

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 07-0859.01 Michael Dohr

HOUSE BILL 07-1326

HOUSE SPONSORSHIP

Kerr A. and Swalm,

SENATE SPONSORSHIP

Sandoval, and Johnson

House Committees

Judiciary
Appropriations

Senate Committees

Judiciary
Appropriations

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT CERTAIN SEX OFFENDERS**
102 **PROVIDE ELECTRONIC COMMUNICATION IDENTIFIERS WHEN**
103 **REGISTERING AS SEX OFFENDERS, AND MAKING AN**
104 **APPROPRIATION IN CONNECTION THEREWITH.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires a sex offender, who committed a sex offense involving a victim who was less than 18 years of age, when registering as a sex offender, to provide any email address, instant-messaging identity, or chat room identity prior to using the address or identity.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
Amended 2nd Reading
April 30, 2007

HOUSE
3rd Reading Unamended
April 18, 2007

HOUSE
Amended 2nd Reading
April 12, 2007

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

2 **SECTION 1.** 16-22-108, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **16-22-108. Registration - procedure - frequency - place -**
5 **change of address - fee.** (2.5) (a) ANY PERSON WHO IS REQUIRED TO
6 REGISTER PURSUANT TO SECTION 16-22-103 AND WHO HAS BEEN
7 CONVICTED OF A CHILD SEX CRIME SHALL BE REQUIRED TO REGISTER ALL
8 EMAIL ADDRESSES, INSTANT-MESSAGING IDENTITIES, OR CHAT ROOM
9 IDENTITIES PRIOR TO USING THE ADDRESS OR IDENTITY.

10 (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
11 THIS SUBSECTION (2.5), A PERSON SHALL NOT BE REQUIRED TO REGISTER
12 AN EMPLOYMENT EMAIL ADDRESS IF:

13 (I) THE PERSON'S EMPLOYER PROVIDED THE EMAIL ADDRESS FOR
14 USE PRIMARILY IN THE COURSE OF THE PERSON'S EMPLOYMENT;

15 (II) THE EMAIL ADDRESS IDENTIFIES THE EMPLOYER BY NAME,
16 INITIALS, OR OTHER COMMONLY RECOGNIZED IDENTIFIER; AND

17 (III) THE PERSON REQUIRED TO REGISTER IS NOT AN OWNER OR
18 OPERATOR OF THE EMPLOYING ENTITY THAT PROVIDED THE EMAIL
19 ADDRESS.

20 (c) FOR PURPOSES OF THIS SECTION, "CHILD SEX CRIME" MEANS
21 SEXUAL ASSAULT ON A CHILD, AS DESCRIBED IN SECTION 18-3-405, C.R.S.;
22 SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST, AS
23 DESCRIBED IN SECTION 18-3-405.3, C.R.S.; UNLAWFUL SEXUAL CONTACT,
24 AS DESCRIBED IN SECTION 18-3-404 (1.5), C.R.S.; ENTICEMENT OF A
25 CHILD, AS DESCRIBED IN SECTION 18-3-305, C.R.S.; AGGRAVATED INCEST,
26 AS DESCRIBED IN SECTION 18-6-302 (1) (b), C.R.S.; TRAFFICKING IN

1 CHILDREN, AS DESCRIBED IN SECTION 18-6-402, C.R.S.; SEXUAL
2 EXPLOITATION OF CHILDREN, AS DESCRIBED IN SECTION 18-6-403, C.R.S.;
3 PROCUREMENT OF A CHILD FOR SEXUAL EXPLOITATION, AS DESCRIBED IN
4 SECTION 18-6-404, C.R.S.; SOLICITING FOR CHILD PROSTITUTION, AS
5 DESCRIBED IN SECTION 18-7-402, C.R.S.; PANDERING OF A CHILD, AS
6 DESCRIBED IN SECTION 18-7-403, C.R.S.; PROCUREMENT OF A CHILD, AS
7 DESCRIBED IN SECTION 18-7-403.5, C.R.S.; KEEPING A PLACE OF CHILD
8 PROSTITUTION, AS DESCRIBED IN SECTION 18-7-404, C.R.S.; PIMPING OF A
9 CHILD, AS DESCRIBED IN SECTION 18-7-405, C.R.S.; INDUCEMENT OF CHILD
10 PROSTITUTION, AS DESCRIBED IN SECTION 18-7-405.5, C.R.S.;
11 PATRONIZING A PROSTITUTED CHILD, AS DESCRIBED IN SECTION 18-7-406,
12 C.R.S.; INTERNET LURING OF A CHILD, AS DESCRIBED IN SECTION 18-3-306,
13 C.R.S.; INTERNET SEXUAL EXPLOITATION OF A CHILD, AS DESCRIBED IN
14 SECTION 18-3-405.4, C.R.S.; WHOLESALE PROMOTION OF OBSCENITY TO
15 A MINOR, AS DESCRIBED IN SECTION 18-7-102 (1.5), C.R.S.; PROMOTION OF
16 OBSCENITY TO A MINOR, AS DESCRIBED IN SECTION 18-7-102 (2.5), C.R.S.;
17 SEXUAL ASSAULT, AS DESCRIBED IN SECTION 18-3-402 (1) (d) AND (1) (e),
18 C.R.S.; SEXUAL ASSAULT IN THE SECOND DEGREE AS IT EXISTED PRIOR TO
19 JULY 1, 2000, AS DESCRIBED IN SECTION 18-3-403 (1) (e) AND (1) (e.5),
20 C.R.S.; OR CRIMINAL ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT
21 ANY OF THE ACTS SPECIFIED IN THIS PARAGRAPH (c).

22 **SECTION 2.** 16-22-108 (3) (e) and (3) (f), Colorado Revised
23 Statutes, are amended, and the said 16-22-108 (3) is further amended BY
24 THE ADDITION OF A NEW PARAGRAPH, to read:

25 **16-22-108. Registration - procedure - frequency - place -**
26 **change of address - fee.** (3) Any person who is required to register
27 pursuant to section 16-22-103 shall be required to register each time such

1 person:

2 (e) Becomes enrolled or changes enrollment in an institution of
3 postsecondary education, or changes the location of enrollment; ~~or~~

4 (f) Becomes a volunteer or changes the volunteer work location,
5 if volunteering at an institution of postsecondary education; OR

6 (g) CHANGES HIS OR HER EMAIL ADDRESS, INSTANT MESSAGING
7 IDENTITY, OR CHAT ROOM IDENTITY, IF THE PERSON IS REQUIRED TO
8 REGISTER THAT INFORMATION PURSUANT TO SECTION 16-22-108 (2.5).
9 THE PERSON SHALL REGISTER THE _____ EMAIL ADDRESS, INSTANT
10 MESSAGING IDENTITY, OR CHAT ROOM IDENTITY ■ PRIOR TO USING IT.

11 **SECTION 3.** The introductory portion to 16-22-109 (1), Colorado
12 Revised Statutes, is amended, and the said 16-22-109 (1) is further
13 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

14 **16-22-109. Registration forms - local law enforcement agencies**
15 **- duties.** (1) The director of the CBI shall prescribe standardized forms
16 to be used to comply with this article, and the CBI shall provide copies of
17 ~~such~~ THE standardized forms to the courts, probation departments,
18 community corrections programs, the department of corrections, the
19 department of human services, and local law enforcement agencies. ~~Such~~
20 THE standardized forms may be provided in electronic form. ~~Such~~ THE
21 standardized forms shall be used to register persons pursuant to this
22 article and to enable persons to cancel registration, as necessary. The
23 standardized forms shall provide that the persons required to register
24 pursuant to section 16-22-103 disclose such information as is required on
25 the standardized forms. The information required on the standardized
26 forms shall include, but need not be limited to:

27 (f) ALL _____ EMAIL ADDRESSES, INSTANT-MESSAGING IDENTITIES,

1 AND CHAT ROOM IDENTITIES TO BE USED BY THE PERSON IF THE PERSON IS
2 REQUIRED TO REGISTER THAT INFORMATION PURSUANT TO SECTION
3 16-22-108 (2.5).

4 **SECTION 4.** 18-3-412.5 (1), Colorado Revised Statutes, is
5 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6 **18-3-412.5. Failure to register as a sex offender.** (1) Any
7 person who is required to register pursuant to article 22 of title 16, C.R.S.,
8 and who fails to comply with any of the requirements placed on
9 registrants by said article, including but not limited to committing any of
10 the acts specified in this subsection (1), commits the offense of failure to
11 register as a sex offender:

12 (j) FAILURE TO REGISTER AN EMAIL ADDRESS, INSTANT-MESSAGING
13 IDENTITY, OR CHAT ROOM IDENTITY PRIOR TO USING THE ADDRESS OR
14 IDENTITY IF THE PERSON IS REQUIRED TO REGISTER THAT INFORMATION
15 PURSUANT TO SECTION 16-22-108 (2.5), C.R.S.

16 **SECTION 5.** Part 1 of article 1 of title 17, Colorado Revised
17 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
18 read:

19 **17-1-163. Appropriation to comply with section 2-2-703 - HB**
20 **07-1326.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING
21 STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE
22 NECESSARY, ARE MADE IN ORDER TO IMPLEMENT H.B. 07-1326, ENACTED
23 AT THE FIRST REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY:

24 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, IN ADDITION
25 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM
26 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
27 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN

1 SECTION 17-1-116, THE SUM OF FIVE HUNDRED THOUSAND SIX HUNDRED
2 SIXTY DOLLARS (\$500,660).

3 (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN
4 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY
5 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN
6 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE
7 FUND CREATED IN SECTION 17-1-116, THE SUM OF ONE HUNDRED FIFTY
8 THOUSAND ONE HUNDRED NINETY-EIGHT DOLLARS (\$150,198).

9 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION
10 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
11 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
12 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF ONE HUNDRED TEN
13 THOUSAND THREE HUNDRED FORTY-EIGHT DOLLARS (\$110,348).

14 (c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION
15 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM
16 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
17 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
18 SECTION 17-1-116, THE SUM OF SEVENTY-FIVE THOUSAND NINETY-NINE
19 DOLLARS (\$75,099).

20 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION
21 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
22 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
23 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF ONE HUNDRED
24 FORTY-THREE THOUSAND FOUR HUNDRED FIFTY-TWO DOLLARS
25 (\$143,452).

26 (d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION
27 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE

1 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
2 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF ONE HUNDRED SIXTY
3 THOUSAND FIVE DOLLARS (\$160,005).

4 (e) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION
5 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
6 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
7 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF ONE HUNDRED SIXTY
8 THOUSAND FIVE DOLLARS (\$160,005).

9 **SECTION 6.** 24-75-302 (2) (t), (u), and (v), Colorado Revised
10 Statutes, are amended to read:

11 **24-75-302. Capital construction fund - capital assessment fees**
12 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter
13 through July 1, 2010, a sum as specified in this subsection (2) shall accrue
14 to the capital construction fund. The state treasurer and the controller
15 shall transfer such sum out of the general fund and into the capital
16 construction fund as moneys become available in the general fund during
17 the fiscal year beginning on said July 1. Transfers between funds
18 pursuant to this subsection (2) shall not be deemed to be appropriations
19 subject to the limitations of section 24-75-201.1. The amount which shall
20 accrue pursuant to this subsection (2) shall be as follows:

21 (t) On July 1, 2007, four hundred sixteen thousand eight hundred
22 two dollars pursuant to H.B. 03-1004, enacted at the first regular session
23 of the sixty-fourth general assembly; plus fifty-five thousand five hundred
24 seventy-four dollars pursuant to H.B. 03-1317, enacted at the first regular
25 session of the sixty-fourth general assembly; plus thirteen thousand eight
26 hundred ninety-three dollars pursuant to H.B. 04-1021, enacted at the
27 second regular session of the sixty-fourth general assembly; plus

1 twenty-two million eight hundred eighty-five thousand three hundred
2 eighty-six dollars pursuant to H.B. 06-1373, enacted at the second regular
3 session of the sixty-fifth general assembly; plus two hundred nine
4 thousand two hundred sixty-six dollars pursuant to S.B. 06-206, enacted
5 at the second regular session of the sixty-fifth general assembly; plus two
6 hundred nine thousand two hundred sixty-six dollars pursuant to S.B.
7 06-207, enacted at the second regular session of the sixty-fifth general
8 assembly; plus six hundred ten thousand three hundred fifty-eight dollars
9 pursuant to H.B. 06-1326, enacted at the second regular session of the
10 sixty-fifth general assembly; plus sixty-nine thousand seven hundred
11 fifty-five dollars pursuant to H.B. 06-1151, enacted at the second regular
12 session of the sixty-fifth general assembly; plus five hundred twenty-three
13 thousand one hundred sixty-four dollars pursuant to H.B. 06-1011,
14 enacted at the second regular session of the sixty-fifth general assembly;
15 plus seventeen thousand four hundred thirty-nine dollars pursuant to S.B.
16 06S-005, enacted at the first extraordinary session of the sixty-fifth
17 general assembly; PLUS FIVE HUNDRED THOUSAND SIX HUNDRED SIXTY
18 DOLLARS PURSUANT TO H.B. 07-1326, ENACTED AT THE FIRST REGULAR
19 SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY;

20 (u) On July 1, 2008, sixty-nine thousand four hundred sixty-seven
21 dollars pursuant to H.B. 04-1021, enacted at the second regular session
22 of the sixty-fourth general assembly; plus three hundred ninety-two
23 thousand three hundred seventy-three dollars pursuant to S.B. 06-206,
24 enacted at the second regular session of the sixty-fifth general assembly;
25 plus three hundred ninety-two thousand three hundred seventy-three
26 dollars pursuant to S.B. 06-207, enacted at the second regular session of
27 the sixty-fifth general assembly; plus four hundred sixty-two thousand

1 one hundred twenty-eight dollars pursuant to H.B. 06-1326, enacted at the
2 second regular session of the sixty-fifth general assembly; plus twenty-six
3 thousand one hundred fifty-eight dollars pursuant to H.B. 06-1145,
4 enacted at the second regular session of the sixty-fifth general assembly;
5 plus five hundred twenty-three thousand one hundred sixty-four dollars
6 pursuant to H.B. 06-1011, enacted at the second regular session of the
7 sixty-fifth general assembly; plus sixty-nine thousand seven hundred
8 fifty-five dollars pursuant to S.B. 06S-004, enacted at the first
9 extraordinary session of the sixty-fifth general assembly; PLUS ONE
10 HUNDRED FIFTY THOUSAND ONE HUNDRED NINETY-EIGHT DOLLARS
11 PURSUANT TO H.B. 07-1326, ENACTED AT THE FIRST REGULAR SESSION OF
12 THE SIXTY-SIXTH GENERAL ASSEMBLY;

13 (v) On July 1, 2009, five hundred twenty-three thousand one
14 hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second
15 regular session of the sixty-fifth general assembly; plus five hundred
16 twenty-three thousand one hundred sixty-four dollars pursuant to S.B.
17 06-207, enacted at the second regular session of the sixty-fifth general
18 assembly; plus forty-three thousand five hundred ninety-seven dollars
19 pursuant to H.B. 06-1145, enacted at the second regular session of the
20 sixty-fifth general assembly; plus five hundred twenty-three thousand one
21 hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the
22 second regular session of the sixty-fifth general assembly; PLUS
23 SEVENTY-FIVE THOUSAND NINETY-NINE DOLLARS PURSUANT TO H.B.
24 07-1326, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-SIXTH
25 GENERAL ASSEMBLY;

26 **SECTION 7. Appropriation - adjustments to the 2007 long**
27 **bill.** (1) In addition to any other appropriation, there is hereby

1 appropriated, out of any moneys in the general fund not otherwise
2 appropriated, to the department of public safety, for allocation to the
3 Colorado bureau of investigation, for the fiscal year beginning July 1,
4 2007, the sum of thirty-eight thousand four hundred dollars (\$38,400), or
5 so much thereof as may be necessary, for the implementation of this act.

6 (2) For the implementation of this act, the appropriation made in
7 section 21 of the annual general appropriation act for the fiscal year
8 beginning July 1, 2007, shall be adjusted as follows: The general fund
9 appropriation to the controlled maintenance trust fund is decreased by the
10 sum of thirty-eight thousand four hundred dollars (\$38,400).

11 **SECTION 8. Effective date - applicability.** This act shall take
12 effect July 1, 2007, and section 4 of this act shall apply to offenses
13 committed on or after said date.

14 **SECTION 9. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.