

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 24-1119.01 Conrad Imel x2313

HOUSE BILL 24-1432

HOUSE SPONSORSHIP

Clifford and Soper, Amabile, Duran, English, Epps, Herod, Joseph, Kipp, Lieder, Lindsay, Mabrey, Ortiz, Ricks, Rutinel, Sirota, Weissman

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Michaelson Jenet,

House Committees

Judiciary
Appropriations

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A BILL FOR AN ACT

101 **CONCERNING ELIMINATING THE REQUIREMENT FOR A DEFENDANT TO**
102 **PAY THE COLORADO BUREAU OF INVESTIGATION FOR COSTS**
103 **RELATED TO SEALING CRIMINAL JUSTICE RECORDS IN THE**
104 **BUREAU'S CUSTODY, AND, IN CONNECTION THEREWITH, MAKING**
105 **AND REDUCING 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>.)

The bill repeals the requirement for a defendant to pay to the Colorado bureau of investigation (bureau) any costs related to sealing the

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

SENATE
Amended 2nd Reading
May 4, 2024

HOUSE
3rd Reading Unamended
April 25, 2024

HOUSE
Amended 2nd Reading
April 24, 2024

defendant's criminal justice records in the bureau's custody. The bill requires the bureau to, on or before June 30, 2026, waive the costs for a person whose records are in the bureau's custody but are not yet sealed.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-72-706, **amend**
3 (1)(h) introductory portion; and **add** (4) as follows:

4 **24-72-706. Sealing of criminal conviction and criminal justice**
5 **records - processing fee - definition - repeal.** (1) **Sealing of conviction**
6 **records.** (h) A defendant who files a motion to seal criminal justice
7 records pursuant to this section shall pay a processing fee of sixty-five
8 dollars to cover the actual costs related to the sealing of the criminal
9 justice records. ~~The defendant shall pay to the Colorado bureau of~~
10 ~~investigation any costs related to the sealing of the defendant's criminal~~
11 ~~justice records in the custody of the bureau.~~ The court shall waive the
12 processing fee upon a determination that:

13 (4) (a) IF A COURT ORDERED A PERSON'S CRIMINAL JUSTICE
14 RECORDS SEALED PURSUANT TO THIS PART 7 AND THE COLORADO BUREAU
15 OF INVESTIGATION HAS NOT SEALED THE PERSON'S CRIMINAL JUSTICE
16 RECORDS IN ITS CUSTODY ON OR BEFORE THE EFFECTIVE DATE OF THIS
17 SUBSECTION (4), THE BUREAU SHALL WAIVE THE RECORD SEALING COSTS
18 ASSESSED BY THE BUREAU. IF THE RECORDS ARE NOT SEALED SOLELY
19 BECAUSE THE PERSON HAS FAILED TO PAY THE RECORD SEALING COSTS
20 ASSESSED BY THE BUREAU, AFTER WAIVING THE COSTS, THE BUREAU
21 SHALL SEAL THE PERSON'S RECORDS. ON OR BEFORE JUNE 30, 2026, THE
22 BUREAU SHALL WAIVE THE RECORD SEALING COSTS ASSESSED BY THE
23 BUREAU AND, IF APPLICABLE, SEAL A PERSON'S RECORDS AS REQUIRED BY
24 THIS SUBSECTION (4).

1 (b) AS USED IN THIS SUBSECTION (4), "RECORD SEALING COSTS
2 ASSESSED BY THE BUREAU" MEANS THE COSTS ASSESSED TO A PERSON BY
3 THE COLORADO BUREAU OF INVESTIGATION RELATED TO SEALING THE
4 PERSON'S CRIMINAL JUSTICE RECORDS THAT ARE IN THE BUREAU'S
5 CUSTODY, AS WAS REQUIRED IN SUBSECTION (1)(h) OF THIS SECTION AS IT
6 EXISTED PRIOR TO ITS AMENDMENT IN 2024 BY HOUSE BILL 24-1432.

7 (c) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JUNE 30, 2027.

8 **SECTION 2. Appropriation - adjustments to 2024 long bill.**

9 (1) To implement this act, the cash funds appropriation from the
10 Colorado bureau of investigation identification unit fund created in
11 section 24-33.5-426, C.R.S., made in the annual general appropriation act
12 for the 2024-25 state fiscal year to the department of public safety for use
13 by the Colorado bureau of investigation for operating expenses related to
14 the biometric identification and records unit is decreased by \$159,220.

15 (2) For the 2024-25 state fiscal year, \$441,529 is appropriated to
16 the department of public safety for use by the Colorado bureau of
17 investigation. This appropriation is from the general fund. To implement
18 this act, the bureau may use this appropriation as follows:

19 (a) \$393,829 for personal services related to the biometric
20 identification and records unit, which amount is based on an assumption
21 that the unit will require an additional 6.0 FTE; and

22 (b) \$47,700 for operating expenses related to the biometric
23 identification and records unit.

24 **SECTION 3. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly; except
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V

1 of the state constitution against this act or an item, section, or part of this
2 act within such period, then the act, item, section, or part will not take
3 effect unless approved by the people at the general election to be held in
4 November 2024 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.