

# Colorado Notice to Register as a Sex Offender

STATUTORY AUTHORITY: Title 16, Article 22, Colorado Revised Statutes

Note: This notice applies to adults and juveniles

## WHO MUST REGISTER

The following persons are required to register as sex offenders in the State of Colorado:

- Convicted on or after 7/1/91 in Colorado of an unlawful sexual offense, as in 18-3-411 (1), enticement of a child, as in 18-3-305, or internet luring of a child, as in 18-3-306 (3);
- Convicted on or after 7/1/91 in another state or jurisdiction, including military, tribal, territorial or federal jurisdiction, of an offense that, if committed in Colorado, would constitute an unlawful sexual offense, as in 18-3-411 (1), enticement of a child, as in 18-3-305, or internet luring of a child as in 18-3-306;
- Released on or after 7/1/91 from department of corrections custody, in this state or any other state, having served a sentence for an unlawful sexual offense, as defined in section 18-3-411 (1), enticement of a child, described in section 18-3-305 or internet luring of a child, as in 18-3-306;
- Convicted on or after 7/1/94 in Colorado of an offense involving unlawful sexual behavior, as defined below, or for which the factual basis involved such an offense, or released from department of corrections having served a sentence for such an offense (including criminal attempts, solicitations, or conspiracies):
  - Sexual assault, in violation of section 18-3-402;
  - Sexual assault in the first degree, in violation of section 18-3-402, as it existed prior to July 1, 2000;
  - Sexual assault in the second degree, in violation of section 18-3-403, as it existed prior to July 1, 2000;
  - Unlawful sexual contact, in violation of section 18-3-404;
  - Sexual assault in the third degree, in violation of section 18-3-404 as it existed prior to July 1, 2000;
  - Sexual assault on a child, in violation of section 18-3-405;
  - Sexual assault on a child by one in a position of trust, in violation of section 18-3-405.3;
  - Sexual assault on a client by a psychotherapist, in violation of section 18-3-405.5;
  - Enticement of a child, in violation of section 18-3-305;
  - Incest, in violation of section 18-6-301;
  - Aggravated incest, in violation of section 18-6-302;
  - Human trafficking of a minor for sexual servitude, in violation of section 18-3-504 (2);
  - Human trafficking for sexual servitude, in violation of section 18-3-504 (1);
  - Sexual exploitation of children, in violation of section 18-6-403;
  - Procurement of a child for sexual exploitation, in violation of section 18-6-404;
  - Indecent exposure, in violation of section 18-7-302;
  - Soliciting for child prostitution, in violation of section 18-7-402;
  - Pandering of a child, in violation of section 18-7-403;
  - Procurement of a child, in violation of section 18-7-403.5;
  - Keeping a place of child prostitution, in violation of section 18-7-404;
  - Pimping of a child, in violation of section 18-7-405;
  - Inducement of child prostitution, in violation of section 18-7-405.5;
  - Patronizing a prostituted child, in violation of section 18-7-406;
  - Engaging in sexual conduct in a correctional institution, in violation of section 18-7-701;
  - Wholesale promotion of obscenity to a minor, in violation of 18-7-102 (1.5);
  - Promotion of obscenity to a minor, in violation of 18-7-102 (2.5);
  - Class 4 felony internet luring of a child, in violation of 18-3-306 (3);
  - Internet sexual exploitation of a child, in violation of 18-3-405.4;
  - Public indecency 18-7-301 (2)(b), if 2<sup>nd</sup> offense committed within 5 years of previous offense or a 3<sup>rd</sup> or subsequent offense;
  - Invasion of privacy for sexual gratification, in violation of section 18-3-405.6;
  - Second degree kidnapping, in violation of section 18-3-302 (3)(a);
  - Unlawful electronic sexual communication, in violation of section 18-3-418;
  - Unlawful sexual conduct by a peace officer, in violation of section 18-3-405.7.
- Convicted as an adult, or adjudicated as a juvenile, of an offense in any other state or jurisdiction (including military or federal) for which registration is required in the state of conviction or adjudication, so long as such person is a temporary or permanent resident of Colorado.
- Convicted as an adult of an offense in any other state or jurisdiction (including military or federal) for which registration would be required if convicted in Colorado, so long as such person is a temporary or permanent resident of Colorado.

## DEFINITIONS

“**Adjudicated**” or “**adjudication**” means a determination by the court that it has been proven beyond a reasonable doubt to the trier of fact that a juvenile has committed a delinquent act or that a juvenile has pled guilty to committing a delinquent act. In addition, when a previous conviction must be pled and proven as an element of an offense or for purposes of sentence enhancement, “adjudication” means conviction.

Criminal Justice Agency Official's Initials \_\_\_\_\_

Registrant's Initials \_\_\_\_\_

**“Convicted” or “conviction”** means having received a verdict of guilty by a judge or jury, having pleaded guilty or nolo contendere, having received a disposition as a juvenile, having been adjudicated a juvenile delinquent, or having received a deferred judgment and sentence or a deferred adjudication.

**“Juvenile”** means a person who is under eighteen years of age at the time of the offense and who has not been criminally convicted in the district court of unlawful sexual behavior pursuant to section 19-2-517 or 19-2-518.

**“Lacks a fixed residence”** means that a person does not have a living situation that meets the definition of “residence” pursuant to subsection (5.7) of section 16-22-102. “Lacks a fixed residence” may include, but need not be limited to, outdoor sleeping locations or any public or private locations not designed as traditional living accommodations. “Lacks a fixed residence” may also include temporary public or private housing or temporary shelter facilities, residential treatment facilities, or any other residential program or facility if the person remains at the location for less than fourteen days.

**“Temporary resident”** means any person who is employed in Colorado on a full-time or part-time basis, with or without compensation, for more than 14 consecutive business days or for an aggregate period of more than 30 days in any calendar year or who is enrolled in any type of educational institution in Colorado on a full-time or part-time basis. It also means a person who is present in Colorado for more than 14 consecutive business days or for an aggregate period of more than 30 days in a calendar year for any purpose, including but not limited to vacation, travel, or retirement. Temporary residents shall register within five business days of arrival in Colorado. A sex offender is required to register in any state in which he/she is a temporary resident.

### **PROVIDING ELECTRONIC IDENTIFIERS**

Any person who is required to register and who has been convicted of a child sex crime (or criminal attempt, conspiracy, or solicitation to commit a child sex crime) shall be required to register all e-mail addresses, instant-messaging identities, or chat room identities prior to using the address or identity. Child sex crime means:

- Sexual assault on a child, as in 18-3-405; sexual assault on a child by one in a position of trust, as in 18-3-405.3; unlawful sexual contact, as in 18-3-404 (1.5); enticement of a child, as in 18-3-305; aggravated incest, as in 18-6-302 (1)(b); human trafficking of a minor for sexual servitude, as in 18-3-504 (2); sexual exploitation of children, as in 18-6-403; procurement of a child for sexual exploitation, as in 18-6-404; soliciting for child prostitution, as in 18-7-402; pandering of a child, as in 18-7-403; procurement of a child, as in 18-7-403.5; keeping a place of child prostitution, as in 18-7-404; pimping of a child, as in 18-7-405; inducement of child prostitution, as in 18-7-405.5; patronizing a prostituted child, as in 18-7-406; internet luring of a child, as in 18-3-306; internet sexual exploitation of a child, as in 18-3-405.4; wholesale promotion of obscenity to a minor, as in 18-7-102 (1.5); promotion of obscenity to a minor, as in 18-7-102 (2.5); sexual assault, as in 18-3-402 (1)(d) & (1)(e); or sexual assault in the second degree as it existed prior to July 1, 2000, as in 18-3-403 (1)(e) & (1)(e.5).

### **WHERE TO REGISTER**

- If you are living within the limits of a city or town, you must register with the local police department.
- If you are living outside the limits of a city or town, you must register with the county sheriff’s department.
- If you have multiple residences, you must register with local law enforcement in each jurisdiction in which you reside.
- All registrants must provide a current photograph and a complete set of fingerprints at the time of registration and pay any fees imposed by the local law enforcement agency. It is a requirement of the Adam Walsh Act that you provide palm prints.
- If you plan to change residence to another state or other jurisdiction outside of Colorado, you must report your new address to the local law enforcement agencies where you are registered in Colorado, prior to moving.
- It is a requirement of the Adam Walsh Act that you register within 3 business days if you move out of state.

### **WHEN TO REGISTER**

- You must register during business hours within 5 business days of being released into the community or receiving this notice. If you are released from the department of corrections with no supervision, you must register the next business day.
- You must re-register annually within five business days before or after your birth date.
- You must register quarterly (every 3 months) for the remainder of your natural life if you have been found to be a sexually violent predator (SVP); if you were convicted, as an adult, in another state or jurisdiction, (including military or federal), of an offense that requires quarterly registration in that state or jurisdiction, or would require quarterly registration if convicted in Colorado; or if you were convicted, as an adult, in Colorado of any of the following listed offenses:
  - Felony sexual assault, in violation of section 18-3-402, or 1<sup>st</sup> degree sexual assault, in violation of section 18-3-402 as it existed prior to July 1, 2000, or 2<sup>nd</sup> degree sexual assault, in violation of section 18-3-403 as it existed prior to July 1, 2000, or;
  - Sexual assault on a child, in violation of section 18-3-405, or;
  - Sexual assault on a child by one in a position of trust, in violation of section 18-3-405.3, or;
  - Sexual assault on a client by a psychotherapist, in violation of section 18-3-405.5, or;
  - Incest, in violation of section 18-6-301, or;
  - Aggravated incest, in violation of section 18-6-302.
- All other offenders, not convicted of any of the above offenses, and/or those convicted of attempt, conspiracy, or solicitation to commit the above offenses, are required to register annually.
- Those adjudicated of a sex offense as a juvenile and ordered to register as a sex offender are required to register annually.

**Criminal Justice Agency Official’s Initials** \_\_\_\_\_

**Registrant’s Initials** \_\_\_\_\_

- If you move within the state, you must register with the local law enforcement agency in the jurisdiction where you move within 5 business days after moving. You must notify the local law enforcement agency where you live if you change residences within that agency’s jurisdiction or establish additional residences in that jurisdiction.
- You must report any change in the address/location where your vehicle, trailer, or motor home is located, if it is your residence, even if moving within the same jurisdiction where you are currently registered.
- You must re-register within 5 business days if you legally change your name.

**REMOVAL FROM THE REGISTRY**

- Adults must continue to register as a sex offender until a Colorado court releases you from this requirement.
- Juveniles must continue to register as a sex offender until a Colorado court or a local Colorado law enforcement agency releases you from this requirement.
- For persons required to register due to a Colorado adjudication or disposition as a juvenile, the duty to register automatically terminates either when the person reaches 25 years of age or 7 years from the date the juvenile was required to register, whichever occurs later. Persons whose duty to register has automatically terminated attempting to register with local law enforcement shall be advised that their duty to register has terminated. They will be removed from any local law enforcement registry and the Colorado Bureau of Investigation (CBI) will be notified of the termination of the registration requirement. If the juvenile’s name has not been automatically removed by the local law enforcement agency or the CBI, the juvenile may petition the court for an order of removal. If the person has reached age 25, or it has been 7 years from the date the juvenile was required to register (whichever occurs later) and the person has not been subsequently convicted as an adult of a sex offense, the court will order the removal of the person’s name from the sex offender registry.
- If your conviction was not obtained from a Colorado court, to discontinue registration or internet posting or both, you may file a civil case with the district court in the county where you live and seek a civil order discontinuing the requirement to register or internet posting or both.
- If you suffer from a severe physical or intellectual disability, to the extent that you are permanently incapacitated and do not present an unreasonable public safety risk, you or your legal representative may file a petition with the court for an order to discontinue registration.
- If the court enters an order discontinuing your duty to register, you must send a copy of the order to the local law enforcement agency where you are registered and to the CBI.
- As an adult, if you have not been subsequently convicted or do not have a pending prosecution for an offense involving unlawful sexual behavior, you may file a petition with the court for an order to discontinue registration or website posting according to the timeframes below, pursuant to section 16-22-113. SVP’s, multiple offenders (including those with at least one adult sex offense conviction), and quarterly registrants are not eligible for relief from the sex offender registration requirement and must register for life.

Your offense:

- Class 1, 2, or 3 felony  
(If not a quarterly offense)
- Class 4, 5, or 6 felony, unlawful sexual contact (M1) or 3<sup>rd</sup> degree sexual assault
- Sexual exploitation of a child 18-6-403 (3)(b.5),  
(More than one conviction in a single criminal case)
- Other misdemeanors
- Deferred sentence or adjudication
- Internet website posting for failure to register
- If under 18 years of age when adjudicated
- Human trafficking for sexual servitude

When you may petition the court:

- 20 years from the date of final release from the jurisdiction of the court
- 10 years from the date of final release from the jurisdiction of the court
- 10 years from the date of final release from the jurisdiction of the court
- 5 years from the date of final release from the jurisdiction of the court
- After successful completion and dismissal of the case
- After one year of full compliance with registration requirements
- After successful completion and discharge from sentence
- After successful completion and discharge from sentence

**LACKS A FIXED RESIDENCE**

- A sex offender who is required to register, is required to register within 5 business days before or after each time the offender ceases to lack a fixed residence and establishes a residence or ceases to reside at an address and lacks a fixed residence.
- A sex offender who is subject to annual registration and who lacks a fixed residence is subject to the self-verification enhanced reporting process, and must self-report to their registration agency quarterly. A sex offender who is subject to quarterly registration and who lacks a fixed residence is subject to the self-verification enhanced reporting process, and must self-report to their registration agency monthly.
- A sex offender who is required to register and lacks a fixed residence, and who fails to comply with the self-verification enhanced reporting process is subject to prosecution for the crime of failure to verify location as a sex offender, pursuant to section 18-3-412.6.

**RESIDENCE VERIFICATION**

The local law enforcement agency with which a sex offender registers must verify the residential address reported by the registrant as soon as possible following the registrant’s first registration and at least annually thereafter. The address reported by a sexually violent predator will be verified quarterly, pursuant to section 16-22-109.

**Criminal Justice Agency Official’s Initials** \_\_\_\_\_

**Registrant’s Initials** \_\_\_\_\_

**WEBSITE POSTING**

- The CBI state sex offender registry website lists four categories of sex offenders: SVP’s and those that are SVP’s under the laws of another state or jurisdiction; adults with two or more felony, sexual and/or violent offense convictions; adults convicted of felony sex offenses that have failed to register; and registered adult sex offenders convicted of felony sex offenses, pursuant to section 16-22-111.
- The local law enforcement agency where an offender is registered may also post information on registered sex offenders convicted as adults on their website, if they so choose. They may post adults convicted of a felony requiring them to register and adults convicted of a second or subsequent offense of certain misdemeanor offenses, pursuant to section 16-22-112.

**FAILURE TO REGISTER**

- Failure to register, including failure to de-register when moving out of Colorado or leaving the country, submission of a false or incomplete registration form, failure to register the lawful location of a trailer or motor home when used as a residence or failure to comply with any requirements in this section, is a class 6 felony, when the initial sex conviction or adjudication was a felony. Any second offense of failure to register is a class 5 felony.
- Failure to register is a misdemeanor, when the initial sex conviction or adjudication was a misdemeanor, pursuant to section 18-3-412.5.

**INTERNATIONAL TRAVEL**

It is a requirement of the Adam Walsh Act, 34 U.S.C. § 21501 - 21510, that a registrant inform his or her residence jurisdiction of any intended travel outside of the United States at least 21 days prior to that travel. To comply with this requirement, you must now provide the following information to the agency where you register:

- Identifying information: Full name, alias(es), date of birth, sex, citizenship, and passport number and country
- Travel information: Destination(s) including dates/places of departure, arrival and return (including the name of city that is the point of departure from each country); means of travel (air, train, ship); itinerary details (including the name of the airport/train station/port, the flight/train/ship number, the time of departure/arrival, and information about any intermediate stop locations); address or other contact information in the destination country, and purpose(s) of travel (business, deportation, military, relocation, other)

Knowingly failing to provide information required by the Adam Walsh Act relating to intended international travel may result in charges of an international travel reporting violation. Penalties may include fines and/or imprisonment.

**CAMPUS SEX CRIMES PREVENTION ACT (CLERY ACT)**

At the time of registration, you must notify law enforcement if you are enrolled, employed, or volunteering at an institution of post-secondary education in Colorado, and of any change in such enrollment, employment, or volunteering (commencement or termination). If you begin enrollment, employment, or volunteering or change the location after you have registered, you must return to the law enforcement agency and report all required information.

**ACKNOWLEDGEMENT OF NOTICE TO REGISTER**

I acknowledge that I have received a copy of this notice, and I understand I am required to register as a sex offender with the law enforcement agency of each jurisdiction in which I reside, pursuant to Title 16, Article 22, C.R.S. I will continue to register until a Colorado court, or local Colorado law enforcement agency, releases me from this requirement. I understand the information contained in this notice has been derived from Title 16, Article 22, C.R.S., Title 18, Article 3, C.R.S. and The Adam Walsh Child Protection and Safety Act, 34 U.S.C. § 20901 - 20945. I understand it is my responsibility to obtain a copy of the statutes and/or seek legal counsel if I require further clarification. I further certify that at the time of this notice I reside at the address below.

REGISTRANT STREET ADDRESS OR HOMELESS/TRANSIENT LOCATION(S) (CROSS-STREETS, INTERSECTIONS, ETC.)		APARTMENT/UNIT NUMBER
REGISTRANT CITY	REGISTRANT STATE	REGISTRANT ZIP CODE
REGISTRANT PRINTED NAME		REGISTRANT DATE OF BIRTH
REGISTRANT SIGNATURE		CURRENT DATE
PARENT/GUARDIAN SIGNATURE		CURRENT DATE
SUPERVISING OFFICER OR STAFF PRINTED NAME/AGENCY	SUPERVISING OFFICER OR STAFF SIGNATURE/AGENCY	

**Criminal Justice Agency Official’s Initials** \_\_\_\_\_

**Registrant’s Initials** \_\_\_\_\_