

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 25, 2013  
Date

Committee on Judiciary.

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

SB13-227 be amended as follows, and as so amended, be referred to the Committee on Legislative Council with favorable recommendation:

- 1 Amend reengrossed bill, page 4, line 5, strike "OR".
- 2 Page 4, after line 5, insert:
  - 3 "(d) "SEXUAL ASSAULT ON A CHILD, AS DEFINED IN SECTION
  - 4 18-3-405, C.R.S.; OR".
- 5 Reletter succeeding paragraph accordingly.
- 6 Page 5, strike line 7 and substitute:
  - 7 "**assault - legislative declaration - definitions.** (1) THE GENERAL
  - 8 ASSEMBLY HEREBY DECLARES THAT THE PURPOSE OF THIS STATUTE IS TO
  - 9 PROTECT THE VICTIM OF A SEXUAL ASSAULT AND TO PROTECT THE CHILD
  - 10 CONCEIVED AS A RESULT OF THAT SEXUAL ASSAULT BY TERMINATING THE
  - 11 PARENTAL RIGHTS OF THE PERPETRATOR OF THE SEXUAL ASSAULT AND BY
  - 12 ISSUING PROTECTIVE ORDERS PREVENTING FUTURE CONTACT BETWEEN
  - 13 THE PARTIES. THE GENERAL ASSEMBLY FURTHER DECLARES THAT THIS
  - 14 SECTION CREATES CIVIL REMEDIES AND IS NOT CREATED TO PUNISH THE
  - 15 PERPETRATOR BUT RATHER TO PROTECT THE INTERESTS OF THE CHILD AND
  - 16 THE VICTIM OF A SEXUAL ASSAULT.
  - 17 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT".
- 18 Renumber succeeding subsections accordingly.

- 1 Page 5, line 16, strike "COMMITTED ON OR AFTER JULY 1, 2013,".
- 2 Page 5, line 26, after "CONVICTED" insert "ON OR AFTER JULY 1, 2013,".
- 3 Page 6, line 4, strike "(3);" and substitute "(4);".
- 4 Page 6, line 11, after the period add "A PETITIONER HAS THE RIGHT TO BE  
5 REPRESENTED BY LEGAL COUNSEL IN PROCEEDINGS UNDER THIS SECTION  
6 AND HAS THE RIGHT TO SEEK THE APPOINTMENT OF LEGAL COUNSEL IF THE  
7 PETITIONER IS UNABLE FINANCIALLY TO SECURE LEGAL COUNSEL ON HIS  
8 OR HER OWN.".
- 9 Page 6, line 19, after "CONVICTED" insert "ON OR AFTER JULY 1, 2013,".
- 10 Page 7, line 10, strike "(6)" and substitute "(7)".
- 11 Page 7, line 27, strike "(6)" and substitute "(7)".
- 12 Page 9, strike lines 21 through 23 and substitute:
- 13 **"18-3-402. Sexual assault.** (7) A PERSON WHO IS CONVICTED ON  
14 OR AFTER JULY 1, 2013, OF A SEXUAL ASSAULT UNDER THIS SECTION, UPON  
15 CONVICTION, HAS NO RIGHT:".
- 16 Page 10, strike lines 7 through 9 and substitute:
- 17 **"18-3-404. Unlawful sexual contact.** (4) A PERSON WHO IS  
18 CONVICTED ON OR AFTER JULY 1, 2013, OF UNLAWFUL SEXUAL CONTACT  
19 UNDER THIS SECTION, UPON CONVICTION, HAS NO RIGHT:".
- 20 Page 10, strike lines 21 through 23 and substitute:
- 21 **"trust.** (5) A PERSON WHO IS CONVICTED ON OR AFTER JULY 1, 2013, OF  
22 SEXUAL ASSAULT ON A CHILD BY ONE IN A POSITION OF TRUST UNDER THIS  
23 SECTION, UPON CONVICTION, HAS NO RIGHT:".
- 24 Page 11, after line 4, insert:
- 25 **"SECTION 9.** In Colorado Revised Statutes, 18-3-405, **add** (4)  
26 as follows:  
27 **18-3-405. Sexual assault on a child.** (4) A PERSON WHO IS

1 CONVICTED ON OR AFTER JULY 1, 2013, OF SEXUAL ASSAULT ON A CHILD  
2 UNDER THIS SECTION, UPON CONVICTION, HAS NO RIGHT:  
3 (a) TO ALLOCATION OF PARENTAL RESPONSIBILITIES, INCLUDING  
4 PARENTING TIME AND DECISION-MAKING RESPONSIBILITIES FOR A CHILD  
5 CONCEIVED AS A RESULT OF THE COMMISSION OF THAT OFFENSE;  
6 (b) OF INHERITANCE FROM A CHILD CONCEIVED AS A RESULT OF  
7 THE COMMISSION OF THAT OFFENSE; AND  
8 (c) TO NOTIFICATION OF OR THE RIGHT TO OBJECT TO THE  
9 ADOPTION OF A CHILD CONCEIVED AS A RESULT OF THE COMMISSION OF  
10 THAT OFFENSE."

11 Renumber succeeding sections accordingly.

12 Page 11, strike lines 8 through 10 and substitute:

13 "(5) A PERSON WHO IS CONVICTED ON OR AFTER JULY 1, 2013, OF SEXUAL  
14 ASSAULT ON A CLIENT BY A PSYCHOTHERAPIST UNDER THIS SECTION, UPON  
15 CONVICTION, HAS NO RIGHT:"

16 Page 19, line 8, strike "9" and substitute "10".

17 Page 19, strike line 9 and substitute "apply to convictions occurring on or  
18 after said date."

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