

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0292.01 Conrad Imel x2313

HOUSE BILL 20-1009

HOUSE SPONSORSHIP

Jackson,

SENATE SPONSORSHIP

Winter,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING SUPPRESSING COURT RECORDS OF EVICTION
102 PROCEEDINGS.

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>.)

The bill requires a court to suppress court records related to an eviction proceeding or an action for termination of a mobile home park tenancy so that the records are not publicly available. If an order granting the plaintiff possession of the premises is entered in the action, the court must lift the suppression order unless the parties agree that the records should remain suppressed.

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

The names of the parties included in a court record that is suppressed may be used by a court for administrative purposes, but the court shall not, for any reason, publish the names of the parties online.

A summons in an eviction proceeding must include a notice concerning suppression of court records related to the action.

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

SECTION 1. In Colorado Revised Statutes, **add** 13-40-110.5 as follows:

13-40-110.5. Automatic suppression of court records - definition. (1) FOR THE PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "SUPPRESSED COURT RECORD" MEANS A COURT RECORD THAT IS ACCESSIBLE ONLY TO JUDGES; COURT STAFF; A PARTY TO THE CASE AND, IF REPRESENTED, THE PARTY'S ATTORNEYS; AUTHORIZED JUDICIAL DEPARTMENT STAFF; AND A PERSON WITH A VALID COURT ORDER AUTHORIZING ACCESS TO THE COURT RECORD.

(2) UPON THE COMMENCEMENT OF AN ACTION PURSUANT TO THIS ARTICLE 40, THE COURT SHALL AUTOMATICALLY ENTER AN ORDER MAKING ANY COURT RECORD ASSOCIATED WITH THE ACTION A SUPPRESSED COURT RECORD.

(3) WHEN AN ORDER GRANTING THE PLAINTIFF POSSESSION OF THE PREMISES IS ENTERED IN AN ACTION IN WHICH THE COURT RECORD IS SUPPRESSED PURSUANT TO THIS SECTION, THE COURT SHALL, ON ITS OWN MOTION, LIFT THE SUPPRESSION ORDER ENTERED PURSUANT TO SUBSECTION (2) OF THIS SECTION UNLESS THE PARTIES TO THE ACTION AGREE THAT THE RECORD SHOULD REMAIN SUPPRESSED. IF THE PARTIES AGREE THAT THE RECORD SHOULD REMAIN SUPPRESSED, THE COURT SHALL NOT LIFT THE SUPPRESSION ORDER.

(4) THE NAMES OF THE PARTIES INCLUDED IN A COURT RECORD

1 THAT IS SUPPRESSED PURSUANT TO THIS SECTION MAY BE USED BY THE
2 COURT FOR ADMINISTRATIVE PURPOSES, BUT THE COURT SHALL NOT, FOR
3 ANY REASON, PUBLISH THE NAMES OF THE PARTIES ONLINE.

4 **SECTION 2.** In Colorado Revised Statutes, 13-40-111, **add** (4)
5 as follows:

6 **13-40-111. Issuance and return of summons.** (4) A SUMMONS
7 ISSUED PURSUANT TO THIS SECTION MUST CONTAIN A STATEMENT IN
8 BOLD-FACED TYPE NOTIFYING THE DEFENDANT THAT:

9 (a) ANY RECORDS ASSOCIATED WITH THE ACTION ARE SUPPRESSED
10 AND NOT ACCESSIBLE TO THE PUBLIC UNTIL AN ORDER IS ENTERED
11 GRANTING THE PLAINTIFF POSSESSION OF THE PREMISES; AND

12 (b) IF THE PLAINTIFF IS GRANTED POSSESSION OF THE PREMISES,
13 THE COURT RECORDS MAY REMAIN PRIVATE IF BOTH PARTIES AGREE TO
14 SUPPRESS THE RECORDS.

15 **SECTION 3.** In Colorado Revised Statutes, 38-12-202.5, **add** (5)
16 as follows:

17 **38-12-202.5. Action for termination.** (5) THE PROVISIONS OF
18 SECTION 13-40-110.5 CONCERNING SUPPRESSION OF COURT RECORDS
19 APPLY TO AN ACTION FOR TERMINATION.

20 **SECTION 4. Act subject to petition - effective date -**
21 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
22 the expiration of the ninety-day period after final adjournment of the
23 general assembly (August 5, 2020, if adjournment sine die is on May 6,
24 2020); except that, if a referendum petition is filed pursuant to section 1
25 (3) of article V of the state constitution against this act or an item, section,
26 or part of this act within such period, then the act, item, section, or part
27 will not take effect unless approved by the people at the general election

1 to be held in November 2020 and, in such case, will take effect on the
2 date of the official declaration of the vote thereon by the governor.

3 (2) This act applies to actions commenced on or after the
4 applicable effective date of this act.