

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0404.01 Richard Sweetman

HOUSE BILL 08-1082

HOUSE SPONSORSHIP

Ferrandino,

SENATE SPONSORSHIP

Bacon,

House Committees

Judiciary

Appropriations

Senate Committees

A BILL FOR AN ACT

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

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 number of 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.

convictions. Permits a defendant, after a specified number of 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 conviction records, to weigh the privacy interests of the defendant against the public interest in retaining the conviction records as open 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, crimes involving specified special circumstances for which enhanced sentencing is required, and other specified offenses. 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 a specified date. Permits the procedure to apply to judgments of conviction entered before a specified date with the consent of the prosecuting attorney.

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
8 records, except basic identification information, if the records are a record
9 of official actions involving a criminal offense that was not charged or a
10 case that was dismissed due to a plea agreement in a separate case, and

1 if:

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

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

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

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

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

24 (II) IF A DEFENDANT IS RELEASED ON PAROLE, THE DEFENDANT'S
25 PAROLE OFFICER, UPON THE TERMINATION OF THE DEFENDANT'S PAROLE,
26 SHALL PROVIDE THE DEFENDANT WITH A WRITTEN ADVISEMENT OF HIS OR
27 HER RIGHTS PURSUANT TO THIS SECTION CONCERNING THE SEALING OF HIS

1 OR HER CRIMINAL JUSTICE RECORDS IF HE OR SHE COMPLIES WITH THE
2 APPLICABLE PROVISIONS OF THIS SECTION.

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

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

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

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

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

12 **24-72-308.5. Sealing of criminal conviction records**
13 **information.** (1) **Definitions.** FOR PURPOSES OF THIS SECTION,
14 "CONVICTION RECORDS" MEANS ARREST AND CRIMINAL RECORDS
15 INFORMATION AND ANY RECORDS PERTAINING TO A JUDGMENT OF
16 CONVICTION.

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

23 (A) THE PETITION IS FILED TEN OR MORE YEARS AFTER THE DATE
24 OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE
25 DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION
26 CONCERNING A CRIMINAL CONVICTION, WHICHEVER IS LATER; AND

27 (B) THE DEFENDANT HAS NOT BEEN CHARGED OR CONVICTED FOR

1 A CRIMINAL OFFENSE IN THE TEN OR MORE YEARS SINCE THE DATE OF THE
2 FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER
3 OR THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION,
4 WHICHEVER IS LATER.

5 (II) AN ORDER SEALING CONVICTION RECORDS SHALL NOT DENY
6 ACCESS TO THE CRIMINAL RECORDS OF A DEFENDANT BY ANY COURT, LAW
7 ENFORCEMENT AGENCY, CRIMINAL JUSTICE AGENCY, PROSECUTING
8 ATTORNEY, OR PARTY OR AGENCY REQUIRED BY LAW TO CONDUCT A
9 CRIMINAL HISTORY RECORD CHECK ON AN INDIVIDUAL. AN ORDER
10 SEALING CONVICTION RECORDS SHALL NOT BE CONSTRUED TO VACATE A
11 CONVICTION. A CONVICTION SEALED PURSUANT TO THIS SECTION MAY BE
12 USED BY A CRIMINAL JUSTICE AGENCY, LAW ENFORCEMENT AGENCY,
13 COURT, OR PROSECUTING ATTORNEY FOR ANY LAWFUL PURPOSE RELATING
14 TO THE INVESTIGATION OF ANY CRIMINAL CASE OR FOR ANY OTHER
15 LAWFUL PURPOSE WITHIN THE SCOPE OF HIS, HER, OR ITS DUTIES. A PARTY
16 OR AGENCY REQUIRED BY LAW TO CONDUCT A CRIMINAL HISTORY RECORD
17 CHECK SHALL BE AUTHORIZED TO USE ANY SEALED CONVICTION FOR THE
18 LAWFUL PURPOSE FOR WHICH THE CRIMINAL HISTORY RECORD CHECK IS
19 REQUIRED BY LAW.

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

26 (b) (I) A PETITION TO SEAL CONVICTION RECORDS SHALL INCLUDE
27 A LISTING OF EACH CUSTODIAN OF THE RECORDS TO WHOM THE SEALING

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

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

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

26 (c) AFTER THE HEARING DESCRIBED IN SUBPARAGRAPH (II) OF
27 PARAGRAPH (b) OF THIS SUBSECTION (2) IS CONDUCTED AND IF THE COURT

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

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

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

25 (f) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF
26 PARAGRAPH (a) OF THIS SUBSECTION (2) OR IN SUBPARAGRAPHS (II) AND
27 (III) OF THIS PARAGRAPH (f), EMPLOYERS, EDUCATIONAL INSTITUTIONS,

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

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

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

25 (IV) ANY MEMBER OF THE PUBLIC MAY PETITION THE COURT TO
26 UNSEAL ANY FILE THAT HAS BEEN PREVIOUSLY SEALED UPON A SHOWING
27 THAT CIRCUMSTANCES HAVE COME INTO EXISTENCE SINCE THE ORIGINAL

1 SEALING AND, AS A RESULT, THE PUBLIC INTEREST IN DISCLOSURE NOW
2 OUTWEIGHS THE DEFENDANT'S INTEREST IN PRIVACY.

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

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

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

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

26 (II) IF A DEFENDANT IS RELEASED ON PAROLE, THE DEFENDANT'S
27 PAROLE OFFICER, UPON THE TERMINATION OF THE DEFENDANT'S PAROLE,

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

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

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

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

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

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

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

15 (VI) A CONVICTION FOR A VIOLATION OF SECTION 18-5-902,
16 C.R.S.;

17 (VII) A CONVICTION FOR A VIOLATION OF SECTION 18-3-105,
18 C.R.S.;

19 (VIII) A CONVICTION FOR A VIOLATION OF SECTION 18-9-111 (4),
20 C.R.S.;

21 (IX) A CONVICTION FOR A VIOLATION OF SECTION 18-12-102,
22 18-12-105.5, 18-12-106.5, 18-12-107, 18-12-107.5, 18-12-108,
23 18-12-108.7, 18-12-109, OR 18-12-111 (1), C.R.S.; AND

24 (X) A CONVICTION THAT IS SUBJECT TO SENTENCING UNDER ONE
25 OR MORE OF THE FOLLOWING PROVISIONS:

26 (A) SENTENCING FOR A CRIME INVOLVING EXTRAORDINARY
27 AGGRAVATING CIRCUMSTANCES, PURSUANT TO SECTION 18-1.3-401 (8),

1 C.R.S.;

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

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

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

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

10 (F) SENTENCING FOR A CRIMINAL CONVICTION, THE UNDERLYING
11 FACTUAL BASIS OF WHICH INVOLVES DOMESTIC VIOLENCE, AS DEFINED IN
12 SECTION 18-6-800.3, C.R.S.; OR

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

15 (b) COURT ORDERS SEALING RECORDS OF OFFICIAL ACTIONS
16 ENTERED PURSUANT TO THIS SECTION SHALL NOT LIMIT THE OPERATION OF
17 THE RULES OF DISCOVERY PROMULGATED BY THE SUPREME COURT OF
18 COLORADO.

19 (c) THIS SECTION SHALL NOT APPLY TO CONVICTION RECORDS IN
20 THE POSSESSION AND CUSTODY OF A CRIMINAL JUSTICE AGENCY WHEN AN
21 INQUIRY CONCERNING THE CONVICTION RECORDS IS MADE BY ANOTHER
22 CRIMINAL JUSTICE AGENCY.

23 (5) (a) **Applicability.** EXCEPT AS OTHERWISE PROVIDED IN
24 PARAGRAPH (b) OF THIS SUBSECTION (5), THE PROVISIONS OF THIS SECTION
25 SHALL APPLY TO CONVICTION RECORDS PERTAINING TO JUDGMENTS OF
26 CONVICTION ENTERED ON AND AFTER JULY 1, 2008.

27 (b) FOR ANY JUDGMENT OF CONVICTION ENTERED PRIOR TO JULY

1 1, 2008, FOR WHICH THE DEFENDANT WOULD OTHERWISE QUALIFY FOR
2 RELIEF UNDER THIS SECTION, THE DEFENDANT MAY OBTAIN AN ORDER
3 FROM THE COURT TO SEAL CONVICTION RECORDS IF:

4 (I) THE PROSECUTING ATTORNEY DOES NOT OBJECT TO THE
5 SEALING; AND

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

10 (III) THE DEFENDANT PAYS:

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

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

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

20 **SECTION 3. Appropriation.** In addition to any other
21 appropriation, there is hereby appropriated, out of any moneys in the
22 judicial stabilization cash fund created in section 13-32-101 (1.5),
23 Colorado Revised Statutes, not otherwise appropriated, to the judicial
24 department, for the fiscal year beginning July 1, 2008, the sum of four
25 hundred fifty-five thousand six hundred seventy-nine dollars (\$455,679)
26 and 6.5 FTE, or so much thereof as may be necessary, for the
27 implementation of this act.

1 **SECTION 4. Effective date.** This act shall take effect July 1,
2 2008.

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