

**Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 12-0114.01 Michael Dohr x4347

**SENATE BILL 12-105**

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**SENATE SPONSORSHIP**

**Steadman**, Carroll, Guzman

**HOUSE SPONSORSHIP**

**Levy**, Hullinghorst, Lee, Pabon

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**Senate Committees**

Judiciary  
Finance  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING PROVISIONS THAT IMPROVE THE REINTEGRATION**  
102             **OPPORTUNITIES FOR PERSONS INVOLVED IN THE CRIMINAL**  
103             **JUSTICE SYSTEM.**

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**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 consequences of a conviction. At sentencing, the court may issue an order of collateral relief that relieves specific collateral consequences if the

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.*

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.

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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  
17 RISK OF RECIDIVISM.

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

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

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

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

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

27           (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS

1 NECESSARY TO PROVIDE INDIVIDUALS CHARGED WITH CRIMINAL OFFENSES,  
2 BEING SENTENCED AFTER A CRIMINAL CONVICTION, OR RELEASED FROM  
3 SUPERVISION OR INCARCERATION AFTER A CRIMINAL CONVICTION WITH  
4 NOTICE OF POTENTIAL COLLATERAL CONSEQUENCES ARISING FROM THE  
5 CONVICTION. THIS INFORMATION WILL ALLOW THESE INDIVIDUALS TO  
6 CONSIDER SUCH CONSEQUENCES WHEN ENTERING PLEA AGREEMENTS,  
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, OR COSTS OF PROSECUTION.

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

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

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

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

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

19 **16-24-104. Limitation on scope.** (1) THIS ARTICLE DOES NOT  
20 PROVIDE A BASIS FOR:

- 21 (a) INVALIDATING A PLEA, CONVICTION, OR SENTENCE;
- 22 (b) A CAUSE OF ACTION FOR MONEY DAMAGES;
- 23 (c) A CLAIM FOR RELIEF FROM OR DEFENSE TO THE APPLICATION OF  
24 A COLLATERAL CONSEQUENCE BASED ON A FAILURE TO COMPLY WITH  
25 SECTION 16-24-105 OR 16-24-106;

26 (d) INVALIDATING OR CHANGING THE REQUIREMENTS IMPOSED BY  
27 THE "COLORADO SEX OFFENDER REGISTRATION ACT", ARTICLE 22 OF THIS

1 TITLE, OR ANY ASSOCIATED REGULATIONS;

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

5 (f) REQUIRING AN EMPLOYER TO HIRE AN INDIVIDUAL WHO HAS  
6 RECEIVED AN ORDER OF COLLATERAL RELIEF ISSUED PURSUANT TO  
7 SECTION 16-24-107, OR A CERTIFICATE OF REHABILITATION ISSUED  
8 PURSUANT TO SECTION 16-24-108.

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

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

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

13 (3) A CERTIFICATE OF REHABILITATION ISSUED UNDER THIS  
14 ARTICLE DOES NOT OPERATE AS A PARDON, SEALING, OR EXPUNGEMENT.

15 (4) A COURT'S DECISION DENYING OR GRANTING RELIEF PURSUANT  
16 TO SECTIONS 16-24-107 AND 16-24-108 IS NOT PART OF THE DEFENDANT'S  
17 CRIMINAL CASE AND MAY NOT BE APPEALED.

18 **16-24-105. Notice of collateral consequences in pretrial**  
19 **proceeding.** WHEN AN INDIVIDUAL RECEIVES FORMAL NOTICE THAT THE  
20 INDIVIDUAL IS CHARGED WITH AN OFFENSE, THE COURT AT THE  
21 INDIVIDUAL'S FIRST COURT APPEARANCE SHALL COMMUNICATE THE  
22 FOLLOWING INFORMATION TO THE INDIVIDUAL IN WRITING AND IN THE  
23 FOLLOWING FORM:

24 NOTICE OF ADDITIONAL LEGAL CONSEQUENCES  
25 IF YOU PLEAD GUILTY OR ARE CONVICTED OF AN OFFENSE,  
26 YOU MAY SUFFER ADDITIONAL LEGAL CONSEQUENCES  
27 BEYOND JAIL OR PRISON, PERIODS OF PROBATION OR

1 PAROLE, AND FINES. THESE CONSEQUENCES MAY INCLUDE:

2 ! BEING UNABLE TO GET OR KEEP SOME  
3 LICENSES, PERMITS, OR JOBS;

4 ! BEING UNABLE TO GET OR KEEP BENEFITS  
5 SUCH AS PUBLIC HOUSING OR EDUCATION;

6 ! RECEIVING A HARSHER SENTENCE IF YOU ARE  
7 CONVICTED OF ANOTHER OFFENSE IN THE  
8 FUTURE;

9 ! HAVING THE GOVERNMENT TAKE YOUR  
10 PROPERTY; AND

11 ! BEING UNABLE TO VOTE OR POSSESS A  
12 FIREARM.

13 IF YOU ARE NOT A UNITED STATES CITIZEN, A GUILTY PLEA  
14 OR CONVICTION MAY ALSO RESULT IN YOUR DEPORTATION,  
15 REMOVAL, EXCLUSION FROM ADMISSION TO THE UNITED  
16 STATES, OR DENIAL OF CITIZENSHIP.

17 FURTHER INFORMATION ABOUT THE COLLATERAL  
18 CONSEQUENCES OF A CONVICTION IS AVAILABLE ON THE  
19 INTERNET AT THE STATE PUBLIC DEFENDER'S WEB SITE.

20 **16-24-106. Notice of collateral consequences at sentencing and**  
21 **upon release.** (1) AT AN INDIVIDUAL'S SENTENCING HEARING, THE COURT  
22 SHALL ADVISE THE INDIVIDUAL IN WRITING:

23 (a) THAT COLLATERAL CONSEQUENCES MAY APPLY BECAUSE OF  
24 THE CONVICTION;

25 (b) THAT THE STATE PUBLIC DEFENDER HAS COMPILED A LIST OF  
26 LAWS THAT IMPOSE COLLATERAL CONSEQUENCES RELATED TO A CRIMINAL  
27 CONVICTION AND THAT THE LIST IS AVAILABLE ON THE STATE PUBLIC

1 DEFENDER'S WEB SITE;

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3 (c) OF THE TIME AT WHICH THE VOTING RIGHTS OF AN INDIVIDUAL  
4 CONVICTED OF AN OFFENSE ARE RESTORED UNDER COLORADO LAW.

5 (2) IF AN INDIVIDUAL IS SENTENCED TO IMPRISONMENT OR OTHER  
6 INCARCERATION, THE OFFICER OR AGENCY RELEASING THE INDIVIDUAL  
7 SHALL PROVIDE THE NOTICE REQUIRED BY SUBSECTION (1) OF THIS  
8 SECTION NOT MORE THAN THIRTY, AND, IF PRACTICABLE, AT LEAST TEN  
9 DAYS BEFORE RELEASE.

10 **16-24-107. Sentencing order - collateral relief.** (1) AT THE TIME  
11 OF SENTENCING, A COURT MAY ENTER AN ORDER OF COLLATERAL RELIEF  
12 IF THE COURT SENTENCES THE DEFENDANT TO PROBATION OR TO A  
13 COMMUNITY CORRECTIONS PROGRAM FOR THE PURPOSE OF ENHANCING  
14 THE DEFENDANT'S EMPLOYMENT OR EMPLOYMENT PROSPECTS AND TO  
15 IMPROVE THE DEFENDANT'S LIKELIHOOD OF SUCCESS ON PROBATION OR IN  
16 THE COMMUNITY CORRECTIONS PROGRAM. IF THE COURT ISSUES AN ORDER  
17 OF COLLATERAL RELIEF, THE DEFENDANT DOES NOT HAVE TO PAY A FILING  
18 FEE.

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

27 (3) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A



1 ORDER OF COLLATERAL RELIEF CANNOT RELIEVE ANY  
2 EMPLOYMENT-RELATED COLLATERAL CONSEQUENCES IMPOSED BY LAW BY  
3 REASON OF THE APPLICANT'S CONVICTION OF A CRIME THAT WOULD  
4 PREVENT HIS OR HER EMPLOYMENT BY THE DEPARTMENT OF CORRECTIONS,  
5 DIVISION OF YOUTH CORRECTIONS IN THE DEPARTMENT OF HUMAN  
6 SERVICES, OR ANY OTHER LAW ENFORCEMENT AGENCY IN THE STATE OF  
7 COLORADO.

8 (b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ORDER  
9 OF COLLATERAL RELIEF CANNOT RELIEVE ANY COLLATERAL  
10 CONSEQUENCES IMPOSED BY LAW FOR LICENSURE BY THE DEPARTMENT OF  
11 EDUCATION OR ANY COLLATERAL CONSEQUENCES IMPOSED BY LAW FOR  
12 EMPLOYMENT WITH THE JUDICIAL DEPARTMENT.

13 (4) IF THE COURT ISSUES AN ORDER OF COLLATERAL RELIEF, IT  
14 SHALL PROVIDE A COPY OF THE ORDER OF COLLATERAL RELIEF TO THE  
15 CHIEF INFORMATION OFFICER OF THE COLORADO CRIME INFORMATION  
16 CENTER, \_\_\_\_\_ AND THE CHIEF INFORMATION OFFICER SHALL ENTER THE  
17 ORDER OF COLLATERAL RELIEF INTO THE COLORADO CRIME INFORMATION  
18 CENTER, \_\_\_\_\_

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

26 **16-24-108. Certificate of rehabilitation.** (1) A COURT MAY ISSUE  
27 A CERTIFICATE OF REHABILITATION THAT RELIEVES A PERSON WITH A

1 CRIMINAL RECORD OF ANY OR ALL COLLATERAL CONSEQUENCES OF  
2 CRIMINAL CONVICTIONS, WHETHER IN HOUSING OR EMPLOYMENT  
3 BARRIERS OR ANY OTHER SANCTION OR DISQUALIFICATION THAT THE  
4 COURT SHALL SPECIFY, INCLUDING BUT NOT LIMITED TO STATUTORY,  
5 REGULATORY, OR OTHER COLLATERAL CONSEQUENCES THAT THE COURT  
6 MAY SEE FIT TO RELIEVE.

7 (2) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A  
8 CERTIFICATE OF REHABILITATION CANNOT RELIEVE ANY  
9 EMPLOYMENT-RELATED COLLATERAL CONSEQUENCES IMPOSED BY LAW BY  
10 REASON OF THE APPLICANT'S CONVICTION OF A CRIME THAT WOULD  
11 PREVENT HIS OR HER EMPLOYMENT BY THE DEPARTMENT OF CORRECTIONS,  
12 DIVISION OF YOUTH CORRECTIONS IN THE DEPARTMENT OF HUMAN  
13 SERVICES, OR ANY OTHER LAW ENFORCEMENT AGENCY IN THE STATE OF  
14 COLORADO.

15 (b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A  
16 CERTIFICATE OF REHABILITATION CANNOT RELIEVE ANY COLLATERAL  
17 CONSEQUENCES IMPOSED BY LAW FOR LICENSURE BY THE DEPARTMENT OF  
18 EDUCATION OR ANY COLLATERAL CONSEQUENCES IMPOSED BY LAW FOR  
19 EMPLOYMENT WITH THE JUDICIAL DEPARTMENT.

20 (3) **Jurisdiction and venue.** (a) THE COURT MAY ISSUE A  
21 CERTIFICATE OF REHABILITATION TO AN ELIGIBLE APPLICANT FOR A  
22 CONVICTION THAT OCCURRED IN THAT COURT IF THE COURT IMPOSED THE  
23 SENTENCE.

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

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

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

4           (4) **Timing.** (a) IF AN ORDER OF COLLATERAL RELIEF PURSUANT  
5 TO SECTION 16-24-107 IS NOT ISSUED AT THE TIME OF SENTENCING, A  
6 COURT SHALL NOT ISSUE A CERTIFICATE OF REHABILITATION OF ANY KIND  
7 UNTIL THE APPLICABLE TIME PRESCRIBED IN PARAGRAPH (b) OF THIS  
8 SUBSECTION (4) HAS ELAPSED AFTER TERMINATION OF THE APPLICANT'S  
9 CRIMINAL SENTENCE, AND THE APPLICANT SUBMITS A VERIFIED  
10 APPLICATION TO THE COURT THAT SETS FORTH WITH PARTICULARITY THE  
11 APPLICANT'S GROUNDS FOR BELIEVING THAT HE OR SHE IS REHABILITATED  
12 AND NOT A RISK TO PUBLIC SAFETY. WHEN THE INDIVIDUAL FILES THE  
13 APPLICATION, HE OR SHE SHALL PAY A FILING FEE OF TWO HUNDRED  
14 TWENTY-FIVE DOLLARS, WHICH SHALL BE DEPOSITED IN THE JUDICIAL  
15 STABILIZATION CASH FUND CREATED IN SECTION 13-32-101, C.R.S.

16           (b) A COURT MAY ORDER A CERTIFICATE OF REHABILITATION  
17 AFTER:

18           (I) AT LEAST THREE YEARS AFTER TERMINATION OF THE  
19 APPLICANT'S CRIMINAL SENTENCE IN THE CASE OF THE MOST RECENT  
20 ELIGIBLE FELONY CONVICTION; AND

21           (II) AT LEAST ONE YEAR AFTER THE TERMINATION OF THE  
22 APPLICANT'S CRIMINAL SENTENCE IN THE CASE OF THE MOST RECENT  
23 MISDEMEANOR CONVICTION.

24           (5) **Eligibility.** (a) (I) A COURT SHALL NOT ISSUE A CERTIFICATE  
25 OF REHABILITATION IF THE DEFENDANT HAS HAD TWO OR MORE FELONY  
26 CONVICTIONS;

27           (II) FOR THE PURPOSES OF THIS SUBSECTION (5), THE FOLLOWING

1 RULES OF CONSTRUCTION APPLY:

2 (A) TWO OR MORE CONVICTIONS OF FELONIES CHARGED IN  
3 SEPARATE COUNTS OF ONE INDICTMENT OR INFORMATION ARE DEEMED TO  
4 BE ONE CONVICTION;

5 (B) TWO OR MORE CONVICTIONS OF FELONIES CHARGED IN TWO OR  
6 MORE INDICTMENTS OR INFORMATIONS, FILED IN THE SAME COURT PRIOR  
7 TO ENTRY OF JUDGMENT UNDER ANY OF THEM, ARE DEEMED TO BE ONE  
8 CONVICTION.

9 (b) A COURT SHALL NOT ISSUE A CERTIFICATE OF REHABILITATION  
10 IF THE DEFENDANT:

11 (I) HAS BEEN CONVICTED OF A FELONY THAT INCLUDES AN  
12 ELEMENT THAT REQUIRES A VICTIM TO SUFFER PERMANENT DISABILITY OR  
13 SERIOUS BODILY INJURY;

14 (II) HAS BEEN CONVICTED OF A FELONY ASSAULT INVOLVING  
15 DOMESTIC VIOLENCE;

16 (III) IS A HABITUAL OFFENDER PURSUANT TO SECTION 42-2-202,  
17 C.R.S.; OR

18 (IV) IS REQUIRED TO REGISTER AS A SEX OFFENDER PURSUANT TO  
19 SECTION 16-22-103.

20 (6) **Application contents.** (a) AN APPLICATION FOR A  
21 CERTIFICATE OF REHABILITATION SHALL CITE THE GROUNDS FOR  
22 GRANTING THE RELIEF.

23 (b) THE APPLICANT SHALL FILE HIS OR HER APPLICATION FOR A  
24 CERTIFICATE OF REHABILITATION WITH THE APPROPRIATE COURT  
25 PURSUANT TO SUBSECTION (3) OF THIS SECTION, AND HE OR SHE SHALL  
26 PROVIDE A COPY OF THE APPLICATION TO THE DISTRICT ATTORNEY FOR THE  
27 JURISDICTION IN WHICH THE APPLICATION IS FILED. WHEN THE INDIVIDUAL

1 FILES THE APPLICATION, HE OR SHE SHALL PAY A FILING FEE OF TWO  
2 HUNDRED TWENTY-FIVE DOLLARS, WHICH SHALL BE DEPOSITED IN THE  
3 JUDICIAL STABILIZATION CASH FUND CREATED IN SECTION 13-32-101,  
4 C.R.S.

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

8 (b) THE COURT MAY HEAR TESTIMONY FROM VICTIMS OR ANY  
9 PROPONENT OR OPPONENT OF THE APPLICATION AND MAY HEAR  
10 ARGUMENT FROM THE PETITIONER AND THE DISTRICT ATTORNEY.

11 (8) **Standard for granting relief.** (a) A COURT MAY ISSUE A  
12 CERTIFICATE OF REHABILITATION IF THE COURT FINDS THAT:

13 (I) THE CERTIFICATE OF REHABILITATION IS CONSISTENT WITH THE  
14 APPLICANT'S REHABILITATION; AND

15 (II) GRANTING THE APPLICATION WOULD IMPROVE THE  
16 APPLICANT'S LIKELIHOOD OF SUCCESS IN REINTEGRATING INTO SOCIETY  
17 AND IS IN THE PUBLIC'S INTEREST.

18 (b) THE COURT THAT PREVIOUSLY ISSUED A CERTIFICATE OF  
19 REHABILITATION, ON ITS OWN MOTION OR EITHER BY CAUSE SHOWN BY  
20 THE DISTRICT ATTORNEY OR ON GROUNDS OFFERED BY THE APPLICANT,  
21 MAY AT ANY TIME ISSUE A SUBSEQUENT JUDGMENT TO ENLARGE, LIMIT, OR  
22 CIRCUMSCRIBE THE RELIEF PREVIOUSLY GRANTED.

23 (c) A COURT MAY REVOKE A CERTIFICATE OF REHABILITATION  
24 UPON CLEAR AND CONVINCING EVIDENCE OF A SUBSEQUENT CRIMINAL  
25 CONVICTION OR PROOF THAT THE HOLDER OF THE JUDGMENT HAS BECOME  
26 A PRESENT RISK TO PUBLIC SAFETY. ANY BARS, PROHIBITIONS, SANCTIONS,  
27 AND DISQUALIFICATIONS THEREBY RELIEVED SHALL BE REINSTATED AS OF

1 THE DATE OF THE WRITTEN ORDER OF REVOCATION. THE COURT SHALL  
2 PROVIDE A COPY OF THE ORDER OF REVOCATION TO THE HOLDER.

3 (9) IF THE COURT ISSUES A CERTIFICATE OF REHABILITATION, IT  
4 SHALL PROVIDE A COPY OF THE CERTIFICATE OF REHABILITATION TO THE  
5 CHIEF INFORMATION OFFICER OF THE COLORADO CRIME INFORMATION  
6 CENTER, AND THE CHIEF INFORMATION OFFICER SHALL ENTER THE  
7 CERTIFICATE OF REHABILITATION INTO THE COLORADO CRIME  
8 INFORMATION CENTER.

9 (10) A PERSON WHO KNOWINGLY USES OR ATTEMPTS TO USE A  
10 COPY OF A REVOKED CERTIFICATE OF REHABILITATION TO OBTAIN OR TO  
11 EXERCISE ANY RIGHT OR PRIVILEGE THAT HE OR SHE WOULD NOT BE  
12 ENTITLED TO OBTAIN OR TO EXERCISE WITHOUT A VALID JUDGMENT IS  
13 GUILTY OF A CLASS 1 MISDEMEANOR.

14

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

17 **24-34-104. General assembly review of regulatory agencies**  
18 **and functions for termination, continuation, or reestablishment.**

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

23 (VIII.5) WHETHER THE AGENCY THROUGH ITS LICENSING OR  
24 CERTIFICATION PROCESS IMPOSES ANY DISQUALIFICATIONS ON APPLICANTS  
25 BASED ON PAST CRIMINAL HISTORY AND, IF SO, WHETHER THE  
26 DISQUALIFICATIONS SERVE PUBLIC SAFETY OR COMMERCIAL OR CONSUMER  
27 PROTECTION INTERESTS. TO ASSIST IN CONSIDERING THIS FACTOR, THE

1 ANALYSIS PREPARED PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (a)  
2 OF SUBSECTION (8) OF THIS SECTION SHALL INCLUDE DATA ON THE  
3 NUMBER OF LICENSES OR CERTIFICATIONS THAT WERE DENIED, REVOKED,  
4 OR SUSPENDED BASED ON A DISQUALIFICATION AND THE BASIS FOR THE  
5 DISQUALIFICATION.

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

9 **24-34-104.1. General assembly sunrise review of new**  
10 **regulation of occupations and professions.** (2) Any professional or  
11 occupational group or organization, any individual, or any other interested  
12 party that proposes the regulation of any unregulated professional or  
13 occupational group shall submit the following information to the  
14 department of regulatory agencies. A proposal to regulate a professional  
15 or occupational group shall be reviewed only when the party requesting  
16 such review files with the department a statement of support for the  
17 proposed regulation that has been signed by at least ten members of the  
18 professional or occupational group for which regulation is being sought  
19 or at least ten individuals who are not members of such professional or  
20 occupational group, along with the following information:

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

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

24 (f) A DESCRIPTION OF ANY ANTICIPATED DISQUALIFICATIONS ON  
25 AN APPLICANT FOR LICENSURE, CERTIFICATION, RELICENSURE, OR  
26 RECERTIFICATION BASED ON CRIMINAL HISTORY AND HOW THE  
27 DISQUALIFICATIONS SERVE PUBLIC SAFETY OR CONSUMER PROTECTION

1 INTERESTS.

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

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

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

10 (IV) WHETHER THE IMPOSITION OF ANY DISQUALIFICATIONS ON  
11 APPLICANTS FOR LICENSURE, CERTIFICATION, RELICENSURE, OR  
12 RECERTIFICATION BASED ON CRIMINAL HISTORY SERVES PUBLIC SAFETY OR  
13 COMMERCIAL OR CONSUMER PROTECTION INTERESTS.

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

16 **24-72-308.7. Sealing of criminal conviction records**  
17 **information for petty offenses and municipal offenses for convictions.**

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

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

26 (A) THE PETITION IS FILED THREE 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 THREE OR MORE YEARS SINCE THE DATE OF  
5 THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR  
6 HER OR THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION,  
7 WHICHEVER IS LATER.

8 (II) UPON FILING THE PETITION, THE DEFENDANT SHALL PAY THE  
9 FILING FEE REQUIRED BY LAW AND AN ADDITIONAL FILING FEE OF TWO  
10 HUNDRED DOLLARS TO COVER THE ACTUAL COSTS RELATED TO THE FILING  
11 OF THE PETITION TO SEAL RECORDS. THE ADDITIONAL FILING FEES  
12 COLLECTED UNDER THIS SUBPARAGRAPH (II) SHALL BE TRANSMITTED TO  
13 THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH  
14 FUND CREATED IN SECTION 13-32-101 (6), C.R.S.

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

19 (IV) AN ORDER SEALING CONVICTION RECORDS SHALL NOT DENY  
20 ACCESS TO THE CRIMINAL RECORDS OF A DEFENDANT BY ANY COURT, LAW  
21 ENFORCEMENT AGENCY, CRIMINAL JUSTICE AGENCY, PROSECUTING  
22 ATTORNEY, OR PARTY OR AGENCY REQUIRED BY LAW TO CONDUCT A  
23 CRIMINAL HISTORY RECORD CHECK ON AN INDIVIDUAL. AN ORDER SEALING  
24 CONVICTION RECORDS SHALL NOT BE CONSTRUED TO VACATE A  
25 CONVICTION. A CONVICTION SEALED PURSUANT TO THIS SECTION MAY BE  
26 USED BY A CRIMINAL JUSTICE AGENCY, LAW ENFORCEMENT AGENCY,  
27 COURT, OR PROSECUTING ATTORNEY FOR ANY LAWFUL PURPOSE RELATING

1 TO THE INVESTIGATION OR PROSECUTION OF ANY CASE, INCLUDING BUT  
2 NOT LIMITED TO ANY SUBSEQUENT CASE THAT IS FILED AGAINST THE  
3 DEFENDANT, OR FOR ANY OTHER LAWFUL PURPOSE WITHIN THE SCOPE OF  
4 HIS, HER, OR ITS DUTIES. IF A DEFENDANT IS CONVICTED OF A NEW  
5 CRIMINAL OFFENSE AFTER AN ORDER SEALING CONVICTION RECORDS IS  
6 ENTERED, THE COURT SHALL ORDER THE CONVICTION RECORDS TO BE  
7 UNSEALED. A PARTY OR AGENCY REQUIRED BY LAW TO CONDUCT A  
8 CRIMINAL HISTORY RECORD CHECK SHALL BE AUTHORIZED TO USE ANY  
9 SEALED CONVICTION FOR THE LAWFUL PURPOSE FOR WHICH THE CRIMINAL  
10 HISTORY RECORD CHECK IS REQUIRED BY LAW.

11 (V) CONVICTION RECORDS MAY NOT BE SEALED IF THE DEFENDANT  
12 STILL OWES RESTITUTION, FINES, COURT COSTS, LATE FEES, OR OTHER FEES  
13 ORDERED BY THE COURT IN THE CASE THAT IS THE SUBJECT OF THE  
14 PETITION TO SEAL CONVICTION RECORDS, UNLESS THE COURT THAT  
15 ENTERED THE ORDER FOR RESTITUTION, FINES, COURT COSTS, LATE FEES,  
16 OR OTHER FEES HAS VACATED THE ORDER.

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

1           (II) (A) UPON THE FILING OF A PETITION, THE COURT SHALL  
2 REVIEW THE PETITION AND DETERMINE WHETHER THERE ARE GROUNDS  
3 UNDER THIS SECTION TO PROCEED TO A HEARING ON THE PETITION. IF THE  
4 COURT DETERMINES THAT THE PETITION ON ITS FACE IS INSUFFICIENT OR  
5 IF THE COURT DETERMINES THAT, AFTER TAKING JUDICIAL NOTICE OF  
6 MATTERS OUTSIDE THE PETITION, THE DEFENDANT IS NOT ENTITLED TO  
7 RELIEF UNDER THIS SECTION, THE COURT SHALL ENTER AN ORDER DENYING  
8 THE PETITION AND MAIL A COPY OF THE ORDER TO THE DEFENDANT. THE  
9 COURT'S ORDER SHALL SPECIFY THE REASONS FOR THE DENIAL OF THE  
10 PETITION.

11           (B) IF THE COURT DETERMINES THAT THE PETITION IS SUFFICIENT  
12 ON ITS FACE AND THAT NO OTHER GROUNDS EXIST AT THAT TIME FOR THE  
13 COURT TO DENY THE PETITION UNDER THIS SECTION, THE COURT SHALL SET  
14 A DATE FOR A HEARING, AND THE DEFENDANT SHALL NOTIFY BY CERTIFIED  
15 MAIL THE PROSECUTING ATTORNEY, THE ARRESTING AGENCY, AND ANY  
16 OTHER PERSON OR AGENCY IDENTIFIED BY THE DEFENDANT.

17           (c) AFTER THE HEARING DESCRIBED IN SUBPARAGRAPH (II) OF  
18 PARAGRAPH (b) OF THIS SUBSECTION (2) IS CONDUCTED AND IF THE COURT  
19 FINDS THAT THE HARM TO THE PRIVACY OF THE DEFENDANT OR THE  
20 DANGERS OF UNWARRANTED, ADVERSE CONSEQUENCES TO THE  
21 DEFENDANT OUTWEIGH THE PUBLIC INTEREST IN RETAINING THE  
22 CONVICTION RECORDS, THE COURT MAY ORDER THE CONVICTION RECORDS,  
23 EXCEPT BASIC IDENTIFICATION INFORMATION, TO BE SEALED. IN MAKING  
24 THIS DETERMINATION, THE COURT SHALL, AT A MINIMUM, CONSIDER THE  
25 SEVERITY OF THE OFFENSE THAT IS THE BASIS OF THE CONVICTION  
26 RECORDS SOUGHT TO BE SEALED, THE CRIMINAL HISTORY OF THE  
27 DEFENDANT, THE NUMBER OF CONVICTIONS AND DATES OF THE

1 CONVICTIONS FOR WHICH THE DEFENDANT IS SEEKING TO HAVE THE  
2 RECORDS SEALED, AND THE NEED FOR THE GOVERNMENT AGENCY TO  
3 RETAIN THE RECORDS. AN ORDER ENTERED PURSUANT TO THIS PARAGRAPH  
4 (c) SHALL BE DIRECTED TO EACH CUSTODIAN WHO MAY HAVE CUSTODY OF  
5 ANY PART OF THE CONVICTION RECORDS THAT ARE THE SUBJECT OF THE  
6 ORDER. WHENEVER A COURT ENTERS AN ORDER SEALING CONVICTION  
7 RECORDS PURSUANT TO THIS PARAGRAPH (c), THE DEFENDANT SHALL  
8 PROVIDE THE COLORADO BUREAU OF INVESTIGATION AND EACH  
9 CUSTODIAN OF THE CONVICTION RECORDS WITH A COPY OF THE ORDER.  
10 THE PETITIONER SHALL PROVIDE A PRIVATE CUSTODIAN WITH A COPY OF  
11 THE ORDER AND SEND THE PRIVATE CUSTODIAN AN ELECTRONIC  
12 NOTIFICATION OF THE ORDER. EACH PRIVATE CUSTODIAN THAT RECEIVES  
13 A COPY OF THE ORDER FROM THE PETITIONER SHALL REMOVE THE RECORDS  
14 THAT ARE SUBJECT TO AN ORDER FROM ITS DATABASE. THE DEFENDANT  
15 SHALL PAY TO THE BUREAU ANY COSTS RELATED TO THE SEALING OF HIS  
16 OR HER CRIMINAL CONVICTION RECORDS IN THE CUSTODY OF THE BUREAU.  
17 THEREAFTER, THE DEFENDANT MAY REQUEST AND THE COURT MAY GRANT  
18 AN ORDER SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS  
19 WERE SEALED.

20 (d) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF  
21 PARAGRAPH (a) OF THIS SUBSECTION (2), UPON THE ENTRY OF AN ORDER  
22 TO SEAL THE CONVICTION RECORDS, THE DEFENDANT AND ALL CRIMINAL  
23 JUSTICE AGENCIES MAY PROPERLY REPLY, UPON AN INQUIRY IN THE  
24 MATTER, THAT PUBLIC CONVICTION RECORDS DO NOT EXIST WITH RESPECT  
25 TO THE DEFENDANT.

26 (e) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF  
27 PARAGRAPH (a) OF THIS SUBSECTION (2), INSPECTION OF THE RECORDS

1 INCLUDED IN AN ORDER SEALING CONVICTION RECORDS MAY THEREAFTER  
2 BE PERMITTED BY THE COURT ONLY UPON PETITION BY THE DEFENDANT.

3 (f) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF  
4 PARAGRAPH (a) OF THIS SUBSECTION (2) OR IN SUBPARAGRAPHS (II) AND  
5 (III) OF THIS PARAGRAPH (f), EMPLOYERS, STATE AND LOCAL  
6 GOVERNMENT AGENCIES, OFFICIALS, LANDLORDS, AND EMPLOYEES SHALL  
7 NOT, IN ANY APPLICATION OR INTERVIEW OR IN ANY OTHER WAY, REQUIRE  
8 AN APPLICANT TO DISCLOSE ANY INFORMATION CONTAINED IN SEALED  
9 CONVICTION RECORDS. AN APPLICANT NEED NOT, IN RESPONSE TO ANY  
10 QUESTION CONCERNING CONVICTION RECORDS THAT HAVE BEEN SEALED,  
11 INCLUDE A REFERENCE TO OR INFORMATION CONCERNING THE SEALED  
12 CONVICTION RECORDS AND MAY STATE THAT THE APPLICANT HAS NOT  
13 BEEN CRIMINALLY CONVICTED.

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

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

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

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

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

16           (i) NOTWITHSTANDING ANY PROVISION IN THIS SECTION TO THE  
17 CONTRARY, IN REGARD TO ANY CONVICTION OF A DEFENDANT RESULTING  
18 FROM A SINGLE CASE IN WHICH THE DEFENDANT IS CONVICTED OF MORE  
19 THAN ONE OFFENSE, RECORDS OF THE CONVICTION MAY BE SEALED  
20 PURSUANT TO THE PROVISIONS OF THIS SECTION ONLY IF THE RECORDS OF  
21 EVERY CONVICTION OF THE DEFENDANT RESULTING FROM THAT CASE MAY  
22 BE SEALED PURSUANT TO THE PROVISIONS OF THIS SECTION.

23           (3) **Advisements.** (a) WHENEVER A DEFENDANT IS SENTENCED  
24 FOLLOWING A CONVICTION OF A PETTY OR MUNICIPAL OFFENSE, THE  
25 COURT SHALL PROVIDE HIM OR HER WITH A WRITTEN ADVISEMENT OF HIS  
26 OR HER RIGHTS CONCERNING THE SEALING OF HIS OR HER CONVICTION  
27 RECORDS PURSUANT TO THIS SECTION IF HE OR SHE COMPLIES WITH THE

1 APPLICABLE PROVISIONS OF THIS SECTION.

2 (b) IN ADDITION TO, AND NOT IN LIEU OF, THE REQUIREMENT  
3 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3), IF A DEFENDANT  
4 IS SENTENCED TO PROBATION FOLLOWING A CONVICTION OF A PETTY OR  
5 MUNICIPAL OFFENSE, THE PROBATION DEPARTMENT, UPON THE  
6 TERMINATION OF THE DEFENDANT'S PROBATION, SHALL PROVIDE THE  
7 DEFENDANT WITH A WRITTEN ADVISEMENT OF HIS OR HER RIGHTS  
8 CONCERNING THE SEALING OF HIS OR HER CONVICTION RECORDS  
9 PURSUANT TO THIS SECTION IF HE OR SHE COMPLIES WITH THE APPLICABLE  
10 PROVISIONS OF THIS SECTION.

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

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

18 (a) THE RULES OF DISCOVERY OR THE RULES OF EVIDENCE  
19 PROMULGATED BY THE SUPREME COURT OF COLORADO OR ANY OTHER  
20 STATE OR FEDERAL COURT; OR

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

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

25 **8-2-201. Damages - fellow servant rule abolished - limitation**  
26 **on admission of criminal history. (3) IN A JUDICIAL OR ADMINISTRATIVE**  
27 **PROCEEDING ALLEGING NEGLIGENCE OR OTHER FAULT, AN ORDER OF**

1 COLLATERAL RELIEF OR A CERTIFICATE OF REHABILITATION ISSUED UNDER  
2 ARTICLE 24 OF TITLE 16 MAY BE INTRODUCED AS EVIDENCE OF A PERSON'S  
3 DUE CARE IN HIRING, RETAINING, LICENSING, LEASING TO, ADMITTING TO  
4 A SCHOOL OR PROGRAM, OR OTHERWISE TRANSACTING BUSINESS OR  
5 ENGAGING IN ACTIVITY WITH THE INDIVIDUAL TO WHOM THE ORDER OR  
6 CERTIFICATE WAS ISSUED, IF THE PERSON KNEW OF THE ORDER OR  
7 CERTIFICATE AT THE TIME OF THE ALLEGED NEGLIGENCE OR OTHER FAULT.

8 **SECTION 6.** In Colorado Revised Statutes, 24-5-101, **add** (3) as  
9 follows:

10 **24-5-101. Effect of criminal conviction on employment rights.**

11 (3) WHENEVER A STATE OR LOCAL AGENCY IS REQUIRED TO MAKE A  
12 FINDING DESCRIBED IN SUBSECTION (2) OF THIS SECTION, AN ORDER OF  
13 COLLATERAL RELIEF OR A CERTIFICATE OF REHABILITATION ISSUED UNDER  
14 ARTICLE 24 OF TITLE 16, IF ISSUED TO A PERSON SEEKING EMPLOYMENT  
15 AND APPLICABLE TO THE TYPE OF EMPLOYMENT SOUGHT, SHALL CREATE  
16 A PRESUMPTION THAT THE PERSON IS OF GOOD MORAL CHARACTER AS IT  
17 RELATES TO THE EMPLOYMENT SOUGHT.

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

20 **24-72-308. Sealing of arrest and criminal records other than**  
21 **convictions.** (1) (a) (I) Except as otherwise provided in subparagraphs  
22 (II) and (III) of this paragraph (a), any person in interest may petition the  
23 district court of the district in which any arrest and criminal records  
24 information pertaining to said person in interest is located for the sealing  
25 of all of said records, except basic identification information, if the  
26 records are a record of official actions involving a criminal offense for  
27 which said person in interest was not charged AND THE STATUTE OF



1 LIMITATIONS FOR THE OFFENSE FOR WHICH THE PERSON WAS ARRESTED  
2 THAT HAS THE LONGEST STATUTE OF LIMITATIONS HAS RUN, in any case  
3 which was completely dismissed, or in any case in which said person in  
4 interest was acquitted.

5 (III) A person in interest may petition the district court of the  
6 district in which any arrest and criminal records information pertaining  
7 to said person in interest is located for the sealing of all of said records,  
8 except basic identification information, if the records are a record of  
9 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  
11 if:

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