

Sealing of Criminal Records

John Arthur Moss: Proposal to change Colorado Revised Statutes 24-72-308 Sealing of Arrest and Criminal Records Other than Convictions through the Initiative Process.

TITLE 24. GOVERNMENT - STATE
PUBLIC (OPEN) RECORDS
ARTICLE 72. PUBLIC RECORDS
PART 3. CRIMINAL JUSTICE RECORDS

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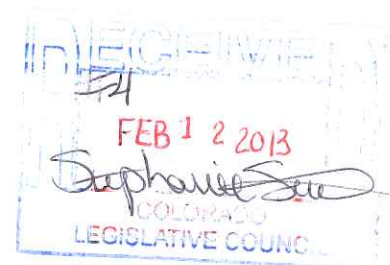
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Most people who have made a lawful mistake deserve a second chance and the general public deserves to feel safe. I am **NOT** an advocate of allowing violent offenders or someone who has done **ANY** crime to a child the ability to conceal their record with what they have done. This proposal is not for the above mentioned, violent offenders and people that commit crimes against children need to be branded for life with what they have done. I am however, an advocate for an honest person who has made a mistake being able to get decent work by concealing their past mistakes.

The main focus of this proposal is to make changes to a current Colorado Revised Statute that states, "*Defendants who were convicted of charges or pleaded guilty to charges may not petition for the sealing of those records*"-CRS 24-72-308.

This current law causes potential employers to segregate and discriminate against people who have a felony or misdemeanor on their record from obtaining employment no matter how much time has gone by. Even after years of a completed sentence the current law disallows the individual the ability to conceal their record, which can be represented as continuous punishment even after sentencing has been completed. With this current law in place (CRS 24-72-308), it is hard for people with a criminal background to find decent work which is a direct contributing factor to recidivism. I believe as long as a person with a criminal background proves their merit by not reoffending within three years of their release and by completing all necessary court orders such as fines, probation or recommended counseling then they should be able to clear their record and start new.

I, John A Moss propose the following change be turned into law through the Initiative Process:



Section A: A person in interest with an active felony or misdemeanor may petition to have their record sealed regardless if the defendant was convicted or pleaded guilty to charges if the following are met:

I: All financial restitutions to the court have been paid.

II: Any and all court orders or sentences have been completed including but not limited to prison time, probationary periods, rehabilitation/psychiatric/anger management/counseling programs.

III: The person in interest has carried the felony or misdemeanor on their record for a minimum of three years without reoffending. This process can be completed during probationary times (IE: Unsupervised/supervised probation for 5 years and 3 of the 5 have been completed without re-offense) but the probationary period must be completed along with carrying an active charge for three years before a person in interest can motion to conceal their record (minor traffic violations excluded as a re-offense, habitual minor traffic violations will be taken into consideration against the person in interest. Identification as a habitual traffic offender will be at the overseeing judge's discretion).

IV: It is at the judge's discretion to review assault, domestic violence and robbery cases (if theft was the only actual crime) for concealment consideration. These types of crimes will be looked at in a case-by-case basis and are not always guaranteed concealment approval.

Section B: A person in interest with an active felony or misdemeanor may not petition to have their record sealed given the following circumstances:

I: The defendant's crime includes ANY CHARGE that involves a child.

II: The defendant's crime involves harm done to a human or animal. It is hereby recognized that harm done to life justifies a defendant having to be labeled with a felony or misdemeanor for life. This includes sexual assaults, rapes, murders and robberies (if the victim was assaulted or if a weapon was used in the robbery).

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Message: Proposal to Change CRS 24-72-308
through the Initiative Process

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