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HB1204 L.030

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.HB17-1204 be amended as follows:

- 1 Amend reengrossed bill, page 3, line 6, strike "(5)".
- 2 Page 7, strike lines 7 through 27.
- 3 Page 8, strike line 1.
- 4 Page 13, line 8, after "ANY" insert "JUVENILE OR".
- 5 Page 13, line 20, after "DISCUSSING" insert "WITH THE VICTIM".
- 6 Page 14, after line 13 insert:
 - 7 "(f) NOTWITHSTANDING ANY ORDER FOR EXPUNGEMENT ISSUED
 - 8 PURSUANT TO THIS SECTION, NOTHING IN THIS SECTION PRECLUDES A
 - 9 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES EMPLOYEE FROM
 - 10 REVIEWING INTERNAL DEPARTMENT RECORDS THAT ARE ORDERED
 - 11 EXPUNGED AND ARE IN THE COUNTY DEPARTMENT'S POSSESSION FOR
 - 12 PURPOSES OF DEPARTMENT INVESTIGATIONS AND CASE MANAGEMENT IN
 - 13 THE PROVISION OF CHILD WELFARE SERVICES."
- 14 Page 15, lines 4 and 5, strike "AND EACH AGENCY, PERSON, COMPANY, OR
- 15 ORGANIZATION NAMED THEREIN," and substitute "THE PROSECUTING
- 16 ATTORNEY, THE LAW ENFORCEMENT AGENCY OR AGENCIES THAT
- 17 INVESTIGATED THE CASE, THE STATE COURT ADMINISTRATOR'S OFFICE,
- 18 AND THE COLORADO BUREAU OF INVESTIGATION,".
- 19 Page 16, strike lines 9 through 12 and substitute "MISDEMEANOR OR A
- 20 PETTY OR A MISDEMEANOR OFFENSE THAT IS NOT ELIGIBLE FOR
- 21 EXPUNGEMENT UNDER SUBSECTION (4) OF THIS SECTION, IF THE OFFENSE
- 22 DID NOT INVOLVE UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION
- 23 16-22-102 (9)".
- 24 Page 17, line 13, strike "RECEIPT" and substitute "THE ISSUANCE".
- 25 Page 17, line 14, strike "BY THE PROSECUTING ATTORNEY".
- 26 Page 18, line 18, strike "ON OR BEFORE NOVEMBER 1 OF EACH YEAR," and
- 27 substitute "STARTING ON NOVEMBER 1, 2019, AND EACH NOVEMBER 1
- 28 THEREAFTER,".



1 Page 19, line 7, after "CONSENT," insert "OR IF THERE IS NO NAMED
2 VICTIM,".

3 Page 19, strike lines 15 through 17 and substitute:

4 "(j) A JUVENILE WHO WAS ADJUDICATED AS A MANDATORY
5 SENTENCE OFFENDER PURSUANT TO SECTION 19-2-516 (1) OR AS A REPEAT
6 JUVENILE OFFENDER PURSUANT TO SECTION 19-2-516 (2) IS NOT ELIGIBLE
7 FOR EXPUNGEMENT UNDER THIS SUBSECTION (5), BUT MAY PETITION FOR
8 EXPUNGEMENT PURSUANT TO SUBSECTION (6) OF THIS SECTION.

9 (6)(a) A PERSON MAY PETITION THE JUVENILE COURT TO EXPUNGE
10 RECORDS IN A CLOSED CASE PURSUANT TO SUBSECTION (4) OF THIS
11 SECTION IF THE RECORDS ARE OTHERWISE ELIGIBLE FOR EXPUNGEMENT,
12 HAVE NOT BEEN EXPUNGED BY THE COURT, AND A PROCEEDING
13 CONCERNING A FELONY, MISDEMEANOR, OR DELINQUENCY ACTION IS NOT
14 PENDING AGAINST THE PETITIONER. A FILING FEE, NOTARIZATION, OR
15 OTHER FORMALITIES ARE NOT REQUIRED. IF THE COURT DETERMINES THE
16 RECORDS ARE ELIGIBLE FOR EXPUNGEMENT PURSUANT TO THE
17 REQUIREMENTS OF SUBSECTION (4) OF THIS SECTION, THE COURT SHALL
18 GRANT THE PETITION TO EXPUNGE WITHOUT A HEARING AND SHALL ISSUE
19 AN ORDER PURSUANT TO SUBSECTION (4) OF THIS SECTION.

20 (b) A PERSON MAY PETITION THE JUVENILE COURT TO EXPUNGE
21 RECORDS IN A CLOSED CASE PURSUANT TO SUBSECTION (5) OF THIS
22 SECTION IF THE RECORDS ARE OTHERWISE ELIGIBLE FOR EXPUNGEMENT,
23 HAVE NOT BEEN EXPUNGED BY THE COURT, AND A PROCEEDING
24 CONCERNING A FELONY, MISDEMEANOR, OR DELINQUENCY ACTION IS NOT
25 PENDING AGAINST THE PETITIONER. A FILING FEE, NOTARIZATION, OR
26 OTHER FORMALITIES ARE NOT REQUIRED. IF THE RECORDS ARE ELIGIBLE
27 FOR EXPUNGEMENT PURSUANT TO SUBSECTION (5) OF THIS SECTION, THE
28 COURT SHALL ISSUE A NOTICE PURSUANT TO SUBSECTION (5)(a) OF THIS
29 SECTION AND THE PROVISIONS OF SUBSECTION (5) OF THIS SECTION APPLY.

30 (c) A PERSON MAY PETITION THE JUVENILE COURT TO EXPUNGE
31 RECORDS RELATED TO A LAW ENFORCEMENT CONTACT THAT DID NOT
32 RESULT IN REFERRAL TO ANOTHER AGENCY AFTER ONE YEAR HAS PASSED
33 SINCE THE LAW ENFORCEMENT CONTACT AND A PROCEEDING CONCERNING
34 A FELONY, MISDEMEANOR, OR DELINQUENCY ACTION IS NOT PENDING
35 AGAINST THE PETITIONER. A FILING FEE, NOTARIZATION, OR OTHER
36 FORMALITIES ARE NOT REQUIRED. IF THE RECORDS ARE ELIGIBLE FOR
37 EXPUNGEMENT PURSUANT TO SUBSECTION (5) OF THIS SECTION, THE
38 COURT SHALL ISSUE A NOTICE PURSUANT TO SUBSECTION (5)(a) OF THIS
39 SECTION AND THE PROVISIONS OF SUBSECTION (5) OF THIS SECTION APPLY.

40 (d) A PERSON MAY PETITION THE JUVENILE COURT TO EXPUNGE

1 RECORDS IN A CLOSED CASED PURSUANT TO SUBSECTION (5) OF THIS
2 SECTION IF THE PERSON WAS PREVIOUSLY DENIED AN EXPUNGEMENT
3 ORDER FOR THOSE SAME RECORDS PURSUANT TO SUBSECTION (5) OF THIS
4 SECTION AND AT LEAST TWELVE MONTHS HAVE PASSED SINCE THE DATE
5 OF THE ORIGINAL DENIAL ORDER, THE PETITIONER PROVIDES NEW
6 INFORMATION NOT PREVIOUSLY CONSIDERED BY THE PRIOR REVIEWING
7 COURT, AND A PROCEEDING CONCERNING A FELONY, MISDEMEANOR, OR
8 DELINQUENCY ACTION IS NOT PENDING AGAINST THE PETITIONER. THE
9 COURT SHALL SCHEDULE A HEARING AND NOTIFY THE PROSECUTING
10 ATTORNEY OF THE HEARING DATE. THE COURT SHALL SET THE HEARING AT
11 LEAST THIRTY-FIVE DAYS AFTER THE COURT SENDS THE NOTICE OF THE
12 HEARING. ALL OTHER PROVISIONS OF SUBSECTION (5) OF THIS SECTION
13 APPLY.

14 (e) A JUVENILE WHO WAS ADJUDICATED AS A MANDATORY
15 SENTENCE OFFENDER PURSUANT TO SECTION 19-2-516 (1) OR AS A REPEAT
16 OFFENDER PURSUANT TO SECTION 19-2-516 (2), AND IS NOT OTHERWISE
17 INELIGIBLE FOR EXPUNGEMENT PURSUANT TO THE PROVISIONS OF
18 SUBSECTION (8) OF THIS SECTION, MAY PETITION THE COURT TO REQUEST
19 EXPUNGEMENT OF HIS OR HER RECORD THIRTY-SIX MONTHS AFTER THE
20 DATE OF THE PETITIONER'S UNCONDITIONAL RELEASE FROM HIS OR HER
21 JUVENILE SENTENCE. A FILING FEE, NOTARIZATION, OR OTHER
22 FORMALITIES ARE NOT REQUIRED. IF THE RECORDS ARE ELIGIBLE FOR
23 EXPUNGEMENT PURSUANT TO SUBSECTION (5) OF THIS SECTION, THE
24 COURT SHALL ISSUE A NOTICE PURSUANT TO SUBSECTION (5)(a) OF THIS
25 SECTION AND THE PROVISIONS OF SUBSECTION (5) OF THIS SECTION APPLY.

26 (7) UNLESS OTHERWISE STATED IN THE APPLICABLE SECTION, A
27 PERSON MAY FILE A PETITION WITH THE COURT FOR EXPUNGEMENT OF HIS
28 OR HER RECORD PURSUANT TO SUBSECTIONS (4), (5), AND (6) OF THIS
29 SECTION ONLY ONCE DURING A TWELVE-MONTH PERIOD."

30 Renumber succeeding subsections accordingly.

31 Page 19, lines 18 and 19, strike "SUBSECTIONS (4) AND (5) OF THIS
32 SECTION," and substitute "SUBSECTIONS (4), (5), AND (6) OF THIS
33 SECTION,".

34 Page 19, line 22, strike "19-2-516 (4);" and substitute "19-2-516 (4) OR AS
35 A VIOLENT JUVENILE OFFENDER PURSUANT TO SECTION 19-2-516 (3);".

36 Page 19, strike line 27 and substitute:

37 "(d) CHARGED, ADJUDICATED, OR CONVICTED OF ANY OFFENSE OR

- 1 INFRACTION PURSUANT TO TITLE 42."
- 2 Page 20, strike lines 1 through 3.
- 3 Page 20, line 6, after "ORDINANCE," insert "EXCLUDING OFFENSES
- 4 CHARGED PURSUANT TO TITLE 42,".
- 5 Page 20, strike lines 11 through 17.
- 6 Page 20, line 18, strike "(II)" and substitute "(b)".
- 7 Page 20, line 21, strike "(7)(a)" and substitute "(9)(a)".
- 8 Page 20, line 27, strike "(7)(a)" and substitute "(9)(a)".
- 9 Page 21, line 6, strike "(7)(a)" and substitute "(9)(a)".
- 10 Page 21, line 9, strike "(7)(d)" and substitute "(9)(d)".
- 11 Page 21, line 19, strike "(7)," and substitute "(9),".
- 12 Page 22, line 5, strike "(7)" and substitute "(9)".
- 13 Page 22, line 12, strike "(7)" and substitute "(9)".
- 14 Page 22, line 22, strike "(7)" and substitute "(9)".
- 15 Page 24, line 2, strike "OR SHOULD HAVE KNOWN".
- 16 Page 24, line 18, after "ANY" insert "JUVENILE OR".
- 17 Page 24, after line 23 insert:
- 18 "SECTION 4. In Colorado Revised Statutes, 18-1.3-701, add
- 19 (4.5) as follows:
- 20 **18-1.3-701. Judgment for costs and fines.**
- 21 (4.5) NOTWITHSTANDING THE ENTRY OF AN ORDER OF EXPUNGEMENT
- 22 PURSUANT TO SECTION 19-1-306, THE PROVISIONS OF THIS PART 7 APPLY."
- 23 Renumber succeeding sections accordingly.
- 24 Page 25, line 25, strike "NOT".



- 1 Page 26, strike lines 10 through 27.
- 2 Page 27, strike lines 1 through 10.
- 3 Renumbers succeeding sections accordingly.
- 4 Page 28, line 22, strike "September" and substitute "November".

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