



**FY2013 RECOMMENDATION/FY13-JJ03 REVISE THE SEX OFFENDER DEREGISTRATION STATUTE TO ALLOW A PERSON WHO COMMITTED AN OFFENSE WHILE UNDER 18 YEARS OF AGE TO DEREGISTER AS AN ADULT AFTER SUCCESSFUL COMPLETION OF THE TERMS OF THE SENTENCE.**

**Status:** Implementation Complete

**Actions/Updates**

**2013 ACTION/IMPLEMENTATION**

Action on this recommendation was completed with the passage of Senate Bill 13-229 (see Section 5 of the bill).

**2012 ACTION/IMPLEMENTATION**

This recommendation requires statutory change to be implemented.

**Description**

Revise the language of the current section of the sex offender deregistration statute 16-22-113 (1)(e) as follows:

(e) EXCEPT AS OTHERWISE PROVIDED IN SECTION (1.3)(B)(II), if the person was younger than eighteen years of age at the time of ~~disposition or adjudication~~, THE COMMISSION OF THE OFFENSE, after the successful completion of and discharge from the A JUVENILE sentence OR DISPOSITION, AND if the person prior to such time has not been subsequently convicted of OR HAS A PENDING PROSECUTION FOR, of unlawful sexual behavior or of any other offense, the underlying factual basis of which involved unlawful sexual behavior and the court did not issue an order either continuing the duty to register or discontinuing the duty to register pursuant to paragraph (b) of subsection (1.3) of this section. Any person petitioning pursuant to this paragraph (e) may also petition for an order removing his or her name from the sex offender registry. In determining whether to grant the order, the court shall consider whether the person is likely to commit a subsequent offense of or involving unlawful sexual behavior. The court shall base its determination on recommendations from the person's probation or community parole officer, the person's treatment provider, and the prosecuting attorney for the jurisdiction in which the person was tried and on the recommendations included in the person's presentence investigation report. In addition, the court shall consider any written or oral testimony submitted by the victim of the offense for which the petitioner was required to register. Notwithstanding the provisions of this subsection (1), a juvenile who files a petition pursuant to this section may file the petition with the court to which venue is transferred pursuant to section 19-2-105, C.R.S., if any.

**Agencies Responsible**

## **Discussion**

*Under the current statute the determinative factor for deregistration is the person's age at the time of the disposition or adjudication. With the proposed change, the determinative factor is the age at the date of the alleged act. This change means that a person who was charged while under 18 years of age, but was not adjudicated or sentenced until over 18, would have the benefits of deregistration that juveniles have.*

*Such a change would prevent a situation where a person well into adulthood, who was charged with a sexual offense that s/he committed while under 18, would not be eligible for deregistration as a juvenile even though that person was a juvenile at the time of the commission of the offense. The current statute creates situations such as this: a 14 year old who commits an offense, but that offense is not reported until 5 years later is charged. Because the person is now an adult, s/he must register as an adult and therefore has impediments to employment, education, and housing opportunities.*

*In 2011, 175 Public Defender clients, statewide, were charged with sexual offenses in Juvenile court. Forty-Three of those cases reached disposition after the young person turned 18. Those 43 people would be held to the registration requirements of the adult registration statute, for offenses that occurred when they were between the ages of 10 and 18.*