

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0503.02 Michael Dohr x4347

HOUSE BILL 21-1214

HOUSE SPONSORSHIP

Weissman,

SENATE SPONSORSHIP

Coleman and Lee,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASED ELIGIBILITY FOR PROCEDURES TO REDUCE**
102 **COLLATERAL SANCTIONS EXPERIENCED BY DEFENDANTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, adults and juveniles can file motions for relief from collateral consequences. The bill states that a motion can be filed related to convictions retroactively.

The bill allows the state public defender and the office of alternate defense counsel to seek and accept gifts, grants, and donations for the purposes of representing defendants in record sealing proceedings.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

The bill creates an automatic sealing process for arrest records when no criminal charges are filed. For arrest records on or after January 1, 2022, the Colorado bureau of investigation (CBI) shall seal arrest records in its custody and control after a year has passed without the filing of criminal charges. For arrest records before January 1, 2022, CBI shall seal arrest records for:

- Felonies with a 3-year statute of limitations if 3 years has passed since the date of arrest without the filing of charges; and
- Misdemeanors, traffic misdemeanors, petty offenses, or municipal violations with an 18-month statute of limitations or less if 18 months has passed since the date of arrest without the filing of charges.

Felony arrest records with a statute of limitations of longer than 3 years or with no statute of limitation are not eligible for automatic sealing.

Under current law misdemeanor offenses ineligible for sealing are eligible if the district attorney consents to the sealing or if the court finds, by clear and convincing evidence, that the petitioner's need for sealing of the record is significant and substantial, the passage of time is such that the petitioner is no longer a threat to public safety, and the public disclosure of the record is no longer necessary to protect or inform the public. The bill adds drug level 1 felonies, class 4, class 5, or class 6 felonies, or unclassified felonies that are not a crimes of violence to those offenses eligible.

The bill creates a process for a person with multiple conviction records that are eligible for sealing due to an intervening conviction to petition the court in a civil proceeding to have the records sealed. The district attorney has an opportunity to object, and if the district attorney objects, the court sets the matter for hearing to determine whether to seal the records.

The bill allows a person who receives a full pardon to have his or her conviction record sealed.

The bill creates a process to automatically seal drug convictions. The state court administrator (administrator) shall compile a list of drug convictions that are eligible for sealing under current law, and:

- If the drug conviction is for a petty offense or misdemeanor, that 7 years have past since the disposition of the case; or
- If the drug conviction is for a felony, that at least 10 years have past since the disposition of the case.

After the administrator compiles the list, the administrator shall send the list to the Colorado bureau of investigation (bureau) for review and the bureau shall remove any convictions in which the identity of the defendant is unverifiable or convictions in the which defendant had another conviction during the waiting period. The bureau shall send its

list to each district attorney in the state. The district attorney shall remove any convictions in which a condition of a plea was that the defendant agreed to not have the case sealed and convictions in which the defendant has pending criminal charges. Each district attorney shall send its amended list to the administrator. The administrator shall compile each of the lists into one list and sort the convictions by judicial district.

If the chief judge of a judicial district authorizes the administrator to issue sealing orders, the administrator shall issue sealing orders based on the list received from the district attorneys. If the chief judge of a judicial district does not authorize the administrator to issue sealing orders, the district attorney shall send the list to the chief judge for the judicial district and the courts of that judicial district shall enter sealing orders based on the list received.

The administrator shall develop a website that allows defendants to confidentially determine whether his or her conviction has been sealed and information about how to receive a copy of the sealing order.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.3-107, **add** (9)
3 as follows:

4 **18-1.3-107. Conviction - collateral relief - applicability -**
5 **definitions.** (9) THE PROVISIONS OF THIS SECTION APPLY TO CONVICTIONS
6 ENTERED BEFORE, ON, OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION
7 (9).

8 **SECTION 2.** In Colorado Revised Statutes, 19-2-927, **add** (9) as
9 follows:

10 **19-2-927. Adjudication - collateral relief - applicability -**
11 **definitions.** (9) THE PROVISIONS OF THIS SECTION APPLY TO CONVICTIONS
12 ENTERED BEFORE, ON, OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION
13 (9).

14 **SECTION 3.** In Colorado Revised Statutes, **add** 21-1-107 as
15 follows:

16 **21-1-107. State public defender - gifts, grants, and donations**

1 **for record sealing - sealing defense fund - created.** (1) THE STATE
2 PUBLIC DEFENDER MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR
3 DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSE OF
4 REPRESENTING INDIGENT CLIENTS IN MATTERS PURSUANT TO PART 7 OF
5 ARTICLE 72 OF TITLE 24. THE STATE PUBLIC DEFENDER SHALL TRANSMIT
6 ALL MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE
7 STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE SEALING
8 DEFENSE FUND CREATED IN SUBSECTION (2) OF THIS SECTION.

9 (2) (a) THE SEALING DEFENSE FUND REFERRED TO IN THIS
10 SUBSECTION (2) AS THE "FUND" IS CREATED IN THE STATE TREASURY. THE
11 FUND CONSISTS OF GIFTS, GRANTS, AND DONATIONS CREDITED TO THE
12 FUND PURSUANT TO SUBSECTION (1) OF THIS SECTION AND SECTION
13 21-2-109 AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
14 APPROPRIATE OR TRANSFER TO THE FUND.

15 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
16 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
17 FUND TO THE FUND.

18 (c) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
19 STATE PUBLIC DEFENDER AND THE OFFICE OF ALTERNATE DEFENSE
20 COUNSEL FOR THE PURPOSE OF REPRESENTING INDIGENT CLIENTS IN
21 MATTERS PURSUANT TO PART 7 OF ARTICLE 72 OF TITLE 24.

22 **SECTION 4.** In Colorado Revised Statutes, **add** 21-2-109 as
23 follows:

24 **21-2-109. Office of alternate defense counsel - gifts, grants,**
25 **and donations for record sealing.** THE OFFICE OF ALTERNATE DEFENSE
26 COUNSEL MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS
27 FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSE OF REPRESENTING

1 INDIGENT CLIENTS IN MATTERS PURSUANT TO PART 7 OF ARTICLE 72 OF
2 TITLE 24 WHEN THE STATE PUBLIC DEFENDER HAS A CONFLICT PURSUANT
3 TO SECTION 21-2-103. THE OFFICE OF ALTERNATE DEFENSE COUNSEL
4 SHALL TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS, GRANTS, OR
5 DONATIONS TO THE STATE TREASURER WHO SHALL CREDIT THE MONEY TO
6 THE SEALING DEFENSE FUND CREATED IN SECTION 21-1-107.

7 **SECTION 5.** In Colorado Revised Statutes, 24-72-704, **add** (2),
8 (3), and (4) as follows:

9 **24-72-704. Sealing of arrest records when no charges filed -**
10 **automatic sealing.** (2) (a) FOR ARRESTS ON OR AFTER JANUARY 1, 2022,
11 THE COLORADO BUREAU OF INVESTIGATION IN THE DEPARTMENT OF
12 PUBLIC SAFETY SHALL AUTOMATICALLY SEAL AN ARREST RECORD THAT IS
13 IN ITS CUSTODY AND CONTROL OF A PERSON WHEN NO CRIMINAL CHARGES
14 HAVE BEEN FILED WITHIN ONE YEAR OF THE DATE OF THE PERSON'S
15 ARREST. IF THE COLORADO BUREAU OF INVESTIGATION DOES NOT RECEIVE
16 DOCUMENTATION OF THE FILING OF CRIMINAL CHARGES MATCHING ARREST
17 RECORDS IN ITS CUSTODY AND CONTROL FROM A COURT OR ANOTHER
18 STATE OR LOCAL AGENCY OR OFFICE WITHIN ONE YEAR OF THE DATE OF
19 ARREST, THE BUREAU SHALL SEAL THE ARREST RECORDS. THE COLORADO
20 BUREAU OF INVESTIGATION IS NOT REQUIRED TO CONDUCT ANY
21 INDEPENDENT INVESTIGATION OF WHETHER CRIMINAL CHARGES HAVE
22 BEEN FILED AND IS NOT REQUIRED TO SEAL ANY ARREST RECORDS NOT IN
23 ITS CUSTODY AND CONTROL. AN ARREST RECORD ELIGIBLE FOR SEALING
24 PURSUANT TO THIS SUBSECTION (2)(a) MUST BE SEALED WITHIN SIXTY
25 DAYS AFTER THE YEAR HAS PASSED SINCE THE PERSON'S ARREST DATE. IF
26 THE COLORADO BUREAU OF INVESTIGATION RECEIVES NOTICE OF FILED
27 CHARGES AFTER IT SEALED THE RECORD, THE BUREAU SHALL

1 IMMEDIATELY UNSEAL THE RECORD.

2 (b) (I) FOR ARRESTS WITHOUT A CONVICTION AFTER JANUARY 1,
3 2019, BUT BEFORE JANUARY 1, 2022, THE COLORADO BUREAU OF
4 INVESTIGATION SHALL AUTOMATICALLY SEAL AN ARREST RECORD THAT
5 IS IN ITS CUSTODY AND CONTROL OF A PERSON WHEN NO CRIMINAL
6 CHARGES HAVE BEEN FILED:

7 (A) WITHIN THREE YEARS AFTER THE DATE OF ARREST FOR A
8 FELONY OFFENSE FOR WHICH THE STATUTE OF LIMITATIONS IS THREE
9 YEARS; OR

10 (B) WITHIN EIGHTEEN MONTHS AFTER THE DATE OF ARREST FOR
11 A MISDEMEANOR OFFENSE, A MISDEMEANOR TRAFFIC OFFENSE, A PETTY
12 OFFENSE, A MUNICIPAL ORDINANCE VIOLATION FOR WHICH THE STATUTE
13 OF LIMITATIONS IS EIGHTEEN MONTHS OR LESS, OR IF THERE IS NO
14 INDICATION OF THE CLASSIFICATION OF THE CRIME IN THE ARREST DATA.

15 (II) IF THE COLORADO BUREAU OF INVESTIGATION DOES NOT
16 RECEIVE DOCUMENTATION FROM A COURT OR ANOTHER STATE OR LOCAL
17 AGENCY OR OFFICE THAT CRIMINAL CHARGES HAVE BEEN FILED WITHIN
18 THE TIME PERIODS PROVIDED IN SUBSECTION (2)(b)(I) OF THIS SECTION,
19 THE BUREAU SHALL SEAL THE ARREST RECORDS IN ITS CUSTODY AND
20 CONTROL. THE COLORADO BUREAU OF INVESTIGATION IS NOT REQUIRED
21 TO CONDUCT ANY INDEPENDENT INVESTIGATION OF WHETHER CRIMINAL
22 CHARGES HAVE BEEN FILED AND IS NOT REQUIRED TO SEAL ANY ARREST
23 RECORDS NOT IN ITS CUSTODY AND CONTROL. IF THE COLORADO BUREAU
24 OF INVESTIGATION RECEIVES NOTICE OF FILED CHARGES AFTER IT SEALED
25 THE RECORD, THE BUREAU SHALL IMMEDIATELY UNSEAL THE RECORD.

26 (III) THIS SUBSECTION (2)(b) ONLY APPLIES TO CRIMINAL ARREST
27 RECORDS THAT THE COLORADO BUREAU OF INVESTIGATION HAS CUSTODY

1 AND CONTROL OVER IN AN ELECTRONIC FORMAT.

2 (IV) (A) FOR ARREST RECORDS WITH NO CONVICTION THAT ARE
3 FROM 2013 TO 2018, THE COLORADO BUREAU OF INVESTIGATION SHALL
4 SEAL THE RECORDS BY JANUARY 1, 2023.

5 (B) FOR ARREST RECORDS WITH NO CONVICTION THAT ARE FROM
6 2008 TO 2012, THE COLORADO BUREAU OF INVESTIGATION SHALL SEAL
7 THE RECORDS BY JANUARY 1, 2024.

8 (C) FOR ARREST RECORDS WITH NO CONVICTION THAT ARE FROM
9 2003 TO 2007, THE COLORADO BUREAU OF INVESTIGATION SHALL SEAL
10 THE RECORDS BY JANUARY 1, 2025.

11 (D) FOR ARREST RECORDS WITH NO CONVICTION THAT ARE FROM
12 1997 TO 2002, THE COLORADO BUREAU OF INVESTIGATION SHALL SEAL
13 THE RECORDS BY JANUARY 1, 2026.

14 (E) FOR ANY OTHER ARREST RECORDS WITH NO CONVICTION, THE
15 COLORADO BUREAU OF INVESTIGATION SHALL SEAL THE RECORDS BY
16 JANUARY 1, 2027.

17 (V) ARREST RECORDS FOR A FELONY OFFENSE WITH A STATUTE OF
18 LIMITATIONS OF MORE THAN THREE YEARS OR WITH NO STATUTE OF
19 LIMITATIONS ARE NOT ELIGIBLE FOR SEALING UNDER THIS SUBSECTION (2).

20 (3) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, THE
21 COLORADO BUREAU OF INVESTIGATION SHALL DEVELOP A PROCESS TO
22 ALLOW AN APPROVED TREATMENT PROVIDER PROVIDING TREATMENT
23 PURSUANT TO SECTION 16-11.7-103 (4) OR 16-11.8-103 (4) ACCESS TO
24 SEALED ARREST RECORDS. A TREATMENT PROVIDER SHALL NOT USE
25 RECORDS ACCESSED PURSUANT TO THIS SUBSECTION (3) FOR ANY OTHER
26 PURPOSE.

27 (4) THE PROVISIONS OF SECTION 24-72-703 (2) APPLY TO AN

1 ARREST RECORD SEALED PURSUANT TO THIS SECTION.

2 **SECTION 6.** In Colorado Revised Statutes, 24-72-706, **amend**
3 (2)(b) as follows:

4 **24-72-706. Sealing of criminal conviction records.**

5 (2) (b) Notwithstanding the provisions of this section, a DRUG LEVEL 1
6 FELONY, A CLASS 4, CLASS 5, OR CLASS 6 FELONY, OR UNCLASSIFIED
7 FELONY THAT IS NOT A CRIME OF VIOLENCE OR misdemeanor offense
8 ineligible pursuant to ~~the provisions of~~ this section or subsection (2)(a) of
9 this section is eligible for sealing pursuant to this section if the district
10 attorney consents to the sealing or if the court finds, by clear and
11 convincing evidence, that the petitioner's need for sealing of the record
12 is significant and substantial, the passage of time is such that the
13 petitioner is no longer a threat to public safety, and the public disclosure
14 of the record is no longer necessary to protect or inform the public.

15 **SECTION 7.** In Colorado Revised Statutes, **add** 24-72-709 and
16 24-72-710 as follows:

17 **24-72-709. Sealing of criminal conviction records information**
18 **for multiple conviction records.** (1) (a) SUBJECT TO THE PROVISIONS OF
19 SUBSECTION (5) OF THIS SECTION, A DEFENDANT WITH MULTIPLE
20 CONVICTION RECORDS IN THE STATE MAY PETITION THE DISTRICT COURT
21 OF THE DISTRICT WHERE THE CONVICTION RECORD OR RECORDS
22 PERTAINING TO THE DEFENDANT ARE LOCATED FOR THE SEALING OF THE
23 CONVICTION RECORDS, EXCEPT BASIC IDENTIFYING INFORMATION, IF THE
24 RECORD OR RECORDS ARE NOT ELIGIBLE FOR SEALING PURSUANT TO ANY
25 OTHER SECTION IN THIS PART 7 BECAUSE OF AN INTERVENING CONVICTION
26 AND IF THE PETITION IS FILED WITHIN THE TIME FRAME DESCRIBED IN
27 SUBSECTION (2) OF THIS SECTION AND PROPER NOTICE IS GIVEN TO THE

1 DISTRICT ATTORNEY. IF THE MULTIPLE CONVICTION RECORDS ARE IN
2 DIFFERENT JURISDICTIONS, THE DEFENDANT SHALL FILE A PETITION IN
3 EACH JURISDICTION WITH A CONVICTION RECORD AND PROVIDE NOTICE OF
4 THE PETITION TO EACH DISTRICT ATTORNEY.

5 (b) A MOTION TO SEAL CONVICTION RECORDS PURSUANT TO THIS
6 SECTION MUST INCLUDE A LISTING OF EACH CUSTODIAN OF THE RECORDS
7 TO WHOM THE SEALING ORDER IS DIRECTED AND ANY INFORMATION THAT
8 ACCURATELY AND COMPLETELY IDENTIFIES THE RECORDS TO BE SEALED.
9 THE DEFENDANT SHALL SUBMIT A VERIFIED COPY OF THEIR CRIMINAL
10 HISTORY, CURRENT THROUGH AT LEAST THE TWENTIETH DAY BEFORE THE
11 DATE OF THE FILING OF THE PETITION TO THE COURT, ALONG WITH THE
12 MOTION AT THE TIME OF FILING, BUT IN NO EVENT LATER THAN THE TENTH
13 DAY AFTER THE MOTION IS FILED. THE DEFENDANT SHALL PAY FOR HIS OR
14 HER CRIMINAL HISTORY RECORD.

15 (2) (a) IF THE OFFENSE OR HIGHEST OFFENSE OF THE MULTIPLE
16 OFFENSES IS A PETTY OFFENSE OR PETTY DRUG OFFENSE, THE PETITION
17 MAY BE FILED TWO YEARS AFTER THE LATER OF THE DATE OF THE FINAL
18 DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR
19 THE RELEASE OF THE DEFENDANT FROM SUPERVISION CONCERNING THE
20 CONVICTION, OR THE LATEST IN TIME CRIMINAL CONVICTION OF THE
21 MULTIPLE CONVICTIONS.

22 (b) IF THE OFFENSE OR HIGHEST OFFENSE OF THE MULTIPLE
23 OFFENSES IS A CLASS 2 OR CLASS 3 MISDEMEANOR OR MISDEMEANOR DRUG
24 OFFENSE, THE PETITION MAY BE FILED FOUR YEARS AFTER THE LATER OF
25 THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS
26 AGAINST THE DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM
27 SUPERVISION CONCERNING THE CONVICTION, OR THE LATEST IN TIME

1 CRIMINAL CONVICTION OF THE MULTIPLE CONVICTIONS.

2 (c) IF THE OFFENSE OR HIGHEST OFFENSE OF THE MULTIPLE
3 OFFENSES IS A CLASS 1 MISDEMEANOR, A CLASS 4, CLASS 5, OR CLASS 6
4 FELONY, OR A LEVEL 3 OR LEVEL 4 DRUG FELONY, THE PETITION MAY BE
5 FILED SIX YEARS AFTER THE LATER OF THE DATE OF THE FINAL DISPOSITION
6 OF ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE
7 OF THE DEFENDANT FROM SUPERVISION CONCERNING THE CONVICTION, OR
8 THE LATEST IN TIME CRIMINAL CONVICTION OF THE MULTIPLE
9 CONVICTIONS.

10 (d) IF THE OFFENSE OR HIGHEST OFFENSE OF THE MULTIPLE
11 OFFENSES IS ELIGIBLE FOR SEALING BUT THE OFFENSE IS NOT COVERED BY
12 SUBSECTION (2)(a), (2)(b), OR (2)(c) OF THIS SECTION, THE PETITION MAY
13 BE FILED TEN YEARS AFTER THE LATER OF THE DATE OF THE FINAL
14 DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR
15 THE RELEASE OF THE DEFENDANT FROM SUPERVISION CONCERNING THE
16 CRIMINAL CONVICTION.

17 (3) (a) IF THE OFFENSE OR HIGHEST OFFENSE OF THE MULTIPLE
18 OFFENSES IS A PETTY OFFENSE OR PETTY DRUG OFFENSE, THE PETITION
19 MAY BE FILED ONLY IF THE DEFENDANT HAS NO MORE THAN FIVE
20 CONVICTIONS IN SEPARATE CRIMINAL EPISODES.

21 (b) IF THE OFFENSE OR HIGHEST OFFENSE OF THE MULTIPLE
22 OFFENSES IS A CLASS 2 OR CLASS 3 MISDEMEANOR OR MISDEMEANOR DRUG
23 OFFENSE, THE PETITION MAY BE FILED ONLY IF THE DEFENDANT HAS NO
24 MORE THAN FOUR PREVIOUS CONVICTIONS IN SEPARATE CRIMINAL
25 EPISODES.

26 (c) IF THE OFFENSE OR HIGHEST OFFENSE OF THE MULTIPLE
27 OFFENSES IS A CLASS 1 MISDEMEANOR, A CLASS 4, CLASS 5, OR CLASS 6

1 FELONY, OR A LEVEL 3 OR LEVEL 4 DRUG FELONY, THE PETITION MAY BE
2 FILED ONLY IF THE DEFENDANT HAS NO MORE THAN THREE PREVIOUS
3 CONVICTIONS IN SEPARATE CRIMINAL EPISODES.

4 (d) IF THE OFFENSE OR HIGHEST OFFENSE OF THE MULTIPLE
5 OFFENSES IS ELIGIBLE FOR SEALING BUT THE OFFENSE IS NOT COVERED BY
6 SUBSECTION (3)(a), (3)(b), OR (3)(c) OF THIS SECTION, THE PETITION MAY
7 BE FILED ONLY IF THE DEFENDANT HAS NO MORE THAN TWO PREVIOUS
8 CONVICTIONS IN SEPARATE CRIMINAL EPISODES.

9 (e) IF AT LEAST TEN YEARS HAVE ELAPSED FROM THE DATE THE
10 DEFENDANT WAS CONVICTED OR RELEASED FROM INCARCERATION,
11 PAROLE, OR PROBATION, WHICHEVER OCCURRED LAST, FOR ALL
12 CONVICTIONS, THEN EACH ELIGIBILITY LIMIT DEFINED IN SUBSECTION
13 (3)(a), (3)(b), (3)(c), OR (3)(d) OF THIS SECTION IS INCREASED BY ONE.

14 (4) (a) THE DEFENDANT SHALL PAY THE PROCESSING FEE AND
15 PROVIDE NOTICE OF THE PETITION TO THE DISTRICT ATTORNEY. THE
16 DISTRICT ATTORNEY SHALL DETERMINE WHETHER TO OBJECT TO THE
17 PETITION AFTER CONSIDERING THE FACTORS IN SECTION 24-72-706 (1)(g).
18 THE DISTRICT ATTORNEY SHALL ADVISE THE COURT OF A VICTIM'S
19 OBJECTION AND REQUEST FOR HEARING WHEN KNOWN. IF THE DISTRICT
20 ATTORNEY DOES NOT OBJECT AND THE OFFENSE IS NOT A CRIME
21 ENUMERATED IN SECTION 24-4.1-302 (1), THE COURT MAY DECIDE THE
22 PETITION WITH OR WITHOUT THE BENEFIT OF A HEARING. IF THE DISTRICT
23 ATTORNEY OBJECTS TO THE PETITION OR THE OFFENSE IS A CRIME
24 ENUMERATED IN SECTION 24-4.1-302 (1) AND THE VICTIM REQUESTS A
25 HEARING, THE COURT SHALL SET THE MATTER FOR HEARING. TO ORDER
26 THE RECORD SEALED, THE CRIMINAL HISTORY FILED WITH THE PETITION
27 MUST DOCUMENT TO THE COURT THAT THE DEFENDANT HAS NOT BEEN

1 CONVICTED OF A CRIMINAL OFFENSE SINCE THE DATE OF THE FINAL
2 DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR
3 SINCE THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION,
4 WHICHEVER IS LATER. THE COURT SHALL DECIDE THE PETITION AFTER
5 CONSIDERING THE FACTORS IN SECTION 24-72-706 (1)(g).

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

12 (5) (a) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO
13 RECORDS PERTAINING TO:

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

15 (II) A CLASS A OR CLASS B TRAFFIC INFRACTION;

16 (III) A CONVICTION FOR A VIOLATION OF SECTION 42-4-1301 (1) OR
17 (2);

18 (IV) A CONVICTION FOR AN OFFENSE FOR WHICH THE UNDERLYING
19 FACTUAL BASIS INVOLVED UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN
20 SECTION 16-22-102 (9);

21 (V) A CONVICTION FOR A VIOLATION OF SECTION 18-6-401; OR

22 (VI) A CONVICTION THAT IS SUBJECT TO ONE OR MORE OF THE
23 FOLLOWING PROVISIONS:

24 (A) SENTENCES FOR A CRIME INVOLVING EXTRAORDINARY
25 AGGRAVATING CIRCUMSTANCES PURSUANT TO SECTION 18-1.3-401 (8);

26 (B) A SENTENCE FOR AN EXTRAORDINARY RISK CRIME PURSUANT
27 TO SECTION 18-1.3-401 (10);

1 (C) SENTENCING FOR A CRIME INVOLVING A PREGNANT VICTIM
2 PURSUANT TO SECTION 18-1.3-401 (13);

3 (D) SENTENCING FOR A CRIME PERTAINING TO A SPECIAL
4 OFFENDER PURSUANT TO SECTION 18-18-407;

5 (E) SENTENCING FOR A CRIMINAL CONVICTION FOR WHICH THE
6 UNDERLYING FACTUAL BASIS INVOLVES DOMESTIC VIOLENCE AS DEFINED
7 IN SECTION 18-6-800.3;

8 (F) SENTENCING FOR A CRIMINAL CONVICTION FOR A SEXUAL
9 OFFENSE, PURSUANT TO PART 4 OF ARTICLE 3 OF TITLE 18;

10 (G) SENTENCING FOR ANY CRIME OF VIOLENCE PURSUANT TO
11 SECTION 18-1.3-406;

12 (H) SENTENCING FOR A FELONY CRIME ENUMERATED IN SECTION
13 24-4.1-302 (1);

14 (I) SENTENCING FOR A FELONY OFFENSE IN VIOLATION OF SECTION
15 18-9-202;

16 (J) SENTENCING FOR AN OFFENSE CLASSIFIED AS A CLASS 1, 2, OR
17 3 FELONY OR A LEVEL 1 DRUG FELONY PURSUANT TO ANY SECTION OF
18 TITLE 18;

19 (K) SENTENCING FOR AN OFFENSE IN VIOLATION OF PART 1 OF
20 ARTICLE 6 OF TITLE 18;

21 (L) SENTENCING FOR AN OFFENSE IN VIOLATION OF SECTION
22 18-5-902 (1);

23 (M) SENTENCING FOR AN OFFENSE IN VIOLATION OF SECTION
24 18-3.5-103; OR

25 (N) SENTENCING FOR AN OFFENSE IN VIOLATION OF SECTION
26 18-7-203.

27 (b) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A DRUG

1 LEVEL 1 FELONY, A CLASS 4, CLASS 5, OR CLASS 6 FELONY, OR
2 UNCLASSIFIED FELONY THAT IS NOT A CRIME OF VIOLENCE OR
3 MISDEMEANOR OFFENSE INELIGIBLE PURSUANT TO THE PROVISIONS OF THIS
4 SECTION IS ELIGIBLE FOR SEALING PURSUANT TO THIS SECTION IF THE
5 DISTRICT ATTORNEY CONSENTS TO THE SEALING OR IF THE COURT FINDS,
6 BY CLEAR AND CONVINCING EVIDENCE, THAT THE PETITIONER'S NEED FOR
7 SEALING OF THE RECORD IS SIGNIFICANT AND SUBSTANTIAL, THE PASSAGE
8 OF TIME IS SUCH THAT THE PETITIONER IS NO LONGER A THREAT TO PUBLIC
9 SAFETY, AND THE PUBLIC DISCLOSURE OF THE RECORD IS NO LONGER
10 NECESSARY TO PROTECT OR INFORM THE PUBLIC.

11 (c) THIS SECTION DOES NOT APPLY TO RECORDS THAT ARE SUBJECT
12 TO THE PROCEDURE SET FORTH IN SECTION 18-13-122 (13).

13 **24-72-710. Sealing of criminal conviction records information**
14 **for offenses that receive a full pardon.** (1) AT ANY TIME AFTER
15 RECEIVING A FULL PARDON, A DEFENDANT MAY FILE A MOTION IN THE
16 CASE IN WHICH ANY CONVICTION RECORDS EXIST PERTAINING TO THE
17 DEFENDANT'S CONVICTION FOR ANY OFFENSES THAT RECEIVED A FULL
18 PARDON.

19 (2) A DEFENDANT MOVING TO HAVE HIS OR HER CRIMINAL
20 RECORDS SEALED PURSUANT TO THIS SECTION IS NOT REQUIRED TO PAY A
21 PROCESSING FEE BUT SHALL PROVIDE NOTICE OF THE MOTION TO THE
22 DISTRICT ATTORNEY.

23 (3) THE DISTRICT ATTORNEY SHALL DETERMINE WHETHER TO
24 OBJECT TO THE PETITION AFTER CONSIDERING THE FACTORS IN SECTION
25 24-72-706 (1)(g) AND THE ADDITIONAL FACTOR OF THE DEFENDANT
26 HAVING RECEIVED A FULL PARDON. THE DISTRICT ATTORNEY SHALL
27 ADVISE THE COURT OF A VICTIM'S OBJECTION AND REQUEST FOR HEARING

1 IF KNOWN. IF THE DISTRICT ATTORNEY DOES NOT OBJECT AND THE
2 OFFENSE IS NOT A CRIME ENUMERATED IN SECTION 24-4.1-302 (1), THE
3 COURT MAY DECIDE THE PETITION WITH OR WITHOUT THE BENEFIT OF A
4 HEARING. IF THE DISTRICT ATTORNEY OBJECTS TO THE PETITION OR THE
5 OFFENSE IS A CRIME ENUMERATED IN SECTION 24-4.1-302 (1) AND THE
6 VICTIM REQUESTS A HEARING, THE COURT SHALL SET THE MATTER FOR
7 HEARING. THE COURT SHALL ORDER THE RECORDS SEALED UNLESS THE
8 COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE PUBLIC
9 INTEREST IN RETAINING PUBLIC ACCESS TO THE CONVICTION RECORDS
10 OUTWEIGHS THE HARM TO THE PRIVACY OF THE DEFENDANT, THE DANGERS
11 OF UNWARRANTED, ADVERSE CONSEQUENCES TO THE DEFENDANT, AND
12 THE INTENT OF THE FULL PARDON.

13 **SECTION 8.** In Colorado Revised Statutes, 24-4.1-302, **amend**
14 (2)(v) as follows:

15 **24-4.1-302. Definitions.** As used in this part 3, and for no other
16 purpose, including the expansion of the rights of any defendant:

17 (2) "Critical stages" means the following stages of the criminal
18 justice process:

19 (v) A hearing held pursuant to ~~section 24-72-706 or 24-72-709~~
20 SECTION 24-72-706, 24-72-709, OR 24-72-710;

21 **SECTION 9.** In Colorado Revised Statutes, 24-4.1-302.5, **amend**
22 (1)(z) as follows:

23 **24-4.1-302.5. Rights afforded to victims - definitions.** (1) In
24 order to preserve and protect a victim's rights to justice and due process,
25 each victim of a crime has the following rights:

26 (z) The right to be notified of a hearing concerning any motion
27 filed for or petition for sealing of records described in ~~section 24-72-704~~

1 SECTION 24-72-706, 24-72-709, OR 24-72-710 filed by a defendant in the
2 criminal case whose crime falls under section 24-4.1-302 (1);

3 **SECTION 10.** In Colorado Revised Statutes, 24-4.1-303, **amend**
4 (11)(b.7) as follows:

5 **24-4.1-303. Procedures for ensuring rights of victims of**
6 **crimes.** (11) The district attorney shall inform a victim of the following:

7 (b.7) Any motion filed or any hearing concerning a motion or
8 petition for sealing of records as described in ~~section 24-72-706 or~~
9 ~~24-72-709~~ SECTION 24-72-706, 24-72-709, OR 24-72-710 that was filed by
10 a defendant in the criminal case and whose crime falls under section
11 24-4.1-302 (1). The notification should be made using the last known
12 contact information that is available for the victim.

13 **SECTION 11.** In Colorado Revised Statutes, **add** 13-3-117 as
14 follows:

15 **13-3-117. State court administrator - automatic drug**
16 **conviction sealing.** (1) (a) THE STATE COURT ADMINISTRATOR SHALL
17 COMPILE A LIST OF DRUG CONVICTIONS PURSUANT TO ARTICLE 18 OF TITLE
18 18:

19 (I) THAT ARE ELIGIBLE FOR SEALING PURSUANT TO SECTIONS
20 24-72-703 AND 24-72-706; AND

21 (II) (A) IF THE DRUG CONVICTION IS FOR A PETTY OFFENSE OR
22 MISDEMEANOR, THAT SEVEN YEARS HAVE PAST SINCE THE DISPOSITION OF
23 THE CASE; OR

24 (B) IF THE DRUG CONVICTION IS FOR A FELONY, THAT AT LEAST
25 TEN YEARS HAVE PAST SINCE THE DISPOSITION OF THE CASE.

26 (b) THE STATE COURT ADMINISTRATOR SHALL USE THE STATE
27 CONVICTION DATABASE AND THE CONVICTION DATABASES OF ENTITIES

1 THAT DO NOT REPORT CONVICTIONS TO THE STATE DATABASE TO COMPILE
2 THE LIST. THE STATE COURT ADMINISTRATOR SHALL COMPILE THE LIST
3 BASED ON A NAME-BASED REVIEW WITH SUFFICIENT POINTS OF REFERENCE
4 FOR IDENTIFICATION VALIDATION AS DETERMINED BY THE STATE COURT
5 ADMINISTRATOR. THE STATE COURT ADMINISTRATOR MUST ONLY INCLUDE
6 CONVICTIONS ON THE LIST IF SUFFICIENT POINTS OF VALIDATION, AS
7 DETERMINED BY THE STATE COURT ADMINISTRATOR, ARE PRESENT. THE
8 STATE COURT ADMINISTRATOR SHALL SORT THE LIST BY JUDICIAL DISTRICT
9 OF CONVICTION.

10 (c) THE STATE COURT ADMINISTRATOR SHALL COMPILE THE INITIAL
11 LIST PURSUANT TO THIS SUBSECTION (1) BY FEBRUARY 1, 2024, AND THE
12 STATE COURT ADMINISTRATOR OR COURT SHALL SEAL ALL CONVICTION
13 RECORDS ELIGIBLE FOR SEALING PURSUANT TO THE FINAL LIST COMPILED
14 PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION BASED ON THE INITIAL
15 LIST BY JULY 1, 2024.

16 (d) BEGINNING JULY 1, 2024, THE STATE COURT ADMINISTRATOR
17 SHALL COMPILE THE LIST PURSUANT TO THIS SUBSECTION (1) EVERY
18 THIRTY-FIVE DAYS AND THE COLORADO BUREAU OF INVESTIGATION AND
19 DISTRICT ATTORNEYS SHALL COMPLETE THEIR REVIEW WITHIN
20 THIRTY-FIVE DAYS OF RECEIVING A NEW LIST. THE STATE COURT
21 ADMINISTRATOR OR COURT SHALL SEAL ALL CONVICTION RECORDS
22 ELIGIBLE FOR SEALING PURSUANT TO THE LIST COMPILED PURSUANT TO
23 SUBSECTION (3)(a) OF THIS SECTION WITHIN FOURTEEN DAYS OF RECEIPT
24 OF THE AMENDED LIST FROM EACH DISTRICT ATTORNEY.

25 (2) THE STATE COURT ADMINISTRATOR SHALL FORWARD THE LIST
26 COMPILED PURSUANT TO SUBSECTION (1) OF THIS SECTION TO THE
27 COLORADO BUREAU OF INVESTIGATION. THE COLORADO BUREAU OF

1 INVESTIGATION SHALL COMPARE THE LIST WITH CRIMINAL HISTORY
2 REPORTS. THE COLORADO BUREAU OF INVESTIGATION SHALL COMPLETE
3 THE COMPARISON BASED ON A FINGERPRINT-BASED REVIEW WITH A
4 SUFFICIENT POINTS OF REFERENCE FOR IDENTIFICATION VALIDATION AS
5 DETERMINED BY THE COLORADO BUREAU OF INVESTIGATION. THE
6 COLORADO BUREAU OF INVESTIGATION SHALL REMOVE ANY CONVICTIONS
7 FROM THE LIST FROM THE STATE COURT ADMINISTRATOR IN WHICH
8 SUFFICIENT IDENTIFICATION VALIDATION CANNOT BE MADE BY THE
9 COLORADO BUREAU OF INVESTIGATION AND ANY CONVICTIONS FOR WHICH
10 THE DEFENDANT HAS AN INTERVENING CONVICTION DURING THE
11 SEVEN-YEAR-WAITING PERIOD IF THE CONVICTION IS FOR A PETTY OFFENSE
12 OR MISDEMEANOR OR DURING THE TEN-YEAR-WAITING PERIOD IF THE
13 CONVICTION IS FOR A FELONY. THE COLORADO BUREAU OF INVESTIGATION
14 SHALL FORWARD EACH AMENDED LIST TO EACH DISTRICT ATTORNEY.

15 (3) (a) UPON RECEIPT OF THE LIST FROM THE COLORADO BUREAU
16 OF INVESTIGATION, EACH DISTRICT ATTORNEY SHALL REMOVE
17 CONVICTIONS FROM THE LIST IN WHICH A CONDITION OF PLEA WAS THAT
18 THE DEFENDANT AGREED TO NOT HAVE THE CONVICTION RECORD SEALED
19 AND CONVICTIONS IN WHICH THE DEFENDANT HAS A PENDING CRIMINAL
20 CHARGE. EACH DISTRICT ATTORNEY SHALL SEND ITS AMENDED LIST TO
21 THE STATE COURT ADMINISTRATOR. THE STATE COURT ADMINISTRATOR
22 SHALL COMPILE EACH OF THE LISTS INTO ONE FINAL LIST AND SORT THE
23 CONVICTIONS BY JUDICIAL DISTRICT.

24 (b) IF THE CHIEF JUDGE OF A JUDICIAL DISTRICT AUTHORIZES THE
25 STATE COURT ADMINISTRATOR TO ISSUE SEALING ORDERS BASED ON THE
26 FINAL LIST COMPILED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION,
27 THE STATE COURT ADMINISTRATOR SHALL ISSUE SEALING ORDERS BASED

1 ON THE FINAL LIST COMPILED PURSUANT TO SUBSECTION (3)(a) OF THIS
2 SECTION. THE STATE COURT ADMINISTRATOR SHALL SEND A COPY OF THE
3 SEALING ORDER TO THE COLORADO BUREAU OF INVESTIGATION, THE LAW
4 ENFORCEMENT AGENCY THAT INVESTIGATED THE CASE, THE DISTRICT
5 ATTORNEY'S OFFICE THAT PROSECUTED THE CASE TO FACILITATE SEALING
6 OF THE RECORDS HELD BY THOSE ENTITIES. THE STATE COURT
7 ADMINISTRATOR SHALL ALSO SEND A COPY TO THE DEFENDANT IF THE
8 CONTACT INFORMATION FOR THE DEFENDANT IS AVAILABLE.

9 (c) IF THE CHIEF JUDGE OF A JUDICIAL DISTRICT DOES NOT
10 AUTHORIZE THE STATE COURT ADMINISTRATOR TO ISSUE SEALING ORDERS,
11 THE DISTRICT ATTORNEY SHALL SEND THE FINAL LIST COMPILED PURSUANT
12 TO SUBSECTION (3)(a) OF THIS SECTION TO THE CHIEF JUDGE FOR THE
13 JUDICIAL DISTRICT AND THE COURTS OF THAT JUDICIAL DISTRICT SHALL
14 ENTER SEALING ORDERS BASED ON THE LIST RECEIVED. THE DISTRICT
15 COURT SHALL SEND A COPY OF THE SEALING ORDER TO THE COLORADO
16 BUREAU OF INVESTIGATION, THE LAW ENFORCEMENT AGENCY THAT
17 INVESTIGATED THE CASE, AND THE DISTRICT ATTORNEY'S OFFICE THAT
18 PROSECUTED THE CASE TO FACILITATE SEALING OF THE RECORDS HELD BY
19 THOSE ENTITIES. THE COURT SHALL ALSO SEND A COPY TO THE DEFENDANT
20 IF THE CONTACT INFORMATION FOR THE DEFENDANT IS AVAILABLE AND TO
21 THE STATE COURT ADMINISTRATOR FOR PURPOSES OF SUBSECTION (3)(d)
22 OF THIS SECTION.

23 (d) THE STATE COURT ADMINISTRATOR SHALL DEVELOP A WEBSITE
24 THAT ALLOWS DEFENDANTS TO CONFIDENTIALLY DETERMINE WHETHER
25 HIS OR HER CONVICTION HAS BEEN SEALED PURSUANT TO THIS SECTION
26 AND INFORMATION ABOUT HOW TO RECEIVE A COPY OF THE SEALING
27 ORDER.

1 **SECTION 12.** In Colorado Revised Statutes, 39-28.8-501, **add**
2 (2)(b)(IV)(S) as follows:

3 **39-28.8-501. Marijuana tax cash fund - creation - distribution**
4 **- legislative declaration - repeal.** (2) (b) (IV) Subject to the limitation
5 in subsection (5) of this section, the general assembly may annually
6 appropriate any money in the fund for the following purposes:

7 (S) FOR EXPENSES RELATING TO THE REDUCTION OF COLLATERAL
8 CONSEQUENCES EXPERIENCED BY PEOPLE PREVIOUSLY SENTENCED FOR
9 DRUG OFFENSES.

10 **SECTION 13. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly; except
13 that, if a referendum petition is filed pursuant to section 1 (3) of article V
14 of the state constitution against this act or an item, section, or part of this
15 act within such period, then the act, item, section, or part will not take
16 effect unless approved by the people at the general election to be held in
17 November 2022 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.