

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB24-1133 be amended as follows:

1 Amend printed bill, page 3, line 3, after "PETITION" insert "WITHIN THE
2 PRESCRIBED TIMEFRAME."

3 Page 3, line 12, strike "**repeal** (12)(c);", and strike "(2)(a)(X), (2)(a)(XI)"
4 and substitute "(12)(a)(III)".

5 Page 4, strike lines 1 through 11 and substitute:

6 "(12) **Exclusions.** (a) (III) IF A DEFENDANT IS CONVICTED OF AN
7 OFFENSE IN THE SAME CASE IN WHICH THE DEFENDANT SUCCESSFULLY
8 COMPLETED A DEFERRED JUDGMENT, RECORDS OF THE DEFERRED
9 JUDGMENT ARE ELIGIBLE FOR SEALING WHEN THE CRIMINAL CASE IN
10 WHICH THE CONVICTION WAS ENTERED IS ELIGIBLE FOR SEALING
11 PURSUANT TO THE PROVISIONS OF THIS PART 7, UNLESS THE DEFERRED
12 JUDGMENT IS INELIGIBLE FOR SEALING PURSUANT TO SECTION
13 24-72-703(12)(d).".

14 Page 5, line 14, strike "PERSON," and substitute "PERSON OR REMOTELY BY
15 PHONE OR VIDEO ON A PLATFORM DESIGNATED BY THE COURT,".

16 Page 6, line 14, strike "**repeal**" and substitute "**amend**".

17 Page 6, strike lines 17 through 24 and substitute:

18 "**convictions - simplified process - applicability.**
19 (1) (d) Notwithstanding ~~the provision of subsection (1)(c) of this section,~~
20 if the defendant is acquitted or if the case dismissed is a crime
21 enumerated in section 24-4.1-302 (1), ~~in which notice of a hearing on a~~
22 ~~motion to seal is required pursuant to section 24-4.1-303 (11)(b.7),~~ the
23 court shall allow the district attorney the opportunity to inform the victim
24 that the record will be sealed. ~~and~~ IF THERE IS AN OBJECTION BY THE
25 VICTIM, THE DISTRICT ATTORNEY SHALL NOTIFY THE COURT AND THE
26 COURT shall set a return date for the sealing motion no later than
27 ~~forty-two~~ THIRTY-FIVE days after receipt of the motion. IF A RETURN DATE
28 IS SET, THE DEFENDANT IS NOT REQUIRED TO APPEAR. IF THERE IS NO
29 OBJECTION WITHIN THIRTY-FIVE DAYS AFTER THE MOTION IS FILED, THE
30 COURT SHALL GRANT THE MOTION.".

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