

**First Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 07-0358.01 Stephen Miller

**HOUSE BILL 07-1107**

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**HOUSE SPONSORSHIP**

**Cerbo,**

**SENATE SPONSORSHIP**

**Bacon,**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

Judiciary  
Appropriations

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**A BILL FOR AN ACT**

101 **CONCERNING THE SEALING OF CRIMINAL JUSTICE RECORDS, AND**  
102 **MAKING AN APPROPRIATION IN ACCORDANCE THEREWITH.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Reduces the time from 15 years to 10 years that a person must wait before filing a petition to seal arrest and criminal records information pertaining to a criminal offense that was not charged or a case that was dismissed due to a plea agreement in a separate case. Requires a probation department or a parole officer under certain circumstances to advise a defendant of the right to seal criminal justice records.

Extends the criminal justice record sealing procedure to

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.*

HOUSE  
3rd Reading Unamended  
April 19, 2007

HOUSE  
Amended 2nd Reading  
April 18, 2007

convictions. Permits a defendant, after 10 years following the completion of a sentence or release from supervision, whichever is later, to petition the district court to seal criminal conviction records information ("conviction records"). Prohibits the sealing of conviction records if the defendant still owes court-ordered restitution, fines, or fees. Specifies the procedure for sealing conviction records. Requires the court, in making the decision whether to seal the conviction records, to weigh the privacy interests of the petitioner against the public interest in retaining the conviction records.

Prohibits employers and certain institutions and agencies from requiring an applicant to disclose information in sealed conviction records. Permits the bar committee of the state board of law examiners to make inquiries into the fact of a conviction that comes to the attention of the bar committee through other means. Requires a defendant to be advised of the right to seal conviction records by the court, the probation department, and the defendant's parole officer under the appropriate circumstances.

Prohibits the sealing of conviction records as to traffic offenses and infractions, any offense with an underlying factual basis involving unlawful sexual behavior, and crimes involving specified special circumstances for which enhanced sentencing is required. Specifies that court orders sealing conviction records shall not limit the operation of discovery rules in civil cases.

Specifies that the conviction records sealing procedure shall apply to judgments of conviction entered on and after July 1, 2007. Permits the procedure to apply to judgments of conviction entered on and after July 1, 1988, but before July 1, 2007, with the consent of the prosecuting attorney. Requires the supreme court to promulgate rules of procedure that establish appropriate time periods within which to file a petition to seal conviction records concerning judgments of conviction entered on and after July 1, 1988, but before July 1, 2007.

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

2           **SECTION 1.** 24-72-308 (1) (a) (III), (2), and (3) (a), Colorado  
3 Revised Statutes, are amended to read:

4           **24-72-308. Sealing of arrest and criminal records other than**  
5 **convictions.** (1) (a) (III) A person in interest may petition the district  
6 court of the district in which any arrest and criminal records information  
7 pertaining to said person in interest is located for the sealing of all of said

1 records, except basic identification information, if the records are a record  
2 of official actions involving a criminal offense that was not charged or a  
3 case that was dismissed due to a plea agreement in a separate case, and  
4 if:

5 (A) The petition is filed ~~fifteen~~ TEN years or more after the date  
6 of the final disposition of all criminal proceedings against the person in  
7 interest; and

8 (B) The person in interest has not been charged for ~~any~~ A criminal  
9 offense in the ~~fifteen~~ TEN years since the date of the final disposition of  
10 all criminal proceedings against the person in interest.

11 (2) **Advisements.** (a) Whenever a defendant HAS APPEARED  
12 BEFORE THE COURT AND has charges against him OR HER ~~dismissed OR~~  
13 ~~NOT FILED, OR WHENEVER THE DEFENDANT is acquitted, or is sentenced~~  
14 ~~following a conviction,~~ the court shall provide him OR HER with a written  
15 advisement of his OR HER rights PURSUANT TO THIS SECTION concerning  
16 the sealing of his OR HER criminal justice records if he OR SHE complies  
17 with the applicable provisions of this section.

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

20 (I) IF A DEFENDANT'S CASE IS DISMISSED AFTER A PERIOD OF  
21 SUPERVISION BY PROBATION, THE PROBATION DEPARTMENT, UPON THE  
22 TERMINATION OF THE DEFENDANT'S PROBATION, SHALL PROVIDE THE  
23 DEFENDANT WITH A WRITTEN ADVISEMENT OF HIS OR HER RIGHTS  
24 PURSUANT TO THIS SECTION CONCERNING THE SEALING OF HIS OR HER  
25 CRIMINAL JUSTICE RECORDS   IF HE OR SHE COMPLIES WITH THE  
26 APPLICABLE PROVISIONS OF THIS SECTION.

27 (II) IF A DEFENDANT IS RELEASED ON PAROLE, THE DEFENDANT'S

1 PAROLE OFFICER, UPON THE TERMINATION OF THE DEFENDANT'S PAROLE,  
2 SHALL PROVIDE THE DEFENDANT WITH A WRITTEN ADVISEMENT OF HIS OR  
3 HER RIGHTS CONCERNING THE SEALING OF HIS OR HER CRIMINAL JUSTICE  
4 RECORDS PURSUANT TO THIS SECTION IF HE OR SHE COMPLIES WITH THE  
5 APPLICABLE PROVISIONS OF THIS SECTION.

6 (3) **Exceptions.** (a) This section shall not apply to records  
7 pertaining to:

8 (I) ~~Any~~ A class 1 or class 2 misdemeanor traffic offense;

9 (II) ~~Any~~ A class A or class B traffic infraction; or

10 (III) ~~Any~~ A conviction for a violation of section 42-4-1301 (1) or  
11 (2), C.R.S.

12 **SECTION 2.** Part 3 of article 72 of title 24, Colorado Revised  
13 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
14 read:

15 **24-72-308.5. Sealing of criminal conviction records**  
16 **information.** (1) **Definitions.** FOR PURPOSES OF THIS SECTION,  
17 "CONVICTION RECORDS" MEANS ARREST AND CRIMINAL RECORDS  
18 INFORMATION AND ~~ANY~~ RECORDS PERTAINING TO A JUDGMENT OF  
19 CONVICTION.

20 (2) **Sealing of conviction records.** (a) (I) EXCEPT AS OTHERWISE  
21 PROVIDED IN PARAGRAPH (b) OF SUBSECTION (5) OF THIS SECTION, ~~A~~  
22 DEFENDANT MAY PETITION THE DISTRICT COURT OF THE DISTRICT IN WHICH  
23 ANY CONVICTION RECORDS PERTAINING TO THE DEFENDANT ARE LOCATED  
24 FOR THE SEALING OF THE CONVICTION RECORDS, EXCEPT BASIC  
25 IDENTIFYING INFORMATION, IF:

26 (A) THE PETITION IS FILED TEN OR MORE YEARS AFTER THE DATE  
27 OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE

1 DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION  
2 CONCERNING A CRIMINAL CONVICTION, WHICHEVER IS LATER; AND

3 (B) THE DEFENDANT HAS NOT BEEN CHARGED OR CONVICTED FOR  
4 A CRIMINAL OFFENSE IN THE TEN YEARS SINCE THE DATE OF THE FINAL  
5 DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER.

6 (II) AN ORDER SEALING CONVICTION RECORDS SHALL NOT DENY  
7 ACCESS TO THE CRIMINAL RECORDS OF A DEFENDANT BY ANY COURT, LAW  
8 ENFORCEMENT AGENCY, OR CRIMINAL JUSTICE AGENCY, ANY  
9 PROSECUTING ATTORNEY, OR ANY PARTY OR AGENCY REQUIRED BY LAW  
10 TO CONDUCT A CRIMINAL HISTORY RECORDS CHECK ON AN INDIVIDUAL.

11 AN ORDER SEALING CONVICTION RECORDS SHALL NOT BE CONSTRUED TO  
12 VACATE A CONVICTION. A CONVICTION SEALED PURSUANT TO THIS  
13 SECTION MAY BE USED BY ANY CRIMINAL JUSTICE AGENCY, LAW  
14 ENFORCEMENT AGENCY, COURT, OR PROSECUTING ATTORNEY FOR ANY  
15 LAWFUL PURPOSE RELATING TO THE INVESTIGATION OF ANY CRIMINAL  
16 CASE OR FOR ANY OTHER LAWFUL PURPOSE WITHIN THE SCOPE OF THEIR  
17 DUTIES. ANY PARTY OR AGENCY REQUIRED BY LAW TO CONDUCT A  
18 CRIMINAL HISTORY RECORDS CHECK SHALL BE AUTHORIZED TO USE ANY  
19 SEALED CONVICTION FOR THE LAWFUL PURPOSE FOR WHICH THE CRIMINAL  
20 HISTORY RECORDS CHECK IS REQUIRED BY LAW.

21 (III) CONVICTION RECORDS MAY NOT BE SEALED IF THE  
22 DEFENDANT STILL OWES RESTITUTION, FINES, COURT COSTS, LATE FEES, OR  
23 OTHER FEES ORDERED BY THE COURT IN THE CASE THAT IS THE SUBJECT OF  
24 THE PETITION TO SEAL CONVICTION RECORDS, UNLESS THE COURT THAT  
25 ENTERED THE ORDER FOR RESTITUTION, FINES, COURT COSTS, LATE FEES,  
26 OR OTHER FEES HAS VACATED THE ORDER.

27 (b) (I) A PETITION TO SEAL CONVICTION RECORDS SHALL INCLUDE

1 A LISTING OF EACH CUSTODIAN OF THE RECORDS TO WHOM THE SEALING  
2 ORDER IS DIRECTED AND ANY INFORMATION THAT ACCURATELY AND  
3 COMPLETELY IDENTIFIES THE RECORDS TO BE SEALED. A VERIFIED COPY  
4 OF THE PETITIONER'S CRIMINAL HISTORY, CURRENT THROUGH AT LEAST  
5 THE TWENTIETH DAY PRIOR TO THE DATE OF THE FILING OF THE PETITION,  
6 SHALL BE SUBMITTED TO THE COURT BY THE PETITIONER ALONG WITH THE  
7 PETITION AT THE TIME OF FILING, BUT IN NO EVENT LATER THAN THE  
8 TENTH DAY AFTER THE PETITION IS FILED. THE PETITIONER SHALL BE  
9 RESPONSIBLE FOR OBTAINING AND PAYING FOR HIS OR HER CRIMINAL  
10 HISTORY

11 (II) (A) UPON THE FILING OF A PETITION, THE COURT SHALL  
12 REVIEW THE PETITION AND DETERMINE WHETHER THERE ARE GROUNDS  
13 UNDER THIS SECTION TO PROCEED TO A HEARING ON THE PETITION. IF THE  
14 COURT DETERMINES THAT THE PETITION ON ITS FACE IS INSUFFICIENT OR  
15 IF THE COURT DETERMINES THAT, AFTER TAKING JUDICIAL NOTICE OF  
16 MATTERS OUTSIDE THE PETITION, THE PETITIONER IS NOT ENTITLED TO  
17 RELIEF UNDER THIS SECTION, THE COURT SHALL ENTER AN ORDER DENYING  
18 THE PETITION AND MAIL A COPY OF THE ORDER TO THE PETITIONER. 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 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 (c) AFTER THE HEARING DESCRIBED IN SUBPARAGRAPH (II) OF

1 PARAGRAPH (b) OF THIS SUBSECTION (2) IS CONDUCTED AND IF THE COURT  
2 FINDS THAT THE HARM TO THE PRIVACY OF THE PETITIONER OR THE  
3 DANGERS OF UNWARRANTED, ADVERSE CONSEQUENCES TO THE  
4 PETITIONER OUTWEIGH THE PUBLIC INTEREST IN RETAINING THE  
5 CONVICTION RECORDS, THE COURT MAY ORDER THE CONVICTION RECORDS,  
6 EXCEPT BASIC IDENTIFICATION INFORMATION, TO BE SEALED. AN ORDER  
7 ENTERED PURSUANT TO THIS PARAGRAPH (c) SHALL BE DIRECTED TO EACH  
8 CUSTODIAN WHO MAY HAVE CUSTODY OF ANY PART OF THE CONVICTION  
9 RECORDS THAT ARE THE SUBJECT OF THE ORDER. WHENEVER A COURT  
10 ENTERS AN ORDER SEALING CONVICTION RECORDS PURSUANT TO THIS  
11 PARAGRAPH (c), THE PETITIONER SHALL PROVIDE THE COLORADO BUREAU  
12 OF INVESTIGATION AND EACH CUSTODIAN OF THE CONVICTION RECORDS  
13 WITH A COPY OF THE ORDER. THEREAFTER, THE PETITIONER MAY REQUEST  
14 AND THE COURT MAY GRANT AN ORDER SEALING THE CIVIL CASE IN WHICH  
15 THE CONVICTION RECORDS WERE SEALED.

16 (d) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF  
17 PARAGRAPH (a) OF THIS SUBSECTION (2), UPON THE ENTRY OF AN ORDER  
18 TO SEAL THE CONVICTION RECORDS, THE PETITIONER AND ALL CRIMINAL  
19 JUSTICE AGENCIES MAY PROPERLY REPLY, UPON AN INQUIRY IN THE  
20 MATTER, THAT CONVICTION RECORDS DO NOT EXIST WITH RESPECT TO THE  
21 PERSON WHO IS THE SUBJECT OF THE SEALED CONVICTION RECORDS.

22 (e) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF  
23 PARAGRAPH (a) OF THIS SUBSECTION (2), INSPECTION OF THE RECORDS  
24 INCLUDED IN AN ORDER SEALING CONVICTION RECORDS MAY THEREAFTER  
25 BE PERMITTED BY THE COURT ONLY UPON PETITION BY THE DEFENDANT.

26 (f) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPHS (II)  
27 AND (III) OF THIS PARAGRAPH (f), EMPLOYERS, EDUCATIONAL

1 INSTITUTIONS, STATE AND LOCAL GOVERNMENT AGENCIES, OFFICIALS,  
2 LANDLORDS, AND EMPLOYEES SHALL NOT, IN ANY APPLICATION OR  
3 INTERVIEW OR IN ANY OTHER WAY, REQUIRE AN APPLICANT TO DISCLOSE  
4 ANY INFORMATION CONTAINED IN SEALED CONVICTION RECORDS. AN  
5 APPLICANT NEED NOT, IN ANSWER TO ANY QUESTION CONCERNING  
6 CONVICTION RECORDS THAT HAVE BEEN SEALED, INCLUDE A REFERENCE  
7 TO OR INFORMATION CONCERNING THE SEALED CONVICTION RECORDS AND  
8 MAY STATE THAT THE APPLICANT HAS NOT BEEN CRIMINALLY CONVICTED.  
9 AN APPLICATION MAY NOT BE DENIED SOLELY BECAUSE OF THE  
10 APPLICANT'S REFUSAL TO DISCLOSE CONVICTION RECORDS THAT HAVE  
11 BEEN SEALED.

12 (II) SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) SHALL NOT  
13 PRECLUDE THE BAR COMMITTEE OF THE COLORADO STATE BOARD OF LAW  
14 EXAMINERS FROM MAKING FURTHER INQUIRIES INTO THE FACT OF A  
15 CONVICTION THAT COMES TO THE ATTENTION OF THE BAR COMMITTEE  
16 THROUGH OTHER MEANS. THE BAR COMMITTEE OF THE COLORADO STATE  
17 BOARD OF LAW EXAMINERS SHALL HAVE A RIGHT TO INQUIRE INTO THE  
18 MORAL AND ETHICAL QUALIFICATIONS OF AN APPLICANT, AND THE  
19 APPLICANT SHALL NOT HAVE A RIGHT TO PRIVACY OR PRIVILEGE THAT  
20 JUSTIFIES HIS OR HER REFUSAL TO ANSWER A QUESTION CONCERNING  
21 SEALED CONVICTION RECORDS THAT HAVE COME TO THE ATTENTION OF  
22 THE BAR COMMITTEE THROUGH OTHER MEANS.

23 (III) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH  
24 (f) SHALL NOT APPLY TO A CRIMINAL JUSTICE AGENCY OR TO AN  
25 APPLICANT TO A CRIMINAL JUSTICE AGENCY.

26 (IV) ANY MEMBER OF THE PUBLIC MAY PETITION THE COURT TO  
27 UNSEAL ANY FILE THAT HAS BEEN PREVIOUSLY SEALED UPON A SHOWING



1 THAT CIRCUMSTANCES HAVE COME INTO EXISTENCE SINCE THE ORIGINAL  
2 SEALING AND, AS A RESULT, THE PUBLIC INTEREST IN DISCLOSURE NOW  
3 OUTWEIGHS THE SUBJECT'S INTEREST IN PRIVACY.

4 (g) THE OFFICE OF THE STATE COURT ADMINISTRATOR SHALL POST  
5 ON ITS WEBSITE A LIST OF ALL PETITIONS TO SEAL CONVICTION RECORDS  
6 THAT ARE FILED WITH A DISTRICT COURT. A DISTRICT COURT MAY NOT  
7 GRANT A PETITION TO SEAL CONVICTION RECORDS UNTIL AT LEAST THIRTY  
8 DAYS AFTER THE POSTING. AFTER THE EXPIRATION OF THIRTY DAYS  
9 FOLLOWING THE POSTING, THE PETITION TO SEAL CONVICTION RECORDS  
10 AND INFORMATION PERTINENT THERETO SHALL BE REMOVED FROM THE  
11 WEBSITE OF THE OFFICE OF THE STATE COURT ADMINISTRATOR.

12 (h) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO  
13 AUTHORIZE THE PHYSICAL DESTRUCTION OF ANY CONVICTION RECORDS.

14 **(3) Advisements.** (a) **WHENEVER A DEFENDANT IS SENTENCED**  
15 **FOLLOWING A CONVICTION, THE COURT SHALL PROVIDE HIM OR HER WITH**  
16 **A WRITTEN ADVISEMENT OF HIS OR HER RIGHTS CONCERNING THE SEALING**  
17 **OF HIS OR HER CONVICTION RECORDS PURSUANT TO THIS SECTION IF HE OR**  
18 **SHE COMPLIES WITH THE APPLICABLE PROVISIONS OF THIS SECTION.**

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

21 **(I) IF A DEFENDANT IS SENTENCED TO PROBATION, THE PROBATION**  
22 **DEPARTMENT, UPON THE TERMINATION OF THE DEFENDANT'S PROBATION,**  
23 **SHALL PROVIDE THE DEFENDANT WITH A WRITTEN ADVISEMENT OF HIS OR**  
24 **HER RIGHTS CONCERNING THE SEALING OF HIS OR HER CONVICTION**  
25 **RECORDS PURSUANT TO THIS SECTION IF HE OR SHE COMPLIES WITH THE**  
26 **APPLICABLE PROVISIONS OF THIS SECTION.**

27 **(II) IF A DEFENDANT IS RELEASED ON PAROLE, THE DEFENDANT'S**

1 PAROLE OFFICER, UPON THE TERMINATION OF THE DEFENDANT'S PAROLE,  
2 SHALL PROVIDE THE DEFENDANT WITH A WRITTEN ADVISEMENT OF HIS OR  
3 HER RIGHTS CONCERNING THE SEALING OF HIS OR HER CONVICTION  
4 RECORDS PURSUANT TO THIS SECTION IF HE OR SHE COMPLIES WITH THE  
5 APPLICABLE PROVISIONS OF THIS SECTION.

6 (4) **Exceptions.** (a) THIS SECTION SHALL NOT APPLY TO RECORDS  
7 PERTAINING TO:

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

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

10 (III) A CONVICTION FOR A VIOLATION OF SECTION 42-4-1301 (1) OR  
11 (2), C.R.S.;

12 (IV) A CONVICTION OF AN OFFENSE FOR WHICH THE FACTUAL  
13 BASIS INVOLVED UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION  
14 16-22-102 (9), C.R.S.;     

15 (V) A CONVICTION FOR A VIOLATION OF SECTION 18-6-401, C.R.S.;

16 OR

17 (VI) A CONVICTION THAT IS SUBJECT TO SENTENCING UNDER ONE  
18 OR MORE OF THE FOLLOWING PROVISIONS:

19 (A) SENTENCING FOR A CRIME INVOLVING EXTRAORDINARY  
20 AGGRAVATING CIRCUMSTANCES, PURSUANT TO SECTION 18-1.3-401 (8),  
21 C.R.S.;

22 (B) SENTENCING FOR A CRIME INVOLVING SENTENCE-ENHANCING  
23 CIRCUMSTANCES, PURSUANT TO SECTION 18-1.3-401 (9), C.R.S.;

24 (C) SENTENCING FOR AN EXTRAORDINARY RISK CRIME, PURSUANT  
25 TO SECTION 18-1.3-401 (10), C.R.S.;

26 (D) SENTENCING FOR A CRIME INVOLVING A PREGNANT VICTIM,  
27 PURSUANT TO SECTION 18-1.3-401 (13), C.R.S.;

1 (E) SENTENCING FOR A CRIME PERTAINING TO A SPECIAL  
2 OFFENDER, PURSUANT TO SECTION 18-18-407, C.R.S.;

3 (F) SENTENCING FOR A CRIMINAL CONVICTION FOR WHICH THE  
4 UNDERLYING FACTUAL BASIS INVOLVES DOMESTIC VIOLENCE, AS DEFINED  
5 IN SECTION 18-6-800.3, C.R.S.;

6 (G) SENTENCING FOR A CRIMINAL CONVICTION FOR A SEXUAL  
7 OFFENSE, PURSUANT TO PART 4 OF ARTICLE 3 OF TITLE 18, C.R.S.

8 (b) COURT ORDERS SEALING RECORDS OF OFFICIAL ACTIONS  
9 ENTERED PURSUANT TO THIS SECTION SHALL NOT LIMIT THE OPERATION OF  
10 RULES OF DISCOVERY PROMULGATED BY THE SUPREME COURT OF  
11 COLORADO.

12 (c) THIS SECTION SHALL NOT APPLY TO CONVICTION RECORDS IN  
13 THE POSSESSION AND CUSTODY OF A CRIMINAL JUSTICE AGENCY WHEN AN  
14 INQUIRY CONCERNING THE CONVICTION RECORDS IS MADE BY ANOTHER  
15 CRIMINAL JUSTICE AGENCY.

16 (5) (a) **Applicability.** EXCEPT AS OTHERWISE PROVIDED IN  
17 PARAGRAPH (b) OF THIS SUBSECTION (5), THE PROVISIONS OF THIS SECTION  
18 SHALL APPLY TO CONVICTION RECORDS PERTAINING TO JUDGMENTS OF  
19 CONVICTION ENTERED ON AND AFTER JULY 1, 2007.

20 (b) FOR ANY CONVICTION PRIOR TO JULY 1, 2007, FOR WHICH  
21 THE DEFENDANT WOULD QUALIFY FOR RELIEF UNDER THIS SECTION, THE  
22 DEFENDANT MAY OBTAIN AN ORDER FROM THE COURT TO SEAL  
23 CONVICTION RECORDS IF:

24 (I) THE PROSECUTING ATTORNEY DOES NOT OBJECT TO THE  
25 SEALING; AND

26 (II) THE DEFENDANT PAYS TO THE OFFICE OF THE PROSECUTING  
27 ATTORNEY ALL REASONABLE ATTORNEY FEES AND COSTS OF THE

1 PROSECUTING ATTORNEY RELATING TO THE PETITION TO SEAL PRIOR TO  
2 THE ENTRY OF AN ORDER SEALING THE CRIMINAL RECORDS; AND

3 (III) THE DEFENDANT PAYS:

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

5 (B) AN ADDITIONAL FILING FEE OF TWO HUNDRED DOLLARS TO  
6 COVER THE ACTUAL COSTS RELATED TO THE FILING OF THE PETITION TO  
7 SEAL RECORDS.

8 (c) THE ADDITIONAL FILING FEES COLLECTED UNDER  
9 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF PARAGRAPH (b) OF  
10 THIS SUBSECTION (5) SHALL BE TRANSMITTED TO THE STATE TREASURER  
11 FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN  
12 SECTION 13-32-101 (1.5), C.R.S.

13 **SECTION 3. Appropriation.** In addition to any other  
14 appropriation, there is hereby appropriated, out of any moneys in the  
15 judicial stabilization cash fund created in section 13-32-101 (1.5),  
16 Colorado Revised Statutes, not otherwise appropriated, to the judicial  
17 department, for the fiscal year beginning July 1, 2007, the sum of four  
18 hundred fifty-five thousand six hundred seventy-nine dollars (\$455,679)  
19 and 6.5 FTE, or so much thereof as may be necessary, for the  
20 implementation of this act.

21 **SECTION 4. Effective date.** This act shall take effect July 1,  
22 2007.

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