

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Appropriations.

SB22-099 be amended as follows:

1 Amend printed bill, page 22, strike lines 24 through 27.

2 Strike page 23.

3 Page 24, strike lines 1 through 7 and substitute:

4 "SECTION 16. In Colorado Revised Statutes, **repeal and**  
5 **reenact, with amendments,** 24-72-708 as follows:

6 **24-72-708. Sealing of criminal conviction records information**  
7 **for municipal offenses for convictions. (1) Sealing of conviction**  
8 **records.** A DEFENDANT MAY FILE A MOTION IN THE CRIMINAL CASE IN  
9 WHICH ANY CONVICTION RECORDS PERTAINING TO THE DEFENDANT FOR A  
10 MUNICIPAL VIOLATION ARE LOCATED FOR THE SEALING OF THE  
11 CONVICTION RECORDS WITHIN THE TIME FRAMES DESCRIBED IN  
12 SUBSECTION (3)(a) OF THIS SECTION, EXCEPT BASIC IDENTIFICATION  
13 INFORMATION, IF:

14 (a) THE DEFENDANT HAS NOT BEEN CHARGED WITH OR CONVICTED  
15 OF A FELONY, MISDEMEANOR, OR MISDEMEANOR TRAFFIC OFFENSE SINCE  
16 THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS  
17 AGAINST THE DEFENDANT OR THE DATE OF THE DEFENDANT'S RELEASE  
18 FROM SUPERVISION, WHICHEVER IS LATER; AND

19 (b) THE CONVICTION RECORDS SOUGHT TO BE SEALED ARE NOT FOR  
20 A MISDEMEANOR TRAFFIC OFFENSE COMMITTED EITHER BY A HOLDER OF  
21 A COMMERCIAL LEARNER'S PERMIT OR A COMMERCIAL DRIVER'S LICENSE,  
22 AS DEFINED IN SECTION 42-2-402, OR BY THE OPERATOR OF A COMMERCIAL  
23 MOTOR VEHICLE, AS DEFINED IN SECTION 42-2-402.

24 (2) **Sealing of conviction records with a single subsequent**  
25 **offense.** NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1)(a) OF  
26 THIS SECTION, A DEFENDANT MAY FILE A MOTION IN THE CRIMINAL CASE  
27 IN WHICH ANY CONVICTION RECORDS PERTAINING TO THE DEFENDANT FOR  
28 A MUNICIPAL VIOLATION OR PETTY OFFENSE ARE LOCATED FOR THE  
29 SEALING OF THE CONVICTION RECORDS WITHIN THE TIME FRAMES  
30 DESCRIBED IN SUBSECTION (3)(b) OF THIS SECTION, EXCEPT BASIC  
31 IDENTIFICATION INFORMATION, IF:

32 (a) THE DEFENDANT WAS CONVICTED OF A SINGLE OFFENSE THAT  
33 WAS NOT A FELONY AND DID NOT INVOLVE DOMESTIC VIOLENCE AS  
34 DEFINED IN SECTION 18-6-800.3 (1), UNLAWFUL SEXUAL BEHAVIOR AS  
35 DEFINED IN SECTION 16-22-102 (9), OR CHILD ABUSE AS DEFINED IN  
36 SECTION 18-6-401;

37 (b) THE DEFENDANT HAS NOT BEEN CONVICTED OF A FELONY,

1 MISDEMEANOR, OR MISDEMEANOR TRAFFIC OFFENSE SINCE THE DATE OF  
2 THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE  
3 DEFENDANT FOR THE SUBSEQUENT CRIMINAL CASE OR SINCE THE DATE OF  
4 THE DEFENDANT'S RELEASE FROM SUPERVISION FOR THE SUBSEQUENT  
5 CASE, WHICHEVER IS LATER; AND

6 (c) THE CONVICTION SOUGHT TO BE SEALED IS NOT A MUNICIPAL  
7 ASSAULT OR BATTERY OFFENSE IN WHICH THE UNDERLYING FACTUAL  
8 BASIS INVOLVES DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3  
9 (1), OR ANY OTHER MUNICIPAL VIOLATION IN WHICH THE UNDERLYING  
10 FACTUAL BASIS INVOLVES DOMESTIC VIOLENCE, AS DEFINED IN SECTION  
11 18-6-800.3 (1).

12 (3) **Timing for filing motions.** (a) A MOTION FILED PURSUANT TO  
13 SUBSECTION (1) OF THIS SECTION MAY BE FILED THREE YEARS AFTER THE  
14 LATER OF THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL  
15 PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE OF THE  
16 DEFENDANT FROM SUPERVISION CONCERNING A CRIMINAL CONVICTION.

17 (b) A MOTION FILED PURSUANT TO SUBSECTION (2) OF THIS  
18 SECTION MAY BE FILED TEN YEARS AFTER THE DATE OF THE FINAL  
19 DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT  
20 FOR THE SUBSEQUENT CRIMINAL CASE OR TEN YEARS AFTER THE DATE OF  
21 THE DEFENDANT'S RELEASE FROM SUPERVISION FOR THE SUBSEQUENT  
22 CRIMINAL CASE, WHICHEVER IS LATER.

23 (4) UPON FILING THE MOTION, THE DEFENDANT SHALL PAY THE  
24 FILING FEE REQUIRED BY LAW.

25 (5) (a) UPON THE FILING OF A MOTION, THE COURT SHALL REVIEW  
26 THE MOTION AND DETERMINE WHETHER THERE ARE GROUNDS PURSUANT  
27 TO THIS SECTION TO PROCEED TO A HEARING ON THE PETITION. IF THE  
28 COURT DETERMINES THAT THE MOTION ON ITS FACE IS INSUFFICIENT OR IF  
29 THE COURT DETERMINES THAT, AFTER TAKING JUDICIAL NOTICE OF  
30 MATTERS OUTSIDE THE MOTION, THE DEFENDANT IS NOT ENTITLED TO  
31 RELIEF PURSUANT TO THIS SECTION, THE COURT SHALL ENTER AN ORDER  
32 DENYING THE MOTION AND MAIL A COPY OF THE ORDER TO THE  
33 DEFENDANT. THE COURT'S ORDER SHALL SPECIFY THE REASONS FOR THE  
34 DENIAL OF THE MOTION.

35 (b) IF THE COURT DETERMINES THAT THE PETITION IS SUFFICIENT  
36 ON ITS FACE AND THAT NO OTHER GROUNDS EXIST AT THAT TIME FOR THE  
37 COURT TO DENY THE PETITION PURSUANT TO THIS SECTION, THE COURT  
38 SHALL GRANT THE MOTION UNLESS THE PROSECUTION FILES AN OBJECTION.  
39 IF THE PROSECUTION FILES A WRITTEN OBJECTION, THE COURT SHALL SET  
40 A DATE WITHIN FORTY-TWO DAYS AFTER THE FILING OF THE MOTION FOR  
41 A HEARING AND THE COURT SHALL NOTIFY THE PROSECUTION, THE  
42 MUNICIPAL POLICE DEPARTMENT OR LOCAL LAW ENFORCEMENT AGENCY,  
43 AND ANY OTHER PERSON OR AGENCY IDENTIFIED BY THE DEFENDANT.

1           (c) AFTER THE HEARING DESCRIBED IN SUBSECTION (5)(b) OF THIS  
2 SECTION IS CONDUCTED AND IF THE COURT FINDS THAT THE HARM TO THE  
3 PRIVACY OF THE DEFENDANT OR THE DANGERS OF UNWARRANTED,  
4 ADVERSE CONSEQUENCES TO THE DEFENDANT OUTWEIGH THE PUBLIC  
5 INTEREST IN RETAINING PUBLIC ACCESS TO THE CONVICTION RECORDS, THE  
6 COURT MAY ORDER THE CONVICTION RECORDS, EXCEPT BASIC  
7 IDENTIFICATION INFORMATION, TO BE SEALED. IN MAKING THIS  
8 DETERMINATION, THE COURT SHALL CONSIDER THE FACTORS IN SECTION  
9 24-72-706 (1)(g).

10           (d) PURSUANT TO SECTION 24-72-703 (12)(b), THE COURT SHALL  
11 NOT FACTOR IN OR TAKE INTO CONSIDERATION ANY UNPAID FINES, COURT  
12 COSTS, LATE FEES, OR OTHER FEES ORDERED BY THE COURT IN THE CASE  
13 THAT IS THE SUBJECT OF THE MOTION TO SEAL WHEN THE COURT IS  
14 DETERMINING WHETHER THE RECORD SHOULD BE SEALED. CONVICTION  
15 RECORDS MAY NOT BE SEALED IF THE DEFENDANT STILL OWES  
16 RESTITUTION UNLESS THE COURT THAT ENTERED THE ORDER FOR  
17 RESTITUTION VACATED THE ORDER."

18 Amend the Judiciary Committee Report, dated February 24, 2022, page  
19 8, strike lines 15 through 34.

20 Strike page 9 of the committee report.

21 Page 10 of the committee report, strike lines 1 through 41.

\*\* \*\*\* \*\* \*\*\* \*\*