

CHAPTER 43

COURTS

SENATE BILL 03-109

BY SENATOR(S) Windels and Isgar;
also REPRESENTATIVE(S) Rose and Weddig.

AN ACT

CONCERNING THE JUDICIAL PROCEDURES RELATING TO CRIMINAL RECORDS.

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

SECTION 1. 24-72-308 (1) (b) (II), Colorado Revised Statutes, is amended to read:

24-72-308. Sealing of records. (1) (b) (II) (A) Upon the filing of a petition, THE COURT SHALL REVIEW THE PETITION AND DETERMINE WHETHER THERE ARE GROUNDS UNDER THIS SECTION TO PROCEED TO A HEARING ON THE PETITION. IF THE COURT DETERMINES THAT THE PETITION ON ITS FACE IS INSUFFICIENT OR IF THE COURT DETERMINES THAT, AFTER TAKING JUDICIAL NOTICE OF MATTERS OUTSIDE THE PETITION, THE PETITIONER IS NOT ENTITLED TO RELIEF UNDER THIS SECTION, THE COURT SHALL ENTER AN ORDER DENYING THE PETITION AND MAIL A COPY OF THE ORDER TO THE PETITIONER. THE COURT'S ORDER SHALL SPECIFY THE REASONS FOR THE DENIAL OF THE PETITION.

(B) IF THE COURT DETERMINES THAT THE PETITION IS SUFFICIENT ON ITS FACE AND THAT NO OTHER GROUNDS EXIST AT THAT TIME FOR THE COURT TO DENY THE PETITION UNDER THIS SECTION, the court shall set a date for a hearing and THE PETITIONER shall notify the prosecuting attorney by certified mail, the arresting agency, and any other person or agency identified by the petitioner.

SECTION 2. 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.

Approved: March 18, 2003

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