

## CHAPTER 339

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**GOVERNMENT - STATE**

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**HOUSE BILL 04-1376**

BY REPRESENTATIVE(S) Weddig, Johnson R., McFadyen, Miller, Ragsdale, and Tochtrop;  
also SENATOR(S) Dyer.

**AN ACT****CONCERNING THE SEALING OF ARREST RECORDS IN CASES THAT ARE NOT ADJUDICATED DUE TO PLEA AGREEMENTS.**

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

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

**24-72-308. Sealing of records.** (1) (a) (I) Except as otherwise provided in ~~subparagraph (H)~~ SUBPARAGRAPHS (II) AND (III) of this paragraph (a), any person in interest may petition the district court of the district in which any arrest and criminal records information pertaining to said person in interest is located for the sealing of all of said records, except basic identification information, if the records are a record of official actions involving a criminal offense for which said person in interest was not charged, in any case which was completely dismissed, or in any case in which said person in interest was acquitted.

(II) ~~Notwithstanding the provisions of subparagraph (I) of this paragraph (a)~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (a), arrest or criminal records information may not be sealed if:

- (A) An offense is not charged due to a plea agreement in a separate case; or
- (B) A dismissal occurs as part of a plea agreement in a separate case.

(III) A PERSON IN INTEREST MAY PETITION THE DISTRICT COURT OF THE DISTRICT IN WHICH ANY ARREST AND CRIMINAL RECORDS INFORMATION PERTAINING TO SAID PERSON IN INTEREST IS LOCATED FOR THE SEALING OF ALL OF SAID RECORDS, EXCEPT BASIC IDENTIFICATION INFORMATION, IF THE RECORDS ARE A RECORD OF OFFICIAL ACTIONS INVOLVING A CRIMINAL OFFENSE THAT WAS NOT CHARGED OR A CASE THAT

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

WAS DISMISSED DUE TO A PLEA AGREEMENT IN A SEPARATE CASE, AND IF:

(A) THE PETITION IS FILED FIFTEEN YEARS OR MORE AFTER THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE PERSON IN INTEREST; AND

(B) THE PERSON IN INTEREST HAS NOT BEEN CHARGED FOR ANY CRIMINAL OFFENSE IN THE FIFTEEN YEARS SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE PERSON IN INTEREST.

**SECTION 2. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 28, 2004