

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB24-1345 be amended as follows:

1 Amend printed bill, page 2, after line 15 insert:

2 "SECTION 3. In Colorado Revised Statutes, **add** 18-1-410.7 as
3 follows:

4 **18-1-410.7. Vacating certain criminal convictions for victims**
5 **of human trafficking.** (1) (a) AN INDIVIDUAL MAY FILE A MOTION WITH
6 THE COURT WHERE A CONVICTION WAS OBTAINED AGAINST THE
7 INDIVIDUAL REQUESTING THAT THE CONVICTION BE VACATED IF THE
8 UNDERLYING OFFENSE RESULTING IN THE CONVICTION WAS COMMITTED AS
9 A RESULT OF THE INDIVIDUAL BEING A VICTIM OF HUMAN TRAFFICKING.
10 THE INDIVIDUAL SHALL SERVE A COPY OF THE MOTION ON THE DISTRICT
11 ATTORNEY'S OFFICE THAT OBTAINED THE CONVICTION.

12 (b) THIS SECTION APPLIES TO ALL STATE AND MUNICIPAL
13 CONVICTIONS FOR CRIMES EXCEPT FOR CRIMES DEFINED IN SECTION
14 24-4.1-302 (1).

15 (c) THIS SECTION DOES NOT APPLY TO A CONVICTION IF THE
16 INDIVIDUAL RAISED AN AFFIRMATIVE DEFENSE DESCRIBED IN SECTION
17 18-7-201.3 OR 18-3-504 (2.5) AT TRIAL AND WAS STILL CONVICTED AFTER
18 RAISING THE DEFENSE.

19 (d) OFFICIAL DOCUMENTATION IS NOT REQUIRED FOR AN
20 INDIVIDUAL TO SEEK OR BE GRANTED RELIEF PURSUANT TO THIS SECTION,
21 BUT IF THE INDIVIDUAL PROVIDES OFFICIAL DOCUMENTATION FROM A
22 FEDERAL, STATE, LOCAL, OR TRIBAL GOVERNMENT AGENCY INDICATING
23 THAT THE INDIVIDUAL WAS A VICTIM OF HUMAN TRAFFICKING AT THE TIME
24 OF THE OFFENSE, THE DOCUMENTATION CREATES A REBUTTABLE
25 PRESUMPTION THAT THE INDIVIDUAL WAS A VICTIM OF HUMAN
26 TRAFFICKING AT THE TIME OF THE OFFENSE AND IS ELIGIBLE FOR RELIEF
27 PURSUANT TO THIS SECTION.

28 (2) THE DISTRICT ATTORNEY'S OFFICE THAT OBTAINED THE
29 CONVICTION MUST FILE A RESPONSE WITHIN THIRTY-FIVE DAYS FROM
30 RECEIVING A COPY OF THE MOTION. IF THE DISTRICT ATTORNEY'S OFFICE
31 OPPOSES THE MOTION OR THE COURT DETERMINES A HEARING IS
32 NECESSARY, THE COURT SHALL SET THE MOTION FOR HEARING.

33 (3) (a) IF THE COURT DETERMINES BY CLEAR AND CONVINCING
34 EVIDENCE THAT THE OFFENSE WAS COMMITTED AS RESULT OF THE
35 INDIVIDUAL BEING A VICTIM OF HUMAN TRAFFICKING AT THE TIME OF THE
36 OFFENSE, THE COURT SHALL VACATE THE CONVICTION.

37 (b) A CONVICTION VACATED PURSUANT TO SUBSECTION (3)(a) OF
38 THIS SECTION IS DEEMED VACATED DUE TO A SUBSTANTIVE DEFECT IN THE
39 UNDERLYING CRIMINAL PROCEEDINGS.

40 (4) NOTHING IN THIS SECTION PREVENTS THE INDIVIDUAL FROM
41 APPLYING FOR ANY OTHER RELIEF ALLOWED BY LAW.

1 (5)(a) IF THE COURT ISSUES AN ORDER VACATING THE CONVICTION
2 THE COURT SHALL SEND THE ORDER TO THE COLORADO BUREAU OF
3 INVESTIGATION AND THE BUREAU SHALL REMOVE THE CONVICTION FROM
4 THE INDIVIDUAL'S RECORD.

5 (b) IF THE COURT ISSUES AN ORDER VACATING THE CONVICTION
6 PURSUANT TO THIS SECTION, THE INDIVIDUAL MAY PETITION TO HAVE THE
7 OTHER RELATED RECORDS SEALED PURSUANT TO THE PROCEDURE IN
8 SECTION 24-72-707.".

9 Renumber succeeding section accordingly.

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