

An Act

HOUSE BILL 17-1204

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also SENATOR(S) Cooke, Aguilar, Court, Crowder, Fenberg, Fields, Guzman, Jahn, Kagan, Kefalas, Kerr, Marble, Martinez Humenik, Moreno, Neville T., Priola, Tate, Williams A., Grantham.

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

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

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

19-1-304. Juvenile delinquency records - division of youth

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

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

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

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

(b.5) Arrest and criminal records - certain juveniles - public access - information limited. The public has access to ~~arrest and criminal records information, as defined in section 24-72-302 (1), C.R.S., and including a person's physical description, that~~ INFORMATION REPORTING THE ARREST OR OTHER FORMAL FILING OF CHARGES AGAINST A JUVENILE; THE IDENTITY OF THE CRIMINAL JUSTICE AGENCY TAKING SUCH OFFICIAL ACTION RELATIVE TO AN ACCUSED JUVENILE; THE DATE AND PLACE THAT SUCH OFFICIAL ACTION WAS TAKEN RELATIVE TO AN ACCUSED JUVENILE; THE NATURE OF THE CHARGES BROUGHT OR THE OFFENSES ALLEGED; AND ONE OR MORE DISPOSITIONS RELATING TO THE CHARGES BROUGHT AGAINST AN ACCUSED JUVENILE, WHEN THIS INFORMATION:

(b.7) The information ~~which shall be~~ THAT IS open to the public pursuant to ~~paragraph (b.5)~~ SUBSECTION (1)(b.5) OF THIS SECTION regarding a juvenile who is charged with the commission of a delinquent act shall not include records of investigation as such records are described in section 24-72-305 (5). ~~C.R.S.~~ In addition, any psychological profile of any such juvenile, any intelligence test results for any such juvenile, or any information regarding whether such juvenile has been sexually abused ~~shall not be~~ IS NOT open to the public unless released by an order of the court.

THE INFORMATION THAT IS OPEN TO THE PUBLIC PURSUANT TO SUBSECTION (1)(b.5) OF THIS SECTION REGARDING A JUVENILE WHO IS CHARGED WITH A DELINQUENT ACT SHALL NOT INCLUDE THE JUVENILE'S NAME, BIRTH DATE, OR PHOTOGRAPH.

(b.8) The court shall report the final disposition concerning a juvenile who has been adjudicated a juvenile delinquent to the Colorado bureau of investigation in a form that is electronically consistent with applicable law. The report shall ~~shall~~ MUST be made within seventy-two hours after the final disposition; except that the time period shall not include Saturdays, Sundays, or legal holidays. The report shall ~~shall~~ MUST include ~~the information provided to the court in accordance with paragraph (b.7) of this subsection (1);~~ the disposition of each charge and the court case number, and the Colorado bureau of investigation shall reflect any change of status but shall not delete or eliminate information concerning the original charge. COLORADO BUREAU OF INVESTIGATION RECORDS REGARDING JUVENILE OFFENSES ARE NOT OPEN TO THE PUBLIC.

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

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

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

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

(I) TO THE JUVENILE NAMED IN THE RECORD;

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

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

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

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

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

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

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

(3) Prior to adjudication, the defense counsel, the district attorney, the prosecuting attorney, or any other party TO A PENDING DELINQUENCY PETITION with consent of the court ~~shall~~ MUST have access to records of any proceedings pursuant to this ~~title~~ TITLE 19, except as provided in section 19-1-309, which involve a juvenile against whom criminal or delinquency charges have been filed. No new criminal or delinquency charges against such juvenile ~~shall~~ MAY be brought based upon information gained initially

or solely from such examination of records.

(5.5) Whenever a petition is filed in juvenile court involving a ~~felony or a class 1 misdemeanor or the following offenses of any degree:~~ ALLEGING A CLASS 1, CLASS 2, CLASS 3, OR CLASS 4 FELONY; A LEVEL 1, LEVEL 2, OR LEVEL 3 DRUG FELONY; AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9); A CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406; A BURGLARY OFFENSE AS DESCRIBED IN PART 2 OF ARTICLE 4 OF TITLE 18; FELONY menacing, in violation of section 18-3-206; ~~C.R.S.~~; harassment, in violation of section 18-9-111; ~~C.R.S.~~; fourth degree arson, in violation of section 18-4-105; ~~C.R.S.~~; ~~theft, in violation of section 18-4-401, C.R.S.~~; aggravated motor vehicle theft, in violation of section 18-4-409; ~~C.R.S.~~; ~~criminal mischief, in violation of section 18-4-501, C.R.S.~~; ~~defacing property, in violation of section 18-4-509, C.R.S.~~; ~~disorderly conduct, in violation of section 18-9-106, C.R.S.~~; hazing, in violation of section 18-9-124; ~~C.R.S.~~; or possession of a handgun by a juvenile, in violation of section 18-12-108.5, ~~C.R.S.~~; OR WHEN A PETITION IS FILED IN JUVENILE COURT IN WHICH THE ALLEGED VICTIM OF THE CRIME IS A STUDENT OR STAFF PERSON IN THE SAME SCHOOL AS THE JUVENILE OR IN WHICH IT IS ALLEGED THAT THE JUVENILE POSSESSED A DEADLY WEAPON DURING THE COMMISSION OF THE ALLEGED CRIME, the prosecuting attorney, within three working days after the petition is filed, shall make good faith reasonable efforts to notify the principal of the school in which the juvenile is enrolled and shall provide such principal with the arrest and criminal records information, as defined in section 24-72-302 (1). ~~C.R.S.~~ In the event the prosecuting attorney, in good faith, is not able to either identify the school ~~which~~ THAT the juvenile attends or contact the principal of the juvenile's school, then the prosecuting attorney shall contact the superintendent of the juvenile's school district.

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

(7) In addition to the persons who have access to court records pursuant to ~~paragraph (a) of subsection (1)~~ SUBSECTION (1)(a) of this

section, statewide electronic read-only access to the name index and register of actions of the judicial department must be allowed to the following agencies or ~~attorneys appointed by the court~~ PERSONS:

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

(e) A respondent parent's counsel under contract with the office of the respondent parents' counsel, created in section 13-92-103, ~~C.R.S.~~, 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) A LICENSED ATTORNEY WORKING WITH A NONPROFIT ASSOCIATION PROVIDING FREE LEGAL ASSISTANCE AS IT RELATES TO SCREENING AN APPLICANT FOR ELIGIBILITY FOR FREE SERVICES OR TO A CASE IN WHICH THE ORGANIZATION HAS ENTERED AN APPEARANCE TO PROVIDE FREE REPRESENTATION, IF THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL AGREES TO MONITOR THE ATTORNEY'S USE OF THE ELECTRONIC NAME INDEX AND REGISTER OF ACTIONS.

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

19-1-306. Expungement of juvenile delinquent records - definition. (1) (a) FOR THE PURPOSES OF THIS SECTION, "EXPUNGEMENT" IS DEFINED IN SECTION 19-1-103 (48). UPON THE ENTRY OF AN EXPUNGEMENT ORDER, THE PERSON WHO IS THE SUBJECT OF THE RECORD THAT HAS BEEN EXPUNGED MAY ASSERT THAT HE OR SHE HAS NO JUVENILE DELINQUENCY RECORD. FURTHER, THE PERSON WHO IS THE SUBJECT OF THE RECORD THAT HAS BEEN EXPUNGED MAY LAWFULLY DENY THAT HE OR SHE HAS EVER BEEN ARRESTED, CHARGED, ADJUDICATED, CONVICTED, OR SENTENCED IN REGARD TO THE EXPUNGED CASE, MATTER, OR CHARGE.

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

(2) (a) AT THE TIME OF THE ADJUDICATION, THE COURT SHALL ADVISE THE ADJUDICATED JUVENILE AND ANY RESPONDENT PARENT OR GUARDIAN, IN WRITING, OF THE RIGHT TO EXPUNGE AND THE TIME PERIOD AND PROCESS FOR EXPUNGING THE ORDER. THE COURT, ON ITS OWN MOTION OR THE MOTION OF THE JUVENILE PROBATION DEPARTMENT, THE JUVENILE PAROLE DEPARTMENT, THE JUVENILE, A RESPONDENT PARENT OR GUARDIAN, OR A COURT-APPOINTED GUARDIAN AD LITEM, MAY INITIATE EXPUNGEMENT PROCEEDINGS CONCERNING THE RECORD OF ANY JUVENILE WHO HAS BEEN UNDER THE JURISDICTION OF THE COURT.

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

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

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

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

(f) IF A JUVENILE IS COMMITTED TO THE DIVISION OF YOUTH CORRECTIONS AND IS RELEASED WITHOUT A REQUIREMENT TO COMPLETE FURTHER PAROLE, THE DIVISION SHALL PROVIDE THE JUVENILE WITH A

WRITTEN ADVISEMENT OF THE RIGHT TO EXPUNGEMENT AND THE TIME PERIOD AND PROCESS FOR EXPUNGING THE RECORD.

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

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

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

(3) (a) AFTER EXPUNGEMENT, BASIC IDENTIFICATION INFORMATION ON THE JUVENILE AND A LIST OF ANY STATE AND LOCAL AGENCIES AND OFFICIALS HAVING CONTACT WITH THE JUVENILE, AS THEY APPEAR IN THE RECORDS, ARE NOT OPEN TO THE PUBLIC BUT ARE AVAILABLE TO A PROSECUTING ATTORNEY, LOCAL LAW ENFORCEMENT AGENCY, THE DEPARTMENT OF HUMAN SERVICES, THE STATE JUDICIAL DEPARTMENT, AND THE VICTIM AS DEFINED IN SECTION 24-4.1-302 (5); EXCEPT THAT SUCH INFORMATION IS NOT AVAILABLE TO AN AGENCY OF THE MILITARY FORCES OF THE UNITED STATES.

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

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

(d) NOTWITHSTANDING ANY ORDER FOR EXPUNGEMENT ISSUED PURSUANT TO THIS SECTION, NOTHING PREVENTS THE PROSECUTING ATTORNEY, INCLUDING THE STAFF OF A PROSECUTING ATTORNEY'S OFFICE OR A VICTIM OR WITNESS ASSISTANCE PROGRAM OR A LAW ENFORCEMENT AGENCY OR LAW ENFORCEMENT VICTIM ASSISTANCE PROGRAM, FROM DISCUSSING WITH THE VICTIM THE CASE, THE RESULTS OF ANY EXPUNGEMENT PROCEEDINGS, INFORMATION REGARDING RESTITUTION, AND INFORMATION RELATED TO ANY VICTIM SERVICES AVAILABLE TO THE VICTIM AS DEFINED IN SECTION 24-4.1-302 (5), BUT COPIES OF EXPUNGED RECORDS MUST NOT BE PROVIDED TO THE VICTIM. THE VICTIM MAY PETITION THE COURT AND REQUEST THAT A COPY OF THE EXPUNGED RECORDS BE PROVIDED TO THE VICTIM. IF THE COURT FINDS THAT THERE ARE COMPELLING REASONS FOR THE RELEASE, A COPY OF THE EXPUNGED RECORDS MAY BE RELEASED TO THE VICTIM. IF THE COURT ORDERS THE RELEASE OF A COPY OF THE EXPUNGED RECORDS TO THE VICTIM, THE COURT MUST ISSUE A PROTECTIVE ORDER REGARDING THE USAGE OF THE EXPUNGED RECORDS.

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

(f) NOTWITHSTANDING ANY ORDER FOR EXPUNGEMENT ISSUED PURSUANT TO THIS SECTION, NOTHING IN THIS SECTION PRECLUDES A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES EMPLOYEE FROM

REVIEWING INTERNAL DEPARTMENT RECORDS THAT ARE ORDERED EXPUNGED AND ARE IN THE COUNTY DEPARTMENT'S POSSESSION FOR PURPOSES OF DEPARTMENT INVESTIGATIONS AND CASE MANAGEMENT IN THE PROVISION OF CHILD WELFARE SERVICES.

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

(I) A FINDING OF NOT GUILTY AT AN ADJUDICATORY TRIAL;

(II) DISMISSAL OF THE PETITION IN ITS ENTIRETY; OR

(III) THE COMPLETION OF A SENTENCE FOR A PETTY OFFENSE, DRUG PETTY OFFENSE, CLASS 2 OR CLASS 3 MISDEMEANOR OFFENSE, OR LEVEL 1 OR LEVEL 2 DRUG MISDEMEANOR IF THE OFFENSE DOES NOT INVOLVE UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), IS NOT AN ACT OF DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3, OR IS NOT A CRIME LISTED UNDER SECTION 24-4.1-302 (1), AND THE DEFENDANT WAS UNDER EIGHTEEN YEARS OF AGE AT THE TIME THE OFFENSE WAS COMMITTED.

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

(c) THE COURT SHALL, ON OR BEFORE NOVEMBER 1 OF EACH YEAR, REVIEW ALL JUVENILE DELINQUENCY COURT FILES DURING THE TWO PREVIOUS YEARS THAT RESULTED IN A FINDING OF NOT GUILTY; A DISMISSAL OF THE PETITION; A SENTENCE FOR A PETTY OFFENSE; A SENTENCE FOR A

DRUG PETTY OFFENSE; A SENTENCE FOR A DRUG MISDEMEANOR OFFENSE; OR A SENTENCE FOR A CLASS 2 OR CLASS 3 MISDEMEANOR OFFENSE IF THE OFFENSE DOES NOT INVOLVE UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), IS NOT AN ACT OF DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3, OR IS NOT A CRIME LISTED UNDER SECTION 24-4.1-302 (1), AND THE DEFENDANT WAS UNDER EIGHTEEN YEARS OF AGE AT THE TIME THE OFFENSE WAS COMMITTED. THE COURT SHALL ENTER AN EXPUNGEMENT ORDER FOR ALL JUVENILES ELIGIBLE FOR EXPUNGEMENT PURSUANT TO THIS SUBSECTION (4), IF THE EXPUNGEMENT ORDER WAS NOT PREVIOUSLY MADE.

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

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

(II) A JUVENILE SENTENCE FOR AN ADJUDICATION FOR A CLASS 1 MISDEMEANOR OR A PETTY OR A MISDEMEANOR OFFENSE THAT IS NOT ELIGIBLE FOR EXPUNGEMENT UNDER SUBSECTION (4) OF THIS SECTION, IF THE OFFENSE DID NOT INVOLVE UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9);

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

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

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

(B) THE FELONY OFFENSE WAS NOT A CRIME OF VIOLENCE AS

DESCRIBED IN SECTION 18-1.3-406;

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

(D) THE JUVENILE HAD NO PRIOR FELONY ADJUDICATIONS.

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

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

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

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

(f) IF A HEARING IS SCHEDULED PURSUANT TO SUBSECTION (5)(e) OF

THIS SECTION, THE COURT SHALL SEND NOTICE TO THE LAST KNOWN ADDRESS OF THE JUVENILE NOTIFYING THE JUVENILE OF THE DATE OF THE HEARING AND OF THE JUVENILE'S RIGHT TO APPEAR AT THE HEARING AND TO PRESENT EVIDENCE TO THE COURT IN WRITING PRIOR TO THE HEARING AND IN PERSON AT THE HEARING. THE NOTICE MUST INDICATE THAT, AT THE HEARING, THE COURT WILL CONSIDER WHETHER THE JUVENILE HAS BEEN REHABILITATED AND WHETHER EXPUNGEMENT IS IN THE BEST INTEREST OF THE JUVENILE AND THE COMMUNITY. THE JUVENILE IS NOT REQUIRED TO APPEAR AT THE HEARING.

(g) AT A HEARING HELD PURSUANT TO THIS SUBSECTION (5), THE COURT SHALL ORDER ALL RECORDS OF THE CASE IN THE CUSTODY OF THE COURT, AND ANY RECORDS RELATED TO THE CASE OR CHARGES IN THE CUSTODY OF ANY OTHER AGENCY, PERSON, COMPANY, OR ORGANIZATION, EXPUNGED IF THE COURT MAKES WRITTEN FINDINGS THAT:

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

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

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

(i) WITH THE VICTIM'S CONSENT, OR IF THERE IS NO NAMED VICTIM, THE PROSECUTING ATTORNEY MAY AGREE AT THE TIME OF A PLEA THAT

THERE WILL BE NO OBJECTION TO EXPUNGEMENT UPON THE COMPLETION OF THE JUVENILE'S SENTENCE. IN SUCH A CASE, THE COURT SHALL ORDER ALL RECORDS OF THE CASE IN THE CUSTODY OF THE COURT, AND ANY RECORDS RELATED TO THE CASE OR CHARGES IN THE CUSTODY OF ANY OTHER AGENCY, PERSON, COMPANY, OR ORGANIZATION, EXPUNGED UPON COMPLETION OF THE JUVENILE'S SENTENCE. A HEARING IS NOT REQUIRED.

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

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

(b) A PERSON MAY PETITION THE JUVENILE COURT TO EXPUNGE RECORDS IN A CLOSED CASE PURSUANT TO SUBSECTION (5) OF THIS SECTION IF THE RECORDS ARE OTHERWISE ELIGIBLE FOR EXPUNGEMENT, HAVE NOT BEEN EXPUNGED BY THE COURT, AND A PROCEEDING CONCERNING A FELONY, MISDEMEANOR, OR DELINQUENCY ACTION IS NOT PENDING AGAINST THE PETITIONER. A FILING FEE, NOTARIZATION, OR OTHER FORMALITIES ARE NOT REQUIRED. IF THE RECORDS ARE ELIGIBLE FOR EXPUNGEMENT PURSUANT TO SUBSECTION (5) OF THIS SECTION, THE COURT SHALL ISSUE A NOTICE PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION AND THE PROVISIONS OF SUBSECTION (5) OF THIS SECTION APPLY.

(c) A PERSON MAY PETITION THE JUVENILE COURT TO EXPUNGE RECORDS RELATED TO A LAW ENFORCEMENT CONTACT THAT DID NOT RESULT IN REFERRAL TO ANOTHER AGENCY AFTER ONE YEAR HAS PASSED SINCE THE LAW ENFORCEMENT CONTACT AND A PROCEEDING CONCERNING

A FELONY, MISDEMEANOR, OR DELINQUENCY ACTION IS NOT PENDING AGAINST THE PETITIONER. A FILING FEE, NOTARIZATION, OR OTHER FORMALITIES ARE NOT REQUIRED. IF THE RECORDS ARE ELIGIBLE FOR EXPUNGEMENT PURSUANT TO SUBSECTION (5) OF THIS SECTION, THE COURT SHALL ISSUE A NOTICE PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION AND THE PROVISIONS OF SUBSECTION (5) OF THIS SECTION APPLY.

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

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

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

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

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

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

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

(d) CHARGED, ADJUDICATED, OR CONVICTED OF ANY OFFENSE OR INFRACTION PURSUANT TO TITLE 42.

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

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

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

(d) IF A HEARING IS SCHEDULED PURSUANT TO SUBSECTION (9)(c) OF

THIS SECTION, THE COURT SHALL SEND NOTICE TO THE LAST KNOWN ADDRESS OF THE JUVENILE NOTIFYING THE JUVENILE OF THE DATE OF THE HEARING AND OF THE JUVENILE'S RIGHT TO APPEAR AT THE HEARING AND TO PRESENT EVIDENCE TO THE COURT IN WRITING PRIOR TO THE HEARING AND IN PERSON AT THE HEARING. THE NOTICE MUST INDICATE THAT, AT THE HEARING, THE COURT WILL CONSIDER WHETHER THE JUVENILE HAS BEEN REHABILITATED AND WHETHER THE EXPUNGEMENT IS IN THE BEST INTEREST OF THE JUVENILE AND THE COMMUNITY. THE JUVENILE IS NOT REQUIRED TO APPEAR AT THE HEARING.

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

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

(g) IN THE EVENT THAT MUNICIPAL RECORDS HAVE NOT BEEN EXPUNGED PURSUANT TO THIS SECTION, AN INDIVIDUAL MAY PETITION THE JUVENILE COURT IN THE JUDICIAL DISTRICT WHERE THE MUNICIPALITY IS LOCATED TO EXPUNGE RECORDS OF A MUNICIPAL CASE BROUGHT AGAINST A JUVENILE. EXPUNGEMENT PROCEEDINGS PURSUANT TO THIS SUBSECTION (9) MUST BE INITIATED BY THE FILING OF A PETITION REQUESTING AN ORDER OF EXPUNGEMENT. A FILING FEE, NOTARIZATION, OR OTHER FORMALITIES SHALL NOT BE REQUIRED. IF THE PETITION IS NOT GRANTED WITHOUT A HEARING, THE COURT SHALL SET A DATE FOR A HEARING ON THE PETITION FOR EXPUNGEMENT AND SHALL NOTIFY THE APPROPRIATE PROSECUTING ATTORNEY.

(h) THE COURT SHALL ORDER ALL RECORDS RELATED TO THE MUNICIPAL CASE IN THE CUSTODY OF THE COURT, AND ANY RECORDS

RELATED TO THE CASE AND CHARGES IN THE CUSTODY OF ANY OTHER AGENCY, PERSON, COMPANY, OR ORGANIZATION, EXPUNGED PURSUANT TO THIS SUBSECTION (9) IF THE COURT FINDS THAT THE SENTENCE HAS BEEN COMPLETED OR THE MUNICIPAL COURT CASE IS CLOSED.

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

(a) ALL COURT RECORDS;

(b) ALL RECORDS RETAINED WITHIN THE OFFICE OF THE PROSECUTING ATTORNEY;

(c) ALL PROBATION AND PAROLE RECORDS;

(d) ALL LAW ENFORCEMENT RECORDS;

(e) ALL DEPARTMENT OF HUMAN SERVICES RECORDS, INCLUDING DISASSOCIATING THE OFFENSE AND THE DISPOSITION INFORMATION FROM THE NAME OF THE YOUTH IN THE MANAGEMENT INFORMATION SYSTEM;

(f) ALL DIVISION OF YOUTH CORRECTIONS RECORDS;

(g) ALL DEPARTMENT OF CORRECTIONS RECORDS; AND

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

(11) WHEN AN EXPUNGEMENT ORDER IS ISSUED PURSUANT TO THIS SECTION, THE COURT SHALL SEND A COPY OF THE ORDER TO THE JUVENILE, THE JUVENILE'S LAST ATTORNEY OF RECORD, AND EACH AGENCY, PERSON, COMPANY, OR ORGANIZATION NAMED THEREIN, DIRECTING THE ENTITY TO EXPUNGE ITS RECORDS WITHIN THIRTY-FIVE DAYS AFTER THE RECEIPT OF THE ORDER. EACH SUCH AGENCY, PERSON, COMPANY, OR ORGANIZATION

SHALL EXPUNGE THE RECORDS IN ITS CUSTODY AS DIRECTED BY THE ORDER. THE PERSON WHO IS THE SUBJECT OF RECORDS EXPUNGED PURSUANT TO THIS SECTION MAY PETITION THE COURT TO PERMIT INSPECTION OF THE RECORDS HELD BY PERSONS NAMED IN THE ORDER, AND THE COURT MAY SO ORDER.

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

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

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

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

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

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

18-1.3-701. Judgment for costs and fines.
(4.5) NOTWITHSTANDING THE ENTRY OF AN ORDER OF EXPUNGEMENT PURSUANT TO SECTION 19-1-306, THE PROVISIONS OF THIS PART 7 APPLY.

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

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

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

24-4.1-302. Definitions. As used in this part 3, and for no other purpose, including the expansion of the rights of any defendant:

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

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

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

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

(B) THE CASE WAS DISMISSED IN ITS ENTIRETY;

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

(D) THE JUVENILE COMPLETED A SENTENCE FOR A MUNICIPAL

OFFENSE NOT INVOLVING DOMESTIC VIOLENCE AS DESCRIBED IN SECTION 18-6-800.3.

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

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

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

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

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.

(3) For the 2017-18 state fiscal year, \$45,237 is appropriated to the judicial department. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$40,534 for trial court programs, which amount is based on an assumption that the department will require an additional 0.8 FTE; and

(b) \$4,703 for capital outlay related to courts administration.

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

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

SECTION 11. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Kevin J. Grantham
PRESIDENT OF
THE SENATE



Marilyn Edgins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Effie Ameen
SECRETARY OF
THE SENATE

APPROVED 10:58 am 5/18/17



John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO