

§ 18-1.3-1007. Probation - intensive supervision program.

Colorado Statutes

Title 18. CRIMINAL CODE

Article 1.3. Sentencing in Criminal Cases

Part 10. LIFETIME SUPERVISION OF SEX OFFENDERS

Current through Chapter 147 and Chapters 500-517 of the 2014 Legislative Session

§ 18-1.3-1007. Probation - intensive supervision program

- (1) (a) The judicial department shall establish an intensive supervision probation program for sex offenders sentenced to probation pursuant to this part 10. In addition, the court shall require a person, as a condition of probation, to participate in the intensive supervision probation program established pursuant to this section if the person is convicted of one of the following offenses and sentenced to probation:
- (I) Indecent exposure, as described in section 18-7-302(4) ;
 - (II) Criminal attempt, conspiracy, or solicitation to commit any of the offenses specified in section 18-1.3-1003(5) (a), which attempt, conspiracy, or solicitation would constitute a class 5 felony;
 - (III) Any of the offenses specified in section 16-22-102(9) (j), (9) (k), (9) (l), (9) (n), (9) (o), (9) (p), (9) (q), (9) (r), or (9) (s), C.R.S.;
 - (IV) Any felony offense that involves unlawful sexual behavior or any felony offense with an underlying factual basis, as determined by the court, resulting in a conviction or plea of guilty or nolo contendere on or after July 1, 2001;
 - (V) Sexual assault in the third degree, in violation of section 18-3-404(2) , as it existed prior to July 1, 2000.
- (b) The judicial department may establish the intensive supervision probation program in any judicial district or combination of judicial districts.
- (1.5) In addition to the persons specified in subsection (1) of this section, the court may require any person convicted of felony failure to register as a sex offender, as described in section 18-3-412.5 , and sentenced to probation to participate, as a condition of probation and until further order of the court, in the intensive supervision probation program established pursuant to this section.

- (2) The judicial department shall require that sex offenders and any other persons participating in the intensive supervision probation program created pursuant to this section receive the highest level of supervision that is provided to probationers. The intensive supervision probation program may include but not be limited to severely restricted activities, daily contact between the sex offender or other person and the probation officer, monitored curfew, home visitation, employment visitation and monitoring, drug and alcohol screening, treatment referrals and monitoring, including physiological monitoring, and payment of restitution. In addition, the intensive supervision probation program shall be designed to minimize the risk to the public to the greatest extent possible.
- (3) The judicial department shall establish and enforce standards and criteria for administration of the intensive supervision probation program created pursuant to this section.
- (4) For the purposes of this section, "convicted" means having entered a plea of guilty, including a plea of guilty entered pursuant to a deferred sentence under section 18-1.3-102 , or a plea of no contest, accepted by the court, or having received a verdict of guilty by a judge or jury.

Cite as C.R.S. § 18-1.3-1007

History. L. 2002: Entire article added with relocations, p. 1440, § 2, effective October 1. L. 2011: (1.5) amended, (HB11-1278), ch. 224, p. 965, §9, effective May 27. L. 2012: (1)(a)(III) amended, (HB12-1310), ch. 268, p. 1402, §26, effective June 7.

Editor's Note:

This section is similar to former § 16-13-807 as it existed prior to 2002.

Case Notes:

ANNOTATION

This section and §18-1.3-1008 allow the court to exercise its discretion in determining whether and on what conditions a sex offender may be released from sex offender intensified supervision probation, so long as it takes steps to minimize risk to the public. *People v. Valenzuela*, 98 P.3d 951 (Colo. App. 2004).

Trial court had authority to direct that defendant's sex offender intensive supervision program would commence consecutively at the end of his incarceration on another conviction. *People v. Trujillo*, 261 P.3d 485 (Colo. App. 2010).