

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 24, 2012
Date

Committee on Judiciary.

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

HB12-1346 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 10, line 27, strike "REGISTER AS REQUIRED BY
2 THAT ARTICLE," and substitute "COMPLY WITH THE PROVISIONS OF
3 SECTION 16-22-109 (3.5) (c) (I) OR 16-22-109 (3.5) (c) (II), C.R.S.,".

4 Page 12, after line 6 insert:

5 "(4) FAILURE TO VERIFY LOCATION AS A SEX OFFENDER IS NOT A
6 SEXUAL OFFENSE SUBJECT TO THE PROVISIONS OF SECTIONS 16-11.7-104
7 AND 16-11.7-105, C.R.S., AND, NOTWITHSTANDING ANY OTHER PROVISION
8 OF LAW TO THE CONTRARY, OFFENDERS CONVICTED OF A VIOLATION OF
9 THIS SECTION ARE NOT ELIGIBLE FOR PROBATION PURSUANT TO PART 2 OF
10 ARTICLE 1.3 OF THIS TITLE.

11 **SECTION 7.** In Colorado Revised Statutes, 16-11-102, **amend**
12 (1) (b) as follows:

13 **16-11-102. Presentence or probation investigation.**

14 (1) (b) Each presentence report prepared regarding a sex offender, as
15 defined in section 16-11.7-102 (2), with respect to any offense committed
16 on or after January 1, 1996, shall contain the results of an evaluation and
17 identification conducted pursuant to article 11.7 of this title; EXCEPT
18 THAT, IF THE OFFENSE IS A MISDEMEANOR PURSUANT TO THE PROVISIONS
19 OF SECTION 18-3-412.6, C.R.S., AN EVALUATION AND IDENTIFICATION
20 CONDUCTED PURSUANT TO ARTICLE 11.7 OF THIS TITLE SHALL NOT BE
21 ORDERED BY THE COURT. In addition, the presentence report shall include,
22 when appropriate as provided in section 18-3-414.5, C.R.S., the results of

1 the risk assessment screening instrument developed pursuant to section
2 16-11.7-103 (4) (d). Notwithstanding the provisions of subsection (4) of
3 this section, a presentence report shall be prepared for each person
4 convicted as a sex offender, and the court may not dispense with the
5 presentence evaluation, risk assessment, and report unless such a report
6 has been completed within the last six months and there has been no
7 material change that would affect the report in the past six months."

8 Renumber succeeding sections accordingly.

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