

# ***SEX OFFENDER REGISTRATION***

A Publication of the Office of Legislative Legal Services<sup>1</sup>

The "**Colorado Sex Offender Registration Act**", article 22 of title 16, C.R.S., requires any person convicted of an unlawful sexual offense or enticement of a child or classified as a sexually violent predator under section 18-3-414.4, C.R.S., to register with the local law enforcement agency in the jurisdiction where he or she resides.

After initial registration upon release from incarceration, a person required to register pursuant to section 16-22-103, C.R.S., shall register annually within five days of his or her birthday, so long as the person does not relocate before that date. A person who is identified as a sexually violent predator must re-register every ninety days, so long as the person does not relocate before that date. If a person relocates, he or she must register in his or her new jurisdiction and the law enforcement agency that he or she registers with notifies the registrant's old jurisdiction of the cancellation of that registration. The person must submit this form within five business days after relocating.

When registering, a person must provide information concerning, but not limited to, all names used at any time (both aliases and legal names), date of birth, address, place of employment, and, if employed at or enrolled in an institution of post-secondary education, all addresses and locations at which the person works or attends classes or other activities. Persons convicted of a child sex crime must also provide their e-mail addresses, instant-messaging identities, and chat-room identities. Section 16-22-108, C.R.S.

Local law enforcement agencies must provide the Colorado Bureau of Investigation (CBI) with all collected registration information to establish a central statewide registry. This registry serves as an electronic database of all registered sex offenders within the state, accessible by law enforcement agencies.

A person who is required to register pursuant to section 16-22-103, C.R.S., and fails to do so or otherwise fails to comply with any provisions of article 22 of title 16, C.R.S., may be subject to prosecution for the offense of failure to register as a sex offender, as described in section 18-3-412.5, C.R.S.

## **Access to Information**

To assist members of the public in protecting themselves and their children from sexual offenders, the Colorado General Assembly has determined that the public must have access to information concerning registered sex offenders.

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<sup>1</sup>This summary contains information commonly requested from the Office of Legislative Legal Services (OLLS). It does not represent an official legal position of the General Assembly or the State of Colorado and does not bind the members of the General Assembly. It is intended to provide a general overview of Colorado law as of the date of its preparation. Any person needing legal advice should consult his or her own lawyer and should not rely on the information in this memorandum.

A person may request a list of persons on the sex offender registry from the CBI or a local law enforcement agency. At a minimum, the information released must include the registrant's name, address or addresses, and aliases of the registrant; a photograph, if readily available and a history of the conviction(s) resulting in the registrant being required to register. Information concerning victims shall not be released.

Information about a person listed on the sex offender registry may also be posted by a local law enforcement agency at its discretion on its website, but only if the person is:

- A juvenile who has been convicted of two or more offenses involving unlawful sexual behavior, or of a crime of violence as defined in section 18-1.3-406, C.R.S.; or
- A juvenile who is required to register because he or she was convicted of an offense that would have been a felony if it had been committed by an adult, and who has failed to register; or
- An adult convicted of a felony requiring him or her to register pursuant to section 16-22-103, C.R.S.; or
- An adult convicted of two or more misdemeanors, including:
  - Sexual assault on a minor, as described in section 18-3-402 (1) (e), C.R.S.;
  - Unlawful sexual contact, as described in section 18-3-404, C.R.S.;
  - Sexual assault on a client by a psychotherapist, as described in section 18-3-405.5 (2), C.R.S.;
  - Sexual exploitation of a child by possession of sexually exploitive material, as described in section 18-6-403 (3) (b.5), C.R.S.;
  - Indecent exposure, as described in section 18-7-302, C.R.S.; or
  - Sexual conduct in a penal institution, as described in section 18-7-701, C.R.S.

A local law enforcement agency that elects to post sex offender registration information on its website is required to also post educational information concerning protection from sex offenders or provide a link to such information on the CBI internet homepage.

Additionally, the CBI has posted a link on the CBI internet homepage (as well as a link from the State of Colorado internet homepage) to a list of persons required to register as sex offenders. The information on the list includes the names, addresses, and physical descriptions of any person required to register pursuant to section 16-22-103, C.R.S., as a result of a conviction of a felony. The physical description includes the person's sex, height,

weight, and any other identifying characteristics. The list does not include any information concerning victims of the offenses.

## **Removal from the Registry**

A person required to register as a sex offender pursuant to Colorado statute, upon satisfying the requirements of section 16-22-113 (1), C.R.S., may petition the district court for an order to discontinue the registration or the court may consider discontinuing the registration requirement at the time that the person satisfies the requirements for discontinuing registration. However, depending upon the nature and degree of the offense, certain persons are ineligible for removal from the sex offender registry and will be subject to the registration requirements for the rest of their lives. These persons include:

- Sexually violent predators, as defined in section 18-3-414.5, C.R.S.;
- Persons convicted as an adult of sexual assault in the first or second degree, sexual assault on a child, sexual assault on a client by a psychotherapist, or incest; and
- Any adult with more than one conviction in the same jurisdiction for unlawful sexual behavior.

Upon receipt of a petition, the court must set a date for a hearing and notify the victim of the offense for which the petitioner was required to register. If the court enters an order to discontinue the petitioner's duty to register, the petitioner must send a copy of the order to each local law enforcement agency with which he or she is registered; the court must notify the victim of the offense of its decision to discontinue the petitioner's duty to register; and the CBI and the local law enforcement agency must remove the petitioner's information from the sex offender registry.

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