

CHAPTER 176

GOVERNMENT - STATE

HOUSE BILL 24-1432

BY REPRESENTATIVE(S) Clifford and Soper, Amabile, Duran, English, Epps, Herod, Joseph, Kipp, Lieder, Lindsay, Mabrey, Ortiz, Ricks, Rutinel, Sirota, Weissman, Garcia, Hernandez, Snyder, Story;
also SENATOR(S) Michaelson Jenet, Bridges, Buckner, Cutter, Gonzales, Jaquez Lewis, Priola.

AN ACT

CONCERNING ELIMINATING THE REQUIREMENT FOR A DEFENDANT TO PAY THE COLORADO BUREAU OF INVESTIGATION FOR COSTS RELATED TO SEALING CRIMINAL JUSTICE RECORDS IN THE BUREAU'S CUSTODY, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN APPROPRIATION.

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

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

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

(4) (a) IF A COURT ORDERED A PERSON'S CRIMINAL JUSTICE RECORDS SEALED PURSUANT TO THIS PART 7 AND THE COLORADO BUREAU OF INVESTIGATION HAS NOT SEALED THE PERSON'S CRIMINAL JUSTICE RECORDS IN ITS CUSTODY ON OR BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (4), THE BUREAU SHALL WAIVE THE RECORD SEALING COSTS ASSESSED BY THE BUREAU. IF THE RECORDS ARE NOT SEALED SOLELY BECAUSE THE PERSON HAS FAILED TO PAY THE RECORD SEALING COSTS ASSESSED BY THE BUREAU, AFTER WAIVING THE COSTS, THE BUREAU SHALL SEAL THE PERSON'S RECORDS. ON OR BEFORE JUNE 30, 2026, THE BUREAU SHALL

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

WAIVE THE RECORD SEALING COSTS ASSESSED BY THE BUREAU AND, IF APPLICABLE, SEAL A PERSON'S RECORDS AS REQUIRED BY THIS SUBSECTION (4).

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

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

SECTION 2. Appropriation - adjustments to 2024 long bill. (1) To implement this act, the cash funds appropriation from the Colorado bureau of investigation identification unit fund created in section 24-33.5-426, C.R.S., made in the annual general appropriation act for the 2024-25 state fiscal year to the department of public safety for use by the Colorado bureau of investigation for operating expenses related to the biometric identification and records unit is decreased by \$159,220.

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

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

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

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 15, 2024