

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 22, 2011

Date

Committee on Judiciary.

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

HB11-1138 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 4, line 13, after "ESTABLISHES" insert
- 2 "EVIDENCE-BASED".

- 3 Page 4, line 17, strike "SO THAT SUCH OFFENDERS WILL STOP" and
- 4 substitute "TO PREVENT OFFENDERS FROM REOFFENDING AND ENHANCE
- 5 THE PROTECTION OF VICTIMS AND POTENTIAL VICTIMS."

- 6 Page 4, strike line 18.

- 7 Page 4, line 19, strike "VICTIMS WILL BE ENHANCED."

- 8 Page 4, line 22, strike "(1)," and substitute "(1) and (2) (a) (IV)," and
- 9 strike "is" and substitute "are".

- 10 Page 5, line 3, strike "IS".

- 11 Page 5, strike line 4 and substitute "HAS BEEN CONVICTED, AS".

- 12 Page 5, strike lines 10 through 12 and substitute "A JUVENILE WHO HAS
- 13 BEEN ADJUDICATED AS A JUVENILE OR WHO RECEIVES A DEFERRED
- 14 ADJUDICATION ON OR AFTER JULY 1, 2002, FOR AN OFFENSE THAT WOULD
- 15 CONSTITUTE A SEX OFFENSE, AS DEFINED IN SUBSECTION (3) OF THIS
- 16 SECTION, IF COMMITTED AS AN ADULT, OR A JUVENILE WHO HAS
- 17 COMMITTED ANY OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH
- 18 INVOLVES A SEX OFFENSE.

1 (2) (a) "Sex offender" means any person who is:
2 (IV) ~~Adjudicated as a juvenile or who receives a deferred~~
3 ~~adjudication on or after July 1, 2002, for an offense that would constitute~~
4 ~~a sex offense if committed by an adult or for any offense, the underlying~~
5 ~~factual basis of which involves a sex offense~~ A JUVENILE WHO HAS
6 COMMITTED A SEXUAL OFFENSE."

7 Page 8, line 24, strike "THE KNOWLEDGE" and substitute "EXISTING
8 RESEARCH DEMONSTRATING" and strike "REPETITIVE." and substitute
9 "REPETITIVE, AND THAT".

10 Page 8, line 25, strike "THERE" and substitute "THERE".

11 Page 8, line 27, strike "HOWEVER," and substitute "BECAUSE".

12 Page 9, strike lines 3 and 4 and substitute "MANAGEMENT, AND
13 MONITORING, THE BOARD SHALL DEVELOP A PROCEDURE FOR".

14 Page 9, line 5, strike "IDENTIFYING" and substitute "IDENTIFYING, ON A
15 CASE-BY-CASE BASIS,".

16 Page 9, line 27, after "OPTIONS" insert "SHALL BE DETERMINED BY A
17 CURRENT RISK ASSESSMENT AND EVALUATION AND".

18 Page 11, strike line 11 and substitute "WHO SUFFERS FROM PSYCHOPATHY
19 OR A".

20 Page 11, line 13, strike "FOR PURPOSES OF".

21 Page 11, strike lines 14 through 18.

22 Page 11, line 19, strike "PERSONS.".

23 Page 12, line 6, strike "ARTICLE" and substitute "ARTICLE, THE EFFECTIVE
24 USE OF COGNITIVE BEHAVIORAL THERAPY TO PREVENT REOFFENSE, THE
25 USE OF POLYGRAPHS IN TREATMENT,".

26 Page 14, line 23, strike "COMMUNITY." and substitute "COMMUNITY AND
27 THAT CERTAIN JUVENILES MAY HAVE THE CAPACITY TO CHANGE THEIR
28 BEHAVIOR WITH APPROPRIATE INTERVENTION AND TREATMENT.".

29 Page 16, strike lines 23 through 27.

- 1 Renumber succeeding subsections accordingly.
- 2 Page 17, strike lines 1 through 16.
- 3 Page 17, line 22, strike "2020." and substitute "2015."
- 4 Page 18, line 3, strike "BEEN ADJUDICATED FOR" and substitute
5 "COMMITTED".
- 6 Page 27, line 16, strike "(51.5)," and substitute "(46),".
- 7 Page 27, strike lines 20 through 23 and substitute "(46) The following
8 agencies, functions, or both shall terminate on July 1, 2015:
9 (o) THE SEX OFFENDER MANAGEMENT BOARD CREATED IN SECTION
10 16-11.7-103, C.R.S."

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