



October 29, 2013

## **SORNA Substantial Implementation Review State of Colorado – Revised**

The U.S. Department of Justice, Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) would like to thank the State of Colorado for the extensive work that has gone into its effort to substantially implement Title I of the Adam Walsh Act, the Sex Offender Registration and Notification Act (SORNA). The SMART Office has completed its review of Colorado's revised and updated SORNA substantial implementation packet, and has found the State of Colorado has substantially implemented SORNA.

In August 2011, the SMART Office determined that Colorado did not substantially implement SORNA. On July 24, 2013, Colorado submitted updated information about its policy regarding the public disclosure of employer address information. Based upon this updated information and subsequent email correspondence, the SMART Office has reconsidered its earlier determination.

The following review updates the August 2011 report issued to Colorado. Our review of the submitted materials follows the outline of the SMART Office Substantial Implementation Checklist-Revised, and contains 15 sections addressing the SORNA requirements. Under each section, we indicate whether Colorado meets SORNA requirements of that section or deviates from the requirements in some way. In instances of deviation, we specify that the departure(s) from a particular requirement does not substantially disserve the purpose of that requirement. In other words, Colorado is encouraged to work toward rectifying deviations from requirements in order to achieve full implementation of SORNA, but this is not necessary for substantial implementation purposes.

This is an exhaustive review and meant to detail every area in which the state has not met SORNA standards. We encourage you to review the information below, share it with relevant stakeholders in the state, and get back in touch with us to develop a strategy to address these remaining issues.

### **I. Immediate Transfer of Information**

SORNA requires that when an offender initially registers or updates his information in a jurisdiction, that that registration information be immediately sent to other jurisdictions where the offender has to register, as well as to NCIC/NSOR and the jurisdiction's public sex offender registry website.

Colorado meets the SORNA requirements of this section

## **II. Offenses that Must Be Included in the Registry**

SORNA requires that certain federal, military, and foreign offenses are included in a jurisdiction's registration scheme. In addition, SORNA requires that the jurisdiction capture certain sex offenses, both offenses from its jurisdiction and from other SORNA registration jurisdictions, in its registration scheme. SORNA also requires that certain adjudications of delinquency are included in a jurisdiction's registration scheme.

Colorado appropriately includes all completed, attempted, and conspired sex offenses. Colorado also appropriately includes all comparable state, territory, foreign, federal, military and tribal convictions. In addition, there is a procedure by which a person not convicted of a listed sexual offense requiring registration may be required to register if the underlying factual basis of the offense involves unlawful sexual behavior. Colorado also requires registration for any person that would be required to register in their jurisdiction of conviction.

Colorado requires registration for all juveniles who are adjudicated delinquent of SORNA-eligible sex offenses. In addition, all juveniles adjudicated delinquent of any sex offense for which an adult would be required to register are likewise required to register.

However, there are a handful of SORNA-required offenses that Colorado does not register, which should be included in its registration scheme in order to meet SORNA's requirements, including:

- § 18-3-301 First Degree Kidnapping (victim under 18)
- § 18-3-302(2) Second Degree Kidnapping
- § 18-3-303 False Imprisonment (victim under 18)
- § 18-7-801 Criminal Invasion of Privacy

The SMART Office has considered the above deviations from SORNA's requirement, and has determined that they do not substantially disserve the purposes of this requirement.

## **III. Tiering of Offenses**

SORNA requires that offenses be classified based on the nature of the offense of conviction. The SMART Office has reviewed all statutes identified in the substantial implementation submission package and has identified Colorado's placement of these statutes within the SORNA three tier levels.

Colorado classifies its offenders into two broad categories. The less-stringent tier requires registration to occur annually for life (Annual Registrants), and the more-stringent tier requires registration to occur quarterly for life (Quarterly Registrants).

Colorado classifies its categories of registration based on the offense of conviction. There is a process by which an offender can petition to be removed from Colorado's registry after a period of time for certain offenses, which is further discussed in section IX, below.

Colorado correctly places its statutes within at least the minimum appropriate SORNA tiers, as described below (see the Appendix, "Colorado State Statutes" for detailed information about Colorado's classification of its offenders and associated registration requirements).

#### A. Annual Registrants

Colorado requires all of its Annual Registrants to register for life, appear in-person annually, and subjects such offenders to an additional law enforcement check during the year as described in Section IX(A), below.

Colorado properly tiers all of its Annual Registrants in accordance with SORNA's standards.

#### B. Quarterly Registrants

Colorado requires its Quarterly Registrants to register for life, and appear in-person on a quarterly basis.

Colorado properly places all SORNA-required Tier III offenses in this category.

Colorado meets the SORNA requirements of this section.

### **IV. Required Registration Information**

SORNA requires that the jurisdiction collect certain pieces of information from and for each offender that it registers, and requires that the jurisdiction keep that registration information, in a digitized form, in its registry.

Colorado has fully or partially addressed SORNA's requirements in 19 of these 22 categories.

The categories of information which SORNA requires to be registered and that Colorado either does not capture, or only partially captures at the present time, are listed below. For more guidance on specific items of required registration information, see 42 U.S.C. § 16914, Section VI (pages 26-33) of the Final Guidelines, and Section II of the Proposed Supplemental Guidelines.

1. Internet Identifiers. Colorado does register internet identifiers for individuals convicted of a "child sex crime" as defined in 16-22-108(2.5)(c). SORNA requires that all registered sex offenders provide their internet identifiers to registration authorities.

2. Professional Licensing Information. Colorado does not currently register this information. However, Colorado officials have indicated that they will collect this information once the current training manual is revised.
3. Notice of Registration Duties: Colorado does not make its notice form electronically available in such a way that it can be transmitted to other jurisdictions (e.g., scanning the signed form in to the registry database).
4. School Address: Colorado does not register secondary school information.
5. Temporary Lodging Information. Colorado does not currently register this information.
6. Text of the Registration Offense. Colorado does not currently register this information. However, Colorado is in the process of upgrading its software systems. A module of this new system should be on-line by February 2014 and will be able to capture the text of the registration offense. All new registrants from that point forward will have the text of their registration offense listed on the public website. In addition, as registrants come in for their regularly scheduled registration update, the text of the offense will be uploaded into the system and displayed on the public website.

The SMART Office has considered the above deviations from SORNA's requirement, and has determined that they do not substantially disserve the purposes of this requirement.

#### **V. Where Registration is Required**

SORNA requires that the jurisdiction register an offender if the jurisdiction is the one in which he is convicted or incarcerated. In addition, SORNA requires that the jurisdiction register offenders who reside, work, or attend school in the jurisdiction.

Colorado meets the SORNA requirements of this section.

#### **VI. Initial Registration: Generally**

SORNA requires that when an offender is incarcerated within the jurisdiction, registration must occur before release from imprisonment for the registration offense. Similarly, when an offender is sentenced within the jurisdiction, but not incarcerated, SORNA requires that registration occur within three business days of sentencing. Finally, when an offender has been convicted, sentenced, or incarcerated in another jurisdiction (including federal or military court), the jurisdiction must register the offender within three business days of the offender establishing residence, employment, or school attendance within the jurisdiction. SORNA also requires that, during the initial registration process, the jurisdiction inform the offender of his registration duties and require the offender to acknowledge in writing that he understands those duties.

For incarcerated offenders, the timing of Colorado's initial registration scheme meets SORNA's standards. However, Colorado allows five business days for a person to register when they are not incarcerated.

The SMART Office has considered the above deviation from SORNA's requirement, and has determined that it does not substantially disserve the purposes of this requirement.

## **VII. Initial Registration: Retroactive Classes of Offenders**

SORNA requires that each registration jurisdiction have a procedure in place to recapture three categories of sex offenders: those who are currently incarcerated or under supervision, either for the predicate sex offense or for some other crime; those who are already registered or subject to a pre-existing sex offender registration requirement under the jurisdiction's law; and those who reenter the jurisdiction's criminal justice system because of a conviction for some other felony crime (whether or not it is a sex offense).

Colorado has captured in its registration system all persons released from the Department of Corrections after July 1, 1994 who have been previously convicted of a sex offense (which occurred after July 1, 1991). It also includes any person convicted of a comparable sex offense outside of the state after July 1, 1991. *See* COLO. REV. STAT. §16-22-103(3).

In order to fully implement SORNA, Colorado will need to ensure there is a procedure in place whereby newly-convicted felony offenders with prior out-of-state sex offense convictions are properly integrated in to Colorado's registration scheme.

The SMART Office has considered the above deviations from SORNA's requirement, and has determined that they do not substantially disserve the purposes of this requirement.

## **VIII. Keeping the Registration Current**

SORNA requires that when an offender resides in a jurisdiction, that sex offender must immediately appear in-person to update his or her name, residence, employment, school attendance, and termination of residence. When an offender works in a jurisdiction, but does not reside or attend school there, SORNA requires that the offender immediately appear in-person to update employment-related information. When an offender attends school in a jurisdiction, but does not reside or work there, SORNA requires that the offender immediately appear in-person to update school-related information.

SORNA also requires that when an offender resides in a jurisdiction, that sex offender must immediately update any changes to his or her email addresses, internet identifiers, telephone communications, vehicle information, and temporary lodging information.

SORNA also requires that when an offender resides in a jurisdiction but indicates to the state that he/she intends to travel outside the United States, that the offender notifies the residence jurisdiction at least 21 days in advance of such travel.

In addition, SORNA requires that when an offender notifies the jurisdiction of his intent to relocate to another country to live, work or attend school, or of his intent to travel to another country, the jurisdiction must do three things: immediately notify any other jurisdiction where the offender is either registered, or is required to register, of that updated information; immediately notify the United States Marshals Service, and immediately update NCIC/NSOR.

A. In-Person Updates.

Colorado requires in-person updating of a sex offender's name, residence, termination of residence and school attendance within five business days of a change. Colorado does not require employment information be updated immediately and in-person.

B. Updated Information, Generally.

Colorado requires updates be made to internet identifiers within five business days. Colorado does not currently require the immediate updating of vehicle information.

The SMART Office has considered the above deviations from SORNA's requirement, and has determined that they do not substantially disserve the purposes of this requirement.

**IX. Verification/Appearance Requirements**

SORNA requires that offenders register for a duration of time, and make in-person appearances at the registering agency, based on the tier of the offense of conviction.

A. Frequency of Registration

SORNA requires that offenders make in-person appearances at the registering agency based on the tier of the offense of conviction. Specifically, SORNA requires that SORNA Tier I offenders appear once a year, that SORNA Tier II offenders appear every six months, and that SORNA Tier III offenders appear every three months.

All SORNA tier III offenders in Colorado are required to register on a quarterly basis, in conformity with SORNA's standards. All other offenders are required to appear at the registration office on an annual basis, and are visited at least one other time during the year by law enforcement to conduct an address verification.

B. Duration of Registration

SORNA requires that offenders register for a duration of time based on the tier of the offense of conviction. Specifically, SORNA requires that SORNA Tier I offenders register for 15 years, that SORNA Tier II offenders register for 25 years, and that SORNA Tier III offenders register for life.

Colorado requires all of its adult offenders to register for life. All SORNA-registerable juveniles must register for life, as well.

### C. Reduction of Registration Periods

Colorado has a procedure via COLO. REV. STAT. §16-22-113 by which any sex offender (except for those not eligible for reduction) may petition for discontinuation of their registration requirement or internet posting, or both, after the time periods described below.<sup>1</sup>

Colorado allows a petition for relief from registration requirements using the time frames required by SORNA, except as described below.

#### A. Annual Registration, Removable after Five Years

The following Colorado offenses require registration for life, with annual appearances, and an opportunity to petition for removal from the registry after five years. Pursuant to SORNA's standards, however, the following offense should only be eligible for a reduction of registration period to 25 years.

- § 18-7-406 Patronizing a Prostituted Child

#### B. Annual Registration, Removable after Ten Years

The following Colorado offenses require registration for life, with annual appearances, and an opportunity to petition for removal from the registry after ten years. Pursuant to SORNA's standards, however, these offenses should only be eligible for a reduction of registration period to 25 years:

- § 18-3-305 Enticement of a Child
- § 18-3-306(3) Internet Luring of a Child (Class 4 Felony)
- § 18-3-404 Unlawful Sexual Contact (Victim under 15)
- § 18-3-405.4 Internet Sexual Exploitation of Children
- § 18-6-402 Trafficking in Children
- § 18-6-403 Sexual Exploitation of Children

#### C. Annual Registration, Removable after Twenty Years

The following Colorado offenses require registration for life, with annual appearances, and an opportunity to petition for removal from the registry after twenty years. Pursuant to

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<sup>1</sup> Colorado requires a certain period of time following termination of supervision before a person can petition for relief from their registration requirements. This period of supervision (which can include probation and/or parole) may often push an offender closer to the SORNA mandated duration of registration, in spite of the statutory limitation listed below.

For example, if an offender was convicted of a violation of §18-3-305 (Enticement of a Child) and remained on probation for a period of 8 years, that offender would not be eligible to petition for relief from their registration requirements until 10 years *from the date of termination of supervision, i.e.,* 18 years from the date of sentencing or release from incarceration on the underlying conviction.

SORNA's standards, however, these offenses should only be eligible for a reduction of registration period to 25 years:

- § 18-3-305(F-3) Enticement of a Child
- § 18-6-404 Procurement of a Child for Sexual Exploitation
- § 18-7-402 Soliciting for Child Prostitution
- § 18-7-403 Pandering of a Child
- § 18-7-403.5 Procurement of a Child
- § 18-7-404 Keeping a Place of Child Prostitution
- § 18-7-405 Pimping of a Child
- § 18-7-405.5 Inducement of Child Prostitution

#### D. Clean Record

As described above, certain annual registrants may petition for discontinuation of their registration requirement or internet posting, or both, after the time periods described above. Offenders are permitted to be released from their registration requirements so long as they have successfully completed treatment, not been convicted of a new sex offense or a new offense which had a sex offense as its underlying factual basis. This is not in conformance with SORNA's requirement that a clean record also involve no new general criminal convictions or probation/parole violations.

#### E. Conclusion

The SMART Office has considered the above deviations from SORNA's requirement, and has determined that they do not substantially disserve the purposes of this requirement.

### **X. Registry Website Requirements**

SORNA requires that each jurisdiction maintain a public sex offender registry website and publish certain registration information on that website. SORNA also requires that certain information not be displayed on a jurisdiction's public registry website.

Colorado currently displays nearly all SORNA-required offenders on their public sex offender registry website. Colorado has chosen to exercise the discretion permitted by SORNA and omit juveniles adjudicated delinquent from their website. However, Colorado does not display adult offenders convicted of misdemeanor sex offenses. There are a handful of misdemeanor offenses where a victim could be a minor and, in such cases, SORNA would require those offenders be posted on the public website.

Colorado's website currently has all the functionality required by SORNA, except that the mapping function is not fully operational. Colorado is in the process of upgrading its systems to enable offender mapping and expects it to be operational by February 2014.

Colorado does not display the following items of information, which are required to fully implement this portion of SORNA, in addition to the information already displayed:



1. Full sex offense conviction history. As discussed in section IV, above, Colorado will be listing the text of the registration offense on the public registry website for new registrants beginning in February 2014, and on a rolling basis for existing registrants at their next in-person verification from that point forward.
2. Employer Address. Colorado has developed an alternate method of disclosing an offender's employer address to the public. Colorado has developed a database which enables law enforcement and state registry officials to enter in and search employer information for all registered sex offenders in Colorado. Any member of the public may request employer address information in a particular locality from the local law enforcement agency or state registration office. A notice to that effect and containing additional instructions on how to access this information will be placed on the Colorado public sex offender registry website at its next upgrade in the Fall of 2013.
3. School Address. Colorado does not display this information on its public registry website. However, Colorado's statutes, policies and procedures provide for an interactive database accessible to all criminal justice agencies in whose jurisdictions an institution of postsecondary education is located, which identifies all of the registered sex offenders who indicate that they volunteer, are employed, or enrolled at an institution of postsecondary education, along with the name of the institution. The database is available to campus law enforcement, as well. All campus law enforcement can query this database to determine which registered sex offenders are present on their campus. In addition, each secondary school has an established contact person who receives information about any petition filed in juvenile court, and such person also provides a safety plan for the student body (and the victim, where appropriate) when a juvenile who has committed a sex offense is enrolled at the school.
4. Vehicle Information. Colorado does not display this information on its public registry website.

The SMART Office has considered the above deviations from SORNA's requirement, and has determined that they do not substantially disserve the purposes of this requirement.

## **XI. Community Notification**

SORNA requires that each jurisdiction disseminate certain initial and updated registration information to particular agencies within the jurisdiction. In addition, SORNA requires that each jurisdiction also disseminate certain initial and updated registration information to the community.

Colorado meets the law enforcement portions of the community notification requirements of SORNA. Colorado has recently enhanced the capacity of its administrative sex offender database, which is known as SOTAR. Fifty-nine law enforcement agencies now utilize the SOTAR program and additional law enforcement agencies will continue to be added as requested. The increased number of agencies utilizing SOTAR has strengthened the ability for law enforcement agencies to be notified of information by other agencies and share digitized registrant records within the state.

The SOTAR system is also available to the public in a limited format (<https://www.sotar.us/apps/sotar>), and individuals may subscribe to be notified by email when an offender moves within a certain geographic radius of an address anywhere within the jurisdiction of the 59 participating agencies. For example, most of the large cities in Colorado (such as Denver, Boulder, and Pueblo) are located within counties which participate in the SOTAR system. In addition, the law enforcement agencies for two other large cities, Colorado Springs and Grand Junction, also have an e-mail notification system, but those systems are operated separately from SOTAR.

As discussed in section X above, registration information (including name, address, date of birth, photograph, sex offense conviction history, and employer address information) is available to any member of the public at any time via a request made to the local law enforcement agency, the Colorado Bureau of Investigation, and all information is updated in accordance with SORNA's standards on the Colorado public sex offender registry website.

The SMART Office has considered the above deviations from SORNA's requirement, and has determined that they do not substantially disserve the purposes of this requirement.

## **XII. Failure to Register as a Sex Offender: State Penalty**

SORNA requires that each jurisdiction, other than a federally recognized Indian tribe, provide a criminal penalty that includes a maximum term of imprisonment that is greater than one year for the failure of a sex offender to comply with their registration requirements.

Colorado meets all of the SORNA requirements in this section.

## **XIII. When a Sex Offender Fails to Appear for Registration**

SORNA requires that when a jurisdiction is notified that a sex offender intends to reside, be employed, or attend school in its jurisdiction, and that offender fails to appear for registration as required, that the jurisdiction receiving that notice inform the originating jurisdiction (the jurisdiction that provided the initial notification) that the sex offender failed to appear for registration.

Colorado meets all of the SORNA requirements in this section.

#### **XIV. When a Jurisdiction has Information that a Sex Offender may have Absconded**

SORNA requires that when a jurisdiction has information that a sex offender may have absconded, that the jurisdiction take certain actions in terms of investigating the absconder and notifying various law enforcement agencies.

In Colorado, when an offender either fails to appear for their initial registration or fails to return for an in-person verification of information, that failure is investigated by the local law enforcement agency and the investigation is then turned over to the local District Attorney's office for a determination on whether to proceed with a warrant. If an offender is determined to be an absconder, that is reflected on the public website and through NSOR.

Colorado does not regularly notify the USMS when an offender absconds.

The SMART Office has considered the above deviations from SORNA's requirement, and has determined that they do not substantially disserve the purposes of this requirement.

#### **XV. Indian Tribes in Colorado**

There are two federally-recognized Indian Tribes located in Colorado that are currently operating as SORNA registration jurisdictions:

1. Southern Ute Tribe
2. Ute Mountain Ute Tribe

The contact person at the State of Colorado for sex offender registry information is:

Chris Lobanov-Rostovsky  
Program Manager  
Sex Offender Management Board  
Colorado Division of Criminal Justice  
700 Kipling Street, Suite 3000  
Denver, CO 80215  
[chris.lobanov-rostovsky@state.co.us](mailto:chris.lobanov-rostovsky@state.co.us)

Representatives of the State of Colorado have met in person with representatives of the Southern Ute and Ute Mountain Ute tribes on multiple occasions and have had several additional phone contacts. Discussions centered on tribal implementation of the Adam Walsh Act, and collaboration between the State and tribes. At this time, both tribes have informed the state of their intent to manage their own sex offender registry and coordinate registration jurisdictional issues with the State.

An MOU regarding coordination of registration functions across state, local and tribal jurisdictions has been discussed. Such an MOU will be implemented as needed for information sharing and registration enforcement issues among others.

## **Conclusion**

Colorado has put forth exceptional work and effort in adopting SORNA and enhancing its sex offender registration and notification system. We encourage Colorado to continue to work towards meeting all the provisions of SORNA, and to work with SMART office personnel to maintain Colorado's status as having substantially implemented SORNA. Colorado is expected to keep the SMART Office informed of its progress towards the continuing implementation of SORNA and the SMART Office will continue to provide any necessary technical assistance towards that end.

We encourage you to contact the SMART Office with any questions or concerns once you have had the opportunity to review and discuss our findings.

## **Appendix: Colorado State Statutes**

The SMART Office has reviewed all Colorado statutes identified in its substantial implementation submission package and has identified Colorado's placement of these statutes within the tiering structure created in Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA).

In reviewing the Colorado Code and as described in section III, above, the SMART Office understands that Colorado has two broad categories of offenders (Annual Registrants and Quarterly Registrants) for purposes of determining the frequency of registration requirements. These two broad categories are broken down in to four smaller categories of offenders, as described below, in determining the period of time after which an offender is eligible to petition for relief from their registration responsibilities.

All Colorado registrants are required to register for life, and are then classified by the offense of conviction into categories which determine how frequently they must register, and after what period of time, if any (following termination of any community supervision) they may petition to be relieved of their responsibility to register.

1. "Five-year" Offenses require the updating of registration information annually and provide an opportunity to petition for removal from the registry after five years.
2. "Ten-year" Offenses require the updating of registration information annually and provide an opportunity to petition for removal from the registry after five years.
3. "Twenty-year" Offenses require the updating of registration information annually and provide an opportunity to petition for removal from the registry after five years.
4. "Lifetime" Offenses require the updating of registration information quarterly and provide no opportunity to petition for removal from the registry.

### **Tier I Offenses**

SORNA requires that Tier I offenders register for a minimum of 15 years and annually verify registration information. The following offenses listed in Colorado Code require, at a minimum, Tier I registration requirements under SORNA:

- §18-3-404(1.7) Unlawful Sexual Contact

This is a "Ten-year" offense in Colorado.

- § 18-3-405.5 Sexual Assault on a Client by a Psychotherapist (Misdemeanor)

This is a "Lifetime" offense in Colorado, which exceeds SORNA's requirements.

- §18-7-701 Sexual Conduct in a Penal Institution

This is a “Twenty-year” offense in Colorado, which exceeds SORNA’s requirements.

### **Tier II Offenses**

SORNA requires that Tier II offenders register for a minimum of 25 years and semi-annually verify registration information. The following offenses listed in Colorado Statutes require, at a minimum, Tier II registration requirements under SORNA:

- § 18-3-305 Enticement of a Child

This is a “Ten-year” offense in Colorado.

- § 18-3-305(F-3) Enticement of a Child

This is a “Twenty-year” offense in Colorado.

- § 18-3-306(3) Internet Luring of a Child (Class 4 Felony)

This is a “Ten-year” offense in Colorado.

- §18-3-402(e) Sexual Assault (Victim 16 or 17)

This is a “Lifetime” offense in Colorado.

- § 18-3-404 Unlawful Sexual Contact (Victim under 15)

This is a “Ten-year” offense in Colorado. Because this offense is eligible for more than 12 months of incarceration, it is eligible for enhanced tiering under SORNA

- § 18-3-405 Sexual Assault on a Child (Victim 13-17)

This is a “Lifetime” offense in Colorado, which exceeds SORNA’s requirements.

- § 18-3-405.3 Sexual Assault on a Child—Position of Trust (Victim 13-17)

This is a “Lifetime” offense in Colorado, which exceeds SORNA’s requirements.

- § 18-3-405.4 Internet Sexual Exploitation of Children

This is a “Ten-year” offense in Colorado.

- § 18-6-402                      Trafficking in Children

This is a “Ten-year” offense in Colorado.

- § 18-6-403                      Sexual Exploitation of Children

This is a “Ten-year” offense in Colorado.

- § 18-6-404                      Procurement of a Child for Sexual Exploitation

This is a “Twenty-year” offense in Colorado.

- § 18-7-402                      Soliciting for Child Prostitution

This is a “Twenty-year” offense in Colorado.

- § 18-7-403                      Pandering of a Child

This is a “Twenty-year” offense in Colorado.

- § 18-7-403.5                    Procurement of a Child

This is a “Twenty-year” offense in Colorado.

- § 18-7-404                      Keeping a Place of Child Prostitution

This is a “Twenty-year” offense in Colorado.

- § 18-7-405                      Pimping of a Child

This is a “Twenty-year” offense in Colorado.

- § 18-7-405.5                    Inducement of Child Prostitution

This is a “Twenty-year” offense in Colorado.

- § 18-7-406                      Patronizing a Prostituted Child

This is a “Five-year” offense in Colorado.

### **Tier III Offenses**

SORNA requires that Tier III offenders register for life and quarterly verify registration information. Colorado properly classifies the following as “lifetime” offenses:

- § 18-3-402 Sexual Assault (all subsections except (e))
- § 18-3-405 Sexual Assault on a Child (Victim under 13)
- § 18-3-405.3 Sexual Assault on a Child—Position of Trust (Victim under 13)
- § 18-3-405.5(1) Felony Sexual Assault on a Client by a Psychotherapist (using deception, or victim under 16)
- § 18-6-301 Incest
- § 18-6-302 Aggravated Incest

### **Additional Offenses**

Colorado requires registration for the following sex offenses and classifies them in the following tiers, although they are not required to be registered by SORNA:

- § 18-3-405.5 Sexual Assault on a Client by a Psychotherapist (victim 18 or over and not accomplished by deception)

This is a “Lifetime” offense in Colorado, which exceeds SORNA’s requirements.

- §18-7-102(1.5) Wholesale Promotion of Obscenity to a Minor

This is a “Twenty-year” offense in Colorado, which exceeds SORNA’s requirements.

- §18-7-102(2.5) Promotion of Obscenity to a Minor

This is a “Ten-year” offense in Colorado, which exceeds SORNA’s requirements.

- §18-7-302 Indecent Exposure (Misdemeanor)

This is a “Five-year” offense in Colorado, which exceeds SORNA’s requirements.