
COLORADO SEX OFFENDER MANAGEMENT BOARD

BYLAWS



Colorado Department of Public Safety
Division of Criminal Justice
Office of Domestic Violence &
Sex Offender Management

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COLORADO
Division of Criminal Justice
Department of Public Safety

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ARTICLE 1: NAME, AUTHORITY, PURPOSE AND DUTIES

The general assembly finds and declares that: As a body, the board is one of Colorado's most important resources on the treatment and management of adult sex offenders and juveniles who have committed sexual offenses. The Board's research and analysis of treatment standards and programs, as well as empirical evidence collected and compiled by the board with respect to the treatment outcomes of adult sex offenders and juveniles who have committed sexual offenses, is vital to inform the decisions of policymakers (16-11.7-109 (1) (a) (1 and II) Colorado Revised Statutes (C.R.S.)).

- 1.1 **NAME:** The official name of this entity is the Colorado Sex Offender Management Board.
- 1.2 **AUTHORITY:** The Colorado Sex Offender Management Board (hereinafter Board) derives its existence and authority from Section 16-11.7-103 C.R.S.
- 1.3 **PURPOSE AND DUTIES:** The purpose and duties of the Board are as follows: The purpose and duties of the Board are those delegated in 16-11.7-103, 16-11.7-106, 16-13-903, 16-13-904, 16-13-905 and 18-1.3-1009 C.R.S., as well as such other acts the Board believes are necessary to carry out these legislative duties. Consistent with 16-11.7-101, the SOMB is to create a program that establishes evidence-based standards for the evaluation, identification, treatment, management, and monitoring of adult sex offenders and juveniles who have committed sexual offenses to prevent sexual re-offense and enhance the protection of victims and potential victims, recognizing the priority of the physical and psychological safety of victims and potential victims.

ARTICLE 2: MEMBERSHIP

- 2.1 MEMBERS:** The Board shall consist of appointed members as specified in Section 16-11.7-103C.R.S.
- 2.2 TERM OF APPOINTMENT:** Members of the Board shall serve for a term of, and not to exceed, four years. Board members are not limited by statute to the number of terms they can serve on the Board; however, they must be reappointed by the appointing authority.
- 2.2.1** All Board members appointed by the Executive Director of the Department of Public Safety per section 16-11.7-103(1)(d) shall be limited to no more than two full four-year consecutive terms. A Board member may be re-eligible for appointment after three years from the end of the last served term. Those Board members currently serving on the Board at the time when this section of the Bylaws has been modified and ratified may complete their current term, but will not be eligible for reappointment by the Executive Director of the Department of Public Safety beyond the two four-year term allowance.
- 2.3 NOMINATION AND APPOINTMENT:** New Board members will be appointed by the Appointing Authority identified in the Board statute (16-11.7-103 (1)). For all Board members appointed by the Executive Director of the Department of Public Safety, the Board Nomination and Onboarding Policies and Procedures will be followed.
- 2.4 ONBOARDING:** New Board Members shall receive an orientation to the work of the Board through the Board Nomination and Onboarding Policies and Procedures
- 2.5 COMPENSATION:** Board members shall serve without compensation, but may be reimbursed for actual expenses directly related to the activities of the Board, consistent with state law and state fiscal rules.
- 2.6 RELINQUISHMENT OF APPOINTMENT:** Members are appointed to represent a designated profession, agency, membership or population. Members leaving their designated profession, agency, membership or population, and therefore no longer meeting the criteria by which they were appointed to the Board shall relinquish their appointment effective the date they no longer hold that position.

ARTICLE 3: CHAIR AND VICE CHAIR

- 3.1 APPOINTMENT OF THE CHAIR:** The members of the Board shall nominate and elect the Chair by a simple majority vote of a quorum of the board. The Chair shall serve for a term of two years and may be reelected so long as their Board term has not expired. Elections of the Chair shall occur at a regularly scheduled meeting, each January of even numbered years by a simple majority of a quorum of the board for a term of two years and may be re-elected so long as their Board term has not expired. Any vacancy occurring in the Chair's position shall be filled by the Board as specified in this section and the appointee shall fulfill the term remaining by the previous chair.
- 3.2 DUTIES OF THE CHAIR:** The duties of the Chair shall include:
- A. Presiding over Board meetings;
 - B. Signing appropriate documents and correspondence;
 - C. Calling special meetings as necessary;
 - D. Establishing committees and groups, and appointing the initial chairs of committees;
 - E. Enforcing ethics and conflict of interest provisions of these by-laws;
 - F. Speaking to the public and media on behalf of the Board; the Chair may delegate this duty to another as needed; (The staff liaison shall also be authorized to speak on behalf of the Board, and shall be the preferred media contact person);
 - G. Nomination of a vice chair;
 - H. Remind Board members at each Board meeting of the conflict of interest policy and the need to disclose any conflicts and recuse themselves as appropriate;
 - I. And such other duties as designated by these bylaws.
- 3.3 APPOINTMENT OF THE VICE CHAIR:** The Board Chair shall nominate and the Board shall approve a Vice Chair by a simple majority vote of a quorum of the Board, who shall serve for a term of two years and who may be re-elected so long as their Board term has not expired. Any vacancy occurring in the Vice Chair's position shall be filled by the Board as specified in this section 3.1 and the appointee shall fulfill the term remaining of the previous Vice Chair.
- 3.4 DUTIES OF VICE CHAIR:**
- A. Shall be the same as those of the Chair, when the Chair is absent or has a conflict of interest on any matter taken up by the Board. When the Vice Chair is serving in the role of Chair this shall be documented in meeting minutes.
- 3.5 CONFLICT OF INTEREST:** If both the Chair and Vice Chair have a conflict of interest on any matter taken up by the Board, the Chair shall designate another Board member to preside over the Board in that matter.
- 3.6 CHAIR AND VICE CHAIR ABSENCE:** If both the Chair and Vice Chair are absent, the chair of the Application Review Committee shall preside over the Board meeting.

- A. If the Chair of the Application Review Committee is also absent or has a conflict of interest, the Board shall determine a presiding officer by a simple majority vote of a quorum of the remaining members of the Board. In such cases, Board members with a conflict of interest in the matter or abstaining shall not impact the determination of a quorum.

ARTICLE 4: MEETINGS

- 4.1 REGULAR MEETINGS:** The Board shall conduct regular meetings at least bi-monthly (every other month) , and more often as needed. Notice shall be supplied to Board members of the date, time and location of the meeting at least seven (7) days in advance of the meeting. Regular meetings may be held remotely by electronic means at the discretion of the Chair.
- 4.2 SPECIAL MEETINGS:** Special meetings may be called by the Chair on an as needed basis with a minimum of three (3) working days' notice to Board members. Special meetings may be held by electronic means at the discretion of the Chair.
- 4.3 COMMITTEES AND WORKING GROUPS:** Committees and working groups of the Board shall be governed by Article 8 of these bylaws. Recommendations of committees and working groups shall be ratified by a majority of a quorum of the Board members at a regular or special meeting, unless authority for decision-making is otherwise delegated to the committee or working group by a majority of a quorum of the Board. Any such delegation shall be recorded as provided in Article 8.
- 4.4 ATTENDANCE:** Board members are expected to attend every regular meeting. In the event a Board member cannot attend, they shall so notify the staff liaison in a timely manner.
- 4.5 ABSENCES:** Three absences during a calendar year period of time shall trigger a review of the ability of the member to participate in the Board's duties and responsibilities. After review, the Chair and the Director of the Division of Criminal Justice shall have the option of asking the board member to resign and initiating the process to replace the Board member.
- 4.6 AGENDA:** The conduct of business will be pursuant to an agenda prepared by the staff liaison with the approval of the Board Executive Committee. The agenda will be made a matter of record.
- 4.7 ADDITIONS TO AGENDA:** Any Board member may add an agenda item to a regular or special meeting of the Board by notifying the staff liaison at least seven (7) working days in advance of the meeting, subject to the approval of the Chair. Agenda items may also be added to meeting agendas at the time of the meeting by a simple majority vote of a quorum of the Board.

Non-members may request to add an agenda item to the meeting by calling or writing the staff liaison at least seven (7) working days in advance of the meeting, subject to the approval of a simple majority of the Board Executive Committee.

- 4.8 MINUTES:** Minutes shall be kept of all regular and special meetings of the Board, and shall be approved at the next appropriate meeting. Minutes of all committee meetings shall

be kept and made available to the public.

- 4.9 OPEN MEETINGS:** All Board meetings, regular or special, shall be subject to the Open Meeting Law (section 24-6-401 and 402, C.R.S.). If held remotely, the Board shall ensure public access.

ARTICLE 5: QUORUM

- 5.1 DEFINITION:** The minimum number of Board or committee members required to be present so that the decisions and proceedings are valid. The Quorum for the SOMB and committees is 50% of the appointed members plus one appointed member.
- 5.2 DETERMINATION OF QUORUM:** A quorum is determined by 50% of appointed members, plus one member. If a quorum is not present at the scheduled time of the meeting, business may be provisionally transacted, to be ratified upon the establishment of a quorum. If following the declaration of a quorum, one or more appointed Board or Committee members leave, no longer establishing a present majority, the quorum is lost.

ARTICLE 6: VOTING AND DEVELOPMENT OF CONSENSUS

- 6.1 VOTING:** The Board and Committees will work to develop consensus on issues under consideration by the Board. If consensus is reached and no formal vote is taken, the consensus decision will be noted in the meeting minutes for the record. When consensus is not possible, a simple majority vote of a quorum of the Board or Committee members, on a motion, which has been seconded, shall be the official decision of the Board or Committee. All votes of the Board and Committees with appointed membership (Adult Standards Revision Committee, Application Review Committee, Best Practices Committee, and Surcharge Allocation Committee) will be recorded in meeting minutes identifying how each individual member voted on each decision item, including abstentions.

Application Review Committee members will not vote on appeals regarding the denial of a provider to be listed or remain on the provider list or on appeals of complaint findings against listed providers in which they were a party to the decision. Voting will occur among the remaining members of the Board. Board members abstaining from a vote, including those from the Application Review Committee, do not impact the establishment of a quorum.

- 6.2 PROXY VOTES:** Board members may not vote by proxy.
- 6.3 VOTE BY ELECTRONIC MEANS:** The primary voting procedure of the Board shall be by approved electronic means. In the event a Board member is unable to cast their vote through the approved electronic means, the Board shall cast their vote verbally. The staff liaison shall assist the Board in conducting a vote through approved electronic means. The results of all votes shall be presented to the Board at the time of the vote and recording in the Board minutes.
- 6.4 CONFLICT OF INTEREST:** A Board member shall abstain from voting when it has been determined by the Board member or by a vote of the remaining Board members that they have a conflict of interest, or appearance of conflict of interest, as set forth by Article 7. For current definitions and examples of a conflict of interest refer to article 7 and the SOMB's conflict of interest policy.
- 6.5 VOTE OF THE CHAIR:** The Chair shall vote on all motions before the Board.

ARTICLE 7: ETHICS AND CONFLICT OF INTEREST

- 7.1 DECLARATION OF A CONFLICT OF INTEREST:** SOMB and appointed committee members shall follow the SOMB Conflict of Interest Policy, approved on September 20, 2019 and available from SOMB staff. All Board and appointed Committee members shall make an annual declaration in the form specified in the Conflict of Interest Policy, and share their disclosure statement during the Board meeting where it is discussed. In accordance with the Conflict of Interest Policy, the Division of Criminal Justice will maintain those records. Every SOMB member shall follow the Conflict of Interest Policy related to procedures related to disclosure and recusals. If a Board or Appointed Committee member is unsure whether a conflict of interest exists, outreach should be done to the Board or Committee Chair after review of the agenda prior to the meeting, or during the meeting per the Opportunity to Confer identified in the SOMB Conflict of Interest Policy. Any recusal during a regular, special, or committee meeting of the Board, will be included in the minutes. The Board or Appointed Committee member shall recuse themselves from any discussion of a topic if a conflict of interest is declared.
- 7.2 PROHIBITIONS:** No Board or Appointed Committee member shall accept any stipend, fee, gratuity, or other consideration of any kind or nature from any person, unit, agency or organization for the purpose of influencing a vote, decision or recommendation of a Board or Appointed Committee member or staff member on a matter before the Board or Committee.
- 7.3 CODE OF CONDUCT:** Board members shall conduct themselves in a professional manner and treat public and fellow Board members with dignity and respect regardless of age, race, gender, ethnicity, religion, sexual orientation, or any other identifying class.

ARTICLE 8: COMMITTEES AND WORK GROUPS

- 8.1 APPLICABILITY OF BYLAWS TO COMMITTEES AND WORK GROUPS:** To the extent applicable, and unless otherwise specifically noted, the bylaws of the Board extend to the operations of each Committee and work group.
- 8.2 COMMITTEES:** A permanent or ad hoc sub-group of the Board formed for a specific purpose established by the Chair or Vice-Chair pursuant to Article 3.
- 8.3 EXECUTIVE COMMITTEE:** The Board shall have an Executive Committee consisting of the Chair of the Board and Vice-Chair of the Board, as well as the Chair of the Application Review Committee. The Executive Committee shall address the work of the Board between meetings, set agendas, consult with the Board staff, and to represent the Board to the legislature as may be necessary from time to time. All decisions by the Executive Committee shall be made by consensus and the consensus decisions will be recorded in the meeting minutes for the record.
- 8.4 STANDING COMMITTEES:** The Board may have one or more Standing Committees as established by the Chair pursuant to Article 3. Such committees shall be governed by a charter that must include, at minimum, the scope of the work delegated to the committee, the membership, and voting procedures. The charter must be approved by a simple majority of a quorum of the Board and be reviewed by the committee chair on an annual basis. Votes shall be conducted in accordance with the charter, meetings shall be open to the public (unless conducted in Executive Session), and meeting minutes shall be available to the public.
- 8.5 WORK GROUPS:** A staff driven process in which a DCJ staff member asks other professionals and community members to work with him/her on a specific work product, which may be taken eventually to the Board for decision-making. For such work groups, votes shall be by consensus, meetings shall be open to the public, and meeting minutes shall be available to the public within a reasonable timeframe.
- 8.6 CHAIR OF COMMITTEES:** Each standing and interim committee shall have a designated Chair. The Chair of the Board will appoint the initial Chair of the committee for a term as specified in the committee charter or bylaws. Following the initial term of the Chair, committee members can then re-elect a Chair of the committee for subsequent terms. The appointed Chair of a committee must be a currently appointed Board member where possible and appropriate.
- 8.7 APPOINTED MEMBERS OF COMMITTEES:** For committees with appointed membership, the Chair of the committee shall either appoint members or identify, in the committee charter, the process to be used for the appointment of members.
- 8.8 REPORT TO THE BOARD:** Reports to the Board on activities from standing and ad hoc committees/work groups shall be made in accordance with the committee charter.

8.9 ADVISORY NATURE OF COMMITTEES AND WORK GROUPS: Unless otherwise indicated, each committee and work group are advisory to the Board.

ARTICLE 9: APPLICATION REVIEW COMMITTEE (ARC)

- 9.1 PURPOSE AND DUTIES (TO INCLUDE BUT NOT LIMITED TO):** The Application Review Committee (ARC) shall consist of Board members and up to four appointed non-Board members who are appointed by the ARC Chair. The ARC may enlist the assistance of consultants to provide specific expertise as needed.

The following duties have been delegated to the ARC by the Board:

- A. To review applications by treatment providers, evaluators, polygraph examiners, and developmental disabilities specialists for adults and/or juveniles, and determine if the applicant shall be placed on the provider list.
- B. To review re-applications by treatment providers, evaluators, polygraph examiners, and developmental disabilities specialists for adults and/or juveniles, and determine if the applicant shall be maintained on the provider list.
- C. To review complaints against treatment providers, evaluators, polygraph examiners, and developmental disabilities specialists for adults and/or juveniles, and determine the appropriate disposition of the complaint. To dispense with, summarily, complaints that do not allege a violation of Standards. All providers who are denied placement on the Provider List and all complaints that are within the purview of the Standards are subject to appeal, which will be heard by the Board.
- D. To refer any appeals of the committee's decision to the Board.
- E. To do an initial review of any Standards variance request and refer the result of the review to the Board. The ARC may tentatively approve variance requests that do not impact community safety, pending a final approval by the Board.
- F. To complete Standards Compliance Reviews of treatment providers, evaluators, polygraph examiners, and developmental disability specialists for adults and/or juveniles.

- 9.2 MEMBERSHIP:** Whenever possible, the ARC shall consist of eight (8) voting members, including a minimum of four (4) Board members and up to four (4) non-Board members who are appointed by the ARC Chair. In addition, the ARC shall consist of four (4) non-voting members. The makeup of appointed members shall be:

- A. Voting Board member appointees
 - 1. Colorado Department of Human Services representative
 - 2. Colorado Department of Corrections representative
 - 3. Victim representative
 - 4. Mental Health Professional representative

- B. Voting Non-Board member appointees (Board members may fill vacant non-board member appointee positions if a suitable non-board member cannot be appointed at the discretion of the ARC Chair)
 - 1. SOMB listed Adult Treatment Provider and Evaluator
 - 2. SOMB listed Juvenile Treatment Provider and Evaluator
 - 3. SOMB listed Adult or Juvenile Treatment Provider with Developmental Disability Specialty
 - 4. SOMB listed Adult or Juvenile Polygraph Examiner

- C. Non-voting members
 - 1. Division of Criminal Justice SOMB Program Coordinator
 - 2. Division of Criminal Justice SOMB Implementation Specialist
 - 3. Division of Criminal Justice SOMB Application and Standards Compliance Coordinator
 - 4. Division of Criminal Justice DVOMB liaison (this position is allowed to vote only to break a tie)

Any Board member may question the inclusion of any other member in this work group, and the matter shall be resolved by a majority vote of the Board.

- 9.3 TERMS:** Terms shall be for a two-year period of time.

- 9.4 REAPPOINTMENTS TO THE COMMITTEE:** Each Board member appointee may be reappointed so long as they are a member of the Board. Each non-board member appointee may be reappointed for up to two consecutive terms and may have a subsequent appointment to ARC after two years have passed since the end of the most recent appointment. Each non-voting member may be reappointed so long as they are an employee of the Division of Criminal Justice.

- 9.5 COMMITTEE OFFICERS:** Members of ARC shall nominate and, through majority vote, select a Chair. The Chair shall nominate a Vice Chair who will then be elected by majority vote of the ARC.

- 9.6 MEETINGS:** Members of the work group will meet, at a minimum, on a twice monthly basis unless there is no business to conduct. Special meetings may be called as needed. All meetings are subject to the Colorado Open Meetings Law (C.R.S. § 24-6-101, et. seq.) and meeting minutes are available to the public within a reasonable timeframe.

- 9.7 PLACEMENT ON THE PROVIDER LIST:** The ARC shall determine the process by which sex offender treatment providers, evaluators, and polygraph examiners demonstrate to the satisfaction of the Colorado Sex Offender Management Board that they meet the Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring/Supervision of both Adult Sex Offenders and Juveniles Who Have Committed Sexual Offenses. In this process, providers attest that they meet the standards of practice and qualifications established by the Board and are evaluated against those standards over

a period of time. Placement on the Providers List does not constitute licensure or certification. By statute, (Section 16-11.7-103 C.R.S.) placement on the Providers List confers on the individual permission to receive referrals and provide treatment and/or behavioral monitoring of convicted sex offenders. Listing does not guarantee such referrals, nor entitle the individual to such referrals.

- 9.8 VOTING:** Actions by the ARC will be decided by majority vote of the voting members present provided the ARC has a quorum. In the event of a tie the Division of Criminal Justice DVOMB liaison can vote to break the tie. Voting members shall abstain from voting when a conflict of interest, or an appearance of a conflict of interest is present (See Article 7). The votes of all ARC decision items will be recorded in the ARC meeting minutes specifying the individual vote of each voting member for each decision item.

ARTICLE 10: BEST PRACTICES COMMITTEE

10.1. PURPOSE AND DUTIES (TO INCLUDE BUT NOT LIMITED TO): The Best Practices Committee shall consist of at least 80% approved treatment providers per section 16-11.7-103 (4) (b) (II) C.R.S. The total number of appointed members may fluctuate but shall not be under the 80% minimum approved treatment provider requirement. Best Practices Committee members shall be appointed by the Best Practices Committee Chair. The Best Practices Committee may enlist the assistance of consultants to provide specific expertise as needed.

The Best Practices Committee has been tasked with the following duties:

- A. Inform and make recommendations to the Board and Committees regarding the implementation of current research and best practices in the Standards and Guidelines for the evaluation, treatment, and supervision of adults and juveniles who have committed sexual offenses.
- B. Review proposed standards revisions and make recommendations to the Board and Committees regarding revisions to the Standards and Guidelines.
- C. Initiate/propose the need for a particular section of the Standards and Guidelines to be reviewed based on emerging research and literature. In consultation with the SOMB Executive Committee, the Best Practices Committee may suggest that a particular topic or area needs to be made a priority.
- D. The SOMB Executive Committee may also request that the Best Practices Committee review other SOMB policy work product, besides for the Standards and Guidelines revisions, such as White Papers.

10.4 MEMBERSHIP: The Best Practices Committee membership will consist of at least 80% approved treatment providers. The Chair of the Best Practices Committee can determine the total number of Best Practices Committee members provided the membership does not move beneath the 80% minimum threshold of approved treatment providers, and members can be added as needed to meet the duties of the Committee as listed above.

10.3 TERMS: Terms shall be for a two-year period of time.

10.4 REAPPOINTMENTS TO THE COMMITTEE: Each Board member appointee may be reappointed so long as they are a member of the Board. Each non-board member appointee may be reappointed for up to two consecutive terms and may have a subsequent appointment to the Best Practices Committee after two years have passed since the end of the most recent appointment.

10.5 COMMITTEE OFFICERS: Members of the Best Practice Committee shall nominate

and, through majority vote, select a Chair. The Chair shall nominate a Vice Chair who will then be elected by majority vote of the Committee.

10.6 MEETINGS: Members of the Best Practices Committee will meet, at a minimum, on a monthly basis unless there is no business to conduct. All meetings shall be open to the public and meeting minutes shall be available to the public.

10.7 VOTING: The Best Practice Committee will work to develop consensus on issues under consideration by the Committee. If consensus is reached by a quorum of appointed members and no formal vote is taken, the consensus decision will be noted in the meeting minutes for the record. When consensus is not possible a majority vote of the Committee members on a motion, which has been seconded, shall be the official decision of the Committee. All votes of the Committee will be recorded in meeting minutes identifying how each individual member voted on each decision item, including abstentions. Committee members shall abstain from voting when a conflict of interest, or an appearance of a conflict of interest is present (See Article 7).

ARTICLE 11: SURCHARGE ALLOCATION COMMITTEE

11.1 PURPOSE AND DUTIES (TO INCLUDE BUT NOT LIMITED TO): The Surcharge Allocation Committee shall make a recommendation to the SOMB regarding allocation of moneys in the Sex Offender Surcharge Fund per 16-11.7-103 (4) (C) C.R.S. The appointed Board and non-Board members of the Committee shall represent the agencies impacted by the Sex Offender Surcharge Fund (Department of Corrections, Judicial Department, and Department of Human Services).

The Surcharge Allocation Committee has been tasked with the following duties:

- A. Make recommendations to the Board regarding the allocation of moneys deposited in the Sex Offender Surcharge Fund created pursuant to 18-21-103 (3) C.R.S.
- B. Make recommendations to the Board regarding the coordination of expenditures of moneys from the Sex Offender Surcharge Fund with any moneys expended by any of the Departments to identify, evaluate, and treat adult sex offenders and juveniles who have committed sexual offenses.

11.2 MEMBERSHIP: The appointed Board and non-Board members of the Committee shall represent the agencies impacted by the Sex Offender Surcharge Fund (Department of Corrections, Judicial Department, and Department of Human Services).

11.3 TERMS: Board members terms shall be for a four-year period of time. Non-Board members terms shall be for a two-year period of time.

11.4 REAPPOINTMENTS TO THE COMMITTEE: Each Board member appointee may be reappointed so long as they are a member of the Board. Each non-board member appointee may be reappointed for up to two consecutive terms and may have a subsequent appointment to the Surcharge Allocation Committee after two years have passed since the end of the most recent appointment.

11.5 COMMITTEE OFFICERS: Members of the Surcharge Allocation Committee shall nominate and, through majority vote, select a Chair. The Chair shall nominate a Vice Chair who will then be elected by majority vote of the Committee.

11.6 MEETINGS: Members of the Surcharge Allocation Committee will meet, at a minimum, once per year to review the Sex Offender Surcharge Fund spending and allocation.

11.7 VOTING: The Surcharge Allocation Committee will work to develop consensus of a quorum of appointed members on issues under consideration by the Committee. If consensus is reached and no formal vote is taken, the consensus decision will be noted in the meeting minutes for the record. When consensus is not possible a majority vote of the Committee members on a motion, which has been seconded, shall be the

official decision of the Committee. All votes of the Committee will be recorded in meeting minutes identifying how each individual member voted on each decision item, including abstentions. Committee members shall abstain from voting when a conflict of interest, or an appearance of a conflict of interest is present (See Article 7).

ARTICLE 12: DIVISION OF CRIMINAL JUSTICE STAFF LIAISON

12.1 PROVISION OF STAFF LIAISON SERVICES: Within the fiscal resources available, the Division of Criminal Justice shall provide the staff liaison to the Board, designated by the Director of the Division of Criminal Justice.

12.2 DUTIES AND RESPONSIBILITIES: In addition to other assigned duties, it shall be the duty of the staff liaison or designee to attend all regular and special meetings of the Board and assigned committee meetings, provide administrative staff functions for the Board, and coordinate with the Chair, other Board members, and members of the public on behalf of the Board.

Although the staff liaison shall serve as the official spokesperson and public contact person for the Board, Board members are encouraged to provide expertise in their specialized areas. The Board Chair may also serve as an official spokesperson when appropriate.

ARTICLE 13: CONSULTATION TO THE BOARD

13.1 USE OF CONSULTANTS AND TRAINERS: In recognition of the complexity of the fields of sex offender treatment and management, the Board or any committee of the Board, with the permission of the Chair and Executive Committee, may consult with experts to supplement the expertise of the Board and to assist in making informed decisions, to present to the Board, and testify upon request.

13. 2 INPUT FROM NON-BOARD MEMBERS: The Board may also request or receive expertise and input from non-Board members on matters of general standards development, research, or implementation of its mandates.

ARTICLE 14: ROBERT'S RULES OF ORDER

14.1 PARLIAMENTARY MATTERS: All matters not covered by the by-laws, or policies and procedures that have been approved by the Board, shall be governed by the most recently published version of Robert's Rules of Order.

ARTICLE 15: AMENDMENT OF BY-LAWS

15.1 PROCESS TO AMEND BYLAWS: These by-laws may be amended at any regular or special meeting of the Board by a two-thirds (2/3) majority vote of the Board, after a proposed amendment has received one (1) reading at a regular meeting. Proposed amendments shall be distributed to Board members at least thirty (30) days preceding the meeting at which the vote for modification will take place.

APPENDIX – DEFINITION OF TERMS

Application Review Committee (ARC): A Committee of Board and non-Board members who are appointed by the ARC Chair and delegated the authority to review and approve/disapprove applications by majority vote for inclusion on the Sex Offender Management Board Provider List per 16-11.7-106 C.R.S.

Best Practices Committee: A Committee of Board and non-Board members who are appointed by the Best Practices Committee Chair and delegated the authority make recommendations for revisions to the Standards and Guidelines per 16-11.7-103 (4) (b) (II) C.R.S.

Board: Colorado Sex Offender Management Board as identified in Article 11.7 Section 16-11.7-103 C.R.S.

Consultant: Any person, organization or other entity approved by the Chair upon recommendation of the Board, committee, task group or staff liaison to perform work or act in the capacity of advisor to the Colorado Sex Offender Management Board.

Empirical Evidence: Information gained through experimentation that includes observations and/or documented patterns of behavior.

Evidence-based: Decision making or practice that incorporates research findings and the current best evidence.

Executive Committee: A Committee of Board members consisting of the Chair and Vice-Chair, as well as the Chair of the Application Review Committee. The role of the Executive Committee is to address the work of the Board between meetings, set agendas, consult with the Board staff, and to represent the Board to the legislature as may be necessary from time to time.

Lifetime Criteria: The established criteria and the manner in which a sex offender is subject to lifetime supervision. The Board, in collaboration with the Department of Corrections, Judicial Department, and Parole Board, shall establish the criteria as required by 18-1.3-1009 (1) (a-b) C.R.S.

Sex Offender Management Board Approved Provider List: The published list of sex offender treatment providers, evaluators, and clinical polygraph examiners who have been determined, by the Application Review Committee, to meet the qualifications required by the Standards to provide assessment, evaluation, treatment and behavioral monitoring of convicted adult and/or adjudicated juvenile sex offenders.

Standards For Community Entities That Provide Supervision And Treatment For Adult Sex Offenders Who Have Developmental Disabilities: These specific standards are contained within the Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral

Monitoring of Adult Sex Offenders. These standards are designed to better address the specific needs and risks of sex offenders with developmental disabilities. These Standards are developed pursuant to 18-1.3-1009 (1) (C) C.R.S.

Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders: The document issued by the Colorado Sex Offender Management Board, originally in January 1996 and any subsequent published revisions, which establishes the standards and guidelines for the assessment, evaluation, treatment and behavioral monitoring of convicted adult sex offenders and the standards to be met by qualified sex offender treatment providers, evaluators, and clinical polygraph examiners in order to be included on the Sex Offender Management Board Provider List.

Standards And Guidelines For The Evaluation, Assessment, Treatment And Supervision Of Juveniles Who Have Committed Sexual Offenses: The document issued by the Colorado Sex Offender Management Board, originally in July 2002 and any subsequent published revisions, which establishes the standards and guidelines for adjudicated juvenile sex offenders and the standards to be met by qualified sex offender treatment providers, evaluators, and clinical polygraph examiners in order to be included on the Sex Offender Management Board Provider List.

Surcharge Allocation Committee: A Committee of Board members who represent impacted agencies from the Sex Offender Surcharge Fund and are delegated the authority to make recommendations for the Surcharge Fund spending allocation to the Board per 18-21-103 and 16-11.7-103 (4) (C) C.R.S.

Quorum: The minimum number of Board members required to be present so that actions, decisions, and proceedings are valid.

SIGNATURES AND DATE OF ADOPTION

THESE BY-LAWS SUPERCEDE PREVIOUS BY-LAWS AND SHALL REMAIN IN PLACE UNTIL AMENDED OR ABOLISHED.

DATE OF ADOPTION BY THE BOARD:

DATE OF SIGNATURE: _____

Kimberly Kline – Chair
Colorado Sex Offender Management Board

Joe Thome - Director
Division of Criminal Justice