

**Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 10-0783.01 Michael Dohr

**HOUSE BILL 10-1277**

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**HOUSE SPONSORSHIP**

**DelGrosso,** Waller

**SENATE SPONSORSHIP**

**Steadman,**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING AN EXTENSION OF THE PROHIBITION AGAINST SEXUAL**  
102                    **CONDUCT IN CORRECTIONAL INSTITUTIONS, AND MAKING AN**  
103                    **APPROPRIATION THEREFOR.**

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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://www.leg.state.co.us/billsummaries>.)*

Current law prohibits a correctional employee or volunteer from engaging in sexual activity with an inmate. The bill extends that prohibition to engaging in sexual activity with a person or with a juvenile in a detention or commitment facility.

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.*

The bill makes a 5-year appropriation.

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

2 **SECTION 1.** 18-7-701, Colorado Revised Statutes, is amended  
3 to read:

4 **18-7-701. Sexual conduct in a correctional institution.** (1) An  
5 employee, contract employee, or volunteer of a ~~criminal justice facility~~  
6 CORRECTIONAL INSTITUTION or an individual who performs work or  
7 volunteer functions in a ~~criminal justice facility~~ or for the department of  
8 ~~corrections~~ CORRECTIONAL INSTITUTION who engages in sexual conduct  
9 with a person who is in lawful custody in a ~~criminal justice facility~~  
10 CORRECTIONAL INSTITUTION commits the offense of sexual conduct in a  
11 ~~penal institution~~ CORRECTIONAL INSTITUTION.

12 (2) For purposes of this section:

13 (a) "~~Criminal justice facility~~" "CORRECTIONAL INSTITUTION"  
14 means a correctional facility, as defined in section 17-1-102 (1.7), C.R.S.,  
15 A LOCAL JAIL, AS DEFINED IN SECTION 17-1-102 (7), C.R.S., operated by  
16 or under contract with the department of corrections, or a jail, ■ A  
17 FACILITY OPERATED BY OR UNDER CONTRACT WITH THE DEPARTMENT OF  
18 HUMAN SERVICES IN WHICH JUVENILES ARE OR MAY BE LAWFULLY HELD  
19 FOR DETENTION OR COMMITMENT FOR THE COMMISSION OF A CRIME, OR A  
20 FACILITY OF A COMMUNITY CORRECTIONS PROGRAM AS DEFINED IN  
21 SECTION 17-27-102 (3), C.R.S.

22 (b) "Sexual conduct" means sexual contact as defined in section  
23 18-3-401 (4), sexual intrusion as defined in section 18-3-401 (5), or  
24 sexual penetration as defined in section 18-3-401 (6). "Sexual conduct"  
25 does not include acts of an employee of a ~~criminal justice facility~~

1 CORRECTIONAL INSTITUTION or a person who has custody of another  
2 person that are performed to carry out the necessary duties of the  
3 employee or the person with custody.

4 (3) Sexual conduct in a ~~penal institution~~ CORRECTIONAL  
5 INSTITUTION is a class 5 felony if the sexual conduct includes sexual  
6 intrusion or sexual penetration and is committed by an employee or  
7 contract employee of a ~~criminal justice facility~~ CORRECTIONAL  
8 INSTITUTION or by an employee, contract employee, or individual who  
9 performs work functions in a ~~criminal justice facility~~ CORRECTIONAL  
10 INSTITUTION or for the department of corrections, THE DEPARTMENT OF  
11 HUMAN SERVICES, OR A COMMUNITY CORRECTIONS PROGRAM.

12 (4) Sexual conduct in a ~~penal institution~~ CORRECTIONAL  
13 INSTITUTION is a class 6 felony if:

14 (a) The sexual conduct consists solely of sexual contact and is  
15 committed by an employee or contract employee of a ~~criminal justice~~  
16 ~~facility~~ CORRECTIONAL INSTITUTION or by an employee, contract  
17 employee, or individual who performs work functions in a ~~criminal~~  
18 ~~justice facility~~ CORRECTIONAL INSTITUTION or for the department of  
19 corrections, THE DEPARTMENT OF HUMAN SERVICES, OR A COMMUNITY  
20 CORRECTIONS PROGRAM;

21 (b) The sexual conduct includes sexual intrusion or sexual  
22 penetration and is committed by a volunteer.

23 (5) Sexual conduct in a ~~penal institution~~ CORRECTIONAL  
24 INSTITUTION is a class 1 misdemeanor if the sexual conduct consists  
25 solely of sexual contact and is committed by a volunteer.

26 **SECTION 2.** 16-22-102 (9) (u), Colorado Revised Statutes, is  
27 amended to read:

1           **16-22-102. Definitions.** As used in this article, unless the context  
2 otherwise requires:

3           (9) "Unlawful sexual behavior" means any of the following  
4 offenses or criminal attempt, conspiracy, or solicitation to commit any of  
5 the following offenses:

6           (u) Engaging in sexual conduct in a ~~penal~~ CORRECTIONAL  
7 institution, in violation of section 18-7-701, C.R.S.;

8           **SECTION 3.** 16-22-112 (2) (b) (II) (F), Colorado Revised  
9 Statutes, is amended to read:

10           **16-22-112. Release of information - law enforcement agencies.**

11           (2) (b) A local law enforcement agency may post on its web site sex  
12 offender registration information of a person from its registration list only  
13 if the person is:

14           (II) An adult convicted of a second or subsequent offense of any  
15 of the following misdemeanors:

16           (F) Sexual conduct in a ~~penal~~ CORRECTIONAL institution as  
17 described in section 18-7-701, C.R.S.;

18           **SECTION 4.** Article 18 of title 17, Colorado Revised Statutes, is  
19 amended BY THE ADDITION OF A NEW SECTION to read:

20           **17-18-105. Appropriation to comply with section 2-2-703 - HB**

21 **10-##### - repeal.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE  
22 FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY  
23 BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT HOUSE BILL 10-\_\_\_\_,  
24 ENACTED IN 2010:

25           (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION  
26 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM  
27 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,

1 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN  
2 SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

3 (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, 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 \_\_\_\_\_ DOLLARS (\$ ).

8 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, IN ADDITION  
9 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
10 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT  
11 OTHERWISE APPROPRIATED, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

12 (c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION  
13 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM  
14 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,  
15 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN  
16 SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

17 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, IN ADDITION  
18 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
19 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT  
20 OTHERWISE APPROPRIATED, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

21 (d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, IN  
22 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY  
23 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN  
24 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE  
25 FUND CREATED IN SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

26 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, IN ADDITION  
27 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE

1 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT  
2 OTHERWISE APPROPRIATED, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

3 (e) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2014, IN ADDITION  
4 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM  
5 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,  
6 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN  
7 SECTION 17-1-116, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

8 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2014, IN ADDITION  
9 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE  
10 DEPARTMENT, OUT OF ANY MONEYS IN THE GENERAL FUND NOT  
11 OTHERWISE APPROPRIATED, THE SUM OF \_\_\_\_\_ DOLLARS (\$ ).

12 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2015.

13 **SECTION 5.** The introductory portion to 24-75-302 (2) and  
14 24-75-302 (2) (w), (2) (x), and (2) (y), Colorado Revised Statutes, are  
15 amended, and the said 24-75-302 (2) is further amended BY THE  
16 ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

17 **24-75-302. Capital construction fund - capital assessment fees**  
18 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter  
19 through July 1, ~~2012~~ 2014, a sum as specified in this subsection (2) shall  
20 accrue to the capital construction fund. The state treasurer and the  
21 controller shall transfer such sum out of the general fund and into the  
22 capital construction fund as moneys become available in the general fund  
23 during the fiscal year beginning on said July 1. Transfers between funds  
24 pursuant to this subsection (2) shall not be deemed to be appropriations  
25 subject to the limitations of section 24-75-201.1. The amount that shall  
26 accrue pursuant to this subsection (2) shall be as follows:

27 (w) On July 1, 2010, five hundred twenty-three thousand one

1 hundred sixty-four dollars pursuant to S.B. 06-206, enacted at the second  
2 regular session of the sixty-fifth general assembly; plus five hundred  
3 twenty-three thousand one hundred sixty-four dollars pursuant to S.B.  
4 06-207, enacted at the second regular session of the sixty-fifth general  
5 assembly; plus forty-three thousand five hundred ninety-seven dollars  
6 pursuant to H.B. 06-1145, enacted at the second regular session of the  
7 sixty-fifth general assembly; plus five hundred twenty-three thousand one  
8 hundred sixty-four dollars pursuant to H.B. 06-1011, enacted at the  
9 second regular session of the sixty-fifth general assembly; plus sixty-nine  
10 thousand seven hundred fifty-five dollars pursuant to S.B. 06S-004,  
11 enacted at the first extraordinary session of the sixty-fifth general  
12 assembly; plus seven hundred fifty thousand nine hundred ninety dollars  
13 pursuant to S.B. 07-096, enacted at the first regular session of the  
14 sixty-sixth general assembly; plus one hundred twelve thousand six  
15 hundred forty-nine dollars pursuant to H.B. 08-1115, enacted at the  
16 second regular session of the sixty-sixth general assembly; plus one  
17 hundred thirty-seven thousand six hundred eighty-two dollars pursuant to  
18 S.B. 08-239, enacted at the second regular session of the sixty-sixth  
19 general assembly; PLUS \_\_\_\_\_ DOLLARS PURSUANT TO H.B. 10-\_\_\_\_,  
20 ENACTED IN 2010;

21 (x) On July 1, 2011, seven hundred fifty thousand nine hundred  
22 ninety dollars pursuant to S.B. 07-096, enacted at the first regular session  
23 of the sixty-sixth general assembly; plus three hundred seventy-five  
24 thousand four hundred ninety-five dollars pursuant to S.B. 08-239,  
25 enacted at the second regular session of the sixty-sixth general assembly;  
26 PLUS \_\_\_\_\_ DOLLARS PURSUANT TO H.B. 10-\_\_\_\_, ENACTED IN 2010;

27 (y) On July 1, 2012, one hundred twelve thousand six hundred

1 forty-nine dollars pursuant to H.B. 08-1115, enacted at the second regular  
2 session of the sixty-sixth general assembly; plus three hundred  
3 seventy-five thousand four hundred ninety-five dollars pursuant to S.B.  
4 08-239, enacted at the second regular session of the sixty-sixth general  
5 assembly; PLUS \_\_\_\_\_ DOLLARS PURSUANT TO H.B. 10-\_\_\_\_, ENACTED  
6 IN 2010;

7 (z) ON JULY 1, 2013, \_\_\_\_\_ DOLLARS PURSUANT TO H.B. 10-\_\_\_\_,  
8 ENACTED IN 2010;

9 (aa) ON JULY 1, 2014, \_\_\_\_\_ DOLLARS PURSUANT TO H.B.  
10 10-\_\_\_\_, ENACTED IN 2010.

11 **SECTION 6. Safety clause.** The general assembly hereby finds,  
12 determines, and declares that this act is necessary for the immediate  
13 preservation of the public peace, health, and safety.