

ADMINISTRATIVE ORDER 2021-16 RE: AUTHORIZING CLERKS OF COURT TO MODIFY A JUVENILE'S COURT RECORD TO REFLECT ACCURATE SEX OFFENDER REGISTRATION STATUS PURSUANT TO HOUSE BILL 21-1064

On June 24, 2021, Governor Polis signed into law House Bill 21-1064, *Concerning the Implementation of Recommendations from the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems Regarding Juveniles Who Have Committed Sex Offenses*. As relevant to this Administrative Order, HB 21-1064 amended and added certain provisions to C.R.S. § 16-22-101, et. seq., the Colorado Sex Offender Registration Act. Pursuant to Section 14 of HB 21-1064, the legislation took effect on September 1, 2021.

Section 2 of HB 21-1064 amended C.R.S. § 16-22-103(4) by adding, in relevant part, "If a person is required to register pursuant to this article 22 due to an adjudication or disposition as a juvenile, the duty to register automatically terminates either when the person reaches twenty-five years of age or seven years from the date the juvenile was required to register, whichever occurs later." Pursuant to Sections 3 and 8 of HB 21-1064, eligibility for automatic termination is determined by local law enforcement and the Colorado Bureau of Investigation (CBI), but a qualified juvenile may file a petition with the court for removal if the CBI fails to remove the juvenile from the registry. See C.R.S. § 16-22-108; C.R.S. § 16-22-113.

In the event the CBI removes a juvenile from the registry pursuant to HB 21-1064's automatic termination provision, the CBI notifies the Judicial Department of the removal. Upon receipt of such a notification, it is necessary for the Judicial Department to modify the affected juvenile's court record to reflect that sex offense registration is no longer required. Failure to do so could result in an automatic, but erroneous, communication between the Judicial Department's case management system and the CBI indicating that the juvenile is still required to register as a sex offender.

Pursuant to the authority provided to Chief Judges under Chief Justice Directive 95-01, and to allow the efficient case management for cases involving juveniles impacted by HB 21-1064 in the Seventh Judicial District, this Administrative Order is hereby entered to authorize the Clerks of Court, or their designees, to modify a juvenile's court record in the Judicial Department's case management system to reflect that sex offense registration is no longer required for each juvenile the CBI removes from the sex offender registry pursuant to HB 21-1064's automatic termination provisions.

Dated and effective this the 15th day of October 2021.

BY THE COURT:

A handwritten signature in dark ink, appearing to read "J. Steven Patrick", is written over a horizontal line.

J. Steven Patrick
Chief Judge

XC: 7th JD Judges
7th JD Clerks of Court