

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

PREAMENDED

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

LLS NO. 21-0503.02 Michael Dohr x4347

HOUSE BILL 21-1214

HOUSE SPONSORSHIP

Weissman and Bacon,

SENATE SPONSORSHIP

Coleman and Lee,

House Committees

Judiciary
Finance
Appropriations

Senate Committees

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.**

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.

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.

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 CONVICTIONS
12 ENTERED BEFORE, ON, OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION
13 (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 SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, 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. THE STATE PUBLIC DEFENDER SHALL TRANSMIT
6 ALL MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE
7 STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE SEALING
8 DEFENSE FUND CREATED IN SUBSECTION (2) OF THIS SECTION.

9 (2) (a) THE SEALING DEFENSE FUND REFERRED TO IN THIS
10 SUBSECTION (2) AS THE "FUND" IS CREATED IN THE STATE TREASURY. THE
11 FUND CONSISTS OF GIFTS, GRANTS, AND DONATIONS CREDITED TO THE
12 FUND PURSUANT TO SUBSECTION (1) OF THIS SECTION AND SECTION
13 21-2-109 AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
14 APPROPRIATE OR TRANSFER TO THE FUND.

15 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
16 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
17 FUND TO THE FUND.

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

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

24 **21-2-109. Office of alternate defense counsel - gifts, grants,**
25 **and donations for record sealing.** THE OFFICE OF ALTERNATE DEFENSE
26 COUNSEL MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS
27 FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSE OF REPRESENTING

1 INDIGENT CLIENTS IN MATTERS PURSUANT TO PART 7 OF ARTICLE 72 OF
2 TITLE 24 WHEN THE STATE PUBLIC DEFENDER HAS A CONFLICT PURSUANT
3 TO SECTION 21-2-103. THE OFFICE OF ALTERNATE DEFENSE COUNSEL
4 SHALL TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS, GRANTS, OR
5 DONATIONS TO THE STATE TREASURER WHO SHALL CREDIT THE MONEY TO
6 THE SEALING DEFENSE FUND CREATED IN SECTION 21-1-107.

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

9 **24-72-703. Sealing of arrest and criminal records - general**
10 **provisions - order applicability - discovery and advisements.**

11 (1) **Applicability.** The provisions of this section shall apply to the
12 sealing of arrest and criminal records pursuant to sections 24-72-704 to
13 ~~24-72-709~~ 24-72-710.

14 **SECTION 6.** In Colorado Revised Statutes, 24-72-704, **add** (2),
15 (3), and (4) as follows:

16 **24-72-704. Sealing of arrest records when no charges filed -**
17 **automatic sealing.** (2) (a) FOR ARRESTS ON OR AFTER JANUARY 1, 2022,
18 THE COLORADO BUREAU OF INVESTIGATION IN THE DEPARTMENT OF
19 PUBLIC SAFETY SHALL AUTOMATICALLY SEAL AN ARREST RECORD THAT IS
20 IN ITS CUSTODY AND CONTROL OF A PERSON WHEN NO CRIMINAL CHARGES
21 HAVE BEEN FILED WITHIN ONE YEAR OF THE DATE OF THE PERSON'S
22 ARREST. IF THE COLORADO BUREAU OF INVESTIGATION DOES NOT RECEIVE
23 DOCUMENTATION OF THE FILING OF CRIMINAL CHARGES MATCHING ARREST
24 RECORDS IN ITS CUSTODY AND CONTROL FROM A COURT OR ANOTHER
25 STATE OR LOCAL AGENCY OR OFFICE WITHIN ONE YEAR OF THE DATE OF
26 ARREST, THE BUREAU SHALL SEAL THE ARREST RECORDS. THE COLORADO
27 BUREAU OF INVESTIGATION IS NOT REQUIRED TO CONDUCT ANY

1 INDEPENDENT INVESTIGATION OF WHETHER CRIMINAL CHARGES HAVE
2 BEEN FILED AND IS NOT REQUIRED TO SEAL ANY ARREST RECORDS NOT IN
3 ITS CUSTODY AND CONTROL. AN ARREST RECORD ELIGIBLE FOR SEALING
4 PURSUANT TO THIS SUBSECTION (2)(a) MUST BE SEALED WITHIN SIXTY
5 DAYS AFTER THE YEAR HAS PASSED SINCE THE PERSON'S ARREST DATE. IF
6 THE COLORADO BUREAU OF INVESTIGATION RECEIVES NOTICE OF FILED
7 CHARGES AFTER IT SEALED THE RECORD, THE BUREAU SHALL
8 IMMEDIATELY UNSEAL THE RECORD.

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

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

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

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

1 TO CONDUCT ANY INDEPENDENT INVESTIGATION OF WHETHER CRIMINAL
2 CHARGES HAVE BEEN FILED AND IS NOT REQUIRED TO SEAL ANY ARREST
3 RECORDS NOT IN ITS CUSTODY AND CONTROL. IF THE COLORADO BUREAU
4 OF INVESTIGATION RECEIVES NOTICE OF FILED CHARGES AFTER IT SEALED
5 THE RECORD, THE BUREAU SHALL IMMEDIATELY UNSEAL THE RECORD.

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

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

12 (B) FOR ARREST RECORDS WITH NO CONVICTION THAT ARE FROM
13 2008 TO 2012, THE COLORADO BUREAU OF INVESTIGATION SHALL SEAL
14 THE RECORDS BY JANUARY 1, 2024.

15 (C) FOR ARREST RECORDS WITH NO CONVICTION THAT ARE FROM
16 2003 TO 2007, THE COLORADO BUREAU OF INVESTIGATION SHALL SEAL
17 THE RECORDS BY JANUARY 1, 2025.

18 (D) FOR ARREST RECORDS WITH NO CONVICTION THAT ARE FROM
19 1997 TO 2002, THE COLORADO BUREAU OF INVESTIGATION SHALL SEAL
20 THE RECORDS BY JANUARY 1, 2026.

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

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

1 (3) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, THE
2 COLORADO BUREAU OF INVESTIGATION SHALL DEVELOP A PROCESS TO
3 ALLOW AN APPROVED TREATMENT PROVIDER PROVIDING TREATMENT
4 PURSUANT TO SECTION 16-11.7-103 (4) OR 16-11.8-103 (4) ACCESS TO
5 SEALED ARREST RECORDS. A TREATMENT PROVIDER SHALL NOT USE
6 RECORDS ACCESSED PURSUANT TO THIS SUBSECTION (3) FOR ANY OTHER
7 PURPOSE.

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

10

11 **SECTION 7.** In Colorado Revised Statutes, **add** 24-72-709 and
12 24-72-710 as follows:

13 **24-72-709. Sealing of criminal conviction records information**
14 **for multiple conviction records.** (1) (a) SUBJECT TO THE PROVISIONS OF
15 SUBSECTION (5) OF THIS SECTION, A DEFENDANT WITH MULTIPLE
16 CONVICTION RECORDS IN THE STATE MAY PETITION THE [REDACTED] COURT OF THE
17 JURISDICTION WHERE THE CONVICTION RECORD OR RECORDS PERTAINING
18 TO THE DEFENDANT ARE LOCATED FOR THE SEALING OF THE CONVICTION
19 RECORDS, EXCEPT BASIC IDENTIFYING INFORMATION, IF THE RECORD OR
20 RECORDS ARE NOT ELIGIBLE FOR SEALING PURSUANT TO ANY OTHER
21 SECTION IN THIS PART 7 BECAUSE OF AN INTERVENING CONVICTION AND IF
22 THE PETITION IS FILED WITHIN THE TIME FRAME DESCRIBED IN SUBSECTION
23 (2) OF THIS SECTION AND PROPER NOTICE IS GIVEN TO THE DISTRICT
24 ATTORNEY. IF THE MULTIPLE CONVICTION RECORDS ARE IN DIFFERENT
25 JURISDICTIONS, THE DEFENDANT SHALL FILE A PETITION IN EACH
26 JURISDICTION WITH A CONVICTION RECORD THAT INCLUDES A COPY OF
27 EACH PETITION FILED IN THE OTHER JURISDICTIONS AND PROVIDE NOTICE

1 OF THE PETITION TO EACH DISTRICT ATTORNEY.

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

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

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

27 (c) IF THE OFFENSE OR HIGHEST OFFENSE OF THE MULTIPLE

1 OFFENSES IS AN ELIGIBLE FELONY OR ELIGIBLE DRUG FELONY, THE
2 PETITION MAY BE FILED TEN YEARS AFTER THE LATER OF THE DATE OF THE
3 FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE
4 DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION
5 CONCERNING THE CONVICTION, OR THE LATEST IN TIME CRIMINAL
6 CONVICTION OF THE MULTIPLE CONVICTIONS.

7

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

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

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

21

22 (4) (a) THE DEFENDANT SHALL PAY THE PROCESSING FEE TO THE
23 COURT AND PROVIDE NOTICE OF THE PETITION TO THE DISTRICT ATTORNEY.
24 THE DISTRICT ATTORNEY SHALL DETERMINE WHETHER TO OBJECT TO THE
25 PETITION AFTER CONSIDERING THE FACTORS IN SECTION 24-72-706 (1)(g).
26 THE DISTRICT ATTORNEY SHALL ADVISE THE COURT OF A VICTIM'S
27 OBJECTION AND REQUEST FOR HEARING WHEN KNOWN. IF THE DISTRICT

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

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

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

- 22 (I) A CLASS 1 OR CLASS 2 MISDEMEANOR TRAFFIC OFFENSE;
23 (II) A CLASS A OR CLASS B TRAFFIC INFRACTION;
24 (III) A CONVICTION FOR A VIOLATION OF SECTION 42-4-1301 (1) OR
25 (2);
26 (IV) A CONVICTION FOR AN OFFENSE FOR WHICH THE UNDERLYING
27 FACTUAL BASIS INVOLVED UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN

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

1 ARTICLE 6 OF TITLE 18;

2 (L) SENTENCING FOR AN OFFENSE IN VIOLATION OF SECTION
3 18-5-902 (1);

4 (M) SENTENCING FOR AN OFFENSE IN VIOLATION OF SECTION
5 18-3.5-103; OR

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

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

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

22 **24-72-710. Sealing of criminal conviction records information**
23 **for offenses that receive a full and unconditional pardon.** (1) AT ANY
24 TIME AFTER RECEIVING A FULL AND UNCONDITIONAL PARDON, A
25 DEFENDANT MAY FILE A MOTION IN THE CASE IN WHICH ANY CONVICTION
26 RECORDS EXIST PERTAINING TO THE DEFENDANT'S CONVICTION FOR ANY
27 OFFENSES THAT RECEIVED A FULL AND UNCONDITIONAL PARDON.

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

5 (3) THE DISTRICT ATTORNEY SHALL DETERMINE WHETHER TO
6 OBJECT TO THE PETITION AFTER CONSIDERING THE FACTORS IN SECTION
7 24-72-706 (1)(g) AND THE ADDITIONAL FACTOR OF THE DEFENDANT
8 HAVING RECEIVED A FULL AND UNCONDITIONAL PARDON. THE DISTRICT
9 ATTORNEY SHALL ADVISE THE COURT OF A VICTIM'S OBJECTION AND
10 REQUEST FOR HEARING IF KNOWN. IF THE DISTRICT ATTORNEY DOES NOT
11 OBJECT AND THE OFFENSE IS NOT A CRIME ENUMERATED IN SECTION
12 24-4.1-302 (1), THE COURT MAY DECIDE THE PETITION WITH OR WITHOUT
13 THE BENEFIT OF A HEARING. IF THE DISTRICT ATTORNEY OBJECTS TO THE
14 PETITION OR THE OFFENSE IS A CRIME ENUMERATED IN SECTION 24-4.1-302
15 (1) AND THE VICTIM REQUESTS A HEARING, THE COURT SHALL SET THE
16 MATTER FOR HEARING. THE COURT SHALL ORDER THE RECORDS SEALED
17 UNLESS THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE
18 PUBLIC INTEREST IN RETAINING PUBLIC ACCESS TO THE CONVICTION
19 RECORDS OUTWEIGHS THE HARM TO THE PRIVACY OF THE DEFENDANT, THE
20 DANGERS OF UNWARRANTED, ADVERSE CONSEQUENCES TO THE
21 DEFENDANT, AND THE INTENT OF THE FULL AND UNCONDITIONAL PARDON.

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

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

26 (2) "Critical stages" means the following stages of the criminal
27 justice process:

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

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

5 **24-4.1-302.5. Rights afforded to victims - definitions.** (1) In
6 order to preserve and protect a victim's rights to justice and due process,
7 each victim of a crime has the following rights:

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

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

11 (IX) Involving a hearing as described in section 24-31-902 (2)(c);

12 ~~OR~~

13 (X) INVOLVING A HEARING HELD PURSUANT TO SECTION
14 24-72-706, 24-72-709, OR 24-72-710.

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

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

21 **24-4.1-303. Procedures for ensuring rights of victims of**
22 **crimes.** (11) The district attorney shall inform a victim of the following:

23 (b.7) Any motion filed or any hearing concerning a motion or
24 petition for sealing of records as described in ~~section 24-72-706 or~~
25 ~~24-72-709~~ SECTION 24-72-706, 24-72-709, OR 24-72-710 that was filed by
26 a defendant in the criminal case and whose crime falls under section
27 24-4.1-302 (1). The notification should be made using the last known

1 contact information that is available for the victim.

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

4 **13-3-117. State court administrator - automatic drug**
5 **conviction sealing.** (1) (a) THE STATE COURT ADMINISTRATOR SHALL
6 COMPILE A LIST OF DRUG CONVICTIONS PURSUANT TO ARTICLE 18 OF TITLE
7 18:

8 (I) THAT ARE ELIGIBLE FOR SEALING PURSUANT TO SECTIONS
9 24-72-703 AND 24-72-706; AND

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

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

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

26 (c) THE STATE COURT ADMINISTRATOR SHALL COMPILE THE INITIAL
27 LIST PURSUANT TO THIS SUBSECTION (1) BY FEBRUARY 1, 2024, AND THE

1 COURT SHALL SEAL ALL CONVICTION RECORDS ELIGIBLE FOR SEALING
2 PURSUANT TO THE FINAL LIST COMPILED PURSUANT TO SUBSECTION (3)(a)
3 OF THIS SECTION BASED ON THE INITIAL LIST BY JULY 1, 2024.

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

13 (2) THE STATE COURT ADMINISTRATOR SHALL FORWARD THE LIST
14 COMPILED PURSUANT TO SUBSECTION (1) OF THIS SECTION TO THE
15 COLORADO BUREAU OF INVESTIGATION. THE COLORADO BUREAU OF
16 INVESTIGATION SHALL COMPARE THE LIST WITH CRIMINAL HISTORY
17 REPORTS. THE COLORADO BUREAU OF INVESTIGATION SHALL COMPLETE
18 THE COMPARISON BASED ON A FINGERPRINT-BASED REVIEW WITH A
19 SUFFICIENT POINTS OF REFERENCE FOR IDENTIFICATION VALIDATION AS
20 DETERMINED BY THE COLORADO BUREAU OF INVESTIGATION. THE
21 COLORADO BUREAU OF INVESTIGATION SHALL REMOVE ANY CONVICTIONS
22 FROM THE LIST FROM THE STATE COURT ADMINISTRATOR IN WHICH
23 SUFFICIENT IDENTIFICATION VALIDATION CANNOT BE MADE BY THE
24 COLORADO BUREAU OF INVESTIGATION AND ANY CONVICTIONS FOR WHICH
25 THE DEFENDANT HAS AN INTERVENING CONVICTION DURING THE
26 SEVEN-YEAR-WAITING PERIOD IF THE CONVICTION IS FOR A PETTY OFFENSE
27 OR MISDEMEANOR OR DURING THE TEN-YEAR-WAITING PERIOD IF THE

1 CONVICTION IS FOR A FELONY. THE COLORADO BUREAU OF INVESTIGATION
2 SHALL FORWARD EACH AMENDED LIST TO EACH DISTRICT ATTORNEY.

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

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

24 (c) THE STATE COURT ADMINISTRATOR SHALL DEVELOP A WEBSITE
25 THAT ALLOWS DEFENDANTS TO CONFIDENTIALLY DETERMINE WHETHER
26 HIS OR HER CONVICTION HAS BEEN SEALED PURSUANT TO THIS SECTION
27 AND INFORMATION ABOUT HOW TO RECEIVE A COPY OF THE SEALING

1 ORDER.

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

4 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
5 **- legislative declaration - repeal.** (2) (b) (IV) Subject to the limitation
6 in subsection (5) of this section, the general assembly may annually
7 appropriate any money in the fund for the following purposes:

8 (S) FOR EXPENSES RELATING TO THE REDUCTION OF COLLATERAL
9 CONSEQUENCES EXPERIENCED BY PEOPLE PREVIOUSLY SENTENCED FOR
10 DRUG OFFENSES.

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

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

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

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

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

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

25 **SECTION 14. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly; except

1 that, if a referendum petition is filed pursuant to section 1 (3) of article V
2 of the state constitution against this act or an item, section, or part of this
3 act within such period, then the act, item, section, or part will not take
4 effect unless approved by the people at the general election to be held in
5 November 2022 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.