

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

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 21-0503.02 Michael Dohr x4347

**HOUSE BILL 21-1214**

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**HOUSE SPONSORSHIP**

**Weissman and Bacon,**

**SENATE SPONSORSHIP**

**Coleman and Lee,**

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**House Committees**

Judiciary  
Finance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING INCREASED ELIGIBILITY FOR PROCEDURES TO REDUCE**  
102             **COLLATERAL SANCTIONS EXPERIENCED BY DEFENDANTS, AND,**  
103             **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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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, adults and juveniles can file motions for relief from collateral consequences. The bill states that a motion can be filed related to convictions retroactively.

The bill allows the state public defender and the office of alternate defense counsel to seek and accept gifts, grants, and donations for the

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.*

HOUSE  
Amended 2nd Reading  
May 10, 2021

purposes of representing defendants in record sealing proceedings.

The bill creates an automatic sealing process for arrest records when no criminal charges are filed. For arrest records on or after January 1, 2022, the Colorado bureau of investigation (CBI) shall seal arrest records in its custody and control after a year has passed without the filing of criminal charges. For arrest records before January 1, 2022, CBI shall seal arrest records for:

- Felonies with a 3-year statute of limitations if 3 years has passed since the date of arrest without the filing of charges; and
- Misdemeanors, traffic misdemeanors, petty offenses, or municipal violations with an 18-month statute of limitations or less if 18 months has passed since the date of arrest without the filing of charges.

Felony arrest records with a statute of limitations of longer than 3 years or with no statute of limitation are not eligible for automatic sealing.

Under current law misdemeanor offenses ineligible for sealing are eligible if the district attorney consents to the sealing or if the court finds, by clear and convincing evidence, that the petitioner's need for sealing of the record is significant and substantial, the passage of time is such that the petitioner is no longer a threat to public safety, and the public disclosure of the record is no longer necessary to protect or inform the public. The bill adds drug level 1 felonies, class 4, class 5, or class 6 felonies, or unclassified felonies that are not a crimes of violence to those offenses eligible.

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.

The bill allows a person who receives a full pardon to have his or her conviction record sealed.

The bill creates a process to automatically seal drug convictions. The state court administrator (administrator) shall compile a list of drug convictions that are eligible for sealing under current law, and:

- If the drug conviction is for a petty offense or misdemeanor, that 7 years have past since the disposition of the case; or
- If the drug conviction is for a felony, that at least 10 years have past since the disposition of the case.

After the administrator compiles the list, the administrator shall send the list to the Colorado bureau of investigation (bureau) for review and the bureau shall remove any convictions in which the identity of the defendant is unverifiable or convictions in the which defendant had

another conviction during the waiting period. The bureau shall send its list to each district attorney in the state. The district attorney shall remove any convictions in which a condition of a plea was that the defendant agreed to not have the case sealed and convictions in which the defendant has pending criminal charges. Each district attorney shall send its amended list to the administrator. The administrator shall compile each of the lists into one list and sort the convictions by judicial district.

If the chief judge of a judicial district authorizes the administrator to issue sealing orders, the administrator shall issue sealing orders based on the list received from the district attorneys. If the chief judge of a judicial district does not authorize the administrator to issue sealing orders, the district attorney shall send the list to the chief judge for the judicial district and the courts of that judicial district shall enter sealing orders based on the list received.

The administrator shall develop a website that allows defendants to confidentially determine whether his or her conviction has been sealed and information about how to receive a copy of the sealing order.

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

2           **SECTION 1.** In Colorado Revised Statutes, 18-1.3-107, **add** (9)  
3 as follows:

4           **18-1.3-107. Conviction - collateral relief - applicability -**  
5 **definitions.** (9) THE PROVISIONS OF THIS SECTION APPLY TO CONVICTIONS  
6 ENTERED BEFORE, ON, OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION  
7 (9).

8           **SECTION 2.** In Colorado Revised Statutes, 19-2-927, **add** (9) as  
9 follows:

10           **19-2-927. Adjudication - collateral relief - applicability -**  
11 **definitions.** (9) THE PROVISIONS OF THIS SECTION APPLY TO  
12 ADJUDICATIONS ENTERED BEFORE, ON, OR AFTER THE EFFECTIVE DATE OF  
13 THIS SUBSECTION (9).

14           **SECTION 3.** In Colorado Revised Statutes, **add** 21-1-107 as  
15 follows:

16           **21-1-107. State public defender - gifts, grants, and donations**

1 **for record sealing - sealing defense fund - created.** (1) THE STATE  
2 PUBLIC DEFENDER MAY APPLY FOR GRANTS AND ACCEPTS GIFTS OR  
3 DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSE OF  
4 REPRESENTING INDIGENT CLIENTS IN MATTERS PURSUANT TO PART 7 OF  
5 ARTICLE 72 OF TITLE 24 WHEN SUCH ACTION IS IN ACCORDANCE WITH THE  
6 COLORADO RULES OF PROFESSIONAL CONDUCT AND THE AMERICAN BAR  
7 ASSOCIATION STANDARDS RELATING TO CRIMINAL JUSTICE FOR THE  
8 DEFENSE FUNCTION. THE STATE PUBLIC DEFENDER SHALL NOT ACCEPT A  
9 GIFT, GRANT, OR DONATION IF THE GIFT, GRANT, OR DONATION IS  
10 CONDITIONED ON ITS USE FOR SEALING RECORDS FOR A SPECIFIC  
11 IDENTIFIED INDIVIDUAL OR INDIVIDUALS. THE STATE PUBLIC DEFENDER  
12 SHALL TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS, GRANTS, OR  
13 DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO  
14 THE SEALING DEFENSE FUND CREATED IN SUBSECTION (2) OF THIS SECTION.

15 (2) (a) THE SEALING DEFENSE FUND REFERRED TO IN THIS  
16 SUBSECTION (2) AS THE "FUND" IS CREATED IN THE STATE TREASURY. THE  
17 FUND CONSISTS OF GIFTS, GRANTS, AND DONATIONS CREDITED TO THE  
18 FUND PURSUANT TO SUBSECTION (1) OF THIS SECTION AND SECTION  
19 21-2-109 AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY  
20 APPROPRIATE OR TRANSFER TO THE FUND.

21 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
22 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
23 FUND TO THE FUND.

24 (c) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE  
25 STATE PUBLIC DEFENDER AND THE OFFICE OF ALTERNATE DEFENSE  
26 COUNSEL FOR THE PURPOSE OF REPRESENTING INDIGENT CLIENTS IN  
27 MATTERS PURSUANT TO PART 7 OF ARTICLE 72 OF TITLE 24.

1 (3) THE STATE PUBLIC DEFENDER SHALL ANNUALLY REPORT ON  
2 THE RECEIPT AND EXPENDITURE OF GIFTS, GRANTS, AND DONATIONS  
3 PURSUANT TO SUBSECTION (1) OF THIS SECTION AT ITS PRESENTATION TO  
4 ITS COMMITTEE OF REFERENCE AT A HEARING HELD PURSUANT TO SECTION  
5 2-7-203 (2)(a) OF THE "STATE MEASUREMENT FOR ACCOUNTABLE,  
6 RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT.

7 SECTION 4. In Colorado Revised Statutes, **add** 21-2-109 as  
8 follows:

9 **21-2-109. Office of alternate defense counsel - gifts, grants,**  
10 **and donations for record sealing.** (1) THE OFFICE OF ALTERNATE  
11 DEFENSE COUNSEL MAY APPLY FOR GRANTS AND ACCEPTS GIFTS OR  
12 DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSE OF  
13 REPRESENTING INDIGENT CLIENTS IN MATTERS PURSUANT TO PART 7 OF  
14 ARTICLE 72 OF TITLE 24 WHEN SUCH ACTION IS IN ACCORDANCE WITH THE  
15 COLORADO RULES OF PROFESSIONAL CONDUCT AND THE AMERICAN BAR  
16 ASSOCIATION STANDARDS RELATING TO CRIMINAL JUSTICE FOR THE  
17 DEFENSE FUNCTION. THE OFFICE OF ALTERNATE DEFENSE COUNSEL SHALL  
18 NOT ACCEPT A GIFT, GRANT, OR DONATION IF THE GIFT, GRANT, OR  
19 DONATION IS CONDITIONED ON ITS USE FOR SEALING RECORDS FOR A  
20 SPECIFIC IDENTIFIED INDIVIDUAL OR INDIVIDUALS. THE OFFICE OF  
21 ALTERNATE DEFENSE COUNSEL SHALL TRANSMIT ALL MONEY RECEIVED  
22 THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER WHO  
23 SHALL CREDIT THE MONEY TO THE SEALING DEFENSE FUND CREATED IN  
24 SECTION 21-1-107.

25 (2) THE OFFICE OF ALTERNATE DEFENSE COUNSEL SHALL  
26 ANNUALLY REPORT ON THE RECEIPT AND EXPENDITURE OF GIFTS, GRANTS,  
27 AND DONATIONS PURSUANT TO SUBSECTION (1) OF THIS SECTION AT ITS

1 PRESENTATION TO ITS COMMITTEE OF REFERENCE AT A HEARING HELD  
2 PURSUANT TO SECTION 2-7-203 (2)(a) OF THE "STATE MEASUREMENT FOR  
3 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)  
4 GOVERNMENT ACT.

5 SECTION 5. In Colorado Revised Statutes, 24-72-703, amend  
6 (1) as follows:

7 24-72-703. Sealing of arrest and criminal records - general  
8 provisions - order applicability - discovery and advisements.

9 (1) **Applicability.** The provisions of this section shall apply to the  
10 sealing of arrest and criminal records pursuant to sections 24-72-704 to  
11 ~~24-72-709~~ 24-72-710.

12 SECTION 6. In Colorado Revised Statutes, 24-72-704, add (2),  
13 (3), (4), and (5) as follows:

14 24-72-704. Sealing of arrest records when no charges filed -

15 **automatic sealing.** (2) (a) FOR ARRESTS ON OR AFTER JANUARY 1, 2022,  
16 THE COLORADO BUREAU OF INVESTIGATION IN THE DEPARTMENT OF  
17 PUBLIC SAFETY SHALL AUTOMATICALLY SEAL AN ARREST RECORD THAT IS  
18 IN ITS CUSTODY AND CONTROL OF A PERSON WHEN NO CRIMINAL CHARGES  
19 HAVE BEEN FILED WITHIN ONE YEAR OF THE DATE OF THE PERSON'S  
20 ARREST. IF THE COLORADO BUREAU OF INVESTIGATION DOES NOT RECEIVE  
21 DOCUMENTATION OF THE FILING OF CRIMINAL CHARGES MATCHING ARREST  
22 RECORDS IN ITS CUSTODY AND CONTROL FROM A COURT OR ANOTHER  
23 STATE OR LOCAL AGENCY OR OFFICE WITHIN ONE YEAR OF THE DATE OF  
24 ARREST, THE BUREAU SHALL SEAL THE ARREST RECORDS. THE COLORADO  
25 BUREAU OF INVESTIGATION IS NOT REQUIRED TO CONDUCT ANY  
26 INDEPENDENT INVESTIGATION OF WHETHER CRIMINAL CHARGES HAVE  
27 BEEN FILED AND IS NOT REQUIRED TO SEAL ANY ARREST RECORDS NOT IN

1 ITS CUSTODY AND CONTROL. AN ARREST RECORD ELIGIBLE FOR SEALING  
2 PURSUANT TO THIS SUBSECTION (2)(a) MUST BE SEALED WITHIN SIXTY  
3 DAYS AFTER THE YEAR HAS PASSED SINCE THE PERSON'S ARREST DATE. IF  
4 THE COLORADO BUREAU OF INVESTIGATION RECEIVES NOTICE OF FILED  
5 CHARGES AFTER IT SEALED THE RECORD, THE BUREAU SHALL  
6 IMMEDIATELY UNSEAL THE RECORD.

7 (b) (I) FOR ARRESTS WITHOUT A CONVICTION AFTER JANUARY 1,  
8 2019, BUT BEFORE JANUARY 1, 2022, THE COLORADO BUREAU OF  
9 INVESTIGATION SHALL AUTOMATICALLY SEAL AN ARREST RECORD THAT  
10 IS IN ITS CUSTODY AND CONTROL OF A PERSON WHEN NO CRIMINAL  
11 CHARGES HAVE BEEN FILED:

12 (A) WITHIN THREE YEARS AFTER THE DATE OF ARREST FOR A  
13 FELONY OFFENSE FOR WHICH THE STATUTE OF LIMITATIONS IS THREE  
14 YEARS; OR

15 (B) WITHIN EIGHTEEN MONTHS AFTER THE DATE OF ARREST FOR  
16 A MISDEMEANOR OFFENSE, A MISDEMEANOR TRAFFIC OFFENSE, A PETTY  
17 OFFENSE, A MUNICIPAL ORDINANCE VIOLATION FOR WHICH THE STATUTE  
18 OF LIMITATIONS IS EIGHTEEN MONTHS OR LESS, OR IF THERE IS NO  
19 INDICATION OF THE CLASSIFICATION OF THE CRIME IN THE ARREST DATA.

20 (II) IF THE COLORADO BUREAU OF INVESTIGATION DOES NOT  
21 RECEIVE DOCUMENTATION FROM A COURT OR ANOTHER STATE OR LOCAL  
22 AGENCY OR OFFICE THAT CRIMINAL CHARGES HAVE BEEN FILED WITHIN  
23 THE TIME PERIODS PROVIDED IN SUBSECTION (2)(b)(I) OF THIS SECTION,  
24 THE BUREAU SHALL SEAL THE ARREST RECORDS IN ITS CUSTODY AND  
25 CONTROL. THE COLORADO BUREAU OF INVESTIGATION IS NOT REQUIRED  
26 TO CONDUCT ANY INDEPENDENT INVESTIGATION OF WHETHER CRIMINAL  
27 CHARGES HAVE BEEN FILED AND IS NOT REQUIRED TO SEAL ANY ARREST

1 RECORDS NOT IN ITS CUSTODY AND CONTROL. IF THE COLORADO BUREAU  
2 OF INVESTIGATION RECEIVES NOTICE OF FILED CHARGES AFTER IT SEALED  
3 THE RECORD, THE BUREAU SHALL IMMEDIATELY UNSEAL THE RECORD.

4 (III) THIS SUBSECTION (2)(b) ONLY APPLIES TO CRIMINAL ARREST  
5 RECORDS THAT THE COLORADO BUREAU OF INVESTIGATION HAS CUSTODY  
6 AND CONTROL OVER IN AN ELECTRONIC FORMAT.

7 (IV) (A) FOR ARREST RECORDS WITH NO CONVICTION THAT ARE  
8 FROM 2013 TO 2018, THE COLORADO BUREAU OF INVESTIGATION SHALL  
9 SEAL THE RECORDS BY JANUARY 1, 2023.

10 (B) FOR ARREST RECORDS WITH NO CONVICTION THAT ARE FROM  
11 2008 TO 2012, THE COLORADO BUREAU OF INVESTIGATION SHALL SEAL  
12 THE RECORDS BY JANUARY 1, 2024.

13 (C) FOR ARREST RECORDS WITH NO CONVICTION THAT ARE FROM  
14 2003 TO 2007, THE COLORADO BUREAU OF INVESTIGATION SHALL SEAL  
15 THE RECORDS BY JANUARY 1, 2025.

16 (D) FOR ARREST RECORDS WITH NO CONVICTION THAT ARE FROM  
17 1997 TO 2002, THE COLORADO BUREAU OF INVESTIGATION SHALL SEAL  
18 THE RECORDS BY JANUARY 1, 2026.

19 (E) FOR ANY OTHER ARREST RECORDS WITH NO CONVICTION, THE  
20 COLORADO BUREAU OF INVESTIGATION SHALL SEAL THE RECORDS BY  
21 JANUARY 1, 2027.

22 (V) ARREST RECORDS FOR A FELONY OFFENSE WITH A STATUTE OF  
23 LIMITATIONS OF MORE THAN THREE YEARS OR WITH NO STATUTE OF  
24 LIMITATIONS PURSUANT TO SECTION 16-5-401 ARE NOT ELIGIBLE FOR  
25 SEALING UNDER THIS SUBSECTION (2).

26 (3) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, THE  
27 COLORADO BUREAU OF INVESTIGATION SHALL DEVELOP A PROCESS TO



1 ALLOW AN APPROVED TREATMENT PROVIDER PROVIDING TREATMENT  
2 PURSUANT TO SECTION 16-11.7-103 (4) OR 16-11.8-103 (4) ACCESS TO  
3 SEALED ARREST RECORDS. A TREATMENT PROVIDER SHALL NOT USE  
4 RECORDS ACCESSED PURSUANT TO THIS SUBSECTION (3) FOR ANY OTHER  
5 PURPOSE.

6 (4) THE PROVISIONS OF SECTION 24-72-703 (2) APPLY TO AN  
7 ARREST RECORD SEALED PURSUANT TO THIS SECTION.

8 [REDACTED]  
9 (5) SEALING OF ARREST RECORDS UNDER THIS SECTION DOES NOT  
10 IMPAIR THE ABILITY OF THE DEPARTMENT OF EDUCATION TO ACCESS AND  
11 USE SEALED RECORDS IN CONNECTION WITH BACKGROUND CHECKS,  
12 INVESTIGATIONS, AND DISCIPLINARY ACTIONS CONDUCTED UNDER ARTICLE  
13 60.5 OF TITLE 22.

14 **SECTION 7.** In Colorado Revised Statutes, **add** 24-72-709 and  
15 24-72-710 as follows:

16 **24-72-709. Sealing of criminal conviction records information**  
17 **for multiple conviction records.** (1) (a) SUBJECT TO THE PROVISIONS OF  
18 SUBSECTION (5) OF THIS SECTION, A DEFENDANT WITH MULTIPLE  
19 CONVICTION RECORDS IN THE STATE MAY PETITION THE [REDACTED] COURT OF THE  
20 JURISDICTION WHERE THE CONVICTION RECORD OR RECORDS PERTAINING  
21 TO THE DEFENDANT ARE LOCATED FOR THE SEALING OF THE CONVICTION  
22 RECORDS, EXCEPT BASIC IDENTIFYING INFORMATION, IF THE RECORD OR  
23 RECORDS ARE NOT ELIGIBLE FOR SEALING PURSUANT TO ANY OTHER  
24 SECTION IN THIS PART 7 BECAUSE OF AN INTERVENING CONVICTION AND IF  
25 THE PETITION IS FILED WITHIN THE TIME FRAME DESCRIBED IN SUBSECTION  
26 (2) OF THIS SECTION AND PROPER NOTICE IS GIVEN TO THE DISTRICT  
27 ATTORNEY. IF THE MULTIPLE CONVICTION RECORDS ARE IN DIFFERENT

1 JURISDICTIONS, THE DEFENDANT SHALL FILE A PETITION IN EACH  
2 JURISDICTION WITH A CONVICTION RECORD THAT INCLUDES A COPY OF  
3 EACH PETITION FILED IN THE OTHER JURISDICTIONS AND PROVIDE NOTICE  
4 OF THE PETITION TO EACH DISTRICT ATTORNEY.

5 (b) A MOTION TO SEAL CONVICTION RECORDS PURSUANT TO THIS  
6 SECTION MUST INCLUDE A LISTING OF EACH CUSTODIAN OF THE RECORDS  
7 TO WHOM THE SEALING ORDER IS DIRECTED AND ANY INFORMATION THAT  
8 ACCURATELY AND COMPLETELY IDENTIFIES THE RECORDS TO BE SEALED.  
9 THE DEFENDANT SHALL SUBMIT A VERIFIED COPY OF THEIR CRIMINAL  
10 HISTORY, CURRENT THROUGH AT LEAST THE TWENTIETH DAY BEFORE THE  
11 DATE OF THE FILING OF THE PETITION TO THE COURT, ALONG WITH THE  
12 MOTION AT THE TIME OF FILING, BUT IN NO EVENT LATER THAN THE TENTH  
13 DAY AFTER THE MOTION IS FILED. THE DEFENDANT SHALL PAY FOR HIS OR  
14 HER CRIMINAL HISTORY RECORD.

15 (2) (a) IF THE OFFENSE OR HIGHEST OFFENSE OF THE MULTIPLE  
16 OFFENSES IS AN ELIGIBLE PETTY OFFENSE OR ELIGIBLE PETTY DRUG  
17 OFFENSE, THE PETITION MAY BE FILED TWO YEARS AFTER THE LATER OF  
18 THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS  
19 AGAINST THE DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM  
20 SUPERVISION CONCERNING THE CONVICTION, OR THE LATEST IN TIME  
21 CRIMINAL CONVICTION OF THE MULTIPLE CONVICTIONS.

22 (b) IF THE OFFENSE OR HIGHEST OFFENSE OF THE MULTIPLE  
23 OFFENSES IS AN ELIGIBLE MISDEMEANOR OR ELIGIBLE MISDEMEANOR DRUG  
24 OFFENSE, OR ELIGIBLE LEVEL 4 DRUG FELONY, THE PETITION MAY BE FILED  
25 FIVE YEARS AFTER THE LATER OF THE DATE OF THE FINAL DISPOSITION OF  
26 ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE  
27 OF THE DEFENDANT FROM SUPERVISION CONCERNING THE CONVICTION, OR

1 THE LATEST IN TIME CRIMINAL CONVICTION OF THE MULTIPLE  
2 CONVICTIONS.

3 (c) IF THE OFFENSE OR HIGHEST OFFENSE OF THE MULTIPLE  
4 OFFENSES IS AN ELIGIBLE FELONY OR ELIGIBLE DRUG FELONY, THE  
5 PETITION MAY BE FILED TEN YEARS AFTER THE LATER OF THE DATE OF THE  
6 FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE  
7 DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION  
8 CONCERNING THE CONVICTION, OR THE LATEST IN TIME CRIMINAL  
9 CONVICTION OF THE MULTIPLE CONVICTIONS.

10

11 (3) (a) IF THE OFFENSE OR HIGHEST OFFENSE OF THE MULTIPLE  
12 OFFENSES IS AN ELIGIBLE PETTY OFFENSE OR ELIGIBLE PETTY DRUG  
13 OFFENSE, THE PETITION MAY BE FILED ONLY IF THE DEFENDANT HAS NO  
14 MORE THAN FIVE CONVICTIONS IN SEPARATE CRIMINAL CASES.

15 (b) IF THE OFFENSE OR HIGHEST OFFENSE OF THE MULTIPLE  
16 OFFENSES IS AN ELIGIBLE MISDEMEANOR OR ELIGIBLE MISDEMEANOR DRUG  
17 OFFENSE, THE PETITION MAY BE FILED ONLY IF THE DEFENDANT HAS NO  
18 MORE THAN FOUR PREVIOUS CONVICTIONS IN SEPARATE CRIMINAL CASES.

19 (c) IF THE OFFENSE OR HIGHEST OFFENSE OF THE MULTIPLE  
20 OFFENSES IS AN ELIGIBLE CLASS 1 MISDEMEANOR, AN ELIGIBLE CLASS 4,  
21 ELIGIBLE CLASS 5, OR ELIGIBLE CLASS 6 FELONY, OR AN ELIGIBLE DRUG  
22 FELONY, THE PETITION MAY BE FILED ONLY IF THE DEFENDANT HAS NO  
23 MORE THAN THREE PREVIOUS CONVICTIONS IN SEPARATE CRIMINAL CASES.

24

25 (4) (a) THE DEFENDANT SHALL PAY THE PROCESSING FEE TO THE  
26 COURT AND PROVIDE NOTICE OF THE PETITION TO THE DISTRICT ATTORNEY.  
27 THE DISTRICT ATTORNEY SHALL DETERMINE WHETHER TO OBJECT TO THE

1 PETITION AFTER CONSIDERING THE FACTORS IN SECTION 24-72-706 (1)(g).  
2 THE DISTRICT ATTORNEY SHALL ADVISE THE COURT OF A VICTIM'S  
3 OBJECTION AND REQUEST FOR HEARING WHEN KNOWN. IF THE DISTRICT  
4 ATTORNEY DOES NOT OBJECT AND THE OFFENSE IS NOT A CRIME  
5 ENUMERATED IN SECTION 24-4.1-302 (1), THE COURT MAY DECIDE THE  
6 PETITION WITH OR WITHOUT THE BENEFIT OF A HEARING. IF THE DISTRICT  
7 ATTORNEY OBJECTS TO THE PETITION OR THE OFFENSE IS A CRIME  
8 ENUMERATED IN SECTION 24-4.1-302 (1) AND THE DISTRICT ATTORNEY  
9 REQUESTS A HEARING ON BEHALF OF A VICTIM, THE COURT SHALL SET THE  
10 MATTER FOR HEARING. TO ORDER THE RECORD SEALED, THE CRIMINAL  
11 HISTORY FILED WITH THE PETITION MUST DOCUMENT TO THE COURT THAT  
12 THE DEFENDANT HAS NOT BEEN CONVICTED OF A CRIMINAL OFFENSE SINCE  
13 THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS  
14 AGAINST HIM OR HER OR SINCE THE DATE OF THE DEFENDANT'S RELEASE  
15 FROM SUPERVISION, WHICHEVER IS LATER. THE COURT SHALL DECIDE THE  
16 PETITION AFTER CONSIDERING THE FACTORS IN SECTION 24-72-706 (1)(g).

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

23 (5) (a) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO  
24 RECORDS PERTAINING TO:

- 25 (I) A CLASS 1 OR CLASS 2 MISDEMEANOR TRAFFIC OFFENSE;
- 26 (II) A CLASS A OR CLASS B TRAFFIC INFRACTION;
- 27 (III) A CONVICTION FOR A VIOLATION OF SECTION 42-4-1301 (1) OR

- 1 (2);
- 2 (IV) A CONVICTION FOR AN OFFENSE FOR WHICH THE UNDERLYING  
3 FACTUAL BASIS INVOLVED UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN  
4 SECTION 16-22-102 (9);
- 5 (V) A CONVICTION FOR A VIOLATION OF SECTION 18-6-401; OR
- 6 (VI) A CONVICTION THAT IS SUBJECT TO ONE OR MORE OF THE  
7 FOLLOWING PROVISIONS:
- 8 (A) SENTENCES FOR A CRIME INVOLVING EXTRAORDINARY  
9 AGGRAVATING CIRCUMSTANCES PURSUANT TO SECTION 18-1.3-401 (8);
- 10 (B) A SENTENCE FOR AN EXTRAORDINARY RISK CRIME PURSUANT  
11 TO SECTION 18-1.3-401 (10);
- 12 (C) SENTENCING FOR A CRIME INVOLVING A PREGNANT VICTIM  
13 PURSUANT TO SECTION 18-1.3-401 (13);
- 14 (D) SENTENCING FOR A CRIME PERTAINING TO A SPECIAL  
15 OFFENDER PURSUANT TO SECTION 18-18-407;
- 16 (E) SENTENCING FOR A CRIMINAL CONVICTION FOR WHICH THE  
17 UNDERLYING FACTUAL BASIS INVOLVES DOMESTIC VIOLENCE AS DEFINED  
18 IN SECTION 18-6-800.3;
- 19 (F) SENTENCING FOR A CRIMINAL CONVICTION FOR A SEXUAL  
20 OFFENSE, PURSUANT TO PART 4 OF ARTICLE 3 OF TITLE 18;
- 21 (G) SENTENCING FOR ANY CRIME OF VIOLENCE PURSUANT TO  
22 SECTION 18-1.3-406;
- 23 (H) SENTENCING FOR A FELONY CRIME ENUMERATED IN SECTION  
24 24-4.1-302 (1);
- 25 (I) SENTENCING FOR A FELONY OFFENSE IN VIOLATION OF SECTION  
26 18-9-202;
- 27 (J) SENTENCING FOR AN OFFENSE CLASSIFIED AS A CLASS 1, 2, OR

1 3 FELONY OR A LEVEL 1 DRUG FELONY PURSUANT TO ANY SECTION OF  
2 TITLE 18;

3 (K) SENTENCING FOR AN OFFENSE IN VIOLATION OF PART 1 OF  
4 ARTICLE 6 OF TITLE 18;

5 (L) SENTENCING FOR AN OFFENSE IN VIOLATION OF SECTION  
6 18-5-902 (1);

7 (M) SENTENCING FOR AN OFFENSE IN VIOLATION OF SECTION  
8 18-3.5-103; OR

9 (N) SENTENCING FOR AN OFFENSE IN VIOLATION OF SECTION  
10 18-7-203.

11 (b) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A ■■■  
12 MISDEMEANOR OFFENSE INELIGIBLE PURSUANT TO THE PROVISIONS OF THIS  
13 SECTION IS ELIGIBLE FOR SEALING PURSUANT TO THIS SECTION IF THE  
14 DISTRICT ATTORNEY CONSENTS TO THE SEALING OR IF THE COURT FINDS,  
15 BY CLEAR AND CONVINCING EVIDENCE, THAT THE PETITIONER'S NEED FOR  
16 SEALING OF THE RECORD IS SIGNIFICANT AND SUBSTANTIAL, THE PASSAGE  
17 OF TIME IS SUCH THAT THE PETITIONER IS NO LONGER A THREAT TO PUBLIC  
18 SAFETY, AND THE PUBLIC DISCLOSURE OF THE RECORD IS NO LONGER  
19 NECESSARY TO PROTECT OR INFORM THE PUBLIC. HOWEVER, NO MORE  
20 THAN ONE MISDEMEANOR THAT IS A CRIME AS DEFINED IN SECTION  
21 24-4.1-302 (1) IS ELIGIBLE FOR SEALING PURSUANT TO THE PROVISIONS OF  
22 THIS SECTION.

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

25 **24-72-710. Sealing of criminal conviction records information**  
26 **for offenses that receive a full and unconditional pardon.** (1) AT ANY  
27 TIME AFTER RECEIVING A FULL AND UNCONDITIONAL PARDON, A

1 DEFENDANT MAY FILE A MOTION IN THE CASE IN WHICH ANY CONVICTION  
2 RECORDS EXIST PERTAINING TO THE DEFENDANT'S CONVICTION FOR ANY  
3 OFFENSES THAT RECEIVED A FULL AND UNCONDITIONAL PARDON.

4 (2) A DEFENDANT MOVING TO HAVE HIS OR HER CRIMINAL  
5 RECORDS SEALED PURSUANT TO THIS SECTION IS NOT REQUIRED TO PAY A  
6 PROCESSING FEE BUT SHALL PROVIDE NOTICE OF THE MOTION TO THE  
7 DISTRICT ATTORNEY.

8 (3) THE DISTRICT ATTORNEY SHALL DETERMINE WHETHER TO  
9 OBJECT TO THE PETITION AFTER CONSIDERING THE FACTORS IN SECTION  
10 24-72-706 (1)(g) AND THE ADDITIONAL FACTOR OF THE DEFENDANT  
11 HAVING RECEIVED A FULL AND UNCONDITIONAL PARDON. THE DISTRICT  
12 ATTORNEY SHALL ADVISE THE COURT OF A VICTIM'S OBJECTION AND  
13 REQUEST FOR HEARING IF KNOWN. IF THE DISTRICT ATTORNEY DOES NOT  
14 OBJECT AND THE OFFENSE IS NOT A CRIME ENUMERATED IN SECTION  
15 24-4.1-302 (1), THE COURT MAY DECIDE THE PETITION WITH OR WITHOUT  
16 THE BENEFIT OF A HEARING. IF THE DISTRICT ATTORNEY OBJECTS TO THE  
17 PETITION OR THE OFFENSE IS A CRIME ENUMERATED IN SECTION 24-4.1-302  
18 (1) AND THE DISTRICT ATTORNEY REQUESTS A HEARING ON BEHALF OF A  
19 VICTIM, THE COURT SHALL SET THE MATTER FOR HEARING. THE COURT  
20 SHALL ORDER THE RECORDS SEALED UNLESS THE COURT FINDS BY CLEAR  
21 AND CONVINCING EVIDENCE THAT THE PUBLIC INTEREST IN RETAINING  
22 PUBLIC ACCESS TO THE CONVICTION RECORDS OUTWEIGHS THE HARM TO  
23 THE PRIVACY OF THE DEFENDANT, THE DANGERS OF UNWARRANTED,  
24 ADVERSE CONSEQUENCES TO THE DEFENDANT, AND THE INTENT OF THE  
25 FULL AND UNCONDITIONAL PARDON.

26 **SECTION 8.** In Colorado Revised Statutes, 24-4.1-302, **amend**  
27 (2)(v) as follows:

1           **24-4.1-302. Definitions.** As used in this part 3, and for no other  
2 purpose, including the expansion of the rights of any defendant:

3           (2) "Critical stages" means the following stages of the criminal  
4 justice process:

5           (v) A hearing held pursuant to ~~section 24-72-706 or 24-72-709~~  
6 SECTION 24-72-706, 24-72-709, OR 24-72-710;

7           **SECTION 9.** In Colorado Revised Statutes, 24-4.1-302.5, **amend**  
8 (1)(d)(VIII), (1)(d)(IX), and (1)(z); and **add** (1)(d)(X) as follows:

9           **24-4.1-302.5. Rights afforded to victims - definitions.** (1) In  
10 order to preserve and protect a victim's rights to justice and due process,  
11 each victim of a crime has the following rights:

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

13           (VIII) Involving a petition for expungement as described in  
14 section 19-1-306; ~~or~~

15           (IX) Involving a hearing as described in section 24-31-902 (2)(c);  
16 ~~OR~~

17           (X) INVOLVING A HEARING HELD PURSUANT TO SECTION  
18 24-72-706, 24-72-709, OR 24-72-710.

19           (z) The right to be notified of a hearing concerning any motion  
20 filed for or petition for sealing of records described in ~~section 24-72-704~~  
21 SECTION 24-72-706, 24-72-709, OR 24-72-710 filed by a defendant in the  
22 criminal case whose crime falls under section 24-4.1-302 (1);

23           **SECTION 10.** In Colorado Revised Statutes, 24-4.1-303, **amend**  
24 (11)(b.7) as follows:

25           **24-4.1-303. Procedures for ensuring rights of victims of**  
26 **crimes.** (11) The district attorney shall inform a victim of the following:

27           (b.7) Any motion filed or any hearing concerning a motion or



1 petition for sealing of records as described in ~~section 24-72-706 or~~  
2 ~~24-72-709~~ SECTION 24-72-706, 24-72-709, OR 24-72-710 that was filed by  
3 a defendant in the criminal case and whose crime falls under section  
4 24-4.1-302 (1). The notification should be made using the last known  
5 contact information that is available for the victim.

6 **SECTION 11.** In Colorado Revised Statutes, **add** 13-3-117 as  
7 follows:

8 **13-3-117. State court administrator - automatic drug**  
9 **conviction sealing.** (1) (a) THE STATE COURT ADMINISTRATOR SHALL  
10 COMPILE A LIST OF DRUG CONVICTIONS PURSUANT TO ARTICLE 18 OF TITLE  
11 18:

12 (I) THAT ARE ELIGIBLE FOR SEALING PURSUANT TO SECTIONS  
13 24-72-703 AND 24-72-706; AND

14 (II) (A) IF THE DRUG CONVICTION IS FOR A PETTY OFFENSE OR  
15 MISDEMEANOR, THAT SEVEN YEARS HAVE PAST SINCE THE DISPOSITION OF  
16 THE CASE; OR

17 (B) IF THE DRUG CONVICTION IS FOR A FELONY, THAT AT LEAST  
18 TEN YEARS HAVE PAST SINCE THE DISPOSITION OF THE CASE.

19 (b) THE STATE COURT ADMINISTRATOR SHALL USE THE STATE  
20 CONVICTION DATABASE AND THE CONVICTION DATABASES OF ENTITIES  
21 THAT DO NOT REPORT CONVICTIONS TO THE STATE DATABASE TO COMPILE  
22 THE LIST. THE STATE COURT ADMINISTRATOR SHALL COMPILE THE LIST  
23 BASED ON A NAME-BASED REVIEW WITH SUFFICIENT POINTS OF REFERENCE  
24 FOR IDENTIFICATION VALIDATION AS DETERMINED BY THE STATE COURT  
25 ADMINISTRATOR. THE STATE COURT ADMINISTRATOR MUST ONLY INCLUDE  
26 CONVICTIONS ON THE LIST IF SUFFICIENT POINTS OF VALIDATION, AS  
27 DETERMINED BY THE STATE COURT ADMINISTRATOR, ARE PRESENT. THE

1 STATE COURT ADMINISTRATOR SHALL SORT THE LIST BY JUDICIAL DISTRICT  
2 OF CONVICTION.

3 (c) THE STATE COURT ADMINISTRATOR SHALL COMPILE THE INITIAL  
4 LIST PURSUANT TO THIS SUBSECTION (1) BY FEBRUARY 1, 2024, AND THE  
5 COURT SHALL SEAL ALL CONVICTION RECORDS ELIGIBLE FOR SEALING  
6 PURSUANT TO THE FINAL LIST COMPILED PURSUANT TO SUBSECTION (3)(a)  
7 OF THIS SECTION BASED ON THE INITIAL LIST BY JULY 1, 2024.

8 (d) BEGINNING JULY 1, 2024, THE STATE COURT ADMINISTRATOR  
9 SHALL COMPILE THE LIST PURSUANT TO THIS SUBSECTION (1) ON THE FIRST  
10 MONDAY OF EVERY MONTH AND THE COLORADO BUREAU OF  
11 INVESTIGATION AND DISTRICT ATTORNEYS SHALL COMPLETE THEIR  
12 REVIEW WITHIN THIRTY-FIVE DAYS OF RECEIVING A NEW LIST. THE  
13 COURT SHALL SEAL ALL CONVICTION RECORDS ELIGIBLE FOR SEALING  
14 PURSUANT TO THE LIST COMPILED PURSUANT TO SUBSECTION (3)(a) OF  
15 THIS SECTION WITHIN FOURTEEN DAYS OF RECEIPT OF THE AMENDED LIST  
16 FROM EACH DISTRICT ATTORNEY.

17 (2) THE STATE COURT ADMINISTRATOR SHALL FORWARD THE LIST  
18 COMPILED PURSUANT TO SUBSECTION (1) OF THIS SECTION TO THE  
19 COLORADO BUREAU OF INVESTIGATION. THE COLORADO BUREAU OF  
20 INVESTIGATION SHALL COMPARE THE LIST WITH CRIMINAL HISTORY  
21 REPORTS. THE COLORADO BUREAU OF INVESTIGATION SHALL COMPLETE  
22 THE COMPARISON BASED ON A FINGERPRINT-BASED REVIEW WITH A  
23 SUFFICIENT POINTS OF REFERENCE FOR IDENTIFICATION VALIDATION AS  
24 DETERMINED BY THE COLORADO BUREAU OF INVESTIGATION. THE  
25 COLORADO BUREAU OF INVESTIGATION SHALL REMOVE ANY CONVICTIONS  
26 FROM THE LIST FROM THE STATE COURT ADMINISTRATOR IN WHICH  
27 SUFFICIENT IDENTIFICATION VALIDATION CANNOT BE MADE BY THE

1 COLORADO BUREAU OF INVESTIGATION AND ANY CONVICTIONS FOR WHICH  
2 THE DEFENDANT HAS AN INTERVENING CONVICTION DURING THE  
3 SEVEN-YEAR-WAITING PERIOD IF THE CONVICTION IS FOR A PETTY OFFENSE  
4 OR MISDEMEANOR OR DURING THE TEN-YEAR-WAITING PERIOD IF THE  
5 CONVICTION IS FOR A FELONY. THE COLORADO BUREAU OF INVESTIGATION  
6 SHALL FORWARD EACH AMENDED LIST TO EACH DISTRICT ATTORNEY.

7 (3) (a) UPON RECEIPT OF THE LIST FROM THE COLORADO BUREAU  
8 OF INVESTIGATION, EACH DISTRICT ATTORNEY SHALL REMOVE  
9 CONVICTIONS FROM THE LIST IN WHICH A CONDITION OF PLEA WAS THAT  
10 THE DEFENDANT AGREED TO NOT HAVE THE CONVICTION RECORD SEALED  
11 AND CONVICTIONS IN WHICH THE DEFENDANT HAS A PENDING CRIMINAL  
12 CHARGE. EACH DISTRICT ATTORNEY SHALL SEND ITS AMENDED LIST TO  
13 THE STATE COURT ADMINISTRATOR. THE STATE COURT ADMINISTRATOR  
14 SHALL COMPILE EACH OF THE LISTS INTO ONE FINAL LIST AND SORT THE  
15 CONVICTIONS BY JUDICIAL DISTRICT.

16 (b) THE DISTRICT ATTORNEY SHALL SEND THE FINAL LIST  
17 COMPILED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION TO THE CHIEF  
18 JUDGE FOR THE JUDICIAL DISTRICT AND THE COURTS OF THAT JUDICIAL  
19 DISTRICT SHALL ENTER SEALING ORDERS BASED ON THE LIST RECEIVED.  
20 THE DISTRICT COURT SHALL SEND A COPY OF THE SEALING ORDER TO THE  
21 COLORADO BUREAU OF INVESTIGATION, THE LAW ENFORCEMENT AGENCY  
22 THAT INVESTIGATED THE CASE, AND THE DISTRICT ATTORNEY'S OFFICE  
23 THAT PROSECUTED THE CASE TO FACILITATE SEALING OF THE RECORDS  
24 HELD BY THOSE ENTITIES. THE COURT SHALL ALSO SEND A COPY TO THE  
25 DEFENDANT IF THE CONTACT INFORMATION FOR THE DEFENDANT IS  
26 AVAILABLE AND TO THE STATE COURT ADMINISTRATOR FOR PURPOSES OF  
27 SUBSECTION (3)(c) OF THIS SECTION.

1           (c) THE STATE COURT ADMINISTRATOR SHALL DEVELOP A WEBSITE  
2 THAT ALLOWS DEFENDANTS TO CONFIDENTIALLY DETERMINE WHETHER  
3 HIS OR HER CONVICTION HAS BEEN SEALED PURSUANT TO THIS SECTION  
4 AND INFORMATION ABOUT HOW TO RECEIVE A COPY OF THE SEALING  
5 ORDER.

6           **SECTION 12.** In Colorado Revised Statutes, 39-28.8-501, **add**  
7 (2)(b)(IV)(S) as follows:

8           **39-28.8-501. Marijuana tax cash fund - creation - distribution**  
9 **- legislative declaration - repeal.** (2) (b) (IV) Subject to the limitation  
10 in subsection (5) of this section, the general assembly may annually  
11 appropriate any money in the fund for the following purposes:

12           (S) FOR EXPENSES RELATING TO THE REDUCTION OF COLLATERAL  
13 CONSEQUENCES EXPERIENCED BY PEOPLE PREVIOUSLY SENTENCED FOR  
14 DRUG OFFENSES.

15           **SECTION 13. Appropriation.** (1) For the 2021-22 state fiscal  
16 year, \$300,605 is appropriated to the judicial department. This  
17 appropriation is from the general fund. To implement this act, the  
18 department may use this appropriation as follows:

19           (a) \$189,186 for trial court programs, which amount is based on  
20 an assumption that the department will require an additional 2.0 FTE; and

21           (b) \$111,419 for capital outlay.

22           (2) For the 2021-22 state fiscal year, \$39,815 is appropriated to  
23 the department of public safety for use by the biometric identification and  
24 records unit. This appropriation is from the general fund. To implement  
25 this act, the department may use this appropriation as follows:

26           (a) \$19,595 for personal services, which amount is based on an  
27 assumption that the department will require an additional 0.5 FTE; and

1 (b) \$20,220 for operating expenses.

2 **SECTION 14. Act subject to petition - effective date.** This act  
3 takes effect at 12:01 a.m. on the day following the expiration of the  
4 ninety-day period after final adjournment of the general assembly; except  
5 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
6 of the state constitution against this act or an item, section, or part of this  
7 act within such period, then the act, item, section, or part will not take  
8 effect unless approved by the people at the general election to be held in  
9 November 2022 and, in such case, will take effect on the date of the  
10 official declaration of the vote thereon by the governor.