

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB23-164 be amended as follows:

1 Amend printed bill, page 3, line 17, before "(8)" insert "(1.5) and".

2 Page 3, line 20, strike "**created.** (2) (a) The board shall" and substitute
3 "**created - repeal.** (1.5) NOTWITHSTANDING THE PROVISIONS OF
4 SUBSECTION(1) OF THIS SECTION, THE DEPARTMENT OF CORRECTIONS MAY
5 EMPLOY OR CONTRACT WITH AN INDIVIDUAL OR ENTITY TO PROVIDE
6 SEX-OFFENDER-SPECIFIC EVALUATION, TREATMENT, OR POLYGRAPH
7 SERVICES PURSUANT TO THIS ARTICLE 11.7 IF THE DIRECTOR OF THE
8 PROGRAM IS AN APPROVED PROVIDER AND THE DEPARTMENT OPERATES A
9 SEX OFFENDER TREATMENT AND MONITORING PROGRAM THAT CONFORMS
10 WITH THE GUIDELINES AND STANDARDS DEVELOPED PURSUANT TO
11 SECTION 16-11.7-103 AND THE EMPLOYEES AND CONTRACTORS ARE
12 TRAINED TO COMPLY WITH THE STANDARDS OF THE CONFORMING
13 PROGRAM.

14 (a) ANY INDIVIDUAL PROVIDING SEX-OFFENDER-SPECIFIC
15 EVALUATION OR TREATMENT MUST HAVE A BACCALAUREATE DEGREE OR
16 ABOVE IN A BEHAVIORAL SCIENCE WITH TRAINING OR PROFESSIONAL
17 EXPERIENCE IN COUNSELING OR THERAPY; MUST HOLD A PROFESSIONAL
18 MENTAL HEALTH LICENSE OR BE APPROVED BY THE DEPARTMENT OF
19 REGULATORY AGENCIES AS AN UNLICENSED PSYCHOTHERAPIST, CERTIFIED
20 ADDICTION COUNSELOR, LICENSED PROFESSIONAL COUNSELOR
21 CANDIDATE, LICENSED MARRIAGE AND FAMILY THERAPIST CANDIDATE, OR
22 PSYCHOLOGIST CANDIDATE; OR CLINICAL SOCIAL WORKER.

23 (b) ANY POLYGRAPH EXAMINER MUST HAVE GRADUATED FROM AN
24 ACCREDITED AMERICAN POLYGRAPH ASSOCIATION SCHOOL AND HAVE A
25 BACCALAUREATE DEGREE FROM A FOUR-YEAR INSTITUTION OF HIGHER
26 EDUCATION. THE DEPARTMENT OF CORRECTIONS SHALL COMPLETE
27 COMPLIANCE MONITORING OF CONTRACTED PROVIDERS AND POLYGRAPH
28 EXAMINERS WHO ARE NOT APPROVED BY THE BOARD PURSUANT TO
29 SUBSECTION (1) OF THIS SECTION ON AN ANNUAL BASIS.

30 (c) IN THE EVENT THAT A PROVIDER WHO CONTRACTED WITH THE
31 DEPARTMENT OF CORRECTIONS IS FOUND TO HAVE VIOLATED THE
32 GUIDELINES AND STANDARDS DEVELOPED PURSUANT TO SECTION
33 16-11.7-103, THE DEPARTMENT OF CORRECTIONS SHALL TERMINATE THE
34 CONTRACT WITH THE PROVIDER.

35 (d) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE SEPTEMBER 1,
36 2028. PRIOR TO REPEAL, THIS SUBSECTION (1.5) IS SCHEDULED FOR REVIEW
37 IN ACCORDANCE WITH SECTION 16-11.7-103 (6).

38 (2) (a) The board shall".

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