

- a procedure for identifying and evaluating lower-risk sex offenders on a reliable basis is to be developed;
- the requirement that the SOMB develop and implement standards for a system of programs for the treatment of adult and juvenile sex offenders is removed;
- family counseling and shared living arrangements are added to the continuum of treatment programs that may be used for all sex offenders;
- clarifying language is included stating that, to the extent possible, treatment programs may be accessed by all offenders, including those with mental illness and co-occurring disorders;
- the existing duty to research and analyze the effectiveness of evaluation, identification, and treatment procedures is expanded to include review, research, and reporting of factors that contribute to re-offense and the containment model for sex offender management and treatment;
- the SOMB is required to collaborate with other entities to establish standards and best-practice guidelines for community entities and individuals that provide supervision, treatment, and other services specifically designed for developmentally disabled individuals who have committed sex offenses, especially those with identified high-risk sex offending behaviors; and
- the SOMB as a whole and individual board members are immune from liability for the good faith performance of all the board's duties set forth in Colorado law.

The statutory section concerning sex offender evaluation and treatment is repealed and reenacted with amendments. Specifically, the bill:

- grants the SOMB authority to develop an application and review process for approving individuals to be included on a list of persons who may provide sex offender evaluation, treatment, and polygraph services, including a renewal process for those on the list;
- establishes a formal process for the review of complaints and grievances against individuals who provide services to sex offenders that involves referring such complaints to the Department of Regulatory Agencies (DORA) for review;
- requires the appropriate mental health board in DORA to review and investigate the complaints and grievances and take appropriate disciplinary action against the individual and share the results of the investigation and disciplinary action with the SOMB;
- permits the SOMB to take additional disciplinary action against the individual, including removing the individual from the provider list;
- permits the SOMB to determine requirements for returning a provider to the list after he or she has been removed following disciplinary action or another reason; and
- requires the SOMB to review and investigate complaints or grievances against individuals providing polygraph services.

Annually, beginning on or before January 31, 2012, the SOMB is required to report to the Judiciary Committees of the House and Senate concerning best practices for the treatment and management of adult sex offender and juveniles who have committed sex offenses. DORA is required to conduct a sunset review of the SOMB prior to September 1, 2020. The bill takes effect upon the signature of the Governor or upon the bill becoming law without his signature.

State Expenditures

Department of Public Safety. The SOMB was officially repealed on July 1, 2010, when Governor Ritter vetoed House Bill 10-1364 continuing the board past that date. The department, which has authority over the SOMB, does not require additional appropriations as a result of the bill beyond what is currently provided in the FY 2010-11 budget.

The changes to the duties of the SOMB modify the types, but not the quantity, of tasks accomplished by the board and are not expected to affect the workload of the board or its staff. The new reporting requirements will be carried out within existing appropriations. If this bill is enacted prior to the passage of the FY 2011-12 budget, the current appropriation will continue. If not, the department will require a General Fund appropriation of \$318,565 and 3.2 FTE and an appropriation from the Sex Offender Surcharge Cash Fund of \$152,536 and 1.5 FTE for FY 2011-12 and each year thereafter.

Department of Regulatory Agencies. Complaints and grievances regarding sex offender treatment providers will be reviewed and investigated by the appropriate mental health licensing boards within DORA. These reviews and investigations are a normal function of the DORA boards and do not require additional appropriations.

State Appropriations

No appropriations are required if this bill is enacted prior to the passage of the FY 2011-12 Long Bill. If the bill is not enacted in time, the Department of Public Safety will require a General Fund appropriation of \$318,565 and 3.2 FTE and an appropriation from the Sex Offender Surcharge Cash Fund of \$152,536 and 1.5 FTE for FY 2011-12 and each year thereafter.

Departments Contacted

Corrections

Public Safety