

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 06-0024.01 Julie Pelegrin

HOUSE BILL 06-1090

HOUSE SPONSORSHIP

Green,

SENATE SPONSORSHIP

Tupa,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING UNLAWFUL SEXUAL BEHAVIOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Section 1: Requires a presentence report prepared for a sex offender to include, where appropriate, the results of the risk assessment screening. Requires each person convicted as a sex offender to receive a presentence report.

Sections 2 and 3: Adds conforming language to specify that a person identified as a sexually violent predator may be subject to community notification.

Sections 4-7: Removes the civil and criminal statutes of limitations for sex offenses and sexual offenses against children that are

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.

HOUSE
3rd Reading Unamended
February 23, 2006

HOUSE
Amended 2nd Reading
February 22, 2006

committed by adults. Makes the extended statute of limitations for civil actions applicable to actions alleging vicarious liability. Removes the limitation on damages for actions brought after a specified period. Makes conforming amendments.

Section 8: Requires a local law enforcement agency that chooses to post sex offender registration information on its website to include on the website information to assist members of the public in protecting themselves from unlawful sexual behavior or a link to the information on the Colorado bureau of investigation website. Instructs the local law enforcement agency to work with the sex offender management board and sexual assault victims' advocacy groups in preparing the information.

Section 9: Directs the department of corrections and the judicial department to jointly submit to the judiciary committees and the governor an annual report concerning sexually violent predators. Specifies the contents of the report.

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

2 **SECTION 1.** 16-11-102 (1) (b), Colorado Revised Statutes, is
3 amended to read:

4 **16-11-102. Presentence or probation investigation.** (1)(b) ~~Any~~
5 EACH presentence report prepared regarding ~~any~~ A sex offender, as
6 defined in section 16-11.7-102 (2), with respect to any offense committed
7 on or after January 1, 1996, shall contain the results of an evaluation and
8 identification conducted pursuant to article 11.7 of this title. IN
9 ADDITION, THE PRESENTENCE REPORT SHALL INCLUDE, WHERE
10 APPROPRIATE AS PROVIDED IN SECTION 18-3-414.5, C.R.S., THE RESULTS
11 OF THE RISK ASSESSMENT SCREENING DEVELOPED PURSUANT TO SECTION
12 16-11.7-103 (4) (c.5). NOTWITHSTANDING THE PROVISIONS OF
13 SUBSECTION (4) OF THIS SECTION, A PRESENTENCE REPORT SHALL BE
14 PREPARED FOR EACH PERSON CONVICTED AS A SEX OFFENDER, AS DEFINED
15 IN SECTION 16-11.7-102 (2), AND THE COURT MAY NOT DISPENSE WITH
16 SAID PRESENTENCE EXAMINATION AND REPORT.

17 **SECTION 2.** 16-11.7-103 (4) (c.5), Colorado Revised Statutes,

1 is amended to read:

2 **16-11.7-103. Sex offender management board - creation -**
3 **duties - repeal.** (4) The board shall carry out the following duties:

4 (c.5) On or before January 1, 1999, the board shall consult on and
5 approve the risk assessment screening instrument developed by the
6 division of criminal justice to assist the sentencing court in determining
7 the likelihood that an offender would commit one or more of the offenses
8 specified in section 18-3-414.5 (1) (a) (II), C.R.S., under the
9 circumstances described in section 18-3-414.5 (1) (a) (III), C.R.S. No
10 state general fund moneys shall be used to develop the risk assessment
11 screening instrument. In carrying out this duty, the board shall consider
12 sex offender risk assessment research and shall consider as one element
13 the risk posed by a sex offender who suffers from a mental abnormality,
14 psychosis, or personality disorder that makes the person more likely to
15 engage in sexually violent predatory offenses. For purposes of this
16 subsection (4) only, "mental abnormality" means a congenital or acquired
17 condition that affects the emotional or volitional capacity of a person in
18 a manner that predisposes that person to the commission of criminal
19 sexual acts to a degree that makes the person a significant risk to the
20 health and safety of other persons. If a defendant is found to be a
21 sexually violent predator, the defendant shall be required to register
22 pursuant to article 22 of this title AND MAY BE SUBJECT TO COMMUNITY
23 NOTIFICATION, AS PROVIDED IN PART 9 OF ARTICLE 13 OF THIS TITLE.

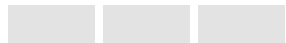
24 **SECTION 3.** 18-3-414.5 (2) and (3), Colorado Revised Statutes,
25 are amended to read:

26 **18-3-414.5. Sexually violent predator.** (2) At the time a
27 presentence investigation report is conducted for a defendant who is

1 convicted of one of the offenses specified in subparagraph (II) of
2 paragraph (a) of subsection (1) of this section, the probation department
3 shall, in coordination with the evaluator completing the mental health sex
4 offense specific evaluation, complete the sexually violent predator risk
5 assessment. Based on the results of such assessment, the court shall make
6 specific findings of fact and enter an order concerning whether the
7 defendant is a sexually violent predator. If the defendant is found to be
8 a sexually violent predator, the defendant shall be required to register
9 pursuant to the provisions of section 16-22-108, C.R.S., AND MAY BE
10 SUBJECT TO COMMUNITY NOTIFICATION, AS PROVIDED IN PART 9 OF
11 ARTICLE 13 OF TITLE 16, C.R.S.

12 (3) When considering release on parole for an offender who was
13 convicted of one of the offenses specified in subparagraph (II) of
14 paragraph (a) of subsection (1) of this section, the parole board shall
15 make specific findings concerning whether the offender is a sexually
16 violent predator, based on the results of a sexually violent predator
17 assessment conducted by the department of corrections. If the parole
18 board finds that the offender is a sexually violent predator, the offender
19 shall be required to register pursuant to the provisions of section
20 16-22-108, C.R.S., AND MAY BE SUBJECT TO COMMUNITY NOTIFICATION,
21 AS PROVIDED IN PART 9 OF ARTICLE 13 OF TITLE 16, C.R.S.

22



23 **SECTION 4.** 13-80-103.7, Colorado Revised Statutes, is
24 amended to read:

25 **13-80-103.7. General limitation of actions - sexual assault or**
26 **sexual offense against a child.** (1)(a) Notwithstanding any other statute
27 of limitations specified in this article, or any other provision of law that

1 can be construed to reduce the statutory period set forth in this section,
2 any civil action based on a sexual assault or a sexual offense against a
3 child shall be commenced within six years after a disability has been
4 removed for a person under disability, as such term is defined in
5 subsection (3.5) of this section, or within six years after a cause of action
6 accrues, whichever occurs later, and not thereafter. ~~Nothing in this~~
7 ~~section shall be construed to extend the statutory period with respect to~~
8 ~~vicarious liability.~~

9 (b) (I) NOTWITHSTANDING ANY OTHER STATUTE OF LIMITATIONS
10 SPECIFIED IN THIS ARTICLE, OR ANY OTHER PROVISION OF LAW THAT CAN
11 BE CONSTRUED TO REDUCE THE STATUTORY PERIOD SET FORTH IN THIS
12 SECTION, ANY CIVIL ACTION BASED ON [REDACTED] A SEXUAL OFFENSE AGAINST
13 A CHILD [REDACTED] MAY BE COMMENCED AGAINST ANY PERSON AT ANY TIME
14 AFTER A CAUSE OF ACTION ACCRUES.

15 (II) IT IS THE INTENT OF THE GENERAL ASSEMBLY IN ENACTING
16 THIS PARAGRAPH (b) TO EXTEND THE STATUTE OF LIMITATIONS AS TO
17 CIVIL ACTIONS DESCRIBED IN THIS PARAGRAPH (b) ACCRUING ON OR AFTER
18 JULY 1, 2006, AND TO EXTEND THE STATUTE OF LIMITATIONS AS TO CIVIL
19 ACTIONS DESCRIBED IN THIS PARAGRAPH (b) FOR WHICH THE APPLICABLE
20 STATUTE OF LIMITATIONS IN EFFECT PRIOR TO JULY 1, 2006, HAS NOT YET
21 RUN ON JULY 1, 2006.

22 (2) For the purpose of this section, "sexual assault" means
23 subjecting another person of any age to sexual contact, as defined in
24 section 18-3-401 (4), C.R.S.; sexual intrusion, as defined in section
25 18-3-401 (5), C.R.S.; or sexual penetration, as defined in section
26 18-3-401 (6), C.R.S.

27 (3) For the purposes of this section, "sexual offense against a

1 child" shall include all offenses listed in section 18-3-411, C.R.S.

2 (3.5) (a) For the purpose of this section, "person under disability"
3 means any person who is a minor under eighteen years of age, a mental
4 incompetent, or a person under other legal disability and who does not
5 have a legal guardian. "Person under disability" also includes a victim of
6 a sexual assault when the victim is in a special relationship with the
7 perpetrator of the assault or is a victim of a sexual offense against a child
8 or is a victim who is residing in an institutional facility, such as a nursing
9 home, regional center, or residential facility for the treatment and care of
10 persons with mental illness or for the care of persons with developmental
11 disabilities and where the victim is psychologically or emotionally unable
12 to acknowledge the assault or offense and the harm resulting therefrom.
13 For the purpose of this subsection (3.5), "special relationship" means a
14 relationship between the victim and the perpetrator of the sexual assault
15 which is a confidential, trust-based relationship, such as attorney-client,
16 doctor-patient, psychotherapist-patient, minister-parishioner,
17 teacher-student, or familial relationship. It is the intent of the general
18 assembly to leave in place the six-year limitation for adults subjected to
19 a sexual assault except in the situations described in this paragraph (a) in
20 which the victim is in a special relationship with the perpetrator of the
21 assault. In the circumstances in which a victim is in a special relationship
22 with the perpetrator of the assault or is a victim of a sexual offense
23 against a child or a victim who is residing in an institutional facility, such
24 as a nursing home, regional center, or residential facility for the treatment
25 and care of persons with mental illness or for the care of persons with
26 developmental disabilities and where the victim is psychologically or
27 emotionally unable to acknowledge the assault or offense and the harm

1 resulting therefrom, the six-year limitation SET FORTH IN PARAGRAPH (a)
2 OF SUBSECTION (1) OF THIS SECTION shall be tolled until the disability is
3 removed. For the purpose of this section, where the plaintiff is a victim
4 of a series of sexual assaults or sexual offenses against a child, the
5 plaintiff need not establish which act of a series of acts caused the
6 plaintiff's injury, and the SIX-YEAR statute of limitations set forth in
7 PARAGRAPH (a) OF SUBSECTION (1) OF this section shall commence with
8 the last in the series of acts, subject to the provisions of this section
9 regarding disability. However, as elements of the cause of action, a
10 person under disability who is psychologically or emotionally unable to
11 acknowledge the assault or offense and the harm resulting therefrom shall
12 have the burden of proving that the assault or offense occurred and that
13 such person was actually psychologically or emotionally unable to
14 acknowledge the assault or offense and the harm resulting therefrom.

15 ~~(b) Notwithstanding the provisions of section 13-90-107, the~~
16 ~~filing of a claim pursuant to this subsection (3.5) is deemed to be a~~
17 ~~limited waiver of the doctor-patient privilege or the psychologist-patient~~
18 ~~privilege to persons who are necessary to resolve the claim, and a doctor~~
19 ~~or psychologist who provided medical care and treatment or counseling~~
20 ~~and treatment to the plaintiff for injuries upon which an action under this~~
21 ~~subsection (3.5) is based may be examined as a witness. All medical~~
22 ~~records pertaining to any relevant medical care and treatment or~~
23 ~~counseling and treatment of the plaintiff are admissible into evidence in~~
24 ~~an action brought pursuant to this subsection (3.5) and shall be available~~
25 ~~for inspection upon request by the parties to the action.~~

26 ~~(c) If the plaintiff brings a civil action under this subsection (3.5)~~
27 ~~fifteen years or more after the plaintiff attains the age of eighteen, the~~

1 plaintiff may only recover damages for medical and counseling treatment
2 and expenses, plus costs and attorney fees.

3 (d) It is the intent of the general assembly in enacting this
4 subsection (3.5) to extend the statute of limitations as to civil actions
5 based on offenses described in PARAGRAPH (a) OF subsection (1) of this
6 section as amended on July 1, 1993, for which the applicable statute of
7 limitations in effect prior to July 1, 1993, has not yet run on July 1, 1993.

8 (3.7) An action may not be brought pursuant to subsection (3.5)
9 of this section if the defendant is deceased or is incapacitated to the extent
10 that the defendant is incapable of rendering a defense to the action.

11 (4) It is the intent of the general assembly in enacting this section
12 to extend the statute of limitations as to civil actions based on offenses
13 described in subsection (1) of this section for which the applicable statute
14 of limitations in effect prior to July 1, 1990, has not yet run on July 1,
15 1990: NOTWITHSTANDING THE PROVISIONS OF SECTION 13-90-107, THE
16 FILING OF A CLAIM PURSUANT TO THIS SECTION IS DEEMED TO BE A LIMITED
17 WAIVER OF THE DOCTOR-PATIENT PRIVILEGE OR THE
18 PSYCHOLOGIST-PATIENT PRIVILEGE TO PERSONS WHO ARE NECESSARY TO
19 RESOLVE THE CLAIM, AND A DOCTOR OR PSYCHOLOGIST WHO PROVIDED
20 MEDICAL CARE AND TREATMENT OR COUNSELING AND TREATMENT TO THE
21 PLAINTIFF FOR INJURIES UPON WHICH AN ACTION UNDER THIS SECTION IS
22 BASED MAY BE EXAMINED AS A WITNESS. ALL MEDICAL RECORDS
23 PERTAINING TO ANY RELEVANT MEDICAL CARE AND TREATMENT OR
24 COUNSELING AND TREATMENT OF THE PLAINTIFF ARE ADMISSIBLE INTO
25 EVIDENCE IN AN ACTION BROUGHT PURSUANT TO THIS SECTION AND SHALL
26 BE AVAILABLE FOR INSPECTION UPON REQUEST BY THE PARTIES TO THE
27 ACTION.

1 (4.5) (a) THE PROVISIONS OF THIS SECTION SHALL APPLY TO ANY
2 CAUSE OF ACTION BASED ON VICARIOUS LIABILITY THAT IS BROUGHT
3 AGAINST A PERSON OR ENTITY THAT IS NOT THE PERPETRATOR OF THE
4 SEXUAL ASSAULT OR THE SEXUAL OFFENSE AGAINST A CHILD ON WHICH
5 THE CAUSE OF ACTION IS BASED IF:

6 (I) THE PERSON OR ENTITY KNEW, HAD REASON TO KNOW, OR WAS
7 OTHERWISE ON NOTICE OF ANY UNLAWFUL SEXUAL CONDUCT BY THE
8 PERPETRATOR WHO, AT THE TIME OF THE CONDUCT, WAS AN EMPLOYEE,
9 VOLUNTEER, REPRESENTATIVE, OR AGENT OF THE PERSON OR ENTITY; AND

10 (II) THE PERSON OR ENTITY FAILED TO TAKE REASONABLE STEPS
11 AND IMPLEMENT REASONABLE SAFEGUARDS TO AVOID PROSPECTIVE ACTS
12 OF UNLAWFUL SEXUAL CONDUCT BY THE PERPETRATOR, INCLUDING BUT
13 NOT LIMITED TO PREVENTING OR AVOIDING PLACEMENT OF THE
14 PERPETRATOR IN A POSITION, FUNCTION, OR ENVIRONMENT IN WHICH
15 CONTACT WITH CHILDREN IS AN ESSENTIAL PART OF THE POSITION,
16 FUNCTION, OR ENVIRONMENT.

17 (b) FOR PURPOSES OF THIS SUBSECTION (4.5), MERELY PROVIDING
18 OR REQUIRING COUNSELING SHALL BE DEEMED INSUFFICIENT TO
19 CONSTITUTE A REASONABLE STEP OR REASONABLE SAFEGUARD TO AVOID
20 PROSPECTIVE ACTS OF UNLAWFUL SEXUAL CONDUCT.

21 (c) THE PROVISIONS OF THIS SUBSECTION (4.5) SHALL APPLY TO
22 CAUSES OF ACTION ACCRUING ON OR AFTER JULY 1, 2006, AND TO CAUSES
23 OF ACTION ACCRUING BEFORE JULY 1, 2006, IF THE APPLICABLE STATUTE
24 OF LIMITATIONS, AS IT EXISTED PRIOR TO JULY 1, 2006, HAS NOT YET RUN
25 ON JULY 1, 2006.

26 (5) The provisions of this section shall not be construed to extend
27 or suspend the statute of limitations or statute of repose applicable to a

1 claim alleging negligence in the course of providing professional services
2 in the practice of medicine. This subsection (5) shall not be construed to
3 preclude pursuing a civil action pursuant to this section alleging a sexual
4 offense based on a legal theory other than negligence in the course of
5 providing professional services in the practice of medicine, unless the
6 sexual assault forms the basis for a claim of such negligence.

7 **SECTION 5.** Part 1 of article 21 of title 13, Colorado Revised
8 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
9 read:

10 **13-21-125. Damages against public institutions and employees**
11 **- sexual offense against a child.** (1) AS USED IN THIS SECTION, UNLESS
12 THE CONTEXT OTHERWISE REQUIRES:

13 (a) "PUBLIC EMPLOYEE" SHALL HAVE THE SAME MEANING AS
14 PROVIDED FOR SAID TERM IN SECTION 24-10-103 (4), C.R.S., AND SHALL
15 INCLUDE AN "EMPLOYEE", AS DEFINED IN SECTION 22-12-103 (2), C.R.S.

16 (b) "PUBLIC ENTITY" SHALL HAVE THE SAME MEANING AS
17 PROVIDED FOR SAID TERM IN SECTION 24-10-103 (5), C.R.S., AND SHALL
18 INCLUDE AN "EDUCATIONAL ENTITY", AS DEFINED IN SECTION 22-12-103
19 (1), C.R.S.

20 (c) "SEXUAL OFFENSE AGAINST A CHILD" SHALL HAVE THE SAME
21 MEANING AS PROVIDED FOR THE TERM "UNLAWFUL SEXUAL OFFENSE" IN
22 SECTION 18-3-411 (1), C.R.S.

23 (2) NOTWITHSTANDING THE PROVISIONS OF THE "COLORADO
24 GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S., OR
25 THE PROVISIONS OF THE "TEACHER AND SCHOOL ADMINISTRATOR
26 PROTECTION ACT", ARTICLE 12 OF TITLE 22, C.R.S., OR ANY OTHER
27 STATUTORY PROVISION THAT LIMITS OR PROHIBITS CIVIL ACTIONS AGAINST

1 PUBLIC ENTITIES AND PUBLIC EMPLOYEES, A PERSON MAY BRING A CIVIL
2 ACTION BASED ON COMMISSION OF A SEXUAL OFFENSE AGAINST A CHILD
3 AGAINST A PUBLIC ENTITY AND AGAINST A PUBLIC EMPLOYEE IN THE SAME
4 MANNER THAT A PERSON MAY BRING SUCH AN ACTION AGAINST A PRIVATE
5 ENTITY OR PERSON.

6 (3) (a) THE PROVISIONS OF THIS SECTION SHALL APPLY TO A CAUSE
7 OF ACTION BASED ON VICARIOUS LIABILITY THAT IS BROUGHT AGAINST A
8 PUBLIC ENTITY OR PUBLIC EMPLOYEE THAT IS NOT THE PERPETRATOR OF
9 THE SEXUAL OFFENSE AGAINST A CHILD ON WHICH THE CAUSE OF ACTION
10 IS BASED IF:

11 (I) THE PUBLIC ENTITY OR PUBLIC EMPLOYEE KNEW, HAD REASON
12 TO KNOW, OR WAS OTHERWISE ON NOTICE OF ANY UNLAWFUL SEXUAL
13 CONDUCT BY THE PERPETRATOR WHO, AT THE TIME OF THE CONDUCT, WAS
14 AN EMPLOYEE, VOLUNTEER, REPRESENTATIVE, AGENT, OR SUBORDINATE
15 OF THE PUBLIC ENTITY OR PUBLIC EMPLOYEE; AND

16 (II) THE PUBLIC ENTITY OR PUBLIC EMPLOYEE FAILED TO TAKE
17 REASONABLE STEPS AND IMPLEMENT REASONABLE SAFEGUARDS TO AVOID
18 PROSPECTIVE ACTS OF UNLAWFUL SEXUAL CONDUCT BY THE
19 PERPETRATOR, INCLUDING BUT NOT LIMITED TO PREVENTING OR AVOIDING
20 PLACEMENT OF THE PERPETRATOR IN A POSITION, FUNCTION, OR
21 ENVIRONMENT IN WHICH CONTACT WITH CHILDREN IS AN ESSENTIAL PART
22 OF THE POSITION, FUNCTION, OR ENVIRONMENT.

23 (b) FOR PURPOSES OF THIS SUBSECTION (3), MERELY PROVIDING OR
24 REQUIRING COUNSELING SHALL BE DEEMED INSUFFICIENT TO CONSTITUTE
25 A REASONABLE STEP OR REASONABLE SAFEGUARD TO AVOID PROSPECTIVE
26 ACTS OF UNLAWFUL SEXUAL CONDUCT.

27 (4) THE STATUTE OF LIMITATIONS SPECIFIED IN SECTION

1 13-80-103.7 SHALL APPLY TO ANY CIVIL ACTION BROUGHT AGAINST A
2 PUBLIC ENTITY OR A PUBLIC EMPLOYEE PURSUANT TO THIS SECTION.

3 (5) A PERSON WHO BRINGS AN ACTION AGAINST A PUBLIC ENTITY
4 OR A PUBLIC EMPLOYEE PURSUANT TO THIS SECTION MAY RECOVER
5 ACTUAL DAMAGES, DAMAGES FOR NONECONOMIC LOSS OR INJURY, AND
6 EXEMPLARY DAMAGES AS PROVIDED IN THIS ARTICLE, IN ADDITION TO
7 SUCH COSTS AND ATTORNEY FEES AS THE COURT MAY AWARD. ANY
8 DAMAGES AWARDED SHALL BE AWARDED CONSISTENT WITH THE
9 LIMITATIONS ON DAMAGES FOR NONECONOMIC LOSS OR INJURY AS
10 SPECIFIED IN SECTION 13-21-102.5 AND THE LIMITATIONS ON EXEMPLARY
11 DAMAGES AS SPECIFIED IN SECTION 13-21-102.

12 **SECTION 6.** 16-22-112 (3) (b) and (3) (e), Colorado Revised
13 Statutes, are amended, and the said 16-22-112 is further amended BY
14 THE ADDITION OF A NEW SUBSECTION, to read:

15 **16-22-112. Release of information - law enforcement agencies.**

16 (3) (b) At its discretion, a local law enforcement agency may release
17 information regarding any person registered with the local law
18 enforcement agency pursuant to this article to any person who does not
19 reside within the local law enforcement agency's jurisdiction or may post
20 the information specified in ~~paragraph (e) of this subsection (3)~~
21 PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION on the law
22 enforcement agency's website. If a local law enforcement agency does
23 not elect to release information regarding any person registered with the
24 local law enforcement agency to a person not residing within the local
25 law enforcement agency's jurisdiction, the local law enforcement agency
26 may submit a request from the person to the CBI.

27 (e) ~~A local law enforcement agency may post on its website sex~~

1 offender registration information of a person from its registration list only
2 if the person is:

3 ~~(I) An adult convicted of a felony requiring the adult to register~~
4 ~~pursuant to section 16-22-103;~~

5 ~~(H) An adult convicted of a second or subsequent offense of any~~
6 ~~of the following misdemeanors:~~

7 ~~(A) Sexual assault as described in section 18-3-402 (1) (e);~~
8 ~~C.R.S.;~~

9 ~~(B) Unlawful sexual contact as described in section 18-3-404;~~
10 ~~C.R.S.;~~

11 ~~(C) Sexual assault on a client as described in section 18-3-405.5~~
12 ~~(2), C.R.S.;~~

13 ~~(D) Sexual exploitation of a child by possession of sexually~~
14 ~~exploitive material as described in section 18-6-403 (3) (b.5), C.R.S.;~~

15 ~~(E) Indecent exposure as described in section 18-7-302, C.R.S.;~~
16 ~~or~~

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

19 ~~(H) A juvenile adjudicated for two or more offenses involving~~
20 ~~unlawful sexual behavior or for a crime of violence as defined in section~~
21 ~~18-1.3-406, C.R.S.; or~~

22 ~~(IV) A juvenile who is required to register pursuant to section~~
23 ~~16-22-103 because he or she was adjudicated for an offense that would~~
24 ~~have been a felony if committed by an adult and has failed to register as~~
25 ~~required by section 16-22-103.~~

26 (3.5) TO ASSIST MEMBERS OF THE PUBLIC IN PROTECTING
27 THEMSELVES FROM PERSONS WHO COMMIT OFFENSES INVOLVING

1 UNLAWFUL SEXUAL BEHAVIOR, A LOCAL LAW ENFORCEMENT AGENCY
2 THAT CHOOSES TO POST SEX OFFENDER REGISTRATION INFORMATION ON
3 ITS WEBSITE SHALL EITHER POST EDUCATIONAL INFORMATION
4 CONCERNING PROTECTION FROM SEX OFFENDERS ON ITS WEBSITE OR
5 PROVIDE A LINK TO THE EDUCATIONAL INFORMATION INCLUDED ON THE
6 CBI WEBSITE MAINTAINED PURSUANT TO SECTION 16-22-111. A LOCAL
7 LAW ENFORCEMENT AGENCY THAT POSTS THE EDUCATIONAL INFORMATION
8 SHALL WORK WITH THE SEX OFFENDER MANAGEMENT BOARD CREATED
9 PURSUANT TO SECTION 16-11.7-103 AND SEXUAL ASSAULT VICTIMS'
10 ADVOCACY GROUPS IN PREPARING THE EDUCATIONAL INFORMATION.

11 **SECTION 7.** 18-3-414.5, Colorado Revised Statutes, is amended
12 BY THE ADDITION OF A NEW SUBSECTION to read:

13 **18-3-414.5. Sexually violent predators - assessment - annual**
14 **report.** (4) ON OR BEFORE JANUARY 15, 2007, AND ON OR BEFORE
15 JANUARY 15 EACH YEAR THEREAFTER, THE JUDICIAL DEPARTMENT AND
16 THE DEPARTMENT OF CORRECTIONS SHALL JOINTLY SUBMIT TO THE
17 JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF
18 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, AND TO THE
19 GOVERNOR A REPORT SPECIFYING THE FOLLOWING INFORMATION:

20 (a) THE NUMBER OF OFFENDERS EVALUATED PURSUANT TO THIS
21 SECTION IN THE PRECEDING TWELVE MONTHS;

22 (b) THE NUMBER OF SEXUALLY VIOLENT PREDATORS IDENTIFIED
23 PURSUANT TO THIS SECTION IN THE PRECEDING TWELVE MONTHS;

24 (c) THE TOTAL NUMBER OF SEXUALLY VIOLENT PREDATORS IN THE
25 CUSTODY OF THE DEPARTMENT OF CORRECTIONS AT THE TIME OF THE
26 REPORT, SPECIFYING THOSE IN INCARCERATION, THOSE HOUSED IN
27 COMMUNITY CORRECTIONS, AND THOSE ON PAROLE, INCLUDING THE LEVEL

- 1 OF SUPERVISION FOR EACH SEXUALLY VIOLENT PREDATOR ON PAROLE;
- 2 (d) THE LENGTH OF SENTENCE IMPOSED ON EACH SEXUALLY
3 VIOLENT PREDATOR IN THE CUSTODY OF THE DEPARTMENT OF
4 CORRECTIONS AT THE TIME OF THE REPORT;
- 5 (e) THE NUMBER OF SEXUALLY VIOLENT PREDATORS DISCHARGED
6 FROM PAROLE DURING THE PRECEDING TWELVE MONTHS;
- 7 (f) THE TOTAL NUMBER OF SEXUALLY VIOLENT PREDATORS ON
8 PROBATION AT THE TIME OF THE REPORT AND THE LEVEL OF SUPERVISION
9 OF EACH SEXUALLY VIOLENT PREDATOR ON PROBATION;
- 10 (g) THE NUMBER OF SEXUALLY VIOLENT PREDATORS DISCHARGED
11 FROM PROBATION DURING THE PRECEDING TWELVE MONTHS; AND
- 12 (h) ANY ADDITIONAL INFORMATION REQUESTED BY A MEMBER OF
13 THE JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF
14 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, OR BY THE
15 GOVERNOR.

16 **SECTION 8. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.