

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

PREAMENDED

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

LLS NO. 09-0424.01 Brita Darling

HOUSE BILL 09-1044

HOUSE SPONSORSHIP

Roberts,

SENATE SPONSORSHIP

Morse,

House Committees

Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING EXPUNGEMENT OF RECORDS RELATING TO A CRIMINAL**
102 **MATTER FOR WHICH A JUVENILE IS SENTENCED AS A JUVENILE**
103 **AFTER BEING CHARGED BY THE DIRECT FILING OF CHARGES IN**
104 **A DISTRICT COURT.**

Bill Summary

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

Allows a juvenile who is charged as an adult by the direct filing of charges in district court, but sentenced as a juvenile, to be eligible to petition the court for the expungement of his or her record.

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.

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

2 **SECTION 1.** 19-1-306 (7) (c), Colorado Revised Statutes, is
3 amended to read:

4 **19-1-306. Expungement of juvenile delinquent records.**

5 (7) The following persons are not eligible to petition for the
6 expungement of any juvenile record:

7 (c) Any person who, as a juvenile, has been charged by the direct
8 filing of an information in the district court or by indictment pursuant to
9 section 19-2-517, UNLESS THE PERSON WAS SENTENCED AS A JUVENILE IN
10 THE SAME MATTER;

11 **SECTION 2. Act subject to petition - effective date -**
12 **applicability.** (1) This act shall take effect September 1, 2009.

13 (2) However, if a referendum petition is filed against this act or
14 an item, section, or part of this act during the ninety-day period after final
15 adjournment of the general assembly that is allowed for submitting a
16 referendum petition pursuant to article V, section 1 (3) of the state
17 constitution, then the act, item, section, or part, shall not take effect unless
18 approved by the people at a biennial regular general election and shall
19 take effect on the date specified in subsection (1) or on the date of the
20 official declaration of the vote thereon by proclamation of the governor,
21 whichever is later.

22