

Colorado Revised Statutes



16-22-102. Definitions.

As used in this article, unless the context otherwise requires:

(1) "Birthday" means a person's birthday as reflected on the notice provided to the person pursuant to section [16-22-106](#) or [16-22-107](#) or the person's actual date of birth if the notice does not reflect the person's birthday.

(2) "CBI" means the Colorado bureau of investigation established pursuant to part 4 of article 33.5 of title 24, C.R.S.

(3) "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.

(3.5) "Employed at an institution of postsecondary education" means a person:

(a) Is employed by or is an independent contractor with an institution of postsecondary education or is employed by or is an independent contractor with an entity that contracts with an institution of postsecondary education; and

(b) Spends any period of time in furtherance of the employment or independent contractor relationship on the campus of the postsecondary institution or at a site that is owned or leased by the postsecondary institution.

(4) "Immediate family" means a person's spouse, parent, grandparent, sibling, or child.

(4.5) "Local law enforcement agency" means the law enforcement agency, including but not limited to a campus police agency, that has jurisdiction over a certain geographic area.

(5) "Register" and "registration" include initial registration pursuant to section [16-22-104](#), and registration, confirmation of registration, and reregistration, as required in section [16-22-108](#).

(5.5) "Registrant" means a person who is required to register in accordance with this article.

(5.7) "Residence" means a place or dwelling that is used, intended to be used, or usually used for habitation by a person who is required to register pursuant to section [16-22-103](#). "Residence" may include, but is not limited to, a temporary shelter or institution, if the owner of the shelter or institution consents to the person utilizing the shelter or institution as his or her registered address as required by section [16-22-106](#)(4) or [16-22-107](#)(4)(a) and if the residence of the person at the shelter or institution is capable of verification as required by section [16-22-109](#)(3.5). A person may establish multiple residences by residing in more than one place or dwelling.

(6) "Sex offender registry" means the Colorado sex offender registry created and maintained by the CBI pursuant to section [16-22-110](#).

(7) "Sexually violent predator" means a person who is found to be a sexually violent predator pursuant to section [18-3-414.5](#), C.R.S.

(8) "Temporary resident" means a person who is a resident of another state but in Colorado temporarily because the person is:

(a) Employed in this state on a full-time or part-time basis, with or without compensation, for more than fourteen consecutive business days or for an aggregate period of more than thirty days in any calendar year; or

(b) Enrolled in any type of educational institution in this state on a full-time or part-time basis; or

(c) Present in Colorado for more than fourteen consecutive business days or for an aggregate period of more than thirty days in a calendar year for any purpose, including but not limited to vacation, travel, or retirement.

(9) "Unlawful sexual behavior" means any of the following offenses or criminal attempt, conspiracy, or solicitation to commit any of the following offenses:

(a)(I) Sexual assault, in violation of section [18-3-402](#), C.R.S.; or

(II) Sexual assault in the first degree, in violation of section [18-3-402](#), C.R.S., as it existed prior to July 1, 2000;

(b) Sexual assault in the second degree, in violation of section [18-3-403](#), C.R.S., as it existed prior to July 1, 2000;

(c)(I) Unlawful sexual contact, in violation of section [18-3-404](#), C.R.S.; or

(II) Sexual assault in the third degree, in violation of section [18-3-404](#), C.R.S., as it existed prior to July 1, 2000;

(d) Sexual assault on a child, in violation of section [18-3-405](#), C.R.S.;

(e) Sexual assault on a child by one in a position of trust, in violation of section [18-3-405.3](#), C.R.S.;

(f) Sexual assault on a client by a psychotherapist, in violation of section [18-3-405.5](#), C.R.S.;

(g) Enticement of a child, in violation of section [18-3-305](#), C.R.S.;

(h) Incest, in violation of section [18-6-301](#), C.R.S.;

(i) Aggravated incest, in violation of section [18-6-302](#), C.R.S.;

(j) Trafficking in children, in violation of section [18-6-402](#), C.R.S.;

(k) Sexual exploitation of children, in violation of section [18-6-403](#), C.R.S.;

(l) Procurement of a child for sexual exploitation, in violation of section [18-6-404](#), C.R.S.;

(m) Indecent exposure, in violation of section [18-7-302](#), C.R.S.;

(n) Soliciting for child prostitution, in violation of section [18-7-402](#), C.R.S.;

- (o) Pandering of a child, in violation of section [18-7-403](#), C.R.S.;
- (p) Procurement of a child, in violation of section [18-7-403.5](#), C.R.S.;
- (q) Keeping a place of child prostitution, in violation of section [18-7-404](#), C.R.S.;
- (r) Pimping of a child, in violation of section [18-7-405](#), C.R.S.;
- (s) Inducement of child prostitution, in violation of section [18-7-405.5](#), C.R.S.;
- (t) Patronizing a prostituted child, in violation of section [18-7-406](#), C.R.S.;
- (u) Engaging in sexual conduct in a penal institution, in violation of section [18-7-701](#), C.R.S.;
- (v) Wholesale promotion of obscenity to a minor, in violation of section [18-7-102](#)(1.5), C.R.S.;
- (w) Promotion of obscenity to a minor, in violation of section [18-7-102](#)(2.5), C.R.S.;
- (x) Class 4 felony internet luring of a child, in violation of section [18-3-306](#)(3), C.R.S.; or
- (y) Internet sexual exploitation of a child, in violation of section [18-3-405.4](#), C.R.S.

Source: **L. 2002:** Entire article added, p. 1157, § 1, effective July 1. **L. 2004:** (9)(v) and (9)(w) added, p. 800, § 1, effective May 21; (3.5), (4.5), (5.5), and (5.7) added and (8) amended, p. 1107, § 1, effective May 27. **L. 2006:** (5.7) amended, p. 1006, § 3, effective July 1; (9)(x) and (9)(y) added, p. 2054, § 2, effective July 1.

Editor's note: (1) Section 5 of chapter [219](#), Session Laws of Colorado 2006, provides that the act amending subsection (5.7) applies to offenses committed on or after July 1, 2006.

(2) Section 13 of chapter [362](#), Session Laws of Colorado 2006, provides that the act enacting subsections (9)(x) and (9)(y) applies to offenses committed on or after July 1, 2006.

ANNOTATION

Annotator's note. Since § [16-22-102](#) is similar to § [18-3-412.5](#) as it existed prior to its 2002 repeal and reenactment, a relevant case construing that provision has been included in the annotations to this section.

The trial court properly ordered the defendant to register as a sex offender pursuant to this section even though defendant plead guilty to an offense not specifically listed in the definition of "unlawful sexual behavior" in subsection (1)(b). Although defendant plead guilty to contributing to the delinquency of a minor, she had engaged in soliciting for child prostitution, pandering of a child, procurement of a child for sexual exploitation, and inducement of child prostitution. Thus, the factual basis for the plea involved unlawful sexual behavior, and defendant was appropriately required to register as a sex offender. *People v. Meidinger*, [987 P.2d 937](#) (Colo.App. 1999).

