



Colorado Commission on Criminal and Juvenile Justice

April 8, 2011

Update on HB 11-1138: Concerning the Sex Offender Management Board by Erin Jemison

Sponsors: Representative B. Gardner and Senator Morse

Summary: The bill extends the sex offender management board for 5 years to September 1, 2015 and revises the board's duties. Significant amendments in the House include:

1. Deletes section requiring the SOMB to create guidelines for the treatment of adults with developmental disabilities with high-risk sexual offending behavior but who have not been adjudicated or convicted of a sex offense.
2. Clarifies that juveniles who have committed a sexual offense includes those who have been adjudicated as a juvenile or who receive a deferred adjudication on or after July 1, 2002.
3. Adds language regarding data collection: IF SUFFICIENT MONEYS BECOME AVAILABLE, THE BOARD MAY REQUEST THAT PERSONS PROVIDING SEX OFFENDER SPECIFIC EVALUATION, TREATMENT, AND POLYGRAPH SERVICES PURSUANT TO THIS ARTICLE SUBMIT TO THE BOARD DATA AND INFORMATION NECESSARY TO THE EVALUATION OF THE EFFECTIVENESS OF MANDATED TREATMENT AND SERVICES.

Status: Passed House Judiciary 11-0 on February 22; Passed House Appropriations 11-0 (2 excused) on March 4; Passed House 64-0 (1 excused) on March 9; Passed Senate Committee on State, Veterans & Military Affairs 5-0 on March 23; Passed Senate Appropriations 10-0 (2 excused) on April 7; returning to Senate COW but not yet scheduled.

Fiscal Impact:

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 The SOMB was officially repealed on July 1, 2010, when Governor Ritter vetoed House Bill 10-1364 continuing the board past that date.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.

For more information, contact CCASA at advocacy@ccasa.org or 303-839-9999 or COVA at 303-861-1160.