

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 12-0114.01 Michael Dohr x4347

SENATE BILL 12-105

SENATE SPONSORSHIP

Steadman, Carroll, Guzman

HOUSE SPONSORSHIP

Levy, Hullinghorst, Lee, Pabon

Senate Committees

Judiciary
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING PROVISIONS THAT IMPROVE THE REINTEGRATION**
102 **OPPORTUNITIES FOR PERSONS INVOLVED IN THE CRIMINAL**
103 **JUSTICE SYSTEM, AND, IN CONNECTION THEREWITH, MAKING**
104 **AND REDUCING APPROPRIATIONS.**

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/billsummaries>.)

The court, at a defendant's first appearance and at sentencing, shall inform the defendant in writing about the potential collateral

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
Amended 3rd Reading
May 7, 2012

SENATE
Amended 2nd Reading
May 4, 2012

consequences of a conviction. At sentencing, the court may issue an order of collateral relief that relieves specific collateral consequences if the defendant is sentenced to probation or a community corrections program.

A court may issue a certificate of rehabilitation to a person with a criminal record that relieves collateral consequences associated with the person's offense. The court may issue a certificate of fitness if the person applies for the judgment after he or she has completed a specific period of time after completion of his or her criminal sentence. A certificate of fitness and order of collateral relief shall be included in the Colorado integrated criminal justice information system (CJIS). The chief information officer for the CJIS shall purge annually the database of arrest records that did not result in a conviction if the statute of limitations for the crime that caused the arrest has passed.

The bill allows a person convicted of a petty offense or a municipal offense to petition the court for sealing the record of the conviction 3 years after the conviction occurred.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 24 to title
3 16 as follows:

4 **ARTICLE 24**

5 **Rehabilitation for People with Criminal Records Act**

6 **16-24-101. Short title.** THIS ARTICLE IS KNOWN AND MAY BE
7 CITED AS THE "REHABILITATION FOR PEOPLE WITH CRIMINAL RECORDS
8 ACT".

9 **16-24-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY
10 FINDS THAT:

11 (a) THE NUMBER OF INDIVIDUALS IN COLORADO WHO HAVE BEEN
12 CONVICTED OF CRIMES HAS INCREASED SUBSTANTIALLY SINCE THE 1970S.
13 THE GROWTH OF THIS CONVICTED POPULATION MEANS THAT EVERY YEAR
14 IN COLORADO THOUSANDS OF INDIVIDUALS ARE RELEASED FROM
15 INCARCERATION, PROBATION, AND PAROLE SUPERVISION. THESE
16 INDIVIDUALS MUST SUCCESSFULLY REINTEGRATE INTO SOCIETY OR BE AT

1 RISK OF RECIDIVISM.

2 (b) COLORADO HAS A STRONG INTEREST IN PROMOTING
3 REHABILITATION AND EMPLOYMENT TO PREVENT RECIDIVISM AMONG ITS
4 CONVICTED POPULATION. IF AN INDIVIDUAL CANNOT SUCCESSFULLY
5 REENTER SOCIETY DUE IN PART TO THE COLLATERAL CONSEQUENCES
6 ARISING FROM HIS OR HER ORIGINAL CONVICTION AND THAT PERSON
7 SUBSEQUENTLY REOFFENDS, THE NEW CRIME GENERATES SIGNIFICANT
8 FINANCIAL AND HUMAN COSTS, INCLUDING HARM TO ONE OR MORE
9 VICTIMS, EXPENDITURES OF LAW ENFORCEMENT, JUDICIAL, AND
10 CORRECTIONS RESOURCES AND THE LOSS OF THE PRODUCTIVE WORK THAT
11 THE INDIVIDUAL COULD HAVE CONTRIBUTED TO THE ECONOMY.

12 (c) MAJOR CHALLENGES EXIST FOR INDIVIDUALS WITH CRIMINAL
13 RECORDS, INCLUDING THE INCREASINGLY BURDENSOME LEGAL EFFECT OF
14 THOSE RECORDS AND THE AVAILABILITY OF PUBLIC RECORDS
15 INFORMATION, INCLUDING CRIMINAL CONVICTIONS, ABOUT ALL
16 COLORADANS TO ALL ARMS OF GOVERNMENT AND THE GENERAL PUBLIC;

17 (d) A CRIMINAL CONVICTION NEGATIVELY AFFECTS AN
18 INDIVIDUAL'S LEGAL STATUS THROUGH THE ENFORCEMENT OF
19 COLLATERAL CONSEQUENCES AGAINST THE INDIVIDUAL. IN RECENT
20 YEARS, THOSE COLLATERAL CONSEQUENCES HAVE INCREASED IN NUMBER
21 AND SEVERITY.

22 (e) A STRONG CONNECTION EXISTS BETWEEN EMPLOYMENT AND
23 HOUSING STABILITY AND AN INDIVIDUAL'S ABILITY TO LIVE AS A
24 LAW-ABIDING CITIZEN;

25 (f) PEOPLE WITH CRIMINAL RECORDS ARE NOT A PROTECTED CLASS
26 UNDER ANY FEDERAL CIVIL RIGHT OR STATE OF COLORADO HUMAN RIGHTS
27 LEGISLATION.

1 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS
2 NECESSARY TO PROVIDE INDIVIDUALS CHARGED WITH CRIMINAL OFFENSES,
3 BEING _____ RELEASED FROM SUPERVISION OR INCARCERATION AFTER A
4 CRIMINAL CONVICTION WITH NOTICE OF POTENTIAL COLLATERAL
5 CONSEQUENCES ARISING FROM THE CONVICTION. THIS INFORMATION WILL
6 ALLOW THESE INDIVIDUALS TO CONSIDER SUCH CONSEQUENCES WHEN ____
7 PREPARING FOR REINTEGRATION AFTER SUPERVISION OR DEVELOPING A
8 PAROLE PLAN.

9 **16-24-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
10 CONTEXT OTHERWISE REQUIRES:

11 (1) "COLLATERAL CONSEQUENCE" MEANS A COLLATERAL
12 SANCTION OR A DISQUALIFICATION.

13 (2) "COLLATERAL SANCTION" MEANS A PENALTY, PROHIBITION,
14 BAR, OR DISADVANTAGE, HOWEVER DENOMINATED, IMPOSED ON AN
15 INDIVIDUAL AS A RESULT OF THE INDIVIDUAL'S CONVICTION OF AN
16 OFFENSE, WHICH PENALTY, PROHIBITION, BAR, OR DISADVANTAGE APPLIES
17 BY OPERATION OF LAW REGARDLESS OF WHETHER THE PENALTY,
18 PROHIBITION, BAR, OR DISADVANTAGE IS INCLUDED IN THE JUDGMENT OR
19 SENTENCE. "COLLATERAL SANCTION" DOES NOT INCLUDE IMPRISONMENT,
20 PROBATION, PAROLE, SUPERVISED RELEASE, FORFEITURE, RESTITUTION,
21 FINE, ASSESSMENT, COSTS OF PROSECUTION, OR A RESTRAINT OR SANCTION
22 ON AN INDIVIDUAL'S DRIVING PRIVILEGE.

23 (3) "CONVICTION" OR "CONVICTED" MEANS A VERDICT OF GUILTY
24 BY A JUDGE OR JURY OR A PLEA OF GUILTY OR NOLO CONTENDERE THAT IS
25 ACCEPTED BY THE COURT OR AN ADJUDICATION FOR AN OFFENSE THAT
26 WOULD CONSTITUTE A CRIMINAL OFFENSE IF COMMITTED BY AN ADULT, OR
27 A CONVICTION OF A CRIME UNDER THE LAWS OF ANY OTHER STATE, THE

1 UNITED STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE
2 UNITED STATES, WHICH, IF COMMITTED WITHIN THIS STATE, WOULD BE A
3 FELONY OR MISDEMEANOR. "CONVICTION" OR "CONVICTED" ALSO
4 INCLUDES HAVING RECEIVED A DEFERRED JUDGMENT AND SENTENCE OR
5 A DEFERRED ADJUDICATION; EXCEPT THAT A PERSON SHALL NOT BE
6 DEEMED TO HAVE BEEN CONVICTED IF THE PERSON HAS SUCCESSFULLY
7 COMPLETED A DEFERRED SENTENCE OR A DEFERRED ADJUDICATION.

8 (4) "DISQUALIFICATION" MEANS A PENALTY, PROHIBITION, BAR, OR
9 DISADVANTAGE, HOWEVER DENOMINATED, THAT AN ADMINISTRATIVE
10 AGENCY, GOVERNMENTAL OFFICIAL, OR COURT IN A CIVIL PROCEEDING IS
11 AUTHORIZED, BUT NOT REQUIRED, TO IMPOSE ON AN INDIVIDUAL ON
12 GROUNDS RELATING TO THE INDIVIDUAL'S CONVICTION OF AN OFFENSE.

13 (5) "FELONY" MEANS A CONVICTION OF A FELONY IN THIS STATE,
14 OR A CONVICTION OF AN OFFENSE IN ANY OTHER JURISDICTION FOR WHICH
15 A SENTENCE TO A TERM OF IMPRISONMENT IN EXCESS OF ONE YEAR WAS
16 AUTHORIZED.

17 (6) "OFFENSE" MEANS A FELONY, MISDEMEANOR, OR PETTY
18 OFFENSE UNDER THE LAW OF THIS STATE, ANOTHER STATE, OR THE UNITED
19 STATES.

20 **16-24-104. Limitation on scope.** (1) THIS ARTICLE DOES NOT
21 PROVIDE A BASIS FOR:

22 (a) INVALIDATING A PLEA, CONVICTION, OR SENTENCE;

23 (b) A CAUSE OF ACTION FOR MONEY DAMAGES;

24 (c) A CLAIM FOR RELIEF FROM OR DEFENSE TO THE APPLICATION OF
25 A COLLATERAL CONSEQUENCE BASED ON A FAILURE TO COMPLY WITH
26 SECTION 16-24-105;

27 (d) INVALIDATING OR CHANGING THE REQUIREMENTS IMPOSED BY

1 THE "COLORADO SEX OFFENDER REGISTRATION ACT", ARTICLE 22 OF THIS
2 TITLE, OR ANY ASSOCIATED REGULATIONS;

3 (e) A CHALLENGE TO THE CONDITIONS OF PROBATION IMPOSED
4 PURSUANT TO SECTION 18-1.3-204, C.R.S., OR THE CONDITIONS OF PAROLE
5 IMPOSED PURSUANT TO ARTICLE 17, C.R.S.; OR

6 (f) REQUIRING AN EMPLOYER TO HIRE AN INDIVIDUAL WHO HAS
7 RECEIVED AN ORDER OF COLLATERAL RELIEF ISSUED PURSUANT TO
8 SECTION 16-24-106, OR A CERTIFICATE OF REHABILITATION ISSUED
9 PURSUANT TO SECTION 16-24-107.

10 (2) THIS ARTICLE DOES NOT AFFECT OR PRECLUDE:

11 (a) A CLAIM OR RIGHT OF A VICTIM OF AN OFFENSE; OR

12 (b) A RIGHT OR REMEDY AVAILABLE UNDER LAW, OTHER THAN
13 THIS ARTICLE, TO AN INDIVIDUAL CONVICTED OF AN OFFENSE.

14 (3) AN ORDER OF REHABILITATIVE RELIEF ISSUED UNDER THIS
15 ARTICLE DOES NOT OPERATE AS A PARDON, SEALING, OR EXPUNGEMENT.

16 (4) A COURT'S DECISION DENYING OR GRANTING RELIEF PURSUANT
17 TO SECTIONS 16-24-106 and 16-24-107 IS NOT PART OF THE DEFENDANT'S
18 CRIMINAL CASE AND MAY NOT BE APPEALED AS PART OF THE CRIMINAL
19 CASE.

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21 **16-24-105. Notice of collateral consequences upon release.**

22 (1) (a) IF AN INDIVIDUAL IS SENTENCED TO IMPRISONMENT OR OTHER
23 INCARCERATION, THE OFFICER OR AGENCY RELEASING THE INDIVIDUAL
24 SHALL PROVIDE THE NOTICE DESCRIBED IN PARAGRAPH (b) OF THIS
25 SUBSECTION (1) NOT MORE THAN THIRTY, AND, IF PRACTICABLE, AT LEAST
26 TEN DAYS BEFORE RELEASE.

27 (b) THE NOTICE SHALL CONTAIN THE FOLLOWING INFORMATION:

1 (I) THAT COLLATERAL CONSEQUENCES MAY APPLY BECAUSE OF
2 THE CONVICTION;

3 (II) THAT THE STATE PUBLIC DEFENDER HAS COMPILED A LIST OF
4 LAWS THAT IMPOSE COLLATERAL CONSEQUENCES RELATED TO A CRIMINAL
5 CONVICTION AND THAT THE LIST IS AVAILABLE ON THE STATE PUBLIC
6 DEFENDER'S WEB SITE; AND

7 (III) THAT PURSUANT TO SECTION 1-2-103 (4), C.R.S. A PERSON
8 SERVING A SENTENCE OF PAROLE IS NOT ELIGIBLE TO REGISTER TO VOTE.

9 **16-24-106. Sentencing order - collateral relief.** (1) (a) AT THE
10 TIME OF SENTENCING, UPON THE REQUEST OF THE DEFENDANT OR UPON
11 THE COURT'S OWN MOTION, A COURT MAY ENTER AN ORDER OF
12 COLLATERAL RELIEF IF THE COURT SENTENCES THE DEFENDANT TO
13 PROBATION OR TO A COMMUNITY CORRECTIONS PROGRAM FOR THE
14 PURPOSE OF ENHANCING THE DEFENDANT'S EMPLOYMENT OR
15 EMPLOYMENT PROSPECTS AND TO IMPROVE THE DEFENDANT'S LIKELIHOOD
16 OF SUCCESS ON PROBATION OR IN THE COMMUNITY CORRECTIONS
17 PROGRAM. THE PROVISIONS OF SECTION 16-24-107 (5), (6), (7), AND (8)
18 APPLY TO THIS SECTION. A DEFENDANT IS NOT REQUIRED TO PAY A FILING
19 FEE AS RESULT OF THIS SECTION.

20 (2) AN ORDER OF COLLATERAL RELIEF MAY RELIEVE A DEFENDANT
21 OF ANY COLLATERAL CONSEQUENCES OF THE CONVICTION, WHETHER IN
22 HOUSING OR EMPLOYMENT BARRIERS OR ANY OTHER SANCTION OR
23 DISQUALIFICATION THAT THE COURT SHALL SPECIFY, INCLUDING BUT NOT
24 LIMITED TO STATUTORY, REGULATORY, OR OTHER COLLATERAL
25 CONSEQUENCES THAT THE COURT MAY SEE FIT TO RELIEVE THAT WILL
26 ASSIST THE DEFENDANT IN SUCCESSFULLY COMPLETING PROBATION OR A
27 COMMUNITY CORRECTIONS SENTENCE.

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(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ORDER OF COLLATERAL RELIEF CANNOT RELIEVE ANY COLLATERAL CONSEQUENCES IMPOSED BY LAW FOR LICENSURE BY THE DEPARTMENT OF EDUCATION OR ANY COLLATERAL CONSEQUENCES IMPOSED BY LAW FOR EMPLOYMENT WITH THE JUDICIAL BRANCH, THE DEPARTMENT OF CORRECTIONS, DIVISION OF YOUTH CORRECTIONS IN THE DEPARTMENT OF HUMAN SERVICES, OR ANY OTHER LAW ENFORCEMENT AGENCY IN THE STATE OF COLORADO.

(4) IF THE COURT ISSUES AN ORDER OF COLLATERAL RELIEF, IT SHALL SEND A COPY OF THE ORDER OF COLLATERAL RELIEF THROUGH THE COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM TO THE COLORADO BUREAU OF INVESTIGATION, AND THE COLORADO BUREAU OF INVESTIGATION SHALL INCLUDE A NOTE IN THE APPLICANT'S RECORD IN THE COLORADO CRIME INFORMATION CENTER THAT THE ORDER OF COLLATERAL RELIEF WAS ISSUED.

(5) THE COURT MAY REVOKE AN ORDER OF COLLATERAL RELIEF UPON EVIDENCE OF A SUBSEQUENT CRIMINAL CONVICTION OR PROOF THAT THE HOLDER OF THE JUDGMENT HAS BECOME A PRESENT RISK TO PUBLIC SAFETY. ANY BARS, PROHIBITIONS, SANCTIONS, AND DISQUALIFICATIONS THEREBY RELIEVED SHALL BE REINSTATED AS OF THE DATE OF THE WRITTEN ORDER OF REVOCATION. THE COURT SHALL PROVIDE A COPY OF THE ORDER OF REVOCATION TO THE HOLDER.

16-24-107. Order of rehabilitative relief. (1) A COURT MAY ISSUE AN ORDER OF REHABILITATIVE RELIEF THAT RELIEVES A PERSON WITH A CRIMINAL RECORD OF ANY OR ALL COLLATERAL CONSEQUENCES OF CRIMINAL CONVICTIONS, WHETHER IN HOUSING OR EMPLOYMENT

1 BARRIERS OR ANY OTHER SANCTION OR DISQUALIFICATION THAT THE
2 COURT SHALL SPECIFY, INCLUDING BUT NOT LIMITED TO STATUTORY,
3 REGULATORY, OR OTHER COLLATERAL CONSEQUENCES THAT THE COURT
4 MAY SEE FIT TO RELIEVE.

5 _____
6 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ORDER
7 OF REHABILITATIVE RELIEF CANNOT RELIEVE ANY COLLATERAL
8 CONSEQUENCES IMPOSED BY LAW FOR LICENSURE BY THE DEPARTMENT OF
9 EDUCATION OR ANY COLLATERAL CONSEQUENCES IMPOSED BY LAW FOR
10 EMPLOYMENT WITH THE JUDICIAL BRANCH, THE DEPARTMENT OF
11 CORRECTIONS, DIVISION OF YOUTH CORRECTIONS IN THE DEPARTMENT OF
12 HUMAN SERVICES, OR ANY OTHER LAW ENFORCEMENT AGENCY IN THE
13 STATE OF COLORADO.

14 (3) **Jurisdiction and venue.** (a) THE COURT MAY ISSUE AN
15 ORDER OF REHABILITATIVE RELIEF TO AN ELIGIBLE APPLICANT FOR A
16 CONVICTION THAT OCCURRED IN THAT COURT IF THE COURT IMPOSED THE
17 SENTENCE.

18 (b) FOR FEDERAL CONVICTIONS OR CONVICTIONS FROM OTHER
19 STATES, PROPER VENUE IS IN THE COUNTY OF THE APPLICANT'S RESIDENCE
20 IN COLORADO, AND THE APPLICANT SHALL PROVE EITHER:

21 (I) THAT HE OR SHE IS A CITIZEN OF THE STATE OF COLORADO; OR

22 (II) IF HE OR SHE IS NOT A CITIZEN OF COLORADO, THAT HIS OR HER
23 CONVICTION FROM ANOTHER JURISDICTION IS CREATING, WILL CREATE, OR
24 HAS A DIRECT COLLATERAL CONSEQUENCE IN COLORADO.

25 (4) **Timing.** (a) IF AN ORDER OF COLLATERAL RELIEF PURSUANT
26 TO SECTION 16-25-106 IS NOT ISSUED AT THE TIME OF SENTENCING, A
27 COURT SHALL NOT ISSUE AN ORDER OF REHABILITATIVE RELIEF OF ANY

1 KIND UNTIL THE APPLICABLE TIME PRESCRIBED IN PARAGRAPH (b) OF THIS
2 SUBSECTION (4) HAS ELAPSED AFTER TERMINATION OF THE APPLICANT'S
3 CRIMINAL SENTENCE, AND THE APPLICANT SUBMITS A VERIFIED
4 APPLICATION TO THE COURT THAT SETS FORTH WITH PARTICULARITY THE
5 APPLICANT'S GROUNDS FOR BELIEVING THAT HE OR SHE IS REHABILITATED
6 AND NOT A RISK TO PUBLIC SAFETY. WHEN THE INDIVIDUAL FILES THE
7 APPLICATION, HE OR SHE SHALL PAY A FILING FEE OF TWO HUNDRED
8 TWENTY-FIVE DOLLARS, WHICH SHALL BE DEPOSITED IN THE JUDICIAL
9 STABILIZATION CASH FUND CREATED IN SECTION 13-32-101, C.R.S.

10 (b) A COURT MAY ORDER AN ORDER OF REHABILITATIVE RELIEF
11 AFTER:

12 (I) AT LEAST THREE YEARS AFTER TERMINATION OF THE
13 APPLICANT'S CRIMINAL SENTENCE IN THE CASE OF THE MOST RECENT
14 ELIGIBLE FELONY CONVICTION;

15 (II) AT LEAST ONE YEAR AFTER THE TERMINATION OF THE
16 APPLICANT'S CRIMINAL SENTENCE IN THE CASE OF THE MOST RECENT
17 MISDEMEANOR CONVICTION; AND

18 (III) A JUVENILE SUCCESSFULLY COMPLETES A SENTENCE TO THE
19 YOUTHFUL OFFENDER SYSTEM, IF THE PETITION RELATES TO AN OFFENSE
20 THAT RESULTED IN THE JUVENILE'S SENTENCE TO THE YOUTHFUL
21 OFFENDER SYSTEM.

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23 (5) A COURT SHALL NOT ISSUE AN ORDER OF REHABILITATIVE
24 RELIEF IF THE DEFENDANT:

25 (I) HAS BEEN CONVICTED OF A FELONY THAT INCLUDED AN
26 ELEMENT THAT REQUIRES A VICTIM TO SUFFER PERMANENT DISABILITY;

27 (II) HAS BEEN CONVICTED OF A CRIME OF VIOLENCE AS DESCRIBED

1 IN SECTION 18-1.3-406, C.R.S.; OR
2 (III) IS REQUIRED TO REGISTER AS A SEX OFFENDER PURSUANT TO
3 SECTION 16-22-103.

4 **(6) Application contents.** (a) AN APPLICATION FOR AN ORDER
5 OF REHABILITATIVE RELIEF SHALL CITE THE GROUNDS FOR GRANTING THE
6 RELIEF, THE TYPE OF RELIEF SOUGHT AND THE SPECIFIC COLLATERAL
7 CONSEQUENCE FROM WHICH THE APPLICANT IS SEEKING RELIEF, THE
8 CRIMINAL CASE NUMBER FOR EACH CASE FOR WHICH RELIEF IS BEING
9 SOUGHT, A COPY OF A RECENT COLORADO BUREAU OF INVESTIGATION
10 FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK, AND, IF
11 AVAILABLE, A COPY OF THE APPLICANT'S PROBATION OR PRESENTENCE
12 REPORT FOR EACH CONVICTION FOR WHICH THE APPLICANT IS SEEKING
13 RELIEF. THE STATE COURT ADMINISTRATOR MAY PRODUCE AN
14 APPLICATION FORM THAT AN APPLICANT MAY SUBMIT IN APPLICATION.

15 (b) THE APPLICANT SHALL FILE HIS OR HER APPLICATION FOR AN ORDER OF REHABILITATIVE RELIEF WITH THE APPROPRIATE COURT
16 PURSUANT TO SUBSECTION (3) OF THIS SECTION, AND HE OR SHE SHALL
17 PROVIDE A COPY OF THE APPLICATION TO THE DISTRICT ATTORNEY FOR THE
18 JURISDICTION IN WHICH THE APPLICATION IS FILED AND TO THE
19 REGULATORY OR LICENSING BODY THAT HAS JURISDICTION OVER THE
20 COLLATERAL CONSEQUENCE FROM WHICH THE APPLICANT IS SEEKING
21 RELIEF, IF ANY.

22 (c) WHEN THE INDIVIDUAL FILES THE APPLICATION, HE OR SHE
23 SHALL, IN ADDITION TO THE COURT'S DOCKET FEE, PAY A FILING FEE OF
24 TWO HUNDRED TWENTY-FIVE DOLLARS, WHICH SHALL BE DEPOSITED IN
25 THE JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101,
26 C.R.S.
27

1 (7) **Hearing.** (a) THE COURT MAY CONDUCT A HEARING ON THE
2 APPLICATION OR ON ANY MATTER RELEVANT TO THE GRANTING OR
3 DENYING OF THE APPLICATION AND MAY TAKE TESTIMONY UNDER OATH.

4 (b) THE COURT MAY HEAR TESTIMONY FROM VICTIMS OR ANY
5 PROPONENT OR OPPONENT OF THE APPLICATION AND MAY HEAR
6 ARGUMENT FROM THE PETITIONER AND THE DISTRICT ATTORNEY.

7 (8) **Standard for granting relief.** (a) A COURT MAY ISSUE AN
8 ORDER OF REHABILITATIVE RELIEF IF THE COURT FINDS THAT:

9 (I) THE ORDER OF REHABILITATIVE RELIEF IS CONSISTENT WITH THE
10 APPLICANT'S REHABILITATION; AND

11 (II) GRANTING THE APPLICATION WOULD IMPROVE THE
12 APPLICANT'S LIKELIHOOD OF SUCCESS IN REINTEGRATING INTO SOCIETY
13 AND IS IN THE PUBLIC'S INTEREST.

14 **(b) IF THE COURT ORDERS AN ORDER OF REHABILITATIVE RELIEF,**
15 **IT SHALL SPECIFY EACH CONVICTION FOR WHICH THE ORDER APPLIES.**

16 **(c) THE COURT THAT PREVIOUSLY ISSUED AN ORDER OF**
17 **REHABILITATIVE RELIEF, _____ ON ITS OWN MOTION OR EITHER BY CAUSE**
18 **SHOWN BY THE DISTRICT ATTORNEY OR ON GROUNDS OFFERED BY THE**
19 **APPLICANT, MAY AT ANY TIME ISSUE A SUBSEQUENT JUDGMENT TO**
20 **ENLARGE, LIMIT, OR CIRCUMSCRIBE THE RELIEF PREVIOUSLY GRANTED.**

21 **(d) UPON THE MOTION OF THE DISTRICT ATTORNEY OR PROBATION**
22 **OFFICER OR UPON THE COURT'S OWN MOTION, A COURT MAY REVOKE AN**
23 **ORDER OF REHABILITATIVE RELIEF UPON _____ EVIDENCE OF A SUBSEQUENT**
24 **CRIMINAL CONVICTION OR PROOF THAT THE DEFENDANT IS NO LONGER**
25 **ENTITLED TO RELIEF. _____ ANY BARS, PROHIBITIONS, SANCTIONS, AND**
26 **DISQUALIFICATIONS THEREBY RELIEVED SHALL BE REINSTATED AS OF THE**
27 **DATE OF THE WRITTEN ORDER OF REVOCATION. THE COURT SHALL**

1 PROVIDE A COPY OF THE ORDER OF REVOCATION TO THE HOLDER AND TO
2 ANY REGULATORY OR LICENSING ENTITY THAT THE DEFENDANT NOTICED
3 IN HIS OR HER MOTION FOR RELIEF.

4 _____
5 (9) IF THE COURT ISSUES AN ORDER OF REHABILITATIVE RELIEF, IT
6 SHALL SEND A COPY OF THE ORDER OF REHABILITATIVE RELIEF THROUGH
7 THE COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM TO
8 THE COLORADO BUREAU OF INVESTIGATION, AND THE COLORADO BUREAU
9 OF INVESTIGATION SHALL INCLUDE A NOTE IN THE APPLICANT'S RECORD IN
10 THE COLORADO CRIME INFORMATION CENTER THAT THE ORDER OF
11 REHABILITATIVE RELIEF WAS ISSUED.

12 (10) A PERSON WHO KNOWINGLY USES OR ATTEMPTS TO USE A
13 COPY OF A REVOKED ORDER OF REHABILITATIVE RELIEF TO OBTAIN OR TO
14 EXERCISE ANY RIGHT OR PRIVILEGE THAT HE OR SHE WOULD NOT BE
15 ENTITLED TO OBTAIN OR TO EXERCISE WITHOUT A VALID JUDGMENT IS
16 GUILTY OF A CLASS 1 MISDEMEANOR.

17 **16-24-108. Effect of pardon and clemency.** (1) A PARDON
18 ISSUED BY THE GOVERNOR SHALL WAIVE ALL COLLATERAL CONSEQUENCES
19 ASSOCIATED WITH EACH CONVICTION FOR WHICH THE PERSON RECEIVED
20 A PARDON UNLESS THE PARDON LIMITS THE SCOPE OF THE PARDON
21 REGARDING COLLATERAL CONSEQUENCES.

22 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE,
23 A PERSON WHO RECEIVES CLEMENCY FROM THE GOVERNOR MAY APPLY
24 FOR AN ORDER OF REHABILITATIVE RELIEF PURSUANT TO SECTION
25 16-24-107 NO SOONER THAN THREE YEARS AFTER THE DATE OF CLEMENCY
26 OR THE DISCHARGE OF THE SENTENCE, WHICHEVER IS LATER.

27 (3) IF THE GOVERNOR GRANTS A PARDON OR A REQUEST FOR

1 CLEMENCY, THE GOVERNOR SHALL PROVIDE A COPY OF THE PARDON OR
2 CLEMENCY TO THE COLORADO BUREAU OF INVESTIGATION, AND THE
3 COLORADO BUREAU OF INVESTIGATION SHALL INCLUDE A NOTE IN THE
4 INDIVIDUAL'S RECORD IN THE COLORADO CRIME INFORMATION CENTER
5 THAT A PARDON WAS ISSUED OR CLEMENCY WAS GRANTED.

6 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **add** (9)
7 (b) (VIII.5) as follows:

8 **24-34-104. General assembly review of regulatory agencies**
9 **and functions for termination, continuation, or reestablishment.**

10 (9) (b) In such hearings, the determination as to whether an agency has
11 demonstrated a public need for continued existence of the agency or
12 function and for the degree of regulation it practices shall be based on the
13 following factors, among others:

14 (VIII.5) WHETHER THE AGENCY THROUGH ITS LICENSING OR
15 CERTIFICATION PROCESS IMPOSES ANY DISQUALIFICATIONS ON APPLICANTS
16 BASED ON PAST CRIMINAL HISTORY AND, IF SO, WHETHER THE
17 DISQUALIFICATIONS SERVE PUBLIC SAFETY OR COMMERCIAL OR CONSUMER
18 PROTECTION INTERESTS. TO ASSIST IN CONSIDERING THIS FACTOR, THE
19 ANALYSIS PREPARED PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (a)
20 OF SUBSECTION (8) OF THIS SECTION SHALL INCLUDE DATA ON THE
21 NUMBER OF LICENSES OR CERTIFICATIONS THAT WERE DENIED, REVOKED,
22 OR SUSPENDED BASED ON A DISQUALIFICATION AND THE BASIS FOR THE
23 DISQUALIFICATION.

24 **SECTION 3.** In Colorado Revised Statutes, 24-34-104.1, **amend**
25 (2) (d), (2) (e), (4) (b) (II), and (4) (b) (III); and **add** (2) (f) and (4) (b)
26 (IV) as follows:

27 **24-34-104.1. General assembly sunrise review of new**

1 **regulation of occupations and professions.** (2) Any professional or
2 occupational group or organization, any individual, or any other interested
3 party that proposes the regulation of any unregulated professional or
4 occupational group shall submit the following information to the
5 department of regulatory agencies. A proposal to regulate a professional
6 or occupational group shall be reviewed only when the party requesting
7 such review files with the department a statement of support for the
8 proposed regulation that has been signed by at least ten members of the
9 professional or occupational group for which regulation is being sought
10 or at least ten individuals who are not members of such professional or
11 occupational group, along with the following information:

12 (d) The benefit to the public that would result from the proposed
13 regulation; ~~and~~

14 (e) The cost of the proposed regulation; AND

15 (f) A DESCRIPTION OF ANY ANTICIPATED DISQUALIFICATIONS ON
16 AN APPLICANT FOR LICENSURE, CERTIFICATION, RELICENSURE, OR
17 RECERTIFICATION BASED ON CRIMINAL HISTORY AND HOW THE
18 DISQUALIFICATIONS SERVE PUBLIC SAFETY OR CONSUMER PROTECTION
19 INTERESTS.

20 (4) (b) In such hearings, the determination as to whether such
21 regulation of an occupation or a profession is needed shall be based upon
22 the following considerations:

23 (II) Whether the public needs, and can reasonably be expected to
24 benefit from, an assurance of initial and continuing professional or
25 occupational competence; ~~and~~

26 (III) Whether the public can be adequately protected by other
27 means in a more cost-effective manner; AND

1 (IV) WHETHER THE IMPOSITION OF ANY DISQUALIFICATIONS ON
2 APPLICANTS FOR LICENSURE, CERTIFICATION, RELICENSURE, OR
3 RECERTIFICATION BASED ON CRIMINAL HISTORY SERVES PUBLIC SAFETY OR
4 COMMERCIAL OR CONSUMER PROTECTION INTERESTS.

5 **SECTION 4.** In Colorado Revised Statutes, **add** 24-72-308.7 as
6 follows:

7 **24-72-308.7. Sealing of criminal conviction records**
8 **information for petty offenses and municipal offenses for convictions.**

9 (1) **Definitions.** FOR PURPOSES OF THIS SECTION, "CONVICTION
10 RECORDS" MEANS ARREST AND CRIMINAL RECORDS INFORMATION AND
11 ANY RECORDS PERTAINING TO A JUDGMENT OF CONVICTION.

12 (2) **Sealing of conviction records.** (a) (I) A DEFENDANT MAY
13 PETITION THE DISTRICT COURT OF THE DISTRICT IN WHICH ANY
14 CONVICTION RECORDS PERTAINING TO THE DEFENDANT FOR A PETTY
15 OFFENSE OR MUNICIPAL VIOLATION ARE LOCATED FOR THE SEALING OF THE
16 CONVICTION RECORDS, EXCEPT BASIC IDENTIFYING INFORMATION, IF:

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

26 (II) UPON FILING THE PETITION, THE DEFENDANT SHALL PAY THE
27 FILING FEE REQUIRED BY LAW AND AN ADDITIONAL FILING FEE OF TWO

1 HUNDRED DOLLARS TO COVER THE ACTUAL COSTS RELATED TO THE FILING
2 OF THE PETITION TO SEAL RECORDS. THE ADDITIONAL FILING FEES
3 COLLECTED UNDER THIS SUBPARAGRAPH (II) SHALL BE TRANSMITTED TO
4 THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH
5 FUND CREATED IN SECTION 13-32-101 (6), C.R.S.

6 (III) A PETITION TO SEAL RECORDS PURSUANT TO THIS SECTION
7 MAY ONLY BE FILED ONCE DURING A TWELVE MONTH PERIOD. THE COURT
8 SHALL IMMEDIATELY DISMISS A SECOND OR SUBSEQUENT PETITION FILED
9 WITHIN TWELVE MONTHS OF ANOTHER PETITION.

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

1 HISTORY RECORD CHECK IS REQUIRED BY LAW.

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

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

19 (II) (A) UPON THE FILING OF A PETITION, THE COURT SHALL
20 REVIEW THE PETITION AND DETERMINE WHETHER THERE ARE GROUNDS
21 UNDER THIS SECTION TO PROCEED TO A HEARING ON THE PETITION. IF THE
22 COURT DETERMINES THAT THE PETITION ON ITS FACE IS INSUFFICIENT OR
23 IF THE COURT DETERMINES THAT, AFTER TAKING JUDICIAL NOTICE OF
24 MATTERS OUTSIDE THE PETITION, THE DEFENDANT IS NOT ENTITLED TO
25 RELIEF UNDER THIS SECTION, THE COURT SHALL ENTER AN ORDER DENYING
26 THE PETITION AND MAIL A COPY OF THE ORDER TO THE DEFENDANT. THE
27 COURT'S ORDER SHALL SPECIFY THE REASONS FOR THE DENIAL OF THE

1 PETITION.

2 (B) IF THE COURT DETERMINES THAT THE PETITION IS SUFFICIENT
3 ON ITS FACE AND THAT NO OTHER GROUNDS EXIST AT THAT TIME FOR THE
4 COURT TO DENY THE PETITION UNDER THIS SECTION, THE COURT SHALL SET
5 A DATE FOR A HEARING, AND THE DEFENDANT SHALL NOTIFY BY CERTIFIED
6 MAIL THE PROSECUTING ATTORNEY, THE ARRESTING AGENCY, AND ANY
7 OTHER PERSON OR AGENCY IDENTIFIED BY THE DEFENDANT.

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

1 THE PETITIONER SHALL PROVIDE A PRIVATE CUSTODIAN WITH A COPY OF
2 THE ORDER AND SEND THE PRIVATE CUSTODIAN AN ELECTRONIC
3 NOTIFICATION OF THE ORDER. EACH PRIVATE CUSTODIAN THAT RECEIVES
4 A COPY OF THE ORDER FROM THE PETITIONER SHALL REMOVE THE RECORDS
5 THAT ARE SUBJECT TO AN ORDER FROM ITS DATABASE. THE DEFENDANT
6 SHALL PAY TO THE BUREAU ANY COSTS RELATED TO THE SEALING OF HIS
7 OR HER CRIMINAL CONVICTION RECORDS IN THE CUSTODY OF THE BUREAU.
8 THEREAFTER, THE DEFENDANT MAY REQUEST AND THE COURT MAY GRANT
9 AN ORDER SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS
10 WERE SEALED.

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

17 (e) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF
18 PARAGRAPH (a) OF THIS SUBSECTION (2), INSPECTION OF THE RECORDS
19 INCLUDED IN AN ORDER SEALING CONVICTION RECORDS MAY THEREAFTER
20 BE PERMITTED BY THE COURT ONLY UPON PETITION BY THE DEFENDANT.

21 (f) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF
22 PARAGRAPH (a) OF THIS SUBSECTION (2) OR IN SUBPARAGRAPHS (II) AND
23 (III) OF THIS PARAGRAPH (f), EMPLOYERS, STATE AND LOCAL
24 GOVERNMENT AGENCIES, OFFICIALS, LANDLORDS, AND EMPLOYEES SHALL
25 NOT, IN ANY APPLICATION OR INTERVIEW OR IN ANY OTHER WAY, REQUIRE
26 AN APPLICANT TO DISCLOSE ANY INFORMATION CONTAINED IN SEALED
27 CONVICTION RECORDS. AN APPLICANT NEED NOT, IN RESPONSE TO ANY

1 QUESTION CONCERNING CONVICTION RECORDS THAT HAVE BEEN SEALED,
2 INCLUDE A REFERENCE TO OR INFORMATION CONCERNING THE SEALED
3 CONVICTION RECORDS AND MAY STATE THAT THE APPLICANT HAS NOT
4 BEEN CRIMINALLY CONVICTED.

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

16 (III) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH
17 (f) SHALL NOT APPLY TO A CRIMINAL JUSTICE AGENCY OR TO AN
18 APPLICANT TO A CRIMINAL JUSTICE AGENCY.

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

24 (g) THE OFFICE OF THE STATE COURT ADMINISTRATOR SHALL POST
25 ON ITS WEB SITE A LIST OF ALL PETITIONS TO SEAL CONVICTION RECORDS
26 THAT ARE FILED WITH A DISTRICT COURT. A DISTRICT COURT MAY NOT
27 GRANT A PETITION TO SEAL CONVICTION RECORDS UNTIL AT LEAST THIRTY

1 DAYS AFTER THE POSTING. AFTER THE EXPIRATION OF THIRTY DAYS
2 FOLLOWING THE POSTING, THE PETITION TO SEAL CONVICTION RECORDS
3 AND INFORMATION PERTINENT THERETO SHALL BE REMOVED FROM THE
4 WEB SITE OF THE OFFICE OF THE STATE COURT ADMINISTRATOR.

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

7 (i) NOTWITHSTANDING ANY PROVISION IN THIS SECTION TO THE
8 CONTRARY, IN REGARD TO ANY CONVICTION OF A DEFENDANT RESULTING
9 FROM A SINGLE CASE IN WHICH THE DEFENDANT IS CONVICTED OF MORE
10 THAN ONE OFFENSE, RECORDS OF THE CONVICTION MAY BE SEALED
11 PURSUANT TO THE PROVISIONS OF THIS SECTION ONLY IF THE RECORDS OF
12 EVERY CONVICTION OF THE DEFENDANT RESULTING FROM THAT CASE MAY
13 BE SEALED PURSUANT TO THE PROVISIONS OF THIS SECTION.

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

20 (b) IN ADDITION TO, AND NOT IN LIEU OF, THE REQUIREMENT
21 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3), IF A DEFENDANT
22 IS SENTENCED TO PROBATION FOLLOWING A CONVICTION OF A PETTY OR
23 MUNICIPAL OFFENSE, THE PROBATION DEPARTMENT, UPON THE
24 TERMINATION OF THE DEFENDANT'S PROBATION, SHALL PROVIDE THE
25 DEFENDANT WITH A WRITTEN ADVISEMENT OF HIS OR HER RIGHTS
26 CONCERNING THE SEALING OF HIS OR HER CONVICTION RECORDS
27 PURSUANT TO THIS SECTION IF HE OR SHE COMPLIES WITH THE APPLICABLE

1 PROVISIONS OF THIS SECTION.

2 (4) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO
3 CONVICTION RECORDS THAT ARE IN THE POSSESSION OF A CRIMINAL
4 JUSTICE AGENCY WHEN AN INQUIRY CONCERNING THE CONVICTION
5 RECORDS IS MADE BY ANOTHER CRIMINAL JUSTICE AGENCY.

6 (5) **Rules of discovery - rules of evidence - witness testimony.**
7 COURT ORDERS SEALING RECORDS OF OFFICIAL ACTIONS PURSUANT TO
8 THIS SECTION SHALL NOT LIMIT THE OPERATIONS OF:

9 (a) THE RULES OF DISCOVERY OR THE RULES OF EVIDENCE
10 PROMULGATED BY THE SUPREME COURT OF COLORADO OR ANY OTHER
11 STATE OR FEDERAL COURT; OR

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

14 **SECTION 5. In Colorado Revised Statutes, 8-2-201, add (3) as**
15 **follows:**

16 **8-2-201. Damages - fellow servant rule abolished - limitation**
17 **on admission of criminal history. (3) IN A JUDICIAL OR ADMINISTRATIVE**
18 **PROCEEDING ALLEGING NEGLIGENCE OR OTHER FAULT, AN ORDER OF**
19 **COLLATERAL RELIEF OR AN ORDER OF REHABILITATIVE RELIEF ISSUED**
20 **UNDER ARTICLE 24 OF TITLE 16, C.R.S., MAY BE INTRODUCED AS**
21 **EVIDENCE OF A PERSON'S DUE CARE IN HIRING, LICENSING, LEASING TO,**
22 **ADMITTING TO A SCHOOL OR PROGRAM, OR OTHERWISE TRANSACTING**
23 **BUSINESS OR ENGAGING IN ACTIVITY WITH THE INDIVIDUAL TO WHOM THE**
24 **ORDER OR CERTIFICATE WAS ISSUED, IF THE PERSON KNEW OF THE ORDER**
25 **OR CERTIFICATE AT THE TIME OF THE ALLEGED NEGLIGENCE OR OTHER**
26 **FAULT.**

27 **SECTION 6. In Colorado Revised Statutes, 24-5-101, add (3) as**

1 follows:

2 **24-5-101. Effect of criminal conviction on employment rights.**

3 (3) WHENEVER A STATE OR LOCAL AGENCY IS REQUIRED TO MAKE A
4 FINDING DESCRIBED IN SUBSECTION (2) OF THIS SECTION, AN ORDER OF
5 COLLATERAL RELIEF OR AN ORDER OF REHABILITATIVE RELIEF ISSUED
6 UNDER ARTICLE 24 OF TITLE 16, C.R.S., IF ISSUED TO A PERSON SEEKING
7 EMPLOYMENT AND APPLICABLE TO THE TYPE OF EMPLOYMENT SOUGHT,
8 SHALL CREATE A PRESUMPTION THAT THE PERSON IS OF GOOD MORAL
9 CHARACTER AS IT RELATES TO THE EMPLOYMENT SOUGHT.

10 **SECTION 7.** In Colorado Revised Statutes, 24-72-308, **amend**
11 **(1) (a) (I) and (1) (a) (III) introductory portion as follows:**

12 **24-72-308. Sealing of arrest and criminal records other than**
13 **convictions.** (1) (a) (I) Except as otherwise provided in subparagraphs
14 (II) and (III) of this paragraph (a), any person in interest may petition the
15 district court of the district in which any arrest and criminal records
16 information pertaining to said person in interest is located for the sealing
17 of all of said records, except basic identification information, if the
18 records are a record of official actions involving a criminal offense for
19 which said person in interest was not charged AND THE STATUTE OF
20 LIMITATIONS FOR THE OFFENSE FOR WHICH THE PERSON WAS ARRESTED
21 THAT HAS THE LONGEST STATUTE OF LIMITATIONS HAS RUN, in any case
22 which was completely dismissed, or in any case in which said person in
23 interest was acquitted.

24 (III) A person in interest may petition the district court of the
25 district in which any arrest and criminal records information pertaining
26 to said person in interest is located for the sealing of all of said records,
27 except basic identification information, if the records are a record of

1 official actions involving a criminal offense that was not charged or a
2 case that was dismissed due to a plea agreement in a separate case, and
3 if:

4 **SECTION 8.** In Colorado Revised Statutes, 19-1-306, amend (5)
5 (c) (I) as follows:

6 **19-1-306. Expungement of juvenile delinquent records.**

7 (5) (c) The court may order expunged all records in the petitioner's case
8 in the custody of the court and any records in the custody of any other
9 agency or official if at the hearing the court finds that:

10 (I) The petitioner who is the subject of the hearing has not been
11 convicted of a felony AS AN ADULT WITHIN THE PRECEDING TEN YEARS or
12 of a misdemeanor AS AN ADULT WITHIN THE PRECEDING FIVE YEARS and
13 has not been adjudicated a juvenile delinquent since the termination of the
14 court's jurisdiction or the petitioner's unconditional release from parole
15 supervision;

16 **SECTION 9.** In Colorado Revised Statutes, 24-34-102, add (8.7)
17 as follows:

18 **24-34-102. Division of registrations - creation - duties of**
19 **division and department heads - license, registration, or certification**
20 **renewal, reinstatement, and endorsement - definitions. (8.7) IF AN**

21 APPLICANT PROVIDES A LICENSING ENTITY WITH AN ORDER OF
22 COLLATERAL RELIEF PURSUANT TO SECTION 16-24-106, C.R.S., OR AN
23 ORDER OF REHABILITATIVE RELIEF PURSUANT TO SECTION 16-24-107,
24 C.R.S., THE ORDER PERMITS, BUT DOES NOT REQUIRE THE LICENSING
25 ENTITY TO GRANT THE APPLICANT THE LICENSE REQUESTED. THE ORDER
26 SHALL BE CONSIDERED ALONG WITH ALL OF THE OTHER INFORMATION
27 PROVIDED TO THE LICENSING ENTITY, AND THE LICENSING ENTITY IS

1 GOVERNED BY SECTION 24-5-101, FOR PURPOSES OF GRANTING OR
2 DENYING LICENSURE OR PLACING ANY CONDITIONS ON LICENSURE.

3 **SECTION 10. Appropriation.** (1) In addition to any other
4 appropriation, there is hereby appropriated, out of any moneys in the
5 judicial stabilization cash fund created in section 13-32-101 (6), Colorado
6 Revised Statutes, not otherwise appropriated, to the judicial department,
7 for the fiscal year beginning July 1, 2012, the sum of \$333,674 cash funds
8 and 5.2 FTE, or so much thereof as may be necessary, to be allocated for
9 the implementation of this act as follows:

- 10 (a) \$75,724 for courthouse capital/infrastructure maintenance;
11 (b) \$250,575 and 5.2 FTE for trial court programs for personal
12 services; and
13 (c) \$7,375 for trial court programs for operating expenses.

14 (2) In addition to any other appropriation, there is hereby
15 appropriated, out of any moneys in the Colorado bureau of investigation
16 identification unit fund created in section 24-33.5-426, Colorado Revised
17 Statutes, not otherwise appropriated, to the department of public safety,
18 for the fiscal year beginning July 1, 2012, the sum of \$33,901 cash funds
19 and 1.0 FTE, or so much thereof as may be necessary, for allocation to the
20 Colorado bureau of investigation for the implementation of this act as
21 follows:

- 22 (a) \$28,485 and 1.0 FTE for administration for personal services;
23 and
24 (b) \$5,416 for administration for operating expenses.

25 (3) In addition to any other appropriation, there is hereby
26 appropriated, out of any moneys in the general fund not otherwise
27 appropriated, to the department of public safety, for the fiscal year

1 beginning July 1, 2012, the sum of \$15,000, or so much thereof as may
2 be necessary, for allocation to the Colorado bureau of investigation,
3 Colorado crime information center, for information technology costs
4 related to the implementation of this act.

5 **SECTION 11. Appropriation - adjustments in 2012 long bill.**

6 (1) For the implementation of this act, appropriations made in the annual
7 general appropriation act to the judicial department for the fiscal year
8 beginning July 1, 2012, are adjusted as follows:

9 (a) The general fund appropriation for trial court programs,
10 personal services, is decreased by \$15,000.

11 (b) The cash funds appropriation for trial court programs,
12 personal services, is increased by \$15,000. Said sum is from the judicial
13 stabilization cash fund created in section 13-32-101 (6), Colorado
14 Revised Statutes.

15 **SECTION 12. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part will not take effect
22 unless approved by the people at the general election to be held in
23 November 2012 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.