

My name is Christina Yebuah and I am a policy analyst working with the Colorado Center on Law and policy, an anti-poverty organization that dedicates advocacy, litigation, and research to topic areas including affordable housing, employment, and access to healthcare and food.

Thank you for the opportunity to testify in strong support of HB1214, which will allow Coloradans a chance to access basic resources and pursue financial health and wellbeing despite having a criminal record.

As an anti-poverty organization, collateral consequences imposed after justice system involvement are a huge factor in the pipeline from the criminal justice system to a life in poverty. We recognize that a solution to help mitigate these consequences is sealing criminal records to give people a second chance towards self-sufficiency and economic stability.

Whether or not a person is convicted of a crime, the presence of a criminal record has a significant effect on people's access to housing and employment.

Homelessness is a growing problem in the state of Colorado. As many landlords discriminate against people with criminal records, the justice-involved community can often be left without stable housing. [Research](#) indicates that formerly incarcerated people are 10 times more likely to be homeless than the general public.

Similarly, the stigma of having a record follows people into the job hiring process. A recent [study](#) out of University of Michigan showed that criminal records reduced callbacks from employers by 60%, which contributes to the incredibly high unemployment rate amongst previously incarcerated, which is about 5x higher than the general public.

Sealing criminal records could also have a positive effect on the Colorado economy. With more people having access to employment, this would expand our workforce and increase revenue. Research shows that economic barriers to employment for former prisoners and people convicted of felonies results in a reduction of \$1.3 to \$1.5 billion in Colorado's GDP. Similar research indicates that increasing employment for the justice-involved population increases tax revenue, both income and sales tax. Criminal record sealing would eliminate one of those barriers to employment and could subsequently result in economic growth.

Also, as Representative Weissman pointed out, criminal record sealing isn't only a social justice solution, but also a public safety solution. Two-thirds of people who were formerly incarcerated and are currently homeless reoffend and there are similar statistics for the unemployed. To prevent people from committing the same crimes in which landed them in the system in the first place, we should be prioritizing access to employment and housing, which as emphasized in my testimony today, can only happen with criminal record sealing.

In summation, I emphatically urge a yes vote for HB1214, which will help keep Coloradans safe, improve the state economy, and give people a second chance to live a better life.

Thank you for your time.



## **COLORADO CRIMINAL DEFENSE BAR**

Testimony in support of HB21-1214, Record Sealing Collateral Consequences Reduction:

CCDB supports this bill because it would reduce the collateral consequences associated with arrests and convictions. Those collateral consequences can derail lives that would otherwise get back on track. No one should suffer after having paid their debt to society, and no one should bear these consequences in a case where charges were dismissed. This bill will help to right some of these wrongs by making the sealing process automatic in some cases and more navigable for those where sealing is not automatic.

Whether there is a conviction in a case or just charges filed for an arrest and later dismissed, these records create lasting consequences for the individual. Difficulty securing employment, housing, loans, financing for school, and professional licensure are just some examples. These collateral consequences hold people back from being self-sufficient, productive members of society. They disproportionately impact the indigent and BIPOC and trap people in poverty. This is even more true for cases with dismissed charges and no conviction because BIPOC have higher dismissal rates of criminal cases than white Coloradans—meaning they are overpoliced, arrested, and charged where the prosecutor later dismisses because they don't have the evidence to convict the person accused. But the arrest records linger unless they are sealed.

The current sealing process places the onus on the individual to 1) be aware they are legally eligible to seal their records, 2) have the understanding and knowledge to navigate the sealing process and/or the financial means to hire an attorney to do it correctly for them, and 3) have the ability to pay the court filing fees to seal records. This is simply an insurmountable barrier for many of the people who most suffer from the collateral consequences of criminal records. Particularly in cases where the state arrested, charged, and disrupted the life of an individual with no resulting conviction, it should be on the state—not the individual—to remedy that situation and remove those collateral consequences. Otherwise, the state has wronged a Coloradan and then continues that wrong and its negative impacts indefinitely.

The bill allows both the Public Defender's Office and the Office of Alternate Defense Counsel to accept gifts and grants to fund their attorneys assisting with sealing of records. It cannot be overstated how many people this will help or the positive ripple effects for us all. As a practicing criminal defense attorney who has been a public defender, ADC attorney, and private attorney in Colorado over the past eleven years, and who has been privately retained to seal criminal records, I can personally attest to the importance of having an attorney to help guide the person through the process. No one who is legally eligible to seal their records should be prevented from doing so by inability to pay or to navigate the bureaucratic legal process.

When people are able to move on with their lives, get an education, a stable place to live, transportation, gainful employment, and financial security, our entire state benefits. We see gains in public safety, our economy, reduced recidivism, and many other improvements to our overall quality of life in society.

It's time for Colorado to stop holding people back based on past records.

Please vote yes on HB21-1214.

Tristan Gorman  
Legislative Policy Coordinator  
Colorado Criminal Defense Bar  
720-988-5922  
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Mr. Chair and members of the House Judiciary Committee,

Thank you for taking the time to consider my request for your support on House Bill 21-1214. My name is Katie Correll, and I am a parent advocate at ORPC. I am asking for a yes vote on this bill because it will help many of the parents I support in navigating the Dependency and Neglect world. This is also something that my own family was personally affected by when we went through our Dependency and Neglect case. I was allowed to be in my home, with my children as long as I had another family member who was approved by Adams county Department of Human Services present. At first, this felt like an amazing opportunity for me to receive the help I needed without being separated from my children! My mom had recently passed away and my stepfather moved in our home. He is permanently disabled and was always home, so we thought we had the perfect support plan in place. Unfortunately, it wasn't that simple. My stepdad had several DUIs in the 90s and his last one in 2005. Because he was a habitual traffic offender, my caseworker could not approve him to supervise me with my children, even though 13 years had passed since his last DUI. I was lucky enough to have my dad, a small business owner, approved by DHS to supervise, who committed to driving across town every morning when my husband left for work and again when my children got out of school to stay with us until my husband came home. If I did not have my dad, my children and I would have been separated for over 6 months.

Unfortunately, many of the parents I dedicate my life to supporting aren't so lucky. Voting yes on HB 21-1214 would give more parents and children the opportunity to remain together with the help of family and friends. HB 21-1214 bill could change many lives and prevent the trauma of family separation. Allowing these records to be sealed, will provide children more opportunities to remain supervised with their parents when safe, or placed with kin who would not otherwise qualify, instead of adding the trauma of being in foster homes with strangers.

Thank you for your time, please vote yes on HB 21-1214 to help prevent unnecessary trauma for children.

Katie Correll B.Sc.  
Respondent Parent's Advocate  
Office of Respondent Parent's Counsel  
720-445-5495



**Written Testimony in support of HB21-1214 (Record Sealing Collateral Consequences Reduction) to the Senate Finance Committee by Sarah Barnes, Manager of Special Policy Initiatives at the Colorado Children's Campaign**

- Madam Chair and members of the committee, my name is Sarah Barnes and I am the Manager of Special Policy Initiatives at the Colorado Children's Campaign.
- Thank you for the opportunity to testify in support of HB 1214, and thank you Senators Coleman and Lee for your leadership on this bill.
- **The Colorado Children's Campaign supports HB 1214** because this bill will promote economic well-being and housing security for Colorado kids and families.
- An estimated 60,000 children in Colorado have experienced the incarceration of a parent. It is estimated that half of the children in the U.S. have at least one parent with a criminal record.
- This bill will remove barriers to employment, housing and economic opportunity for families involved in the criminal justice system by making the system more equitable, fair and accessible. It will open the process to file motions for relief from collateral consequences, increase access to representation in record sealing proceedings by creating the sealing defense fund, and create an automated sealing process for many arrest records that do not lead to a charge ever being filed.
- **HB 1214 will promote economic security and well-being for Colorado kids and families and allow families involved in the criminal justice system to move on with their lives. I urge your support. Thank you.**

May 19<sup>th</sup>, 2021

To the Members of the Senate Finance Committee,

My name is Andrea Stojsavljevic and I am the policy manager at Healthier Colorado, a non-profit, non-partisan organization that seeks to provide every Coloradan the opportunity to live their healthiest life through policy-oriented solutions.

I'm writing today to urge your support for HB21-1214 because we know there are lifelong collateral consequences of having a record that ultimately inhibits an individual from successfully rejoining their families, communities, and having access to leading a healthy fulfilling life post-release.

The inability to seal records for older offenses once a sentence has been served makes it more difficult to find employment, and stable housing. With housing in particular data from Colorado Health Institute from their 2019 Colorado Health Access Survey - showed that Coloradans who reported housing instability reported worse physical, mental, and oral health than those with stable housing. More than half of Coloradans who reported housing instability (54.2%) had problems paying for food, and as well as 51.9% reported experiencing a problem paying a medical bill. In conjunction with this data, we know that having a record only exacerbates these issues around housing instability as they create additional barriers to stable and affordable housing.

As well as, with these obstacles to economic opportunity around employment, income, and stable housing - research shows this obviously impacts and creates stressors in many other areas of life for the individual and their family - such as their ability to access a continuity of health care and coverage, affording and refilling prescription drugs, and placing food on the table.

Therefore, expanding opportunities for the sealing of low-level offenses, after time has been served, after years have gone by, after someone has stayed offense-free - is about creating a path for successful re-entry & re-integration to one's community. For those that have served their time, we need to ensure they have the ability to earn a living through employment opportunities, support their families, and have the ability to access stable housing which are all critical determinants of health, and will positively impact numerous areas of their lives.

By removing barriers to employment and housing, HB21-1214 will give people a chance to meaningfully move on with their lives and become more productive citizens and community members. As well as, research has established that if an offender does not commit another offense within three years of their previous conviction, they are unlikely to offend in the future. Research also shows that policies to reduce economic obstacles for people with criminal histories are effective at lowering recidivism and strengthening public safety as well.

In closing, Healthier Colorado urges your support for HB21-1214, and thanks you for your time and consideration of this bill.

Sincerely,

Andrea Stojsavljevic  
Policy Manager  
Healthier Colorado



HB21-1214

# Record Sealing Collateral Consequences Reduction

Concerning increased eligibility for procedures to reduce collateral sanctions experienced by defendants, and, in connection therewith, making an appropriation.

SESSION:  
2021 Regular Session

SUBJECT:  
Crimes, Corrections, & Enforcement

I am Cynthia Camble, and I am for the passing of this bill to ensure those that have not been convicted of a crime and or have fulfilled the stipulations of court order directives to have the revocation and or charges drop to have the records sealed.

This is not just an overall justice issue these hits close to home. As a family member who had a felony case on his first offense was given the choice of deferred sentence.

Many activities that are legal in our state people are paying for while others enjoy their freedom to pursue liberty and life opportunities.

He met this and the court deemed for the compliance that it would be taken / sealed records. This was not done. As the family went on several times to resolve this issue as he was to leave for the military each time the recruiter went in the records were not sealed.

A year later this same family member to the court and showed them their paperwork that all charges were dropped but it remained. Many job opportunities and educational opportunities were lost as a

foolish act in his youth will haunt him for the rest of his life if this bill is not passed.

There should be consequences that are set by law that should be obeyed. There also needs to be accountability and responsibility to adhere to the restorative process. I believe our justice system is to not only bring justice but to provide justice.

## **Intro**

Hello, my name is Alison Butler, and I am the Carrie Ann Lucas Disability Advocacy Director at the Colorado Office of Respondent Parents' Counsel (ORPC). I am here today to represent the interests of indigent parents in the D & N system and ask for a yes vote on HB 1214.

## **Overall**

This bill will directly impact the families that our attorneys work with every day. In the child welfare system, the goal is to have children remain at home, in the care of their parents with supports in place, or at least with family in a kinship placement. Here are two important reasons that this bill will help.

## **Parents' History**

- First, when a county files a petition in a D & N case, that petition lists all prior history the parent has in the child welfare system and all prior criminal history – including very old convictions and even contacts and arrests that did not result in convictions.
  - Though these black marks on a parent's record do not automatically result in termination of their parental rights, the truth of the matter is that – purposefully or inadvertently – counties and courts who view these records form judgments about the person and their ability to parent their children.
  - While the ORPC acknowledges that on-going criminal activity or recent history of criminal activity can be relevant in a D & N case, we fear and have seen, how old, irrelevant, and even unfounded criminal charges can significantly negatively impact a parent's path to reunification with their child.
  - The state's statistics also show us that parents of color, with disabilities, and those who are indigent are over-represented in both the criminal justice system and the D & N system – meaning the more we continue to rely on old, outdated, or unfounded criminal information in D & N cases, the more we contribute to this lopsided system.

## **Family History**

- Additionally, since counties take over 1/3 of children in the system out of their home, the question is where do these children go? While the system strives to keep them with their extended family in kinship placements, too often, old, irrelevant, or unfounded criminal charges leads a county to deny such a placement. This means that a child must leave her home and her family and go to an unknown and unfamiliar foster home where the child will miss out on important cultural or religious practices that the child was surrounded by at home and with family.

## Katie's Testimony

You have written testimony from a parent who successfully navigated the child welfare system after a battle with and victory over addiction. She describes her own case in which the county refused to allow her stepfather to supervise her with her own children due to decades old DUI convictions. This nearly resulted in her daughter's placement in the foster system, completely unnecessarily.

## Support HB 1214

HB 1214 will have many positive impacts. We are here today to ask for your support of the bill based on the positive impacts it will have on helping children stay with their families during one of the most difficult times of their life.

*Alison*

Alison Butler, Esq. | Carrie Ann Lucas Dis**Ability** Advocacy Director

Pronouns: she/her/hers

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OFFICE OF RESPONDENT  
PARENTS' COUNSEL



Together we can end relationship abuse

May, 2021

Good afternoon Committee Members,

After months, if not a couple of years of conversations within our statewide policy committee, and multiple follow up questions for the sponsor I am here today in strong support of HB 1214. I want to share with you how we got there, explain why we are supporting and ask you to do the same today by talking about 3 main points in the bill.

First, domestic violence victims are arrested under mandatory arrest policies and under the fallacy of dual arrest **each day** in Colorado. Despite the CO statute being very clear in 18-6-803.6, which directs officers to consider the possibility that one of the persons acted in self-defense, we still see survivors arrested after such serious events like strangulation, when the victim has no visible marks post assault and when the offender has scratches on their arms and face. We see survivors and offenders arrested **both at the same time for same incident** only to later have charges dropped and not filed once someone gets the full story. This has happened for so long it can no longer be merely a training issue. HB1214 allows victims who have been arrested to have those arrests sealed so that they can move on in finding housing and have access to employment opportunities. Second, this bill allows for ongoing accountability for DV offenders. It does not seal DV convictions, but it can seal DV arrests.

We also take notice, this process is not expungement, that includes a record destruction process, but sealing so that law enforcement, **and crime victims** have access to the records when needed moving forward. Another question we asked as a statewide policy committee was thoughtfully answered in the bill on Page 7, lines 20-26, which was specifically "Will treatment providers be able to see the sealed arrest data to hold offenders accountable through DVOMB treatment or after a subsequent arrest?"

The bill creates a mechanism for treatment providers associated with the Domestic Violence Offender Management Board to be able to work with CBI to see sealed records which is important information for treatment providers to know as they assess the level of offender treatment categorization assessed from past criminal history and behavior. Currently DVOMB treatment providers can ONLY see what is publicly available.

This bill expands their access and impact as right now, if someone was arrested for domestic violence and was offered a deferred judgment or adult diversion for Domestic violence, the conviction is withdrawn, and the case may no longer show up as a conviction in a public database. Deferred judgments and adult diversion are tools crafted by DA's, are meant to hold offenders accountable and are used every day. However, on the back end of the case or years later the treatment providers cannot currently tell if there was a prior domestic violence incident with say another partner from years ago etc., which can be overlooked right now with only using public access. Correct information is vital to understand patterns of abusive behavior, so they help offenders complete the correct level of treatment and be accountable for their own change process.

Finally, through amendments and because of continued stakeholder work this bill expands VRA rights to victims in terms of being heard in matters of sealing. I want to thank the bill Sponsors for their ongoing dialogue during the development of this bill.

Sincerely,

A handwritten signature in blue ink that reads "Lydia Waligorski".

Lydia Waligorski, MPA  
Public Policy Director