

CCJJJ: Sex Offense/Sex Offender Task Force
FY 2012 CCJJ Recommendations
December 9, 2011
[As approved]

FY12-SO #16. Modify CRS 16-22-108 (1) (d) (I) to allow quarterly re-registration to occur within 5 business days before or after the offender's required re-registration date.

DISCUSSION: For *quarterly* sex offender registrants, statute currently requires re-registration to occur exactly on a required date or on the first business day following a weekend or holiday. This change will allow an offender who registers quarterly to re-register within 5 business days before or after their required re-registration date. For *annual* registrants, this "5-day" modification was already enacted by HB11-1278. This recommendation will allow consistency across re-registration procedures for all sex offenders and for law enforcement.

Proposed modification:

[The language will be refined by the drafter.]

16-22-108. Registration - procedure - frequency - place - change of address - fee.

(d) (I) Any person who is a sexually violent predator and any person who is convicted as an adult of any of the offenses specified in subparagraph (II) of this paragraph (d) has a duty to register for the remainder of his or her natural life; except that, if the person receives a deferred judgment and sentence for one of the offenses specified in subparagraph (II) of this paragraph (d), the person may petition the court for discontinuation of the duty to register as provided in section 16-22-113 (1) (d). In addition to registering as required in paragraph (a) of this subsection (1), such person shall reregister **IN** ninety days **WITH A GRACE PERIOD OF FIVE BUSINESS DAYS BEFORE OR** after the date he or she was released from incarceration for commission of the offense requiring registration, or **IN** ninety days **WITH A GRACE PERIOD OF FIVE BUSINESS DAYS BEFORE OR** after the date he or she received notice of the duty to register, if the person was not incarcerated, and **EVERY NINETY DAYS WITH A GRACE PERIOD OF FIVE BUSINESS DAYS BEFORE OR AFTER THE NINETIETH DAY** thereafter until such person's birthday. Such person shall reregister **WITHIN FIVE BUSINESS DAYS BEFORE OR AFTER THE PERSON'S** ~~on his or her~~ birthday and shall reregister every ninety days **WITH A GRACE PERIOD OF FIVE BUSINESS DAYS BEFORE OR AFTER THE NINETIETH DAY** thereafter. ~~If a person's birthday or other reregistration day falls on a Saturday, Sunday, or holiday, the person shall reregister on the first business day following his or her birthday or other reregistration day.~~ Such person shall reregister pursuant to this paragraph (d) with the local law enforcement agency of each jurisdiction in which the person resides **WITHIN FIVE BUSINESS DAYS BEFORE OR AFTER** ~~on~~ the reregistration date, in the manner provided in paragraph (a) of this subsection (1).

STATUTE SHOULD MAKE CLEAR...

Regardless of the actual date of registration during the period 5 days before or 5 days after the required registration date, the 90-day period for re-registration is always calculated:

- A. From the offender's OFFICIAL date of re-registration, or**
- B. Upon applicability, from the offender's BIRTHDATE (following the transition to the offender's birthdate as the OFFICIAL re-registration date).**

In other words, re-registering on any day, 5 days before or after the "required date" or birthdate, is the equivalent of registering on the "required date" or birthdate. An earlier or later actual date of re-registration (by no more than the 5 days before or after) does not shift any required future date of re-registration.