

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

**PREAMENDED**

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

LLS NO. 19-0336.03 Michael Dohr x4347

**HOUSE BILL 19-1275**

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**HOUSE SPONSORSHIP**

**Weissman and Soper,**

**SENATE SPONSORSHIP**

**Lee,**

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**House Committees**

Judiciary  
Finance

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING INCREASED ELIGIBILITY FOR THE SEALING OF CRIMINAL**  
102                    **JUSTICE RECORDS BY INDIVIDUALS WHO ARE NOT UNDER**  
103                    **SUPERVISION.**

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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>.)*

The bill repeals and reenacts the statutes related to sealing criminal justice records. The bill creates a simplified process to seal criminal justice records when:

- !      A case against a defendant is completely dismissed because the defendant is acquitted of all counts in the case;

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

- ! The defendant completes a diversion agreement when a criminal case has been filed; or
- ! The defendant completes a deferred judgment and sentence and all counts are dismissed.

The court seals those records within the criminal case without requiring the defendant to file a separate civil action.

The bill allows a defendant to petition for sealing criminal justice records when there is a criminal conviction and without requiring the defendant to file a separate civil action as follows:

- ! If the offense is a petty offense or a drug petty offense, the motion may be filed one year after the later of the date of the final disposition of all criminal proceedings against the defendant or the release of the defendant from supervision concerning a criminal conviction. The court seals the records if the defendant has not been convicted of a criminal offense since the later of the above dates.
- ! If the offense is a class 2 or 3 misdemeanor or any drug misdemeanor, the motion may be filed 2 years after the later of the date of the final disposition of all criminal proceedings against the defendant or the release of the defendant from supervision concerning a criminal conviction. The district attorney can object to the sealing. If the district attorney does not object, the court seals the case if the defendant has not been convicted of a criminal offense since the later of the above dates. If the district attorney objects, the court makes the determination after a hearing.
- ! If the offense is a class 4, 5, or 6 felony, a level 3 or 4 drug felony, or a class 1 misdemeanor, the motion may be filed 3 years after the later of the date of the final disposition of all criminal proceedings against the defendant or the release of the defendant from supervision concerning a criminal conviction. The district attorney can object to the sealing. If the district attorney does not object, the court seals the case if the defendant has not been convicted of a criminal offense since the later of the above dates. If the district attorney objects, the court makes the determination after a hearing and considering the district attorney's position.
- ! For all other offenses, the petition may be filed 5 years after the later of the date of the final disposition of all criminal proceedings against the defendant or the release of the defendant from supervision concerning a criminal conviction. The district attorney can object to the sealing. If the district attorney does not object, the court seals the

case if the defendant has not been convicted of a criminal offense since the later of the above dates. If the district attorney objects, the court makes the determination after a hearing and considering the district attorney's position.

The bill specifies the offenses for which sealing is not eligible. The bill retains the specific record sealing provisions for when no charges are filed and for victims of human trafficking, municipal offenses, and posting intimate photos of a person offenses.

The bill creates a process for a person with multiple conviction records that are eligible for sealing due to an intervening conviction to petition the court in a civil proceeding to have the records sealed. The district attorney has an opportunity to object, and if the district attorney objects, the court sets the matter for hearing to determine whether to seal the records.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact, with**  
3 **amendments,** part 7 of article 72 of title 24 as follows:

4 PART 7

5 CRIMINAL JUSTICE RECORD SEALING

6 **24-72-701. Definitions.** AS USED IN THIS PART 7, UNLESS THE  
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "ARREST AND CRIMINAL RECORDS INFORMATION" HAS THE  
9 SAME MEANING AS IN SECTION 24-72-302.

10 (2) "BASIC IDENTIFICATION INFORMATION" HAS THE SAME  
11 MEANING AS IN SECTION 24-72-302.

12 (3) "CONVICTION RECORDS" MEANS ARREST AND CRIMINAL  
13 RECORDS INFORMATION AND ANY RECORDS PERTAINING TO A JUDGMENT  
14 OF CONVICTION.

15 (4) "CRIMINAL JUSTICE AGENCIES" HAS THE SAME MEANING AS IN  
16 SECTION 24-72-302.

17 (5) "CUSTODIAN" HAS THE SAME MEANING AS IN SECTION

1 24-72-302.

2 (6) "OFFICIAL ACTIONS" HAS THE SAME MEANING AS IN SECTION  
3 24-72-302.

4 (7) "PERSON IN INTEREST" HAS THE SAME MEANING AS IN SECTION  
5 24-72-302.

6 (8) "PRIVATE CUSTODIAN" HAS THE SAME MEANING AS IN SECTION  
7 24-72-302.

8 (9) "VICTIM" MEANS ANY NATURAL PERSON AGAINST WHOM ANY  
9 CRIME HAS BEEN PERPETRATED OR ATTEMPTED, UNLESS THE PERSON IS  
10 ACCOUNTABLE FOR THE CRIME OR A CRIME ARISING FROM THE SAME  
11 CONDUCT OR PLAN AS THE CRIME IS DEFINED UNDER THE LAWS OF THIS  
12 STATE OR OF THE UNITED STATES, OR, IF SUCH PERSON IS DECEASED OR  
13 INCAPACITATED, THE PERSON'S SPOUSE, PARENT, LEGAL GUARDIAN, CHILD,  
14 SIBLING, GRANDPARENT, GRANDCHILD, SIGNIFICANT OTHER, OR OTHER  
15 LAWFUL REPRESENTATIVE.

16 **24-72-702. Expungement of arrest records in case of mistaken**  
17 **identity - definitions.** (1) (a) NOTWITHSTANDING ANY OTHER PROVISION  
18 OF LAW, A COURT SHALL EXPUNGE THE ARREST AND CRIMINAL RECORDS  
19 INFORMATION OF A PERSON WHO WAS ARRESTED AS A RESULT OF  
20 MISTAKEN IDENTITY AND WHO DID NOT HAVE CHARGES FILED AGAINST HIM  
21 OR HER.

22 (b) NO LATER THAN NINETY DAYS AFTER AN INVESTIGATION BY A  
23 LAW ENFORCEMENT AGENCY FINDS THAT A PERSON WAS ARRESTED AS A  
24 RESULT OF MISTAKEN IDENTITY AND NO CHARGES WERE FILED, THE LAW  
25 ENFORCEMENT AGENCY THAT MADE THE ARREST SHALL PETITION THE  
26 DISTRICT COURT IN THE JUDICIAL DISTRICT WHERE THE PERSON WAS  
27 ARRESTED FOR AN EXPUNGEMENT ORDER FOR THE ARREST AND CRIMINAL

1 RECORDS INFORMATION MADE AS A RESULT OF THE MISTAKEN IDENTITY,  
2 AT NO COST TO THE PERSON ARRESTED. A PETITION FILED PURSUANT TO  
3 THIS SUBSECTION (1)(b) IS NOT SUBJECT TO A FILING FEE.

4 (c) NO LATER THAN NINETY DAYS AFTER RECEIVING THE PETITION,  
5 THE COURT SHALL ORDER THE EXPUNGEMENT OF THE ARREST AND  
6 CRIMINAL RECORDS INFORMATION AND ALL OTHER ADMINISTRATIVE  
7 RECORDS OF THE LAW ENFORCEMENT AGENCY RELATING TO THE PERSON'S  
8 ARREST AS A RESULT OF MISTAKEN IDENTITY.

9 (2) THE COURTS SHALL DIRECT ANY ORDER ENTERED PURSUANT TO  
10 SUBSECTION (1)(c) OF THIS SECTION TO EVERY CUSTODIAN WHO MAY HAVE  
11 CUSTODY OF ANY PART OF THE ARREST AND CRIMINAL RECORDS  
12 INFORMATION THAT IS THE SUBJECT OF THE ORDER. WHEN A COURT  
13 ENTERS AN ORDER EXPUNGING CRIMINAL RECORDS PURSUANT TO  
14 SUBSECTION (1)(c) OF THIS SECTION, THE PETITIONER SHALL PROVIDE THE  
15 COLORADO BUREAU OF INVESTIGATION AND EVERY CUSTODIAN OF SUCH  
16 RECORDS WITH A COPY OF THE ORDER. THE PETITIONER SHALL PROVIDE A  
17 PRIVATE CUSTODIAN WITH A COPY OF THE ORDER AND SEND THE PRIVATE  
18 CUSTODIAN AN ELECTRONIC NOTIFICATION OF THE ORDER. EACH PRIVATE  
19 CUSTODIAN THAT RECEIVES A COPY OF THE ORDER FROM THE PETITIONER  
20 SHALL REMOVE THE RECORDS THAT ARE SUBJECT TO THE ORDER FROM ITS  
21 DATABASE. THEREAFTER, THE COURT MAY ISSUE AN ORDER SEALING THE  
22 CIVIL CASE IN WHICH THE RECORDS WERE SEALED.

23 (3) UPON THE ENTRY OF AN ORDER TO EXPUNGE THE RECORDS, THE  
24 PETITIONER AND ALL CRIMINAL JUSTICE AGENCIES MAY PROPERLY REPLY,  
25 UPON ANY INQUIRY INTO THE MATTER, THAT NO SUCH RECORDS EXIST  
26 WITH RESPECT TO THE PERSON.

27 (4) EMPLOYERS, EDUCATIONAL INSTITUTIONS, STATE AND LOCAL

1 GOVERNMENT AGENCIES, OFFICIALS, AND EMPLOYEES SHALL NOT, IN ANY  
2 APPLICATION OR INTERVIEW OR IN ANY OTHER WAY, REQUIRE AN  
3 APPLICANT TO DISCLOSE ANY INFORMATION CONTAINED IN EXPUNGED  
4 RECORDS. AN APPLICANT NEED NOT, IN ANSWER TO ANY QUESTION  
5 CONCERNING ARREST AND CRIMINAL RECORDS INFORMATION THAT HAS  
6 BEEN EXPUNGED, INCLUDE A REFERENCE TO OR INFORMATION  
7 CONCERNING THE EXPUNGED INFORMATION AND MAY STATE THAT NO  
8 SUCH ACTION HAS EVER OCCURRED. SUCH AN APPLICATION MAY NOT BE  
9 DENIED SOLELY BECAUSE OF THE APPLICANT'S REFUSAL TO DISCLOSE  
10 ARREST AND CRIMINAL RECORDS INFORMATION THAT HAS BEEN  
11 EXPUNGED.

12 (5) FOR PURPOSES OF THIS SECTION:

13 (a) "LAW ENFORCEMENT AGENCY" MEANS THE COLORADO STATE  
14 PATROL OR THE AGENCY OF A STATE OR LOCAL GOVERNMENT AUTHORIZED  
15 TO ENFORCE THE LAWS OF COLORADO.

16 (b) "MISTAKEN IDENTITY" MEANS THE MISIDENTIFICATION BY A  
17 WITNESS OR LAW ENFORCEMENT, CONFUSION ON THE PART OF A WITNESS  
18 OR LAW ENFORCEMENT AS TO THE IDENTITY OF THE PERSON WHO  
19 COMMITTED THE CRIME, MISINFORMATION PROVIDED TO LAW  
20 ENFORCEMENT AS TO THE IDENTITY OF THE PERSON WHO COMMITTED THE  
21 CRIME, OR SOME OTHER MISTAKE ON THE PART OF A WITNESS OR LAW  
22 ENFORCEMENT AS TO THE IDENTITY OF THE PERSON WHO COMMITTED THE  
23 CRIME.

24 **24-72-703. Sealing of arrest and criminal records - general**  
25 **provisions - order applicability - discovery and advisements.**

26 (1) **Applicability.** THE PROVISIONS OF THIS SECTION SHALL APPLY TO  
27 THE SEALING OF ARREST AND CRIMINAL RECORDS PURSUANT TO SECTIONS

1 24-72-704 TO 24-72-709.

2 (2) **Effect of a sealing order.** (a) (I) AN ORDER SEALING ARREST  
3 OR OTHER CRIMINAL RECORDS DOES NOT DENY ACCESS TO THE CRIMINAL  
4 RECORDS OF A PETITIONER OR DEFENDANT BY ANY COURT, LAW  
5 ENFORCEMENT AGENCY, CRIMINAL JUSTICE AGENCY, PROSECUTING  
6 ATTORNEY, OR PARTY OR AGENCY REQUIRED BY LAW TO CONDUCT A  
7 CRIMINAL HISTORY RECORD CHECK ON AN INDIVIDUAL.

8 (II) AN ORDER SEALING CONVICTION RECORDS DOES NOT VACATE  
9 A CONVICTION.

10 (III) A CONVICTION SEALED PURSUANT TO THIS ARTICLE 72 MAY  
11 BE USED BY A CRIMINAL JUSTICE AGENCY, LAW ENFORCEMENT AGENCY,  
12 COURT, OR PROSECUTING ATTORNEY FOR ANY LAWFUL PURPOSE RELATING  
13 TO THE INVESTIGATION OR PROSECUTION OF ANY CASE, INCLUDING BUT  
14 NOT LIMITED TO ANY SUBSEQUENT CASE THAT IS FILED AGAINST THE  
15 PETITIONER OR DEFENDANT, OR FOR ANY OTHER LAWFUL PURPOSE WITHIN  
16 THE SCOPE OF HIS, HER, OR ITS DUTIES. A PARTY OR AGENCY REQUIRED BY  
17 LAW TO CONDUCT A CRIMINAL HISTORY RECORD CHECK IS AUTHORIZED TO  
18 USE ANY SEALED CONVICTION FOR THE LAWFUL PURPOSE FOR WHICH THE  
19 CRIMINAL HISTORY RECORD CHECK IS REQUIRED BY LAW.

20 (IV) CRIMINAL JUSTICE INFORMATION AND CRIMINAL JUSTICE  
21 RECORDS IN THE POSSESSION OF A CRIMINAL JUSTICE AGENCY MAY BE  
22 SHARED WITH ANY OTHER CRIMINAL JUSTICE AGENCY WHEN AN INQUIRY  
23 CONCERNING THE ARREST AND CRIMINAL JUSTICE INFORMATION OR  
24 RECORDS IS MADE.

25 (V) IF A DEFENDANT IS CONVICTED OF A NEW CRIMINAL OFFENSE  
26 AFTER AN ORDER SEALING CONVICTION RECORDS IS ENTERED, THE COURT  
27 SHALL ORDER THE CONVICTION RECORDS TO BE UNSEALED.

1 (b) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1)(a)(I) OF  
2 THIS SECTION, UPON THE ENTRY OF AN ORDER TO SEAL THE CRIMINAL  
3 RECORDS, THE DEFENDANT AND ALL CRIMINAL JUSTICE AGENCIES MAY  
4 PROPERLY REPLY, UPON AN INQUIRY INTO THE MATTER, THAT PUBLIC  
5 CRIMINAL RECORDS DO NOT EXIST WITH RESPECT TO THE PETITIONER OR  
6 DEFENDANT.

7 (c) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1)(a)(I) OF  
8 THIS SECTION, INSPECTION OF THE RECORDS INCLUDED IN AN ORDER  
9 SEALING CRIMINAL RECORDS MAY THEREAFTER BE PERMITTED BY THE  
10 COURT ONLY UPON PETITION BY THE PETITIONER OR DEFENDANT.

11 (d) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1)(a)(I)  
12 OF THIS SECTION, EMPLOYERS, STATE AND LOCAL GOVERNMENT AGENCIES,  
13 OFFICIALS, LANDLORDS, AND EMPLOYEES SHALL NOT REQUIRE AN  
14 APPLICANT TO DISCLOSE ANY INFORMATION CONTAINED IN SEALED  
15 CONVICTION RECORDS IN ANY APPLICATION OR INTERVIEW OR IN ANY  
16 OTHER WAY. AN APPLICANT DOES NOT NEED TO INCLUDE A REFERENCE TO  
17 OR INFORMATION CONCERNING THE SEALED CONVICTION RECORDS IN  
18 ANSWER TO ANY QUESTION CONCERNING CONVICTION RECORDS THAT  
19 HAVE BEEN SEALED AND MAY STATE THAT THE APPLICANT HAS NOT BEEN  
20 CRIMINALLY CONVICTED. AN APPLICATION MAY NOT BE DENIED SOLELY  
21 BECAUSE OF THE APPLICANT'S REFUSAL TO DISCLOSE CONVICTION  
22 RECORDS THAT HAVE BEEN SEALED.

23 (II) SUBSECTION (2)(d)(I) OF THIS SECTION DOES NOT PRECLUDE  
24 THE BAR COMMITTEE OF THE COLORADO STATE BOARD OF LAW  
25 EXAMINERS FROM MAKING FURTHER INQUIRIES INTO THE FACT OF A  
26 CONVICTION THAT COMES TO THE ATTENTION OF THE BAR COMMITTEE  
27 THROUGH OTHER MEANS. THE BAR COMMITTEE OF THE COLORADO STATE



1 BOARD OF LAW EXAMINERS HAS A RIGHT TO INQUIRE INTO THE MORAL AND  
2 ETHICAL QUALIFICATIONS OF AN APPLICANT, AND THE APPLICANT HAS NO  
3 RIGHT TO PRIVACY OR PRIVILEGE THAT JUSTIFIES HIS OR HER REFUSAL TO  
4 ANSWER ANY QUESTION CONCERNING ARREST AND CRIMINAL RECORDS  
5 INFORMATION THAT HAS COME TO THE ATTENTION OF THE BAR COMMITTEE  
6 THROUGH OTHER MEANS.

7 (III) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2)(d)(I)  
8 OF THIS SECTION, THE DEPARTMENT OF EDUCATION MAY REQUIRE A  
9 LICENSED EDUCATOR OR AN APPLICANT FOR AN EDUCATOR'S LICENSE WHO  
10 FILES A PETITION TO SEAL A CRIMINAL RECORD TO NOTIFY THE  
11 DEPARTMENT OF EDUCATION OF THE PENDING PETITION TO SEAL. THE  
12 DEPARTMENT OF EDUCATION HAS THE RIGHT TO INQUIRE INTO THE FACTS  
13 OF THE CRIMINAL OFFENSE FOR WHICH THE PETITION TO SEAL IS PENDING.  
14 THE EDUCATOR OR APPLICANT HAS NO RIGHT TO PRIVACY OR PRIVILEGE  
15 THAT JUSTIFIES HIS OR HER REFUSAL TO ANSWER ANY QUESTIONS OF THE  
16 DEPARTMENT OF EDUCATION CONCERNING THE ARREST AND CRIMINAL  
17 RECORDS INFORMATION CONTAINED IN THE PENDING PETITION TO SEAL.

18 (3) A PERSON MAY ONLY FILE A PETITION WITH THE COURT FOR  
19 SEALING OF EACH CASE ONCE EVERY TWELVE-MONTH PERIOD, UNLESS  
20 OTHERWISE PROVIDED BY THE COURT.

21 (4) NOTHING IN THIS PART 7 REGARDING SEALING OF RECORDS  
22 AUTHORIZES THE PHYSICAL DESTRUCTION OF ANY CONVICTION RECORDS.

23 (5) (a) INSPECTION OF THE COURT RECORDS INCLUDED IN AN  
24 ORDER SEALING CRIMINAL RECORDS MAY BE PERMITTED BY THE COURT  
25 ONLY UPON PETITION BY THE PETITIONER OR THE DEFENDANT WHO IS THE  
26 SUBJECT OF THE RECORDS OR BY THE PROSECUTING ATTORNEY AND ONLY  
27 FOR THOSE PURPOSES NAMED IN THE PETITION. THIS PETITION TO INSPECT

1 THE CRIMINAL JUSTICE RECORDS MUST BE FILED BY THE PETITIONING  
2 PARTY WITHIN THE CASE IN WHICH THE SEALING ORDER WAS ENTERED.

3 (b) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (1)(b)  
4 AND (1)(c) OF THIS SECTION, THE PROSECUTING ATTORNEY OR THE LAW  
5 ENFORCEMENT AGENCY MAY RELEASE TO THE VICTIM IN THE SEALED CASE  
6 COPIES OF POLICE REPORTS OR ANY PROTECTION ORDERS ISSUED IN THE  
7 SEALED CASE IF THE VICTIM DEMONSTRATES TO THE PROSECUTING  
8 ATTORNEY OR LAW ENFORCEMENT AGENCY A NEED FOR THE REPORTS OR  
9 COURT ORDERS FOR A LAWFUL PURPOSE. THE PROSECUTING ATTORNEY,  
10 INCLUDING STAFF OF THE PROSECUTING ATTORNEY'S OFFICE OR A VICTIM  
11 OR WITNESS ASSISTANCE PROGRAM, OR THE STAFF OF A LAW  
12 ENFORCEMENT AGENCY OR LAW ENFORCEMENT VICTIM ASSISTANCE  
13 PROGRAM, MAY DISCUSS THE SEALED CASE, THE RESULTS OF THE SEALING  
14 PROCEEDINGS, AND INFORMATION RELATED TO ANY VICTIM SERVICES  
15 AVAILABLE TO THE VICTIM.

16 (c) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
17 ANY MEMBER OF THE PUBLIC MAY PETITION THE COURT TO UNSEAL ANY  
18 COURT FILE OF A CRIMINAL CONVICTION THAT HAS PREVIOUSLY BEEN  
19 SEALED UPON A SHOWING THAT CIRCUMSTANCES HAVE COME INTO  
20 EXISTENCE SINCE THE ORIGINAL SEALING AND, AS A RESULT, THE PUBLIC  
21 INTEREST IN DISCLOSURE NOW OUTWEIGHS THE DEFENDANT'S INTEREST IN  
22 PRIVACY.

23 (6) FOR THE PURPOSE OF PROTECTING THE AUTHOR OF ANY  
24 CORRESPONDENCE THAT BECOMES A PART OF CRIMINAL JUSTICE RECORDS,  
25 THE COURT HAVING JURISDICTION IN THE JUDICIAL DISTRICT IN WHICH THE  
26 CRIMINAL JUSTICE RECORDS ARE LOCATED MAY, IN ITS DISCRETION, WITH  
27 OR WITHOUT A HEARING, ENTER AN ORDER TO SEAL ANY INFORMATION,

1 INCLUDING BUT NOT LIMITED TO BASIC IDENTIFICATION INFORMATION  
2 CONTAINED IN THE CORRESPONDENCE THAT IS PART OF THE RECORD IN THE  
3 CRIMINAL CASE. HOWEVER, THE COURT MAY, IN ITS DISCRETION, ENTER AN  
4 ORDER THAT ALLOWS THE DISCLOSURE OF SEALED INFORMATION TO  
5 DEFENSE COUNSEL OR, IF THE DEFENDANT IS NOT REPRESENTED BY  
6 COUNSEL, TO THE DEFENDANT.

7 (7) **Rules of discovery - rules of evidence - witness testimony.**  
8 COURT ORDERS SEALING RECORDS OF OFFICIAL ACTIONS PURSUANT TO  
9 THIS PART 7 DO NOT LIMIT THE OPERATIONS OF:

10 (a) THE RULES OF DISCOVERY OR THE RULES OF EVIDENCE  
11 PROMULGATED BY THE SUPREME COURT OF COLORADO OR ANY OTHER  
12 STATE OR FEDERAL COURT;

13 (b) THE PROVISIONS OF SECTION 13-90-101 CONCERNING WITNESS  
14 TESTIMONY.

15 (8) **Service of sealing order.** THE COURT SHALL DIRECT A  
16 SEALING ORDER ENTERED PURSUANT TO THIS PART 7 TO EACH CUSTODIAN  
17 WHO MAY HAVE CUSTODY OF ANY PART OF THE CONVICTION RECORDS  
18 THAT ARE THE SUBJECT OF THE ORDER. WHENEVER A COURT ENTERS AN  
19 ORDER SEALING CONVICTION RECORDS, THE DEFENDANT SHALL PROVIDE  
20 THE COLORADO BUREAU OF INVESTIGATION AND EACH CUSTODIAN OF THE  
21 CONVICTION RECORDS WITH A COPY OF THE ORDER. THE PETITIONER SHALL  
22 PROVIDE A PRIVATE CUSTODIAN WITH A COPY OF THE ORDER AND SEND  
23 THE PRIVATE CUSTODIAN AN ELECTRONIC NOTIFICATION OF THE ORDER.  
24 EACH PRIVATE CUSTODIAN THAT RECEIVES A COPY OF THE ORDER FROM  
25 THE PETITIONER SHALL REMOVE THE RECORDS THAT ARE SUBJECT TO AN  
26 ORDER FROM ITS DATABASE. THE DEFENDANT SHALL PAY TO THE BUREAU  
27 ANY COSTS RELATED TO THE SEALING OF HIS OR HER CRIMINAL

1 CONVICTION RECORDS IN THE CUSTODY OF THE BUREAU. THEREAFTER, THE  
2 DEFENDANT MAY REQUEST AND THE COURT MAY GRANT AN ORDER  
3 SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS WERE  
4 SEALED.

5 (9) **Advisements.** (a) WHENEVER A DEFENDANT IS SENTENCED  
6 FOLLOWING A CONVICTION FOR AN OFFENSE DESCRIBED IN SECTIONS  
7 24-72-706 TO 24-72-708, THE COURT SHALL PROVIDE HIM OR HER WITH A  
8 WRITTEN ADVISEMENT OF HIS OR HER RIGHTS CONCERNING THE SEALING  
9 OF HIS OR HER CONVICTION RECORDS PURSUANT TO THIS SECTION IF HE OR  
10 SHE COMPLIES WITH THE APPLICABLE PROVISIONS OF THIS SECTION.

11 (b) IN ADDITION TO, AND NOT IN LIEU OF, THE REQUIREMENT  
12 DESCRIBED IN SUBSECTION (9)(a) OF THIS SECTION:

13 (I) IF A DEFENDANT IS SENTENCED TO PROBATION FOLLOWING A  
14 CONVICTION FOR AN OFFENSE DESCRIBED IN SECTIONS 24-72-706 TO  
15 24-72-708, THE PROBATION DEPARTMENT, UPON THE TERMINATION OF THE  
16 DEFENDANT'S PROBATION, SHALL PROVIDE THE DEFENDANT WITH A  
17 WRITTEN ADVISEMENT OF HIS OR HER RIGHTS CONCERNING THE SEALING  
18 OF HIS OR HER CONVICTION RECORDS PURSUANT TO THIS SECTION IF HE OR  
19 SHE COMPLIES WITH THE APPLICABLE PROVISIONS OF THIS SECTION; OR

20 (II) IF A DEFENDANT IS RELEASED ON PAROLE FOLLOWING A  
21 CONVICTION FOR AN OFFENSE DESCRIBED IN SECTIONS 24-72-706 TO  
22 24-72-708, THE DEFENDANT'S PAROLE OFFICER, UPON THE TERMINATION  
23 OF THE DEFENDANT'S PAROLE, SHALL PROVIDE THE DEFENDANT WITH A  
24 WRITTEN ADVISEMENT OF HIS OR HER RIGHTS CONCERNING THE SEALING  
25 OF HIS OR HER CONVICTION RECORDS PURSUANT TO THIS SECTION IF HE OR  
26 SHE COMPLIES WITH THE APPLICABLE PROVISIONS OF THIS SECTION.

27 (10) IF THE PERSON IN INTEREST HAS SUCCESSFULLY COMPLETED

1 A VETERANS TREATMENT PROGRAM ESTABLISHED PURSUANT TO SECTION  
2 13-5-144 IN THE CASE THAT IS THE SUBJECT OF THE PETITION TO SEAL, THE  
3 COURT SHALL CONSIDER SUCH FACTOR FAVORABLY IN DETERMINING  
4 WHETHER TO ISSUE AN ORDER TO SEAL RECORDS PURSUANT TO THIS  
5 SECTION.

6 (11) A DEFENDANT SHALL NOT BE REQUIRED TO WAIVE HIS OR HER  
7 RIGHT TO FILE A MOTION TO SEAL PURSUANT TO THE PROVISIONS OF THIS  
8 SECTION AS A CONDITION OF A PLEA AGREEMENT IN ANY CASE.

9 (12) **Exclusions.** (a) (I) NOTWITHSTANDING ANY PROVISION IN  
10 THIS PART 7 TO THE CONTRARY, IN REGARD TO ANY CONVICTION OF THE  
11 DEFENDANT RESULTING FROM A SINGLE CASE IN WHICH THE DEFENDANT  
12 IS CONVICTED OF MORE THAN ONE OFFENSE, RECORDS OF THE CONVICTION  
13 MAY BE SEALED PURSUANT TO THE PROVISIONS OF THIS PART 7 ONLY IF  
14 THE RECORDS OF EVERY CONVICTION OF THE DEFENDANT RESULTING FROM  
15 THAT CASE MAY BE SEALED PURSUANT TO THE PROVISIONS OF THIS PART  
16 7.

17 (II) IF A CRIMINAL CASE IS DISMISSED OR IF A CRIMINAL OFFENSE  
18 IS NOT CHARGED DUE TO A PLEA AGREEMENT IN A SEPARATE CASE, THE  
19 RECORDS ARE ELIGIBLE FOR SEALING AT SUCH TIME AS THE CRIMINAL CASE  
20 IN WHICH THE CONVICTION WAS ENTERED IS ELIGIBLE FOR SEALING  
21 PURSUANT TO THE PROVISIONS OF THIS PART 7.

22 (b) CONVICTION RECORDS MUST NOT BE SEALED IF THE  
23 DEFENDANT STILL OWES RESTITUTION, FINES, COURT COSTS, LATE FEES, OR  
24 OTHER FEES ORDERED BY THE COURT IN THE CASE THAT IS THE SUBJECT OF  
25 THE MOTION TO SEAL, UNLESS THE COURT THAT ENTERED THE ORDER HAS  
26 VACATED THE ORDER.

27 (c) SEALING IS NOT AVAILABLE FOR CASES WHEN THE ONLY

1 CHARGES WERE AS FOLLOWS:

2 (I) A CLASS 1 OR 2 MISDEMEANOR TRAFFIC OFFENSE; OR

3 (II) A CLASS A OR B TRAFFIC OFFENSE.

4 (d) SEALING IS NOT BE AVAILABLE FOR:

5 (I) RECORDS PERTAINING TO A DEFERRED JUDGMENT AND  
6 SENTENCE CONCERNING THE HOLDER OF A COMMERCIAL DRIVER'S LICENSE  
7 AS DEFINED IN SECTION 42-2-402 OR THE OPERATOR OF A COMMERCIAL  
8 MOTOR VEHICLE AS DEFINED IN SECTION 42-2-402; AND

9 (II) RECORDS PERTAINING TO A DEFERRED JUDGMENT AND  
10 SENTENCE FOR A FELONY OFFENSE FOR THE FACTUAL BASIS INVOLVED IN  
11 UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9).

12 **24-72-704. Sealing of arrest records when no charges filed.**

13 (1) (a) ANY PERSON IN INTEREST MAY PETITION THE DISTRICT COURT OF  
14 THE DISTRICT IN WHICH ANY ARREST AND CRIMINAL RECORDS  
15 INFORMATION PERTAINING TO THE PERSON IN INTEREST IS LOCATED FOR  
16 THE SEALING OF ALL OF THE RECORDS, EXCEPT BASIC IDENTIFICATION  
17 INFORMATION, IF THE RECORDS ARE A RECORD OF OFFICIAL ACTIONS  
18 INVOLVING A CRIMINAL OFFENSE FOR WHICH THE PERSON IN INTEREST:

19 (I) COMPLETED A DIVERSION AGREEMENT PURSUANT TO SECTION  
20 18-1.3-101 AND NO CRIMINAL CHARGES WERE EVER FILED;

21 (II) WAS NOT CHARGED AND THE STATUTE OF LIMITATIONS FOR  
22 THE OFFENSE FOR WHICH THE PERSON WAS ARRESTED THAT HAS THE  
23 LONGEST STATUTE OF LIMITATIONS HAS RUN; OR

24 (III) WAS NOT CHARGED AND THE STATUTE OF LIMITATIONS HAS  
25 NOT RUN BUT THE PERSON IS NO LONGER BEING INVESTIGATED BY LAW  
26 ENFORCEMENT FOR COMMISSION OF THE OFFENSE.

27 (b) ANY PETITION TO SEAL CRIMINAL RECORDS SHALL INCLUDE A

1 LISTING OF EACH CUSTODIAN OF THE RECORDS TO WHOM THE SEALING  
2 ORDER IS DIRECTED AND ANY INFORMATION THAT ACCURATELY AND  
3 COMPLETELY IDENTIFIES THE RECORDS TO BE SEALED.

4 (c) (I) UPON THE FILING OF A PETITION, THE COURT SHALL REVIEW  
5 THE PETITION AND DETERMINE WHETHER THE PETITION IS SUFFICIENT ON  
6 ITS FACE. IF THE COURT DETERMINES THAT THE PETITION ON ITS FACE IS  
7 INSUFFICIENT OR IF THE COURT DETERMINES THAT, AFTER TAKING  
8 JUDICIAL NOTICE OF MATTERS OUTSIDE THE PETITION, THE PETITIONER IS  
9 NOT ENTITLED TO RELIEF PURSUANT TO THIS SECTION, THE COURT SHALL  
10 ENTER AN ORDER DENYING THE PETITION AND MAIL A COPY OF THE ORDER  
11 TO THE PETITIONER OR, AS PERMITTED, SERVE THE ORDER PURSUANT TO  
12 COLORADO SUPREME COURT RULES. THE COURT'S ORDER MUST SPECIFY  
13 THE REASONS FOR THE DENIAL OF THE PETITION.

14 (II) IF THE COURT DETERMINES THAT THE PETITION IS SUFFICIENT  
15 ON ITS FACE AND THAT NO OTHER GROUNDS EXIST AT THAT TIME FOR THE  
16 COURT TO DENY THE PETITION PURSUANT TO THIS SECTION, THE COURT  
17 SHALL SET A DATE FOR A HEARING AT LEAST THIRTY-FIVE DAYS AFTER THE  
18 DETERMINATION AND NOTIFY THE PROSECUTING ATTORNEY, THE  
19 ARRESTING AGENCY, AND ANY OTHER PERSON OR AGENCY IDENTIFIED BY  
20 THE PETITIONER OF THE HEARING DATE. IF NO OBJECTION IS RECEIVED BY  
21 THE COURT SEVEN DAYS PRIOR TO THE HEARING DATE, THE COURT SHALL  
22 VACATE THE HEARING AND ORDER SUCH RECORDS, EXCEPT FOR BASIC  
23 IDENTIFICATION INFORMATION, TO BE SEALED. IF AN OBJECTION IS FILED  
24 AND THE COURT DETERMINES AT A HEARING OR OTHERWISE THAT THE  
25 OBJECTION PROVIDES FACTS THAT MAKE THE PETITIONER INELIGIBLE FOR  
26 SEALING OF THE ARREST RECORDS, THE COURT SHALL DENY THE PETITION  
27 AND PROVIDE A COPY OF THE ORDER TO THE PETITIONER. THE COURT'S

1 ORDER MUST SPECIFY THE REASONS FOR THE DENIAL OF THE PETITION. IF  
2 THE OBJECTION DOES NOT PROVIDE FACTS THAT MAKE THE PETITIONER  
3 INELIGIBLE FOR SEALING OF THE ARREST RECORDS, THE COURT SHALL  
4 ORDER SUCH RECORDS, EXCEPT BASIC IDENTIFICATION INFORMATION, TO  
5 BE SEALED.

6 (d) INSPECTION OF THE RECORDS INCLUDED IN AN ORDER SEALING  
7 CRIMINAL RECORDS MAY BE PERMITTED BY THE COURT ONLY UPON  
8 PETITION BY THE PERSON WHO IS THE SUBJECT OF THE RECORDS OR BY THE  
9 PROSECUTING ATTORNEY AND ONLY FOR THOSE PURPOSES NAMED IN THE  
10 PETITION.

11 **24-72-705. Sealing criminal justice records other than**  
12 **convictions - simplified process - processing fees - applicability.**

13 (1) (a) THE COURT SHALL ORDER THE DEFENDANT'S CRIMINAL JUSTICE  
14 RECORDS SEALED WHEN:

- 15 (I) A CASE AGAINST A DEFENDANT IS COMPLETELY DISMISSED;
- 16 (II) THE DEFENDANT IS ACQUITTED OF ALL COUNTS IN THE CASE;
- 17 (III) THE DEFENDANT COMPLETES A DIVERSION AGREEMENT  
18 PURSUANT TO SECTION 18-1.3-101 WHEN A CRIMINAL CASE HAS BEEN  
19 FILED; OR
- 20 (IV) THE DEFENDANT COMPLETES A DEFERRED JUDGMENT AND  
21 SENTENCE PURSUANT TO SECTION 18-1.3-102 AND ALL COUNTS ARE  
22 DISMISSED.

23 (b) IF THE COURT DID NOT ORDER THE RECORD SEALING AT THE  
24 TIME OF THE DISMISSAL OR ACQUITTAL, THE DEFENDANT MAY MAKE SUCH  
25 MOTION AT ANY TIME SUBSEQUENT TO THE DISMISSAL OR ACQUITTAL  
26 THROUGH THE FILING OF A WRITTEN MOTION IN THE CRIMINAL CASE WITH  
27 WRITTEN NOTICE TO THE PROSECUTING ATTORNEY.



1 (c) IF THE DEFENDANT MOVES PURSUANT TO SUBSECTION (1)(a) OF  
2 THIS SECTION TO SEAL HIS OR HER CRIMINAL JUSTICE RECORDS PURSUANT  
3 TO THE EXPEDITED PROCEDURES OF THIS SECTION, THE COURT SHALL  
4 PROMPTLY PROCESS THE DEFENDANT'S REQUEST TO SEAL THE CRIMINAL  
5 JUSTICE RECORDS WITHIN THE CRIMINAL CASE WITHOUT THE FILING OF AN  
6 INDEPENDENT CIVIL ACTION AND WITHOUT ANY FURTHER EVIDENCE  
7 EXCEPT FOR EVIDENCE OF THE DISMISSAL OR ACQUITTAL. MOTIONS FILED  
8 PURSUANT TO THIS SECTION ARE PROCEDURAL IN NATURE, AND SEALING  
9 PURSUANT TO THIS SECTION APPLIES RETROACTIVELY FOR ALL ELIGIBLE  
10 CASES WHEN THE CASE HAS BEEN COMPLETELY DISMISSED OR THE  
11 DEFENDANT HAS BEEN ACQUITTED OF ALL COUNTS IN A STATE OR  
12 MUNICIPAL CRIMINAL CASE.

13 (d) NOTWITHSTANDING THE PROVISION OF SUBSECTION (1)(c) OF  
14 THIS SECTION, IF THE DEFENDANT IS ACQUITTED OR IF THE CASE DISMISSED  
15 IS A CRIME ENUMERATED IN SECTION 24-4.1-302 (1) IN WHICH NOTICE OF  
16 A HEARING ON A MOTION TO SEAL IS REQUIRED PURSUANT TO SECTION  
17 24-4.1-303 (11)(b.7), THE COURT SHALL ALLOW THE DISTRICT ATTORNEY  
18 THE OPPORTUNITY TO INFORM THE VICTIM THAT THE RECORD WILL BE  
19 SEALED AND SHALL SET A RETURN DATE FOR THE SEALING MOTION NO  
20 LATER THAN FORTY-TWO DAYS AFTER RECEIPT OF THE MOTION.

21 (e) THE PROVISIONS OF SECTION 24-72-703 (1)(b) AND SECTION  
22 24-72-703 (5) APPLY TO THIS SECTION.

23 (f) THIS SECTION DOES NOT APPLY TO RECORDS THAT ARE SUBJECT  
24 TO THE PROCEDURE SET FORTH IN SECTION 18-13-122 (13).

25 (2) (a) A DEFENDANT MOVING TO HAVE HIS OR HER CRIMINAL  
26 JUSTICE RECORDS SEALED PURSUANT TO THIS SECTION SHALL PAY A  
27 PROCESSING FEE OF SIXTY-FIVE DOLLARS TO COVER THE ACTUAL COSTS

1 RELATED TO THE SEALING OF THE CRIMINAL JUSTICE RECORDS, WHICH THE  
2 COURT MAY WAIVE UPON A DETERMINATION OF INDIGENCY.

3 (b) WHEN THE MOTION TO SEAL THE CRIMINAL CASE IS FILED IN  
4 STATE COURT, THE PROCESSING FEES COLLECTED PURSUANT TO  
5 SUBSECTION (2)(a) OF THIS SECTION MUST BE TRANSMITTED TO THE STATE  
6 TREASURER AND CREDITED TO THE JUDICIAL STABILIZATION CASH FUND  
7 CREATED IN SECTION 13-32-101 (6).

8 (c) WHEN THE MOTION TO SEAL THE CRIMINAL CASE IS FILED IN  
9 MUNICIPAL COURT, THE PROCESSING FEES COLLECTED PURSUANT TO  
10 SUBSECTION (2)(a) OF THIS SECTION MUST BE REPORTED AND PAID AS  
11 MUNICIPAL COSTS AND MUST BE TRANSMITTED TO THE TREASURER OF THE  
12 MUNICIPALITY AND DEPOSITED IN THE GENERAL FUND OF THE  
13 MUNICIPALITY PURSUANT TO SECTION 13-10-115.

14

15 **24-72-706. Sealing of criminal conviction records. (1) Sealing**  
16 **of conviction records. (a)** SUBJECT TO THE LIMITATIONS DESCRIBED IN  
17 SUBSECTION (2) OF THIS SECTION, A DEFENDANT MAY FILE A MOTION IN  
18 THE CRIMINAL CASE IN THE COURT IN WHICH ANY CONVICTION RECORDS  
19 PERTAINING TO THE DEFENDANT ARE LOCATED FOR THE SEALING OF THE  
20 CONVICTION RECORDS, EXCEPT BASIC IDENTIFICATION INFORMATION, IF  
21 THE MOTION IS FILED WITHIN THE TIME FRAME DESCRIBED IN SUBSECTION  
22 (1)(b) OF THIS SECTION AND PROPER NOTICE IS GIVEN TO THE DISTRICT  
23 ATTORNEY.

24 (b) (I) IF THE OFFENSE IS A PETTY OFFENSE OR A DRUG PETTY  
25 OFFENSE, THE MOTION MAY BE FILED ONE YEAR AFTER THE LATER OF THE  
26 DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST  
27 THE DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION

1 CONCERNING A CRIMINAL CONVICTION.

2 (II) IF THE OFFENSE IS A CLASS 2 OR CLASS 3 MISDEMEANOR OR  
3 ANY DRUG MISDEMEANOR, THE MOTION MAY BE FILED TWO YEARS AFTER  
4 THE LATER OF THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL  
5 PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE OF THE  
6 DEFENDANT FROM SUPERVISION CONCERNING A CRIMINAL CONVICTION.

7 (III) IF THE OFFENSE IS A CLASS 4, CLASS 5, OR CLASS 6 FELONY, A  
8 LEVEL 3 OR LEVEL 4 DRUG FELONY, OR A CLASS 1 MISDEMEANOR, THE  
9 MOTION MAY BE FILED THREE YEARS AFTER THE LATER OF THE DATE OF  
10 THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE  
11 DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION  
12 CONCERNING A CRIMINAL CONVICTION.

13 (IV) SUBJECT TO THE LIMITATIONS IN SUBSECTION (2) OF THIS  
14 SECTION, FOR ALL OTHER OFFENSES, THE PETITION MAY BE FILED FIVE  
15 YEARS AFTER THE LATER OF THE DATE OF THE FINAL DISPOSITION OF ALL  
16 CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE OF  
17 THE DEFENDANT FROM SUPERVISION CONCERNING A CRIMINAL  
18 CONVICTION.

19 (c) A MOTION TO SEAL CONVICTION RECORDS PURSUANT TO THIS  
20 SECTION SHALL INCLUDE A LISTING OF EACH CUSTODIAN OF THE RECORDS  
21 TO WHOM THE SEALING ORDER IS DIRECTED AND ANY INFORMATION THAT  
22 ACCURATELY AND COMPLETELY IDENTIFIES THE RECORDS TO BE SEALED.  
23 THE DEFENDANT SHALL SUBMIT A VERIFIED COPY OF THE DEFENDANT'S  
24 CRIMINAL HISTORY, CURRENT THROUGH AT LEAST THE TWENTIETH DAY  
25 BEFORE THE DATE OF THE FILING OF THE PETITION TO THE COURT, ALONG  
26 WITH THE MOTION AT THE TIME OF FILING, BUT IN NO EVENT LATER THAN  
27 THE TENTH DAY AFTER THE MOTION IS FILED. THE DEFENDANT SHALL PAY

1 FOR HIS OR HER CRIMINAL HISTORY RECORD.

2 (d) UPON THE FILING OF ANY MOTION PURSUANT TO THIS SECTION,  
3 THE COURT SHALL INITIALLY REVIEW THE MOTION AND DETERMINE  
4 WHETHER THERE ARE GROUNDS PURSUANT TO THIS SECTION TO PROCEED  
5 TO A HEARING ON THE MOTION. IF THE COURT DETERMINES THAT THE  
6 MOTION ON ITS FACE IS INSUFFICIENT OR IF THE COURT DETERMINES THAT,  
7 AFTER TAKING JUDICIAL NOTICE OF MATTERS OUTSIDE THE MOTION, THE  
8 DEFENDANT IS NOT ENTITLED TO RELIEF PURSUANT TO THIS SECTION, THE  
9 COURT SHALL ENTER AN ORDER DENYING THE MOTION AND MAIL A COPY  
10 OF THE ORDER TO THE DEFENDANT. THE COURT'S ORDER SHALL SPECIFY  
11 THE REASONS FOR THE DENIAL OF THE MOTION. IF THE COURT DETERMINES  
12 THAT THE MOTION IS SUFFICIENT ON ITS FACE AND THAT NO OTHER  
13 GROUNDS EXIST AT THAT TIME FOR THE COURT TO DENY THE MOTION  
14 PURSUANT TO THIS SECTION, THE COURT SHALL PROCEED PURSUANT TO  
15 THE PROVISIONS OF THIS SECTION.

16 (e) CONVICTION RECORDS MAY NOT BE SEALED IF THE DEFENDANT  
17 STILL OWES RESTITUTION, FINES, COURT COSTS, LATE FEES, OR OTHER FEES  
18 ORDERED BY THE COURT IN THE CASE THAT IS THE SUBJECT OF THE MOTION  
19 TO SEAL CONVICTION RECORDS, UNLESS THE COURT THAT ENTERED THE  
20 ORDER FOR RESTITUTION, FINES, COURT COSTS, LATE FEES, OR OTHER FEES  
21 VACATED THE ORDER.

22 (f) (I) IF A MOTION IS FILED FOR THE SEALING OF A PETTY OFFENSE  
23 OR A PETTY DRUG OFFENSE, THE COURT SHALL ORDER THAT THE RECORDS  
24 BE SEALED AFTER THE MOTION IS FILED AND THE CRIMINAL HISTORY FILED  
25 WITH THE COURT DOCUMENTS TO THE COURT THAT THE DEFENDANT HAS  
26 NOT BEEN CONVICTED OF A CRIMINAL OFFENSE SINCE THE DATE OF THE  
27 FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER

1 OR SINCE THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION,  
2 WHICHEVER IS LATER.

3 (II) IF A MOTION IS FILED FOR THE SEALING OF A CLASS 2 OR CLASS  
4 3 MISDEMEANOR OR ANY DRUG MISDEMEANOR, THE DEFENDANT SHALL  
5 PROVIDE NOTICE OF THE MOTION TO THE DISTRICT ATTORNEY. THE  
6 DISTRICT ATTORNEY SHALL DETERMINE WHETHER TO OBJECT TO THE  
7 MOTION AFTER CONSIDERING THE FACTORS IN SUBSECTION (1)(g) OF THIS  
8 SECTION. IF THE DISTRICT ATTORNEY DOES NOT OBJECT AND THE OFFENSE  
9 IS NOT A CRIME ENUMERATED IN SECTION 24-4.1-302 (1), THE COURT  
10 SHALL ORDER THAT THE RECORDS BE SEALED IF THE CRIMINAL HISTORY  
11 FILED WITH THE COURT DOCUMENTS TO THE COURT THAT THE DEFENDANT  
12 HAS NOT BEEN CONVICTED OF A CRIMINAL OFFENSE SINCE THE DATE OF  
13 THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR  
14 HER OR SINCE THE DATE OF THE DEFENDANT'S RELEASE FROM  
15 SUPERVISION, WHICHEVER IS LATER. THE DISTRICT ATTORNEY SHALL  
16 ADVISE THE COURT OF A VICTIM'S OBJECTION AND REQUEST FOR HEARING  
17 WHEN KNOWN. IF THE DISTRICT ATTORNEY OBJECTS TO THE MOTION OR  
18 THE OFFENSE IS A CRIME ENUMERATED IN SECTION 24-4.1-302 (1) AND THE  
19 VICTIM REQUESTS A HEARING, THE COURT SHALL SET THE MATTER FOR  
20 HEARING. THE COURT MAY ONLY SEAL THE RECORDS IF THE CRIMINAL  
21 HISTORY FILED WITH THE MOTION AS REQUIRED BY SUBSECTION (1)(c) OF  
22 THIS SECTION DOCUMENTS TO THE COURT THAT THE DEFENDANT HAS NOT  
23 BEEN CONVICTED OF A CRIMINAL OFFENSE SINCE THE DATE OF THE FINAL  
24 DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR  
25 SINCE THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION,  
26 WHICHEVER IS LATER. THE COURT SHALL DECIDE THE MOTION AFTER  
27 CONSIDERING THE FACTORS IN SUBSECTION (1)(g) OF THIS SECTION.

1 (III) IF A MOTION IS FILED FOR THE SEALING OF A CLASS 4, CLASS  
2 5, OR CLASS 6 FELONY, A LEVEL 3 OR LEVEL 4 DRUG FELONY, OR A CLASS  
3 1 MISDEMEANOR, THE DEFENDANT SHALL PROVIDE NOTICE OF THE MOTION  
4 TO THE DISTRICT ATTORNEY. THE DISTRICT ATTORNEY SHALL DETERMINE  
5 WHETHER TO OBJECT TO THE MOTION AFTER CONSIDERING THE FACTORS  
6 IN SUBSECTION (1)(g) OF THIS SECTION. IF THE DISTRICT ATTORNEY DOES  
7 NOT OBJECT AND THE OFFENSE IS NOT A CRIME ENUMERATED IN SECTION  
8 24-4.1-302 (1), THE COURT MAY GRANT THE MOTION WITH OR WITHOUT  
9 THE BENEFIT OF A HEARING. THE DISTRICT ATTORNEY SHALL ADVISE THE  
10 COURT OF A VICTIM'S OBJECTION AND REQUEST FOR HEARING WHEN  
11 KNOWN. IF THE DISTRICT ATTORNEY OBJECTS TO THE MOTION OR THE  
12 OFFENSE IS A CRIME ENUMERATED IN SECTION 24-4.1-302 (1) AND THE  
13 VICTIM REQUESTS A HEARING, THE COURT SHALL SET THE MATTER FOR  
14 HEARING. THE COURT MAY ONLY SEAL THE RECORDS IF THE CRIMINAL  
15 HISTORY FILED WITH THE MOTION AS REQUIRED BY SUBSECTION (1)(c) OF  
16 THIS SECTION DOCUMENTS TO THE COURT THAT THE DEFENDANT HAS NOT  
17 BEEN CONVICTED OF A CRIMINAL OFFENSE SINCE THE DATE OF THE FINAL  
18 DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR  
19 SINCE THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION,  
20 WHICHEVER IS LATER. THE COURT SHALL DECIDE THE MOTION AFTER  
21 CONSIDERING THE POSITION OF THE DISTRICT ATTORNEY AND THE FACTORS  
22 IN SUBSECTION (1)(g) OF THIS SECTION.

23 (IV) IF A MOTION IS FILED FOR ANY OTHER OFFENSE, THE  
24 DEFENDANT SHALL PROVIDE NOTICE OF THE PETITION TO THE DISTRICT  
25 ATTORNEY. THE DISTRICT ATTORNEY SHALL DETERMINE WHETHER TO  
26 OBJECT TO THE MOTION AFTER CONSIDERING THE FACTORS IN SUBSECTION  
27 (1)(g) OF THIS SECTION. THE COURT SHALL SET ANY MOTION FILED FOR A

1 HEARING. THE COURT MAY ONLY SEAL THE RECORDS IF THE CRIMINAL  
2 HISTORY FILED WITH THE MOTION AS REQUIRED BY SUBSECTION (1)(c) OF  
3 THIS SECTION DOCUMENTS TO THE COURT THAT THE DEFENDANT HAS NOT  
4 BEEN CONVICTED OF A CRIMINAL OFFENSE SINCE THE DATE OF THE FINAL  
5 DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR  
6 SINCE THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION,  
7 WHICHEVER IS LATER. THE COURT SHALL DECIDE THE MOTION AFTER  
8 CONSIDERATION OF THE POSITION OF THE DISTRICT ATTORNEY AND THE  
9 FACTORS IN SUBSECTION (1)(g) OF THIS SECTION.

10 (g) AT ANY HEARING TO DETERMINE WHETHER RECORDS MAY BE  
11 SEALED, EXCEPT FOR BASIC IDENTIFICATION INFORMATION, THE COURT  
12 MUST DETERMINE THAT THE HARM TO THE PRIVACY OF THE DEFENDANT OR  
13 THE DANGERS OF UNWARRANTED, ADVERSE CONSEQUENCES TO THE  
14 DEFENDANT OUTWEIGH THE PUBLIC INTEREST IN RETAINING PUBLIC  
15 ACCESS TO THE CONVICTION RECORDS. IN MAKING THIS DETERMINATION,  
16 THE COURT SHALL, AT A MINIMUM, CONSIDER THE SEVERITY OF THE  
17 OFFENSE THAT IS THE BASIS OF THE CONVICTION RECORDS SOUGHT TO BE  
18 SEALED, THE CRIMINAL HISTORY OF THE DEFENDANT, THE NUMBER OF  
19 CONVICTIONS AND DATES OF THE CONVICTIONS FOR WHICH THE  
20 DEFENDANT IS SEEKING TO HAVE THE RECORDS SEALED, AND THE NEED  
21 FOR THE GOVERNMENT AGENCY TO RETAIN THE RECORDS.

22 (h) A DEFENDANT WHO FILES A MOTION TO SEAL CRIMINAL JUSTICE  
23 CONVICTION RECORDS PURSUANT TO THIS SECTION SHALL PAY A  
24 PROCESSING FEE OF SIXTY-FIVE DOLLARS TO COVER THE ACTUAL COSTS  
25 RELATED TO THE SEALING OF THE CRIMINAL JUSTICE RECORDS, WHICH THE  
26 COURT MAY WAIVE UPON A DETERMINATION OF INDIGENCY. THE  
27 DEFENDANT SHALL PAY TO THE COLORADO BUREAU OF INVESTIGATION

1 ANY COSTS RELATED TO THE SEALING OF HIS OR HER CRIMINAL  
2 CONVICTION RECORDS IN THE CUSTODY OF THE BUREAU.

3 (2) (a) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO  
4 RECORDS PERTAINING TO:

5 (I) A CLASS 1 OR CLASS 2 MISDEMEANOR TRAFFIC OFFENSE;

6 (II) A CLASS A OR CLASS B TRAFFIC INFRACTION;

7 (III) A CONVICTION FOR A VIOLATION OF SECTION 42-4-1301 (1) OR  
8 (2);

9 (IV) A CONVICTION FOR AN OFFENSE FOR WHICH THE UNDERLYING  
10 FACTUAL BASIS INVOLVED UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN  
11 SECTION 16-22-102 (9);

12 (V) A CONVICTION FOR A VIOLATION OF SECTION 18-6-401; OR

13 (VI) A CONVICTION THAT IS SUBJECT TO ONE OR MORE OF THE  
14 FOLLOWING PROVISIONS:

15 (A) SENTENCES FOR A CRIME INVOLVING EXTRAORDINARY  
16 AGGRAVATING CIRCUMSTANCES PURSUANT TO SECTION 18-1.3-401 (8);

17 (B) A SENTENCE FOR AN EXTRAORDINARY RISK CRIME PURSUANT  
18 TO SECTION 18-1.3-401 (10);

19 (C) SENTENCING FOR A CRIME INVOLVING A PREGNANT VICTIM,  
20 PURSUANT TO SECTION 18-1.3-401 (13);

21 (D) SENTENCING FOR A CRIME PERTAINING TO A SPECIAL  
22 OFFENDER PURSUANT TO SECTION 18-18-407;

23 (E) SENTENCING FOR A CRIMINAL CONVICTION FOR WHICH THE  
24 UNDERLYING FACTUAL BASIS INVOLVES DOMESTIC VIOLENCE AS DEFINED  
25 IN SECTION 18-6-800.3;

26 (F) SENTENCING FOR A CRIMINAL CONVICTION FOR A SEXUAL  
27 OFFENSE, PURSUANT TO PART 4 OF ARTICLE 3 OF TITLE 18; ████████



1 (G) SENTENCING FOR ANY CRIME OF VIOLENCE PURSUANT TO  
2 SECTION 18-1.3-406;

3 (H) SENTENCING FOR A FELONY CRIME ENUMERATED IN SECTION  
4 24-4.1-302 (1);

5 (I) SENTENCING FOR A FELONY OFFENSE IN VIOLATION OF SECTION  
6 18-9-202;

7 (J) SENTENCING FOR AN OFFENSE CLASSIFIED AS A CLASS 1, 2, OR  
8 3 FELONY OR A LEVEL 1 DRUG FELONY PURSUANT TO ANY SECTION OF  
9 TITLE 18;

10 (K) SENTENCING FOR AN OFFENSE IN VIOLATION OF PART 1 OF  
11 ARTICLE 6 OF TITLE 18; OR

12 (L) SENTENCING FOR AN OFFENSE IN VIOLATION OF SECTION  
13 18-5-902 (1).

14 (b) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A  
15 MISDEMEANOR OFFENSE INELIGIBLE PURSUANT TO THE PROVISIONS OF THIS  
16 SECTION OR SUBSECTION (2)(a) OF THIS SECTION IS ELIGIBLE FOR SEALING  
17 PURSUANT TO THIS SECTION IF THE DISTRICT ATTORNEY CONSENTS TO THE  
18 SEALING OR IF THE COURT FINDS, BY CLEAR AND CONVINCING EVIDENCE,  
19 THAT THE PETITIONER'S NEED FOR SEALING OF THE RECORD IS SIGNIFICANT  
20 AND SUBSTANTIAL, THE PASSAGE OF TIME IS SUCH THAT THE PETITIONER  
21 IS NO LONGER A THREAT TO PUBLIC SAFETY, AND THE PUBLIC DISCLOSURE  
22 OF THE RECORD IS NO LONGER NECESSARY TO PROTECT OR INFORM THE  
23 PUBLIC.

24 (c) THIS SECTION DOES NOT APPLY TO RECORDS THAT ARE SUBJECT  
25 TO THE PROCEDURE SET FORTH IN SECTION 18-13-122 (13).

26 (3) **Applicability.** MOTIONS FILED PURSUANT TO THIS SECTION  
27 ARE PROCEDURAL IN NATURE, AND SEALING PURSUANT TO THIS SECTION

1 APPLIES RETROACTIVELY TO ALL ELIGIBLE CASES.

2 **24-72-707. Sealing of criminal conviction records information**  
3 **for offenses committed by victims of human trafficking. (1) Sealing**  
4 **of conviction records.** AT ANY TIME AFTER CONVICTION, A DEFENDANT  
5 MAY FILE A MOTION IN THE CASE IN WHICH ANY CONVICTION RECORDS  
6 EXIST PERTAINING TO THE DEFENDANT'S CONVICTION FOR ANY  
7 MISDEMEANOR OFFENSE OR MUNICIPAL CODE OR ORDINANCE VIOLATION,  
8 EXCLUDING ANY OFFENSE OF A CRIME AS DEFINED IN SECTION 24-4.1-302  
9 (1).

10 (2) A DEFENDANT MOVING TO HAVE HIS OR HER CRIMINAL  
11 RECORDS SEALED PURSUANT TO THIS SECTION IS NOT REQUIRED TO PAY A  
12 PROCESSING FEE.

13 (3) THE COURT SHALL ORDER THE RECORDS SEALED AFTER:

14 (a) THE PETITION IS FILED; AND

15 (b) THE DEFENDANT ESTABLISHES BY A PREPONDERANCE OF THE  
16 EVIDENCE THAT, AT THE TIME HE OR SHE COMMITTED THE OFFENSE, HE OR  
17 SHE HAD BEEN TRAFFICKED BY ANOTHER PERSON, AS DESCRIBED IN  
18 SECTION 18-3-503 OR 18-3-504, FOR THE PURPOSE OF PERFORMING THE  
19 OFFENSE.

20 **24-72-708. Sealing of criminal conviction records information**  
21 **for municipal offenses for convictions. (1) Sealing of conviction**  
22 **records. (a) (I)** A DEFENDANT MAY FILE A MOTION IN WHICH ANY  
23 CONVICTION RECORDS PERTAINING TO THE DEFENDANT FOR A MUNICIPAL  
24 VIOLATION ARE LOCATED FOR THE SEALING OF THE CONVICTION RECORDS,  
25 EXCEPT BASIC IDENTIFICATION INFORMATION, IF:

26 (A) THE MOTION IS FILED THREE OR MORE YEARS AFTER THE DATE  
27 OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE

1 DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION  
2 CONCERNING A CRIMINAL CONVICTION, WHICHEVER IS LATER; AND

3 (B) THE DEFENDANT HAS NOT BEEN CHARGED OR CONVICTED OF  
4 A FELONY, MISDEMEANOR, OR MISDEMEANOR TRAFFIC OFFENSE IN THE  
5 THREE OR MORE YEARS SINCE THE DATE OF THE FINAL DISPOSITION OF ALL  
6 CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR THE DATE OF THE  
7 DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER; AND

8 (C) THE CONVICTION RECORDS TO BE SEALED ARE NOT FOR A  
9 MISDEMEANOR TRAFFIC OFFENSE COMMITTED EITHER BY A HOLDER OF A  
10 COMMERCIAL LEARNER'S PERMIT OR A COMMERCIAL DRIVER'S LICENSE, AS  
11 DEFINED IN SECTION 42-2-402, OR BY THE OPERATOR OF A COMMERCIAL  
12 MOTOR VEHICLE, AS DEFINED IN SECTION 42-2-402.

13 (II) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION  
14 (1)(a)(I)(B) OF THIS SECTION, A DEFENDANT MAY PETITION THE DISTRICT  
15 COURT OF THE DISTRICT IN WHICH ANY CONVICTION RECORDS PERTAINING  
16 TO THE DEFENDANT FOR A MUNICIPAL VIOLATION, EXCEPT A MUNICIPAL  
17 ASSAULT OR BATTERY OFFENSE IN WHICH THE UNDERLYING FACTUAL  
18 BASIS INVOLVES DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3  
19 (1), OR ANY OTHER MUNICIPAL VIOLATION IN WHICH THE UNDERLYING  
20 FACTUAL BASIS INVOLVES DOMESTIC VIOLENCE, AS DEFINED IN SECTION  
21 18-6-800.3 (1), OR PETTY OFFENSE ARE LOCATED FOR THE SEALING OF THE  
22 CONVICTION RECORDS, EXCEPT BASIC IDENTIFICATION INFORMATION, IF:

23 (A) THE DEFENDANT WAS CONVICTED OF A SINGLE OFFENSE THAT  
24 WAS NOT A FELONY AND DID NOT INVOLVE DOMESTIC VIOLENCE AS  
25 DEFINED IN SECTION 18-6-800.3 (1), UNLAWFUL SEXUAL BEHAVIOR AS  
26 DEFINED IN SECTION 16-22-102 (9), OR CHILD ABUSE AS DEFINED IN  
27 SECTION 18-6-401;

1 (B) THAT OFFENSE OCCURRED WITHIN THREE YEARS OF THE DATE  
2 OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM  
3 OR HER RELATED TO THE CONVICTION THAT THE DEFENDANT IS SEEKING  
4 TO HAVE SEALED OR WITHIN THREE YEARS OF THE DATE OF THE  
5 DEFENDANT'S RELEASE FROM SUPERVISION RELATED TO THE CONVICTION  
6 THAT THE DEFENDANT IS SEEKING TO HAVE SEALED, WHICHEVER IS LATER;  
7 AND

8 (C) THE DEFENDANT HAS NOT BEEN CONVICTED OF A FELONY,  
9 MISDEMEANOR, OR MISDEMEANOR TRAFFIC OFFENSE IN THE TEN OR MORE  
10 YEARS SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL  
11 PROCEEDINGS AGAINST HIM OR HER FOR THE SUBSEQUENT CRIMINAL CASE  
12 OR IN THE TEN OR MORE YEARS SINCE THE DATE OF THE DEFENDANT'S  
13 RELEASE FROM SUPERVISION FOR THE SUBSEQUENT CASE, WHICHEVER IS  
14 LATER.

15 (b) UPON FILING THE PETITION, THE DEFENDANT SHALL PAY THE  
16 FILING FEE REQUIRED BY LAW.

17 (2) (a) UPON THE FILING OF A MOTION, THE COURT SHALL REVIEW  
18 THE MOTION AND DETERMINE WHETHER THERE ARE GROUNDS PURSUANT  
19 TO THIS SECTION TO PROCEED TO A HEARING ON THE PETITION. IF THE  
20 COURT DETERMINES THAT THE MOTION ON ITS FACE IS INSUFFICIENT OR IF  
21 THE COURT DETERMINES THAT, AFTER TAKING JUDICIAL NOTICE OF  
22 MATTERS OUTSIDE THE MOTION, THE DEFENDANT IS NOT ENTITLED TO  
23 RELIEF PURSUANT TO THIS SECTION, THE COURT SHALL ENTER AN ORDER  
24 DENYING THE MOTION AND MAIL A COPY OF THE ORDER TO THE  
25 DEFENDANT. THE COURT'S ORDER SHALL SPECIFY THE REASONS FOR THE  
26 DENIAL OF THE MOTION.

27 (b) IF THE COURT DETERMINES THAT THE PETITION IS SUFFICIENT

1 ON ITS FACE AND THAT NO OTHER GROUNDS EXIST AT THAT TIME FOR THE  
2 COURT TO DENY THE PETITION PURSUANT TO THIS SECTION, THE COURT  
3 SHALL SET A DATE FOR A HEARING AND THE COURT SHALL NOTIFY BY  
4 CERTIFIED MAIL THE PROSECUTING ATTORNEY, THE ARRESTING AGENCY,  
5 AND ANY OTHER PERSON OR AGENCY IDENTIFIED BY THE DEFENDANT.

6 (3) AFTER THE HEARING DESCRIBED IN SUBSECTION (2) OF THIS  
7 SECTION IS CONDUCTED AND IF THE COURT FINDS THAT THE HARM TO THE  
8 PRIVACY OF THE DEFENDANT OR THE DANGERS OF UNWARRANTED,  
9 ADVERSE CONSEQUENCES TO THE DEFENDANT OUTWEIGH THE PUBLIC  
10 INTEREST IN RETAINING PUBLIC ACCESS TO THE CONVICTION RECORDS, THE  
11 COURT MAY ORDER THE CONVICTION RECORDS, EXCEPT BASIC  
12 IDENTIFICATION INFORMATION, TO BE SEALED. IN MAKING THIS  
13 DETERMINATION, THE COURT SHALL, AT A MINIMUM, CONSIDER THE  
14 FACTORS IN SECTION 24-72-706 (1)(g).

15 [REDACTED]

16 **SECTION 2.** In Colorado Revised Statutes, 18-1.3-101, **amend**  
17 (10)(c) as follows:

18 **18-1.3-101. Pretrial diversion.** (10)(c) **Diversion outcomes.** At  
19 any point after a diversion agreement is completed, a defendant may  
20 petition the court to seal all arrest and other criminal records pertaining  
21 to the offense using the procedure described in ~~section 24-72-702, C.R.S.~~  
22 ~~SECTIONS 24-72-704 AND 24-72-705.~~ Unless otherwise prohibited under  
23 ~~section 24-72-702 (4)(a), C.R.S. SECTION 24-72-703 (11),~~ the court shall  
24 issue a sealing order if requested by the defendant following successful  
25 completion of a diversion agreement.

26 **SECTION 3.** In Colorado Revised Statutes, 18-7-201.3, **amend**  
27 (2)(a) as follows:

1           **18-7-201.3. Affirmative defense - human trafficking -**  
2 **expungement of record protective order - definitions.** (2) (a) On or  
3 after January 1, 2016, a person charged with or convicted of prostitution,  
4 as described in section 18-7-201 or any corresponding municipal code or  
5 ordinance, for an offense committed before July 1, 2015, which offense  
6 was committed as a direct result of being a victim of human trafficking,  
7 as defined in subsection (4) of this section, may apply to the court for a  
8 sealing of his or her records pursuant to ~~section 24-72-702 or 24-72-706,~~  
9 ~~C.R.S. SECTION 24-72-704 OR 24-72-707,~~ as applicable.

10           **SECTION 4.** In Colorado Revised Statutes, 24-4.1-302, **amend**  
11 **(2)(t); and add (2)(v) as follows:**

12           **24-4.1-302. Definitions.** As used in this part 3, and for no other  
13 purpose, including the expansion of the rights of any defendant:

14           (2) "Critical stages" means the following stages of the criminal  
15 justice process:

16           (t) A hearing held pursuant to section 18-1-414 (2)(b), C.R.S.; and

17           (v) A HEARING HELD PURSUANT TO SECTION 24-72-706 OR  
18 24-72-709.

19           **SECTION 5.** In Colorado Revised Statutes, 24-4.1-302.5, **amend**  
20 **(1)(z) as follows:**

21           **24-4.1-302.5. Rights afforded to victims - definitions.** (1) In  
22 order to preserve and protect a victim's rights to justice and due process,  
23 each victim of a crime has the following rights:

24           (z) The right to be notified of a hearing concerning ~~a~~ ANY MOTION  
25 FILED FOR OR petition for sealing of records described in ~~section~~  
26 ~~24-72-702~~ SECTION 24-72-704 filed by a defendant in the criminal case  
27 whose crime falls under section 24-4.1-302 (1);

1           **SECTION 6.** In Colorado Revised Statutes, 24-4.1-303, **amend**  
2 (11)(b.7) as follows:

3           **24-4.1-303. Procedures for ensuring rights of victims of**  
4 **crimes.** (11) The district attorney shall inform a victim of the following:

5           (b.7) Any MOTION FILED OR ANY hearing concerning a MOTION OR  
6 petition for sealing of records as described in ~~section 24-72-702~~ SECTION  
7 ~~24-72-706~~ OR ~~24-72-709~~ that was filed by a defendant in the criminal case  
8 and whose crime falls under section 24-4.1-302 (1). The notification  
9 should be made using the last known contact information that is available  
10 for the victim.

11           **SECTION 7. Act subject to petition - effective date.** This act  
12 takes effect at 12:01 a.m. on the day following the expiration of the  
13 ninety-day period after final adjournment of the general assembly (August  
14 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
15 referendum petition is filed pursuant to section 1 (3) of article V of the  
16 state constitution against this act or an item, section, or part of this act  
17 within such period, then the act, item, section, or part will not take effect  
18 unless approved by the people at the general election to be held in  
19 November 2020 and, in such case, will take effect on the date of the  
20 official declaration of the vote thereon by the governor.