

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB22-099 be amended as follows:

1 Amend printed bill, page 6, line 2, strike "(3) (a)" and substitute
2 "(3) (a) (I)".

3 Page 6, strike lines 5 through 17 and substitute "CONVICTION ON THE LIST
4 FOR CIRCUMSTANCES in which a condition of THE plea was that the
5 defendant agreed to not have the conviction record sealed, ~~and~~
6 convictions in which the defendant has a pending criminal charge, AN
7 INTERVENING CONVICTION, OR CONVICTIONS THAT ARE INELIGIBLE FOR
8 SEALING. ~~Each district attorney shall send its amended list to the state~~
9 ~~court administrator. The state court administrator shall compile each of~~
10 ~~the lists into one final list and sort the convictions by judicial district.~~

11 (II) FOR A FELONY CONVICTION FOR AN OFFENSE NOT IN ARTICLE
12 18 OF TITLE 18, IN ADDITION TO THE OBJECTIONS IN SUBSECTION (3)(a)(I)
13 OF THIS SECTION, EACH DISTRICT ATTORNEY MAY, WITHIN FORTY-FIVE
14 DAYS, OBJECT WHEN THE DISTRICT ATTORNEY HAS A REASONABLE BELIEF,
15 GROUNDED IN SUPPORTING FACTS, THAT THE PUBLIC INTEREST AND PUBLIC
16 SAFETY IN RETAINING PUBLIC ACCESS TO THE CURRENT RECORD OR CASE
17 OUTWEIGHS THE PRIVACY INTEREST OF, OR ADVERSE CONSEQUENCES TO,
18 THE DEFENDANT.

19 (III) EACH DISTRICT ATTORNEY SHALL FILE A NOTICE WITH THE
20 COURT IN THE CRIMINAL CASE THAT IS THE SUBJECT OF THE RECORD
21 WITHOUT THE NEED FOR ADDITIONAL SERVICE ON ANY PARTY, NOTING THE
22 BASIS OF THE OBJECTION.

23 (IV) FOR OBJECTIONS PURSUANT TO SUBSECTION (3)(a)(II) OF THIS
24 SECTION, THE NOTICE MUST EXPLAIN THE BASIS FOR THE OBJECTION AND
25 INCLUDE ANY AVAILABLE SUPPORTING DOCUMENTS. IN SUCH CASES, THE
26 COURT SHALL SERVE NOTICE ON THE DEFENDANT AT THE DEFENDANT'S
27 LAST KNOWN ADDRESS AND EXPLAIN IN PLAIN LANGUAGE THAT THE
28 DEFENDANT MAY REQUEST A HEARING ON THE MATTER. IF THE
29 DEFENDANT REQUESTS A HEARING, THE COURT SHALL PROCEED PURSUANT
30 TO SECTION 24-72-706.

31 (V) THE STATE COURT ADMINISTRATOR SHALL SEAL ALL
32 CONVICTIONS UNLESS OBJECTED TO WITHIN THE FORTY-FIVE-DAY PERIOD
33 AS INELIGIBLE UNDER SUBSECTION (3)(a)(I), (3)(a)(II), OR (3)(a)(III) OF
34 THIS SECTION. THE STATE COURT ADMINISTRATOR SHALL REMOVE THE
35 CONVICTIONS OBJECTED TO BY THE DISTRICT ATTORNEYS FROM THE LIST,
36 IF ANY, AND THEN COMPILE EACH OF THE LISTS INTO ONE FINAL LIST AND
37 SORT THE CONVICTIONS BY JUDICIAL DISTRICT."

38 Page 6, line 19, strike "subsection (3)(a)" and substitute "~~subsection (3)(a)~~
39 SUBSECTION (3)(a)(IV)".

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