

**First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0520.01 Michael Dohr x4347

**HOUSE BILL 17-1204**

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**HOUSE SPONSORSHIP**

**Lee,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING JUVENILE DELINQUENCY RECORD EXPUNGEMENT.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

Under current law, there is limited access to juvenile delinquency records. The bill restricts that access by making certain records public only after a court orders that a child be charged as an adult, consistent with recent changes to the direct file statute, and by eliminating the requirement that the prosecuting attorney notify the school principal of minor offenses. The bill also ensures that the juvenile and his or her attorney can access the juvenile's records, and that juvenile record information is available to agencies that require the information for

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

research purposes, with protections against the disclosure of identifying information.

Under current law, a juvenile or someone on the juvenile's behalf must petition, after an applicable waiting period of one to 5 years, for expungement. The bill requires the court to automatically expunge records in certain situations. In some situations, the juvenile must still petition for expungement. Records will be expunged immediately upon:

- ! A finding of not guilty at an adjudicatory trial;
- ! Dismissal of the entire case;
- ! The completion of a sentence for a municipal offense; and
- ! The completion of a juvenile sentence for a petty offense or a class 2 or class 3 misdemeanor that is not a sex offense or does not involve domestic violence.

Records will be eligible for expungement upon the completion of a juvenile sentence when the juvenile has a class 1 misdemeanor or a misdemeanor involving domestic violence; or the dismissal after completion of juvenile diversion, a deferred adjudication, or an informal adjustment; or the adjudication of a first-time felony and the adjudicated felony is not a crime of violence, is not an offense involving unlawful sexual behavior, and is not a class 1 or class 2 felony. The court sends a notice to the prosecuting attorney that the records are eligible for expungement. The prosecuting attorney shall notify the victim, and the victim and the prosecuting attorney have the right to object to the expungement. If there is no objection, the court enters an expungement order. If there is an objection, the court holds a hearing to determine if the juvenile is sufficiently rehabilitated and whether expungement is in the best interest of the juvenile and the community.

All other juveniles must file a petition to request expungement after an applicable waiting period. Records will be eligible for expungement one year after a law enforcement contact that did not result in a referral to another agency. Records will be eligible for expungement one year from the date of the completion of a juvenile sentence if the juvenile was not adjudicated a repeat, mandatory, aggravated, or violent juvenile offender. After the petition is filed, the court shall hold a hearing, and the court shall grant expungement if it finds that the juvenile has been rehabilitated and that expungement is in the best interest of the juvenile and the community. A person who is adjudicated as a repeat or mandatory offender, violent juvenile offender, or aggravated juvenile offender; adjudicated for homicide or vehicular homicide as a juvenile offender; or adjudicated for a felony offense involving unlawful sexual behavior is not eligible for expungement.

The bill requires written notice of the right to expungement and of the expungement process to the juvenile.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-304, **amend**  
3 (1)(a) introductory portion, (1)(a)(II), (1)(a)(XIII)(A), (1)(b.5)  
4 introductory portion, (1)(b.7), (1)(b.8), (1)(c) introductory portion,  
5 (1)(c)(VIII), (1)(d), (2)(a) introductory portion, (2)(a)(I), (2)(a)(XIV)(A),  
6 (2.5), (3), (5), (5.5), (6), (7) introductory portion, and (7)(d); and **add**  
7 (1)(c)(VII.5), (7)(f), and (7)(g) as follows:

8 **19-1-304. Juvenile delinquency records - division of youth**  
9 **corrections critical incident information - definitions.** (1) (a) **Court**  
10 **records - open.** Except as provided in ~~paragraph (b.5) of this subsection~~  
11 ~~(H)~~ SUBSECTION (1)(b.5) OF THIS SECTION, court records in juvenile  
12 delinquency proceedings or proceedings concerning a juvenile charged  
13 with the violation of any municipal ordinance except a traffic ordinance  
14 are open to inspection to the following persons without court order:

15 (II) The juvenile's parent, guardian, ~~or~~ legal custodian, OR  
16 ATTORNEY;

17 (XIII) Any person or agency for research purposes, if all of the  
18 following conditions are met:

19 (A) The person or agency conducting the research is employed by  
20 the state of Colorado or is under contract with the state of Colorado and  
21 is authorized by the department of human services to conduct the  
22 research; except that the department of public safety is not required to  
23 obtain prior authorization from the department of human services for  
24 purposes of this ~~subparagraph (XIII)~~ SUBSECTION (1)(a)(XIII);

25 (b.5) **Arrest and criminal records - certain juveniles - public**  
26 **access - information limited.** The public has access to ~~arrest and~~  
27 ~~criminal records information, as defined in section 24-72-302(1), C.R.S.,~~

1 ~~and including a person's physical description, that~~ INFORMATION  
2 REPORTING THE ARREST OR OTHER FORMAL FILING OF CHARGES AGAINST  
3 A JUVENILE; THE IDENTITY OF THE CRIMINAL JUSTICE AGENCY TAKING  
4 SUCH OFFICIAL ACTION RELATIVE TO AN ACCUSED JUVENILE; THE DATE  
5 AND PLACE THAT SUCH OFFICIAL ACTION WAS TAKEN RELATIVE TO AN  
6 ACCUSED JUVENILE; THE NATURE OF THE CHARGES BROUGHT OR THE  
7 OFFENSES ALLEGED; AND ONE OR MORE DISPOSITIONS RELATING TO THE  
8 CHARGES BROUGHT AGAINST AN ACCUSED JUVENILE, WHEN THIS  
9 INFORMATION:

10 (b.7) The information ~~which shall be~~ THAT IS open to the public  
11 pursuant to ~~paragraph (b.5)~~ SUBSECTION (1)(b.5) OF THIS SECTION  
12 regarding a juvenile who is charged with the commission of a delinquent  
13 act shall not include records of investigation as such records are described  
14 in section 24-72-305 (5). ~~C.R.S.~~ In addition, any psychological profile of  
15 any such juvenile, any intelligence test results for any such juvenile, or  
16 any information regarding whether such juvenile has been sexually  
17 abused ~~shall not be~~ IS NOT open to the public unless released by an order  
18 of the court. THE INFORMATION THAT IS OPEN TO THE PUBLIC PURSUANT  
19 TO SUBSECTION (1)(b.5) OF THIS SECTION REGARDING A JUVENILE WHO IS  
20 CHARGED WITH A DELINQUENT ACT SHALL NOT INCLUDE THE JUVENILE'S  
21 NAME, BIRTH DATE, OR PHOTOGRAPH.

22 (b.8) The court shall report the final disposition concerning a  
23 juvenile who has been adjudicated a juvenile delinquent to the Colorado  
24 bureau of investigation in a form that is electronically consistent with  
25 applicable law. The report ~~shall~~ MUST be made within seventy-two hours  
26 after the final disposition; except that the time period shall not include  
27 Saturdays, Sundays, or legal holidays. The report ~~shall~~ MUST include ~~the~~

1 information provided to the court in accordance with paragraph (b.7) of  
2 this subsection (1), the disposition of each charge and the court case  
3 number, and the Colorado bureau of investigation shall reflect any change  
4 of status but shall not delete or eliminate information concerning the  
5 original charge. COLORADO BUREAU OF INVESTIGATION RECORDS  
6 REGARDING JUVENILE OFFENSES ARE NOT OPEN TO THE PUBLIC.

7 (c) **Probation records - limited access.** Except as otherwise  
8 authorized by section 19-1-303, a juvenile probation officer's records,  
9 whether or not part of the court file, ~~shall not be~~ ARE NOT open to  
10 inspection, except as provided in ~~subparagraphs (I) to (XI) of this~~  
11 ~~paragraph (c)~~ SUBSECTIONS (1)(c)(I) TO (1)(c)(XI) OF THIS SECTION:

12 (VII.5) TO THE JUVENILE NAMED IN THE RECORD;

13 (VIII) To the juvenile's parent, guardian, ~~or~~ legal custodian, OR  
14 ATTORNEY;

15 (d) **Social and clinical studies - closed - court authorization.**  
16 Except as otherwise authorized by section 19-1-303, any social and  
17 clinical studies, INCLUDING ALL FORMAL EVALUATIONS OF THE JUVENILE  
18 COMPLETED BY A PROFESSIONAL, whether or not part of the court file OR  
19 ANY OTHER RECORD, ~~shall not be~~ ARE NOT open to inspection, except: ~~by~~  
20 ~~consent of the court.~~

21 (I) TO THE JUVENILE NAMED IN THE RECORD;

22 (II) TO THE JUVENILE'S PARENT, GUARDIAN, LEGAL CUSTODIAN, OR  
23 ATTORNEY; OR

24 (III) BY ORDER OF THE COURT, UPON A FINDING OF A LEGITIMATE  
25 INTEREST IN AND NEED TO REVIEW THE SOCIAL AND CLINICAL STUDIES.

26 (2) (a) **Law enforcement records in general - closed.** Except as  
27 otherwise provided by ~~paragraph (b.5) of subsection (1)~~ SUBSECTION

1 (1)(b.5) of this section and otherwise authorized by section 19-1-303, the  
2 records of law enforcement officers concerning juveniles, including  
3 identifying information, ~~shall~~ MUST be identified as juvenile records and  
4 ~~shall~~ MUST not be inspected by or disclosed to the public, except:

5 (I) To the juvenile and the juvenile's parent, guardian, ~~or~~ legal  
6 custodian, OR ATTORNEY;

7 (XIV) To any person or agency for research purposes, if all of the  
8 following conditions are met:

9 (A) The person or agency conducting such research is employed  
10 by the state of Colorado or is under contract with the state of Colorado  
11 and is authorized by the department of human services to conduct such  
12 research; EXCEPT THAT THE DEPARTMENT OF PUBLIC SAFETY DOES NOT  
13 NEED TO OBTAIN PRIOR AUTHORIZATION FROM THE DEPARTMENT OF  
14 HUMAN SERVICES FOR THE PURPOSES OF THIS SUBSECTION (2)(a)(XIV)(A);  
15 and

16 (2.5) **Parole records.** Parole records ~~shall be~~ ARE open to  
17 inspection by the principal of a school, or such principal's designee, in  
18 which the juvenile is or will be enrolled as a student and, if the student is  
19 or will be enrolled in a public school, by the superintendent of the school  
20 district in which the student is or will be enrolled, or such  
21 superintendent's designee. Parole records ~~shall also be~~ ARE ALSO open to  
22 inspection by assessment centers for children AND BY THE JUVENILE  
23 NAMED IN THE RECORD AND THE JUVENILE'S PARENT, GUARDIAN, LEGAL  
24 CUSTODIAN, OR ATTORNEY.

25 (3) Prior to adjudication, the defense counsel, the district attorney,  
26 the prosecuting attorney, or any other party TO A PENDING DELINQUENCY  
27 PETITION with consent of the court ~~shall~~ MUST have access to records of

1 any proceedings pursuant to this ~~title~~ TITLE 19, except as provided in  
2 section 19-1-309, which involve a juvenile against whom criminal or  
3 delinquency charges have been filed. No new criminal or delinquency  
4 charges against such juvenile ~~shall~~ MAY be brought based upon  
5 information gained initially or solely from such examination of records.

6 (5) **Direct filings - arrest and criminal records open.** Whenever  
7 ~~a petition filed in juvenile court alleges that a juvenile between the ages~~  
8 ~~of twelve to eighteen years has committed an offense that would~~  
9 ~~constitute unlawful sexual behavior, as defined in section 16-22-102 (9),~~  
10 ~~C.R.S., or a crime of violence, as defined in section 18-1.3-406, C.R.S.,~~  
11 ~~if committed by an adult or whenever charges filed in district court allege~~  
12 ~~that a juvenile has committed such an offense, then~~ A JUDGE ORDERS THAT  
13 A JUVENILE BE CHARGED AS AN ADULT PURSUANT TO SECTION 19-2-517 OR  
14 19-2-518, the arrest and criminal records information, as defined in  
15 section 24-72-302 (1), ~~C.R.S.~~, and including a juvenile's physical  
16 description, concerning such juvenile ~~shall~~ MUST be made available to the  
17 public. The information is available only from the investigative law  
18 enforcement agency, the agency responsible for filing a petition, and the  
19 court, and shall not include records of investigation as such records are  
20 described in section 24-72-305 (5). ~~C.R.S.~~ Basic identification  
21 information, as defined in section 24-72-302 (2), ~~C.R.S.~~, along with the  
22 details of the alleged delinquent act or offense, ~~shall~~ MUST be provided  
23 immediately to the school district in which the juvenile is enrolled. Such  
24 information ~~shall~~ MUST be used by the board of education for purposes of  
25 section 22-33-105 (5), ~~C.R.S.~~, but information made available to the  
26 school district and not otherwise available to the public ~~shall remain~~  
27 REMAINS confidential.

1 (5.5) Whenever a petition is filed in juvenile court involving a  
2 felony or a class 1 misdemeanor or the following offenses of any degree:  
3 ALLEGING A CLASS 1, CLASS 2, CLASS 3, OR CLASS 4 FELONY; A LEVEL 1,  
4 LEVEL 2, OR LEVEL 3 DRUG FELONY; AN OFFENSE INVOLVING UNLAWFUL  
5 SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9); A CRIME OF  
6 VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406; A BURGLARY OFFENSE AS  
7 DESCRIBED IN PART 2 OF ARTICLE 4 OF TITLE 18; FELONY menacing, in  
8 violation of section 18-3-206; ~~C.R.S.~~; harassment, in violation of section  
9 18-9-111, ~~C.R.S.~~; fourth degree arson, in violation of section 18-4-105;  
10 ~~C.R.S.~~; theft, in violation of section 18-4-401, ~~C.R.S.~~; aggravated motor  
11 vehicle theft, in violation of section 18-4-409; ~~C.R.S.~~; criminal mischief,  
12 in violation of section 18-4-501, ~~C.R.S.~~; defacing property, in violation  
13 of section 18-4-509, ~~C.R.S.~~; disorderly conduct, in violation of section  
14 18-9-106, ~~C.R.S.~~; hazing, in violation of section 18-9-124, ~~C.R.S.~~; or  
15 possession of a handgun by a juvenile, in violation of section  
16 18-12-108.5, ~~C.R.S.~~; OR WHEN A PETITION IS FILED IN JUVENILE COURT IN  
17 WHICH THE ALLEGED VICTIM OF THE CRIME IS A STUDENT OR STAFF PERSON  
18 IN THE SAME SCHOOL AS THE JUVENILE OR IN WHICH IT IS ALLEGED THAT  
19 THE JUVENILE POSSESSED A DEADLY WEAPON DURING THE COMMISSION OF  
20 THE ALLEGED CRIME, the prosecuting attorney, within three working days  
21 after the petition is filed, shall make good faith reasonable efforts to  
22 notify the principal of the school in which the juvenile is enrolled and  
23 shall provide such principal with the arrest and criminal records  
24 information, as defined in section 24-72-302 (1). ~~C.R.S.~~ In the event the  
25 prosecuting attorney, in good faith, is not able to either identify the school  
26 which THAT the juvenile attends or contact the principal of the juvenile's  
27 school, then the prosecuting attorney shall contact the superintendent of



1 the juvenile's school district.

2 (6) The department of human services shall release to the  
3 committing court, the ~~district~~ PROSECUTING attorney, the Colorado bureau  
4 of investigation, and local law enforcement agencies basic identification  
5 information as defined in section 24-72-302 (2) ~~C.R.S.~~, concerning any  
6 juvenile released or released to parole supervision or any juvenile who  
7 escapes. THIS INFORMATION IS NOT OPEN TO THE PUBLIC.

8 (7) In addition to the persons who have access to court records  
9 pursuant to ~~paragraph (a) of subsection (1)~~ SUBSECTION (1)(a) of this  
10 section, statewide electronic read-only access to the name index and  
11 register of actions of the judicial department must be allowed to the  
12 following agencies or ~~attorneys appointed by the court~~ PERSONS:

13 (d) Attorneys under contract with the office of the alternate  
14 defense counsel, created in section 21-2-101, ~~C.R.S.~~, as it relates to a case  
15 in which they are appointed by the court; ~~and~~

16 (f) WITH CONSENT OF THE JUVENILE, A NONPROFIT ORGANIZATION  
17 PROVIDING FREE LEGAL ASSISTANCE, AS IT RELATES TO SCREENING AN  
18 APPLICANT FOR ELIGIBILITY FOR FREE SERVICES OR TO A CASE IN WHICH  
19 THE ORGANIZATION HAS ENTERED AN APPEARANCE TO PROVIDE FREE  
20 REPRESENTATION; AND

21 (g) WITH CONSENT OF THE JUVENILE, AN ATTORNEY WHO HAS  
22 ENTERED AN APPEARANCE AS THE ATTORNEY OF RECORD FOR THE  
23 JUVENILE IN A DELINQUENCY CASE, AS IT RELATES TO THE CASE IN WHICH  
24 THE ATTORNEY HAS ENTERED THE APPEARANCE. A PRIVATE ATTORNEY  
25 MAY BE CHARGED A REASONABLE FEE PER USE OR A MONTHLY FEE FOR  
26 ELECTRONIC ACCESS.

27 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**

1       **with amendments**, 19-1-306 as follows:

2               **19-1-306. Expungement of juvenile delinquent records -**

3       **definition.** (1) (a) FOR THE PURPOSES OF THIS SECTION, "EXPUNGEMENT"  
4       IS DEFINED IN SECTION 19-1-103 (48). UPON THE ENTRY OF AN  
5       EXPUNGEMENT ORDER, THE PERSON WHO IS THE SUBJECT OF THE RECORD  
6       THAT HAS BEEN EXPUNGED MAY ASSERT THAT HE OR SHE HAS NO JUVENILE  
7       DELINQUENCY RECORD. FURTHER, THE PERSON WHO IS THE SUBJECT OF  
8       THE RECORD THAT HAS BEEN EXPUNGED MAY LAWFULLY DENY THAT HE  
9       OR SHE HAS EVER BEEN ARRESTED, CHARGED, ADJUDICATED, CONVICTED,  
10       OR SENTENCED IN REGARD TO THE EXPUNGED CASE, MATTER, OR CHARGE.

11               (b) THE COURT, LAW ENFORCEMENT, AND ALL OTHER AGENCIES  
12       SHALL REPLY TO ANY INQUIRY REGARDING AN EXPUNGED RECORD THAT  
13       NO RECORD EXISTS WITH RESPECT TO THE PERSON NAMED IN THE RECORD,  
14       UNLESS INFORMATION MAY BE SHARED WITH THE INQUIRING PARTY  
15       PURSUANT TO SUBSECTION (3) OF THIS SECTION.

16               (2) (a) AT THE TIME OF THE ADJUDICATION, THE COURT SHALL  
17       ADVISE THE ADJUDICATED JUVENILE AND ANY RESPONDENT PARENT OR  
18       GUARDIAN, IN WRITING, OF THE RIGHT TO EXPUNGE AND THE TIME PERIOD  
19       AND PROCESS FOR EXPUNGING THE ORDER. THE COURT, ON ITS OWN  
20       MOTION OR THE MOTION OF THE JUVENILE PROBATION DEPARTMENT, THE  
21       JUVENILE PAROLE DEPARTMENT, THE JUVENILE, A RESPONDENT PARENT OR  
22       GUARDIAN, OR A COURT-APPOINTED GUARDIAN AD LITEM, MAY INITIATE  
23       EXPUNGEMENT PROCEEDINGS CONCERNING THE RECORD OF ANY JUVENILE  
24       WHO HAS BEEN UNDER THE JURISDICTION OF THE COURT.

25               (b) IF A JUVENILE IS SUPERVISED BY PROBATION, THE PROBATION  
26       DEPARTMENT, UPON THE TERMINATION OF THE JUVENILE'S SUPERVISION  
27       PERIOD, SHALL PROVIDE THE JUVENILE WITH A WRITTEN ADVISEMENT OF

1 THE RIGHT TO EXPUNGEMENT AND THE TIME PERIOD AND PROCESS FOR  
2 EXPUNGING THE RECORD.

3 (c) IF A JUVENILE IS SUPERVISED BY PAROLE, THE DEPARTMENT OR  
4 DIVISION SUPERVISING THE JUVENILE'S PAROLE, UPON THE TERMINATION  
5 OF THE JUVENILE'S PAROLE SUPERVISION PERIOD, SHALL PROVIDE THE  
6 JUVENILE WITH A WRITTEN ADVISEMENT OF THE RIGHT TO EXPUNGEMENT  
7 AND THE TIME PERIOD AND PROCESS FOR EXPUNGING THE RECORD.

8 (d) IF THE JUVENILE IS SUPERVISED BY A DIVERSION OFFICER OR  
9 AGENCY OTHER THAN PROBATION, THE AGENCY SUPERVISING THE  
10 DIVERSION PROGRAM, UPON THE TERMINATION OF THE JUVENILE'S  
11 DIVERSION PERIOD, SHALL PROVIDE THE JUVENILE WITH A WRITTEN  
12 ADVISEMENT OF THE RIGHT TO EXPUNGEMENT AND THE TIME PERIOD AND  
13 PROCESS FOR EXPUNGING THE RECORD.

14 (e) IF A JUVENILE IS SENTENCED IN MUNICIPAL COURT, THE  
15 MUNICIPAL COURT, AT SENTENCING, SHALL PROVIDE THE JUVENILE AND  
16 ANY RESPONDENT PARENT OR GUARDIAN WITH A WRITTEN ADVISEMENT OF  
17 THE RIGHT TO EXPUNGEMENT AND THE TIME PERIOD AND PROCESS FOR  
18 EXPUNGING THE RECORD. THE MUNICIPAL COURT MAY PROVIDE THE  
19 NOTICE THROUGH A MUNICIPAL DIVERSION PROGRAM, THE CITY  
20 ATTORNEY, OR A MUNICIPAL PROBATION PROGRAM.

21 (f) IF A JUVENILE IS COMMITTED TO THE DIVISION OF YOUTH  
22 CORRECTIONS AND IS RELEASED WITHOUT A REQUIREMENT TO COMPLETE  
23 FURTHER PAROLE, THE DIVISION SHALL PROVIDE THE JUVENILE WITH A  
24 WRITTEN ADVISEMENT OF THE RIGHT TO EXPUNGEMENT AND THE TIME  
25 PERIOD AND PROCESS FOR EXPUNGING THE RECORD.

26 (g) EXPUNGEMENT MUST BE EFFECTUATED BY PHYSICALLY  
27 SEALING OR CONSPICUOUSLY INDICATING ON THE FACE OF THE RECORD OR

1 AT THE BEGINNING OF THE COMPUTERIZED FILE OF THE RECORD THAT THE  
2 RECORD HAS BEEN DESIGNATED AS EXPUNGED.

3 (h) THE PROSECUTING ATTORNEY SHALL NOT REQUIRE AS A  
4 CONDITION OF A PLEA AGREEMENT THAT THE JUVENILE WAIVE HIS OR HER  
5 RIGHT TO EXPUNGEMENT UNDER THIS SECTION UPON THE COMPLETION OF  
6 THE JUVENILE'S SENTENCE.

7 (i) PRIOR TO THE COURT ORDERING ANY RECORDS EXPUNGED, THE  
8 COURT SHALL DETERMINE WHETHER THE JUVENILE HAS ANY FELONY,  
9 DRUG FELONY, MISDEMEANOR, DRUG MISDEMEANOR, PETTY OFFENSE, OR  
10 DELINQUENCY ACTIONS PENDING, AND, IF THE COURT DETERMINES THAT  
11 THERE IS A FELONY, DRUG FELONY, MISDEMEANOR, DRUG MISDEMEANOR,  
12 PETTY OFFENSE, OR DELINQUENCY ACTION PENDING AGAINST THE  
13 JUVENILE, THE COURT SHALL STAY THE PETITION FOR EXPUNGEMENT  
14 PROCEEDINGS UNTIL THE RESOLUTION OF THE PENDING CASE.

15 (3) (a) AFTER EXPUNGEMENT, BASIC IDENTIFICATION  
16 INFORMATION ON THE JUVENILE AND A LIST OF ANY STATE AND LOCAL  
17 AGENCIES AND OFFICIALS HAVING CONTACT WITH THE JUVENILE, AS THEY  
18 APPEAR IN THE RECORDS, ARE NOT OPEN TO THE PUBLIC BUT ARE  
19 AVAILABLE TO A PROSECUTING ATTORNEY, LOCAL LAW ENFORCEMENT  
20 AGENCY, THE DEPARTMENT OF HUMAN SERVICES, THE STATE JUDICIAL  
21 DEPARTMENT, AND THE VICTIM AS DEFINED IN SECTION 24-4.1-302 (5);  
22 EXCEPT THAT SUCH INFORMATION IS NOT AVAILABLE TO AN AGENCY OF  
23 THE MILITARY FORCES OF THE UNITED STATES.

24 (b) NOTWITHSTANDING ANY ORDER FOR EXPUNGEMENT PURSUANT  
25 TO THIS SECTION, ANY RECORD THAT IS ORDERED EXPUNGED IS AVAILABLE  
26 TO ANY JUDGE AND THE PROBATION DEPARTMENT FOR USE IN ANY FUTURE  
27 PROCEEDING IN WHICH THE PERSON WHOSE RECORD WAS EXPUNGED IS

1 CHARGED WITH AN OFFENSE AS EITHER A JUVENILE OR AS AN ADULT. A  
2 NEW CRIMINAL OR DELINQUENCY CHARGE MAY NOT BE BROUGHT AGAINST  
3 THE JUVENILE BASED UPON INFORMATION GAINED INITIALLY OR SOLELY  
4 FROM EXAMINATION OF THE EXPUNGED RECORDS.

5 (c) NOTWITHSTANDING AN ORDER FOR EXPUNGEMENT PURSUANT  
6 TO THIS SECTION, ANY CRIMINAL JUSTICE RECORD OF A JUVENILE WHO HAS  
7 BEEN CHARGED, ADJUDICATED, OR CONVICTED OF ANY OFFENSE SHALL BE  
8 AVAILABLE FOR USE BY THE JUVENILE, THE JUVENILE'S ATTORNEY, A  
9 PROSECUTING ATTORNEY, ANY LAW ENFORCEMENT AGENCY, OR ANY  
10 AGENCY OF THE STATE JUDICIAL DEPARTMENT IN ANY SUBSEQUENT  
11 CRIMINAL INVESTIGATION OR PROSECUTION AS A SUBSTANTIVE PREDICATE  
12 OFFENSE CONVICTION OR ADJUDICATION OF RECORD.

13 (d) NOTWITHSTANDING ANY ORDER FOR EXPUNGEMENT ISSUED  
14 PURSUANT TO THIS SECTION, NOTHING PREVENTS THE PROSECUTING  
15 ATTORNEY, INCLUDING THE STAFF OF A PROSECUTING ATTORNEY'S OFFICE  
16 OR A VICTIM OR WITNESS ASSISTANCE PROGRAM OR A LAW ENFORCEMENT  
17 AGENCY OR LAW ENFORCEMENT VICTIM ASSISTANCE PROGRAM, FROM  
18 DISCUSSING THE CASE, THE RESULTS OF ANY EXPUNGEMENT PROCEEDINGS,  
19 INFORMATION REGARDING RESTITUTION, AND INFORMATION RELATED TO  
20 ANY VICTIM SERVICES AVAILABLE TO THE VICTIM AS DEFINED IN SECTION  
21 24-4.1-302 (5), BUT COPIES OF EXPUNGED RECORDS MUST NOT BE  
22 PROVIDED TO THE VICTIM. THE VICTIM MAY PETITION THE COURT AND  
23 REQUEST THAT A COPY OF THE EXPUNGED RECORDS BE PROVIDED TO THE  
24 VICTIM. IF THE COURT FINDS THAT THERE ARE COMPELLING REASONS FOR  
25 THE RELEASE, A COPY OF THE EXPUNGED RECORDS MAY BE RELEASED TO  
26 THE VICTIM. IF THE COURT ORDERS THE RELEASE OF A COPY OF THE  
27 EXPUNGED RECORDS TO THE VICTIM, THE COURT MUST ISSUE A

1 PROTECTIVE ORDER REGARDING THE USAGE OF THE EXPUNGED RECORDS.

2

3 (e) NOTWITHSTANDING ANY ORDER FOR EXPUNGEMENT ISSUED  
4 PURSUANT TO THIS SECTION, ANY INFORMATION, INCLUDING POLICE  
5 AFFIDAVITS AND REPORTS AND RECORDS RELATED TO ANY PRIOR  
6 CONVICTION OR ADJUDICATION, ARE AVAILABLE WITHOUT COURT ORDER  
7 TO THE PERSONS, GOVERNMENT AGENCIES, OR ENTITIES ALLOWED ACCESS  
8 TO OR ALLOWED TO EXCHANGE SUCH INFORMATION PURSUANT TO SECTION  
9 19-1-303 FOR THE PURPOSES DESCRIBED THEREIN. ANY PERSON WHO  
10 KNOWINGLY VIOLATES THE CONFIDENTIALITY PROVISIONS OF SECTION  
11 19-1-303 IS SUBJECT TO THE PENALTY IN SECTION 19-1-303 (4.7).

12 (4) (a) THE COURT SHALL ORDER ALL RECORDS IN A JUVENILE  
13 DELINQUENCY CASE IN THE CUSTODY OF THE COURT, AND ANY RECORDS  
14 RELATED TO THE CASE AND CHARGES IN THE CUSTODY OF ANY OTHER  
15 AGENCY, PERSON, COMPANY, OR ORGANIZATION, EXPUNGED WITHIN  
16 FORTY-TWO DAYS AFTER:

17 (I) A FINDING OF NOT GUILTY AT AN ADJUDICATORY TRIAL;

18 (II) DISMISSAL OF THE PETITION IN ITS ENTIRETY; OR

19 (III) THE COMPLETION OF A SENTENCE FOR A PETTY OFFENSE,  
20 DRUG PETTY OFFENSE, CLASS 2 OR CLASS 3 MISDEMEANOR OFFENSE, OR  
21 LEVEL 1 OR LEVEL 2 DRUG MISDEMEANOR IF THE OFFENSE DOES NOT  
22 INVOLVE UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102  
23 (9), IS NOT AN ACT OF DOMESTIC VIOLENCE AS DEFINED IN SECTION  
24 18-6-800.3, OR IS NOT A CRIME LISTED UNDER SECTION 24-4.1-302 (1),  
25 AND THE DEFENDANT WAS UNDER EIGHTEEN YEARS OF AGE AT THE TIME  
26 THE OFFENSE WAS COMMITTED.

27 (b) WHEN AN EXPUNGEMENT ORDER IS ISSUED PURSUANT TO THIS

1 SECTION, THE COURT SHALL SEND A COPY OF THE ORDER TO THE JUVENILE,  
2 THE JUVENILE'S LAST ATTORNEY OF RECORD, AND EACH AGENCY, PERSON,  
3 COMPANY, OR ORGANIZATION NAMED THEREIN, DIRECTING THE ENTITY TO  
4 EXPUNGE THE RECORDS IN ITS CUSTODY AS DIRECTED IN THE ORDER. THE  
5 PERSON WHO IS THE SUBJECT OF RECORDS EXPUNGED PURSUANT TO THIS  
6 SECTION MAY PETITION THE COURT TO PERMIT INSPECTION OF THE  
7 RECORDS HELD BY PERSONS NAMED IN THE ORDER, AND THE COURT MAY  
8 SO ORDER.

9 (c) THE COURT SHALL, ON OR BEFORE NOVEMBER 1 OF EACH YEAR,  
10 REVIEW ALL JUVENILE DELINQUENCY COURT FILES DURING THE TWO  
11 PREVIOUS YEARS THAT RESULTED IN A FINDING OF NOT GUILTY; A  
12 DISMISSAL OF THE PETITION; A SENTENCE FOR A PETTY OFFENSE; A  
13 SENTENCE FOR A DRUG PETTY OFFENSE; A SENTENCE FOR A DRUG  
14 MISDEMEANOR OFFENSE; OR A SENTENCE FOR A CLASS 2 OR CLASS 3  
15 MISDEMEANOR OFFENSE IF THE OFFENSE DOES NOT INVOLVE UNLAWFUL  
16 SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), IS NOT AN ACT  
17 OF DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3, OR IS NOT A  
18 CRIME LISTED UNDER SECTION 24-4.1-302 (1), AND THE DEFENDANT WAS  
19 UNDER EIGHTEEN YEARS OF AGE AT THE TIME THE OFFENSE WAS  
20 COMMITTED. THE COURT SHALL ENTER AN EXPUNGEMENT ORDER FOR ALL  
21 JUVENILES ELIGIBLE FOR EXPUNGEMENT PURSUANT TO THIS SUBSECTION  
22 (4), IF THE EXPUNGEMENT ORDER WAS NOT PREVIOUSLY MADE.

23 (5) (a) THE COURT SHALL SEND NOTICE TO THE PROSECUTING  
24 ATTORNEY AND SUPERVISING AGENCY OF THE JUVENILE AT LEAST  
25 NINETY-ONE DAYS PRIOR TO THE END OF THE JUVENILE'S DIVERSION  
26 PROGRAM, DEFERRED ADJUDICATION, INFORMAL ADJUSTMENT, OR  
27 SENTENCE THAT ALL RECORDS IN A JUVENILE DELINQUENCY CASE IN THE

1 CUSTODY OF THE COURT, AND ANY RECORDS RELATED TO THE CASE AND  
2 CHARGES IN THE CUSTODY OF ANY OTHER AGENCY, PERSON, COMPANY, OR  
3 ORGANIZATION, WILL BE EXPUNGED [REDACTED] AFTER COMPLETION OF:

4 (I) A JUVENILE DIVERSION PROGRAM, A DEFERRED ADJUDICATION,  
5 OR AN INFORMAL ADJUSTMENT;

6 (II) A JUVENILE SENTENCE FOR AN ADJUDICATION FOR A CLASS 1  
7 MISDEMEANOR, [REDACTED] OR A MISDEMEANOR OFFENSE INVOLVING DOMESTIC  
8 VIOLENCE AS DEFINED IN SECTION 18-6-800.3 IF THE OFFENSE DID NOT  
9 INVOLVE UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102  
10 (9);

11 (III) A JUVENILE SENTENCE FOR AN ADJUDICATION FOR A  
12 MISDEMEANOR OFFENSE INVOLVING UNLAWFUL SEXUAL CONTACT AS  
13 DESCRIBED IN SECTION 18-3-404; OR

14 (IV) A JUVENILE SENTENCE FOR AN ADJUDICATION FOR A FELONY  
15 OFFENSE OR FELONY DRUG OFFENSE IF:

16 (A) THE FELONY OFFENSE DID NOT CONSTITUTE UNLAWFUL  
17 SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9);

18 (B) THE FELONY OFFENSE WAS NOT A CRIME OF VIOLENCE AS  
19 DESCRIBED IN SECTION 18-1.3-406;

20 (C) THE FELONY OFFENSE WAS NOT A CLASS 1 OR CLASS 2 FELONY;

21 AND

22 (D) THE JUVENILE HAD NO PRIOR FELONY ADJUDICATIONS.

23 (b) UPON RECEIPT OF THE NOTICE FROM THE COURT IN SUBSECTION  
24 (5)(a) OF THIS SECTION, THE PROSECUTING ATTORNEY SHALL CONTACT  
25 THE VICTIM REGARDING EXPUNGEMENT.

26 (c) UPON ISSUANCE OF THE NOTICE FROM THE COURT IN  
27 SUBSECTION (5)(a) OF THIS SECTION, THE SUPERVISING AGENCY MUST



1 PREPARE A REPORT AND SUMMARY OF SUPERVISION OUTLINING THE  
2 PERFORMANCE OF THE JUVENILE WHILE UNDER SUPERVISION. IF THE  
3 JUVENILE IS NO LONGER UNDER SUPERVISION, THE SUPERVISING AGENCY  
4 MUST CONTACT THE JUVENILE AND SUMMARIZE THE JUVENILE'S ACTIVITIES  
5 SINCE TERMINATION OF SUPERVISION TO ASSIST THE COURT IN MAKING ITS  
6 DETERMINATION OF THE APPROPRIATENESS FOR EXPUNGEMENT. THE  
7 SUPERVISING AGENCY SHALL PROVIDE THE REPORT TO THE COURT, THE  
8 PROSECUTING ATTORNEY, THE JUVENILE, AND THE JUVENILE'S ATTORNEY  
9 OF RECORD WITHIN TWENTY-EIGHT DAYS OF THE NOTICE FROM THE COURT.

10 (d) IF NEITHER THE PROSECUTING ATTORNEY NOR A VICTIM FILES  
11 AN OBJECTION WITHIN EIGHTY-FOUR DAYS AFTER RECEIPT OF THE NOTICE  
12 BY THE PROSECUTING ATTORNEY PURSUANT TO SUBSECTION (5)(a) OF THIS  
13 SECTION, THE COURT SHALL ORDER ALL RECORDS IN THE JUVENILE  
14 DELINQUENCY CASE IN THE CUSTODY OF THE COURT, AND ANY RECORDS  
15 RELATED TO THE CASE AND CHARGES IN THE CUSTODY OF ANY OTHER  
16 AGENCY, PERSON, COMPANY, OR ORGANIZATION, EXPUNGED. ■ ■ ■

17 (e) IF THE PROSECUTING ATTORNEY OR A VICTIM FILES AN  
18 OBJECTION WITHIN EIGHTY-FOUR DAYS AFTER RECEIPT OF THE NOTICE BY  
19 THE PROSECUTING ATTORNEY PURSUANT TO SUBSECTION (5)(a) OF THIS  
20 SECTION, THE COURT SHALL SCHEDULE A HEARING ON THE ISSUE OF  
21 EXPUNGEMENT. THE COURT SHALL NOTIFY ALL OBJECTING PARTIES OF THE  
22 HEARING DATE. THE HEARING MUST BE SET AT LEAST THIRTY-FIVE DAYS  
23 AFTER THE DATE THE COURT SENDS NOTICE OF THE HEARING.

24 (f) IF A HEARING IS SCHEDULED PURSUANT TO SUBSECTION (5)(e)  
25 OF THIS SECTION, THE COURT SHALL SEND NOTICE TO THE LAST KNOWN  
26 ADDRESS OF THE JUVENILE NOTIFYING THE JUVENILE OF THE DATE OF THE  
27 HEARING AND OF THE JUVENILE'S RIGHT TO APPEAR AT THE HEARING AND

1 TO PRESENT EVIDENCE TO THE COURT IN WRITING PRIOR TO THE HEARING  
2 AND IN PERSON AT THE HEARING. THE NOTICE MUST INDICATE THAT, AT  
3 THE HEARING, THE COURT WILL CONSIDER WHETHER THE JUVENILE HAS  
4 BEEN REHABILITATED AND WHETHER EXPUNGEMENT IS IN THE BEST  
5 INTEREST OF THE JUVENILE AND THE COMMUNITY. THE JUVENILE IS NOT  
6 REQUIRED TO APPEAR AT THE HEARING.

7 (g) AT A HEARING HELD PURSUANT TO THIS SUBSECTION (5), THE  
8 COURT SHALL ORDER ALL RECORDS OF THE CASE IN THE CUSTODY OF THE  
9 COURT, AND ANY RECORDS RELATED TO THE CASE OR CHARGES IN THE  
10 CUSTODY OF ANY OTHER AGENCY, PERSON, COMPANY, OR ORGANIZATION,  
11 EXPUNGED IF THE COURT MAKES WRITTEN FINDINGS THAT:

12 (I) THE REHABILITATION OF THE JUVENILE HAS BEEN ATTAINED TO  
13 THE SATISFACTION OF THE COURT; AND

14 (II) THE EXPUNGEMENT IS IN THE BEST INTEREST OF THE JUVENILE  
15 AND THE COMMUNITY.

16 (h) THE COURT SHALL, ON OR BEFORE NOVEMBER 1 OF EACH YEAR,  
17 REVIEW ALL JUVENILE DELINQUENCY COURT FILES DURING THE TWO  
18 PREVIOUS YEARS THAT RESULTED IN PARTICIPATION IN DIVERSION, A  
19 DEFERRED ADJUDICATION, OR AN INFORMAL ADJUSTMENT; A SENTENCE  
20 FOR A CLASS 1 MISDEMEANOR OFFENSE, ANY DRUG FELONY OFFENSE, OR  
21 A MISDEMEANOR OFFENSE INVOLVING DOMESTIC VIOLENCE AS DEFINED IN  
22 SECTION 18-6-800.3; OR A FELONY OFFENSE THAT DID NOT CONSTITUTE  
23 UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102(9), WAS  
24 NOT A CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406, AND WAS  
25 NOT A CLASS 1 OR CLASS 2 FELONY. THE COURT SHALL SEND THE  
26 NOTICE REQUIRED FOR ALL RECORDS ELIGIBLE FOR A NOTICE PURSUANT TO  
27 THIS SUBSECTION (5) IF THE NOTICE WAS NOT PREVIOUSLY SENT AND AN

1 EXPUNGEMENT ORDER WAS NOT PREVIOUSLY MADE. AFTER THE NOTICE IS  
2 SENT, THE PROVISIONS OF SUBSECTIONS (5)(b) TO (5)(g) OF THIS SECTION  
3 APPLY.

4 [REDACTED]  
5 (i) WITH THE VICTIM'S CONSENT, THE PROSECUTING ATTORNEY  
6 MAY AGREE AT THE TIME OF A PLEA THAT THERE WILL BE NO OBJECTION  
7 TO EXPUNGEMENT UPON THE COMPLETION OF THE JUVENILE'S SENTENCE.  
8 IN SUCH A CASE, THE COURT SHALL ORDER ALL RECORDS OF THE CASE IN  
9 THE CUSTODY OF THE COURT, AND ANY RECORDS RELATED TO THE CASE  
10 OR CHARGES IN THE CUSTODY OF ANY OTHER AGENCY, PERSON, COMPANY,  
11 OR ORGANIZATION, EXPUNGED UPON COMPLETION OF THE JUVENILE'S  
12 SENTENCE. A HEARING IS NOT REQUIRED.

13 (j) A PERSON MAY FILE A PETITION WITH THE COURT FOR  
14 EXPUNGEMENT OF HIS OR HER RECORD PURSUANT TO THIS SUBSECTION (5)  
15 ONLY ONCE DURING A TWELVE-MONTH PERIOD.

16 (6) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (4) AND  
17 (5) OF THIS SECTION, A COURT SHALL NOT EXPUNGE THE RECORD OF A  
18 PERSON WHO IS:

19 (a) ADJUDICATED AS AN AGGRAVATED JUVENILE OFFENDER  
20 PURSUANT TO SECTION 19-2-516 (4);

21 (b) ADJUDICATED OF HOMICIDE AND RELATED OFFENSES  
22 PURSUANT TO PART 1 OF ARTICLE 3 OF TITLE 18;

23 (c) ADJUDICATED FOR A FELONY OFFENSE INVOLVING UNLAWFUL  
24 SEXUAL BEHAVIOR AS DESCRIBED IN SECTION 16-22-102 (9); OR

25 (d) ADJUDICATED AS A MANDATORY SENTENCE OFFENDER  
26 PURSUANT TO SECTION 19-2-516 (1), A REPEAT JUVENILE OFFENDER  
27 PURSUANT TO SECTION 19-2-516 (2), OR A VIOLENT JUVENILE OFFENDER

1 PURSUANT TO SECTION 19-2-516 (3).

2 (7) **Municipal court records.** (a) THE COURT SHALL SEND NOTICE  
3 TO THE PROSECUTING ATTORNEY THAT ALL RECORDS IN A CASE CHARGING  
4 A JUVENILE WITH A VIOLATION OF A MUNICIPAL CODE OR ORDINANCE, ALL  
5 RECORDS OF THE CASE IN THE CUSTODY OF THE COURT, AND ANY RECORDS  
6 RELATED TO THE CASE OR CHARGES IN THE CUSTODY OF ANY OTHER  
7 AGENCY, PERSON, COMPANY, OR ORGANIZATION WILL BE EXPUNGED  
8 FORTY-TWO DAYS AFTER COMPLETION OF THE MUNICIPAL SENTENCE.

9 (b) (I) UPON ISSUANCE OF THE NOTICE FROM THE COURT, THE  
10 SUPERVISING AGENCY SHALL PREPARE A SUMMARY REPORT OF THE  
11 SUPERVISION OUTLINING THE PERFORMANCE OF THE JUVENILE WHILE  
12 UNDER SUPERVISION. THE SUPERVISING AGENCY SHALL PROVIDE THE  
13 REPORT TO THE COURT, THE PROSECUTING ATTORNEY, THE JUVENILE, AND  
14 THE JUVENILE'S ATTORNEY OF RECORD WITHIN TWENTY-EIGHT DAYS OF  
15 THE NOTICE FROM THE COURT.

16 (II) IF THERE IS NOT A SUPERVISING AGENCY AND THE  
17 PROSECUTING ATTORNEY DOES NOT FILE AN OBJECTION WITHIN  
18 FORTY-TWO DAYS AFTER RECEIPT OF THE NOTICE FROM THE COURT  
19 PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION, THE MUNICIPAL COURT  
20 SHALL ORDER ALL RECORDS RELATED TO THE CASE AND CHARGES IN THE  
21 CUSTODY OF ANY OTHER AGENCY, PERSON, COMPANY, OR ORGANIZATION  
22 EXPUNGED.

23 (c) IF THE PROSECUTING ATTORNEY DOES NOT FILE AN OBJECTION  
24 WITHIN FORTY-TWO DAYS AFTER RECEIPT OF THE NOTICE FROM THE COURT  
25 PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION, THE MUNICIPAL COURT  
26 SHALL ORDER ALL RECORDS RELATED TO THE CASE AND CHARGES IN THE  
27 CUSTODY OF ANY OTHER AGENCY, PERSON, COMPANY, OR ORGANIZATION

1 EXPUNGED.

2 (d) IF THE PROSECUTING ATTORNEY FILES AN OBJECTION WITHIN  
3 FORTY-TWO DAYS AFTER RECEIPT OF THE NOTICE BY THE COURT  
4 PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION, THE COURT SHALL  
5 SCHEDULE A HEARING ON THE ISSUE OF EXPUNGEMENT. THE COURT SHALL  
6 NOTIFY THE PROSECUTING ATTORNEY OF THE HEARING DATE.

7 (e) IF A HEARING IS SCHEDULED PURSUANT TO SUBSECTION (7)(d)  
8 OF THIS SECTION, THE COURT SHALL SEND NOTICE TO THE LAST KNOWN  
9 ADDRESS OF THE JUVENILE NOTIFYING THE JUVENILE OF THE DATE OF THE  
10 HEARING AND OF THE JUVENILE'S RIGHT TO APPEAR AT THE HEARING AND  
11 TO PRESENT EVIDENCE TO THE COURT IN WRITING PRIOR TO THE HEARING  
12 AND IN PERSON AT THE HEARING. THE NOTICE MUST INDICATE THAT, AT  
13 THE HEARING, THE COURT WILL CONSIDER WHETHER THE JUVENILE HAS  
14 BEEN REHABILITATED AND WHETHER THE EXPUNGEMENT IS IN THE BEST  
15 INTEREST OF THE JUVENILE AND THE COMMUNITY. THE JUVENILE IS NOT  
16 REQUIRED TO APPEAR AT THE HEARING.

17 (f) AT A HEARING HELD PURSUANT TO THIS SUBSECTION (7), THE  
18 COURT SHALL ORDER ALL RECORDS OF THE CASE IN THE CUSTODY OF THE  
19 COURT, AND ANY RECORDS RELATED TO THE CASE OR CHARGES IN THE  
20 CUSTODY OF ANY OTHER AGENCY, PERSON, COMPANY, OR ORGANIZATION,  
21 EXPUNGED IF THE COURT MAKES WRITTEN FINDINGS THAT THE JUVENILE  
22 SUCCESSFULLY COMPLETED THE SENTENCE OR THE MUNICIPAL COURT  
23 CASE IS CLOSED.

24

25 (g) ON NOVEMBER 1 OF EACH YEAR, THE MUNICIPAL COURT SHALL  
26 REVIEW ALL JUVENILE COURT FILES DURING THE TWO PREVIOUS YEARS  
27 THAT RESULTED IN A FINDING OF NOT GUILTY OR GUILTY OR RESULTED IN

1 DIVERSION, DEFERRED JUDGMENT, DISMISSAL, OR OTHER DISPOSITION OR  
2 RESOLUTION, AND ENTER AN EXPUNGEMENT ORDER FOR ALL JUVENILES  
3 ELIGIBLE FOR EXPUNGEMENT PURSUANT TO THIS SUBSECTION (7) IF THE  
4 EXPUNGEMENT ORDER WAS NOT PREVIOUSLY MADE.

5 (h) IN THE EVENT THAT MUNICIPAL RECORDS HAVE NOT BEEN  
6 EXPUNGED PURSUANT TO THIS SECTION, AN INDIVIDUAL MAY PETITION THE  
7 JUVENILE COURT IN THE JUDICIAL DISTRICT WHERE THE MUNICIPALITY IS  
8 LOCATED TO EXPUNGE RECORDS OF A MUNICIPAL CASE BROUGHT AGAINST  
9 A JUVENILE. EXPUNGEMENT PROCEEDINGS PURSUANT TO THIS SUBSECTION  
10 (7) MUST BE INITIATED BY THE FILING OF A PETITION REQUESTING AN  
11 ORDER OF EXPUNGEMENT. A FILING FEE, NOTARIZATION, OR OTHER  
12 FORMALITIES SHALL NOT BE REQUIRED. IF THE PETITION IS NOT GRANTED  
13 WITHOUT A HEARING, THE COURT SHALL SET A DATE FOR A HEARING ON  
14 THE PETITION FOR EXPUNGEMENT AND SHALL NOTIFY THE APPROPRIATE  
15 PROSECUTING ATTORNEY.

16 (i) THE COURT SHALL ORDER ALL RECORDS RELATED TO THE  
17 MUNICIPAL CASE IN THE CUSTODY OF THE COURT, AND ANY RECORDS  
18 RELATED TO THE CASE AND CHARGES IN THE CUSTODY OF ANY OTHER  
19 AGENCY, PERSON, COMPANY, OR ORGANIZATION, EXPUNGED PURSUANT TO  
20 THIS SUBSECTION (7) IF THE COURT FINDS THAT THE SENTENCE HAS BEEN  
21 COMPLETED OR THE MUNICIPAL COURT CASE IS CLOSED.

22 (8) UPON THE ENTRY OF AN ORDER EXPUNGING A RECORD  
23 PURSUANT TO THIS SECTION, THE COURT SHALL ORDER, IN WRITING, THE  
24 EXPUNGEMENT OF ALL CASE RECORDS IN THE CUSTODY OF THE COURT AND  
25 ANY RECORDS RELATED TO THE CASE AND CHARGES IN THE CUSTODY OF  
26 ANY OTHER AGENCY, PERSON, COMPANY, OR ORGANIZATION. THE COURT  
27 MAY ORDER EXPUNGED ANY RECORDS, BUT, AT A MINIMUM, THE

1 FOLLOWING RECORDS MUST BE EXPUNGED PURSUANT TO EVERY  
2 EXPUNGEMENT ORDER:

- 3 (a) ALL COURT RECORDS;
- 4 (b) ALL RECORDS RETAINED WITHIN THE OFFICE OF THE  
5 PROSECUTING ATTORNEY;
- 6 (c) ALL PROBATION AND PAROLE RECORDS;
- 7 (d) ALL LAW ENFORCEMENT RECORDS;
- 8 (e) ALL DEPARTMENT OF HUMAN SERVICES RECORDS, INCLUDING  
9 DISASSOCIATING THE OFFENSE AND THE DISPOSITION INFORMATION FROM  
10 THE NAME OF THE YOUTH IN THE MANAGEMENT INFORMATION SYSTEM;
- 11 (f) ALL DIVISION OF YOUTH CORRECTIONS RECORDS;
- 12 (g) ALL DEPARTMENT OF CORRECTIONS RECORDS; AND
- 13 (h) REFERENCES TO THE CRIMINAL CASE OR CHARGE CONTAINED  
14 IN THE SCHOOL RECORDS.

15 (9) WHEN AN EXPUNGEMENT ORDER IS ISSUED PURSUANT TO THIS  
16 SECTION, THE COURT SHALL SEND A COPY OF THE ORDER TO THE JUVENILE,  
17 THE JUVENILE'S LAST ATTORNEY OF RECORD, AND EACH AGENCY, PERSON,  
18 COMPANY, OR ORGANIZATION NAMED THEREIN, DIRECTING THE ENTITY TO  
19 EXPUNGE ITS RECORDS WITHIN THIRTY-FIVE DAYS AFTER THE RECEIPT OF  
20 THE ORDER. EACH SUCH AGENCY, PERSON, COMPANY, OR ORGANIZATION  
21 SHALL EXPUNGE THE RECORDS IN ITS CUSTODY AS DIRECTED BY THE  
22 ORDER. THE PERSON WHO IS THE SUBJECT OF RECORDS EXPUNGED  
23 PURSUANT TO THIS SECTION MAY PETITION THE COURT TO PERMIT  
24 INSPECTION OF THE RECORDS HELD BY PERSONS NAMED IN THE ORDER,  
25 AND THE COURT MAY SO ORDER.

26 (10) ANY AGENCY, PERSON, COMPANY, OR ORGANIZATION THAT  
27 VIOLATES THIS SECTION AND KNEW OR SHOULD HAVE KNOWN THAT THE

1 RECORDS IN QUESTION WERE SUBJECT TO AN EXPUNGEMENT ORDER MAY  
2 BE SUBJECT TO CRIMINAL AND CIVIL CONTEMPT OF COURT AND MAY BE  
3 PUNISHED BY A FINE.

4 (11) EMPLOYERS; EDUCATIONAL INSTITUTIONS; LANDLORDS; AND  
5 STATE AND LOCAL GOVERNMENT AGENCIES, OFFICIALS, AND EMPLOYEES  
6 SHALL NOT, IN ANY APPLICATION OR INTERVIEW OR IN ANY OTHER WAY,  
7 REQUIRE AN APPLICANT TO DISCLOSE ANY INFORMATION CONTAINED IN  
8 EXPUNGED RECORDS. IN ANSWER TO ANY QUESTION CONCERNING ARREST  
9 OR JUVENILE AND CRIMINAL RECORDS INFORMATION THAT HAS BEEN  
10 EXPUNGED, AN APPLICANT NEED NOT INCLUDE A REFERENCE TO OR  
11 INFORMATION CONCERNING THE EXPUNGED INFORMATION AND MAY STATE  
12 THAT NO RECORD EXISTS. AN APPLICATION MAY NOT BE DENIED SOLELY  
13 BECAUSE OF THE APPLICANT'S REFUSAL TO DISCLOSE RECORDS OR  
14 INFORMATION THAT HAS BEEN EXPUNGED.

15 (12) NOTHING IN THIS SECTION AUTHORIZES THE PHYSICAL  
16 DESTRUCTION OF ANY CRIMINAL JUSTICE RECORD.

17 **SECTION 3.** In Colorado Revised Statutes, **add** 16-18.5-112 as  
18 follows:

19 **16-18.5-112. Effect of expungement.** NOTWITHSTANDING THE  
20 ENTRY OF AN ORDER OF EXPUNGEMENT PURSUANT TO SECTION 19-1-306,  
21 THE PROVISIONS OF THIS ARTICLE 18.5 APPLY.

22 **SECTION 4.** In Colorado Revised Statutes, 18-7-201.3, **repeal**  
23 (2)(b) as follows:

24 **18-7-201.3. Affirmative defense - human trafficking -**  
25 **expungement of record protective order - definitions.** (2) (b) ~~A~~  
26 ~~juvenile charged with or adjudicated of prostitution, as described in~~  
27 ~~section 18-7-201 or any corresponding municipal code or ordinance, for~~



1 ~~an offense committed before July 1, 2015, which offense was committed~~  
2 ~~as a direct result of being a victim of human trafficking, as defined in~~  
3 ~~subsection (4) of this section, may apply to the court for expungement of~~  
4 ~~his or her record pursuant to section 19-1-306, C.R.S.~~

5 **SECTION 5.** In Colorado Revised Statutes, 24-4.1-302, **amend**  
6 (2)(r.3) as follows:

7 **24-4.1-302. Definitions.** As used in this part 3, and for no other  
8 purpose, including the expansion of the rights of any defendant:

9 (2) "Critical stages" means the following stages of the criminal  
10 justice process:

11 (r.3) (I) EXCEPT AS PROVIDED IN SUBSECTION (2)(r.3)(II) OF THIS  
12 SECTION, any hearing concerning a petition for expungement as described  
13 in ~~section 19-1-306 (5) (a), C.R.S.;~~ SECTION 19-1-306.

14 (II) THE ENTRY OF AN ORDER OF EXPUNGEMENT IS NOT A CRITICAL  
15 STAGE IF:

16 (A) THE CASE RESULTED IN A NOT GUILTY VERDICT AT TRIAL;

17 (B) THE CASE WAS DISMISSED IN ITS ENTIRETY;

18 (C) THE JUVENILE COMPLETED A SENTENCE FOR A PETTY OFFENSE,  
19 ANY DRUG PETTY OFFENSE, ANY LEVEL 1 OR LEVEL 2 DRUG MISDEMEANOR,  
20 OR A CLASS 2 OR CLASS 3 MISDEMEANOR OFFENSE NOT INVOLVING  
21 UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-109 (9),  
22 DOMESTIC VIOLENCE AS DESCRIBED IN SECTION 18-6-800.3, OR A CRIME  
23 THAT IS NOT A CRIME LISTED UNDER SECTION 24-4.1-302 (1); OR

24 (D) THE JUVENILE COMPLETED A SENTENCE FOR A MUNICIPAL  
25 OFFENSE NOT INVOLVING DOMESTIC VIOLENCE AS DESCRIBED IN SECTION  
26 18-6-800.3.

27 **SECTION 6.** In Colorado Revised Statutes, 24-4.1-302.5, **amend**

1 (1)(d)(VIII) as follows:

2 **24-4.1-302.5. Rights afforded to victims.** (1) In order to  
3 preserve and protect a victim's rights to justice and due process, each  
4 victim of a crime has the following rights:

5 (d) The right to be heard at any court proceeding:

6 (VIII) Involving a petition for expungement as described in  
7 ~~section 19-1-306 (5) (a), C.R.S.~~ SECTION 19-1-306.

8 **SECTION 7.** In Colorado Revised Statutes, 24-33.5-412, **amend**  
9 (3)(a); and **repeal** (3)(b) as follows:

10 **24-33.5-412. Functions of bureau - legislative review -**  
11 **interagency cooperation with reporting functions - processing time**  
12 **for criminal history record checks - computer crime - synthetic**  
13 **cannabinoids enforcement.** (3) (a) Any other provision of law to the  
14 contrary notwithstanding and excluding title 19, ~~C.R.S.~~, ~~except as~~  
15 ~~provided in paragraph (b) of this subsection (3)~~, on and after July 1, 1971,  
16 in accordance with a program to be established by the bureau, every law  
17 enforcement, correctional, and judicial entity, agency, or facility in this  
18 state shall furnish to the bureau all arrest, identification, and final charge  
19 dispositional information on persons arrested in Colorado for federal,  
20 state, or out-of-state criminal offenses and on persons received for service  
21 of any sentence of incarceration. The department of corrections shall  
22 furnish its information to the bureau within twenty-four hours of the time  
23 a person is received into the custody of the department for service of  
24 sentence and prior to twenty-four hours of the time of the person's final  
25 discharge from supervision. The department shall also report to the  
26 bureau a person's release to parole or to a community correctional facility  
27 or program prior to twenty-four hours of such release. The provision of

1 information required by this subsection (3) shall be made in a manner  
2 prescribed by the bureau; except that the provision of information by  
3 judicial entities, agencies, and facilities shall be under procedures to be  
4 established jointly by the state court administrator and the director.

5 (b) ~~On or after July 1, 1983, the bureau may establish a program~~  
6 ~~under which every entity, agency, or facility specified in paragraph (a) of~~  
7 ~~this subsection (3) shall furnish to the bureau the information specified in~~  
8 ~~section 19-1-306 (3), C.R.S.~~

9 **SECTION 8. Effective date.** This act takes effect September 1,  
10 2017.

11 **SECTION 9. Safety clause.** The general assembly hereby finds,  
12 determines, and declares that this act is necessary for the immediate  
13 preservation of the public peace, health, and safety.