

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0502.01 Michael Dohr x4347

**SENATE BILL 22-099**

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**SENATE SPONSORSHIP**

**Hisey and Rodriguez,**

**HOUSE SPONSORSHIP**

**Tipper,**

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**Senate Committees**

Judiciary  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE PROCEDURE FOR SEALING OF CRIMINAL RECORDS**  
102              **FOR NONVIOLENT OFFENSES, AND, IN CONNECTION THEREWITH,**  
103              **ADDRESSING WORKFORCE SHORTAGES AND MINIMIZING**  
104              **BARRIERS TO EMPLOYMENT FOR JOB SEEKERS.**

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**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 consumer reporting agency, upon written request from a consumer, to disclose to each consumer whose report contains information from criminal justice records:

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.

- Each source from which the agency compiled the information; and
- The date on which the information was requested.

Currently, there is a process that allows for automatic sealing of criminal justice records for certain drug offenses. The bill extends that automatic sealing to all of the offenses, including civil infractions, that allow the defendant to petition the court for sealing criminal justice records that are not subject to the victims rights act. The bill streamlines the automatic record sealing process. The bill requires the state court administrator to produce an annual report regarding automatic record sealing.

The bill makes it an unfair employment practice to discharge or refuse to promote a person based solely on the contents of a sealed criminal record and makes it an unfair housing practice to refuse to show, sell, transfer, rent, or lease housing based on the contents of a sealed criminal record.

The bill requires the Colorado bureau of investigation to produce an annual report regarding record sealing.

The bill makes clarifying and organizational changes to the record sealing statutes.

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

2 SECTION 1. In Colorado Revised Statutes, amend 5-18-105  
3 as follows:

4 5-18-105. Consumer reports - accuracy of information.

5 Whenever a consumer reporting agency prepares a consumer report, the  
6 agency shall follow reasonable procedures to assure maximum possible  
7 accuracy of the information concerning the consumer about whom the  
8 report relates, including the use of the consumer's social security number  
9 if, in accordance with section 5-18-104 (1)(c)(I), the consumer's social  
10 security number is provided to the consumer reporting agency by a person  
11 intending to use the information contained in a consumer report in  
12 connection with a credit transaction involving the consumer and the social  
13 security number was initially provided to the user by the consumer in  
14 connection with that transaction. A CONSUMER REPORTING AGENCY'S

1 DUTY OF ACCURACY PURSUANT TO THIS SECTION INCLUDES THE  
2 ACCURACY OF CRIMINAL JUSTICE RECORDS, AND THE CONSUMER REPORT  
3 AGENCY SHALL EXCLUDE SEALED AND EXPUNGED RECORDS FROM A  
4 CONSUMER REPORT, UNLESS OTHERWISE REQUIRED TO DISCLOSE SUCH  
5 INFORMATION UNDER STATE OR FEDERAL STATUTE, RULES, OR  
6 REGULATIONS.

7 **SECTION 2.** In Colorado Revised Statutes, 5-18-109, **amend** (2);  
8 and **add** (1)(e.5) as follows:

9 **5-18-109. Reporting of information prohibited - exceptions.**

10 (1) Except as authorized under subsection (2) of this section, no  
11 consumer reporting agency shall make any consumer report containing  
12 any of the following items of information:

13 (e.5) SEALED RECORDS, EXPUNGED RECORDS, AND RECORDS THAT  
14 DID NOT RESULT IN A CONVICTION;

15 (2) The provisions of subsection (1) of this section do not apply  
16 to the case of any consumer report to be used in connection with:

17 (a) A credit transaction involving, or that may reasonably be  
18 expected to involve, a principal amount of one hundred fifty thousand  
19 dollars or more; OR

20 (b) The underwriting of life insurance involving, or that may  
21 reasonably be expected to involve, a face amount of one hundred fifty  
22 thousand dollars or more. ~~or~~

23 ~~(c) The employment of an individual at an annual salary that~~  
24 ~~equals or is reasonably expected to equal seventy-five thousand dollars~~  
25 ~~or more.~~

26 **SECTION 3.** In Colorado Revised Statutes, 13-3-117, **amend**  
27 (1)(b), (1)(d), (2), and (3); and **add** (1)(a.5) and (4) as follows:

1           **13-3-117. State court administrator - automatic conviction**

2           **sealing.** (1) (a.5) THE STATE COURT ADMINISTRATOR SHALL COMPILE A  
3 LIST OF ELIGIBLE CONVICTIONS, EXCLUDING CRIMES PURSUANT TO SECTION  
4 24-4.1-302 (1):

5           (I) THAT ARE ELIGIBLE FOR SEALING PURSUANT TO SECTIONS  
6 24-72-703 AND 24-72-706; AND

7           (II) (A) IF THE JUDGMENT IS FOR A CIVIL INFRACTION, THAT FOUR  
8 YEARS HAVE PASSED SINCE THE FINAL DISPOSITION OF THE CASE;

9           (B) IF THE CONVICTION IS FOR A PETTY OFFENSE OR MISDEMEANOR,  
10 THAT AT LEAST SEVEN YEARS HAVE PASSED SINCE THE FINAL DISPOSITION  
11 OF THE CASE;

12           (C) IF THE CONVICTION IS FOR AN ELIGIBLE FELONY, THAT AT  
13 LEAST TEN YEARS HAVE PASSED SINCE THE DATE OF THE FINAL  
14 DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR  
15 THE RELEASE OF THE DEFENDANT FROM SUPERVISION CONCERNING A  
16 CRIMINAL CONVICTION, WHICHEVER IS LATER.

17           **(b) The state court administrator shall use the state conviction**  
18 **database and the conviction databases of entities that do not report**  
19 **convictions to the state database to compile the list. The state court**  
20 **administrator shall compile the list based on a name-based review with**  
21 **sufficient points of reference for identification validation as determined**  
22 **by the state court administrator. The state court administrator must only**  
23 **include convictions on the list if sufficient points of validation, as**  
24 **determined by the state court administrator, are present. THE STATE**  
25 **COURT ADMINISTRATOR SHALL NOT INCLUDE ANY CASE IN WHICH THERE**  
26 **IS NO FINAL DISPOSITION ON ALL CHARGES IN THE CASE. THE STATE COURT**  
27 **ADMINISTRATOR SHALL NOT INCLUDE ANY JUDGMENTS FOR WHICH THE**

1 DEFENDANT HAS AN INTERVENING JUDGMENT DURING THE FOUR-YEAR  
2 WAITING PERIOD IF THE JUDGEMENT IS FOR A CIVIL INFRACTION AND SHALL  
3 NOT INCLUDE ANY CONVICTIONS FOR WHICH THE DEFENDANT HAS AN  
4 INTERVENING CONVICTION DURING THE SEVEN-YEAR WAITING PERIOD IF  
5 THE CONVICTION IS FOR A PETTY OFFENSE OR MISDEMEANOR OR DURING  
6 THE TEN-YEAR WAITING PERIOD IF THE CONVICTION IS FOR A FELONY. The  
7 state court administrator shall sort the list by judicial district of  
8 conviction.

9 (d) Beginning July 1, 2024, the state court administrator shall  
10 compile ~~the~~ A list OF DRUG CONVICTIONS, MISDEMEANORS, AND PETTY  
11 OFFENSES THAT ARE ELIGIBLE pursuant to this subsection (1) on ~~the first~~  
12 ~~Monday of every month and the Colorado bureau of investigation and~~  
13 ~~district attorneys shall complete their review within thirty-five days of~~  
14 ~~receiving a new list. The court shall seal all conviction records eligible for~~  
15 ~~sealing pursuant to the list compiled pursuant to subsection (3)(a) of this~~  
16 ~~section within fourteen days of receipt of the amended list from each~~  
17 ~~district attorney~~ A QUARTERLY BASIS. THE STATE COURT ADMINISTRATOR  
18 SHALL INCLUDE THE ELIGIBLE FELONY CONVICTIONS NOT FOUND IN  
19 ARTICLE 18 OF TITLE 18 PURSUANT TO SUBSECTION (1)(a.5) OF THIS  
20 SECTION BEGINNING ON JULY 1, 2025.

21 (2) The state court administrator shall forward the list compiled  
22 pursuant to subsection (1) of this section to ~~the Colorado bureau of~~  
23 ~~investigation.~~ EACH DISTRICT ATTORNEY, EXCEPT FOR CIVIL INFRACTIONS.  
24 THE STATE COURT ADMINISTRATOR SHALL SEND THE LIST OF CIVIL  
25 INFRACTIONS TO BE SEALED WITH THE FINAL LIST PURSUANT TO  
26 SUBSECTION (3)(b) OF THIS SECTION TO THE CHIEF JUDGE FOR EACH  
27 JUDICIAL DISTRICT. The Colorado bureau of investigation shall compare

1 the list with criminal history reports. The Colorado bureau of  
2 investigation shall complete the comparison based on a fingerprint-based  
3 review with sufficient points of reference for identification validation as  
4 determined by the Colorado bureau of investigation. The Colorado bureau  
5 of investigation shall remove any convictions from the list from the state  
6 court administrator in which sufficient identification validation cannot be  
7 made by the Colorado bureau of investigation and any convictions for  
8 which the defendant has an intervening conviction during the seven-year  
9 waiting period if the conviction is for a petty offense or misdemeanor, or  
10 during the ten-year waiting period if the conviction is for a felony. The  
11 Colorado bureau of investigation shall forward each amended list to each  
12 district attorney. ==

13 (3) (a) (I) Upon receipt of the list from the Colorado bureau of  
14 investigation STATE COURT ADMINISTRATOR, each ELECTED district  
15 attorney, OR HIS OR HER DESIGNEE, shall remove convictions from the list  
16 MAY, WITHIN FORTY-FIVE DAYS, OBJECT TO THE INCLUSION OF A  
17 CONVICTION ON THE LIST FOR CIRCUMSTANCES in which a condition of  
18 THE plea was that the defendant agreed to not have the conviction record  
19 sealed, and convictions in which the defendant has a pending criminal  
20 charge, AN INTERVENING CONVICTION, OR CONVICTIONS THAT ARE  
21 INELIGIBLE FOR SEALING. Each district attorney shall send its amended list  
22 to the state court administrator. The state court administrator shall  
23 compile each of the lists into one final list and sort the convictions by  
24 judicial district.

25 (II) FOR A FELONY CONVICTION FOR AN OFFENSE NOT IN ARTICLE  
26 18 OF TITLE 18, IN ADDITION TO THE OBJECTIONS IN SUBSECTION (3)(a)(I)  
27 OF THIS SECTION, EACH DISTRICT ATTORNEY MAY, WITHIN FORTY-FIVE

1 DAYS, OBJECT WHEN THE DISTRICT ATTORNEY HAS A REASONABLE BELIEF,  
2 GROUNDING IN SUPPORTING FACTS, THAT THE PUBLIC INTEREST AND PUBLIC  
3 SAFETY IN RETAINING PUBLIC ACCESS TO THE CURRENT RECORD OR CASE  
4 OUTWEIGHS THE PRIVACY INTEREST OF, OR ADVERSE CONSEQUENCES TO,  
5 THE DEFENDANT.

6 (III) EACH DISTRICT ATTORNEY SHALL FILE A NOTICE WITH THE  
7 COURT IN THE CRIMINAL CASE THAT IS THE SUBJECT OF THE RECORD  
8 WITHOUT THE NEED FOR ADDITIONAL SERVICE ON ANY PARTY, NOTING THE  
9 BASIS OF THE OBJECTION.

10 (IV) FOR OBJECTIONS PURSUANT TO SUBSECTION (3)(a)(II) OF THIS  
11 SECTION, THE NOTICE MUST EXPLAIN THE BASIS FOR THE OBJECTION AND  
12 INCLUDE ANY AVAILABLE SUPPORTING DOCUMENTS. IN SUCH CASES, THE  
13 COURT SHALL SERVE NOTICE ON THE DEFENDANT AT THE DEFENDANT'S  
14 LAST KNOWN ADDRESS AND EXPLAIN IN PLAIN LANGUAGE THAT THE  
15 DEFENDANT MAY REQUEST A HEARING ON THE MATTER. IF THE  
16 DEFENDANT REQUESTS A HEARING, THE COURT SHALL PROCEED PURSUANT  
17 TO SECTION 24-72-706.

18 (V) THE STATE COURT ADMINISTRATOR SHALL REMOVE THE  
19 CONVICTIONS OBJECTED TO BY THE DISTRICT ATTORNEYS FROM THE LIST,  
20 IF ANY, AND THEN COMPILER EACH OF THE LISTS INTO ONE FINAL LIST AND  
21 SORT THE CONVICTIONS BY JUDICIAL DISTRICT. ALL CONVICTIONS FROM  
22 THE INITIAL LISTS SHALL BE INCLUDED UNLESS OBJECTED TO WITHIN THE  
23 FORTY-FIVE-DAY PERIOD AS INELIGIBLE UNDER SUBSECTION (3)(a)(I),  
24 (3)(a)(II), or (3)(a)(III) OF THIS SECTION.

25 (b) The ~~district attorney~~ STATE COURT ADMINISTRATOR shall send  
26 the final list compiled pursuant to ~~subsection (3)(a)~~ SUBSECTION  
27 (3)(a)(IV) of this section to the chief judge for the judicial district. ~~and~~

1 The courts of that judicial district shall enter sealing orders based on the  
2 list received WITHIN FOURTEEN DAYS AFTER RECEIPT OF THE AMENDED  
3 LIST FROM THE STATE COURT ADMINISTRATOR. The district court shall  
4 send a copy of the sealing order to the Colorado bureau of investigation  
5 the law enforcement agency that investigated the case, and the district  
6 attorney's office that prosecuted the case WITHIN THE DISTRICT COURT'S  
7 JUDICIAL DISTRICT to facilitate sealing of the records held by those entities  
8 THE COLORADO BUREAU OF INVESTIGATION. The court shall also send a  
9 copy to the defendant if the contact information for the defendant is  
10 available and to the state court administrator for purposes of subsection  
11 (3)(c) of this section.

12 (c) ON OR BEFORE JULY 1, 2024, the state court administrator shall  
13 develop a website that allows a defendant to confidentially determine  
14 whether ~~his or her~~ THE DEFENDANT'S conviction has been sealed pursuant  
15 to this section and information about how to receive a copy of the sealing  
16 order.

17 (4) (a) ON OR BEFORE FEBRUARY 1, 2024, AND ON OR BEFORE  
18 JANUARY 1 EACH YEAR THEREAFTER, THE STATE COURT ADMINISTRATOR  
19 SHALL REPORT TO THE JUDICIARY COMMITTEES OF THE SENATE AND THE  
20 HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, BY  
21 JUDICIAL DISTRICT AND, TO THE EXTENT POSSIBLE, WITH DATA  
22 DISAGGREGATED BY RACE AND SEX AND BY OFFENSE LEVEL, THE NUMBER  
23 OF CONVICTION RECORDS \_\_\_ IN THE PRIOR CALENDAR YEAR THAT:

- 24 (I) WERE CONSIDERED FOR AUTOMATIC RECORD SEALING;  
25 (II) THE STATE COURT ADMINISTRATOR SENT TO THE CHIEF JUDGES  
26 FOR EACH JUDICIAL DISTRICT; AND  
27 (III) THE DISTRICT ATTORNEYS OBJECTED TO DUE TO:



- 1           (A) INTERVENING CONVICTIONS;
- 2           (B) THE INELIGIBILITY OF THE OFFENSE;
- 3           (C) PENDING CHARGES;
- 4           (D) PLEA AGREEMENTS WAIVING THE RIGHT TO RECORD SEALING;
- 5           AND
- 6           (E) OBJECTIONS PURSUANT TO SUBSECTION (3)(a)(II) OF THIS
- 7           SECTION.

8           (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORT  
9           REQUIRED IN THIS SUBSECTION (4) CONTINUES INDEFINITELY.

10           **SECTION 4.** In Colorado Revised Statutes, 18-1.3-101, **amend**  
11           (10)(c); and add (10)(f) as follows:

12           **18-1.3-101. Pretrial diversion.** (10) **Diversion outcomes.** (c) At  
13           any point after a diversion agreement is completed, ~~a defendant may~~  
14           ~~petition~~ the court ~~to~~ SHALL seal all arrest and other criminal records  
15           pertaining to the offense using the procedure described in sections  
16           24-72-704 and 24-72-705. ~~Unless otherwise prohibited under section~~  
17           ~~24-72-703 (11), the court shall issue a sealing order if requested by the~~  
18           ~~defendant following successful completion of a diversion agreement.~~

19           (f) (I) UPON COMPLETION OF DIVERSION IN A CASE MANAGED BY  
20           A DISTRICT ATTORNEY DIVERSION PROGRAM PRIOR TO CHARGES BEING  
21           FILED, THE DISTRICT ATTORNEY SHALL SEAL THE DISTRICT ATTORNEY'S  
22           DIVERSION RECORD WITHOUT A COURT ORDER. THIS SUBSECTION (10)(f)  
23           DOES NOT APPLY TO CASES WITH OFFENSES LISTED IN SECTION 24-4.1-302  
24           (1).

25           (II) THE DISTRICT ATTORNEY SHALL NOTIFY THE COLORADO  
26           BUREAU OF INVESTIGATION AND THE LAW ENFORCEMENT AGENCY THAT  
27           HAD CONTACT WITH THE INDIVIDUAL THAT DIVERSION IS COMPLETE AND

1 THE CRIMINAL JUSTICE RECORDS ARE SEALED. ANY LAW ENFORCEMENT  
2 AGENCY THAT RECEIVES A NOTICE SHALL ACKNOWLEDGE RECEIPT OF THE  
3 NOTICE. THE COLORADO BUREAU OF INVESTIGATION, LAW ENFORCEMENT  
4 AGENCY, DIVERSION PROVIDER, AND DISTRICT ATTORNEY SHALL TREAT  
5 THE RECORDS AS SEALED WITHIN THIRTY-FIVE DAYS AFTER THE  
6 COMPLETION OF DIVERSION, AND ALL PROVISIONS OF SECTION 24-72-703  
7 SHALL APPLY TO THOSE RECORDS.

8           **SECTION 5.** In Colorado Revised Statutes, 18-7-201.3, **repeal**  
9 (2)(a) and (2)(c) as follows:

10           **18-7-201.3. Affirmative defense - human trafficking -**  
11 **expungement of record protective order - definitions.** (2) (a) ~~On or~~  
12 ~~after January 1, 2016, a person charged with or convicted of prostitution,~~  
13 ~~as described in section 18-7-201, or any corresponding municipal code or~~  
14 ~~ordinance, for an offense committed before July 1, 2015, which offense~~  
15 ~~was committed as a direct result of being a victim of human trafficking,~~  
16 ~~as defined in subsection (4) of this section, may apply to the court for a~~  
17 ~~sealing of his or her records pursuant to section 24-72-704 or 24-72-707,~~  
18 ~~as applicable.~~

19           (c) ~~An official determination or documentation is not required to~~  
20 ~~grant a motion pursuant to this subsection (2), but official documentation~~  
21 ~~from a federal, state, local, or tribal government agency indicating that the~~  
22 ~~defendant was a victim at the time of the offense creates a presumption~~  
23 ~~that his or her participation in the offense was a direct result of being a~~  
24 ~~victim.~~

25           **SECTION 6.** In Colorado Revised Statutes, 18-13-107.3, **repeal**  
26 (3) as follows:

27           **18-13-107.3. Intentional misrepresentation of entitlement to**

1 **an assistance animal - penalty - definitions.** (3) (a) ~~A defendant may~~  
2 ~~petition the district court of the district in which any conviction records~~  
3 ~~pertaining to the defendant's first conviction for intentional~~  
4 ~~misrepresentation of entitlement to an assistance animal, as described in~~  
5 ~~subsection (1) of this section, are located for the sealing of the conviction~~  
6 ~~records, except for basic identifying information.~~

7 (b) ~~If a petition is filed pursuant to paragraph (a) of this subsection~~  
8 ~~(3) for the sealing of a record of conviction for intentional~~  
9 ~~misrepresentation of entitlement to an assistance animal, the court shall~~  
10 ~~order the record sealed if the following criteria are met:~~

11 (I) ~~The petition is filed;~~

12 (II) ~~The filing fee is paid or the defendant has filed a motion to~~  
13 ~~file without payment with a supporting financial affidavit and the court~~  
14 ~~has granted the motion;~~

15 (III) ~~The defendant's first conviction for intentional~~  
16 ~~misrepresentation of entitlement to an assistance animal was at least three~~  
17 ~~years prior to the date of the filing of the petition; and~~

18 (IV) ~~The defendant has not had a subsequent conviction for~~  
19 ~~intentional misrepresentation of entitlement to an assistance animal.~~

20 (c) ~~An order entered pursuant to this subsection (3) must be~~  
21 ~~directed to each custodian who may have custody of any part of the~~  
22 ~~conviction records that are the subject of the order. Whenever a court~~  
23 ~~enters an order sealing conviction records pursuant to this subsection (3),~~  
24 ~~the defendant shall provide the Colorado bureau of investigation and each~~  
25 ~~custodian of the conviction records with a copy of the order and shall pay~~  
26 ~~to the bureau any costs related to the sealing of his or her criminal~~  
27 ~~conviction records that are in the custody of the bureau unless the court~~

1 has granted the motion specified in subparagraph (H) of paragraph (b) of  
2 this subsection (3). Thereafter, the defendant may request and the court  
3 may grant an order sealing the civil case in which the conviction records  
4 were sealed.

5 **SECTION 7.** In Colorado Revised Statutes, 18-13-107.7, **repeal**  
6 (3) as follows:

7 **18-13-107.7. Intentional misrepresentation of a service animal**  
8 **for a person with a disability - penalty - definitions.** (3) (a) ~~A~~  
9 ~~defendant may petition the district court of the district in which any~~  
10 ~~conviction records pertaining to the defendant's first conviction for~~  
11 ~~intentional misrepresentation of a service animal, as described in~~  
12 ~~subsection (1) of this section, are located for the sealing of the conviction~~  
13 ~~records, except for basic identifying information.~~

14 (b) ~~If a petition is filed pursuant to paragraph (a) of this subsection~~  
15 ~~(3) for the sealing of a record of conviction for intentional~~  
16 ~~misrepresentation of a service animal, the court shall order the record~~  
17 ~~sealed if the following criteria are met:~~

18 (I) ~~The petition is filed;~~

19 (II) ~~The filing fee is paid or the defendant has filed a motion to~~  
20 ~~file without payment with a supporting financial affidavit and the court~~  
21 ~~has granted the motion;~~

22 (III) ~~The defendant's first conviction for intentional~~  
23 ~~misrepresentation of a service animal was at least three years prior to the~~  
24 ~~date of the filing of the petition; and~~

25 (IV) ~~The defendant has not had a subsequent conviction for~~  
26 ~~intentional misrepresentation of a service animal.~~

27 (c) ~~An order entered pursuant to this subsection (3) must be~~

1 directed to each custodian who may have custody of any part of the  
2 conviction records that are the subject of the order. Whenever a court  
3 enters an order sealing conviction records pursuant to this subsection (3),  
4 the defendant shall provide the Colorado bureau of investigation and each  
5 custodian of the conviction records with a copy of the order and shall pay  
6 to the bureau any costs related to the sealing of his or her criminal  
7 conviction records that are in the custody of the bureau unless the court  
8 has granted the motion specified in subparagraph (H) of paragraph (b) of  
9 this subsection (3). Thereafter, the defendant may request and the court  
10 may grant an order sealing the civil case in which the conviction records  
11 were sealed.

12 **SECTION 8.** In Colorado Revised Statutes, 18-13-122, **amend**  
13 (13) as follows:

14 **18-13-122. Illegal possession or consumption of ethyl alcohol**  
15 **or marijuana by an underage person - illegal possession of marijuana**  
16 **paraphernalia by an underage person - definitions - adolescent**  
17 **substance abuse prevention and treatment fund - legislative**  
18 **declaration. (13) Sealing of record. (a)** ~~Upon dismissal of a case~~  
19 ~~pursuant to this section after completion of a deferred judgment or~~  
20 ~~diversion or any other action resulting in dismissal of the case or Upon~~  
21 ~~completion of the court-ordered substance abuse education and payment~~  
22 ~~of any fine for a first conviction of subsection (3) of this section, the court~~  
23 ~~shall immediately order the case sealed PURSUANT TO SECTION 24-72-704~~  
24 ~~and provide to the underage person and the prosecutor a copy of the order~~  
25 ~~sealing the case for distribution by the appropriate party to all law~~  
26 ~~enforcement agencies in the case.~~

27 ~~(b) Upon the expiration of one year from the date of a second or~~

1 subsequent conviction for a violation of subsection (3) of this section, the  
2 underage person convicted of such violation may petition the court in  
3 which the conviction was assigned for an order sealing the record of the  
4 conviction. The petitioner shall submit a verified copy of his or her  
5 criminal history, current through at least the twentieth day prior to the  
6 date of the filing of the petition, along with the petition at the time of  
7 filing, but in no event later than the tenth day after the petition is filed.  
8 The petitioner shall be responsible for obtaining and paying for his or her  
9 criminal history record. The court shall grant the petition if the petitioner  
10 has not been arrested for, charged with, or convicted of any felony,  
11 misdemeanor, or petty offense during the period of one year following the  
12 date of the petitioner's conviction for a violation of subsection (3) of this  
13 section.

14 **SECTION 9.** In Colorado Revised Statutes, 24-72-701, **add** (4.5)  
15 and (5.5) as follows:

16 **24-72-701. Definitions.** As used in this part 7, unless the context  
17 otherwise requires:

18 (4.5) "CRIMINAL JUSTICE RECORDS" MEANS ALL BOOKS, PAPERS,  
19 CARDS, PHOTOGRAPHS, TAPES, RECORDINGS, OR OTHER DOCUMENTARY  
20 MATERIALS, REGARDLESS OF FORM OR CHARACTERISTICS, THAT ARE MADE,  
21 MAINTAINED, OR KEPT BY ANY CRIMINAL JUSTICE AGENCY OR OTHER  
22 ENTITY, PUBLIC OR PRIVATE, IN THE STATE FOR USE IN THE EXERCISE OF  
23 FUNCTIONS REQUIRED OR AUTHORIZED BY LAW OR ADMINISTRATIVE RULE,  
24 INCLUDING THE RESULTS OF CHEMICAL BIOLOGICAL SUBSTANCE TESTING  
25 TO DETERMINE GENETIC MARKERS CONDUCTED PURSUANT TO SECTIONS  
26 16-11-102.4 AND 16-23-104.

27 (5.5) "DISPOSITION" HAS THE SAME MEANING AS SET FORTH IN

1 SECTION 24-72-302.

2 **SECTION 10.** In Colorado Revised Statutes, 24-72-703, **amend**  
3 (1), (2)(a)(I), (2)(a)(III), (2)(b), (2)(c), (2)(d)(I), (8), and (12)(b);     and  
4 **add** (2)(a)(VI), (2)(a)(VII), (2)(a)(VIII), and (2)(d)(IV) as follows:

5 **24-72-703. Sealing of records - general provisions - order**  
6 **applicability - discovery and advisements.** (1) **Applicability.** ~~The~~  
7 ~~provisions of~~ This section ~~shall apply~~ APPLIES to the sealing of arrest and  
8 criminal JUSTICE records pursuant to sections 24-72-704 to 24-72-710.  
9 SUBSECTIONS (2), (4), (5), (6), (7), AND (12) OF THIS SECTION APPLY TO  
10 THE AUTOMATIC SEALING OF CRIMINAL JUSTICE RECORDS PURSUANT TO  
11 SECTION 13-3-117.

12 (2) **Effect of a sealing order.** (a) (I) An order sealing arrest or  
13 other criminal records does not deny access to the criminal records of a  
14 petitioner or defendant by any court, law enforcement agency, criminal  
15 justice agency, prosecuting attorney, or party, or GOVERNMENTAL agency  
16 required by ~~law~~ STATUTE OR RULES OR REGULATIONS to conduct a  
17 criminal history record check on an individual, INCLUDING FOR THE  
18 PURPOSE OF A PROSECUTOR COMPLYING WITH PROSECUTORIAL DUTIES  
19 UNDER RULE 16 OF THE COLORADO RULES OF CRIMINAL PROCEDURE TO  
20 DISCLOSE CRIMINAL JUSTICE RECORDS IN CRIMINAL PROCEEDINGS.

21 (III) A ~~conviction~~ RECORD sealed pursuant to this article 72 AND  
22 SECTION 13-3-117 may be used by a criminal justice agency, law  
23 enforcement agency, court, or prosecuting attorney for any lawful purpose  
24 relating to the investigation or prosecution of any case, including ~~but not~~  
25 ~~limited to~~ any subsequent case that is filed against the petitioner or  
26 defendant; FOR COLLECTING     FINES, COURT COSTS, LATE FEES, OR OTHER  
27 FEES; or for any other lawful purpose within the scope of ~~his, her, or its~~

1 THE AGENCY'S, COURT'S, OR ATTORNEY'S duties. A party or agency  
2 required by law to conduct a criminal history record check is authorized  
3 to use any sealed conviction for the lawful purpose for which the criminal  
4 history record check is required by law.

5 (VI) THE SEALING OF A RECORD PURSUANT TO THIS ARTICLE 72  
6 AND SECTION 13-3-117 DOES NOT PRECLUDE A COURT'S JURISDICTION  
7 OVER ANY SUBSEQUENTLY FILED MOTION, INCLUDING A MOTION TO  
8 AMEND THE RECORD, A POSTCONVICTION RELIEF MOTION OR PETITION, OR  
9 ANY OTHER MOTION CONCERNING A SEALED CONVICTION RECORD.

10 (VII) A DEFENDANT WHOSE RECORD HAS BEEN SEALED OR  
11 EXPUNGED MAY ACCESS INFORMATION CONTAINED IN THE SEALED RECORD  
12 FROM THE COLORADO BUREAU OF INVESTIGATION WITHOUT A COURT  
13 ORDER. IN RESPONSE TO AN INQUIRY FROM THE DEFENDANT, THE  
14 COLORADO BUREAU OF INVESTIGATION SHALL REPLY BOTH PURSUANT TO  
15 SUBSECTION (2)(b) OF THIS SECTION AND WITH THE INFORMATION AND  
16 RECORDS UNDERLYING THE SEALED RECORD.

17 (VIII) A PROSECUTING ATTORNEY'S ACCESS TO RECORDS  
18 PURSUANT TO THIS SUBSECTION (2) DOES NOT REQUIRE A COURT ORDER.

19 (IV) SEALED COURT RECORDS ARE OPEN TO INSPECTION WITHOUT  
20 COURT ORDER TO ANY PERSON OR AGENCY FOR RESEARCH PURPOSES IF  
21 ALL OF THE FOLLOWING CONDITIONS ARE MET:

22 (A) THE PERSON OR AGENCY CONDUCTING THE RESEARCH IS  
23 EMPLOYED BY THE STATE OF COLORADO OR IS UNDER CONTRACT WITH THE  
24 STATE OF COLORADO OR OTHER GOVERNMENTAL SUBDIVISION AND IS  
25 AUTHORIZED BY THE STATE OR SUBDIVISION TO CONDUCT THE RESEARCH;

26 (B) THE PERSON OR AGENCY CONDUCTING THE RESEARCH ENSURES  
27 THAT ALL DOCUMENTS CONTAINING IDENTIFYING INFORMATION ARE



1 MAINTAINED IN SECURE LOCATIONS AND ACCESS TO SUCH DOCUMENTS BY  
2 UNAUTHORIZED PERSONS IS PROHIBITED, THAT NO IDENTIFYING  
3 INFORMATION IS INCLUDED IN DOCUMENTS GENERATED FROM THE  
4 RESEARCH CONDUCTED, AND THAT ALL IDENTIFYING INFORMATION IS  
5 DELETED FROM DOCUMENTS USED IN THE RESEARCH WHEN THE RESEARCH  
6 IS COMPLETED;

7 (C) THE PERSON OR AGENCY ONLY RELEASES ANY DATA IN  
8 AGGREGATE FORM;

9 (D) IF APPLICABLE, WHEN PUBLICLY REPORTING DE-IDENTIFIED  
10 AGGREGATE INFORMATION ABOUT CRIMINAL JUSTICE ISSUES, THE  
11 INFORMATION WOULD BE INACCURATE WITHOUT THE INCLUSION OF  
12 SEALED RECORD INFORMATION;

13 (E) IF APPLICABLE, WHEN THE PURPOSE OF THE RESEARCH CANNOT  
14 BE ACCOMPLISHED WITHOUT THE INCLUSION OF DE-IDENTIFIED SEALED  
15 RECORD INFORMATION; AND

16 (F) IF APPLICABLE, WHEN THE PERSON OR AGENCY CONDUCTING  
17 THE RESEARCH IS ALSO CONDUCTING DATA MAINTENANCE OR DATA  
18 LINKAGE ON BEHALF OF A CUSTODIAN OF CRIMINAL JUSTICE RECORDS AND  
19 REQUIRES ACCESS TO IDENTIFIED SEALED RECORD INFORMATION.

20 (b) Except as otherwise provided in subsection (2)(a)(I) of this  
21 section, upon the entry of an order to seal the criminal records, the  
22 defendant ~~and all criminal justice agencies~~ may properly reply, upon an  
23 inquiry into the matter, that public criminal records do not exist with  
24 respect to the petitioner or defendant. UPON AN INQUIRY INTO A SEALED  
25 RECORD, A CRIMINAL JUSTICE AGENCY SHALL REPLY THAT A PUBLIC  
26 CRIMINAL RECORD DOES NOT EXIST WITH RESPECT TO THE DEFENDANT  
27 WHO IS THE SUBJECT OF THE SEALED RECORD.

1 (c) ~~Except as otherwise provided in subsection (2)(a)(I) of this~~  
2 ~~section, inspection of the records included in an order sealing criminal~~  
3 ~~records may thereafter be permitted by the court only upon petition by the~~  
4 ~~petitioner or defendant.~~ THE PERSON WHO IS THE SUBJECT OF THE  
5 RECORDS AND THE PROSECUTING ATTORNEY MAY INSPECT THE RECORDS  
6 INCLUDED IN AN ORDER SEALING CRIMINAL RECORDS WITHOUT A COURT  
7 ORDER AND ONLY FOR THE PURPOSES PERMITTED BY LAW.

8 (d) (I) Except as otherwise provided in subsection (2)(a)(I) of this  
9 section, employers, state and local government agencies, officials,  
10 landlords, ~~and~~ employees, AND ANY OTHER ENTITY shall not require an  
11 applicant to disclose any information contained in sealed ~~conviction~~  
12 CRIMINAL JUSTICE records in any application or interview or in any other  
13 way. An applicant does not need to include a reference to or information  
14 concerning the sealed ~~conviction~~ records in answer to any question  
15 concerning ~~conviction~~ records that have been sealed and may state that  
16 the applicant has not been criminally convicted. An application may not  
17 be denied solely because of the applicant's refusal to disclose ~~conviction~~  
18 records that have been sealed.

19 ==  
20 (8) **Service of sealing order.** The court shall direct a sealing order  
21 entered pursuant to this part 7 to each custodian who may have custody  
22 of any part of the ~~conviction~~ CRIMINAL JUSTICE records OR ARREST AND  
23 CRIMINAL RECORDS INFORMATION that are the subject of the order. THE  
24 COURT SHALL DIRECT THAT THE SEALING ORDER APPLIES TO PUBLIC AND  
25 PRIVATE CUSTODIANS OF THE RECORDS. Whenever a court enters an order  
26 sealing ~~conviction~~ CRIMINAL JUSTICE records, the ~~defendant~~ COURT shall  
27 provide the Colorado bureau of investigation and each custodian of the

1 conviction records with a copy of the order. The ~~petitioner shall provide~~  
2 DEFENDANT MAY SERVE a private OR PUBLIC custodian with a copy of the  
3 order. ~~and send the private custodian an electronic notification of the~~  
4 ~~order.~~ Each private custodian that receives a copy of the order from the  
5 ~~petitioner~~ DEFENDANT shall remove the records that are subject to an  
6 order from its database AND SHALL SECURE AND KEEP CONFIDENTIAL ANY  
7 RECORDS IN THE CUSTODIAN'S POSSESSION. The defendant shall pay to the  
8 bureau any costs related to the sealing of ~~his or her~~ THE DEFENDANT'S  
9 criminal ~~conviction~~ JUSTICE records in the custody of the bureau, UNLESS  
10 THE DEFENDANT DEMONSTRATES THAT THE RECORDS SHOULD HAVE BEEN  
11 AUTOMATICALLY SEALED PURSUANT TO SECTION 13-3-117, 24-72-704, OR  
12 24-72-705. Thereafter, the defendant may request and the court may grant  
13 an order sealing the ~~civil~~ case in which the ~~conviction~~ records were  
14 sealed.

15 (12) **Exclusions.** (b) ~~Conviction records must not be sealed if the~~  
16 ~~defendant still owes~~ restitution. NEITHER THE COURT NOR THE STATE  
17 COURT ADMINISTRATOR'S OFFICE SHALL FACTOR IN OR TAKE INTO  
18 CONSIDERATION ANY UNPAID     fines, court costs, late fees, or other fees  
19 ordered by the court in the case that is the subject of the motion to seal  
20 ~~unless the court that entered the order has vacated the order~~ WHEN THE  
21 COURT IS DETERMINING WHETHER THE RECORD SHOULD BE SEALED.

22    

23 **SECTION 11.** In Colorado Revised Statutes, 24-72-704, **amend**  
24 (2)(b)(I)(B) and (1)(d); and **add** (6) as follows:

25 **24-72-704. Sealing of arrest records when no charges filed -**  
26 **automatic sealing.** (1) (d) ~~Inspection of the records included in an order~~  
27 ~~sealing criminal records may be permitted by the court only upon petition~~

1 ~~by the person who is the subject of the records or by the prosecuting~~  
2 ~~attorney and only for those purposes named in the petition. THE PERSON~~  
3 ~~WHO IS THE SUBJECT OF THE RECORDS AND THE PROSECUTING ATTORNEY~~  
4 ~~MAY INSPECT THE RECORDS INCLUDED IN AN ORDER SEALING CRIMINAL~~  
5 ~~RECORDS WITHOUT A COURT ORDER AND ONLY FOR THE PURPOSES~~  
6 ~~PERMITTED BY LAW.~~

7 (2) (b) (I) For arrests without a conviction after January 1, 2019,  
8 but before January 1, 2022, the Colorado bureau of investigation shall  
9 automatically seal an arrest record that is in its custody and control of a  
10 person when no criminal charges have been filed:

11 (B) Within eighteen months after the date of arrest for a  
12 misdemeanor offense, a misdemeanor traffic offense, A CIVIL INFRACTION,  
13 a petty offense, a municipal ordinance violation for which the statute of  
14 limitations is eighteen months or less, or if there is no indication of the  
15 classification of the crime in the arrest data.

16 (6) (a) BEGINNING NOVEMBER 1, 2023, AND ANNUALLY  
17 THEREAFTER, THE COLORADO BUREAU OF INVESTIGATION SHALL REPORT  
18 THE NUMBER OF ARREST RECORDS SEALED TO THE JUDICIARY COMMITTEES  
19 OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR THEIR  
20 SUCCESSOR COMMITTEES, BY JUDICIAL DISTRICT AND, TO THE EXTENT  
21 POSSIBLE, WITH DATA DISAGGREGATED BY RACE AND SEX AND BY OFFENSE  
22 LEVEL.

23 ==  
24 ==

25 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORT  
26 REQUIRED IN THIS SUBSECTION (6) CONTINUES INDEFINITELY.

27 **SECTION 12.** In Colorado Revised Statutes, 24-72-705, **amend**

1 (1)(a) introductory portion, (1)(b), (1)(c), and (2); and **add (1)(a.5)** as  
2 follows:

3 **24-72-705. Sealing criminal justice records other than**  
4 **convictions - simplified process - applicability.** (1) (a) ON ITS OWN  
5 MOTION, the court shall order the defendant's criminal justice records  
6 sealed when:

7 (a.5) THE COURT SHALL NOT REQUIRE A WRITTEN MOTION OR ANY  
8 OTHER WRITTEN PLEADINGS FOR SEALING PURSUANT TO THIS SECTION. THE  
9 COURT SHALL ENTER AN ORDER SEALING RECORDS PURSUANT TO THIS  
10 SUBSECTION (1) AT THE TIME OF DISPOSITION AND SHALL SERVE THE  
11 SEALING ORDER PURSUANT TO SECTION 24-72-703(8) NO LATER THAN  
12 TWENTY-EIGHT DAYS AFTER THE DATE OF DISPOSITION.

13 (b) If the court did not order the record sealing at the time of the  
14 dismissal or acquittal, the ~~defendant may make such motion at any time~~  
15 ~~subsequent to the dismissal or acquittal through the filing of a written~~  
16 ~~motion in the criminal case with written notice to the prosecuting attorney~~  
17 COLORADO BUREAU OF INVESTIGATION SHALL AUTOMATICALLY SEAL THE  
18 RECORD UPON RECEIPT OF DISPOSITION IN THE CASE, UNLESS THE  
19 DEFERRED JUDGMENT IS INELIGIBLE FOR SEALING PURSUANT TO SECTION  
20 24-72-703 (12)(d).

21 (c) ~~If the defendant moves pursuant to subsection (1)(a) of this~~  
22 ~~section to seal his or her criminal justice records pursuant to the expedited~~  
23 ~~procedures of this section, the court shall promptly process the~~  
24 ~~defendant's request to seal the criminal justice records within the criminal~~  
25 ~~case without the filing of an independent civil action and without any~~  
26 ~~further evidence except for evidence of the dismissal or acquittal.~~  
27 Motions filed pursuant to this section are procedural in nature, and

1 sealing pursuant to this section applies retroactively for all eligible cases  
2 when the case has been completely dismissed or the defendant has been  
3 acquitted of all counts in a state or municipal criminal case.

4 ~~(2) (a) A defendant moving to have his or her criminal justice~~  
5 ~~records sealed or a defendant who has his or her criminal justice records~~  
6 ~~sealed by the court pursuant to this section shall pay a processing fee of~~  
7 ~~sixty-five dollars to cover the actual costs related to the sealing of the~~  
8 ~~criminal justice records, which the court may waive upon a determination~~  
9 ~~of indigency~~ IF THE AUTOMATIC SEALING OF A CRIMINAL RECORD DOES  
10 NOT OCCUR, THE DEFENDANT MAY MAKE A MOTION TO SEAL IN THE  
11 CRIMINAL CASE THE RECORD AT ANY TIME SUBSEQUENT TO THE DISMISSAL  
12 OR ACQUITTAL THROUGH THE FILING OF A WRITTEN MOTION. THE  
13 DEFENDANT MAY MAKE THE MOTION WITHOUT BEING CHARGED FEES OR  
14 COSTS.

15 ~~(b) When the motion to seal the criminal case is filed in state~~  
16 ~~court, the processing fees collected pursuant to subsection (2)(a) of this~~  
17 ~~section must be transmitted to the state treasurer and credited to the~~  
18 ~~judicial stabilization cash fund created in section 13-32-101 (6).~~

19 ~~(c) When the motion to seal the criminal case is filed in municipal~~  
20 ~~court, the processing fees collected pursuant to subsection (2)(a) of this~~  
21 ~~section must be reported and paid as municipal costs and must be~~  
22 ~~transmitted to the treasurer of the municipality and deposited in the~~  
23 ~~general fund of the municipality pursuant to section 13-10-115.~~

24 **SECTION 13.** In Colorado Revised Statutes, 24-72-706, **amend**  
25 (1)(b)(I), (1)(e), (1)(f)(I), and (1)(h); **repeal** \_\_\_\_\_ (2)(c); and **add**  
26 (1)(b)(I.5), (1)(b)(III.3), (1)(b)(III.5), and (1)(i) as follows:

27 **24-72-706. Sealing of criminal justice records - processing fee.**

1 (1) **Sealing of conviction records.** (b) (I) If the offense is a CIVIL  
2 INFRACTION, A petty offense, or a drug petty offense, the motion may be  
3 filed one year after the later of the date of the final disposition of all  
4 ~~criminal~~ proceedings against the defendant or the release of the defendant  
5 from supervision concerning a ~~criminal~~ conviction.

6 (I.5) IF THE OFFENSE IS A SECOND OR SUBSEQUENT CONVICTION  
7 FOR A VIOLATION OF SECTION 18-13-122 (3), THE MOTION MAY BE FILED  
8 ONE YEAR AFTER THE DATE OF THE SECOND OR SUBSEQUENT CONVICTION,  
9 AND THE COURT SHALL ORDER THAT THE MOTION BE GRANTED IF THE  
10 DEFENDANT HAS NOT BEEN CONVICTED OF OR IS NOT CURRENTLY  
11 CHARGED WITH ANY FELONY, MISDEMEANOR, OR PETTY OFFENSE DURING  
12 THE PERIOD OF ONE YEAR AFTER THE DATE OF THE DEFENDANT'S  
13 CONVICTION FOR A VIOLATION OF SECTION 18-13-122 (3).

14 (III.3) NOTWITHSTANDING SUBSECTION (1)(b)(I) OF THIS SECTION,  
15 IF THE OFFENSE IS A FIRST CONVICTION FOR INTENTIONAL  
16 MISREPRESENTATION OF ENTITLEMENT TO AN ASSISTANCE ANIMAL AS  
17 DESCRIBED IN SECTION 18-13-107.3 (1), THE DEFENDANT MAY FILE A  
18 MOTION THREE YEARS AFTER THE CONVICTION AND THE COURT SHALL  
19 ORDER THE RECORD SEALED IF THE DEFENDANT DOES NOT HAVE A  
20 SUBSEQUENT CONVICTION FOR INTENTIONAL MISREPRESENTATION OF  
21 ENTITLEMENT TO AN ASSISTANCE ANIMAL.

22 (III.5) IF THE OFFENSE IS A FIRST CONVICTION FOR INTENTIONAL  
23 MISREPRESENTATION OF A SERVICE ANIMAL, AS DESCRIBED IN SECTION  
24 18-13-107.7(1), THE DEFENDANT MAY FILE A MOTION THREE YEARS AFTER  
25 THE CONVICTION, AND THE COURT SHALL ORDER THE RECORD SEALED IF  
26 THE DEFENDANT DOES NOT HAVE A SUBSEQUENT CONVICTION FOR  
27 INTENTIONAL MISREPRESENTATION OF A SERVICE ANIMAL.

1           (e) Conviction records may not be sealed if the defendant still  
2           owes restitution, fines, court costs, late fees, or other fees ordered by the  
3           court in the case that is the subject of the motion to seal conviction  
4           records, unless the court that entered the order for restitution fines, court  
5           costs, late fees, or other fees vacated the order.

6           (f) (I) If a motion is filed for the sealing of a CIVIL INFRACTION, A  
7           petty offense, A petty drug offense, or, notwithstanding any provision of  
8           this part 7 to the contrary, an offense for the possession of marijuana, the  
9           court shall order that the records be sealed after the motion is filed and  
10          the criminal history filed with the court documents to the court that the  
11          defendant has not been convicted of a ~~criminal~~ AN offense since the date  
12          of the final disposition of all ~~criminal~~ proceedings against the defendant  
13          or since the date of the defendant's release from supervision, whichever  
14          is later.

15          (h) A defendant who files a motion to seal criminal justice  
16          ~~conviction~~ records pursuant to this section shall pay a processing fee of  
17          sixty-five dollars to cover the actual costs related to the sealing of the  
18          criminal justice records. ~~which the court may waive upon a determination~~  
19          ~~of indigency.~~ The defendant shall pay to the Colorado bureau of  
20          investigation any costs related to the sealing of ~~his or her~~ THE  
21          DEFENDANT'S criminal ~~conviction~~ JUSTICE records in the custody of the  
22          bureau. THE COURT SHALL WAIVE THE PROCESSING FEE UPON A  
23          DETERMINATION THAT:

- 24               (I) THE DEFENDANT IS INDIGENT; OR  
25               (II) THE DEFENDANT'S RECORDS SHOULD HAVE BEEN  
26               AUTOMATICALLY SEALED PURSUANT TO SECTION 13-3-117, 24-72-704, OR  
27               24-72-705.



1           (i) THE COURT SHALL DETERMINE ELIGIBILITY OF A DRUG OFFENSE  
2           COMMITTED ON OR AFTER OCTOBER 1, 2013, BY THE CLASSIFICATION OF  
3           THE OFFENSE AT THE TIME OF CONSIDERING THE RECORD SEALING.

4           (2) (c) ~~This section does not apply to records that are subject to~~  
5           ~~the procedure set forth in section 18-13-122 (13).~~

6           **SECTION 14.** In Colorado Revised Statutes, 24-72-707, **amend**  
7           (3)(b); and **add** (1.5) as follows:

8           **24-72-707. Sealing of criminal conviction records information**  
9           **for offenses committed by victims of human trafficking.** (1.5) A  
10          PERSON CHARGED WITH OR CONVICTED OF PROSTITUTION, AS DESCRIBED  
11          IN SECTION 18-7-201, OR ANY CORRESPONDING MUNICIPAL CODE OR  
12          ORDINANCE, WHICH OFFENSE WAS COMMITTED AS A DIRECT RESULT OF  
13          BEING A VICTIM OF HUMAN TRAFFICKING, AS DEFINED IN SECTION  
14          18-7-201.3 (4) , MAY FILE A MOTION WITH THE COURT FOR A SEALING OF  
15          THE PERSON'S RECORDS.

16          (3) The court shall order the records sealed after:

17          (b) The defendant establishes by a preponderance of the evidence  
18          that, at the time ~~he or she~~ THE DEFENDANT committed the offense, ~~he or~~  
19          ~~she~~ THE DEFENDANT had been trafficked by another person, as described  
20          in section 18-3-503 or 18-3-504, for the purpose of performing the  
21          offense. OFFICIAL DOCUMENTATION FROM A FEDERAL, STATE, LOCAL, OR  
22          TRIBAL GOVERNMENT AGENCY INDICATING THAT THE DEFENDANT WAS A  
23          VICTIM OF HUMAN TRAFFICKING AT THE TIME OF THE OFFENSE CREATES A  
24          PRESUMPTION THAT THE DEFENDANT'S PARTICIPATION IN THE OFFENSE  
25          WAS THE DIRECT RESULT OF BEING A VICTIM OF HUMAN TRAFFICKING.

26          **SECTION 15.** In Colorado Revised Statutes, **amend 24-72-708**  
27          **as follows:**

1           **24-72-708. Sealing of criminal conviction records information**  
2 **for municipal offenses for convictions. (1) Sealing of conviction**         
3 **records.** (a) (I) A defendant may file a motion IN THE CRIMINAL CASE in  
4 which any conviction records pertaining to the defendant for a municipal  
5 violation are located for the sealing of the conviction records WITHIN THE  
6 TIME FRAMES DESCRIBED IN SUBSECTION (1)(a)(II) OF THIS SECTION,  
7 except basic identification information, if:

8           (A) The motion is filed three or more years after the date of the  
9 final disposition of all criminal proceedings against the defendant or the  
10 release of the defendant from supervision concerning a criminal  
11 conviction, whichever is later; and THE DEFENDANT HAS NOT BEEN  
12 CHARGED WITH OR CONVICTED OF A FELONY, MISDEMEANOR, OR  
13 MISDEMEANOR TRAFFIC OFFENSE IN THREE OR MORE YEARS SINCE THE  
14 DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST  
15 THE DEFENDANT OR THE DATE OF THE DEFENDANT'S RELEASE FROM  
16 SUPERVISION, WHICHEVER IS LATER; OR

17           (B) The defendant has not been charged or convicted of a felony,  
18 misdemeanor, or misdemeanor traffic offense in the three or more years  
19 since the date of the final disposition of all criminal proceedings against  
20 him or her or the date of the defendant's release from supervision,  
21 whichever is later; and THE DEFENDANT HAS A SINGLE SUBSEQUENT  
22 CONVICTION THAT WAS NOT A FELONY AND DID NOT INVOLVE DOMESTIC  
23 VIOLENCE, AS DEFINED IN SECTION 18-6-800.3(1); UNLAWFUL SEXUAL  
24 BEHAVIOR, AS DEFINED IN SECTION 16-22-102(9); OR CHILD ABUSE, AS  
25 DEFINED IN SECTION 18-6-401.

26           (C) The conviction records to be sealed are not for a misdemeanor  
27 traffic offense committed either by a holder of a commercial learner's

1 permit or a commercial driver's license, as defined in section 42-2-402,  
2 or by the operator of a commercial motor vehicle, as defined in section  
3 42-2-402.

4 (II) (A) Notwithstanding the provisions of subsection (1)(a)(I)(B)  
5 of this section, a defendant may petition the district court of the district  
6 in which any conviction records pertaining to the defendant for a  
7 municipal violation, except a municipal assault or battery offense in  
8 which the underlying factual basis involves domestic violence, as defined  
9 in section 18-6-800.3 (1), or any other municipal violation in which the  
10 underlying factual basis involves domestic violence, as defined in section  
11 18-6-800.3 (1), or petty offense are located for the sealing of the  
12 conviction records, except basic identification information, if: A MOTION  
13 FILED PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION MAY BE FILED  
14 THREE YEARS AFTER THE LATER OF THE DATE OF THE FINAL DISPOSITION  
15 OF ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE  
16 OF THE DEFENDANT FROM SUPERVISION CONCERNING A CRIMINAL  
17 CONVICTION.

18 (A) The defendant was convicted of a single offense that was not  
19 a felony and did not involve domestic violence as defined in section  
20 18-6-800.3 (1), unlawful sexual behavior as defined in section 16-22-102  
21 (9), or child abuse as defined in section 18-6-401;

22 (B) That offense occurred within three years of the date of the  
23 final disposition of all criminal proceedings against him or her related to  
24 the conviction that the defendant is seeking to have sealed or within three  
25 years of the date of the defendant's release from supervision related to the  
26 conviction that the defendant is seeking to have sealed, whichever is later;  
27 and A MOTION FILED PURSUANT TO SUBSECTION (1)(a)(II) OF THIS SECTION

1 MAY BE FILED TEN YEARS AFTER THE DATE OF THE FINAL DISPOSITION OF  
2 ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT FOR THE  
3 SUBSEQUENT CRIMINAL CASE OR TEN YEARS AFTER THE DATE OF THE  
4 DEFENDANT'S RELEASE FROM SUPERVISION FOR THE SUBSEQUENT  
5 CRIMINAL CASE, WHICHEVER IS LATER. TO FILE A MOTION PURSUANT TO  
6 SUBSECTION (1)(a)(II) OF THIS SECTION, THE DEFENDANT MUST NOT HAVE  
7 BEEN CONVICTED OF A FELONY, MISDEMEANOR, OR MISDEMEANOR TRAFFIC  
8 OFFENSE IN TEN OR MORE YEARS SINCE THE DATE OF THE FINAL  
9 DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT  
10 FOR THE SUBSEQUENT CRIMINAL CASE OR IN THE TEN OR MORE YEARS  
11 SINCE THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION FOR  
12 THE SUBSEQUENT CASE, WHICHEVER IS LATER.

13 (C) The defendant has not been convicted of a felony,  
14 misdemeanor, or misdemeanor traffic offense in the ten or more years  
15 since the date of the final disposition of all criminal proceedings against  
16 him or her for the subsequent criminal case or in the ten or more years  
17 since the date of the defendant's release from supervision for the  
18 subsequent case, whichever is later.

19 (b) Upon filing the petition MOTION, the defendant shall pay the  
20 filing fee required by law.

21 (2) (a) Upon the filing of a motion, the court shall review the  
22 motion and determine whether there are grounds pursuant to this section  
23 to proceed to a hearing on the petition MOTION. If the court determines  
24 that the motion on its face is insufficient or if the court determines that,  
25 after taking judicial notice of matters outside the motion, the defendant  
26 is not entitled to relief pursuant to this section, the court shall enter an  
27 order denying the motion and mail a copy of the order to the defendant.

1 The court's order shall specify the reasons for the denial of the motion.

2 (b) IF THE PROSECUTOR FILES A WRITTEN OBJECTION, THE COURT  
3 SHALL SET A DATE WITHIN FORTY-TWO DAYS OF THE FILING OF THE  
4 MOTION FOR A HEARING AND THE COURT SHALL NOTIFY THE PROSECUTING  
5 ATTORNEY, THE MUNICIPAL POLICE DEPARTMENT OR LOCAL LAW  
6 ENFORCEMENT AGENCY, AND ANY OTHER PERSON OR AGENCY IDENTIFIED  
7 BY THE DEFENDANT. If the court determines that the ~~petition~~ MOTION is  
8 sufficient on its face and that no other grounds exist at that time for the  
9 court to deny the ~~petition pursuant to this section~~ MOTION, the court shall  
10 set a date for a hearing and the court shall notify by certified mail the  
11 prosecuting attorney, the arresting agency, and any other person or agency  
12 identified by the defendant GRANT THE MOTION.

13 (3) (c) After the hearing described in ~~subsection (2)~~ SUBSECTION  
14 (2)(b) of this section is conducted and if the court finds that the harm to  
15 the privacy of the defendant or the dangers of unwarranted, adverse  
16 consequences to the defendant outweigh the public interest in retaining  
17 public access to the conviction records, the court may order the  
18 conviction records, except basic identification information, to be sealed.  
19 In making this determination, the court shall, at a minimum, consider the  
20 factors in section 24-72-706 (1)(g).

21 **SECTION 16.** In Colorado Revised Statutes, 24-72-709, **amend**  
22 (2)(a) and (4)(b) as follows:

23 **24-72-709. Sealing of criminal conviction records information**  
24 **for multiple conviction records.** (2) (a) If the offense or highest offense  
25 of the multiple offenses is an ELIGIBLE CIVIL INFRACTION AND NOT AN  
26 OFFENSE OR CIVIL INFRACTION LISTED IN SUBSECTION (5)(a) OF THIS  
27 SECTION, eligible petty offense, or eligible petty drug offense, the petition

1 may be filed two years after the later of the date of the final disposition  
2 of all ~~criminal~~ proceedings against the defendant or the release of the  
3 defendant from supervision concerning the conviction, or the latest in  
4 time ~~criminal~~ conviction of the multiple convictions.

5 (4) (b) Conviction records may not be sealed if the defendant still  
6 owes restitution, fines, court costs, late fees, or other fees ordered by the  
7 court in the case that is the subject of the petition to seal conviction  
8 records, unless the court that entered the order for restitution fines, court  
9 costs, late fees, or other fees has vacated the order.

10 **SECTION 17. Act subject to petition - effective date.** This act  
11 takes effect at 12:01 a.m. on the day following the expiration of the  
12 ninety-day period after final adjournment of the general assembly; except  
13 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
14 of the state constitution against this act or an item, section, or part of this  
15 act within such period, then the act, item, section, or part will not take  
16 effect unless approved by the people at the general election to be held in  
17 November 2022 and, in such case, will take effect on the date of the  
18 official declaration of the vote thereon by the governor.