

CHAPTER 317

COURTS

SENATE BILL 14-206

BY SENATOR(S) Steadman, Guzman, Harvey, Heath, Jahn, Johnston, Kerr, Newell, Nicholson, Tochtrop, Todd, Ulibarri, Carroll;
also REPRESENTATIVE(S) Singer, Fields, Kagan, Labuda, Rosenthal, Schafer.

AN ACT

CONCERNING CRIMINAL RECORD SEALING PROVISIONS, AND, IN CONNECTION THEREWITH,
RELOCATING THE RECORD SEALING PROVISIONS IN A NEW PART, CLARIFYING WHEN AN ARREST
RECORD CAN BE SEALED, AND MAKING OTHER CLARIFYING CHANGES.

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

SECTION 1. In Colorado Revised Statutes, 18-1.3-101, **amend** (10) (c) as follows:

18-1.3-101. Pretrial diversion. (10) **Diversion outcomes.** (c) At any point after a diversion agreement is ~~entered~~ COMPLETED a defendant may petition the court to seal all arrest and other criminal records pertaining to the offense, using the procedure described in ~~section 24-72-308~~ SECTION 24-72-702, C.R.S. Unless otherwise prohibited under ~~section 24-72-308 (3) (a)~~ SECTION 24-72-702 (4) (a), C.R.S., the court shall issue a sealing order if requested by the defendant following successful completion of a diversion agreement.

SECTION 2. In Colorado Revised Statutes, **repeal** 24-72-308, 24-72-308.5, 24-72-308.6, 24-72-308.7, 24-72-308.8, and 24-72-308.9.

SECTION 3. In Colorado Revised Statutes, **add** part 7 to article 72 of title 24 as follows:

PART 7
CRIMINAL JUSTICE RECORD SEALING

24-72-701. Definitions. AS USED IN THIS PART 7, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

(1) "ARREST AND CRIMINAL RECORDS INFORMATION" HAS THE SAME MEANING AS DEFINED IN SECTION 24-72-302.

(2) "BASIC IDENTIFICATION INFORMATION" HAS THE SAME MEANING AS DEFINED IN SECTION 24-72-302.

(3) "CONVICTION RECORDS" MEANS ARREST AND CRIMINAL RECORDS INFORMATION AND ANY RECORDS PERTAINING TO A JUDGMENT OF CONVICTION.

(4) "CRIMINAL JUSTICE AGENCIES" HAS THE SAME MEANING AS DEFINED IN SECTION 24-72-302.

(5) "CUSTODIAN" HAS THE SAME MEANING AS DEFINED IN SECTION 24-72-302.

(6) "OFFICIAL ACTIONS" HAS THE SAME MEANING AS DEFINED IN SECTION 24-72-302.

(7) "PERSON IN INTEREST" HAS THE SAME MEANING AS DEFINED IN SECTION 24-72-302.

(8) "PRIVATE CUSTODIAN" HAS THE SAME MEANING AS DEFINED IN SECTION 24-72-302.

24-72-702. Sealing of arrest and criminal records other than convictions.

(1) (a) (I) EXCEPT AS OTHERWISE PROVIDED IN 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 THE PERSON IN INTEREST IS LOCATED FOR THE SEALING OF ALL OF THE RECORDS, EXCEPT BASIC IDENTIFICATION INFORMATION, IF THE RECORDS ARE A RECORD OF OFFICIAL ACTIONS INVOLVING A CRIMINAL OFFENSE FOR WHICH THE PERSON IN INTEREST COMPLETED A DIVERSION AGREEMENT PURSUANT TO SECTION 18-1.3-101, C.R.S., OR WAS NOT CHARGED AND THE STATUTE OF LIMITATIONS FOR THE OFFENSE FOR WHICH THE PERSON WAS ARRESTED THAT HAS THE LONGEST STATUTE OF LIMITATIONS HAS RUN, OR WAS NOT CHARGED AND THE STATUTE OF LIMITATIONS HAS NOT RUN BUT THE PERSON IS NO LONGER BEING INVESTIGATED BY LAW ENFORCEMENT FOR COMMISSION OF THE OFFENSE, OR IN ANY CASE WHICH WAS COMPLETELY DISMISSED, OR IN ANY CASE IN WHICH THE PERSON IN INTEREST WAS ACQUITTED.

(II) 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;

(B) A DISMISSAL OCCURS AS PART OF A PLEA AGREEMENT IN A SEPARATE CASE;
OR

(C) THE DEFENDANT STILL OWES RESTITUTION, FINES, COURT COSTS, LATE FEES, OR OTHER FEES ORDERED BY THE COURT IN THE CASE THAT IS THE SUBJECT OF THE PETITION TO SEAL CRIMINAL RECORDS, UNLESS THE COURT THAT ENTERED THE

ORDER FOR RESTITUTION, FINES, COURT COSTS, LATE FEES, OR OTHER FEES HAS VACATED THE ORDER.

(III) A PERSON IN INTEREST MAY PETITION THE DISTRICT COURT OF THE DISTRICT IN WHICH ANY ARREST AND CRIMINAL RECORDS INFORMATION PERTAINING TO THE PERSON IN INTEREST IS LOCATED FOR THE SEALING OF ALL OF SAID RECORDS, EXCEPT BASIC IDENTIFICATION INFORMATION, IF THE RECORDS ARE RECORDS OF OFFICIAL ACTIONS INVOLVING A CASE THAT WAS DISMISSED DUE TO A PLEA AGREEMENT IN A SEPARATE CASE, AND IF:

(A) THE PETITION IS FILED TEN 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 A CRIMINAL OFFENSE IN THE TEN YEARS SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE PERSON IN INTEREST.

(b) (I) ANY PETITION TO SEAL CRIMINAL RECORDS SHALL INCLUDE A LISTING OF EACH CUSTODIAN OF THE RECORDS TO WHOM THE SEALING ORDER IS DIRECTED AND ANY INFORMATION THAT ACCURATELY AND COMPLETELY IDENTIFIES THE RECORDS TO BE SEALED.

(II) (A) UPON THE FILING OF A PETITION, THE COURT SHALL REVIEW THE PETITION AND DETERMINE WHETHER THE PETITION IS SUFFICIENT ON ITS FACE. 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, OR AS PERMITTED SERVE THE ORDER UNDER SUPREME COURT RULES. THE COURT'S ORDER SHALL SPECIFY THE REASONS FOR THE DENIAL OF THE PETITION. IF THE PETITION PERTAINS TO A DISMISSAL THAT IS NOT THE RESULT OF A COMPLETION OF A DEFERRED JUDGMENT AND SENTENCE OR A MULTI-CASE DISPOSITION, THE COURT SHALL ORDER A RECORD SEALED IF THE PETITION IS SUFFICIENT ON ITS FACE.

(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. EXCEPT AS PROVIDED FOR IN SECTION 18-1.3-101 (10) (c), C.R.S., AFTER THE HEARING DESCRIBED IN THIS SUB-SUBPARAGRAPH (B) IS CONDUCTED AND IF THE COURT FINDS THAT THE HARM TO THE PRIVACY OF THE PETITIONER OR DANGERS OF UNWARRANTED ADVERSE CONSEQUENCES TO THE PETITIONER OUTWEIGH THE PUBLIC INTEREST IN RETAINING THE RECORDS, THE COURT MAY ORDER SUCH RECORDS, EXCEPT BASIC IDENTIFICATION INFORMATION, TO BE SEALED.

(c) ANY ORDER ENTERED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1) MUST BE DIRECTED TO EVERY CUSTODIAN WHO MAY HAVE CUSTODY OF ANY PART OF THE ARREST AND CRIMINAL RECORDS INFORMATION THAT IS THE SUBJECT OF THE ORDER. WHENEVER A COURT ENTERS AN ORDER SEALING CRIMINAL RECORDS

PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1), THE PETITIONER SHALL PROVIDE THE COLORADO BUREAU OF INVESTIGATION AND EVERY CUSTODIAN OF SUCH RECORDS WITH A COPY OF THE ORDER. THE PETITIONER SHALL PROVIDE A PRIVATE CUSTODIAN WITH A COPY OF THE ORDER AND SEND THE PRIVATE CUSTODIAN AN ELECTRONIC NOTIFICATION OF THE ORDER. EACH PRIVATE CUSTODIAN THAT RECEIVES A COPY OF THE ORDER FROM THE PETITIONER SHALL REMOVE THE RECORDS THAT ARE SUBJECT TO AN ORDER FROM ITS DATABASE. THEREAFTER, THE COURT MAY ISSUE AN ORDER SEALING THE CIVIL CASE IN WHICH THE RECORDS WERE SEALED.

(d) UPON THE ENTRY OF AN ORDER TO SEAL THE RECORDS, THE PETITIONER AND ALL CRIMINAL JUSTICE AGENCIES MAY PROPERLY REPLY, UPON ANY INQUIRY IN THE MATTER, THAT NO SUCH RECORDS EXIST WITH RESPECT TO THE PERSON.

(e) INSPECTION OF THE RECORDS INCLUDED IN AN ORDER SEALING CRIMINAL RECORDS MAY THEREAFTER BE PERMITTED BY THE COURT ONLY UPON PETITION BY THE PERSON WHO IS THE SUBJECT OF THE RECORDS OR BY THE PROSECUTING ATTORNEY AND ONLY FOR THOSE PURPOSES NAMED IN THE PETITION.

(f)(I) EMPLOYERS, EDUCATIONAL INSTITUTIONS, STATE AND LOCAL GOVERNMENT AGENCIES, OFFICIALS, AND EMPLOYEES SHALL NOT, IN ANY APPLICATION OR INTERVIEW OR IN ANY OTHER WAY, REQUIRE AN APPLICANT TO DISCLOSE ANY INFORMATION CONTAINED IN SEALED RECORDS. AN APPLICANT NEED NOT, IN ANSWER TO ANY QUESTION CONCERNING ARREST AND CRIMINAL RECORDS INFORMATION THAT HAS BEEN SEALED, INCLUDE A REFERENCE TO OR INFORMATION CONCERNING THE SEALED INFORMATION AND MAY STATE THAT NO SUCH ACTION HAS EVER OCCURRED. SUCH AN APPLICATION MAY NOT BE DENIED SOLELY BECAUSE OF THE APPLICANT'S REFUSAL TO DISCLOSE ARREST AND CRIMINAL RECORDS INFORMATION THAT HAS BEEN SEALED.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) DOES NOT PRECLUDE THE BAR COMMITTEE OF THE COLORADO STATE BOARD OF LAW EXAMINERS FROM MAKING FURTHER INQUIRIES INTO THE FACT OF A CONVICTION THAT COMES TO THE ATTENTION OF THE BAR COMMITTEE THROUGH OTHER MEANS. THE BAR COMMITTEE OF THE COLORADO STATE BOARD OF LAW EXAMINERS HAS A RIGHT TO INQUIRE INTO THE MORAL AND ETHICAL QUALIFICATIONS OF AN APPLICANT, AND THE APPLICANT HAS NO RIGHT TO PRIVACY OR PRIVILEGE THAT JUSTIFIES HIS OR HER REFUSAL TO ANSWER TO ANY QUESTION CONCERNING ARREST AND CRIMINAL RECORDS INFORMATION THAT HAS COME TO THE ATTENTION OF THE BAR COMMITTEE THROUGH OTHER MEANS.

(III) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (f), THE DEPARTMENT OF EDUCATION MAY REQUIRE A LICENSED EDUCATOR OR AN APPLICANT FOR AN EDUCATOR'S LICENSE WHO FILES A PETITION TO SEAL A CRIMINAL RECORD TO NOTIFY THE DEPARTMENT OF EDUCATION OF THE PENDING PETITION TO SEAL. THE DEPARTMENT OF EDUCATION HAS THE RIGHT TO INQUIRE INTO THE FACTS OF THE CRIMINAL OFFENSE FOR WHICH THE PETITION TO SEAL IS PENDING. THE EDUCATOR OR APPLICANT HAS NO RIGHT TO PRIVACY OR PRIVILEGE THAT JUSTIFIES HIS OR HER REFUSAL TO ANSWER ANY QUESTIONS OF THE DEPARTMENT OF EDUCATION CONCERNING THE ARREST AND CRIMINAL RECORDS INFORMATION CONTAINED IN THE PENDING PETITION TO SEAL.

(g) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AUTHORIZE THE PHYSICAL DESTRUCTION OF ANY CRIMINAL JUSTICE RECORDS.

(2) FOR THE PURPOSE OF PROTECTING THE AUTHOR OF ANY CORRESPONDENCE THAT BECOMES A PART OF CRIMINAL JUSTICE RECORDS, THE COURT HAVING JURISDICTION IN THE JUDICIAL DISTRICT IN WHICH THE CRIMINAL JUSTICE RECORDS ARE LOCATED MAY, IN ITS DISCRETION, WITH OR WITHOUT A HEARING THEREON, ENTER AN ORDER TO SEAL ANY INFORMATION, INCLUDING BUT NOT LIMITED TO BASIC IDENTIFICATION INFORMATION CONTAINED IN THE CORRESPONDENCE. HOWEVER, THE COURT MAY, IN ITS DISCRETION, ENTER AN ORDER THAT ALLOWS THE DISCLOSURE OF SEALED INFORMATION TO DEFENSE COUNSEL OR, IF THE DEFENDANT IS NOT REPRESENTED BY COUNSEL, TO THE DEFENDANT.

(3) **Advisements.** (a) WHENEVER A DEFENDANT HAS APPEARED BEFORE THE COURT AND HAS CHARGES AGAINST HIM OR HER DISMISSED OR NOT FILED, OR WHENEVER THE DEFENDANT IS ACQUITTED, THE COURT SHALL PROVIDE HIM OR HER WITH A WRITTEN ADVISEMENT OF HIS OR HER RIGHTS PURSUANT TO THIS SECTION CONCERNING THE SEALING OF HIS OR HER CRIMINAL JUSTICE RECORDS IF HE OR SHE COMPLIES WITH THE APPLICABLE PROVISIONS OF THIS SECTION.

(b) IN ADDITION TO, AND NOT IN LIEU OF, THE REQUIREMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3):

(I) IF A DEFENDANT'S CASE IS DISMISSED AFTER A PERIOD OF SUPERVISION BY PROBATION, THE PROBATION DEPARTMENT, UPON THE TERMINATION OF THE DEFENDANT'S PROBATION, SHALL PROVIDE THE DEFENDANT WITH A WRITTEN ADVISEMENT OF HIS OR HER RIGHTS PURSUANT TO THIS SECTION CONCERNING THE SEALING OF HIS OR HER CRIMINAL JUSTICE RECORDS IF HE OR SHE COMPLIES WITH THE APPLICABLE PROVISIONS OF THIS SECTION; OR

(II) IF A DEFENDANT IS RELEASED ON PAROLE, THE DEFENDANT'S PAROLE OFFICER, UPON THE TERMINATION OF THE DEFENDANT'S PAROLE, SHALL PROVIDE THE DEFENDANT WITH A WRITTEN ADVISEMENT OF HIS OR HER RIGHTS CONCERNING THE SEALING OF HIS OR HER CRIMINAL JUSTICE RECORDS PURSUANT TO THIS SECTION IF HE OR SHE COMPLIES WITH THE APPLICABLE PROVISIONS OF THIS SECTION.

(4) **Exceptions.** (a) THIS SECTION DOES NOT APPLY TO RECORDS PERTAINING TO CASES WHEN THE ONLY CHARGES WERE AS FOLLOWS:

(I) A CLASS 1 OR CLASS 2 MISDEMEANOR TRAFFIC OFFENSE;

(II) A CLASS A OR CLASS B TRAFFIC INFRACTION.

(b) COURT ORDERS SEALING RECORDS OF OFFICIAL ACTIONS ENTERED PURSUANT TO THIS SECTION DO NOT LIMIT THE OPERATION OF RULES OF DISCOVERY PROMULGATED BY THE SUPREME COURT OF COLORADO.

(c) THIS SECTION SHALL NOT APPLY TO RECORDS PERTAINING TO A DEFERRED JUDGMENT AND SENTENCE FOR AN OFFENSE FOR WHICH THE FACTUAL BASIS INVOLVED UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9), C.R.S.

(d) THIS SECTION SHALL NOT APPLY TO RECORDS PERTAINING TO A DEFERRED JUDGMENT AND SENTENCE OF SECTION 42-4-1301(1) OR (2), C.R.S.

(e) THIS SECTION SHALL NOT APPLY TO ARREST AND CRIMINAL JUSTICE INFORMATION OR CRIMINAL JUSTICE RECORDS IN THE POSSESSION AND CUSTODY OF A CRIMINAL JUSTICE AGENCY WHEN INQUIRY CONCERNING THE ARREST AND CRIMINAL JUSTICE INFORMATION OR CRIMINAL JUSTICE RECORDS IS MADE BY ANOTHER CRIMINAL JUSTICE AGENCY.

(f) THIS SECTION SHALL NOT APPLY TO RECORDS PERTAINING TO A DEFERRED JUDGMENT AND SENTENCE FOR AN OFFENSE CONCERNING THE HOLDER OF A COMMERCIAL DRIVER'S LICENSE AS DEFINED IN SECTION 42-2-402, C.R.S., OR THE OPERATOR OF A COMMERCIAL MOTOR VEHICLE AS DEFINED IN SECTION 42-2-402, C.R.S.

(g) IF A PERSON WHO SEEKS TO HAVE HIS OR HER ARREST RECORDS SEALED FOR CHARGES THAT ARE NOT COVERED BY PARAGRAPH (a) OF THIS SUBSECTION (4), THE FACT THAT THE PERSON WAS CHARGED FOR A CRIME COVERED IN PARAGRAPH (a) OF THIS SUBSECTION (4) AS A PART OF THE SAME ARREST DOES NOT PROHIBIT A COURT FROM SEALING THE ARREST RECORDS RELATED TO THE CHARGES THAT ARE NOT COVERED IN PARAGRAPH (a) OF THIS SUBSECTION (4).

(5) A PERSON MAY FILE A PETITION WITH THE COURT FOR SEALING OF EACH CASE ONCE EVERY TWELVE-MONTH PERIOD.

24-72-703. Sealing criminal conviction records - advisements - discovery - order applicability - general provisions. (1) **Advisements.** (a) WHENEVER A DEFENDANT IS SENTENCED FOLLOWING A CONVICTION FOR AN OFFENSE DESCRIBED IN SECTIONS 24-72-704 TO 24-72-708, THE COURT SHALL PROVIDE HIM OR HER WITH A WRITTEN ADVISEMENT OF HIS OR HER RIGHTS CONCERNING THE SEALING OF HIS OR HER CONVICTION RECORDS PURSUANT TO THIS SECTION IF HE OR SHE COMPLIES WITH THE APPLICABLE PROVISIONS OF THIS SECTION.

(b) IN ADDITION TO, AND NOT IN LIEU OF, THE REQUIREMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1):

(I) IF A DEFENDANT IS SENTENCED TO PROBATION FOLLOWING A CONVICTION FOR AN OFFENSE DESCRIBED IN SECTIONS 24-72-703 TO 24-72-707, THE PROBATION DEPARTMENT, UPON THE TERMINATION OF THE DEFENDANT'S PROBATION, SHALL PROVIDE THE DEFENDANT WITH A WRITTEN ADVISEMENT OF HIS OR HER RIGHTS CONCERNING THE SEALING OF HIS OR HER CONVICTION RECORDS PURSUANT TO THIS SECTION IF HE OR SHE COMPLIES WITH THE APPLICABLE PROVISIONS OF THIS SECTION; OR

(II) IF A DEFENDANT IS RELEASED ON PAROLE FOLLOWING A CONVICTION FOR AN OFFENSE DESCRIBED IN SECTIONS 24-72-703 TO 24-72-707, THE DEFENDANT'S PAROLE OFFICER, UPON THE TERMINATION OF THE DEFENDANT'S PAROLE, SHALL PROVIDE THE DEFENDANT WITH A WRITTEN ADVISEMENT OF HIS OR HER RIGHTS CONCERNING THE SEALING OF HIS OR HER CONVICTION RECORDS PURSUANT TO THIS SECTION IF HE OR SHE COMPLIES WITH THE APPLICABLE PROVISIONS OF THIS SECTION.

(2) Rules of discovery - rules of evidence - witness testimony. COURT ORDERS SEALING RECORDS OF OFFICIAL ACTIONS PURSUANT TO THIS PART 7 DO NOT LIMIT THE OPERATIONS OF:

(a) THE RULES OF DISCOVERY OR THE RULES OF EVIDENCE PROMULGATED BY THE SUPREME COURT OF COLORADO OR ANY OTHER STATE OR FEDERAL COURT; OR

(b) THE PROVISIONS OF SECTION 13-90-101, C.R.S., CONCERNING WITNESS TESTIMONY.

(3) A PERSON MAY ONLY FILE A PETITION WITH THE COURT FOR SEALING OF EACH CASE ONCE EVERY TWELVE-MONTH PERIOD.

(4) Effect of a sealing order. (a) AN ORDER SEALING CONVICTION RECORDS DOES NOT DENY ACCESS TO THE CRIMINAL RECORDS OF A DEFENDANT BY ANY COURT, LAW ENFORCEMENT AGENCY, CRIMINAL JUSTICE AGENCY, PROSECUTING ATTORNEY, OR PARTY OR AGENCY REQUIRED BY LAW TO CONDUCT A CRIMINAL HISTORY RECORD CHECK ON AN INDIVIDUAL. AN ORDER SEALING CONVICTION RECORDS IS NOT CONSTRUED TO VACATE A CONVICTION. A CONVICTION SEALED PURSUANT TO THIS SECTION MAY BE USED BY A CRIMINAL JUSTICE AGENCY, LAW ENFORCEMENT AGENCY, COURT, OR PROSECUTING ATTORNEY FOR ANY LAWFUL PURPOSE RELATING TO THE INVESTIGATION OR PROSECUTION OF ANY CASE, INCLUDING BUT NOT LIMITED TO ANY SUBSEQUENT CASE THAT IS FILED AGAINST THE DEFENDANT, OR FOR ANY OTHER LAWFUL PURPOSE WITHIN THE SCOPE OF HIS, HER, OR ITS DUTIES. IF A DEFENDANT IS CONVICTED OF A NEW CRIMINAL OFFENSE AFTER AN ORDER SEALING CONVICTION RECORDS IS ENTERED, THE COURT SHALL ORDER THE CONVICTION RECORDS TO BE UNSEALED. A PARTY OR AGENCY REQUIRED BY LAW TO CONDUCT A CRIMINAL HISTORY RECORD CHECK IS AUTHORIZED TO USE ANY SEALED CONVICTION FOR THE LAWFUL PURPOSE FOR WHICH THE CRIMINAL HISTORY RECORD CHECK IS REQUIRED BY LAW.

(b) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION (4), UPON THE ENTRY OF AN ORDER TO SEAL THE CONVICTION RECORDS, THE DEFENDANT AND ALL CRIMINAL JUSTICE AGENCIES MAY PROPERLY REPLY, UPON AN INQUIRY IN THE MATTER, THAT PUBLIC CONVICTION RECORDS DO NOT EXIST WITH RESPECT TO THE DEFENDANT.

(c) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION (4), INSPECTION OF THE RECORDS INCLUDED IN AN ORDER SEALING CONVICTION RECORDS MAY THEREAFTER BE PERMITTED BY THE COURT ONLY UPON PETITION BY THE DEFENDANT.

(d) (I) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION (4) OR IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH (d), EMPLOYERS, STATE AND LOCAL GOVERNMENT AGENCIES, OFFICIALS, LANDLORDS, AND EMPLOYEES SHALL NOT, IN ANY APPLICATION OR INTERVIEW OR IN ANY OTHER WAY, REQUIRE AN APPLICANT TO DISCLOSE ANY INFORMATION CONTAINED IN SEALED CONVICTION RECORDS. AN APPLICANT NEED NOT, IN ANSWER TO ANY QUESTION CONCERNING CONVICTION RECORDS THAT HAVE BEEN SEALED, INCLUDE A REFERENCE TO OR INFORMATION CONCERNING THE SEALED CONVICTION RECORDS AND MAY STATE THAT THE APPLICANT HAS NOT BEEN CRIMINALLY CONVICTED. AN APPLICATION MAY

NOT BE DENIED SOLELY BECAUSE OF THE APPLICANT'S REFUSAL TO DISCLOSE CONVICTION RECORDS THAT HAVE BEEN SEALED.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) DOES NOT PRECLUDE THE BAR COMMITTEE OF THE COLORADO STATE BOARD OF LAW EXAMINERS FROM MAKING FURTHER INQUIRIES INTO THE FACT OF A CONVICTION THAT COMES TO THE ATTENTION OF THE BAR COMMITTEE THROUGH OTHER MEANS. THE BAR COMMITTEE OF THE COLORADO STATE BOARD OF LAW EXAMINERS HAS A RIGHT TO INQUIRE INTO THE MORAL AND ETHICAL QUALIFICATIONS OF AN APPLICANT, AND THE APPLICANT HAS NO RIGHT TO PRIVACY OR PRIVILEGE THAT JUSTIFIES HIS OR HER REFUSAL TO ANSWER A QUESTION CONCERNING SEALED CONVICTION RECORDS THAT HAVE COME TO THE ATTENTION OF THE BAR COMMITTEE THROUGH OTHER MEANS.

(III) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) SHALL NOT APPLY TO A CRIMINAL JUSTICE AGENCY OR TO AN APPLICANT TO A CRIMINAL JUSTICE AGENCY.

(IV) ANY MEMBER OF THE PUBLIC MAY PETITION THE COURT TO UNSEAL ANY FILE THAT HAS BEEN PREVIOUSLY SEALED UPON A SHOWING THAT CIRCUMSTANCES HAVE COME INTO EXISTENCE SINCE THE ORIGINAL SEALING AND, AS A RESULT, THE PUBLIC INTEREST IN DISCLOSURE NOW OUTWEIGHS THE DEFENDANT'S INTEREST IN PRIVACY.

(5) THE OFFICE OF THE STATE COURT ADMINISTRATOR SHALL POST ON ITS WEB SITE A LIST OF ALL PETITIONS TO SEAL CONVICTION RECORDS THAT ARE FILED WITH A DISTRICT COURT. A DISTRICT COURT MAY NOT GRANT A PETITION TO SEAL CONVICTION RECORDS UNTIL AT LEAST THIRTY DAYS AFTER THE POSTING. AFTER THE EXPIRATION OF THIRTY DAYS FOLLOWING THE POSTING, THE PETITION TO SEAL CONVICTION RECORDS AND INFORMATION PERTINENT THERETO MUST BE REMOVED FROM THE WEB SITE OF THE OFFICE OF THE STATE COURT ADMINISTRATOR.

(6) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AUTHORIZE THE PHYSICAL DESTRUCTION OF ANY CONVICTION RECORDS.

(7) NOTWITHSTANDING ANY PROVISION IN THIS PART 7 TO THE CONTRARY, IN REGARD TO ANY CONVICTION OF A DEFENDANT RESULTING FROM A SINGLE CASE IN WHICH THE DEFENDANT IS CONVICTED OF MORE THAN ONE OFFENSE, RECORDS OF THE CONVICTION MAY BE SEALED PURSUANT TO THE PROVISIONS OF THIS PART 7 ONLY IF THE RECORDS OF EVERY CONVICTION OF THE DEFENDANT RESULTING FROM THAT CASE MAY BE SEALED PURSUANT TO THE PROVISIONS OF THIS PART 7.

(8) CONVICTION RECORDS MAY NOT BE SEALED IF THE DEFENDANT STILL OWES RESTITUTION, FINES, COURT COSTS, LATE FEES, OR OTHER FEES ORDERED BY THE COURT IN THE CASE THAT IS THE SUBJECT OF THE PETITION TO SEAL CONVICTION RECORDS, UNLESS THE COURT THAT ENTERED THE ORDER FOR RESTITUTION, FINES, COURT COSTS, LATE FEES, OR OTHER FEES HAS VACATED THE ORDER.

(9) A PETITION TO SEAL CONVICTION RECORDS PURSUANT TO THIS SECTION SHALL INCLUDE A LISTING OF EACH CUSTODIAN OF THE RECORDS TO WHOM THE SEALING ORDER IS DIRECTED AND ANY INFORMATION THAT ACCURATELY AND COMPLETELY IDENTIFIES THE RECORDS TO BE SEALED. A VERIFIED COPY OF THE DEFENDANT'S CRIMINAL HISTORY, CURRENT THROUGH AT LEAST THE TWENTIETH DAY BEFORE THE

DATE OF THE FILING OF THE PETITION, MUST BE SUBMITTED TO THE COURT BY THE DEFENDANT ALONG WITH THE PETITION AT THE TIME OF FILING, BUT IN NO EVENT LATER THAN THE TENTH DAY AFTER THE PETITION IS FILED. THE DEFENDANT SHALL BE RESPONSIBLE FOR OBTAINING AND PAYING FOR HIS OR HER CRIMINAL HISTORY RECORD.

24-72-704. Sealing of criminal conviction records information for offenses involving controlled substances for convictions entered on or after July 1, 2008, and prior to July 1, 2011. (1) **Sealing of conviction records.** (a) (I) SUBJECT TO THE LIMITATIONS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, A DEFENDANT MAY PETITION THE DISTRICT COURT OF THE DISTRICT IN WHICH ANY CONVICTION RECORDS PERTAINING TO THE DEFENDANT ARE LOCATED FOR THE SEALING OF THE CONVICTION RECORDS, EXCEPT BASIC IDENTIFYING INFORMATION, IF:

(A) THE PETITION IS FILED TEN OR MORE YEARS AFTER THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION CONCERNING A CRIMINAL CONVICTION, WHICHEVER IS LATER; AND

(B) THE DEFENDANT HAS NOT BEEN CHARGED OR CONVICTED FOR A CRIMINAL OFFENSE IN THE TEN OR MORE YEARS SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER.

(b) (I) 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 DEFENDANT 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 DEFENDANT. THE COURT'S ORDER SHALL SPECIFY THE REASONS FOR THE DENIAL OF THE PETITION.

(II) 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 DEFENDANT SHALL NOTIFY BY CERTIFIED MAIL THE PROSECUTING ATTORNEY, THE ARRESTING AGENCY, AND ANY OTHER PERSON OR AGENCY IDENTIFIED BY THE DEFENDANT.

(c) AFTER THE HEARING DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (1) IS CONDUCTED AND IF THE COURT FINDS THAT THE HARM TO THE PRIVACY OF THE DEFENDANT OR THE DANGERS OF UNWARRANTED, ADVERSE CONSEQUENCES TO THE DEFENDANT OUTWEIGH THE PUBLIC INTEREST IN RETAINING THE CONVICTION RECORDS, THE COURT MAY ORDER THE CONVICTION RECORDS, EXCEPT BASIC IDENTIFICATION INFORMATION, TO BE SEALED. IN MAKING THIS DETERMINATION, THE COURT SHALL, AT A MINIMUM, CONSIDER THE SEVERITY OF THE OFFENSE THAT IS THE BASIS OF THE CONVICTION RECORDS SOUGHT TO BE SEALED, THE CRIMINAL HISTORY OF THE DEFENDANT, THE NUMBER OF CONVICTIONS AND DATES OF THE CONVICTIONS FOR WHICH THE DEFENDANT IS SEEKING TO HAVE THE RECORDS SEALED, AND THE NEED FOR THE GOVERNMENT AGENCY TO RETAIN THE

RECORDS. AN ORDER ENTERED PURSUANT TO THIS PARAGRAPH (c) SHALL BE DIRECTED TO EACH CUSTODIAN WHO MAY HAVE CUSTODY OF ANY PART OF THE CONVICTION RECORDS THAT ARE THE SUBJECT OF THE ORDER. WHENEVER A COURT ENTERS AN ORDER SEALING CONVICTION RECORDS PURSUANT TO THIS PARAGRAPH (c), THE DEFENDANT SHALL PROVIDE THE COLORADO BUREAU OF INVESTIGATION AND EACH CUSTODIAN OF THE CONVICTION RECORDS WITH A COPY OF THE ORDER. THE PETITIONER SHALL PROVIDE A PRIVATE CUSTODIAN WITH A COPY OF THE ORDER AND SEND THE PRIVATE CUSTODIAN AN ELECTRONIC NOTIFICATION OF THE ORDER. EACH PRIVATE CUSTODIAN THAT RECEIVES A COPY OF THE ORDER FROM THE PETITIONER SHALL REMOVE THE RECORDS THAT ARE SUBJECT TO AN ORDER FROM ITS DATABASE. THE DEFENDANT SHALL PAY TO THE BUREAU ANY COSTS RELATED TO THE SEALING OF HIS OR HER CRIMINAL CONVICTION RECORDS IN THE CUSTODY OF THE BUREAU. THEREAFTER, THE DEFENDANT MAY REQUEST AND THE COURT MAY GRANT AN ORDER SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS WERE SEALED.

(2) **Applicability.** (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), THE PROVISIONS OF THIS SECTION APPLY ONLY TO CONVICTION RECORDS PERTAINING TO JUDGMENTS OF CONVICTION ENTERED ON AND AFTER JULY 1, 2008, AND PRIOR TO JULY 1, 2011, FOR:

(I) ANY PETTY OFFENSE IN VIOLATION OF A PROVISION OF ARTICLE 18 OF TITLE 18, C.R.S.;

(II) ANY MISDEMEANOR IN VIOLATION OF A PROVISION OF ARTICLE 18 OF TITLE 18, C.R.S.;

(III) ANY CLASS 5 OR CLASS 6 FELONY IN VIOLATION OF A PROVISION OF ARTICLE 18 OF TITLE 18, C.R.S.; EXCEPT THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO CONVICTION RECORDS PERTAINING TO A JUDGMENT OF CONVICTION FOR A CLASS 5 OR CLASS 6 FELONY FOR THE SALE, MANUFACTURING, OR DISPENSING OF A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102(5), C.R.S.; ATTEMPT OR CONSPIRACY TO COMMIT THE SALE, MANUFACTURING, OR DISPENSING OF A CONTROLLED SUBSTANCE; OR POSSESSION WITH THE INTENT TO MANUFACTURE, DISPENSE, OR SELL A CONTROLLED SUBSTANCE;

(IV) ANY OFFENSE THAT WOULD BE CLASSIFIED AS A CLASS 5 OR 6 FELONY IN VIOLATION OF A PROVISION OF ARTICLE 18 OF TITLE 18, C.R.S., IF THE OFFENSE WERE TO HAVE OCCURRED ON JULY 1, 2008.

(b) FOR ANY JUDGMENT OF CONVICTION ENTERED PRIOR TO JULY 1, 2008, FOR WHICH THE DEFENDANT WOULD OTHERWISE QUALIFY FOR RELIEF UNDER THIS SECTION, THE DEFENDANT MAY OBTAIN AN ORDER FROM THE COURT TO SEAL CONVICTION RECORDS IF:

(I) THE PROSECUTING ATTORNEY DOES NOT OBJECT TO THE SEALING; AND

(II) THE DEFENDANT PAYS TO THE OFFICE OF THE PROSECUTING ATTORNEY ALL REASONABLE ATTORNEY FEES AND COSTS OF THE PROSECUTING ATTORNEY RELATING TO THE PETITION TO SEAL PRIOR TO THE ENTRY OF AN ORDER SEALING THE CONVICTION RECORDS; AND

(III) THE DEFENDANT PAYS:

(A) THE FILING FEE REQUIRED BY LAW; AND

(B) AN ADDITIONAL FILING FEE OF TWO HUNDRED DOLLARS TO COVER THE ACTUAL COSTS RELATED TO THE FILING OF THE PETITION TO SEAL RECORDS.

(c) THE ADDITIONAL FILING FEES COLLECTED UNDER SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF PARAGRAPH (b) OF THIS SUBSECTION (2) MUST BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (6), C.R.S.

(d) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO CONVICTION RECORDS THAT ARE IN THE POSSESSION OF A CRIMINAL JUSTICE AGENCY WHEN AN INQUIRY CONCERNING THE CONVICTION RECORDS IS MADE BY ANOTHER CRIMINAL JUSTICE AGENCY.

24-72-705. Sealing of criminal conviction records information for offenses involving controlled substances for convictions entered on or after July 1, 2011.

(1) **Sealing of conviction records.** (a) SUBJECT TO THE LIMITATIONS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, A DEFENDANT MAY PETITION THE DISTRICT COURT OF THE DISTRICT IN WHICH ANY CONVICTION RECORDS PERTAINING TO THE DEFENDANT ARE LOCATED FOR THE SEALING OF THE CONVICTION RECORDS, EXCEPT BASIC IDENTIFYING INFORMATION, IF THE PETITION IS FILED WITHIN THE TIME FRAME DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (1).

(b) (I) IF THE OFFENSE IS A PETTY OFFENSE OR A CLASS 2 OR 3 MISDEMEANOR IN ARTICLE 18 OF TITLE 18, C.R.S., THE PETITION MAY BE FILED THREE YEARS AFTER THE LATER OF THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION CONCERNING A CRIMINAL CONVICTION.

(II) IF THE OFFENSE IS A CLASS 1 MISDEMEANOR IN ARTICLE 18 OF TITLE 18, C.R.S., THE PETITION MAY BE FILED FIVE YEARS AFTER THE LATER OF THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION CONCERNING A CRIMINAL CONVICTION.

(III) IF THE OFFENSE IS A CLASS 5 FELONY OR CLASS 6 FELONY DRUG POSSESSION OFFENSE DESCRIBED IN SECTION 18-18-403.5, C.R.S., AS IT EXISTED PRIOR TO OCTOBER 1, 2013, SECTION 18-18-404, C.R.S., OR SECTION 18-18-405, C.R.S., AS IT EXISTED PRIOR TO AUGUST 11, 2010, THE PETITION MAY BE FILED SEVEN YEARS AFTER THE LATER OF THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION CONCERNING A CRIMINAL CONVICTION.

(IV) FOR ALL OTHER OFFENSES IN ARTICLE 18 OF TITLE 18, C.R.S., THE PETITION MAY BE FILED TEN YEARS AFTER THE LATER OF THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION CONCERNING A CRIMINAL CONVICTION.

(c) (I) IF THE OFFENSE IS A PETTY DRUG OFFENSE IN ARTICLE 18 OF TITLE 18, C.R.S., THE PETITION MAY BE FILED ONE YEAR AFTER THE LATER OF THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION CONCERNING A CRIMINAL CONVICTION.

(II) IF THE OFFENSE IS A LEVEL 2 DRUG MISDEMEANOR IN ARTICLE 18 OF TITLE 18, C.R.S., THE PETITION MAY BE FILED THREE YEARS AFTER THE LATER OF THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION CONCERNING A CRIMINAL CONVICTION.

(III) IF THE OFFENSE IS A LEVEL 1 DRUG MISDEMEANOR IN ARTICLE 18 OF TITLE 18, C.R.S., THE PETITION MAY BE FILED FIVE YEARS AFTER THE LATER OF THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION CONCERNING A CRIMINAL CONVICTION.

(IV) IF THE OFFENSE IS A LEVEL 4 DRUG FELONY, THE PETITION MAY BE FILED SEVEN YEARS AFTER THE LATER OF THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION CONCERNING A CRIMINAL CONVICTION.

(V) FOR ALL OTHER FELONY DRUG OFFENSES IN ARTICLE 18 OF TITLE 18, C.R.S., THE PETITION MAY BE FILED TEN YEARS AFTER THE LATER OF THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION CONCERNING A CRIMINAL CONVICTION.

(d) (I) IF A PETITION IS FILED FOR THE SEALING OF A PETTY OFFENSE IN ARTICLE 18 OF TITLE 18, C.R.S., THE COURT SHALL ORDER THE RECORD SEALED AFTER THE PETITION IS FILED, THE FILING FEE IS PAID, AND THE CRIMINAL HISTORY FILED WITH THE PETITION AS REQUIRED BY SECTION 24-72-703 (9) DOCUMENTS TO THE COURT THAT THE DEFENDANT HAS NOT BEEN CHARGED OR CONVICTED FOR A CRIMINAL OFFENSE SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR SINCE THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER.

(II) IF A PETITION IS FILED FOR THE SEALING OF A CLASS 1, CLASS 2, OR CLASS 3 MISDEMEANOR IN ARTICLE 18 OF TITLE 18, C.R.S., THE DEFENDANT SHALL PAY THE FILING FEE AND PROVIDE NOTICE OF THE PETITION TO THE DISTRICT ATTORNEY. THE DISTRICT ATTORNEY SHALL DETERMINE WHETHER TO OBJECT TO THE PETITION AFTER CONSIDERING THE FACTORS IN SECTION 24-72-704 (1) (c). IF THE DISTRICT ATTORNEY DOES NOT OBJECT, THE COURT SHALL ORDER THAT THE RECORD BE SEALED AFTER THE DEFENDANT DOCUMENTS TO THE COURT THAT HE OR SHE HAS NOT BEEN CHARGED OR CONVICTED FOR A CRIMINAL OFFENSE SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER. IF THE DISTRICT ATTORNEY OBJECTS TO THE PETITION, THE COURT SHALL SET THE MATTER FOR HEARING. TO ORDER THE RECORD SEALED, THE CRIMINAL HISTORY FILED WITH THE PETITION AS REQUIRED BY SECTION 24-72-703 (9) MUST DOCUMENT

TO THE COURT THAT THE DEFENDANT HAS NOT BEEN CHARGED WITH OR CONVICTED OF A CRIMINAL OFFENSE SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR SINCE THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER. THE COURT SHALL DECIDE THE PETITION AFTER CONSIDERING THE FACTORS IN SECTION 24-72-704 (1) (c).

(III) IF A PETITION IS FILED FOR THE SEALING OF A CLASS 5 OR CLASS 6 FELONY POSSESSION OFFENSE DESCRIBED IN SECTION 18-18-403.5, C.R.S., AS IT EXISTED PRIOR TO OCTOBER 1, 2013, SECTION 18-18-404, C.R.S., OR SECTION 18-18-405, C.R.S., AS IT EXISTED PRIOR TO AUGUST 11, 2010, THE DEFENDANT SHALL PAY THE FILING FEE AND PROVIDE NOTICE OF THE PETITION TO THE DISTRICT ATTORNEY. THE DISTRICT ATTORNEY SHALL DETERMINE WHETHER TO OBJECT TO THE PETITION AFTER CONSIDERING THE FACTORS IN SECTION 24-72-704 (1) (c). IF THE DISTRICT ATTORNEY DOES NOT OBJECT, THE COURT MAY DECIDE THE PETITION WITH OR WITHOUT THE BENEFIT OF A HEARING. IF THE DISTRICT ATTORNEY OBJECTS TO THE PETITION, THE COURT SHALL SET THE MATTER FOR HEARING. TO ORDER THE RECORD SEALED, THE CRIMINAL HISTORY FILED WITH THE PETITION AS REQUIRED BY SECTION 24-72-703 (9) MUST DOCUMENT TO THE COURT THAT THE DEFENDANT HAS NOT BEEN CHARGED OR CONVICTED FOR A CRIMINAL OFFENSE SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR SINCE THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER. THE COURT SHALL DECIDE THE PETITION AFTER CONSIDERING THE FACTORS IN SECTION 24-72-704 (1) (c).

(IV) IF A PETITION IS FILED FOR ANY OFFENSE IN ARTICLE 18 OF TITLE 18, C.R.S., THAT IS NOT COVERED BY SUBPARAGRAPHS (I) TO (III) OF THIS PARAGRAPH (d), THE DEFENDANT SHALL PAY THE FILING FEE AND PROVIDE NOTICE OF THE PETITION TO THE DISTRICT ATTORNEY. THE DISTRICT ATTORNEY SHALL DETERMINE WHETHER TO OBJECT TO THE PETITION AFTER CONSIDERING THE FACTORS IN SECTION 24-72-704 (1) (c). IF THE DISTRICT ATTORNEY OBJECTS TO THE PETITION, THE COURT SHALL DISMISS THE PETITION. IF THE DISTRICT ATTORNEY DOES NOT OBJECT, THE COURT SHALL SET THE PETITION FOR A HEARING. TO ORDER THE RECORD SEALED, THE CRIMINAL HISTORY FILED WITH THE PETITION AS REQUIRED BY SECTION 24-72-703 (9) MUST DOCUMENT TO THE COURT THAT THE DEFENDANT HAS NOT BEEN CHARGED OR CONVICTED FOR A CRIMINAL OFFENSE SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER. THE COURT SHALL DECIDE THE PETITION AFTER CONSIDERING THE FACTORS IN SECTION 24-72-704 (1) (c).

(e) (I) IF A PETITION IS FILED FOR THE SEALING OF A PETTY DRUG OFFENSE IN ARTICLE 18 OF TITLE 18, C.R.S., THE COURT SHALL ORDER THE RECORD SEALED AFTER THE PETITION IS FILED, THE FILING FEE IS PAID, AND THE CRIMINAL HISTORY FILED WITH THE PETITION AS REQUIRED BY SECTION 24-72-703 (9) DOCUMENTS TO THE COURT THAT THE DEFENDANT HAS NOT BEEN CHARGED OR CONVICTED FOR A CRIMINAL OFFENSE SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR SINCE THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER.

(II) IF A PETITION IS FILED FOR THE SEALING OF A LEVEL 1 OR LEVEL 2 DRUG MISDEMEANOR IN ARTICLE 18 OF TITLE 18, C.R.S., THE DEFENDANT SHALL PAY THE

FILING FEE AND PROVIDE NOTICE OF THE PETITION TO THE DISTRICT ATTORNEY. THE DISTRICT ATTORNEY MAY OBJECT TO THE PETITION AFTER CONSIDERING THE FACTORS IN SECTION 24-72-704 (1) (c). IF THE DISTRICT ATTORNEY DOES NOT OBJECT, THE COURT SHALL ORDER THAT THE RECORD BE SEALED AFTER THE DEFENDANT DOCUMENTS TO THE COURT THAT HE OR SHE HAS NOT BEEN CHARGED OR CONVICTED FOR A CRIMINAL OFFENSE SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER. IF THE DISTRICT ATTORNEY OBJECTS TO THE PETITION, THE COURT SHALL SET THE MATTER FOR HEARING. TO ORDER THE RECORD SEALED, THE CRIMINAL HISTORY FILED WITH THE PETITION AS REQUIRED BY SECTION 24-72-703 (9) MUST DOCUMENT TO THE COURT THAT THE DEFENDANT HAS NOT BEEN CHARGED WITH OR CONVICTED OF A CRIMINAL OFFENSE SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR SINCE THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER. THE COURT SHALL DECIDE THE PETITION AFTER CONSIDERING THE FACTORS IN SECTION 24-72-704 (1) (c).

(III) IF A PETITION IS FILED FOR THE SEALING OF A LEVEL 4 DRUG FELONY POSSESSION OFFENSE DESCRIBED IN SECTION 18-18-403.5, C.R.S., THE DEFENDANT SHALL PAY THE FILING FEE AND PROVIDE NOTICE OF THE PETITION TO THE DISTRICT ATTORNEY. THE DISTRICT ATTORNEY MAY OBJECT TO THE PETITION AFTER CONSIDERING THE FACTORS IN SECTION 24-72-704 (1) (c). IF THE DISTRICT ATTORNEY DOES NOT OBJECT, THE COURT MAY DECIDE THE PETITION WITH OR WITHOUT THE BENEFIT OF A HEARING. IF THE DISTRICT ATTORNEY OBJECTS TO THE PETITION, THE COURT SHALL SET THE MATTER FOR HEARING. TO ORDER THE RECORD SEALED, THE CRIMINAL HISTORY FILED WITH THE PETITION AS REQUIRED BY SECTION 24-72-703 (9) MUST DOCUMENT TO THE COURT THAT THE DEFENDANT HAS NOT BEEN CHARGED OR CONVICTED FOR A CRIMINAL OFFENSE SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR SINCE THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER. THE COURT SHALL DECIDE THE PETITION AFTER CONSIDERING THE FACTORS IN SECTION 24-72-704 (1) (c).

(IV) IF A PETITION IS FILED FOR ANY OTHER FELONY DRUG OFFENSE IN ARTICLE 18 OF TITLE 18, C.R.S., THAT IS NOT COVERED BY SUBPARAGRAPHS (I) TO (III) OF THIS PARAGRAPH (e), THE DEFENDANT SHALL PAY THE FILING FEE AND PROVIDE NOTICE OF THE PETITION TO THE DISTRICT ATTORNEY. THE DISTRICT ATTORNEY MAY OBJECT TO THE PETITION AFTER CONSIDERING THE FACTORS IN SECTION 24-72-704 (1) (c). IF THE DISTRICT ATTORNEY OBJECTS TO THE PETITION, THE COURT SHALL DISMISS THE PETITION. IF THE DISTRICT ATTORNEY DOES NOT OBJECT, THE COURT SHALL SET THE PETITION FOR A HEARING. TO ORDER THE RECORD SEALED, THE CRIMINAL HISTORY FILED WITH THE PETITION AS REQUIRED BY SECTION 24-72-703 (9) MUST DOCUMENT TO THE COURT THAT THE DEFENDANT HAS NOT BEEN CHARGED OR CONVICTED FOR A CRIMINAL OFFENSE SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER. THE COURT SHALL DECIDE THE PETITION AFTER CONSIDERING THE FACTORS IN SECTION 24-72-704 (1) (c).

(f) AN ORDER ENTERED PURSUANT TO THIS SECTION MUST BE DIRECTED TO EACH CUSTODIAN WHO MAY HAVE CUSTODY OF ANY PART OF THE CONVICTION RECORDS

THAT ARE THE SUBJECT OF THE ORDER. WHENEVER A COURT ENTERS AN ORDER SEALING CONVICTION RECORDS PURSUANT TO THIS SECTION, THE DEFENDANT SHALL PROVIDE THE COLORADO BUREAU OF INVESTIGATION AND EACH CUSTODIAN OF THE CONVICTION RECORDS WITH A COPY OF THE ORDER AND SHALL PAY TO THE BUREAU ANY COSTS RELATED TO THE SEALING OF HIS OR HER CRIMINAL CONVICTION RECORDS THAT ARE IN THE CUSTODY OF THE BUREAU. THEREAFTER, THE DEFENDANT MAY REQUEST AND THE COURT MAY GRANT AN ORDER SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS WERE SEALED.

(g) CONVICTION RECORDS MAY NOT BE SEALED IF THE DEFENDANT STILL OWES RESTITUTION, FINES, COURT COSTS, LATE FEES, OR OTHER FEES ORDERED BY THE COURT IN THE CASE THAT IS THE SUBJECT OF THE PETITION TO SEAL CONVICTION RECORDS, UNLESS THE COURT THAT ENTERED THE ORDER FOR RESTITUTION, FINES, COURT COSTS, LATE FEES, OR OTHER FEES HAS VACATED THE ORDER.

(2) **Applicability.** (a) THE PROVISIONS OF THIS SECTION SHALL APPLY ONLY TO CONVICTION RECORDS PERTAINING TO JUDGMENTS OF CONVICTION ENTERED ON OR AFTER JULY 1, 2011.

(b) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO CONVICTION RECORDS THAT ARE IN THE POSSESSION OF A CRIMINAL JUSTICE AGENCY WHEN AN INQUIRY CONCERNING THE CONVICTION RECORDS IS MADE BY ANOTHER CRIMINAL JUSTICE AGENCY.

24-72-706. Sealing of criminal conviction records information for offenses committed by victims of human trafficking. (1) Sealing of conviction records.

A DEFENDANT MAY PETITION THE DISTRICT COURT OF THE DISTRICT IN WHICH ANY CONVICTION RECORDS PERTAINING TO THE DEFENDANT'S CONVICTION FOR PROSTITUTION, AS DESCRIBED IN SECTION 18-7-201, C.R.S.; SOLICITING FOR PROSTITUTION, AS DESCRIBED IN SECTION 18-7-202, C.R.S.; KEEPING A PLACE OF PROSTITUTION, AS DESCRIBED IN SECTION 18-7-204, C.R.S.; PUBLIC INDECENCY, AS DESCRIBED IN SECTION 18-7-301, C.R.S.; OR ANY CORRESPONDING MUNICIPAL CODE OR ORDINANCE ARE LOCATED FOR THE SEALING OF THE CONVICTION RECORDS, EXCEPT FOR BASIC IDENTIFYING INFORMATION.

(2) IF A PETITION IS FILED PURSUANT TO SUBSECTION (1) OF THIS SECTION FOR THE SEALING OF A RECORD OF CONVICTION FOR PROSTITUTION, AS DESCRIBED IN SECTION 18-7-201, C.R.S.; SOLICITING FOR PROSTITUTION, AS DESCRIBED IN SECTION 18-7-202, C.R.S.; KEEPING A PLACE OF PROSTITUTION, AS DESCRIBED IN SECTION 18-7-204, C.R.S.; OR PUBLIC INDECENCY, AS DESCRIBED IN SECTION 18-7-301, C.R.S., THE COURT SHALL ORDER THE RECORD SEALED AFTER:

(a) THE PETITION IS FILED;

(b) THE FILING FEE IS PAID; AND

(c) THE DEFENDANT ESTABLISHES BY A PREPONDERANCE OF THE EVIDENCE THAT, AT THE TIME HE OR SHE COMMITTED THE OFFENSE, HE OR SHE HAD BEEN TRAFFICKED BY ANOTHER PERSON, AS DESCRIBED IN SECTION 18-3-503 OR 18-3-504, C.R.S., FOR THE PURPOSE OF PERFORMING THE OFFENSE.

(3) AN ORDER ENTERED PURSUANT TO THIS SECTION MUST BE DIRECTED TO EACH CUSTODIAN WHO MAY HAVE CUSTODY OF ANY PART OF THE CONVICTION RECORDS THAT ARE THE SUBJECT OF THE ORDER. WHENEVER A COURT ENTERS AN ORDER SEALING CONVICTION RECORDS PURSUANT TO THIS SECTION, THE DEFENDANT SHALL PROVIDE THE COLORADO BUREAU OF INVESTIGATION AND EACH CUSTODIAN OF THE CONVICTION RECORDS WITH A COPY OF THE ORDER AND SHALL PAY TO THE BUREAU ANY COSTS RELATED TO THE SEALING OF HIS OR HER CRIMINAL CONVICTION RECORDS THAT ARE IN THE CUSTODY OF THE BUREAU. THEREAFTER, THE DEFENDANT MAY REQUEST AND THE COURT MAY GRANT AN ORDER SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS WERE SEALED.

24-72-707. Sealing of criminal conviction records information for offenses involving theft of public transportation services. (1) IF A PERSON WAS CONVICTED OF THEFT OF PUBLIC TRANSPORTATION SERVICES BY FARE EVASION AS DESCRIBED IN SECTION 18-4-802, C.R.S., AS IT EXISTED PRIOR TO JUNE 8, 2012, AND THE PERSON HAS COMPLETED THE SENTENCE, INCLUDING PAYMENT OF THE FINE AND SURCHARGE, FOR THE CONVICTION AS OF JUNE 8, 2012, THE COURT THAT ENTERED THE CONVICTION SHALL SEAL THE CONVICTION BY JANUARY 1, 2013.

(2) A PERSON DESCRIBED IN SUBSECTION (1) OF THIS SECTION THAT WANTS HIS OR HER CONVICTION SEALED PRIOR TO JANUARY 1, 2013, MAY MOVE THE COURT IN THE CASE IN WHICH THE CONVICTION WAS ENTERED FOR AN ORDER SEALING THE RECORD OF THE CONVICTION. THE PERSON SHALL PROVIDE ALL INFORMATION AS REQUIRED BY THE COURT IN THE MOTION. UPON RECEIPT OF THE MOTION, THE COURT SHALL VERIFY THAT THE PERSON HAS COMPLETED HIS OR HER SENTENCE, INCLUDING PAYMENT OF THE FINE AND SURCHARGE, AND, IF THE SENTENCE HAS BEEN COMPLETED, THE COURT SHALL ENTER AN ORDER SEALING THE CONVICTION.

(3) A PERSON CONVICTED OF THEFT OF PUBLIC TRANSPORTATION SERVICES BY FARE EVASION AS DESCRIBED IN SECTION 18-4-802, C.R.S., AS IT EXISTED PRIOR TO JUNE 8, 2012, WHO DID NOT COMPLETE THE SENTENCE FOR THE CONVICTION PRIOR TO JUNE 8, 2012, MAY MOVE THE COURT IN THE CASE IN WHICH THE CONVICTION WAS ENTERED FOR AN ORDER SEALING THE RECORD OF THE CONVICTION AFTER HE OR SHE COMPLETES THE SENTENCE, INCLUDING PAYMENT OF THE FINE AND SURCHARGE, FOR THE CONVICTION. THE PERSON SHALL PROVIDE ALL INFORMATION AS REQUIRED BY THE COURT IN THE MOTION. UPON RECEIPT OF THE MOTION, THE COURT SHALL VERIFY THAT THE PERSON HAS COMPLETED HIS OR HER SENTENCE, AND, IF THE SENTENCE HAS BEEN COMPLETED, THE COURT SHALL ENTER AN ORDER SEALING THE CONVICTION.

24-72-708. Sealing of criminal conviction records information for petty offenses and municipal offenses for convictions. (1) **Sealing of conviction records.** (a) A DEFENDANT MAY PETITION THE DISTRICT COURT OF THE DISTRICT IN WHICH ANY CONVICTION RECORDS PERTAINING TO THE DEFENDANT FOR A PETTY OFFENSE OR MUNICIPAL VIOLATION ARE LOCATED FOR THE SEALING OF THE CONVICTION RECORDS, EXCEPT BASIC IDENTIFYING INFORMATION, IF:

(1) THE PETITION IS FILED THREE OR MORE YEARS AFTER THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION CONCERNING A CRIMINAL CONVICTION, WHICHEVER IS LATER; AND

(II) THE DEFENDANT HAS NOT BEEN CHARGED OR CONVICTED FOR A FELONY, MISDEMEANOR, OR MISDEMEANOR TRAFFIC OFFENSE IN THE THREE OR MORE YEARS SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER; AND

(III) THE CONVICTION RECORDS TO BE SEALED ARE NOT FOR A MISDEMEANOR TRAFFIC OFFENSE COMMITTED EITHER BY A HOLDER OF A COMMERCIAL LEARNER'S PERMIT OR A COMMERCIAL DRIVER'S LICENSE, AS DEFINED IN SECTION 42-2-402, C.R.S., OR BY THE OPERATOR OF A COMMERCIAL MOTOR VEHICLE, AS DEFINED IN SECTION 42-2-402, C.R.S.

(b) UPON FILING THE PETITION, THE DEFENDANT SHALL PAY THE FILING FEE REQUIRED BY LAW AND AN ADDITIONAL FILING FEE OF TWO HUNDRED DOLLARS TO COVER THE ACTUAL COSTS RELATED TO THE FILING OF THE PETITION TO SEAL RECORDS. THE ADDITIONAL FILING FEES COLLECTED UNDER THIS PARAGRAPH (b) MUST BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101 (6), C.R.S.

(2)(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 DEFENDANT 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 DEFENDANT. 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 DEFENDANT SHALL NOTIFY BY CERTIFIED MAIL THE PROSECUTING ATTORNEY, THE ARRESTING AGENCY, AND ANY OTHER PERSON OR AGENCY IDENTIFIED BY THE DEFENDANT.

(3) AFTER THE HEARING DESCRIBED IN SUBSECTION (2) OF THIS SECTION IS CONDUCTED AND IF THE COURT FINDS THAT THE HARM TO THE PRIVACY OF THE DEFENDANT OR THE DANGERS OF UNWARRANTED, ADVERSE CONSEQUENCES TO THE DEFENDANT OUTWEIGH THE PUBLIC INTEREST IN RETAINING THE CONVICTION RECORDS, THE COURT MAY ORDER THE CONVICTION RECORDS, EXCEPT BASIC IDENTIFICATION INFORMATION, TO BE SEALED. IN MAKING THIS DETERMINATION, THE COURT SHALL, AT A MINIMUM, CONSIDER THE FACTORS IN SECTION 24-72-704 (1) (c). AN ORDER ENTERED PURSUANT TO THIS SUBSECTION (3) MUST BE DIRECTED TO EACH CUSTODIAN WHO MAY HAVE CUSTODY OF ANY PART OF THE CONVICTION RECORDS THAT ARE THE SUBJECT OF THE ORDER. WHENEVER A COURT ENTERS AN ORDER SEALING CONVICTION RECORDS PURSUANT TO THIS SUBSECTION (3), THE DEFENDANT SHALL PROVIDE THE COLORADO BUREAU OF INVESTIGATION AND EACH CUSTODIAN OF THE CONVICTION RECORDS WITH A COPY OF THE ORDER. THE PETITIONER SHALL PROVIDE A PRIVATE CUSTODIAN WITH A COPY OF THE ORDER AND SEND THE PRIVATE CUSTODIAN AN ELECTRONIC NOTIFICATION OF THE ORDER. EACH PRIVATE CUSTODIAN THAT RECEIVES A COPY OF THE ORDER FROM THE PETITIONER SHALL

REMOVE THE RECORDS THAT ARE SUBJECT TO AN ORDER FROM ITS DATABASE. THE DEFENDANT SHALL PAY TO THE BUREAU ANY COSTS RELATED TO THE SEALING OF HIS OR HER CRIMINAL CONVICTION RECORDS IN THE CUSTODY OF THE BUREAU. THEREAFTER, THE DEFENDANT MAY REQUEST AND THE COURT MAY GRANT AN ORDER SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS WERE SEALED.

(4) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO CONVICTION RECORDS THAT ARE IN THE POSSESSION OF A CRIMINAL JUSTICE AGENCY WHEN AN INQUIRY CONCERNING THE CONVICTION RECORDS IS MADE BY ANOTHER CRIMINAL JUSTICE AGENCY.

SECTION 4. Effective date. This act takes effect on August 1, 2014.

SECTION 5. 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: May 31, 2014