

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

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.*

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 SENTENCED AFTER A CRIMINAL CONVICTION, OR RELEASED FROM
4 SUPERVISION OR INCARCERATION AFTER A CRIMINAL CONVICTION WITH
5 NOTICE OF POTENTIAL COLLATERAL CONSEQUENCES ARISING FROM THE
6 CONVICTION. THIS INFORMATION WILL ALLOW THESE INDIVIDUALS TO
7 CONSIDER SUCH CONSEQUENCES WHEN ENTERING PLEA AGREEMENTS,
8 PREPARING FOR REINTEGRATION AFTER SUPERVISION, OR DEVELOPING A
9 PAROLE PLAN.

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

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

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

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

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

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

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

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

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

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

1 (d) INVALIDATING OR CHANGING THE REQUIREMENTS IMPOSED BY
2 THE "COLORADO SEX OFFENDER REGISTRATION ACT", ARTICLE 22 OF THIS
3 TITLE, OR ANY ASSOCIATED REGULATIONS;

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

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

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

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

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

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

17 (4) A COURT'S DECISION DENYING OR GRANTING RELIEF PURSUANT
18 TO SECTIONS 16-24-105 and 16-24-106 IS NOT PART OF THE DEFENDANT'S
19 CRIMINAL CASE AND MAY NOT BE APPEALED.

20

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, SENTENCING, UPON THE REQUEST OF THE
11 DEFENDANT OR UPON THE COURT'S OWN MOTION, A COURT MAY ENTER AN
12 ORDER OF COLLATERAL RELIEF IF THE COURT SENTENCES THE DEFENDANT
13 TO 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 16-24-106 (5), (6), (7), AND (8)
18 APPLY TO THIS SECTION. A DEFENDANT IS NOT REQUIRED TO PAY FILING
19 FEE AS RESULT OF THIS SECTION. OF COLLATERAL RELIEF, THE DEFENDANT
20 DOES NOT HAVE TO PAY A FILING FEE.

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

1 COMMUNITY CORRECTIONS SENTENCE.

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

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

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

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

1 **16-24-107. Certificate of rehabilitation.** (1) A COURT MAY ISSUE
2 A CERTIFICATE OF REHABILITATION THAT RELIEVES A PERSON WITH A
3 CRIMINAL RECORD OF ANY OR ALL COLLATERAL CONSEQUENCES OF
4 CRIMINAL CONVICTIONS, WHETHER IN HOUSING OR EMPLOYMENT
5 BARRIERS OR ANY OTHER SANCTION OR DISQUALIFICATION THAT THE
6 COURT SHALL SPECIFY, INCLUDING BUT NOT LIMITED TO STATUTORY,
7 REGULATORY, OR OTHER COLLATERAL CONSEQUENCES THAT THE COURT
8 MAY SEE FIT TO RELIEVE.

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

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

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

26 (b) FOR FEDERAL CONVICTIONS OR CONVICTIONS FROM OTHER
27 STATES, PROPER VENUE IS IN THE COUNTY OF THE APPLICANT'S RESIDENCE

1 IN COLORADO, AND THE APPLICANT SHALL PROVE EITHER:

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

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

6 (4) **Timing.** (a) IF AN ORDER OF COLLATERAL RELIEF PURSUANT
7 TO SECTION 16-24-105 IS NOT ISSUED AT THE TIME OF SENTENCING, A
8 COURT SHALL NOT ISSUE A CERTIFICATE OF REHABILITATION OF ANY KIND
9 UNTIL THE APPLICABLE TIME PRESCRIBED IN PARAGRAPH (b) OF THIS
10 SUBSECTION (4) HAS ELAPSED AFTER TERMINATION OF THE APPLICANT'S
11 CRIMINAL SENTENCE, AND THE APPLICANT SUBMITS A VERIFIED
12 APPLICATION TO THE COURT THAT SETS FORTH WITH PARTICULARITY THE
13 APPLICANT'S GROUNDS FOR BELIEVING THAT HE OR SHE IS REHABILITATED
14 AND NOT A RISK TO PUBLIC SAFETY. WHEN THE INDIVIDUAL FILES THE
15 APPLICATION, HE OR SHE SHALL PAY A FILING FEE OF TWO HUNDRED
16 TWENTY-FIVE DOLLARS, WHICH SHALL BE DEPOSITED IN THE JUDICIAL
17 STABILIZATION CASH FUND CREATED IN SECTION 13-32-101, C.R.S.

18 (b) A COURT MAY ORDER A CERTIFICATE OF REHABILITATION
19 AFTER:

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

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

26 (III) A JUVENILE SUCCESSFULLY COMPLETES A SENTENCE TO THE
27 YOUTHFUL OFFENDER SYSTEM, IF THE PETITION RELATES TO AN OFFENSE

1 THAT RESULTED IN THE JUVENILE'S SENTENCE TO THE YOUTHFUL
2 OFFENDER SYSTEM.

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

6 (II) FOR THE PURPOSES OF THIS SUBSECTION (5), THE FOLLOWING
7 RULES OF CONSTRUCTION APPLY:

8 (A) TWO OR MORE CONVICTIONS OF FELONIES CHARGED IN
9 SEPARATE COUNTS OF ONE INDICTMENT OR INFORMATION ARE DEEMED TO
10 BE ONE CONVICTION;

11 (B) TWO OR MORE CONVICTIONS OF FELONIES CHARGED IN TWO OR
12 MORE INDICTMENTS OR INFORMATIONS, FILED IN THE SAME COURT PRIOR
13 TO ENTRY OF JUDGMENT UNDER ANY OF THEM, ARE DEEMED TO BE ONE
14 CONVICTION.

15 (b) A COURT SHALL NOT ISSUE AN ORDER OF REHABILITATIVE
16 RELIEF IF THE DEFENDANT:

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

20 (II) HAS BEEN CONVICTED OF A FELONY ASSAULT INVOLVING
21 DOMESTIC VIOLENCE;

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

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

26 (6) **Application contents.** (a) AN APPLICATION FOR A
27 CERTIFICATE OF REHABILITATION SHALL CITE THE GROUNDS FOR

1 GRANTING THE RELIEF, THE TYPE OF RELIEF SOUGHT AND THE SPECIFIC
2 COLLATERAL CONSEQUENCE FROM WHICH THE APPLICANT IS SEEKING
3 RELIEF, THE CRIMINAL CASE NUMBER FOR EACH CASE FOR WHICH RELIEF
4 IS BEING SOUGHT, A COPY OF A RECENT COLORADO BUREAU OF
5 INVESTIGATION FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK,
6 AND, IF AVAILABLE, A COPY OF THE APPLICANT'S PROBATION OR
7 PRESENTENCE REPORT FOR EACH CONVICTION FOR WHICH THE APPLICANT
8 IS SEEKING RELIEF. THE STATE COURT ADMINISTRATOR MAY PRODUCE AN
9 APPLICATION FORM THAT AN APPLICANT MAY SUBMIT IN APPLICATION.

10 (b) THE APPLICANT SHALL FILE HIS OR HER APPLICATION FOR A
11 CERTIFICATE OF REHABILITATION WITH THE APPROPRIATE COURT
12 PURSUANT TO SUBSECTION (3) OF THIS SECTION, AND HE OR SHE SHALL
13 PROVIDE A COPY OF THE APPLICATION TO THE DISTRICT ATTORNEY FOR THE
14 JURISDICTION IN WHICH THE APPLICATION IS FILED AND TO THE
15 REGULATORY OR LICENSING BODY THAT HAS JURISDICTION OVER THE
16 COLLATERAL CONSEQUENCE FROM WHICH THE APPLICANT IS SEEKING
17 RELIEF, IF ANY.

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

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

26 (b) THE COURT MAY HEAR TESTIMONY FROM VICTIMS OR ANY
27 PROPONENT OR OPPONENT OF THE APPLICATION AND MAY HEAR

1 ARGUMENT FROM THE PETITIONER AND THE DISTRICT ATTORNEY.

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

4 (I) THE CERTIFICATE OF REHABILITATION IS CONSISTENT WITH THE
5 APPLICANT'S REHABILITATION; AND

6 (II) GRANTING THE APPLICATION WOULD IMPROVE THE
7 APPLICANT'S LIKELIHOOD OF SUCCESS IN REINTEGRATING INTO SOCIETY
8 AND IS IN THE PUBLIC'S INTEREST.

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

11 (c) THE COURT THAT PREVIOUSLY ISSUED A CERTIFICATE OF
12 REHABILITATION, ON ITS OWN MOTION OR EITHER BY CAUSE SHOWN BY
13 THE DISTRICT ATTORNEY OR ON GROUNDS OFFERED BY THE APPLICANT,
14 MAY AT ANY TIME ISSUE A SUBSEQUENT JUDGMENT TO ENLARGE, LIMIT, OR
15 CIRCUMSCRIBE THE RELIEF PREVIOUSLY GRANTED.

16 (d) UPON THE MOTION OF THE DISTRICT ATTORNEY OR PROBATION
17 OFFICER OR UPON THE COURT'S OWN MOTION, A COURT MAY REVOKE A
18 CERTIFICATE OF REHABILITATION UPON ___ EVIDENCE OF A SUBSEQUENT
19 CRIMINAL CONVICTION OR PROOF THAT THE DEFENDANT IS NO LONGER
20 ENTITLED TO RELIEF. ____ ANY BARS, PROHIBITIONS, SANCTIONS, AND
21 DISQUALIFICATIONS THEREBY RELIEVED SHALL BE REINSTATED AS OF THE
22 DATE OF THE WRITTEN ORDER OF REVOCATION. THE COURT SHALL
23 PROVIDE A COPY OF THE ORDER OF REVOCATION TO THE HOLDER AND TO
24 ANY REGULATORY OR LICENSING ENTITY THAT THE DEFENDANT NOTICED
25 IN HIS OR HER MOTION FOR RELIEF.

26 (9) IF THE COURT ISSUES A CERTIFICATE OF REHABILITATION
27 RELATED TO A COLORADO CONVICTION, IT SHALL PROVIDE A COPY OF THE

1 CERTIFICATE OF REHABILITATION TO THE CHIEF INFORMATION OFFICER OF
2 THE COLORADO CRIME INFORMATION CENTER, _____ AND THE CHIEF
3 INFORMATION OFFICER SHALL INCLUDE A NOTE IN THE APPLICANT'S
4 RECORD IN THE COLORADO CRIME INFORMATION CENTER THAT THE
5 CERTIFICATE OF REHABILITATION WAS ISSUED.

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

11 **16-24-108. Effect of pardon and clemency.** (1) A PARDON ISSUED
12 BY THE GOVERNOR SHALL WAIVE ALL COLLATERAL CONSEQUENCES
13 ASSOCIATED WITH EACH CONVICTION FOR WHICH THE PERSON RECEIVED
14 A PARDON UNLESS THE PARDON LIMITS THE SCOPE OF THE PARDON
15 REGARDING COLLATERAL CONSEQUENCES.

16 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A
17 PERSON WHO RECEIVES CLEMENCY FROM THE GOVERNOR MAY APPLY FOR
18 AN ORDER OF REHABILITATIVE RELIEF PURSUANT TO SECTION 16-24-106
19 NO SOONER THAN THREE YEARS AFTER THE DATE OF CLEMENCY.

20 (3) IF THE GOVERNOR GRANTS A PARDON OR A REQUEST FOR
21 CLEMENCY, THE GOVERNOR SHALL PROVIDE A COPY OF THE PARDON OR
22 CLEMENCY TO THE CHIEF INFORMATION OFFICER OF THE COLORADO
23 INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM, AND THE CHIEF
24 INFORMATION OFFICER SHALL INCLUDE A NOTE IN THE INDIVIDUAL'S
25 RECORD IN THE COLORADO CRIME INFORMATION CENTER THAT THE
26 PARDON OR REQUEST FOR CLEMENCY WAS GRANTED.

27 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **add** (9)

1 (b) (VIII.5) as follows:

2 **24-34-104. General assembly review of regulatory agencies**
3 **and functions for termination, continuation, or reestablishment.**

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

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

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

21 **24-34-104.1. General assembly sunrise review of new**
22 **regulation of occupations and professions.** (2) Any professional or
23 occupational group or organization, any individual, or any other interested
24 party that proposes the regulation of any unregulated professional or
25 occupational group shall submit the following information to the
26 department of regulatory agencies. A proposal to regulate a professional
27 or occupational group shall be reviewed only when the party requesting

1 such review files with the department a statement of support for the
2 proposed regulation that has been signed by at least ten members of the
3 professional or occupational group for which regulation is being sought
4 or at least ten individuals who are not members of such professional or
5 occupational group, along with the following information:

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

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

9 (f) A DESCRIPTION OF ANY ANTICIPATED DISQUALIFICATIONS ON
10 AN APPLICANT FOR LICENSURE, CERTIFICATION, RELICENSURE, OR
11 RECERTIFICATION BASED ON CRIMINAL HISTORY AND HOW THE
12 DISQUALIFICATIONS SERVE PUBLIC SAFETY OR CONSUMER PROTECTION
13 INTERESTS.

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

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

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

22 (IV) WHETHER THE IMPOSITION OF ANY DISQUALIFICATIONS ON
23 APPLICANTS FOR LICENSURE, CERTIFICATION, RELICENSURE, OR
24 RECERTIFICATION BASED ON CRIMINAL HISTORY SERVES PUBLIC SAFETY OR
25 COMMERCIAL OR CONSUMER PROTECTION INTERESTS.

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

1 **24-72-308.7. Sealing of criminal conviction records**
2 **information for petty offenses and municipal offenses for convictions.**

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

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

11 (A) THE PETITION IS FILED THREE OR MORE YEARS AFTER THE DATE
12 OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE
13 DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION
14 CONCERNING A CRIMINAL CONVICTION, WHICHEVER IS LATER; AND

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

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

27 **(III) A PETITION TO SEAL RECORDS PURSUANT TO THIS SECTION**

1 MAY ONLY BE FILED ONCE DURING A TWELVE MONTH PERIOD. THE COURT
2 SHALL IMMEDIATELY DISMISS A SECOND OR SUBSEQUENT PETITION FILED
3 WITHIN TWELVE MONTHS OF ANOTHER PETITION.

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

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

1 OR OTHER FEES HAS VACATED THE ORDER.

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

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

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

1 OTHER PERSON OR AGENCY IDENTIFIED BY THE DEFENDANT.

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

1 OR HER CRIMINAL CONVICTION RECORDS IN THE CUSTODY OF THE BUREAU.
2 THEREAFTER, THE DEFENDANT MAY REQUEST AND THE COURT MAY GRANT
3 AN ORDER SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS
4 WERE SEALED.

5 (d) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF
6 PARAGRAPH (a) OF THIS SUBSECTION (2), UPON THE ENTRY OF AN ORDER
7 TO SEAL THE CONVICTION RECORDS, THE DEFENDANT AND ALL CRIMINAL
8 JUSTICE AGENCIES MAY PROPERLY REPLY, UPON AN INQUIRY IN THE
9 MATTER, THAT PUBLIC CONVICTION RECORDS DO NOT EXIST WITH RESPECT
10 TO THE DEFENDANT.

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

15 (f) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF
16 PARAGRAPH (a) OF THIS SUBSECTION (2) OR IN SUBPARAGRAPHS (II) AND
17 (III) OF THIS PARAGRAPH (f), EMPLOYERS, STATE AND LOCAL
18 GOVERNMENT AGENCIES, OFFICIALS, LANDLORDS, AND EMPLOYEES SHALL
19 NOT, IN ANY APPLICATION OR INTERVIEW OR IN ANY OTHER WAY, REQUIRE
20 AN APPLICANT TO DISCLOSE ANY INFORMATION CONTAINED IN SEALED
21 CONVICTION RECORDS. AN APPLICANT NEED NOT, IN RESPONSE TO ANY
22 QUESTION CONCERNING CONVICTION RECORDS THAT HAVE BEEN SEALED,
23 INCLUDE A REFERENCE TO OR INFORMATION CONCERNING THE SEALED
24 CONVICTION RECORDS AND MAY STATE THAT THE APPLICANT HAS NOT
25 BEEN CRIMINALLY CONVICTED.

26 (II) SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) SHALL NOT
27 PRECLUDE THE BAR COMMITTEE OF THE COLORADO STATE BOARD OF LAW

1 EXAMINERS FROM MAKING FURTHER INQUIRIES INTO THE FACT OF A
2 CONVICTION THAT COMES TO THE ATTENTION OF THE BAR COMMITTEE
3 THROUGH OTHER MEANS. THE BAR COMMITTEE OF THE COLORADO STATE
4 BOARD OF LAW EXAMINERS SHALL HAVE A RIGHT TO INQUIRE INTO THE
5 MORAL AND ETHICAL QUALIFICATIONS OF AN APPLICANT, AND THE
6 APPLICANT SHALL NOT HAVE A RIGHT TO PRIVACY OR PRIVILEGE THAT
7 JUSTIFIES HIS OR HER REFUSAL TO ANSWER A QUESTION CONCERNING
8 SEALED CONVICTION RECORDS THAT HAVE COME TO THE ATTENTION OF
9 THE BAR COMMITTEE THROUGH OTHER MEANS.

10 (III) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH
11 (f) SHALL NOT APPLY TO A CRIMINAL JUSTICE AGENCY OR TO AN
12 APPLICANT TO A CRIMINAL JUSTICE AGENCY.

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

18 (g) THE OFFICE OF THE STATE COURT ADMINISTRATOR SHALL POST
19 ON ITS WEB SITE A LIST OF ALL PETITIONS TO SEAL CONVICTION RECORDS
20 THAT ARE FILED WITH A DISTRICT COURT. A DISTRICT COURT MAY NOT
21 GRANT A PETITION TO SEAL CONVICTION RECORDS UNTIL AT LEAST THIRTY
22 DAYS AFTER THE POSTING. AFTER THE EXPIRATION OF THIRTY DAYS
23 FOLLOWING THE POSTING, THE PETITION TO SEAL CONVICTION RECORDS
24 AND INFORMATION PERTINENT THERETO SHALL BE REMOVED FROM THE
25 WEB SITE OF THE OFFICE OF THE STATE COURT ADMINISTRATOR.

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

1 (i) NOTWITHSTANDING ANY PROVISION IN THIS SECTION TO THE
2 CONTRARY, IN REGARD TO ANY CONVICTION OF A DEFENDANT RESULTING
3 FROM A SINGLE CASE IN WHICH THE DEFENDANT IS CONVICTED OF MORE
4 THAN ONE OFFENSE, RECORDS OF THE CONVICTION MAY BE SEALED
5 PURSUANT TO THE PROVISIONS OF THIS SECTION ONLY IF THE RECORDS OF
6 EVERY CONVICTION OF THE DEFENDANT RESULTING FROM THAT CASE MAY
7 BE SEALED PURSUANT TO THE PROVISIONS OF THIS SECTION.

8 (3) **Advisements.** (a) WHENEVER A DEFENDANT IS SENTENCED
9 FOLLOWING A CONVICTION OF A PETTY OR MUNICIPAL OFFENSE, THE
10 COURT SHALL PROVIDE HIM OR HER WITH A WRITTEN ADVISEMENT OF HIS
11 OR HER RIGHTS CONCERNING THE SEALING OF HIS OR HER CONVICTION
12 RECORDS PURSUANT TO THIS SECTION IF HE OR SHE COMPLIES WITH THE
13 APPLICABLE PROVISIONS OF THIS SECTION.

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

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

27 (5) **Rules of discovery - rules of evidence - witness testimony.**

1 COURT ORDERS SEALING RECORDS OF OFFICIAL ACTIONS PURSUANT TO
2 THIS SECTION SHALL NOT LIMIT THE OPERATIONS OF:

3 (a) THE RULES OF DISCOVERY OR THE RULES OF EVIDENCE
4 PROMULGATED BY THE SUPREME COURT OF COLORADO OR ANY OTHER
5 STATE OR FEDERAL COURT; OR

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

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

10 **8-2-201. Damages - fellow servant rule abolished - limitation**
11 **on admission of criminal history. (3) IN A JUDICIAL OR ADMINISTRATIVE**
12 **PROCEEDING ALLEGING NEGLIGENCE OR OTHER FAULT, AN ORDER OF**
13 **COLLATERAL RELIEF OR A CERTIFICATE OF REHABILITATION ISSUED UNDER**
14 **ARTICLE 24 OF TITLE 16 MAY BE INTRODUCED AS EVIDENCE OF A PERSON'S**
15 **DUE CARE IN HIRING, LICENSING, LEASING TO, ADMITTING TO A SCHOOL**
16 **OR PROGRAM, OR OTHERWISE TRANSACTING BUSINESS OR ENGAGING IN**
17 **ACTIVITY WITH THE INDIVIDUAL TO WHOM THE ORDER OR CERTIFICATE**
18 **WAS ISSUED, IF THE PERSON KNEW OF THE ORDER OR CERTIFICATE AT THE**
19 **TIME OF THE ALLEGED NEGLIGENCE OR OTHER FAULT.**

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

22 **24-5-101. Effect of criminal conviction on employment rights.**
23 **(3) WHENEVER A STATE OR LOCAL AGENCY IS REQUIRED TO MAKE A**
24 **FINDING DESCRIBED IN SUBSECTION (2) OF THIS SECTION, AN ORDER OF**
25 **COLLATERAL RELIEF OR A CERTIFICATE OF REHABILITATION ISSUED UNDER**
26 **ARTICLE 24 OF TITLE 16, IF ISSUED TO A PERSON SEEKING EMPLOYMENT**
27 **AND APPLICABLE TO THE TYPE OF EMPLOYMENT SOUGHT, SHALL CREATE**

1 A PRESUMPTION THAT THE PERSON IS OF GOOD MORAL CHARACTER AS IT
2 RELATES TO THE EMPLOYMENT SOUGHT.

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

5 **24-72-308. Sealing of arrest and criminal records other than**
6 **convictions.** (1) (a) (I) Except as otherwise provided in subparagraphs
7 (II) and (III) of this paragraph (a), any person in interest may petition the
8 district court of the district in which any arrest and criminal records
9 information pertaining to said person in interest is located for the sealing
10 of all of said records, except basic identification information, if the
11 records are a record of official actions involving a criminal offense for
12 which said person in interest was not charged AND THE STATUTE OF
13 LIMITATIONS FOR THE OFFENSE FOR WHICH THE PERSON WAS ARRESTED
14 THAT HAS THE LONGEST STATUTE OF LIMITATIONS HAS RUN, in any case
15 which was completely dismissed, or in any case in which said person in
16 interest was acquitted.

17 (III) A person in interest may petition the district court of the
18 district in which any arrest and criminal records information pertaining
19 to said person in interest is located for the sealing of all of said records,
20 except basic identification information, if the records are a record of
21 official actions involving a criminal offense that was not charged or a
22 case that was dismissed due to a plea agreement in a separate case, and
23 if:

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

26 **19-1-306. Expungement of juvenile delinquent records.**
27 (5) (c) The court may order expunged all records in the petitioner's case

1 in the custody of the court and any records in the custody of any other
2 agency or official if at the hearing the court finds that:

3 (I) The petitioner who is the subject of the hearing has not been
4 convicted of a felony AS AN ADULT WITHIN THE PRECEDING TEN YEARS or
5 of a misdemeanor AS AN ADULT WITHIN THE PRECEDING FIVE YEARS and
6 has not been adjudicated a juvenile delinquent since the termination of the
7 court's jurisdiction or the petitioner's unconditional release from parole
8 supervision;

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

11 **24-34-102. Division of registrations - creation - duties of**
12 **division and department heads - license, registration, or certification**
13 **renewal, reinstatement, and endorsement - definitions.** (8.7) **IF AN**
14 **APPLICANT PROVIDES A LICENSING ENTITY WITH AN ORDER OF**
15 **COLLATERAL RELIEF PURSUANT TO SECTION 16-24-105, C.R.S., OR AN**
16 **ORDER OF REHABILITATIVE RELIEF PURSUANT TO SECTION 16-24-106,**
17 **C.R.S., THE ORDER PERMITS, BUT DOES NOT REQUIRE THE LICENSING**
18 **ENTITY TO GRANT THE APPLICANT THE LICENSE REQUESTED. THE ORDER**
19 **SHALL BE CONSIDERED ALONG WITH ALL OF THE OTHER INFORMATION**
20 **PROVIDED TO THE LICENSING ENTITY.**

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

1 (a) \$75,724 for courthouse capital/infrastructure maintenance;

2 (b) \$250,575 and 5.2 FTE for trial court programs for personal
3 services; and

4 (c) \$7,375 for trial court programs for operating expenses.

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

13 (a) \$28,485 and 1.0 FTE for administration for personal services;
14 and

15 (b) \$5,416 for administration for operating expenses.

16 (3) In addition to any other appropriation, there is hereby
17 appropriated, out of any moneys in the general fund not otherwise
18 appropriated, to the department of public safety, for the fiscal year
19 beginning July 1, 2012, the sum of \$15,000, or so much thereof as may
20 be necessary, for allocation to the Colorado bureau of investigation,
21 Colorado crime information center, for information technology costs
22 related to the implementation of this act.

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

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

27 (a) The general fund appropriation for trial court programs,

1 personal services, is decreased by \$15,000.

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

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