

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 22-0708.01 Conrad Imel x2313

SENATE BILL 22-019

SENATE SPONSORSHIP

Winter, Fenberg, Fields, Gonzales, Hansen, Jaquez Lewis, Kolker, Lee, Moreno, Rodriguez

HOUSE SPONSORSHIP

Woodrow,

Senate Committees
Judiciary

House Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING ACCESS TO AUTOMATICALLY SUPPRESSED COURT**
102 **RECORDS OF EVICTION 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>.)

Under existing law, a court record in an eviction proceeding is automatically suppressed and only available 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. The bill permits an attorney, with permission of a party included in a suppressed court record, to access the record for the

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.

HOUSE
2nd Reading Unamended
February 28, 2022

SENATE
3rd Reading Unamended
February 14, 2022

SENATE
Amended 2nd Reading
February 11, 2022

purpose of providing legal advice to, or evaluating whether to enter an appearance on behalf of, the party included in the record.

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

2 **SECTION 1.** In Colorado Revised Statutes, 13-40-110.5, **add** (5)
3 as follows:

4 **13-40-110.5. Automatic suppression of court records -**
5 **definition.** (5) IN ADDITION TO THE PERSONS DESCRIBED IN SUBSECTION
6 (1) OF THIS SECTION, A COURT SHALL ALLOW A PERSON TO ACCESS A
7 SUPPRESSED COURT RECORD IF THE PERSON AFFIRMS TO THE COURT, IN
8 WRITING OR ELECTRONICALLY, THAT:

9 (a) THE PERSON IS AN ATTORNEY, OTHER THAN A PARTY'S
10 ATTORNEY DESCRIBED IN SUBSECTION (1) OF THIS SECTION, OR IS ACTING
11 ON BEHALF OF THE ATTORNEY;

12 (b) A PARTY INCLUDED IN THE COURT RECORD HAS GIVEN WRITTEN
13 OR VERBAL PERMISSION FOR THE PERSON TO ACCESS THE SUPPRESSED
14 COURT RECORD;

15 (c) THE PERSON IS ONLY ACCESSING THE RECORD FOR THE PURPOSE
16 OF:

17 (I) PROVIDING LEGAL ADVICE TO, OR EVALUATING WHETHER TO
18 ENTER AN APPEARANCE ON BEHALF OF, THE PARTY WHO GAVE PERMISSION
19 FOR THE PERSON TO ACCESS THE RECORD; OR

20 (II) EVALUATING WHETHER THE MATTER IS SUITABLE FOR
21 MEDIATION OR IN PREPARATION FOR A MEDIATION BETWEEN THE PARTIES
22 INCLUDED IN THE COURT RECORD; AND

23 (d) THE PERSON IS NOT ACCESSING THE RECORD FOR COMMERCIAL
24 PURPOSES, OTHER THAN AS DESCRIBED IN SUBSECTION (5)(c) OF THIS
25 SECTION.

1 **SECTION 2. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly; except
4 that, if a referendum petition is filed pursuant to section 1 (3) of article V
5 of the state constitution against this act or an item, section, or part of this
6 act within such period, then the act, item, section, or part will not take
7 effect unless approved by the people at the general election to be held in
8 November 2022 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.