especially to children, who are
10 most in need of society's protection;

11 (c) Unlawful sexual behavior takes a devastating toll on society,
12 creating victims who, though they may recover from the physical injuries
13 they receive, often suffer from psychological trauma and injury that
14 continues throughout their lives, affecting their personal and social
15 relationships and their ability to fully participate in and contribute to
16 society;

1 (d) Requiring persons who are convicted of unlawful sexual
2 behavior to periodically and consistently register with their local law
3 enforcement agencies is a necessary step in reducing the danger posed by
4 these persons;

5 (e) Studies show that most persons who engage in unlawful sexual
6 behavior develop a pattern of actions that lead up to the offense and that
7 refusing to register as a sex offender is, in certain cases, an early step in
8 following that pattern and often leads, ultimately, to a subsequent offense
9 of unlawful sexual behavior;

10 (f) Imposing a significant penalty for failure to register as a sex
11 offender is likely to result in greater compliance with the sex offender
12 registration requirements and more effective law enforcement and will
13 provide a more effective mechanism for early intervention with a person
14 before that person's pattern of actions culminates in creation of another
15 victim of unlawful sexual behavior.

16 (2) The general assembly therefore finds that failure to register as
17 a sex offender is a serious offense that requires imposition of a significant
18 penalty in order to adequately protect the public safety."

19 Renumber succeeding sections accordingly.

20 Page 2, line 11, strike "5 FELONY" and substitute "6 FELONY";

21 line 14, strike "ADULT." and substitute "ADULT; EXCEPT THAT ANY SECOND
22 OR SUBSEQUENT OFFENSE OF FAILURE TO REGISTER AS A SEX OFFENDER BY
23 SUCH PERSON IS A CLASS 5 FELONY.";

24 strike lines 16 and 17 and substitute the following:

25 "PURSUANT TO THE PROVISIONS OF SECTION 18-1-105. IF SUCH PERSON IS
26 SENTENCED TO PROBATION, THE COURT SHALL REQUIRE, AS A CONDITION
27 OF PROBATION, THAT THE PERSON PARTICIPATE UNTIL FURTHER ORDER OF
28 THE COURT IN AN INTENSIVE SUPERVISION PROBATION PROGRAM
29 ESTABLISHED PURSUANT TO SECTION 16-13-807, C.R.S. IF SUCH PERSON
30 IS SENTENCED TO INCARCERATION AND SUBSEQUENTLY RELEASED ON

1 PAROLE, THE PAROLE BOARD SHALL REQUIRE, AS A CONDITION OF PAROLE,
2 THAT THE PERSON PARTICIPATE IN AN INTENSIVE SUPERVISION PAROLE
3 PROGRAM ESTABLISHED PURSUANT TO SECTION 16-13-805, C.R.S.";

4 strike lines 22 and 23 and substitute "COMMITTED BY AN ADULT."

5 Page 3, strike lines 1 and 2;

6 strike lines 20 through 27 and substitute the following:

7 "SECTION 4. 16-13-805, Colorado Revised Statutes, is amended
8 BY THE ADDITION OF A NEW SUBSECTION to read:

9 **16-13-805. Parole - intensive supervision program.** (1.5) IN
10 ADDITION TO THE PERSONS SPECIFIED IN SUBSECTION (1) OF THIS SECTION,
11 THE PAROLE BOARD SHALL REQUIRE, AS A CONDITION OF PAROLE, ANY
12 PERSON CONVICTED OF FELONY FAILURE TO REGISTER AS A SEX OFFENDER,
13 AS DESCRIBED IN SECTION 18-3-412.5 (4) (b) (I), C.R.S., WHO IS
14 SENTENCED TO INCARCERATION AND SUBSEQUENTLY RELEASED ON
15 PAROLE, TO PARTICIPATE IN THE INTENSIVE SUPERVISION PAROLE PROGRAM
16 ESTABLISHED PURSUANT TO THIS SECTION.

17 **SECTION 5.** 16-13-807, Colorado Revised Statutes, is amended
18 BY THE ADDITION OF A NEW SUBSECTION to read:

19 **16-13-807. Probation - intensive supervision program.** (1.5) IN
20 ADDITION TO THE PERSONS SPECIFIED IN SUBSECTION (1) OF THIS SECTION,
21 THE COURT SHALL REQUIRE ANY PERSON CONVICTED OF FELONY FAILURE
22 TO REGISTER AS A SEX OFFENDER, AS DESCRIBED IN SECTION 18-3-412.5 (4)
23 (b) (I), C.R.S., AND SENTENCED TO PROBATION TO PARTICIPATE, AS A
24 CONDITION OF PROBATION AND UNTIL FURTHER ORDER OF THE COURT, IN
25 THE INTENSIVE SUPERVISION PROBATION PROGRAM ESTABLISHED
26 PURSUANT TO THIS SECTION."

27 Strike pages 4 and 5.

28 Page 6, strike lines 1 through 22.

1 Renumber succeeding sections accordingly.

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