

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 14-1002.03 Michael Dohr

SENATE BILL 14-206

SENATE SPONSORSHIP

Steadman,

HOUSE SPONSORSHIP

Singer,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

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

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://www.leg.state.co.us/bills summaries>.)

The bill moves the sealing of criminal records statutes into a new

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

SENATE
3rd Reading Unamended
April 28, 2014

SENATE
Amended 2nd Reading
April 25, 2014

part and reorganizes the statutes. The bill allows a person to seal an arrest record if they are not charged with a crime, and the statute of limitations has not run, but the person is no longer being investigated by law enforcement.

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

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

4 **18-1.3-101. Pretrial diversion.** (10) **Diversion outcomes.** (c) At
5 any point after a diversion agreement is ~~entered~~ COMPLETED a defendant
6 may petition the court to seal all arrest and other criminal records
7 pertaining to the offense, using the procedure described in ~~section~~
8 ~~24-72-308~~ SECTION 24-72-602, C.R.S. Unless otherwise prohibited under
9 ~~section 24-72-308 (3) (a)~~ SECTION 24-72-602 (4) (a), C.R.S., the court
10 shall issue a sealing order if requested by the defendant following
11 successful completion of a diversion agreement.

12 **SECTION 2.** In Colorado Revised Statutes, **repeal** 24-72-308,
13 24-72-308.5, 24-72-308.6, 24-72-308.7, 24-72-308.8, and 24-72-308.9.

14 **SECTION 3.** In Colorado Revised Statutes, **add** part 6 to article
15 72 of title 24 as follows:

16 **PART 6**

17 **CRIMINAL JUSTICE RECORD SEALING**

18 **24-72-601. Definitions.** AS USED IN THIS PART 6, UNLESS THE
19 CONTEXT OTHERWISE REQUIRES:

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

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

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

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

6 (5) "CUSTODIAN" HAS THE SAME MEANING AS DEFINED IN SECTION
7 24-72-302.

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

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

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

14 **24-72-602. Sealing of arrest and criminal records other than**
15 **convictions.** (1) (a) (I) EXCEPT AS OTHERWISE PROVIDED IN
16 SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH (a), ANY PERSON IN
17 INTEREST MAY PETITION THE DISTRICT COURT OF THE DISTRICT IN WHICH
18 ANY ARREST AND CRIMINAL RECORDS INFORMATION PERTAINING TO THE
19 PERSON IN INTEREST IS LOCATED FOR THE SEALING OF ALL OF THE
20 RECORDS, EXCEPT BASIC IDENTIFICATION INFORMATION, IF THE RECORDS
21 ARE A RECORD OF OFFICIAL ACTIONS INVOLVING A CRIMINAL OFFENSE FOR
22 WHICH THE PERSON IN INTEREST ENTERED INTO A DIVERSION AGREEMENT
23 PURSUANT TO SECTION 18-1.3-101, C.R.S., OR WAS NOT CHARGED AND
24 THE STATUTE OF LIMITATIONS FOR THE OFFENSE FOR WHICH THE PERSON
25 WAS ARRESTED THAT HAS THE LONGEST STATUTE OF LIMITATIONS HAS
26 RUN, OR WAS NOT CHARGED AND THE STATUTE OF LIMITATIONS HAS NOT
27 RUN BUT THE PERSON IS NO LONGER BEING INVESTIGATED BY LAW

1 ENFORCEMENT FOR COMMISSION OF THE OFFENSE, OR IN ANY CASE WHICH
2 WAS COMPLETELY DISMISSED, OR IN ANY CASE IN WHICH THE PERSON IN
3 INTEREST WAS ACQUITTED.

4 (II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS
5 PARAGRAPH (a), ARREST OR CRIMINAL RECORDS INFORMATION MAY NOT
6 BE SEALED IF:

7 (A) AN OFFENSE IS NOT CHARGED DUE TO A PLEA AGREEMENT IN
8 A SEPARATE CASE;

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

11 (C) THE DEFENDANT STILL OWES RESTITUTION, FINES, COURT
12 COSTS, LATE FEES, OR OTHER FEES ORDERED BY THE COURT IN THE CASE
13 THAT IS THE SUBJECT OF THE PETITION TO SEAL CRIMINAL RECORDS,
14 UNLESS THE COURT THAT ENTERED THE ORDER FOR RESTITUTION, FINES,
15 COURT COSTS, LATE FEES, OR OTHER FEES HAS VACATED THE ORDER.

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

23 (A) THE PETITION IS FILED TEN YEARS OR MORE AFTER THE DATE
24 OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE
25 PERSON IN INTEREST; AND

26 (B) THE PERSON IN INTEREST HAS NOT BEEN CHARGED FOR A
27 CRIMINAL OFFENSE IN THE TEN YEARS SINCE THE DATE OF THE FINAL

1 DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE PERSON IN
2 INTEREST.

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

7 (II) (A) UPON THE FILING OF A PETITION, THE COURT SHALL
8 REVIEW THE PETITION AND DETERMINE WHETHER THE PETITION IS
9 SUFFICIENT ON ITS FACE. IF THE COURT DETERMINES THAT THE PETITION
10 ON ITS FACE IS INSUFFICIENT OR IF THE COURT DETERMINES THAT, AFTER
11 TAKING JUDICIAL NOTICE OF MATTERS OUTSIDE THE PETITION, THE
12 PETITIONER IS NOT ENTITLED TO RELIEF UNDER THIS SECTION, THE COURT
13 SHALL ENTER AN ORDER DENYING THE PETITION AND MAIL A COPY OF THE
14 ORDER TO THE PETITIONER, OR AS PERMITTED SERVE THE ORDER UNDER
15 SUPREME COURT RULES. THE COURT'S ORDER SHALL SPECIFY THE REASONS
16 FOR THE DENIAL OF THE PETITION. IF THE PETITION PERTAINS TO A
17 DISMISSAL THAT IS NOT THE RESULT OF A COMPLETION OF A DEFERRED
18 JUDGMENT AND SENTENCE OR A MULTI-CASE DISPOSITION, THE COURT
19 SHALL ORDER A RECORD SEALED IF THE PETITION IS SUFFICIENT ON ITS
20 FACE.

21 (B) IF THE COURT DETERMINES THAT THE PETITION IS SUFFICIENT
22 ON ITS FACE AND THAT NO OTHER GROUNDS EXIST AT THAT TIME FOR THE
23 COURT TO DENY THE PETITION UNDER THIS SECTION, THE COURT SHALL SET
24 A DATE FOR A HEARING, AND THE PETITIONER SHALL NOTIFY THE
25 PROSECUTING ATTORNEY BY CERTIFIED MAIL, THE ARRESTING AGENCY,
26 AND ANY OTHER PERSON OR AGENCY IDENTIFIED BY THE PETITIONER.
27 EXCEPT AS PROVIDED FOR IN SECTION 18-1.3-101 (10) (c), C.R.S., AFTER

1 THE HEARING DESCRIBED IN THIS SUB-SUBPARAGRAPH (B) IS CONDUCTED
2 AND IF THE COURT FINDS THAT THE HARM TO THE PRIVACY OF THE
3 PETITIONER OR DANGERS OF UNWARRANTED ADVERSE CONSEQUENCES TO
4 THE PETITIONER OUTWEIGH THE PUBLIC INTEREST IN RETAINING THE
5 RECORDS, THE COURT MAY ORDER SUCH RECORDS, EXCEPT BASIC
6 IDENTIFICATION INFORMATION, TO BE SEALED.

7 (c) ANY ORDER ENTERED PURSUANT TO PARAGRAPH (b) OF THIS
8 SUBSECTION (1) MUST BE DIRECTED TO EVERY CUSTODIAN WHO MAY HAVE
9 CUSTODY OF ANY PART OF THE ARREST AND CRIMINAL RECORDS
10 INFORMATION THAT IS THE SUBJECT OF THE ORDER. WHENEVER A COURT
11 ENTERS AN ORDER SEALING CRIMINAL RECORDS PURSUANT TO PARAGRAPH
12 (b) OF THIS SUBSECTION (1), THE PETITIONER SHALL PROVIDE THE
13 COLORADO BUREAU OF INVESTIGATION AND EVERY CUSTODIAN OF SUCH
14 RECORDS WITH A COPY OF THE ORDER. THE PETITIONER SHALL PROVIDE A
15 PRIVATE CUSTODIAN WITH A COPY OF THE ORDER AND SEND THE PRIVATE
16 CUSTODIAN AN ELECTRONIC NOTIFICATION OF THE ORDER. EACH PRIVATE
17 CUSTODIAN THAT RECEIVES A COPY OF THE ORDER FROM THE PETITIONER
18 SHALL REMOVE THE RECORDS THAT ARE SUBJECT TO AN ORDER FROM ITS
19 DATABASE. THEREAFTER, THE COURT MAY ISSUE AN ORDER SEALING
20 THE CIVIL CASE IN WHICH THE RECORDS WERE SEALED.

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

25 (e) INSPECTION OF THE RECORDS INCLUDED IN AN ORDER SEALING
26 CRIMINAL RECORDS MAY THEREAFTER BE PERMITTED BY THE COURT ONLY
27 UPON PETITION BY THE PERSON WHO IS THE SUBJECT OF THE RECORDS OR

1 BY THE PROSECUTING ATTORNEY AND ONLY FOR THOSE PURPOSES NAMED
2 IN THE PETITION.

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

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

25 (III) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I)
26 OF THIS PARAGRAPH (f), THE DEPARTMENT OF EDUCATION MAY REQUIRE
27 A LICENSED EDUCATOR OR AN APPLICANT FOR AN EDUCATOR'S LICENSE

1 WHO FILES A PETITION TO SEAL A CRIMINAL RECORD TO NOTIFY THE
2 DEPARTMENT OF EDUCATION OF THE PENDING PETITION TO SEAL. THE
3 DEPARTMENT OF EDUCATION HAS THE RIGHT TO INQUIRE INTO THE FACTS
4 OF THE CRIMINAL OFFENSE FOR WHICH THE PETITION TO SEAL IS PENDING.
5 THE EDUCATOR OR APPLICANT HAS NO RIGHT TO PRIVACY OR PRIVILEGE
6 THAT JUSTIFIES HIS OR HER REFUSAL TO ANSWER ANY QUESTIONS OF THE
7 DEPARTMENT OF EDUCATION CONCERNING THE ARREST AND CRIMINAL
8 RECORDS INFORMATION CONTAINED IN THE PENDING PETITION TO SEAL.

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

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

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

1 APPLICABLE PROVISIONS OF THIS SECTION.

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

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

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

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

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

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

21 ==

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

26 (c) THIS SECTION SHALL NOT APPLY TO RECORDS PERTAINING TO
27 A DEFERRED JUDGMENT AND SENTENCE FOR AN OFFENSE FOR WHICH THE

1 FACTUAL BASIS INVOLVED UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN
2 SECTION 16-22-102 (9), C.R.S.

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

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

12 (f) THIS SECTION SHALL NOT APPLY TO RECORDS PERTAINING TO
13 A DEFERRED JUDGMENT AND SENTENCE FOR AN OFFENSE CONCERNING THE
14 HOLDER OF A COMMERCIAL DRIVER'S LICENSE AS DEFINED IN SECTION
15 42-2-402, C.R.S., OR THE OPERATOR OF A COMMERCIAL MOTOR VEHICLE
16 AS DEFINED IN SECTION 42-2-402, C.R.S.

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

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

26 **24-72-603. Sealing criminal conviction records - advisements**
27 **- discovery - order applicability - general provisions.**

1 (1) **Advisements.** (a) WHENEVER A DEFENDANT IS SENTENCED
2 FOLLOWING A CONVICTION FOR AN OFFENSE DESCRIBED IN SECTIONS
3 24-72-604 THROUGH 24-72-608, THE COURT SHALL PROVIDE HIM OR HER
4 WITH A WRITTEN ADVISEMENT OF HIS OR HER RIGHTS CONCERNING THE
5 SEALING OF HIS OR HER CONVICTION RECORDS PURSUANT TO THIS SECTION
6 IF HE OR SHE COMPLIES WITH THE APPLICABLE PROVISIONS OF THIS
7 SECTION.

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

10 (I) IF A DEFENDANT IS SENTENCED TO PROBATION FOLLOWING A
11 CONVICTION FOR AN OFFENSE DESCRIBED IN SECTIONS 24-72-603
12 THROUGH 24-72-607, THE PROBATION DEPARTMENT, UPON THE
13 TERMINATION OF THE DEFENDANT'S PROBATION, SHALL PROVIDE THE
14 DEFENDANT WITH A WRITTEN ADVISEMENT OF HIS OR HER RIGHTS
15 CONCERNING THE SEALING OF HIS OR HER CONVICTION RECORDS
16 PURSUANT TO THIS SECTION IF HE OR SHE COMPLIES WITH THE APPLICABLE
17 PROVISIONS OF THIS SECTION; OR

18 (II) IF A DEFENDANT IS RELEASED ON PAROLE FOLLOWING A
19 CONVICTION FOR AN OFFENSE DESCRIBED IN SECTIONS 24-72-603
20 THROUGH 24-72-607, THE DEFENDANT'S PAROLE OFFICER, UPON THE
21 TERMINATION OF THE DEFENDANT'S PAROLE, SHALL PROVIDE THE
22 DEFENDANT WITH A WRITTEN ADVISEMENT OF HIS OR HER RIGHTS
23 CONCERNING THE SEALING OF HIS OR HER CONVICTION RECORDS
24 PURSUANT TO THIS SECTION IF HE OR SHE COMPLIES WITH THE APPLICABLE
25 PROVISIONS OF THIS SECTION.

26 (2) **Rules of discovery - rules of evidence - witness testimony.**
27 COURT ORDERS SEALING RECORDS OF OFFICIAL ACTIONS PURSUANT TO

1 THIS PART 6 DO NOT LIMIT THE OPERATIONS OF:

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

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

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

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

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

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

10 (d) (I) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (a) OF THIS
11 SUBSECTION (4) OR IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH
12 (d), EMPLOYERS, STATE AND LOCAL GOVERNMENT AGENCIES, OFFICIALS,
13 LANDLORDS, AND EMPLOYEES SHALL NOT, IN ANY APPLICATION OR
14 INTERVIEW OR IN ANY OTHER WAY, REQUIRE AN APPLICANT TO DISCLOSE
15 ANY INFORMATION CONTAINED IN SEALED CONVICTION RECORDS. AN
16 APPLICANT NEED NOT, IN ANSWER TO ANY QUESTION CONCERNING
17 CONVICTION RECORDS THAT HAVE BEEN SEALED, INCLUDE A REFERENCE
18 TO OR INFORMATION CONCERNING THE SEALED CONVICTION RECORDS AND
19 MAY STATE THAT THE APPLICANT HAS NOT BEEN CRIMINALLY CONVICTED.
20 AN APPLICATION MAY NOT BE DENIED SOLELY BECAUSE OF THE
21 APPLICANT'S REFUSAL TO DISCLOSE CONVICTION RECORDS THAT HAVE
22 BEEN SEALED.

23 (II) SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) DOES NOT
24 PRECLUDE THE BAR COMMITTEE OF THE COLORADO STATE BOARD OF LAW
25 EXAMINERS FROM MAKING FURTHER INQUIRIES INTO THE FACT OF A
26 CONVICTION THAT COMES TO THE ATTENTION OF THE BAR COMMITTEE
27 THROUGH OTHER MEANS. THE BAR COMMITTEE OF THE COLORADO STATE

1 BOARD OF LAW EXAMINERS HAS A RIGHT TO INQUIRE INTO THE MORAL AND
2 ETHICAL QUALIFICATIONS OF AN APPLICANT, AND THE APPLICANT HAS NO
3 RIGHT TO PRIVACY OR PRIVILEGE THAT JUSTIFIES HIS OR HER REFUSAL TO
4 ANSWER A QUESTION CONCERNING SEALED CONVICTION RECORDS THAT
5 HAVE COME TO THE ATTENTION OF THE BAR COMMITTEE THROUGH OTHER
6 MEANS.

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

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

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

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

25 (7) NOTWITHSTANDING ANY PROVISION IN THIS PART 6 TO THE
26 CONTRARY, IN REGARD TO ANY CONVICTION OF A DEFENDANT RESULTING
27 FROM A SINGLE CASE IN WHICH THE DEFENDANT IS CONVICTED OF MORE

1 THAN ONE OFFENSE, RECORDS OF THE CONVICTION MAY BE SEALED
2 PURSUANT TO THE PROVISIONS OF THIS PART 6 ONLY IF THE RECORDS OF
3 EVERY CONVICTION OF THE DEFENDANT RESULTING FROM THAT CASE MAY
4 BE SEALED PURSUANT TO THE PROVISIONS OF THIS PART 6.

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

11 (9) A PETITION TO SEAL CONVICTION RECORDS PURSUANT TO THIS
12 SECTION SHALL INCLUDE A LISTING OF EACH CUSTODIAN OF THE RECORDS
13 TO WHOM THE SEALING ORDER IS DIRECTED AND ANY INFORMATION THAT
14 ACCURATELY AND COMPLETELY IDENTIFIES THE RECORDS TO BE SEALED.
15 A VERIFIED COPY OF THE DEFENDANT'S CRIMINAL HISTORY, CURRENT
16 THROUGH AT LEAST THE TWENTIETH DAY BEFORE THE DATE OF THE FILING
17 OF THE PETITION, MUST BE SUBMITTED TO THE COURT BY THE DEFENDANT
18 ALONG WITH THE PETITION AT THE TIME OF FILING, BUT IN NO EVENT
19 LATER THAN THE TENTH DAY AFTER THE PETITION IS FILED. THE
20 DEFENDANT SHALL BE RESPONSIBLE FOR OBTAINING AND PAYING FOR HIS
21 OR HER CRIMINAL HISTORY RECORD.

22 **24-72-604. Sealing of criminal conviction records information**
23 **for offenses involving controlled substances for convictions entered**
24 **on or after July 1, 2008, and prior to July 1, 2011. (1) Sealing of**
25 **conviction records. (a) (I) SUBJECT TO THE LIMITATIONS DESCRIBED IN**
26 **SUBSECTION (2) OF THIS SECTION, A DEFENDANT MAY PETITION THE**
27 **DISTRICT COURT OF THE DISTRICT IN WHICH ANY CONVICTION RECORDS**

1 PERTAINING TO THE DEFENDANT ARE LOCATED FOR THE SEALING OF THE
2 CONVICTION RECORDS, EXCEPT BASIC IDENTIFYING INFORMATION, IF:

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

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

12 (b) (I) UPON THE FILING OF A PETITION, THE COURT SHALL REVIEW
13 THE PETITION AND DETERMINE WHETHER THERE ARE GROUNDS UNDER THIS
14 SECTION TO PROCEED TO A HEARING ON THE PETITION. IF THE COURT
15 DETERMINES THAT THE PETITION ON ITS FACE IS INSUFFICIENT OR IF THE
16 COURT DETERMINES THAT, AFTER TAKING JUDICIAL NOTICE OF MATTERS
17 OUTSIDE THE PETITION, THE DEFENDANT IS NOT ENTITLED TO RELIEF
18 UNDER THIS SECTION, THE COURT SHALL ENTER AN ORDER DENYING THE
19 PETITION AND MAIL A COPY OF THE ORDER TO THE DEFENDANT. THE
20 COURT'S ORDER SHALL SPECIFY THE REASONS FOR THE DENIAL OF THE
21 PETITION.

22 (II) IF THE COURT DETERMINES THAT THE PETITION IS SUFFICIENT
23 ON ITS FACE AND THAT NO OTHER GROUNDS EXIST AT THAT TIME FOR THE
24 COURT TO DENY THE PETITION UNDER THIS SECTION, THE COURT SHALL SET
25 A DATE FOR A HEARING, AND THE DEFENDANT SHALL NOTIFY BY CERTIFIED
26 MAIL THE PROSECUTING ATTORNEY, THE ARRESTING AGENCY, AND ANY
27 OTHER PERSON OR AGENCY IDENTIFIED BY THE DEFENDANT.

1 (c) AFTER THE HEARING DESCRIBED IN SUBPARAGRAPH (II) OF
2 PARAGRAPH (b) OF THIS SUBSECTION (1) IS CONDUCTED AND IF THE COURT
3 FINDS THAT THE HARM TO THE PRIVACY OF THE DEFENDANT OR THE
4 DANGERS OF UNWARRANTED, ADVERSE CONSEQUENCES TO THE
5 DEFENDANT OUTWEIGH THE PUBLIC INTEREST IN RETAINING THE
6 CONVICTION RECORDS, THE COURT MAY ORDER THE CONVICTION RECORDS,
7 EXCEPT BASIC IDENTIFICATION INFORMATION, TO BE SEALED. IN MAKING
8 THIS DETERMINATION, THE COURT SHALL, AT A MINIMUM, CONSIDER THE
9 SEVERITY OF THE OFFENSE THAT IS THE BASIS OF THE CONVICTION
10 RECORDS SOUGHT TO BE SEALED, THE CRIMINAL HISTORY OF THE
11 DEFENDANT, THE NUMBER OF CONVICTIONS AND DATES OF THE
12 CONVICTIONS FOR WHICH THE DEFENDANT IS SEEKING TO HAVE THE
13 RECORDS SEALED, AND THE NEED FOR THE GOVERNMENT AGENCY TO
14 RETAIN THE RECORDS. AN ORDER ENTERED PURSUANT TO THIS PARAGRAPH
15 (c) SHALL BE DIRECTED TO EACH CUSTODIAN WHO MAY HAVE CUSTODY OF
16 ANY PART OF THE CONVICTION RECORDS THAT ARE THE SUBJECT OF THE
17 ORDER. WHENEVER A COURT ENTERS AN ORDER SEALING CONVICTION
18 RECORDS PURSUANT TO THIS PARAGRAPH (c), THE DEFENDANT SHALL
19 PROVIDE THE COLORADO BUREAU OF INVESTIGATION AND EACH
20 CUSTODIAN OF THE CONVICTION RECORDS WITH A COPY OF THE ORDER.
21 THE PETITIONER SHALL PROVIDE A PRIVATE CUSTODIAN WITH A COPY OF
22 THE ORDER AND SEND THE PRIVATE CUSTODIAN AN ELECTRONIC
23 NOTIFICATION OF THE ORDER. EACH PRIVATE CUSTODIAN THAT RECEIVES
24 A COPY OF THE ORDER FROM THE PETITIONER SHALL REMOVE THE RECORDS
25 THAT ARE SUBJECT TO AN ORDER FROM ITS DATABASE. THE DEFENDANT
26 SHALL PAY TO THE BUREAU ANY COSTS RELATED TO THE SEALING OF HIS
27 OR HER CRIMINAL CONVICTION RECORDS IN THE CUSTODY OF THE BUREAU.

1 THEREAFTER, THE DEFENDANT MAY REQUEST AND THE COURT MAY GRANT
2 AN ORDER SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS
3 WERE SEALED.

4 **(2) Applicability.** (a) EXCEPT AS OTHERWISE PROVIDED IN
5 PARAGRAPH (b) OF THIS SUBSECTION (2), THE PROVISIONS OF THIS SECTION
6 APPLY ONLY TO CONVICTION RECORDS PERTAINING TO JUDGMENTS OF
7 CONVICTION ENTERED ON AND AFTER JULY 1, 2008, AND PRIOR TO JULY 1,
8 2011, FOR:

9 (I) ANY PETTY OFFENSE IN VIOLATION OF A PROVISION OF ARTICLE
10 18 OF TITLE 18, C.R.S.;

11 (II) ANY MISDEMEANOR IN VIOLATION OF A PROVISION OF ARTICLE
12 18 OF TITLE 18, C.R.S.;

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

22 (IV) ANY OFFENSE THAT WOULD BE CLASSIFIED AS A CLASS 5 OR
23 6 FELONY IN VIOLATION OF A PROVISION OF ARTICLE 18 OF TITLE 18,
24 C.R.S., IF THE OFFENSE WERE TO HAVE OCCURRED ON JULY 1, 2008.

25 (b) FOR ANY JUDGMENT OF CONVICTION ENTERED PRIOR TO JULY
26 1, 2008, FOR WHICH THE DEFENDANT WOULD OTHERWISE QUALIFY FOR
27 RELIEF UNDER THIS SECTION, THE DEFENDANT MAY OBTAIN AN ORDER

1 FROM THE COURT TO SEAL CONVICTION RECORDS IF:

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

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

8 (III) THE DEFENDANT PAYS:

9 (A) THE FILING FEE REQUIRED BY LAW; AND

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

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

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

22 **24-72-605. Sealing of criminal conviction records information**
23 **for offenses involving controlled substances for convictions entered**
24 **on or after July 1, 2011. (1) Sealing of conviction records.**

25 (a) SUBJECT TO THE LIMITATIONS DESCRIBED IN SUBSECTION (2) OF THIS
26 SECTION, A DEFENDANT MAY PETITION THE DISTRICT COURT OF THE
27 DISTRICT IN WHICH ANY CONVICTION RECORDS PERTAINING TO THE

1 DEFENDANT ARE LOCATED FOR THE SEALING OF THE CONVICTION
2 RECORDS, EXCEPT BASIC IDENTIFYING INFORMATION, IF THE PETITION IS
3 FILED WITHIN THE TIME FRAME DESCRIBED IN PARAGRAPH (b) OF THIS
4 SUBSECTION (1).

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

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

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

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

1 CONCERNING A CRIMINAL CONVICTION.

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

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

13 (III) IF THE OFFENSE IS A LEVEL 1 DRUG MISDEMEANOR IN ARTICLE
14 18 OF TITLE 18, C.R.S., THE PETITION MAY BE FILED FIVE YEARS AFTER THE
15 LATER OF THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL
16 PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE OF THE
17 DEFENDANT FROM SUPERVISION CONCERNING A CRIMINAL CONVICTION.

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

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

1 (d) (I) IF A PETITION IS FILED FOR THE SEALING OF A PETTY
2 OFFENSE IN ARTICLE 18 OF TITLE 18, C.R.S., THE COURT SHALL ORDER THE
3 RECORD SEALED AFTER THE PETITION IS FILED, THE FILING FEE IS PAID, AND
4 THE CRIMINAL HISTORY FILED WITH THE PETITION AS REQUIRED BY
5 SECTION 24-72-603 (9) DOCUMENTS TO THE COURT THAT THE DEFENDANT
6 HAS NOT BEEN CHARGED OR CONVICTED FOR A CRIMINAL OFFENSE SINCE
7 THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS
8 AGAINST HIM OR HER OR SINCE THE DATE OF THE DEFENDANT'S RELEASE
9 FROM SUPERVISION, WHICHEVER IS LATER.

10 (II) IF A PETITION IS FILED FOR THE SEALING OF A CLASS 1, CLASS
11 2, OR CLASS 3 MISDEMEANOR IN ARTICLE 18 OF TITLE 18, C.R.S., THE
12 DEFENDANT SHALL PAY THE FILING FEE AND PROVIDE NOTICE OF THE
13 PETITION TO THE DISTRICT ATTORNEY. THE DISTRICT ATTORNEY SHALL
14 DETERMINE WHETHER TO OBJECT TO THE PETITION AFTER CONSIDERING
15 THE FACTORS IN SECTION 24-72-604 (1) (c). IF THE DISTRICT ATTORNEY
16 DOES NOT OBJECT, THE COURT SHALL ORDER THAT THE RECORD BE SEALED
17 AFTER THE DEFENDANT DOCUMENTS TO THE COURT THAT HE OR SHE HAS
18 NOT BEEN CHARGED OR CONVICTED FOR A CRIMINAL OFFENSE SINCE THE
19 DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST
20 HIM OR HER OR THE DATE OF THE DEFENDANT'S RELEASE FROM
21 SUPERVISION, WHICHEVER IS LATER. IF THE DISTRICT ATTORNEY OBJECTS
22 TO THE PETITION, THE COURT SHALL SET THE MATTER FOR HEARING. TO
23 ORDER THE RECORD SEALED, THE CRIMINAL HISTORY FILED WITH THE
24 PETITION AS REQUIRED BY SECTION 24-72-603 (9) MUST DOCUMENT TO
25 THE COURT THAT THE DEFENDANT HAS NOT BEEN CHARGED WITH OR
26 CONVICTED OF A CRIMINAL OFFENSE SINCE THE DATE OF THE FINAL
27 DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR

1 SINCE THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION,
2 WHICHEVER IS LATER. THE COURT SHALL DECIDE THE PETITION AFTER
3 CONSIDERING THE FACTORS IN SECTION 24-72-604 (1) (c).

4 (III) IF A PETITION IS FILED FOR THE SEALING OF A CLASS 5 OR
5 CLASS 6 FELONY POSSESSION OFFENSE DESCRIBED IN SECTION 18-18-403.5,
6 C.R.S., AS IT EXISTED PRIOR TO OCTOBER 1, 2013, SECTION 18-18-404,
7 C.R.S., OR SECTION 18-18-405, C.R.S., AS IT EXISTED PRIOR TO AUGUST
8 11, 2010, THE DEFENDANT SHALL PAY THE FILING FEE AND PROVIDE
9 NOTICE OF THE PETITION TO THE DISTRICT ATTORNEY. THE DISTRICT
10 ATTORNEY SHALL DETERMINE WHETHER TO OBJECT TO THE PETITION
11 AFTER CONSIDERING THE FACTORS IN SECTION 24-72-604 (1) (c). IF THE
12 DISTRICT ATTORNEY DOES NOT OBJECT, THE COURT MAY DECIDE THE
13 PETITION WITH OR WITHOUT THE BENEFIT OF A HEARING. IF THE DISTRICT
14 ATTORNEY OBJECTS TO THE PETITION, THE COURT SHALL SET THE MATTER
15 FOR HEARING. TO ORDER THE RECORD SEALED, THE CRIMINAL HISTORY
16 FILED WITH THE PETITION AS REQUIRED BY SECTION 24-72-603 (9) MUST
17 DOCUMENT TO THE COURT THAT THE DEFENDANT HAS NOT BEEN CHARGED
18 OR CONVICTED FOR A CRIMINAL OFFENSE SINCE THE DATE OF THE FINAL
19 DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR
20 SINCE THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION,
21 WHICHEVER IS LATER. THE COURT SHALL DECIDE THE PETITION AFTER
22 CONSIDERING THE FACTORS IN SECTION 24-72-604 (1) (c).

23 (IV) IF A PETITION IS FILED FOR ANY OFFENSE IN ARTICLE 18 OF
24 TITLE 18, C.R.S., THAT IS NOT COVERED BY SUBPARAGRAPHS (I) TO (III)
25 OF THIS PARAGRAPH (d), THE DEFENDANT SHALL PAY THE FILING FEE AND
26 PROVIDE NOTICE OF THE PETITION TO THE DISTRICT ATTORNEY. THE
27 DISTRICT ATTORNEY SHALL DETERMINE WHETHER TO OBJECT TO THE

1 PETITION AFTER CONSIDERING THE FACTORS IN SECTION 24-72-604 (1) (c).
2 IF THE DISTRICT ATTORNEY OBJECTS TO THE PETITION, THE COURT SHALL
3 DISMISS THE PETITION. IF THE DISTRICT ATTORNEY DOES NOT OBJECT, THE
4 COURT SHALL SET THE PETITION FOR A HEARING. TO ORDER THE RECORD
5 SEALED, THE CRIMINAL HISTORY FILED WITH THE PETITION AS REQUIRED
6 BY SECTION 24-72-603 (9) MUST DOCUMENT TO THE COURT THAT THE
7 DEFENDANT HAS NOT BEEN CHARGED OR CONVICTED FOR A CRIMINAL
8 OFFENSE SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL
9 PROCEEDINGS AGAINST HIM OR HER OR THE DATE OF THE DEFENDANT'S
10 RELEASE FROM SUPERVISION, WHICHEVER IS LATER. THE COURT SHALL
11 DECIDE THE PETITION AFTER CONSIDERING THE FACTORS IN SECTION
12 24-72-604 (1) (c).

13 (e) (I) IF A PETITION IS FILED FOR THE SEALING OF A PETTY DRUG
14 OFFENSE IN ARTICLE 18 OF TITLE 18, C.R.S., THE COURT SHALL ORDER THE
15 RECORD SEALED AFTER THE PETITION IS FILED, THE FILING FEE IS PAID, AND
16 THE CRIMINAL HISTORY FILED WITH THE PETITION AS REQUIRED BY
17 SECTION 24-72-603 (9) DOCUMENTS TO THE COURT THAT THE DEFENDANT
18 HAS NOT BEEN CHARGED OR CONVICTED FOR A CRIMINAL OFFENSE SINCE
19 THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS
20 AGAINST HIM OR HER OR SINCE THE DATE OF THE DEFENDANT'S RELEASE
21 FROM SUPERVISION, WHICHEVER IS LATER.

22 (II) IF A PETITION IS FILED FOR THE SEALING OF A LEVEL 1 OR
23 LEVEL 2 DRUG MISDEMEANOR IN ARTICLE 18 OF TITLE 18, C.R.S., THE
24 DEFENDANT SHALL PAY THE FILING FEE AND PROVIDE NOTICE OF THE
25 PETITION TO THE DISTRICT ATTORNEY. THE DISTRICT ATTORNEY MAY
26 OBJECT TO THE PETITION AFTER CONSIDERING THE FACTORS IN SECTION
27 24-72-604 (1) (c). IF THE DISTRICT ATTORNEY DOES NOT OBJECT, THE

1 COURT SHALL ORDER THAT THE RECORD BE SEALED AFTER THE
2 DEFENDANT DOCUMENTS TO THE COURT THAT HE OR SHE HAS NOT BEEN
3 CHARGED OR CONVICTED FOR A CRIMINAL OFFENSE SINCE THE DATE OF
4 THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR
5 HER OR THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION,
6 WHICHEVER IS LATER. IF THE DISTRICT ATTORNEY OBJECTS TO THE
7 PETITION, THE COURT SHALL SET THE MATTER FOR HEARING. TO ORDER
8 THE RECORD SEALED, THE CRIMINAL HISTORY FILED WITH THE PETITION AS
9 REQUIRED BY SECTION 24-72-603 (9) MUST DOCUMENT TO THE COURT
10 THAT THE DEFENDANT HAS NOT BEEN CHARGED WITH OR CONVICTED OF
11 A CRIMINAL OFFENSE SINCE THE DATE OF THE FINAL DISPOSITION OF ALL
12 CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR SINCE THE DATE OF THE
13 DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER. THE
14 COURT SHALL DECIDE THE PETITION AFTER CONSIDERING THE FACTORS IN
15 SECTION 24-72-604 (1) (c).

16 (III) IF A PETITION IS FILED FOR THE SEALING OF A LEVEL 4 DRUG
17 FELONY POSSESSION OFFENSE DESCRIBED IN SECTION 18-18-403.5, C.R.S.,
18 THE DEFENDANT SHALL PAY THE FILING FEE AND PROVIDE NOTICE OF THE
19 PETITION TO THE DISTRICT ATTORNEY. THE DISTRICT ATTORNEY MAY
20 OBJECT TO THE PETITION AFTER CONSIDERING THE FACTORS IN SECTION
21 24-72-604 (1) (c). IF THE DISTRICT ATTORNEY DOES NOT OBJECT, THE
22 COURT MAY DECIDE THE PETITION WITH OR WITHOUT THE BENEFIT OF A
23 HEARING. IF THE DISTRICT ATTORNEY OBJECTS TO THE PETITION, THE
24 COURT SHALL SET THE MATTER FOR HEARING. TO ORDER THE RECORD
25 SEALED, THE CRIMINAL HISTORY FILED WITH THE PETITION AS REQUIRED
26 BY SECTION 24-72-603 (9) MUST DOCUMENT TO THE COURT THAT THE
27 DEFENDANT HAS NOT BEEN CHARGED OR CONVICTED FOR A CRIMINAL

1 OFFENSE SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL
2 PROCEEDINGS AGAINST HIM OR HER OR SINCE THE DATE OF THE
3 DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER. THE
4 COURT SHALL DECIDE THE PETITION AFTER CONSIDERING THE FACTORS IN
5 SECTION 24-72-604 (1) (c).

6 (IV) IF A PETITION IS FILED FOR ANY OTHER FELONY DRUG OFFENSE
7 IN ARTICLE 18 OF TITLE 18, C.R.S., THAT IS NOT COVERED BY
8 SUBPARAGRAPHS (I) TO (III) OF THIS PARAGRAPH (e), THE DEFENDANT
9 SHALL PAY THE FILING FEE AND PROVIDE NOTICE OF THE PETITION TO THE
10 DISTRICT ATTORNEY. THE DISTRICT ATTORNEY MAY OBJECT TO THE
11 PETITION AFTER CONSIDERING THE FACTORS IN SECTION 24-72-604 (1) (c).
12 IF THE DISTRICT ATTORNEY OBJECTS TO THE PETITION, THE COURT SHALL
13 DISMISS THE PETITION. IF THE DISTRICT ATTORNEY DOES NOT OBJECT, THE
14 COURT SHALL SET THE PETITION FOR A HEARING. TO ORDER THE RECORD
15 SEALED, THE CRIMINAL HISTORY FILED WITH THE PETITION AS REQUIRED
16 BY SECTION 24-72-603 (9) MUST DOCUMENT TO THE COURT THAT THE
17 DEFENDANT HAS NOT BEEN CHARGED OR CONVICTED FOR A CRIMINAL
18 OFFENSE SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL
19 PROCEEDINGS AGAINST HIM OR HER OR THE DATE OF THE DEFENDANT'S
20 RELEASE FROM SUPERVISION, WHICHEVER IS LATER. THE COURT SHALL
21 DECIDE THE PETITION AFTER CONSIDERING THE FACTORS IN SECTION
22 24-72-604 (1) (c).

23 (f) AN ORDER ENTERED PURSUANT TO THIS SECTION MUST BE
24 DIRECTED TO EACH CUSTODIAN WHO MAY HAVE CUSTODY OF ANY PART OF
25 THE CONVICTION RECORDS THAT ARE THE SUBJECT OF THE ORDER.
26 WHENEVER A COURT ENTERS AN ORDER SEALING CONVICTION RECORDS
27 PURSUANT TO THIS SECTION, THE DEFENDANT SHALL PROVIDE THE

1 COLORADO BUREAU OF INVESTIGATION AND EACH CUSTODIAN OF THE
2 CONVICTION RECORDS WITH A COPY OF THE ORDER AND SHALL PAY TO THE
3 BUREAU ANY COSTS RELATED TO THE SEALING OF HIS OR HER CRIMINAL
4 CONVICTION RECORDS THAT ARE IN THE CUSTODY OF THE BUREAU.
5 THEREAFTER, THE DEFENDANT MAY REQUEST AND THE COURT MAY GRANT
6 AN ORDER SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS
7 WERE SEALED.

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

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

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

21 **24-72-606. Sealing of criminal conviction records information**
22 **for offenses committed by victims of human trafficking.** (1) **Sealing**
23 **of conviction records.** A DEFENDANT MAY PETITION THE DISTRICT COURT
24 OF THE DISTRICT IN WHICH ANY CONVICTION RECORDS PERTAINING TO THE
25 DEFENDANT'S CONVICTION FOR PROSTITUTION, AS DESCRIBED IN SECTION
26 18-7-201, C.R.S.; SOLICITING FOR PROSTITUTION, AS DESCRIBED IN
27 SECTION 18-7-202, C.R.S.; KEEPING A PLACE OF PROSTITUTION, AS

1 DESCRIBED IN SECTION 18-7-204, C.R.S.; PUBLIC INDECENCY, AS
2 DESCRIBED IN SECTION 18-7-301, C.R.S.; OR ANY CORRESPONDING
3 MUNICIPAL CODE OR ORDINANCE ARE LOCATED FOR THE SEALING OF THE
4 CONVICTION RECORDS, EXCEPT FOR BASIC IDENTIFYING INFORMATION.

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

- 12 (a) THE PETITION IS FILED;
- 13 (b) THE FILING FEE IS PAID; AND
- 14 (c) THE DEFENDANT ESTABLISHES BY A PREPONDERANCE OF THE
15 EVIDENCE THAT, AT THE TIME HE OR SHE COMMITTED THE OFFENSE, HE OR
16 SHE HAD BEEN SOLD, EXCHANGED, BARTERED, OR LEASED BY ANOTHER
17 PERSON, AS DESCRIBED IN SECTION 18-3-501 OR 18-3-502, C.R.S., FOR THE
18 PURPOSE OF PERFORMING THE OFFENSE, OR HE OR SHE WAS COERCED BY
19 ANOTHER PERSON, AS DESCRIBED IN SECTION 18-3-503, C.R.S., TO
20 PERFORM THE OFFENSE.

21 (3) AN ORDER ENTERED PURSUANT TO THIS SECTION MUST BE
22 DIRECTED TO EACH CUSTODIAN WHO MAY HAVE CUSTODY OF ANY PART OF
23 THE CONVICTION RECORDS THAT ARE THE SUBJECT OF THE ORDER.
24 WHENEVER A COURT ENTERS AN ORDER SEALING CONVICTION RECORDS
25 PURSUANT TO THIS SECTION, THE DEFENDANT SHALL PROVIDE THE
26 COLORADO BUREAU OF INVESTIGATION AND EACH CUSTODIAN OF THE
27 CONVICTION RECORDS WITH A COPY OF THE ORDER AND SHALL PAY TO THE

1 BUREAU ANY COSTS RELATED TO THE SEALING OF HIS OR HER CRIMINAL
2 CONVICTION RECORDS THAT ARE IN THE CUSTODY OF THE BUREAU.
3 THEREAFTER, THE DEFENDANT MAY REQUEST AND THE COURT MAY GRANT
4 AN ORDER SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS
5 WERE SEALED.

6 **24-72-607. Sealing of criminal conviction records information**
7 **for offenses involving theft of public transportation services.** (1) IF A
8 PERSON WAS CONVICTED OF THEFT OF PUBLIC TRANSPORTATION SERVICES
9 BY FARE EVASION AS DESCRIBED IN SECTION 18-4-802, C.R.S., AS IT
10 EXISTED PRIOR TO JUNE 8, 2012, AND THE PERSON HAS COMPLETED THE
11 SENTENCE, INCLUDING PAYMENT OF THE FINE AND SURCHARGE, FOR THE
12 CONVICTION AS OF JUNE 8, 2012, THE COURT THAT ENTERED THE
13 CONVICTION SHALL SEAL THE CONVICTION BY JANUARY 1, 2013.

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

24 (3) A PERSON CONVICTED OF THEFT OF PUBLIC TRANSPORTATION
25 SERVICES BY FARE EVASION AS DESCRIBED IN SECTION 18-4-802, C.R.S.,
26 AS IT EXISTED PRIOR TO JUNE 8, 2012, WHO DID NOT COMPLETE THE
27 SENTENCE FOR THE CONVICTION PRIOR TO JUNE 8, 2012, MAY MOVE THE

1 COURT IN THE CASE IN WHICH THE CONVICTION WAS ENTERED FOR AN
2 ORDER SEALING THE RECORD OF THE CONVICTION AFTER HE OR SHE
3 COMPLETES THE SENTENCE, INCLUDING PAYMENT OF THE FINE AND
4 SURCHARGE, FOR THE CONVICTION. THE PERSON SHALL PROVIDE ALL
5 INFORMATION AS REQUIRED BY THE COURT IN THE MOTION. UPON RECEIPT
6 OF THE MOTION, THE COURT SHALL VERIFY THAT THE PERSON HAS
7 COMPLETED HIS OR HER SENTENCE, AND, IF THE SENTENCE HAS BEEN
8 COMPLETED, THE COURT SHALL ENTER AN ORDER SEALING THE
9 CONVICTION.

10 **24-72-608. Sealing of criminal conviction records information**
11 **for petty offenses and municipal offenses for convictions. (1) Sealing**
12 **of conviction records. (a)** A DEFENDANT MAY PETITION THE DISTRICT
13 COURT OF THE DISTRICT IN WHICH ANY CONVICTION RECORDS PERTAINING
14 TO THE DEFENDANT FOR A PETTY OFFENSE OR MUNICIPAL VIOLATION ARE
15 LOCATED FOR THE SEALING OF THE CONVICTION RECORDS, EXCEPT BASIC
16 IDENTIFYING INFORMATION, IF:

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

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

26 (III) THE CONVICTION RECORDS TO BE SEALED ARE NOT FOR A
27 MISDEMEANOR TRAFFIC OFFENSE COMMITTED EITHER BY A HOLDER OF A

1 COMMERCIAL LEARNER'S PERMIT OR A COMMERCIAL DRIVER'S LICENSE, AS
2 DEFINED IN SECTION 42-2-402, C.R.S., OR BY THE OPERATOR OF A
3 COMMERCIAL MOTOR VEHICLE, AS DEFINED IN SECTION 42-2-402, C.R.S.

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

11 (2) (a) UPON THE FILING OF A PETITION, THE COURT SHALL REVIEW
12 THE PETITION AND DETERMINE WHETHER THERE ARE GROUNDS UNDER THIS
13 SECTION TO PROCEED TO A HEARING ON THE PETITION. IF THE COURT
14 DETERMINES THAT THE PETITION ON ITS FACE IS INSUFFICIENT OR IF THE
15 COURT DETERMINES THAT, AFTER TAKING JUDICIAL NOTICE OF MATTERS
16 OUTSIDE THE PETITION, THE DEFENDANT IS NOT ENTITLED TO RELIEF
17 UNDER THIS SECTION, THE COURT SHALL ENTER AN ORDER DENYING THE
18 PETITION AND MAIL A COPY OF THE ORDER TO THE DEFENDANT. THE
19 COURT'S ORDER SHALL SPECIFY THE REASONS FOR THE DENIAL OF THE
20 PETITION.

21 (b) IF THE COURT DETERMINES THAT THE PETITION IS SUFFICIENT
22 ON ITS FACE AND THAT NO OTHER GROUNDS EXIST AT THAT TIME FOR THE
23 COURT TO DENY THE PETITION UNDER THIS SECTION, THE COURT SHALL SET
24 A DATE FOR A HEARING, AND THE DEFENDANT SHALL NOTIFY BY CERTIFIED
25 MAIL THE PROSECUTING ATTORNEY, THE ARRESTING AGENCY, AND ANY
26 OTHER PERSON OR AGENCY IDENTIFIED BY THE DEFENDANT.

27 (3) AFTER THE HEARING DESCRIBED IN SUBSECTION (2) OF THIS

1 SECTION IS CONDUCTED AND IF THE COURT FINDS THAT THE HARM TO THE
2 PRIVACY OF THE DEFENDANT OR THE DANGERS OF UNWARRANTED,
3 ADVERSE CONSEQUENCES TO THE DEFENDANT OUTWEIGH THE PUBLIC
4 INTEREST IN RETAINING THE CONVICTION RECORDS, THE COURT MAY
5 ORDER THE CONVICTION RECORDS, EXCEPT BASIC IDENTIFICATION
6 INFORMATION, TO BE SEALED. IN MAKING THIS DETERMINATION, THE
7 COURT SHALL, AT A MINIMUM, CONSIDER THE FACTORS IN SECTION
8 24-72-604 (1)(c). AN ORDER ENTERED PURSUANT TO THIS SUBSECTION (3)
9 MUST BE DIRECTED TO EACH CUSTODIAN WHO MAY HAVE CUSTODY OF ANY
10 PART OF THE CONVICTION RECORDS THAT ARE THE SUBJECT OF THE ORDER.
11 WHENEVER A COURT ENTERS AN ORDER SEALING CONVICTION RECORDS
12 PURSUANT TO THIS SUBSECTION (3), THE DEFENDANT SHALL PROVIDE THE
13 COLORADO BUREAU OF INVESTIGATION AND EACH CUSTODIAN OF THE
14 CONVICTION RECORDS WITH A COPY OF THE ORDER. THE PETITIONER SHALL
15 PROVIDE A PRIVATE CUSTODIAN WITH A COPY OF THE ORDER AND SEND
16 THE PRIVATE CUSTODIAN AN ELECTRONIC NOTIFICATION OF THE ORDER.
17 EACH PRIVATE CUSTODIAN THAT RECEIVES A COPY OF THE ORDER FROM
18 THE PETITIONER SHALL REMOVE THE RECORDS THAT ARE SUBJECT TO AN
19 ORDER FROM ITS DATABASE. THE DEFENDANT SHALL PAY TO THE BUREAU
20 ANY COSTS RELATED TO THE SEALING OF HIS OR HER CRIMINAL
21 CONVICTION RECORDS IN THE CUSTODY OF THE BUREAU. THEREAFTER, THE
22 DEFENDANT MAY REQUEST AND THE COURT MAY GRANT AN ORDER
23 SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS WERE
24 SEALED.

25 (4) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO
26 CONVICTION RECORDS THAT ARE IN THE POSSESSION OF A CRIMINAL
27 JUSTICE AGENCY WHEN AN INQUIRY CONCERNING THE CONVICTION

1 RECORDS IS MADE BY ANOTHER CRIMINAL JUSTICE AGENCY.

2 **SECTION 4. Effective date.** This act takes effect on August 1,
3 2014.

4 **SECTION 5. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.