

HB1078_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB18-1078 be amended as follows:

1 Amend printed bill, page 3, after line 14 insert:

2 "SECTION 3. In Colorado Revised Statutes, 24-72-702, add
3 (1)(b)(II)(C) as follows:

4 **24-72-702. Sealing of arrest and criminal records other than**
5 **convictions.** (1) (b) (II) (C) IF THE PERSON IN INTEREST HAS
6 SUCCESSFULLY COMPLETED A VETERANS TREATMENT PROGRAM
7 ESTABLISHED PURSUANT TO SECTION 13-5-144, THE COURT SHALL
8 CONSIDER SUCH FACTOR FAVORABLY IN DETERMINING WHETHER TO ISSUE
9 AN ORDER TO SEAL RECORDS PURSUANT TO THIS SECTION.

10 SECTION 4. In Colorado Revised Statutes, 24-72-704, amend
11 (1)(c) as follows:

12 **24-72-704. Sealing of criminal conviction records information**
13 **for offenses involving controlled substances for convictions entered**
14 **on or after July 1, 2008, and prior to July 1, 2011.** (1) **Sealing of**
15 **conviction records.** (c) After the hearing described in subparagraph (ff)
16 ~~of paragraph (b) of this subsection~~ (1) SUBSECTION (1)(b)(II) OF THIS
17 SECTION is conducted and if the court finds that the harm to the privacy
18 of the defendant or the dangers of unwarranted, adverse consequences to
19 the defendant outweigh the public interest in retaining the conviction
20 records, the court may order the conviction records, except basic
21 identification information, to be sealed. In making this determination, the
22 court shall, at a minimum, consider the severity of the offense that is the
23 basis of the conviction records sought to be sealed, the criminal history
24 of the defendant, the number of convictions and dates of the convictions
25 for which the defendant is seeking to have the records sealed, and the
26 need for the government agency to retain the records. IF THE PERSON IN
27 INTEREST HAS SUCCESSFULLY COMPLETED A VETERANS TREATMENT
28 PROGRAM ESTABLISHED PURSUANT TO SECTION 13-5-144, THE COURT
29 SHALL CONSIDER SUCH FACTOR FAVORABLY IN DETERMINING WHETHER TO
30 ISSUE AN ORDER TO SEAL RECORDS PURSUANT TO THIS SECTION. THE
31 COURT SHALL DIRECT an order entered pursuant to this paragraph (c) shall
32 ~~be directed~~ SUBSECTION (1)(c) to each custodian who may have custody
33 of any part of the conviction records that are the subject of the order.
34 Whenever a court enters an order sealing conviction records pursuant to
35 this paragraph (c) SUBSECTION (1)(c), the defendant shall provide the
36 Colorado bureau of investigation and each custodian of the conviction
37 records with a copy of the order. The petitioner shall provide a private
38 custodian with a copy of the order and send the private custodian an
39 electronic notification of the order. Each private custodian that receives

1 a copy of the order from the petitioner shall remove the records that are
2 subject to an order from its database. The defendant shall pay to the
3 bureau any costs related to the sealing of his or her criminal conviction
4 records in the custody of the bureau. Thereafter, the defendant may
5 request and the court may grant an order sealing the civil case in which
6 the conviction records were sealed.

7 **SECTION 5.** In Colorado Revised Statutes, 24-72-705, add
8 (1)(d)(V) as follows:

9 **24-72-705. Sealing of criminal conviction records information**
10 **for offenses involving controlled substances for convictions entered**
11 **on or after July 1, 2011. (1) Sealing of conviction records. (d) (V) IF**
12 **THE PERSON IN INTEREST HAS SUCCESSFULLY COMPLETED A VETERANS**
13 **TREATMENT PROGRAM ESTABLISHED PURSUANT TO SECTION 13-5-144, THE**
14 **COURT SHALL CONSIDER SUCH FACTOR FAVORABLY IN DETERMINING**
15 **WHETHER TO ISSUE AN ORDER TO SEAL RECORDS PURSUANT TO THIS**
16 **SECTION.**

17 **SECTION 6.** In Colorado Revised Statutes, 24-72-706, add (2.5)
18 as follows:

19 **24-72-706. Sealing of criminal conviction records information**
20 **for offenses committed by victims of human trafficking. (2.5) IF THE**
21 **PERSON IN INTEREST HAS SUCCESSFULLY COMPLETED A VETERANS**
22 **TREATMENT PROGRAM ESTABLISHED PURSUANT TO SECTION 13-5-144, THE**
23 **COURT SHALL CONSIDER SUCH FACTOR FAVORABLY IN DETERMINING**
24 **WHETHER TO ISSUE AN ORDER TO SEAL RECORDS PURSUANT TO THIS**
25 **SECTION.**

26 **SECTION 7.** In Colorado Revised Statutes, 24-72-707, add (4)
27 as follows:

28 **24-72-707. Sealing of criminal conviction records information**
29 **for offenses involving theft of public transportation services. (4) IF**
30 **THE PERSON IN INTEREST HAS SUCCESSFULLY COMPLETED A VETERANS**
31 **TREATMENT PROGRAM ESTABLISHED PURSUANT TO SECTION 13-5-144, THE**
32 **COURT SHALL CONSIDER SUCH FACTOR FAVORABLY IN DETERMINING**
33 **WHETHER TO ISSUE AN ORDER TO SEAL RECORDS PURSUANT TO THIS**
34 **SECTION.**

35 **SECTION 8.** In Colorado Revised Statutes, 24-72-708, add
36 (2)(c) as follows:

37 **24-72-708. Sealing of criminal conviction records information**
38 **for petty offenses and municipal offenses for convictions. (2) (c) IF**
39 **THE PERSON IN INTEREST HAS SUCCESSFULLY COMPLETED A VETERANS**
40 **TREATMENT PROGRAM ESTABLISHED PURSUANT TO SECTION 13-5-144, THE**
41 **COURT SHALL CONSIDER SUCH FACTOR FAVORABLY IN DETERMINING**
42 **WHETHER TO ISSUE AN ORDER TO SEAL RECORDS PURSUANT TO THIS**
43 **SECTION.**

44 **SECTION 9.** In Colorado Revised Statutes, 24-72-709, add (2.5)
45 as follows:

1 **24-72-709. Sealing of criminal conviction records information**
2 **for posting an intimate photograph of a person on the internet.**
3 (2.5) IF THE PERSON IN INTEREST HAS SUCCESSFULLY COMPLETED A
4 VETERANS TREATMENT PROGRAM ESTABLISHED PURSUANT TO SECTION
5 13-5-144, THE COURT SHALL CONSIDER SUCH FACTOR FAVORABLY IN
6 DETERMINING WHETHER TO ISSUE AN ORDER TO SEAL RECORDS PURSUANT
7 TO THIS SECTION."

8 Renumber succeeding section accordingly.

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