



**Colorado  
Legislative  
Council  
Staff**

**HB16-1115**

**FINAL  
FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0695  
**Prime Sponsor(s):** Rep. Van Winkle

**Date:** June 15, 2016  
**Bill Status:** Postponed Indefinitely  
**Fiscal Analyst:** Chris Creighton (303-866-5834)

**BILL TOPIC:** NO RECORD SEALING MUNICIPAL DOMESTIC VIOLENCE

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue	Minimal reduction.	
State Expenditures	Minimal workload reduction.	
TABOR Impact		Potential decrease.
Appropriation Required: None.		
Future Year Impacts: None.		

**Note: This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.**

**Summary of Legislation**

Under current law, conviction records related to municipal offenses are eligible for record sealing. This bill prohibits sealing a municipal assault or battery conviction, or other municipal conviction, when the underlying factual basis of the offense was domestic violence.

**Background**

**Municipal courts with domestic violence dockets.** Most domestic violence cases are heard in county court, under the auspices of the state Judicial Department. The following municipal courts hear domestic violence cases: Aurora, Englewood, Lakewood, Littleton, and Westminster.

**Sealing criminal conviction (court) records.** Requests to seal municipal court conviction records are processed at the state level in district court. In the past three years, about 900 total requests have been made statewide. The court's database does not distinguish how many are made for municipal violations, or the further subset of municipal violations related to domestic violence. The fiscal note assumes any such requests are low in number.

**Sealing arrest and criminal records.** Once a court has sealed criminal conviction records, a person can further petition the court to seal associated arrest and criminal records held by law enforcement agencies. Under current rules, a person must petition the district court for an order to seal arrest and criminal records. Once such an order to seal records is granted, the person must take the order to the Department of Public Safety to seal arrest records and to any other jurisdictions that have criminal records. It is unknown how many of the 900 persons that petitioned the court to seal criminal conviction records took the further step of requesting that arrest and other criminal records be sealed.

## **State Revenue**

Overall, this bill may reduce state cash fund revenue by a minimal amount as a result of making the criminal conviction records for certain municipal offenses ineligible for sealing. To petition a district court for sealing municipal criminal conviction records, a fee of at least \$424 is payable to the Judicial Department. In addition, to the extent that any of these offenders took the extra step of petitioning to seal arrest and criminal records, a fee of at least \$224 is payable to the Judicial Department. The Department of Public Safety also charges a fee of \$27.98 to seal arrest records. Based on the low number of requests to seal all criminal conviction records, and assuming that cases of municipal domestic violence offenses comprise only a small portion of these requests, the fiscal note assumes any revenue reduction is minimal.

## **TABOR Impact**

This bill may reduce state revenue from fees, which will reduce the amount required to be refunded under TABOR beginning in FY 2017-18. TABOR refund obligations are not expected for FY 2016-17. TABOR refunds are paid from the General Fund.

## **State Expenditures**

This bill may reduce workload for the courts to hear petitions to seal criminal conviction records of municipal offenses involving domestic violence. To the extent that any of these offenders would have also taken the additional step of requesting to seal arrest and criminal records, workload for the courts and the Department of Public Safety is also reduced. This analysis assumes workload reductions are minimal and that no reductions in appropriations are required for the Judicial Department or the Department of Public Safety.

## **Local Government Impact**

Similar to the state, workload and revenue may decrease by a minimal amount as a result of municipal courts no longer providing records to the person to include with his or her petition to seal criminal conviction or arrest and criminal records for municipal offenses involving domestic violence.

## **Effective Date**

The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee on February 8, 2016.

**State and Local Government Contacts**

Counties  
Law  
Public Safety

Judicial  
Local Affairs

Municipalities  
Information Technology