**NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

HOUSE BILL 11-1278

BY REPRESENTATIVE(S) Gardner B., Barker, Fields, Labuda, Looper, Schafer S.;
also SENATOR(S) Morse, Boyd, Guzman, Hodge, Jahn, King S., Steadman, Williams S.

CONCERNING SEX OFFENDER REGISTRATION.

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

**SECTION 1.** 16-13-902 (5), Colorado Revised Statutes, is amended to read:

**16-13-902. Definitions.** As used in this part 9, unless the context otherwise requires:

(5) "Sexually violent predator" means a sex offender who is identified as a sexually violent predator pursuant to section 18-3-414.5, C.R.S., or who is found to be a sexually violent predator or its equivalent in any other state or jurisdiction, including but not limited to a military or federal jurisdiction. FOR PURPOSES OF THIS SUBSECTION (5), "EQUIVALENT", WITH RESPECT TO AN OFFENDER FOUND TO BE A SEXUALLY VIOLENT PREDATOR OR ITS EQUIVALENT, MEANS A SEX OFFENDER CONVICTED IN ANOTHER STATE OR JURISDICTION, INCLUDING BUT NOT LIMITED TO A

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

MILITARY, TRIBAL, TERRITORIAL, OR FEDERAL JURISDICTION, WHO HAS BEEN ASSESSED OR LABELED AT THE HIGHEST REGISTRATION AND NOTIFICATION LEVELS IN THE JURISDICTION WHERE THE CONVICTION WAS ENTERED AND WHO SATISFIES THE AGE, DATE OF OFFENSE, AND CONVICTION REQUIREMENTS FOR SEXUALLY VIOLENT PREDATOR STATUS PURSUANT TO COLORADO LAW.

**SECTION 2.** 16-13-903, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**16-13-903. Sexually violent predator subject to community notification - determination - implementation.** (5) A SEX OFFENDER CONVICTED IN ANOTHER JURISDICTION WHO IS DESIGNATED AS A SEXUALLY VIOLENT PREDATOR BY THE DEPARTMENT OF PUBLIC SAFETY FOR PURPOSES OF COLORADO LAW SHALL BE NOTIFIED OF HIS OR HER DESIGNATION AND SHALL HAVE THE RIGHT TO APPEAL THE DESIGNATION IN DISTRICT COURT.

**SECTION 3.** 16-22-102 (9), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**16-22-102. Definitions.** As used in this article, unless the context otherwise requires:

(9) "Unlawful sexual behavior" means any of the following offenses or criminal attempt, conspiracy, or solicitation to commit any of the following offenses:

(bb) SECOND DEGREE KIDNAPPING, IF COMMITTED IN VIOLATION OF SECTION 18-3-302 (3) (a), C.R.S.

**SECTION 4.** 16-22-103 (1) (b), Colorado Revised Statutes, is amended to read:

**16-22-103. Sex offender registration - required - applicability - exception.** (1) Effective July 1, 1998, the following persons shall be required to register pursuant to the provisions of section 16-22-108 and shall be subject to the requirements and other provisions specified in this article:

(b) Any person who was convicted on or after July 1, 1991, in

another state or jurisdiction, including but not limited to a military, TRIBAL, TERRITORIAL, or federal jurisdiction, of an offense that, if committed in Colorado, would constitute an unlawful sexual offense, as defined in section 18-3-411 (1), C.R.S., enticement of a child, as described in section 18-3-305, C.R.S., or internet luring of a child, as described in section 18-3-306, C.R.S.; and

**SECTION 5.** 16-22-106 (3) (a), Colorado Revised Statutes, is amended to read:

**16-22-106. Duties - probation department - community corrections administrator - court personnel - jail personnel - notice.** (3) (a) (I) IF A PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103 IS HELD FOR MORE THAN FIVE BUSINESS DAYS IN A COUNTY JAIL PENDING COURT DISPOSITION FOR ANY OFFENSE, THE SHERIFF OF THE COUNTY IN WHICH THE COUNTY JAIL IS LOCATED, OR HIS OR HER DESIGNEE, SHALL TRANSMIT TO THE LOCAL LAW ENFORCEMENT AGENCY OF THE JURISDICTION IN WHICH THE PERSON WAS LAST REGISTERED AND TO THE CBI CONFIRMATION OF THE PERSON'S REGISTRATION. THE CONFIRMATION SHALL BE TRANSMITTED ON A STANDARDIZED FORM PROVIDED BY THE CBI, AND SHALL INCLUDE THE ADDRESS OR ADDRESSES AT WHICH THE PERSON WILL RESIDE WHILE IN CUSTODY OF THE COUNTY JAIL, THE PERSON'S DATE OF BIRTH, A CURRENT PHOTOGRAPH OF THE PERSON, AND THE PERSON'S FINGERPRINTS.

~~(I)~~ (II) If a person who is required to register pursuant to section 16-22-103 is sentenced to a county jail FOR ANY OFFENSE, the sheriff of the county in which the county jail is located, or his or her designee, as soon as possible following sentencing, shall transmit to THE LOCAL LAW ENFORCEMENT AGENCY OF THE JURISDICTION IN WHICH THE PERSON WAS LAST REGISTERED AND TO the CBI confirmation of the person's registration. THE CONFIRMATION SHALL BE TRANSMITTED on a standardized form provided by the CBI, ~~using~~ AND SHALL INCLUDE the address or addresses at which the person will reside while in custody of the county jail, ~~and including~~ the person's date of birth, a current photograph of the person, and the person's fingerprints.

~~(II)~~ (III) The provisions of this paragraph (a) shall apply to persons sentenced on or after January 1, 2005.

**SECTION 6.** 16-22-108 (1) (b), the introductory portion to 16-22-108 (3), and 16-22-108 (3) (a.5), (4), and (7), Colorado Revised Statutes, are amended to read:

**16-22-108. Registration - procedure - frequency - place - change of address - fee.** (1) (b) Except as otherwise provided in paragraph (d) of this subsection (1), each person who is required to register pursuant to section 16-22-103 shall reregister ~~on~~ WITHIN FIVE BUSINESS DAYS BEFORE OR AFTER the person's first birthday following initial registration and annually ~~on~~ WITHIN FIVE BUSINESS DAYS BEFORE OR AFTER the person's birthday thereafter. ~~If a person's birthday falls on a Saturday, Sunday, or holiday, the person shall reregister on the first business day following his or her birthday.~~ Such person shall reregister pursuant to this paragraph (b) with the local law enforcement agency of each jurisdiction in which the person resides ~~on~~ WITHIN FIVE BUSINESS DAYS BEFORE OR AFTER his or her birthday, in the manner provided in paragraph (a) of this subsection (1).

(3) Any person who is required to register pursuant to section 16-22-103 shall be required to register WITHIN FIVE BUSINESS DAYS BEFORE OR AFTER each time such person:

(a.5) Changes the address at which a VEHICLE, trailer, or motor home is located, if the VEHICLE, trailer, or motor home is the person's place of residence, regardless of whether the new address is within the jurisdiction of the law enforcement agency with which such person previously registered;

(4) (a) (I) Any time a person who is required to register pursuant to section 16-22-103 ceases to reside at an address, ~~the person shall notify the local law enforcement agency of the jurisdiction in which said address is located by completing a written registration cancellation form, available from the local law enforcement agency. At a minimum, the registration cancellation form shall indicate~~ THE PERSON SHALL REGISTER WITH THE LOCAL LAW ENFORCEMENT AGENCY FOR HIS OR HER NEW ADDRESS AND INCLUDE the address at which the person will no longer reside and all addresses at which the person will reside. The person shall file the NEW registration ~~cancellation~~ form within five business days after ceasing to reside at an address. ~~A local law enforcement agency that receives a registration cancellation form~~ THE LOCAL ENFORCEMENT AGENCY THAT RECEIVES THE NEW REGISTRATION FORM SHALL INFORM THE PREVIOUS

JURISDICTION OF THE CANCELLATION OF THAT REGISTRATION AND shall electronically notify the CBI of the registration cancellation. ~~If the person moves to another state, the CBI shall promptly notify the agency responsible for registration in the new state.~~

(II) ANY TIME A PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103 CEASES TO RESIDE AT AN ADDRESS AND MOVES TO ANOTHER STATE, THE PERSON SHALL NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY OF THE JURISDICTION IN WHICH SAID ADDRESS IS LOCATED BY COMPLETING A WRITTEN REGISTRATION CANCELLATION FORM, AVAILABLE FROM THE LOCAL LAW ENFORCEMENT AGENCY. AT A MINIMUM, THE REGISTRATION CANCELLATION FORM SHALL INDICATE THE ADDRESS AT WHICH THE PERSON WILL NO LONGER RESIDE AND ALL ADDRESSES AT WHICH THE PERSON WILL RESIDE. THE PERSON SHALL FILE THE REGISTRATION CANCELLATION FORM WITHIN FIVE BUSINESS DAYS AFTER CEASING TO RESIDE AT AN ADDRESS. A LOCAL LAW ENFORCEMENT AGENCY THAT RECEIVES A REGISTRATION CANCELLATION FORM SHALL ELECTRONICALLY NOTIFY THE CBI OF THE REGISTRATION CANCELLATION. IF THE PERSON MOVES TO ANOTHER STATE, THE CBI SHALL PROMPTLY NOTIFY THE AGENCY RESPONSIBLE FOR REGISTRATION IN THE OTHER STATE.

(b) If a person fails to submit the NEW REGISTRATION FORM OR registration cancellation form as required in paragraph (a) of this subsection (4) and the address at which the person is no longer residing is a group facility, officials at such facility may provide information concerning the person's cessation of residency to the local law enforcement agency of the jurisdiction in which the address is located. If the person is a juvenile or developmentally disabled and fails to submit the registration cancellation form as required in paragraph (a) of this subsection (4) and the address at which the person is no longer residing is the residence of his or her parent or legal guardian, the person's parent or legal guardian may provide information concerning the person's cessation of residency to the local law enforcement agency of the jurisdiction in which the address is located. Any law enforcement agency that receives such information shall reflect in its records that the person no longer resides at said group facility or the parent's or legal guardian's residence and shall transmit such information to the CBI. Provision of information by a group facility or a person's parent or legal guardian pursuant to this paragraph (b) shall not constitute a defense to a charge of failure to register as a sex offender.

(7) (a) A local law enforcement agency may establish a registration fee to be paid by persons registering and reregistering ANNUALLY OR QUARTERLY with the local law enforcement agency pursuant to the provisions of this section. The amount of the fee shall reflect the actual direct costs incurred by the local law enforcement agency in implementing the provisions of this article, BUT SHALL NOT EXCEED SEVENTY-FIVE DOLLARS FOR THE INITIAL REGISTRATION WITH THE LOCAL LAW ENFORCEMENT AGENCY AND TWENTY-FIVE DOLLARS FOR ANY SUBSEQUENT ANNUAL OR QUARTERLY REGISTRATION.

(b) THE LOCAL LAW ENFORCEMENT AGENCY MAY WAIVE THE FEE FOR AN INDIGENT PERSON. FOR ALL OTHER PERSONS, THE LOCAL LAW ENFORCEMENT AGENCY MAY PURSUE PAYMENT OF THE FEE THROUGH A CIVIL COLLECTION PROCESS OR ANY OTHER LAWFUL MEANS IF THE PERSON IS UNABLE TO PAY AT THE TIME OF REGISTRATION. A LOCAL LAW ENFORCEMENT AGENCY SHALL ACCEPT A TIMELY REGISTRATION IN ALL CIRCUMSTANCES EVEN IF THE PERSON IS UNABLE TO PAY THE FEE AT THE TIME OF REGISTRATION.

(c) A LOCAL LAW ENFORCEMENT AGENCY MAY NOT CHARGE A FEE TO A PERSON WHO PROVIDES AN UPDATE TO HIS OR HER INFORMATION PURSUANT TO SUBSECTION (3) OF THIS SECTION.

**SECTION 7.** The introductory portion to 16-22-113 (1), 16-22-113 (1) (d) and (1) (e), and the introductory portion to 16-22-113 (2) (d), Colorado Revised Statutes, are amended, and the said 16-22-113 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**16-22-113. Petition for removal from registry.** (1) Except as otherwise provided in subsection (3) of this section, any person required to register pursuant to section 16-22-103 or whose information is required to be posted on the internet pursuant to section 16-22-111 may file a petition with the court that issued the order of judgment for the conviction that requires the person to register for an order ~~that discontinues~~ TO DISCONTINUE the requirement for such registration or internet posting, or both, as follows:

(d) If the person was required to register due to being placed on a deferred judgment and sentence or a deferred adjudication for an offense involving unlawful sexual behavior, after the successful completion of the

deferred judgment and sentence or deferred adjudication and dismissal of the case, if the person prior to such time has not been subsequently convicted 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 (a) OF SUBSECTION (1.3) OF THIS SECTION;

(e) If the person was younger than eighteen years of age at the time of disposition or adjudication, after the successful completion of and discharge from the sentence, if the person prior to such time has not been subsequently convicted 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.

(1.3) (a) IF A PERSON IS ELIGIBLE TO PETITION TO DISCONTINUE HIS OR HER DUTY TO REGISTER PURSUANT TO PARAGRAPH (d) OF SUBSECTION (1) OF THIS SECTION, THE COURT, AT LEAST SIXTY DAYS BEFORE DISMISSING THE CASE, SHALL NOTIFY EACH OF THE PARTIES DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, THE PERSON, AND THE VICTIM OF THE OFFENSE FOR WHICH THE PERSON WAS REQUIRED TO REGISTER, IF THE VICTIM HAS REQUESTED NOTICE AND HAS PROVIDED CURRENT CONTACT INFORMATION, THAT THE COURT WILL CONSIDER WHETHER TO ORDER THAT THE PERSON MAY DISCONTINUE HIS OR HER DUTY TO REGISTER WHEN THE

COURT DISMISSES THE CASE AS A RESULT OF THE PERSON'S SUCCESSFUL COMPLETION OF THE DEFERRED JUDGMENT AND SENTENCE OR DEFERRED ADJUDICATION. THE COURT SHALL SET THE MATTER FOR HEARING IF ANY OF THE PARTIES DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION OR THE VICTIM OF THE OFFENSE OBJECT, OR IF THE PERSON REQUESTS A HEARING. IF THE COURT ENTERS AN ORDER DISCONTINUING THE PERSON'S DUTY TO REGISTER, THE PERSON SHALL SEND A COPY OF THE ORDER TO EACH LOCAL LAW ENFORCEMENT AGENCY WITH WHICH THE PERSON IS REGISTERED AND TO THE CBI. IF THE VICTIM OF THE OFFENSE HAS REQUESTED NOTICE, THE COURT SHALL NOTIFY THE VICTIM OF ITS DECISION EITHER TO CONTINUE OR DISCONTINUE THE PERSON'S DUTY TO REGISTER.

(b) (I) IF A JUVENILE IS ELIGIBLE TO PETITION TO DISCONTINUE HIS OR HER DUTY TO REGISTER PURSUANT TO PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION, THE COURT, AT LEAST SIXTY DAYS BEFORE DISCHARGING THE JUVENILE'S SENTENCE, SHALL NOTIFY EACH OF THE PARTIES DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, THE JUVENILE, AND THE VICTIM OF THE OFFENSE FOR WHICH THE JUVENILE WAS REQUIRED TO REGISTER, IF THE VICTIM HAS REQUESTED NOTICE AND HAS PROVIDED CURRENT CONTACT INFORMATION, THAT THE COURT SHALL CONSIDER WHETHER TO ORDER THAT THE JUVENILE MAY DISCONTINUE HIS OR HER DUTY TO REGISTER WHEN THE COURT DISCHARGES THE JUVENILE'S SENTENCE. THE COURT SHALL SET THE MATTER FOR HEARING IF ANY OF THE PARTIES DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION OR THE VICTIM OF THE OFFENSE OBJECT, OR IF THE JUVENILE REQUESTS A HEARING, AND SHALL CONSIDER THE CRITERIA IN PARAGRAPH (e) OF SUBSECTION (1) IN DETERMINING WHETHER TO CONTINUE OR DISCONTINUE THE DUTY TO REGISTER. IF THE COURT ENTERS AN ORDER DISCONTINUING THE JUVENILE'S DUTY TO REGISTER, THE DEPARTMENT OF HUMAN SERVICES SHALL SEND A COPY OF THE ORDER TO EACH LOCAL LAW ENFORCEMENT AGENCY WITH WHICH THE JUVENILE IS REGISTERED, THE JUVENILE PAROLE BOARD, AND TO THE CBI. IF THE VICTIM OF THE OFFENSE HAS REQUESTED NOTICE, THE COURT SHALL NOTIFY THE VICTIM OF ITS DECISION EITHER TO CONTINUE OR DISCONTINUE THE JUVENILE'S DUTY TO REGISTER.

(II) IF A JUVENILE IS ELIGIBLE TO PETITION TO DISCONTINUE HIS OR HER REGISTRATION PURSUANT TO PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION AND IS UNDER THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES AND YET TO BE RELEASED ON PAROLE BY THE JUVENILE PAROLE BOARD, THE DEPARTMENT OF HUMAN SERVICES MAY PETITION THE COURT TO

SET A HEARING PURSUANT TO PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION AT LEAST SIXTY DAYS BEFORE THE JUVENILE IS SCHEDULED TO APPEAR BEFORE THE JUVENILE PAROLE BOARD.

(III) IF A JUVENILE IS ELIGIBLE TO PETITION TO DISCONTINUE HIS OR HER REGISTRATION PURSUANT TO PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION AND IS UNDER THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES AND YET TO BE RELEASED ON PAROLE BY THE JUVENILE PAROLE BOARD, THE DEPARTMENT OF HUMAN SERVICES, PRIOR TO SETTING THE MATTER FOR HEARING, SHALL MODIFY THE JUVENILE'S PAROLE PLAN OR PAROLE HEARING TO ACKNOWLEDGE THE COURT ORDER OR PETITION UNLESS IT IS ALREADY INCORPORATED IN THE PAROLE PLAN.

(2) (d) On receipt of a copy of an order discontinuing a petitioner's duty to register: ~~as provided in paragraph (c) of this subsection (2).~~

**SECTION 8.** 18-1-202 (12), Colorado Revised Statutes, as amended by Senate Bill 11-007, is amended to read:

**18-1-202. Place of trial.** (12) If a person commits the offense of failure to register as a sex offender as provided in section 18-3-412.5, the offense is committed and the offender may be tried IN THE COUNTY IN WHICH THE OFFENDER WAS RELEASED FROM INCARCERATION FOR COMMISSION OF THE OFFENSE REQUIRING REGISTRATION, in the county in which the offender resides, in the county in which the offender completed his or her last registration, or in the county in which the offender is apprehended.

**SECTION 9.** 18-1.3-1007 (1.5), Colorado Revised Statutes, is amended to read:

**18-1.3-1007. Probation - intensive supervision program.** (1.5) In addition to the persons specified in subsection (1) of this section, the court ~~shall~~ MAY require any person convicted of felony failure to register as a sex offender, as described in section 18-3-412.5, and sentenced to probation to participate, as a condition of probation and until further order of the court, in the intensive supervision probation program established pursuant to this section.

**SECTION 10.** 18-3-412.5 (2) (b), Colorado Revised Statutes, is

amended, and the said 18-3-412.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**18-3-412.5. Failure to register as a sex offender.** (1.5) (a) IN A PROSECUTION FOR A VIOLATION OF THIS SECTION, IT IS AN AFFIRMATIVE DEFENSE THAT:

(I) UNCONTROLLABLE CIRCUMSTANCES PREVENTED THE PERSON FROM COMPLYING;

(II) THE PERSON DID NOT CONTRIBUTE TO THE CREATION OF THE CIRCUMSTANCES IN RECKLESS DISREGARD OF THE REQUIREMENT TO COMPLY; AND

(III) THE PERSON COMPLIED AS SOON AS THE CIRCUMSTANCES CEASED TO EXIST.

(b) IN ORDER TO ASSERT THE AFFIRMATIVE DEFENSE PURSUANT TO THIS SUBSECTION (1.5), THE DEFENDANT SHALL PROVIDE NOTICE TO THE PROSECUTING ATTORNEY AS SOON AS PRACTICABLE, BUT NOT LATER THAN THIRTY DAYS PRIOR TO TRIAL, OF HIS OR HER NOTICE OF INTENT TO RELY UPON THE AFFIRMATIVE DEFENSE. THE NOTICE SHALL INCLUDE A DESCRIPTION OF THE UNCONTROLLABLE CIRCUMSTANCE OR CIRCUMSTANCES AND THE DATES THE UNCONTROLLABLE CIRCUMSTANCES BEGAN AND CEASED TO EXIST IN ADDITION TO THE NAMES AND ADDRESSES OF ANY WITNESSES THE DEFENDANT PLANS TO CALL TO SUPPORT THE AFFIRMATIVE DEFENSE. THE PROSECUTING ATTORNEY SHALL ADVISE THE DEFENDANT OF THE NAMES AND ADDRESSES OF ANY ADDITIONAL WITNESSES WHO MAY BE CALLED TO REFUTE SUCH AFFIRMATIVE DEFENSE AS SOON AS PRACTICABLE AFTER THEIR NAMES BECOME KNOWN. UPON THE REQUEST OF THE PROSECUTION, THE COURT SHALL FIRST RULE AS A MATTER OF LAW WHETHER THE CLAIMED FACTS AND CIRCUMSTANCES WOULD, IF ESTABLISHED, CONSTITUTE SUFFICIENT EVIDENCE TO SUPPORT SUBMISSION TO THE JURY.

(2) (b) Any person convicted of felony failure to register as a sex offender shall be sentenced pursuant to the provisions of section 18-1.3-401. If such person is sentenced to probation, the court ~~shall~~ MAY require, as a condition of probation, that the person participate until further order of the court in an intensive supervision probation program established pursuant to section 18-1.3-1007. If such person is sentenced to

incarceration and subsequently released on parole, the parole board ~~shall~~ MAY require, as a condition of parole, that the person participate in an intensive supervision parole program established pursuant to section 18-1.3-1005.

**SECTION 11. Effective date.** This act shall take effect upon passage; except that section 8 of this act shall take effect when Senate Bill 11-007 takes effect.

**SECTION 12. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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| Frank McNulty<br>SPEAKER OF THE HOUSE<br>OF REPRESENTATIVES | Brandon C. Shaffer<br>PRESIDENT OF<br>THE SENATE |
| Marilyn Eddins<br>CHIEF CLERK OF THE HOUSE<br>OF REPRESENTATIVES | Cindi L. Markwell<br>SECRETARY OF<br>THE SENATE |

APPROVED_____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO