

# COLORADO SEX-OFFENDER REGISTRATION AND NOTIFICATION

## CONTACT INFORMATION

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## NUMBER OF REGISTERED SEX OFFENDERS

7,917 as of February 24, 2003.

### **1. WHO IS REQUIRED TO REGISTER?**

Any person who:

- (1) was convicted on or after July 1, 1991, in Colorado, of an unlawful sexual offense or enticement of a minor;
- (2) was convicted on or after July 1, 1991, in another state or jurisdiction of an offense that, if committed in Colorado, would constitute an unlawful sexual offense or enticement of a minor;
- (3) was released on or after July 1, 1991, from the custody of the Department of Corrections having served a sentence for an unlawful sexual offense or enticement of a minor; or
- (4) on or after July 1, 1994, is convicted in Colorado of unlawful sexual behavior or of another offense, the underlying factual basis of which involves unlawful sexual behavior, or any person who is released from the custody of the Department of Corrections having completed a sentence for unlawful sexual behavior or for another offense, the underlying factual basis of which involved unlawful sexual behavior,

is required to register.

*(Colo. Rev. Stat. §§ 16-22-103(1), (2)(a))*

### **2. WHAT DOES “UNLAWFUL SEXUAL OFFENSE” MEAN?**

“Unlawful sexual offense” means:

- (1) enticement of a minor;
- (2) sexual assault when the victim at the time of the commission of the act is a minor under 15;
- (3) sexual assault in the first degree as it existed prior to July 1, 2000, when the victim at the time of the commission of the act is a minor under 15;
- (4) unlawful sexual contact when the victim at the time of the commission of the act is a minor under 15;
- (5) sexual assault in the third degree as it existed prior to July 1, 2000, when the victim at the time of the commission of the act is a minor under 15;
- (6) sexual assault on a minor;
- (7) sexual assault on a minor by one in a position of trust;
- (8) aggravated incest;
- (9) trafficking in children;
- (10) sexual exploitation of a minor;
- (11) procurement of a minor for sexual exploitation;

- (12) indecent exposure;
- (13) soliciting a minor for prostitution;
- (14) pandering of a minor;
- (15) procurement of a minor;
- (16) keeping a place of child prostitution;
- (17) pimping of a minor;
- (18) inducement of child prostitution;
- (19) patronizing a prostituted minor; or
- (20) criminal attempt, conspiracy, or solicitation to commit any of the offenses listed in (1) through (19) above.

*(Colo. Rev. Stat. § 18-3-411(1))*

### **3. WHAT DOES “UNLAWFUL SEXUAL BEHAVIOR” MEAN?**

“Unlawful sexual behavior” means any of the following offenses or criminal attempt, conspiracy, or solicitation to commit any of the following offenses:

- (1) sexual assault;
- (2) sexual assault in the first or second degree as it existed prior to July 1, 2000;
- (3) unlawful sexual contact;
- (4) sexual assault in the third degree as it existed prior to July 1, 2000;
- (5) sexual assault on a minor;
- (6) sexual assault on a minor by one in a position of trust;
- (7) sexual assault on a client by a psychotherapist;
- (8) enticement of a minor;
- (9) incest;
- (10) aggravated incest;
- (11) trafficking in children;
- (12) sexual exploitation of children;
- (13) procurement of a minor for sexual exploitation;
- (14) indecent exposure;
- (15) soliciting a minor for prostitution;
- (16) pandering of a minor;
- (17) procurement of a minor;
- (18) keeping a place of child prostitution;
- (19) pimping of a minor;
- (20) inducement of child prostitution;
- (21) patronizing a prostituted minor; or
- (22) engaging in sexual conduct in a penal institution.

*(Colo. Rev. Stat. § 16-22-102(9))*

### **4. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?**

Registration requirements apply to any offender who receives a disposition or is adjudicated a juvenile delinquent based on the commission of any act that may constitute unlawful sexual behavior or who receives a deferred adjudication based on commission of any act that may constitute unlawful sexual behavior.

*(Colo. Rev. Stat. § 16-22-103(4))*

**5. WHEN AND WHERE DOES AN OFFENDER REGISTER?**

As of January 1, 2003, the court, within 24 hours after sentencing, must electronically file an offender's initial registration with the Colorado Bureau of Investigation.

*(Colo. Rev. Stat. § 16-22-104(1)(a))*

Each offender must initially register or, if sentenced on or after January 1, 2003, confirm his or her initial registration within five business days after release from incarceration for commission of the offense requiring registration or within five business days after receiving notice of the duty to register, if the offender was not incarcerated. Any offender who is discharged from the Department of Corrections without supervision must register no later than the next business day following discharge.

*(Colo. Rev. Stat. §§ 16-22-108(1)(a), (1)(e))*

An offender must register with the local law-enforcement agency of each jurisdiction in which he or she resides.

*(Colo. Rev. Stat. § 16-22-105(1); § 16-22-108(1)(a))*

Each offender who is required to register and who establishes an additional residence must, within five business days after establishing an additional residence in any city, town, county, or city and county within Colorado, register with the local law-enforcement agency of the jurisdiction in which he or she establishes the additional residence. Offenders who reside within the corporate limits of any city, town, or city and county must register at the office of the chief law-enforcement officer of the city, town, or city and county. If there is no chief law-enforcement officer of the city, town, or city and county in which a person resides, the person must register at the office of the county sheriff of the county in which the person resides. Persons who reside outside of the corporate limits of any city, town, or city and county must register at the office of the county sheriff of the county where he or she resides.

*(Colo. Rev. Stat. §§ 16-22-108(1)(c), (2))*

**6. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?**

The information required on the standardized registration forms includes, but is not limited to, the offender's:

- (1) name and all names used at any time including both aliases and legal names;
- (2) date of birth;
- (3) address; and
- (4) place of employment.

*(Colo. Rev. Stat. §§ 16-22-109(1)(a)-(b))*

If an offender is volunteering at an institution of postsecondary education, all names, addresses, and locations of the institution at which he or she may be physically located must be indicated.

*(Colo. Rev. Stat. §§ 16-22-109(1)(a.5), (1)(e))*

If an offender enrolls or is enrolled in an institution of postsecondary education, all addresses and locations of the institution of postsecondary education at which he or she attends classes or otherwise participates in required activities must be indicated.

*(Colo. Rev. Stat. § 16-22-109(1)(a.7), (1)(d))*

**7. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?**

Any offender who is required to register must do so each time he or she:

- (1) changes his or her address regardless of whether he or she has moved to a new address within the jurisdiction of the law-enforcement agency with which he or she previously registered;
- (2) legally changes his or her name;
- (3) establishes an additional residence in another jurisdiction or an additional residence in the same jurisdiction;
- (4) becomes employed or changes employment or employment location, if employed by an institution of postsecondary education;
- (5) enrolls or changes enrollment in an institution of postsecondary education, or changes the location of enrollment; or
- (6) becomes a volunteer or changes the volunteer work location if volunteering at an institution of postsecondary education.

*(Colo. Rev. Stat. § 16-22-108(3))*

**8. WHAT HAPPENS IF AN OFFENDER MOVES FROM COLORADO TO ANOTHER STATE?**

An offender has the duty to register with local law-enforcement agencies in any state or other jurisdiction to which he or she may move. The Colorado Bureau of Investigation must notify the agency responsible for registration in the new state.

*(Colo. Rev. Stat. § 16-22-105(2))*

**9. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO COLORADO REQUIRED TO REGISTER?**

Any offender convicted of an offense in any other state or jurisdiction for which he or she, as a result of the conviction, is required to register in the state or jurisdiction of conviction, or for which he or she would be required to register if convicted in Colorado, is required to register in Colorado, so long as he or she is a temporary or permanent resident of Colorado. Registration must take place within five business days after establishing a temporary or permanent residence in Colorado.

*(Colo. Rev. Stat. § 16-22-103(3); § 16-22-108)*

**10. WHAT IF AN OFFENDER LIVES IN ANOTHER STATE BUT WORKS OR GOES TO SCHOOL IN COLORADO?**

Offenders who are temporary residents in Colorado, including those who live in another state but work or go to school in Colorado, must register within five days of beginning employment or schooling.

*(Colo. Rev. Stat. § 16-22-102(8); § 16-22-103(3); § 16-22-108)*

In addition to the registration information required from all other offenders, for any offender who is a temporary resident of Colorado, he or she must indicate his or her address in his or her state of permanent residence and his or her place of employment in Colorado, or the educational institution in which he or she is enrolled in Colorado. If the temporary resident of Colorado is enrolled in, employed by, or volunteers at an institution of postsecondary education, he or she must indicate all addresses and locations at which he or she attends classes, otherwise participates in required activities, works, or performs volunteer activities.

*(Colo. Rev. Stat. § 16-22-109(c))*

## 11. IS REGISTRATION A LIFETIME REQUIREMENT?

The following offenders are required to register for life:

- (1) sexually violent predators; and
- (2) offenders convicted of one or more of the following offenses:
  - (a) sexual assault;
  - (b) sexual assault in the first or second degree as it existed prior to July 1, 2000;
  - (c) sexual assault on a minor;
  - (d) sexual assault on a minor by one in a position of trust;
  - (e) sexual assault on a client by a psychotherapist;
  - (f) incest; or
  - (g) aggravated incest.

*(Colo. Rev. Stat. § 16-22-108(1)(d)(I); § 16-22-113(3))*

Any person not required to register for life may petition the district court for an order discontinuing the registration requirements and/or Internet posting as follows:

- (1) if the offense that required the offender to register constituted or would constitute a Class 1, 2, or 3 felony, after a period of 20 years from the date of:
  - (a) his or her discharge from the:
    - (i) Department of Corrections, if he or she was sentenced to incarceration; or
    - (ii) Department of Human Services, if he or she was committed;
  - (b) his or her final release from the jurisdiction of the court for the offense, if he or she has not subsequently been convicted of unlawful sexual behavior or of any other offense, the underlying factual basis of which involved unlawful sexual behavior;
- (2) if the offense that required the offender to register constituted or would constitute a Class 4, 5, or 6 felony or the Class 1 misdemeanor of unlawful sexual contact or sexual assault in the third degree as it existed prior to July 1, 2000, after a period of 10 years from the date of:
  - (a) his or her discharge from the:
    - (i) Department of Corrections, if he or she was sentenced to incarceration; or
    - (ii) Department of Human Services, if he or she was committed; or
  - (b) final release from the jurisdiction of the court for such offense, if he or she has not subsequently been convicted of unlawful sexual behavior or of any other offense, the underlying factual basis of which involved unlawful sexual behavior;
- (3) if the offense that required the offender to register constituted or would constitute a misdemeanor other than the Class 1 misdemeanor of unlawful sexual contact or sexual assault in the third degree as it existed prior to July 1, 2000, after a period of five years from the date of his or her final release from the jurisdiction of the court for such offense, if he or she has not subsequently been convicted of unlawful sexual behavior or of any other offense, the underlying factual basis of which involved unlawful sexual behavior;
- (4) if the offender was required to register due to being placed on 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 he or she, 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;
- (5) if the offender was under 18 at the time of disposition or adjudication, after the successful completion of and discharge from the sentence, if he or she, 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; or

- (6) if the information about the offender was required to be posted on the Internet for failure to register, if he or she has fully complied with all registration requirements for a period of not less than one year, and if he or she, 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.

*(Colo. Rev. Stat. § 16-22-113(1))*

**12. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?**

Any offender who is required to register and fails to do so or otherwise fails to comply with registration and notification provisions may be subject to prosecution for the offense of failure to register as a sex offender.

*(Colo. Rev. Stat. § 16-22-103(6))*

**13. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?**

Pursuant to a request for a criminal-history check, the Colorado Bureau of Investigation may inform a requesting party as to whether the person who is the subject of the criminal-history check is on the sex-offender registry.

*(Colo. Rev. Stat. § 16-22-110(6)(b))*

A person may request from the Colorado Bureau of Investigation a list of offenders on the sex-offender registry who reside within the same local law-enforcement agency jurisdiction as the requesting person or in local or contiguous law-enforcement agency jurisdictions.

*(Colo. Rev. Stat. § 16-22-110(6)(c))*

When necessary for public protection and upon a demonstration of a need to know, a person may request from the Colorado Bureau of Identification a list of offenders on the sex-offender registry who reside in geographic areas other than within the same local or contiguous law-enforcement agency jurisdiction.

*(Colo. Rev. Stat. § 16-22-110(6)(d))*

Any person requesting sex-offender information must show proper identification or other proof of residence.

*(Colo. Rev. Stat. § 16-22-110(e); §§ 16-22-112(2), (3))*

Released information contains, at a minimum, the offender's:

- (1) name and aliases;
- (2) address(es);
- (3) photograph;
- (4) conviction history that resulted in registration; and
- (5) any other convictions.

*(Colo. Rev. Stat. § 16-22-110(f); § 16-22-112(4))*

**14. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?**

Information is available on the Internet for the following offenders:

- (1) sexually violent predators;
- (2) any person sentenced as or found to be an offender under the laws of another state or jurisdiction that are comparable with the laws of Colorado;
- (3) any person who is required to register and who has been convicted as an adult of two or more of the following offenses:
  - (a) a felony offense involving unlawful sexual behavior; or

- (b) a crime of violence; and
- (4) any person who is required to register because he or she was convicted of a felony as an adult and has failed to register.

*(Colo. Rev. Stat. § 16-22-111(1))*

Information available on the Internet includes the names, addresses, and physical descriptions of the offenders and descriptions of the offenses committed. "Physical description" includes the offender's sex, height, weight, any identifying characteristics, and a digitized photograph or image.

*(Colo. Rev. Stat. § 16-22-111(1))*

The web site, available at <http://sor.state.co.us/>, can be searched by first name, last name, city, and zip code.