

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 17-0520.01 Michael Dohr x4347

HOUSE BILL 17-1204

HOUSE SPONSORSHIP

Lee,

SENATE SPONSORSHIP

Cooke,

House Committees

Judiciary
Appropriations

Senate Committees

Judiciary
Appropriations

A BILL FOR AN ACT

101 **CONCERNING JUVENILE DELINQUENCY RECORD EXPUNGEMENT, AND,**
102 **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Under current law, there is limited access to juvenile delinquency records. The bill restricts that access by making certain records public only after a court orders that a child be charged as an adult, consistent with recent changes to the direct file statute, and by eliminating the requirement that the prosecuting attorney notify the school principal of minor offenses. The bill also ensures that the juvenile and his or her

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unamended
May 10, 2017

SENATE
Amended 2nd Reading
May 9, 2017

HOUSE
3rd Reading Unamended
May 1, 2017

HOUSE
Amended 2nd Reading
April 28, 2017

attorney can access the juvenile's records, and that juvenile record information is available to agencies that require the information for research purposes, with protections against the disclosure of identifying information.

Under current law, a juvenile or someone on the juvenile's behalf must petition, after an applicable waiting period of one to 5 years, for expungement. The bill requires the court to automatically expunge records in certain situations. In some situations, the juvenile must still petition for expungement. Records will be expunged immediately upon:

- ! A finding of not guilty at an adjudicatory trial;
- ! Dismissal of the entire case;
- ! The completion of a sentence for a municipal offense; and
- ! The completion of a juvenile sentence for a petty offense or a class 2 or class 3 misdemeanor that is not a sex offense or does not involve domestic violence.

Records will be eligible for expungement upon the completion of a juvenile sentence when the juvenile has a class 1 misdemeanor or a misdemeanor involving domestic violence; or the dismissal after completion of juvenile diversion, a deferred adjudication, or an informal adjustment; or the adjudication of a first-time felony and the adjudicated felony is not a crime of violence, is not an offense involving unlawful sexual behavior, and is not a class 1 or class 2 felony. The court sends a notice to the prosecuting attorney that the records are eligible for expungement. The prosecuting attorney shall notify the victim, and the victim and the prosecuting attorney have the right to object to the expungement. If there is no objection, the court enters an expungement order. If there is an objection, the court holds a hearing to determine if the juvenile is sufficiently rehabilitated and whether expungement is in the best interest of the juvenile and the community.

All other juveniles must file a petition to request expungement after an applicable waiting period. Records will be eligible for expungement one year after a law enforcement contact that did not result in a referral to another agency. Records will be eligible for expungement one year from the date of the completion of a juvenile sentence if the juvenile was not adjudicated a repeat, mandatory, aggravated, or violent juvenile offender. After the petition is filed, the court shall hold a hearing, and the court shall grant expungement if it finds that the juvenile has been rehabilitated and that expungement is in the best interest of the juvenile and the community. A person who is adjudicated as a repeat or mandatory offender, violent juvenile offender, or aggravated juvenile offender; adjudicated for homicide or vehicular homicide as a juvenile offender; or adjudicated for a felony offense involving unlawful sexual behavior is not eligible for expungement.

The bill requires written notice of the right to expungement and of the expungement process to the juvenile.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-304, **amend**
3 (1)(a) introductory portion, (1)(a)(II), (1)(a)(XIII)(A), (1)(b.5)
4 introductory portion, (1)(b.7), (1)(b.8), (1)(c) introductory portion,
5 (1)(c)(VIII), (1)(d), (2)(a) introductory portion, (2)(a)(I), (2)(a)(XIV)(A),
6 (2.5), (3), (5.5), (6), (7) introductory portion, and (7)(d), and (7)(e);
7 and **add** (1)(c)(VII.5), and (7)(f) as follows:

8 **19-1-304. Juvenile delinquency records - division of youth**
9 **corrections critical incident information - definitions.** (1) (a) **Court**
10 **records - open.** Except as provided in ~~paragraph (b.5) of this subsection~~
11 ~~(†)~~ SUBSECTION (1)(b.5) OF THIS SECTION, court records in juvenile
12 delinquency proceedings or proceedings concerning a juvenile charged
13 with the violation of any municipal ordinance except a traffic ordinance
14 are open to inspection to the following persons without court order:

15 (II) The juvenile's parent, guardian, ~~or~~ legal custodian, OR
16 ATTORNEY;

17 (XIII) Any person or agency for research purposes, if all of the
18 following conditions are met:

19 (A) The person or agency conducting the research is employed by
20 the state of Colorado or is under contract with the state of Colorado and
21 is authorized by the department of human services to conduct the
22 research; except that the department of public safety is not required to
23 obtain prior authorization from the department of human services for
24 purposes of this ~~subparagraph (XIII)~~ SUBSECTION (1)(a)(XIII);

25 (b.5) **Arrest and criminal records - certain juveniles - public**
26 **access - information limited.** The public has access to ~~arrest and~~

1 ~~criminal records information, as defined in section 24-72-302(1), C.R.S.,~~
2 ~~and including a person's physical description, that~~ INFORMATION
3 REPORTING THE ARREST OR OTHER FORMAL FILING OF CHARGES AGAINST
4 A JUVENILE; THE IDENTITY OF THE CRIMINAL JUSTICE AGENCY TAKING
5 SUCH OFFICIAL ACTION RELATIVE TO AN ACCUSED JUVENILE; THE DATE
6 AND PLACE THAT SUCH OFFICIAL ACTION WAS TAKEN RELATIVE TO AN
7 ACCUSED JUVENILE; THE NATURE OF THE CHARGES BROUGHT OR THE
8 OFFENSES ALLEGED; AND ONE OR MORE DISPOSITIONS RELATING TO THE
9 CHARGES BROUGHT AGAINST AN ACCUSED JUVENILE, WHEN THIS
10 INFORMATION:

11 (b.7) The information ~~which shall be~~ THAT IS open to the public
12 pursuant to ~~paragraph (b.5)~~ SUBSECTION (1)(b.5) OF THIS SECTION
13 regarding a juvenile who is charged with the commission of a delinquent
14 act shall not include records of investigation as such records are described
15 in section 24-72-305 (5). ~~C.R.S.~~ In addition, any psychological profile of
16 any such juvenile, any intelligence test results for any such juvenile, or
17 any information regarding whether such juvenile has been sexually
18 abused ~~shall not be~~ IS NOT open to the public unless released by an order
19 of the court. THE INFORMATION THAT IS OPEN TO THE PUBLIC PURSUANT
20 TO SUBSECTION (1)(b.5) OF THIS SECTION REGARDING A JUVENILE WHO IS
21 CHARGED WITH A DELINQUENT ACT SHALL NOT INCLUDE THE JUVENILE'S
22 NAME, BIRTH DATE, OR PHOTOGRAPH.

23 (b.8) The court shall report the final disposition concerning a
24 juvenile who has been adjudicated a juvenile delinquent to the Colorado
25 bureau of investigation in a form that is electronically consistent with
26 applicable law. The report ~~shall~~ MUST be made within seventy-two hours
27 after the final disposition; except that the time period shall not include

1 Saturdays, Sundays, or legal holidays. The report ~~shall~~ MUST include ~~the~~
2 ~~information provided to the court in accordance with paragraph (b.7) of~~
3 ~~this subsection (1)~~, the disposition of each charge and the court case
4 number, and the Colorado bureau of investigation shall reflect any change
5 of status but shall not delete or eliminate information concerning the
6 original charge. COLORADO BUREAU OF INVESTIGATION RECORDS
7 REGARDING JUVENILE OFFENSES ARE NOT OPEN TO THE PUBLIC.

8 (c) **Probation records - limited access.** Except as otherwise
9 authorized by section 19-1-303, a juvenile probation officer's records,
10 whether or not part of the court file, ~~shall not be~~ ARE NOT open to
11 inspection, except as provided in ~~subparagraphs (I) to (XI) of this~~
12 ~~paragraph (c)~~ SUBSECTIONS (1)(c)(I) TO (1)(c)(XI) OF THIS SECTION:

13 (VII.5) TO THE JUVENILE NAMED IN THE RECORD;

14 (VIII) To the juvenile's parent, guardian, ~~or~~ legal custodian, OR
15 ATTORNEY;

16 (d) **Social and clinical studies - closed - court authorization.**
17 Except as otherwise authorized by section 19-1-303, any social and
18 clinical studies, INCLUDING ALL FORMAL EVALUATIONS OF THE JUVENILE
19 COMPLETED BY A PROFESSIONAL, whether or not part of the court file OR
20 ANY OTHER RECORD, ~~shall not be~~ ARE NOT open to inspection, except: ~~by~~
21 ~~consent of the court.~~

22 (I) TO THE JUVENILE NAMED IN THE RECORD;

23 (II) TO THE JUVENILE'S PARENT, GUARDIAN, LEGAL CUSTODIAN, OR
24 ATTORNEY; OR

25 (III) BY ORDER OF THE COURT, UPON A FINDING OF A LEGITIMATE
26 INTEREST IN AND NEED TO REVIEW THE SOCIAL AND CLINICAL STUDIES.

27 (2) (a) **Law enforcement records in general - closed.** Except as

1 otherwise provided by ~~paragraph (b.5) of subsection (1)~~ SUBSECTION
2 (1)(b.5) of this section and otherwise authorized by section 19-1-303, the
3 records of law enforcement officers concerning juveniles, including
4 identifying information, ~~shall~~ MUST be identified as juvenile records and
5 ~~shall~~ MUST not be inspected by or disclosed to the public, except:

6 (I) To the juvenile and the juvenile's parent, guardian, ~~or~~ legal
7 custodian, OR ATTORNEY;

8 (XIV) To any person or agency for research purposes, if all of the
9 following conditions are met:

10 (A) The person or agency conducting such research is employed
11 by the state of Colorado or is under contract with the state of Colorado
12 and is authorized by the department of human services to conduct such
13 research; EXCEPT THAT THE DEPARTMENT OF PUBLIC SAFETY DOES NOT
14 NEED TO OBTAIN PRIOR AUTHORIZATION FROM THE DEPARTMENT OF
15 HUMAN SERVICES FOR THE PURPOSES OF THIS SUBSECTION (2)(a)(XIV)(A);
16 and

17 (2.5) **Parole records.** Parole records ~~shall be~~ ARE open to
18 inspection by the principal of a school, or such principal's designee, in
19 which the juvenile is or will be enrolled as a student and, if the student is
20 or will be enrolled in a public school, by the superintendent of the school
21 district in which the student is or will be enrolled, or such
22 superintendent's designee. Parole records ~~shall also be~~ ARE ALSO open to
23 inspection by assessment centers for children AND BY THE JUVENILE
24 NAMED IN THE RECORD AND THE JUVENILE'S PARENT, GUARDIAN, LEGAL
25 CUSTODIAN, OR ATTORNEY.

26 (3) Prior to adjudication, the defense counsel, the district attorney,
27 the prosecuting attorney, or any other party TO A PENDING DELINQUENCY

1 PETITION with consent of the court shall MUST have access to records of
2 any proceedings pursuant to this title TITLE 19, except as provided in
3 section 19-1-309, which involve a juvenile against whom criminal or
4 delinquency charges have been filed. No new criminal or delinquency
5 charges against such juvenile shall MAY be brought based upon
6 information gained initially or solely from such examination of records.

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8 (5.5) Whenever a petition is filed in juvenile court involving a
9 felony or a class 1 misdemeanor or the following offenses of any degree:
10 ALLEGING A CLASS 1, CLASS 2, CLASS 3, OR CLASS 4 FELONY; A LEVEL 1,
11 LEVEL 2, OR LEVEL 3 DRUG FELONY; AN OFFENSE INVOLVING UNLAWFUL
12 SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9); A CRIME OF
13 VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406; A BURGLARY OFFENSE AS
14 DESCRIBED IN PART 2 OF ARTICLE 4 OF TITLE 18; FELONY menacing, in
15 violation of section 18-3-206; C.R.S.; harassment, in violation of section
16 18-9-111, C.R.S.; fourth degree arson, in violation of section 18-4-105;
17 C.R.S.; theft, in violation of section 18-4-401, C.R.S.; aggravated motor
18 vehicle theft, in violation of section 18-4-409; C.R.S.; criminal mischief,
19 in violation of section 18-4-501, C.R.S.; defacing property, in violation
20 of section 18-4-509, C.R.S.; disorderly conduct, in violation of section
21 18-9-106, C.R.S.; hazing, in violation of section 18-9-124, C.R.S.; or
22 possession of a handgun by a juvenile, in violation of section
23 18-12-108.5, C.R.S.; OR WHEN A PETITION IS FILED IN JUVENILE COURT IN
24 WHICH THE ALLEGED VICTIM OF THE CRIME IS A STUDENT OR STAFF PERSON
25 IN THE SAME SCHOOL AS THE JUVENILE OR IN WHICH IT IS ALLEGED THAT
26 THE JUVENILE POSSESSED A DEADLY WEAPON DURING THE COMMISSION OF
27 THE ALLEGED CRIME, the prosecuting attorney, within three working days

1 after the petition is filed, shall make good faith reasonable efforts to
2 notify the principal of the school in which the juvenile is enrolled and
3 shall provide such principal with the arrest and criminal records
4 information, as defined in section 24-72-302 (1). ~~C.R.S.~~ In the event the
5 prosecuting attorney, in good faith, is not able to either identify the school
6 ~~which~~ THAT the juvenile attends or contact the principal of the juvenile's
7 school, then the prosecuting attorney shall contact the superintendent of
8 the juvenile's school district.

9 (6) The department of human services shall release to the
10 committing court, the ~~district~~ PROSECUTING attorney, the Colorado bureau
11 of investigation, and local law enforcement agencies basic identification
12 information as defined in section 24-72-302 (2) ~~C.R.S.~~, concerning any
13 juvenile released or released to parole supervision or any juvenile who
14 escapes. THIS INFORMATION IS NOT OPEN TO THE PUBLIC.

15 (7) In addition to the persons who have access to court records
16 pursuant to ~~paragraph (a) of subsection (1)~~ SUBSECTION (1)(a) of this
17 section, statewide electronic read-only access to the name index and
18 register of actions of the judicial department must be allowed to the
19 following agencies or ~~attorneys appointed by the court~~ PERSONS:

20 (d) Attorneys under contract with the office of the alternate
21 defense counsel, created in section 21-2-101, ~~C.R.S.~~, as it relates to a case
22 in which they are appointed by the court; ~~and~~

23 (e) A respondent parent's counsel under contract with the office
24 of the respondent parents' counsel, created in section 13-92-103, ~~C.R.S.~~,
25 or authorized by the office of the respondent parents' counsel to act as a
26 respondent parent's counsel, as it relates to a case in which they are
27 appointed by the court; ~~AND~~

1 (f) A LICENSED ATTORNEY WORKING WITH A NONPROFIT
2 ASSOCIATION PROVIDING FREE LEGAL ASSISTANCE AS IT RELATES TO
3 SCREENING AN APPLICANT FOR ELIGIBILITY FOR FREE SERVICES OR TO A
4 CASE IN WHICH THE ORGANIZATION HAS ENTERED AN APPEARANCE TO
5 PROVIDE FREE REPRESENTATION, IF THE OFFICE OF THE ALTERNATE
6 DEFENSE COUNSEL AGREES TO MONITOR THE ATTORNEY'S USE OF THE
7 ELECTRONIC NAME INDEX AND REGISTER OF ACTIONS.

8 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**
9 **with amendments,** 19-1-306 as follows:

10 **19-1-306. Expungement of juvenile delinquent records -**

11 **definition.** (1) (a) FOR THE PURPOSES OF THIS SECTION, "EXPUNGEMENT"
12 IS DEFINED IN SECTION 19-1-103 (48). UPON THE ENTRY OF AN
13 EXPUNGEMENT ORDER, THE PERSON WHO IS THE SUBJECT OF THE RECORD
14 THAT HAS BEEN EXPUNGED MAY ASSERT THAT HE OR SHE HAS NO JUVENILE
15 DELINQUENCY RECORD. FURTHER, THE PERSON WHO IS THE SUBJECT OF
16 THE RECORD THAT HAS BEEN EXPUNGED MAY LAWFULLY DENY THAT HE
17 OR SHE HAS EVER BEEN ARRESTED, CHARGED, ADJUDICATED, CONVICTED,
18 OR SENTENCED IN REGARD TO THE EXPUNGED CASE, MATTER, OR CHARGE.

19 (b) THE COURT, LAW ENFORCEMENT, AND ALL OTHER AGENCIES
20 SHALL REPLY TO ANY INQUIRY REGARDING AN EXPUNGED RECORD THAT
21 NO RECORD EXISTS WITH RESPECT TO THE PERSON NAMED IN THE RECORD,
22 UNLESS INFORMATION MAY BE SHARED WITH THE INQUIRING PARTY
23 PURSUANT TO SUBSECTION (3) OF THIS SECTION.

24 (2) (a) AT THE TIME OF THE ADJUDICATION, THE COURT SHALL
25 ADVISE THE ADJUDICATED JUVENILE AND ANY RESPONDENT PARENT OR
26 GUARDIAN, IN WRITING, OF THE RIGHT TO EXPUNGE AND THE TIME PERIOD
27 AND PROCESS FOR EXPUNGING THE ORDER. THE COURT, ON ITS OWN

1 MOTION OR THE MOTION OF THE JUVENILE PROBATION DEPARTMENT, THE
2 JUVENILE PAROLE DEPARTMENT, THE JUVENILE, A RESPONDENT PARENT OR
3 GUARDIAN, OR A COURT-APPOINTED GUARDIAN AD LITEM, MAY INITIATE
4 EXPUNGEMENT PROCEEDINGS CONCERNING THE RECORD OF ANY JUVENILE
5 WHO HAS BEEN UNDER THE JURISDICTION OF THE COURT.

6 (b) IF A JUVENILE IS SUPERVISED BY PROBATION, THE PROBATION
7 DEPARTMENT, UPON THE TERMINATION OF THE JUVENILE'S SUPERVISION
8 PERIOD, SHALL PROVIDE THE JUVENILE WITH A WRITTEN ADVISEMENT OF
9 THE RIGHT TO EXPUNGEMENT AND THE TIME PERIOD AND PROCESS FOR
10 EXPUNGING THE RECORD.

11 (c) IF A JUVENILE IS SUPERVISED BY PAROLE, THE DEPARTMENT OR
12 DIVISION SUPERVISING THE JUVENILE'S PAROLE, UPON THE TERMINATION
13 OF THE JUVENILE'S PAROLE SUPERVISION PERIOD, SHALL PROVIDE THE
14 JUVENILE WITH A WRITTEN ADVISEMENT OF THE RIGHT TO EXPUNGEMENT
15 AND THE TIME PERIOD AND PROCESS FOR EXPUNGING THE RECORD.

16 (d) IF THE JUVENILE IS SUPERVISED BY A DIVERSION OFFICER OR
17 AGENCY OTHER THAN PROBATION, THE AGENCY SUPERVISING THE
18 DIVERSION PROGRAM, UPON THE TERMINATION OF THE JUVENILE'S
19 DIVERSION PERIOD, SHALL PROVIDE THE JUVENILE WITH A WRITTEN
20 ADVISEMENT OF THE RIGHT TO EXPUNGEMENT AND THE TIME PERIOD AND
21 PROCESS FOR EXPUNGING THE RECORD.

22 (e) IF A JUVENILE IS SENTENCED IN MUNICIPAL COURT, THE
23 MUNICIPAL COURT, AT SENTENCING, SHALL PROVIDE THE JUVENILE AND
24 ANY RESPONDENT PARENT OR GUARDIAN WITH A WRITTEN ADVISEMENT OF
25 THE RIGHT TO EXPUNGEMENT AND THE TIME PERIOD AND PROCESS FOR
26 EXPUNGING THE RECORD. THE MUNICIPAL COURT MAY PROVIDE THE
27 NOTICE THROUGH A MUNICIPAL DIVERSION PROGRAM, THE CITY

1 ATTORNEY, OR A MUNICIPAL PROBATION PROGRAM.

2 (f) IF A JUVENILE IS COMMITTED TO THE DIVISION OF YOUTH
3 CORRECTIONS AND IS RELEASED WITHOUT A REQUIREMENT TO COMPLETE
4 FURTHER PAROLE, THE DIVISION SHALL PROVIDE THE JUVENILE WITH A
5 WRITTEN ADVISEMENT OF THE RIGHT TO EXPUNGEMENT AND THE TIME
6 PERIOD AND PROCESS FOR EXPUNGING THE RECORD.

7 (g) EXPUNGEMENT MUST BE EFFECTUATED BY PHYSICALLY
8 SEALING OR CONSPICUOUSLY INDICATING ON THE FACE OF THE RECORD OR
9 AT THE BEGINNING OF THE COMPUTERIZED FILE OF THE RECORD THAT THE
10 RECORD HAS BEEN DESIGNATED AS EXPUNGED.

11 (h) THE PROSECUTING ATTORNEY SHALL NOT REQUIRE AS A
12 CONDITION OF A PLEA AGREEMENT THAT THE JUVENILE WAIVE HIS OR HER
13 RIGHT TO EXPUNGEMENT UNDER THIS SECTION UPON THE COMPLETION OF
14 THE JUVENILE'S SENTENCE.

15 (i) PRIOR TO THE COURT ORDERING ANY RECORDS EXPUNGED, THE
16 COURT SHALL DETERMINE WHETHER THE JUVENILE HAS ANY FELONY,
17 DRUG FELONY, MISDEMEANOR, DRUG MISDEMEANOR, PETTY OFFENSE, OR
18 DELINQUENCY ACTIONS PENDING, AND, IF THE COURT DETERMINES THAT
19 THERE IS A FELONY, DRUG FELONY, MISDEMEANOR, DRUG MISDEMEANOR,
20 PETTY OFFENSE, OR DELINQUENCY ACTION PENDING AGAINST THE
21 JUVENILE, THE COURT SHALL STAY THE PETITION FOR EXPUNGEMENT
22 PROCEEDINGS UNTIL THE RESOLUTION OF THE PENDING CASE.

23 (3) (a) AFTER EXPUNGEMENT, BASIC IDENTIFICATION
24 INFORMATION ON THE JUVENILE AND A LIST OF ANY STATE AND LOCAL
25 AGENCIES AND OFFICIALS HAVING CONTACT WITH THE JUVENILE, AS THEY
26 APPEAR IN THE RECORDS, ARE NOT OPEN TO THE PUBLIC BUT ARE
27 AVAILABLE TO A PROSECUTING ATTORNEY, LOCAL LAW ENFORCEMENT


1 AGENCY, THE DEPARTMENT OF HUMAN SERVICES, THE STATE JUDICIAL
2 DEPARTMENT, AND THE VICTIM AS DEFINED IN SECTION 24-4.1-302 (5);
3 EXCEPT THAT SUCH INFORMATION IS NOT AVAILABLE TO AN AGENCY OF
4 THE MILITARY FORCES OF THE UNITED STATES.

5 (b) NOTWITHSTANDING ANY ORDER FOR EXPUNGEMENT PURSUANT
6 TO THIS SECTION, ANY RECORD THAT IS ORDERED EXPUNGED IS AVAILABLE
7 TO ANY JUDGE AND THE PROBATION DEPARTMENT FOR USE IN ANY FUTURE
8 PROCEEDING IN WHICH THE PERSON WHOSE RECORD WAS EXPUNGED IS
9 CHARGED WITH AN OFFENSE AS EITHER A JUVENILE OR AS AN ADULT. A
10 NEW CRIMINAL OR DELINQUENCY CHARGE MAY NOT BE BROUGHT AGAINST
11 THE JUVENILE BASED UPON INFORMATION GAINED INITIALLY OR SOLELY
12 FROM EXAMINATION OF THE EXPUNGED RECORDS.

13 (c) NOTWITHSTANDING AN ORDER FOR EXPUNGEMENT PURSUANT
14 TO THIS SECTION, ANY CRIMINAL JUSTICE RECORD OF A JUVENILE WHO HAS
15 BEEN CHARGED, ADJUDICATED, OR CONVICTED OF ANY OFFENSE SHALL BE
16 AVAILABLE FOR USE BY THE JUVENILE, THE JUVENILE'S ATTORNEY, A
17 PROSECUTING ATTORNEY, ANY LAW ENFORCEMENT AGENCY, OR ANY
18 AGENCY OF THE STATE JUDICIAL DEPARTMENT IN ANY SUBSEQUENT
19 CRIMINAL INVESTIGATION OR PROSECUTION AS A SUBSTANTIVE PREDICATE
20 OFFENSE CONVICTION OR ADJUDICATION OF RECORD.

21 (d) NOTWITHSTANDING ANY ORDER FOR EXPUNGEMENT ISSUED
22 PURSUANT TO THIS SECTION, NOTHING PREVENTS THE PROSECUTING
23 ATTORNEY, INCLUDING THE STAFF OF A PROSECUTING ATTORNEY'S OFFICE
24 OR A VICTIM OR WITNESS ASSISTANCE PROGRAM OR A LAW ENFORCEMENT
25 AGENCY OR LAW ENFORCEMENT VICTIM ASSISTANCE PROGRAM, FROM
26 DISCUSSING WITH THE VICTIM THE CASE, THE RESULTS OF ANY
27 EXPUNGEMENT PROCEEDINGS, INFORMATION REGARDING RESTITUTION,

1 AND INFORMATION RELATED TO ANY VICTIM SERVICES AVAILABLE TO THE
2 VICTIM AS DEFINED IN SECTION 24-4.1-302 (5), BUT COPIES OF EXPUNGED
3 RECORDS MUST NOT BE PROVIDED TO THE VICTIM. THE VICTIM MAY
4 PETITION THE COURT AND REQUEST THAT A COPY OF THE EXPUNGED
5 RECORDS BE PROVIDED TO THE VICTIM. IF THE COURT FINDS THAT THERE
6 ARE COMPELLING REASONS FOR THE RELEASE, A COPY OF THE EXPUNGED
7 RECORDS MAY BE RELEASED TO THE VICTIM. IF THE COURT ORDERS THE
8 RELEASE OF A COPY OF THE EXPUNGED RECORDS TO THE VICTIM, THE
9 COURT MUST ISSUE A PROTECTIVE ORDER REGARDING THE USAGE OF THE
10 EXPUNGED RECORDS.

11 
12 (e) NOTWITHSTANDING ANY ORDER FOR EXPUNGEMENT ISSUED
13 PURSUANT TO THIS SECTION, ANY INFORMATION, INCLUDING POLICE
14 AFFIDAVITS AND REPORTS AND RECORDS RELATED TO ANY PRIOR
15 CONVICTION OR ADJUDICATION, ARE AVAILABLE WITHOUT COURT ORDER
16 TO THE PERSONS, GOVERNMENT AGENCIES, OR ENTITIES ALLOWED ACCESS
17 TO OR ALLOWED TO EXCHANGE SUCH INFORMATION PURSUANT TO SECTION
18 19-1-303 FOR THE PURPOSES DESCRIBED THEREIN. ANY PERSON WHO
19 KNOWINGLY VIOLATES THE CONFIDENTIALITY PROVISIONS OF SECTION
20 19-1-303 IS SUBJECT TO THE PENALTY IN SECTION 19-1-303 (4.7).

21 (f) NOTWITHSTANDING ANY ORDER FOR EXPUNGEMENT ISSUED
22 PURSUANT TO THIS SECTION, NOTHING IN THIS SECTION PRECLUDES A
23 COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES EMPLOYEE FROM
24 REVIEWING INTERNAL DEPARTMENT RECORDS THAT ARE ORDERED
25 EXPUNGED AND ARE IN THE COUNTY DEPARTMENT'S POSSESSION FOR
26 PURPOSES OF DEPARTMENT INVESTIGATIONS AND CASE MANAGEMENT IN
27 THE PROVISION OF CHILD WELFARE SERVICES.

1 (4) (a) THE COURT SHALL ORDER ALL RECORDS IN A JUVENILE
2 DELINQUENCY CASE IN THE CUSTODY OF THE COURT, AND ANY RECORDS
3 RELATED TO THE CASE AND CHARGES IN THE CUSTODY OF ANY OTHER
4 AGENCY, PERSON, COMPANY, OR ORGANIZATION, EXPUNGED WITHIN
5 FORTY-TWO DAYS AFTER:

- 6 (I) A FINDING OF NOT GUILTY AT AN ADJUDICATORY TRIAL;
- 7 (II) DISMISSAL OF THE PETITION IN ITS ENTIRETY; OR
- 8 (III) THE COMPLETION OF A SENTENCE FOR A PETTY OFFENSE,
9 DRUG PETTY OFFENSE, CLASS 2 OR CLASS 3 MISDEMEANOR OFFENSE, OR
10 LEVEL 1 OR LEVEL 2 DRUG MISDEMEANOR IF THE OFFENSE DOES NOT
11 INVOLVE UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102
12 (9), IS NOT AN ACT OF DOMESTIC VIOLENCE AS DEFINED IN SECTION
13 18-6-800.3, OR IS NOT A CRIME LISTED UNDER SECTION 24-4.1-302 (1),
14 AND THE DEFENDANT WAS UNDER EIGHTEEN YEARS OF AGE AT THE TIME
15 THE OFFENSE WAS COMMITTED.

16 (b) WHEN AN EXPUNGEMENT ORDER IS ISSUED PURSUANT TO THIS
17 SECTION, THE COURT SHALL SEND A COPY OF THE ORDER TO THE JUVENILE,
18 THE JUVENILE'S LAST ATTORNEY OF RECORD, THE PROSECUTING
19 ATTORNEY, THE LAW ENFORCEMENT AGENCY OR AGENCIES THAT
20 INVESTIGATED THE CASE, THE STATE COURT ADMINISTRATOR'S OFFICE,
21 THE DIVISION OF YOUTH CORRECTIONS, AND THE COLORADO BUREAU OF
22 INVESTIGATION, DIRECTING THE ENTITY TO EXPUNGE THE RECORDS IN ITS
23 CUSTODY AS DIRECTED IN THE ORDER. THE PERSON WHO IS THE SUBJECT
24 OF RECORDS EXPUNGED PURSUANT TO THIS SECTION MAY PETITION THE
25 COURT TO PERMIT INSPECTION OF THE RECORDS HELD BY PERSONS NAMED
26 IN THE ORDER, AND THE COURT MAY SO ORDER.

27 (c) THE COURT SHALL, ON OR BEFORE NOVEMBER 1 OF EACH YEAR,

1 REVIEW ALL JUVENILE DELINQUENCY COURT FILES DURING THE TWO
2 PREVIOUS YEARS THAT RESULTED IN A FINDING OF NOT GUILTY; A
3 DISMISSAL OF THE PETITION; A SENTENCE FOR A PETTY OFFENSE; A
4 SENTENCE FOR A DRUG PETTY OFFENSE; A SENTENCE FOR A DRUG
5 MISDEMEANOR OFFENSE; OR A SENTENCE FOR A CLASS 2 OR CLASS 3
6 MISDEMEANOR OFFENSE IF THE OFFENSE DOES NOT INVOLVE UNLAWFUL
7 SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), IS NOT AN ACT
8 OF DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3, OR IS NOT A
9 CRIME LISTED UNDER SECTION 24-4.1-302 (1), AND THE DEFENDANT WAS
10 UNDER EIGHTEEN YEARS OF AGE AT THE TIME THE OFFENSE WAS
11 COMMITTED. THE COURT SHALL ENTER AN EXPUNGEMENT ORDER FOR ALL
12 JUVENILES ELIGIBLE FOR EXPUNGEMENT PURSUANT TO THIS SUBSECTION
13 (4), IF THE EXPUNGEMENT ORDER WAS NOT PREVIOUSLY MADE.

14 (5) (a) THE COURT SHALL SEND NOTICE TO THE PROSECUTING
15 ATTORNEY AND SUPERVISING AGENCY OF THE JUVENILE AT LEAST
16 NINETY-ONE DAYS PRIOR TO THE END OF THE JUVENILE'S DIVERSION
17 PROGRAM, DEFERRED ADJUDICATION, INFORMAL ADJUSTMENT, OR
18 SENTENCE THAT ALL RECORDS IN A JUVENILE DELINQUENCY CASE IN THE
19 CUSTODY OF THE COURT, AND ANY RECORDS RELATED TO THE CASE AND
20 CHARGES IN THE CUSTODY OF ANY OTHER AGENCY, PERSON, COMPANY, OR
21 ORGANIZATION, WILL BE EXPUNGED AFTER COMPLETION OF:

22 (I) A JUVENILE DIVERSION PROGRAM, A DEFERRED ADJUDICATION,
23 OR AN INFORMAL ADJUSTMENT;

24 (II) A JUVENILE SENTENCE FOR AN ADJUDICATION FOR A CLASS 1
25 MISDEMEANOR OR A PETTY OR A MISDEMEANOR OFFENSE THAT IS NOT
26 ELIGIBLE FOR EXPUNGEMENT UNDER SUBSECTION (4) OF THIS SECTION, IF
27 THE OFFENSE DID NOT INVOLVE UNLAWFUL SEXUAL BEHAVIOR AS DEFINED

1 IN SECTION 16-22-102 (9).

2 (III) A JUVENILE SENTENCE FOR AN ADJUDICATION FOR A
3 MISDEMEANOR OFFENSE INVOLVING UNLAWFUL SEXUAL CONTACT AS
4 DESCRIBED IN SECTION 18-3-404; OR

5 (IV) A JUVENILE SENTENCE FOR AN ADJUDICATION FOR A FELONY
6 OFFENSE OR FELONY DRUG OFFENSE IF:

7 (A) THE FELONY OFFENSE DID NOT CONSTITUTE UNLAWFUL
8 SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9);

9 (B) THE FELONY OFFENSE WAS NOT A CRIME OF VIOLENCE AS
10 DESCRIBED IN SECTION 18-1.3-406;

11 (C) THE FELONY OFFENSE WAS NOT A CLASS 1 OR CLASS 2 FELONY;
12 AND

13 (D) THE JUVENILE HAD NO PRIOR FELONY ADJUDICATIONS.

14 (b) UPON RECEIPT OF THE NOTICE FROM THE COURT IN SUBSECTION
15 (5)(a) OF THIS SECTION, THE PROSECUTING ATTORNEY SHALL CONTACT
16 THE VICTIM REGARDING EXPUNGEMENT.

17 (c) UPON ISSUANCE OF THE NOTICE FROM THE COURT IN
18 SUBSECTION (5)(a) OF THIS SECTION, THE SUPERVISING AGENCY MUST
19 PREPARE A REPORT AND SUMMARY OF SUPERVISION OUTLINING THE
20 PERFORMANCE OF THE JUVENILE WHILE UNDER SUPERVISION. IF THE
21 JUVENILE IS NO LONGER UNDER SUPERVISION, THE SUPERVISING AGENCY
22 MUST CONTACT THE JUVENILE AND SUMMARIZE THE JUVENILE'S ACTIVITIES
23 SINCE TERMINATION OF SUPERVISION TO ASSIST THE COURT IN MAKING ITS
24 DETERMINATION OF THE APPROPRIATENESS FOR EXPUNGEMENT. THE
25 SUPERVISING AGENCY SHALL PROVIDE THE REPORT TO THE COURT, THE
26 PROSECUTING ATTORNEY, THE JUVENILE, AND THE JUVENILE'S ATTORNEY
27 OF RECORD WITHIN TWENTY-EIGHT DAYS OF THE NOTICE FROM THE COURT.

1 (d) IF NEITHER THE PROSECUTING ATTORNEY NOR A VICTIM FILES
2 AN OBJECTION WITHIN EIGHTY-FOUR DAYS AFTER THE ISSUANCE OF THE
3 NOTICE PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION, THE COURT
4 SHALL ORDER ALL RECORDS IN THE JUVENILE DELINQUENCY CASE IN THE
5 CUSTODY OF THE COURT, AND ANY RECORDS RELATED TO THE CASE AND
6 CHARGES IN THE CUSTODY OF ANY OTHER AGENCY, PERSON, COMPANY, OR
7 ORGANIZATION, EXPUNGED. ■ ■ ■

8 (e) IF THE PROSECUTING ATTORNEY OR A VICTIM FILES AN
9 OBJECTION WITHIN EIGHTY-FOUR DAYS AFTER RECEIPT OF THE NOTICE BY
10 THE PROSECUTING ATTORNEY PURSUANT TO SUBSECTION (5)(a) OF THIS
11 SECTION, THE COURT SHALL SCHEDULE A HEARING ON THE ISSUE OF
12 EXPUNGEMENT. THE COURT SHALL NOTIFY ALL OBJECTING PARTIES OF THE
13 HEARING DATE. THE HEARING MUST BE SET AT LEAST THIRTY-FIVE DAYS
14 AFTER THE DATE THE COURT SENDS NOTICE OF THE HEARING.

15 (f) IF A HEARING IS SCHEDULED PURSUANT TO SUBSECTION (5)(e)
16 OF THIS SECTION, THE COURT SHALL SEND NOTICE TO THE LAST KNOWN
17 ADDRESS OF THE JUVENILE NOTIFYING THE JUVENILE OF THE DATE OF THE
18 HEARING AND OF THE JUVENILE'S RIGHT TO APPEAR AT THE HEARING AND
19 TO PRESENT EVIDENCE TO THE COURT IN WRITING PRIOR TO THE HEARING
20 AND IN PERSON AT THE HEARING. THE NOTICE MUST INDICATE THAT, AT
21 THE HEARING, THE COURT WILL CONSIDER WHETHER THE JUVENILE HAS
22 BEEN REHABILITATED AND WHETHER EXPUNGEMENT IS IN THE BEST
23 INTEREST OF THE JUVENILE AND THE COMMUNITY. THE JUVENILE IS NOT
24 REQUIRED TO APPEAR AT THE HEARING.

25 (g) AT A HEARING HELD PURSUANT TO THIS SUBSECTION (5), THE
26 COURT SHALL ORDER ALL RECORDS OF THE CASE IN THE CUSTODY OF THE
27 COURT, AND ANY RECORDS RELATED TO THE CASE OR CHARGES IN THE

1 CUSTODY OF ANY OTHER AGENCY, PERSON, COMPANY, OR ORGANIZATION,
2 EXPUNGED IF THE COURT MAKES WRITTEN FINDINGS THAT:

3 (I) THE REHABILITATION OF THE JUVENILE HAS BEEN ATTAINED TO
4 THE SATISFACTION OF THE COURT; AND

5 (II) THE EXPUNGEMENT IS IN THE BEST INTEREST OF THE JUVENILE
6 AND THE COMMUNITY.

7 (h) THE COURT SHALL, STARTING ON NOVEMBER 1, 2019, AND
8 EACH NOVEMBER 1 THEREAFTER, REVIEW ALL JUVENILE DELINQUENCY
9 COURT FILES DURING THE TWO PREVIOUS YEARS THAT RESULTED IN
10 PARTICIPATION IN DIVERSION, A DEFERRED ADJUDICATION, OR AN
11 INFORMAL ADJUSTMENT; A SENTENCE FOR A CLASS 1 MISDEMEANOR
12 OFFENSE, ANY DRUG FELONY OFFENSE, OR A MISDEMEANOR OFFENSE
13 INVOLVING DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3; OR
14 A FELONY OFFENSE THAT DID NOT CONSTITUTE UNLAWFUL SEXUAL
15 BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), WAS NOT A CRIME OF
16 VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406, AND WAS NOT A CLASS
17 1 OR CLASS 2 FELONY. THE COURT SHALL SEND THE NOTICE REQUIRED
18 FOR ALL RECORDS ELIGIBLE FOR A NOTICE PURSUANT TO THIS SUBSECTION
19 (5) IF THE NOTICE WAS NOT PREVIOUSLY SENT AND AN EXPUNGEMENT
20 ORDER WAS NOT PREVIOUSLY MADE. AFTER THE NOTICE IS SENT, THE
21 PROVISIONS OF SUBSECTIONS (5)(b) TO (5)(g) OF THIS SECTION APPLY.

22 [REDACTED]

23 (i) WITH THE VICTIM'S CONSENT, OR IF THERE IS NO NAMED VICTIM,
24 THE PROSECUTING ATTORNEY MAY AGREE AT THE TIME OF A PLEA THAT
25 THERE WILL BE NO OBJECTION TO EXPUNGEMENT UPON THE COMPLETION
26 OF THE JUVENILE'S SENTENCE. IN SUCH A CASE, THE COURT SHALL ORDER
27 ALL RECORDS OF THE CASE IN THE CUSTODY OF THE COURT, AND ANY

1 RECORDS RELATED TO THE CASE OR CHARGES IN THE CUSTODY OF ANY
2 OTHER AGENCY, PERSON, COMPANY, OR ORGANIZATION, EXPUNGED UPON
3 COMPLETION OF THE JUVENILE'S SENTENCE. A HEARING IS NOT REQUIRED.

4 (j) A JUVENILE WHO WAS ADJUDICATED AS A MANDATORY
5 SENTENCE OFFENDER PURSUANT TO SECTION 19-2-516 (1) OR AS A REPEAT
6 JUVENILE OFFENDER PURSUANT TO SECTION 19-2-516 (2) IS NOT ELIGIBLE
7 FOR EXPUNGEMENT UNDER THIS SUBSECTION (5), BUT MAY PETITION FOR
8 EXPUNGEMENT PURSUANT TO SUBSECTION (6)(e) OF THIS SECTION.

9 (6)(a) A PERSON MAY PETITION THE JUVENILE COURT TO EXPUNGE
10 RECORDS IN A CLOSED CASE PURSUANT TO SUBSECTION (4) OF THIS
11 SECTION IF THE RECORDS ARE OTHERWISE ELIGIBLE FOR EXPUNGEMENT,
12 HAVE NOT BEEN EXPUNGED BY THE COURT, AND A PROCEEDING
13 CONCERNING A FELONY, MISDEMEANOR, OR DELINQUENCY ACTION IS NOT
14 PENDING AGAINST THE PETITIONER. A FILING FEE, NOTARIZATION, OR
15 OTHER FORMALITIES ARE NOT REQUIRED. IF THE COURT DETERMINES THE
16 RECORDS ARE ELIGIBLE FOR EXPUNGEMENT PURSUANT TO THE
17 REQUIREMENTS OF SUBSECTION (4) OF THIS SECTION, THE COURT SHALL
18 GRANT THE PETITION TO EXPUNGE WITHOUT A HEARING AND SHALL ISSUE
19 AN ORDER PURSUANT TO SUBSECTION (4) OF THIS SECTION.

20 (b) A PERSON MAY PETITION THE JUVENILE COURT TO EXPUNGE
21 RECORDS IN A CLOSED CASE PURSUANT TO SUBSECTION (5) OF THIS
22 SECTION IF THE RECORDS ARE OTHERWISE ELIGIBLE FOR EXPUNGEMENT,
23 HAVE NOT BEEN EXPUNGED BY THE COURT, AND A PROCEEDING
24 CONCERNING A FELONY, MISDEMEANOR, OR DELINQUENCY ACTION IS NOT
25 PENDING AGAINST THE PETITIONER. A FILING FEE, NOTARIZATION, OR
26 OTHER FORMALITIES ARE NOT REQUIRED. IF THE RECORDS ARE ELIGIBLE
27 FOR EXPUNGEMENT PURSUANT TO SUBSECTION (5) OF THIS SECTION, THE

1 COURT SHALL ISSUE A NOTICE PURSUANT TO SUBSECTION (5)(a) OF THIS
2 SECTION AND THE PROVISIONS OF SUBSECTION (5) OF THIS SECTION APPLY.

3 (c) A PERSON MAY PETITION THE JUVENILE COURT TO EXPUNGE
4 RECORDS RELATED TO A LAW ENFORCEMENT CONTACT THAT DID NOT
5 RESULT IN REFERRAL TO ANOTHER AGENCY AFTER ONE YEAR HAS PASSED
6 SINCE THE LAW ENFORCEMENT CONTACT AND A PROCEEDING CONCERNING
7 A FELONY, MISDEMEANOR, OR DELINQUENCY ACTION IS NOT PENDING
8 AGAINST THE PETITIONER. A FILING FEE, NOTARIZATION, OR OTHER
9 FORMALITIES ARE NOT REQUIRED. IF THE RECORDS ARE ELIGIBLE FOR
10 EXPUNGEMENT PURSUANT TO SUBSECTION (5) OF THIS SECTION, THE
11 COURT SHALL ISSUE A NOTICE PURSUANT TO SUBSECTION (5)(a) OF THIS
12 SECTION AND THE PROVISIONS OF SUBSECTION (5) OF THIS SECTION APPLY.

13 (d) A PERSON MAY PETITION THE JUVENILE COURT TO EXPUNGE
14 RECORDS IN A CLOSED CASED PURSUANT TO SUBSECTION (5) OF THIS
15 SECTION IF THE PERSON WAS PREVIOUSLY DENIED AN EXPUNGEMENT
16 ORDER FOR THOSE SAME RECORDS PURSUANT TO SUBSECTION (5) OF THIS
17 SECTION AND AT LEAST TWELVE MONTHS HAVE PASSED SINCE THE DATE
18 OF THE ORIGINAL DENIAL ORDER, THE PETITIONER PROVIDES NEW
19 INFORMATION NOT PREVIOUSLY CONSIDERED BY THE PRIOR REVIEWING
20 COURT, AND A PROCEEDING CONCERNING A FELONY, MISDEMEANOR, OR
21 DELINQUENCY ACTION IS NOT PENDING AGAINST THE PETITIONER. THE
22 COURT SHALL SCHEDULE A HEARING AND NOTIFY THE PROSECUTING
23 ATTORNEY OF THE HEARING DATE. THE COURT SHALL SET THE HEARING AT
24 LEAST THIRTY-FIVE DAYS AFTER THE COURT SENDS THE NOTICE OF THE
25 HEARING. ALL OTHER PROVISIONS OF SUBSECTION (5) OF THIS SECTION
26 APPLY.

27 (e) A JUVENILE WHO WAS ADJUDICATED AS A MANDATORY

1 SENTENCE OFFENDER PURSUANT TO SECTION 19-2-516 (1) OR AS A REPEAT
2 OFFENDER PURSUANT TO SECTION 19-2-516 (2), AND IS NOT OTHERWISE
3 INELIGIBLE FOR EXPUNGEMENT PURSUANT TO THE PROVISIONS OF
4 SUBSECTION (8) OF THIS SECTION AND DOES NOT HAVE A PROCEEDING
5 CONCERNING A FELONY, MISDEMEANOR, OR DELINQUENCY ACTION
6 PENDING AGAINST HIMSELF OR HERSELF, MAY PETITION THE COURT TO
7 REQUEST EXPUNGEMENT OF HIS OR HER RECORD THIRTY-SIX MONTHS
8 AFTER THE DATE OF THE PETITIONER'S UNCONDITIONAL RELEASE FROM HIS
9 OR HER JUVENILE SENTENCE. A FILING FEE, NOTARIZATION, OR OTHER
10 FORMALITIES ARE NOT REQUIRED. THE COURT SHALL ISSUE A NOTICE
11 PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION AND THE PROVISIONS
12 OF SUBSECTION (5) OF THIS SECTION APPLY.

13 (7) UNLESS OTHERWISE STATED IN THE APPLICABLE SECTION, A
14 PERSON MAY FILE A PETITION WITH THE COURT FOR EXPUNGEMENT OF HIS
15 OR HER RECORD PURSUANT TO SUBSECTIONS (4), (5), AND (6) OF THIS
16 SECTION ONLY ONCE DURING A TWELVE-MONTH PERIOD.

17 (8) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (4), (5),
18 AND (6) OF THIS SECTION, A COURT SHALL NOT EXPUNGE THE RECORD OF
19 A PERSON WHO IS:

20 (a) ADJUDICATED AS AN AGGRAVATED JUVENILE OFFENDER
21 PURSUANT TO SECTION 19-2-516 (4) OR AS A VIOLENT JUVENILE OFFENDER
22 PURSUANT TO SECTION 19-2-516 (3):

23 (b) ADJUDICATED OF HOMICIDE AND RELATED OFFENSES
24 PURSUANT TO PART 1 OF ARTICLE 3 OF TITLE 18;

25 (c) ADJUDICATED FOR A FELONY OFFENSE INVOLVING UNLAWFUL
26 SEXUAL BEHAVIOR AS DESCRIBED IN SECTION 16-22-102 (9); OR

27 (d) CHARGED, ADJUDICATED, OR CONVICTED OF ANY OFFENSE OR

1 INFRACTION PURSUANT TO TITLE 42. ==

2 (9) Municipal court records. (a) THE COURT SHALL SEND NOTICE
3 TO THE PROSECUTING ATTORNEY THAT ALL RECORDS IN A CASE CHARGING
4 A JUVENILE WITH A VIOLATION OF A MUNICIPAL CODE OR ORDINANCE,
5 EXCLUDING OFFENSES CHARGED PURSUANT TO TITLE 42. ALL RECORDS OF
6 THE CASE IN THE CUSTODY OF THE COURT, AND ANY RECORDS RELATED TO
7 THE CASE OR CHARGES IN THE CUSTODY OF ANY OTHER AGENCY, PERSON,
8 COMPANY, OR ORGANIZATION WILL BE EXPUNGED FORTY-TWO DAYS AFTER
9 COMPLETION OF THE MUNICIPAL SENTENCE.

10 ==


11 (b) IF THE PROSECUTING ATTORNEY DOES NOT FILE AN OBJECTION
12 WITHIN FORTY-TWO DAYS AFTER RECEIPT OF THE NOTICE FROM THE COURT
13 PURSUANT TO SUBSECTION (9)(a) OF THIS SECTION, THE MUNICIPAL COURT
14 SHALL ORDER ALL RECORDS RELATED TO THE CASE AND CHARGES IN THE
15 CUSTODY OF ANY OTHER AGENCY, PERSON, COMPANY, OR ORGANIZATION
16 EXPUNGED.

17 (c) IF THE PROSECUTING ATTORNEY FILES AN OBJECTION WITHIN
18 FORTY-TWO DAYS AFTER RECEIPT OF THE NOTICE BY THE COURT
19 PURSUANT TO SUBSECTION (9)(a) OF THIS SECTION, THE COURT SHALL
20 SCHEDULE A HEARING ON THE ISSUE OF EXPUNGEMENT. THE COURT SHALL
21 NOTIFY THE PROSECUTING ATTORNEY OF THE HEARING DATE.

22 (d) IF A HEARING IS SCHEDULED PURSUANT TO SUBSECTION (9)(c)
23 OF THIS SECTION, THE COURT SHALL SEND NOTICE TO THE LAST KNOWN
24 ADDRESS OF THE JUVENILE NOTIFYING THE JUVENILE OF THE DATE OF THE
25 HEARING AND OF THE JUVENILE'S RIGHT TO APPEAR AT THE HEARING AND
26 TO PRESENT EVIDENCE TO THE COURT IN WRITING PRIOR TO THE HEARING
27 AND IN PERSON AT THE HEARING. THE NOTICE MUST INDICATE THAT, AT

1 THE HEARING, THE COURT WILL CONSIDER WHETHER THE JUVENILE HAS
2 BEEN REHABILITATED AND WHETHER THE EXPUNGEMENT IS IN THE BEST
3 INTEREST OF THE JUVENILE AND THE COMMUNITY. THE JUVENILE IS NOT
4 REQUIRED TO APPEAR AT THE HEARING.

5 (e) AT A HEARING HELD PURSUANT TO THIS SUBSECTION (9), THE
6 COURT SHALL ORDER ALL RECORDS OF THE CASE IN THE CUSTODY OF THE
7 COURT, AND ANY RECORDS RELATED TO THE CASE OR CHARGES IN THE
8 CUSTODY OF ANY OTHER AGENCY, PERSON, COMPANY, OR ORGANIZATION,
9 EXPUNGED IF THE COURT MAKES WRITTEN FINDINGS THAT THE JUVENILE
10 SUCCESSFULLY COMPLETED THE SENTENCE OR THE MUNICIPAL COURT
11 CASE IS CLOSED.

12 
13 (f) ON NOVEMBER 1 OF EACH YEAR, THE MUNICIPAL COURT SHALL
14 REVIEW ALL JUVENILE COURT FILES DURING THE TWO PREVIOUS YEARS
15 THAT RESULTED IN A FINDING OF NOT GUILTY OR GUILTY OR RESULTED IN
16 DIVERSION, DEFERRED JUDGMENT, DISMISSAL, OR OTHER DISPOSITION OR
17 RESOLUTION, AND ENTER AN EXPUNGEMENT ORDER FOR ALL JUVENILES
18 ELIGIBLE FOR EXPUNGEMENT PURSUANT TO THIS SUBSECTION (9) IF THE
19 EXPUNGEMENT ORDER WAS NOT PREVIOUSLY MADE.

20 (g) IN THE EVENT THAT MUNICIPAL RECORDS HAVE NOT BEEN
21 EXPUNGED PURSUANT TO THIS SECTION, AN INDIVIDUAL MAY PETITION THE
22 JUVENILE COURT IN THE JUDICIAL DISTRICT WHERE THE MUNICIPALITY IS
23 LOCATED TO EXPUNGE RECORDS OF A MUNICIPAL CASE BROUGHT AGAINST
24 A JUVENILE. EXPUNGEMENT PROCEEDINGS PURSUANT TO THIS SUBSECTION
25 (9) MUST BE INITIATED BY THE FILING OF A PETITION REQUESTING AN
26 ORDER OF EXPUNGEMENT. A FILING FEE, NOTARIZATION, OR OTHER
27 FORMALITIES SHALL NOT BE REQUIRED. IF THE PETITION IS NOT GRANTED

1 WITHOUT A HEARING, THE COURT SHALL SET A DATE FOR A HEARING ON
2 THE PETITION FOR EXPUNGEMENT AND SHALL NOTIFY THE APPROPRIATE
3 PROSECUTING ATTORNEY.

4 (h) THE COURT SHALL ORDER ALL RECORDS RELATED TO THE
5 MUNICIPAL CASE IN THE CUSTODY OF THE COURT, AND ANY RECORDS
6 RELATED TO THE CASE AND CHARGES IN THE CUSTODY OF ANY OTHER
7 AGENCY, PERSON, COMPANY, OR ORGANIZATION, EXPUNGED PURSUANT TO
8 THIS SUBSECTION (9) IF THE COURT FINDS THAT THE SENTENCE HAS BEEN
9 COMPLETED OR THE MUNICIPAL COURT CASE IS CLOSED.

10 (10) UPON THE ENTRY OF AN ORDER EXPUNGING A RECORD
11 PURSUANT TO THIS SECTION, THE COURT SHALL ORDER, IN WRITING, THE
12 EXPUNGEMENT OF ALL CASE RECORDS IN THE CUSTODY OF THE COURT AND
13 ANY RECORDS RELATED TO THE CASE AND CHARGES IN THE CUSTODY OF
14 ANY OTHER AGENCY, PERSON, COMPANY, OR ORGANIZATION. THE COURT
15 MAY ORDER EXPUNGED ANY RECORDS, BUT, AT A MINIMUM, THE
16 FOLLOWING RECORDS MUST BE EXPUNGED PURSUANT TO EVERY
17 EXPUNGEMENT ORDER:

- 18 (a) ALL COURT RECORDS;
- 19 (b) ALL RECORDS RETAINED WITHIN THE OFFICE OF THE
20 PROSECUTING ATTORNEY;
- 21 (c) ALL PROBATION AND PAROLE RECORDS;
- 22 (d) ALL LAW ENFORCEMENT RECORDS;
- 23 (e) ALL DEPARTMENT OF HUMAN SERVICES RECORDS, INCLUDING
24 DISASSOCIATING THE OFFENSE AND THE DISPOSITION INFORMATION FROM
25 THE NAME OF THE YOUTH IN THE MANAGEMENT INFORMATION SYSTEM;
- 26 (f) ALL DIVISION OF YOUTH CORRECTIONS RECORDS;
- 27 (g) ALL DEPARTMENT OF CORRECTIONS RECORDS; AND

1 (h) REFERENCES TO THE CRIMINAL CASE OR CHARGE CONTAINED
2 IN THE SCHOOL RECORDS.

3 (11) WHEN AN EXPUNGEMENT ORDER IS ISSUED PURSUANT TO THIS
4 SECTION, THE COURT SHALL SEND A COPY OF THE ORDER TO THE JUVENILE,
5 THE JUVENILE'S LAST ATTORNEY OF RECORD, AND EACH AGENCY, PERSON,
6 COMPANY, OR ORGANIZATION NAMED THEREIN, DIRECTING THE ENTITY TO
7 EXPUNGE ITS RECORDS WITHIN THIRTY-FIVE DAYS AFTER THE RECEIPT OF
8 THE ORDER. EACH SUCH AGENCY, PERSON, COMPANY, OR ORGANIZATION
9 SHALL EXPUNGE THE RECORDS IN ITS CUSTODY AS DIRECTED BY THE
10 ORDER. THE PERSON WHO IS THE SUBJECT OF RECORDS EXPUNGED
11 PURSUANT TO THIS SECTION MAY PETITION THE COURT TO PERMIT
12 INSPECTION OF THE RECORDS HELD BY PERSONS NAMED IN THE ORDER,
13 AND THE COURT MAY SO ORDER.

14 (12) ANY AGENCY, PERSON, COMPANY, OR ORGANIZATION THAT
15 VIOLATES THIS SECTION AND KNEW THAT THE RECORDS IN QUESTION
16 WERE SUBJECT TO AN EXPUNGEMENT ORDER MAY BE SUBJECT TO
17 CRIMINAL AND CIVIL CONTEMPT OF COURT AND MAY BE PUNISHED BY A
18 FINE.

19 (13) EMPLOYERS; EDUCATIONAL INSTITUTIONS; LANDLORDS; AND
20 STATE AND LOCAL GOVERNMENT AGENCIES, OFFICIALS, AND EMPLOYEES
21 SHALL NOT, IN ANY APPLICATION OR INTERVIEW OR IN ANY OTHER WAY,
22 REQUIRE AN APPLICANT TO DISCLOSE ANY INFORMATION CONTAINED IN
23 EXPUNGED RECORDS. IN ANSWER TO ANY QUESTION CONCERNING ARREST
24 OR JUVENILE AND CRIMINAL RECORDS INFORMATION THAT HAS BEEN
25 EXPUNGED, AN APPLICANT NEED NOT INCLUDE A REFERENCE TO OR
26 INFORMATION CONCERNING THE EXPUNGED INFORMATION AND MAY STATE
27 THAT NO RECORD EXISTS. AN APPLICATION MAY NOT BE DENIED SOLELY

1 BECAUSE OF THE APPLICANT'S REFUSAL TO DISCLOSE RECORDS OR
2 INFORMATION THAT HAS BEEN EXPUNGED.

3 (14) NOTHING IN THIS SECTION AUTHORIZES THE PHYSICAL
4 DESTRUCTION OF ANY JUVENILE OR CRIMINAL JUSTICE RECORD.

5 **SECTION 3.** In Colorado Revised Statutes, **add** 16-18.5-112 as
6 follows:

7 **16-18.5-112. Effect of expungement.** NOTWITHSTANDING THE
8 ENTRY OF AN ORDER OF EXPUNGEMENT PURSUANT TO SECTION 19-1-306,
9 THE PROVISIONS OF THIS ARTICLE 18.5 APPLY.

10 **SECTION 4.** In Colorado Revised Statutes, **18-1.3-701, add (4.5)**
11 **as follows:**

12 **18-1.3-701. Judgment for costs and fines.**

13 **(4.5) NOTWITHSTANDING THE ENTRY OF AN ORDER OF EXPUNGEMENT**
14 **PURSUANT TO SECTION 19-1-306, THE PROVISIONS OF THIS PART 7 APPLY.**

15 **SECTION 5.** In Colorado Revised Statutes, 18-7-201.3, **repeal**
16 **(2)(b)** as follows:

17 **18-7-201.3. Affirmative defense - human trafficking -**
18 **expungement of record protective order - definitions.** (2) (b) ~~A~~
19 ~~juvenile charged with or adjudicated of prostitution, as described in~~
20 ~~section 18-7-201 or any corresponding municipal code or ordinance, for~~
21 ~~an offense committed before July 1, 2015, which offense was committed~~
22 ~~as a direct result of being a victim of human trafficking, as defined in~~
23 ~~subsection (4) of this section, may apply to the court for expungement of~~
24 ~~his or her record pursuant to section 19-1-306, C.R.S.~~

25 **SECTION 6.** In Colorado Revised Statutes, 24-4.1-302, **amend**
26 **(2)(r.3)** as follows:

27 **24-4.1-302. Definitions.** As used in this part 3, and for no other

1 purpose, including the expansion of the rights of any defendant:

2 (2) "Critical stages" means the following stages of the criminal
3 justice process:

4 (r.3) (I) EXCEPT AS PROVIDED IN SUBSECTION (2)(r.3)(II) OF THIS
5 SECTION, any hearing concerning a petition for expungement as described
6 in ~~section 19-1-306 (5) (a), C.R.S.~~; SECTION 19-1-306.

7 (II) THE ENTRY OF AN ORDER OF EXPUNGEMENT IS NOT A CRITICAL
8 STAGE IF:

9 (A) THE CASE RESULTED IN A NOT GUILTY VERDICT AT TRIAL;

10 (B) THE CASE WAS DISMISSED IN ITS ENTIRETY;

11 (C) THE JUVENILE COMPLETED A SENTENCE FOR A PETTY OFFENSE,
12 ANY DRUG PETTY OFFENSE, ANY LEVEL 1 OR LEVEL 2 DRUG MISDEMEANOR,
13 OR A CLASS 2 OR CLASS 3 MISDEMEANOR OFFENSE NOT INVOLVING
14 UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-109 (9),
15 DOMESTIC VIOLENCE AS DESCRIBED IN SECTION 18-6-800.3, OR A CRIME
16 THAT IS A CRIME LISTED UNDER SECTION 24-4.1-302 (1); OR

17 (D) THE JUVENILE COMPLETED A SENTENCE FOR A MUNICIPAL
18 OFFENSE NOT INVOLVING DOMESTIC VIOLENCE AS DESCRIBED IN SECTION
19 18-6-800.3.

20 **SECTION 7.** In Colorado Revised Statutes, 24-4.1-302.5, **amend**
21 (1)(d)(VIII) as follows:

22 **24-4.1-302.5. Rights afforded to victims.** (1) In order to
23 preserve and protect a victim's rights to justice and due process, each
24 victim of a crime has the following rights:

25 (d) The right to be heard at any court proceeding:

26 (VIII) Involving a petition for expungement as described in
27 ~~section 19-1-306 (5) (a), C.R.S.~~ SECTION 19-1-306.

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SECTION 8. In Colorado Revised Statutes, 13-1-119.5, **amend** (1)(e) and (1)(f); and **add** (1)(g) as follows:

13-1-119.5. Electronic access to name index and register of actions. (1) Statewide electronic read-only access to the name index and register of actions of public case types must be made available to the following agencies or attorneys appointed by the court:

(e) A respondent parent's counsel under contract with the office of the respondent parents' counsel, created in section 13-92-103, or authorized by the office of the respondent parents' counsel to act as a respondent parent's counsel, as it relates to a case in which they are appointed by the court; ~~and~~

(f) Criminal justice agencies as described in section 24-72-302 (3); ~~C.R.S.~~; AND

(g) A LICENSED ATTORNEY WORKING WITH A NONPROFIT ASSOCIATION PURSUANT TO THE PROVISIONS OF SECTION 19-1-304 (7)(f).

SECTION 9. Appropriation. (1) For the 2017-18 state fiscal year, \$108,710 is appropriated to the department of human services. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the purchase of information technology services.

(2) For the 2017-18 state fiscal year, \$108,710 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of human services under subsection (1) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of human services.

1 (3) For the 2017-18 state fiscal year, \$45,237 is appropriated to
2 the judicial department. This appropriation is from the general fund. To
3 implement this act, the department may use this appropriation as follows:
4 (a) \$40,534 for trial court programs, which amount is based on an
5 assumption that the department will require an additional 0.8 FTE; and
6 (b) \$4,703 for capital outlay related to courts administration.

7 (4) For the 2017-18 state fiscal year, \$12,294 is appropriated to
8 the department of public safety for use by the biometric identification and
9 records unit. This appropriation is from the general fund and is based on
10 an assumption that the unit will require an additional 0.4 FTE. To
11 implement this act, the unit may use this appropriation to seal records for
12 juvenile expungements.

13 **SECTION 10. Effective date.** This act takes effect November 1,
14 2017.

15 **SECTION 11. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.