

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 13-0830.01 Michael Dohr x4347

SENATE BILL 13-229

SENATE SPONSORSHIP

Guzman,

HOUSE SPONSORSHIP

Kagan,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING CHANGES TO STATUTORY PROVISIONS RELATED TO**
102 **CRIMINAL PROCEEDINGS.**

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>.)

Section 1. Under current law, the fiscal note for a bill that creates a new crime includes an analysis of that new crime. The bill adds a description of gender and minority data related to the new crime to the analysis.

Section 2. The bill changes the definition of felony complaint to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
April 18, 2013

SENATE
Amended 2nd Reading
April 17, 2013

require the complaint to be signed by the prosecutor. The change corresponds to a change in the Colorado rules of criminal procedure.

Section 3. For security fraud offenses, the bill states the statute of limitations begins to run on the discovery of the criminal act.

Section 4. The bill requires that if requested by the prosecution or defense that the probation department provide the presentence report at least 7 days prior to sentencing. If the probation department can't meet that deadline, the court shall grant the probation department an additional 7 days to provide the presentence report.

Under current law, a presentence report regarding a sex offender must include a sex offender evaluation. There are some exceptions to this requirement. The bill adds an additional exception for cases in which there is a court-accepted stipulation by the sex offender and prosecutor to jail time or the sex offender is already serving a sentence in the department of corrections.

Section 5. The bill makes clarifying changes to when a person convicted of a sex offense as a juvenile can petition to discontinue sex offender registration.

Section 6. The bill corrects an incorrect internal citation.

Section 7. The bill adds to the definition of restitution to include health care costs covered by a government agency or insurer.

Section 8. Under current law, a person may commit first degree burglary if he or she possesses a deadly weapon during the burglary. The bill amends the crime so that a person must use or threaten the use of a deadly weapon to commit first degree burglary.

Sections 9 and 10. Under current law, a juvenile committed to a staff secure placement who turns 18 in custody and who walks away can be charged with a class 3 felony. The bill creates a new offense for that situation that is a class 3 misdemeanor.

Section 11. The bill directs that a juvenile who is subject to a direct file or transfer must be held in a county jail once the juvenile turns 18.

Section 12. The bill clarifies some provisions in the aggravated juvenile offender statute.

Section 13. Under current law, the district attorney or a probation officer may apply for entry of conviction and imposition of sentence for a deferred prosecution within the term of the deferred prosecution and up to 30 days after the term. The bill clarifies that time period also applies to juvenile deferred adjudications.

Sections 14 and 15. The bill allows the district attorney to appoint part-time district attorneys who do not practice criminal defense in the jurisdiction to fulfill the duties of the district attorney without the approval of the county commissioners. The bill adds that the appointed attorneys may be attorneys employed by the Colorado district attorneys' council. The bill eliminates the requirement that part-time district

attorneys be paid by the county they serve.

Section 16. The bill clarifies that in a record-sealing petition based on a dismissal that is not the result of a completion of deferred disposition or multi-case disposition, the court shall order the record sealed if the petition on its face is sufficient. The bill clarifies that in records-sealing cases, a person may petition for sealing one record every 12-month period.

Sections 17 and 18. The bill clarifies that in drug conviction records-sealing cases, a person may petition for sealing one record every 12-month period.

Sections 19 through 24. The bill specifies that the attorney general has concurrent jurisdiction with local district attorneys to prosecute persons for crimes related to air and water quality, hazardous waste and substances, and solid waste.

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

SECTION 1. In Colorado Revised Statutes, 2-2-322, **amend** (2.5) (c) and (2.5) (d); and **add** (2.5) (e) as follows:

2-2-322. Fiscal notes. (2.5) If a legislative measure creates a new criminal offense, increases or decreases the crime classification of an existing criminal offense, or changes an element of an existing offense that creates a new factual basis for the offense, the fiscal note shall include the following:

(c) A comparison of the proposed crime classification to similar types of offenses; ~~and~~

(d) An analysis of the current and anticipated future prevalence of the behavior that the proposed new crime, or changes to an existing crime, intends to address; AND

(e) A DESCRIPTION OF GENDER AND MINORITY DATA AS IT RELATES TO THE GENERAL COLORADO POPULATION AND AVAILABLE DATA ON GENDER AND MINORITY OFFENDER AND CRIME VICTIMS POPULATIONS POTENTIALLY AFFECTED BY THE PROPOSED MEASURE.

1 **SECTION 2.** In Colorado Revised Statutes, 16-1-104, **amend**
2 (10) as follows:

3 **16-1-104. Definitions.** (10) "Felony complaint" means a written
4 statement of the essential facts constituting the offense charged, ~~and shall~~
5 ~~be made upon oath before any person authorized to administer oaths~~
6 ~~within the state of Colorado~~ SIGNED BY THE PROSECUTOR, AND FILED IN
7 THE COURT HAVING JURISDICTION OVER THE OFFENSE CHARGED.

8 **SECTION 3.** In Colorado Revised Statutes, 16-5-401, **amend**
9 (4.5) (u) and (4.5) (v); and **add** (4.5) (w) as follows:

10 **16-5-401. Limitation for commencing criminal proceedings**
11 **and juvenile delinquency proceedings.** (4.5) The period within which
12 a prosecution must be commenced shall begin to run upon discovery of
13 the criminal act or the delinquent act for:

14 (u) Criminal offenses relating to industrial banks, pursuant to
15 section 11-108-801 (3), C.R.S.; ~~and~~

16 (v) Criminal offenses relating to savings and loan associations,
17 pursuant to section 11-41-127, C.R.S.; AND

18 (w) CRIMINAL OFFENSES RELATING TO SECURITIES FRAUD,
19 PURSUANT TO PART 5 OF ARTICLE 51 OF TITLE 11, C.R.S.

20 **SECTION 4.** In Colorado Revised Statutes, 16-11-102, **amend**
21 (1) (a) and (1) (b) as follows:

22 **16-11-102. Presentence or probation investigation.**

23 (1) (a) Following the return of a verdict of guilty of a felony, other than
24 a class 1 felony, or following a finding of guilt on such charge where the
25 issues were tried to the court, or on a plea of guilty or nolo contendere to
26 such a charge, or upon order of the court in any misdemeanor conviction,
27 the probation officer shall make an investigation and written report to the

1 court before the imposition of sentence. Each presentence report shall
2 include a substance abuse assessment or evaluation made pursuant to
3 article 11.5 of this title and, unless waived by the court, shall include, but
4 not be limited to, information as to the defendant's family background,
5 educational history, employment record, and past criminal record,
6 including the defendant's past juvenile delinquency record, if any, if the
7 defendant has been convicted of unlawful sexual behavior as defined in
8 section 16-22-102 (9), an evaluation of the alternative dispositions
9 available for the defendant; the information required by the court pursuant
10 to article 18.5 of this title; a victim impact statement; and such other
11 information as the court may require. A victim impact statement shall be
12 prepared by the district attorney's office on and after September 1, 1985.
13 The department of human services shall provide the district attorney's
14 office with the information necessary for the preparation of a victim
15 impact statement. In addition, the court, in cases that it deems appropriate,
16 may require the presentence report to include the findings and results of
17 a professionally conducted psychiatric examination of the defendant. No
18 less than seventy-two hours prior to the sentencing hearing, copies of the
19 presentence report, including any recommendations as to probation, shall
20 be furnished to the prosecuting attorney and defense counsel or to the
21 defendant if he or she is unrepresented. UPON REQUEST OF EITHER THE
22 DEFENSE OR THE DISTRICT ATTORNEY, THE PROBATION DEPARTMENT
23 SHALL PROVIDE THE PRESENTENCE REPORT AT LEAST SEVEN DAYS PRIOR
24 TO THE SENTENCING HEARING. IF THE PROBATION DEPARTMENT INFORMS
25 THE COURT IT CANNOT PROVIDE THE REPORT AT LEAST SEVEN DAYS PRIOR
26 TO THE SENTENCING HEARING, THE COURT SHALL GRANT THE PROBATION
27 DEPARTMENT ADDITIONAL TIME TO COMPLETE THE REPORT AND SHALL

1 RESET THE SENTENCING HEARING SO THAT THE HEARING IS HELD AT LEAST
2 SEVEN DAYS AFTER THE PROBATION DEPARTMENT PROVIDES THE REPORT.
3 A copy of the presentence report shall be transmitted to the department
4 of corrections together with the mittimus.

5 (b) (I) Each presentence report prepared regarding a sex offender,
6 as defined in section 16-11.7-102 (2), with respect to any offense
7 committed on or after January 1, 1996, shall contain the results of an
8 evaluation and identification conducted pursuant to article 11.7 of this
9 title; except that:

10 (A) If the offense is a misdemeanor pursuant to the provisions of
11 section 18-3-412.6, C.R.S., an evaluation and identification conducted
12 pursuant to article 11.7 of this title shall not be ordered by the court; ~~and~~
13 ~~except that,~~

14 (B) If the offense is a misdemeanor pursuant to title 42, C.R.S.,
15 or the history of sex-offending behavior was a misdemeanor sex offense
16 committed when the defendant was a juvenile, an evaluation and
17 identification conducted pursuant to article 11.7 of this title is not
18 required but may be ordered by the court; AND

19 (C) IF THE COURT ACCEPTS A STIPULATION THAT THE DEFENDANT
20 WILL NOT BE SENTENCED TO PROBATION OR IF THE DEFENDANT IS
21 ALREADY SERVING A SENTENCE IN THE DEPARTMENT OF CORRECTIONS, AN
22 EVALUATION AND IDENTIFICATION CONDUCTED PURSUANT TO ARTICLE
23 11.7 OF THIS TITLE IS NOT REQUIRED BUT MAY BE ORDERED BY THE COURT.

24 (II) In addition, the presentence report shall include, when
25 appropriate as provided in section 18-3-414.5, C.R.S., the results of the
26 risk assessment screening instrument developed pursuant to section
27 16-11.7-103 (4) (d). Notwithstanding the provisions of subsection (4) of

1 this section, a presentence report shall be prepared for each person
2 convicted as a sex offender, and the court may not dispense with the
3 presentence evaluation, risk assessment, and report unless an evaluation
4 and risk assessment has been completed within the last two years and
5 there has been no material change that would affect the evaluation and
6 risk assessment in the past two years.

7 **SECTION 5.** In Colorado Revised Statutes, 16-22-113, **amend**
8 (1) (e) as follows:

9 **16-22-113. Petition for removal from registry.** (1) Except as
10 otherwise provided in subsection (3) of this section, any person required
11 to register pursuant to section 16-22-103 or whose information is required
12 to be posted on the internet pursuant to section 16-22-111 may file a
13 petition with the court that issued the order of judgment for the conviction
14 that requires the person to register for an order to discontinue the
15 requirement for such registration or internet posting, or both, as follows:

16 (e) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF
17 PARAGRAPH (b) OF SUBSECTION (1.3) OF THIS SECTION, if the person was
18 younger than eighteen years of age at the time of ~~disposition or~~
19 ~~adjudication~~ COMMISSION OF THE OFFENSE, after the successful
20 completion of and discharge from ~~the~~ A JUVENILE sentence OR
21 DISPOSITION, AND if the person prior to such time has not been
22 subsequently convicted ~~of~~ OR HAS A PENDING PROSECUTION FOR unlawful
23 sexual behavior or ~~of~~ FOR any other offense, the underlying factual basis
24 of which involved unlawful sexual behavior and the court did not issue
25 an order either continuing the duty to register or discontinuing the duty to
26 register pursuant to paragraph (b) of subsection (1.3) of this section. Any
27 person petitioning pursuant to this paragraph (e) may also petition for an

1 order removing his or her name from the sex offender registry. In
2 determining whether to grant the order, the court shall consider whether
3 the person is likely to commit a subsequent offense of or involving
4 unlawful sexual behavior. The court shall base its determination on
5 recommendations from the person's probation or community parole
6 officer, the person's treatment provider, and the prosecuting attorney for
7 the jurisdiction in which the person was tried and on the
8 recommendations included in the person's presentence investigation
9 report. In addition, the court shall consider any written or oral testimony
10 submitted by the victim of the offense for which the petitioner was
11 required to register. Notwithstanding the provisions of this subsection (1),
12 a juvenile who files a petition pursuant to this section may file the petition
13 with the court to which venue is transferred pursuant to section 19-2-105,
14 C.R.S., if any.

15 **SECTION 6.** In Colorado Revised Statutes, 17-22.5-403.5,
16 **amend** (1) introductory portion as follows:

17 **17-22.5-403.5. Special needs parole.** (1) Notwithstanding any
18 provision of law to the contrary, a special needs offender, as defined in
19 section ~~17-2-102 (7.5) (a)~~ 17-1-102 (7.5) (a), may be eligible for parole
20 prior to or after the offender's parole eligibility date pursuant to this
21 section if:

22 **SECTION 7.** In Colorado Revised Statutes, 18-1.3-602, **amend**
23 (4) (a) (VI); and **add** (3) (d) as follows:

24 **18-1.3-602. Definitions.** As used in this part 6, unless the context
25 otherwise requires:

26 (3) (d) "RESTITUTION" SHALL ALSO INCLUDE COSTS INCURRED BY
27 A GOVERNMENTAL AGENCY OR INSURER THAT PROVIDES MEDICAL

1 BENEFITS, HEALTH BENEFITS, OR NONMEDICAL SUPPORT SERVICES
2 DIRECTLY RELATED TO A MEDICAL OR HEALTH CONDITION TO A VICTIM FOR
3 LOSSES OR INJURIES PROXIMATELY CAUSED BY AN OFFENDER'S CONDUCT,
4 INCLUDING BUT NOT LIMITED TO COSTS INCURRED BY MEDICAID AND
5 OTHER CARE PROGRAMS FOR INDIGENT PERSONS.

6 (4) (a) "Victim" means any person aggrieved by the conduct of an
7 offender and includes but is not limited to the following:

8 (VI) Any person who had to expend resources for the purposes
9 described in ~~subparagraph (f) of paragraph (c)~~ PARAGRAPHS (b), (c), AND
10 (d) of subsection (3) of this section.

11 **SECTION 8.** In Colorado Revised Statutes, 18-4-202, **amend** (1)
12 as follows:

13 **18-4-202. First degree burglary.** (1) A person commits first
14 degree burglary if the person knowingly enters unlawfully, or remains
15 unlawfully after a lawful or unlawful entry, in a building or occupied
16 structure with intent to commit therein a crime, other than trespass as
17 defined in this article, against another person or property, and if in
18 effecting entry or while in the building or occupied structure or in
19 immediate flight therefrom, the person or another participant in the crime
20 assaults or menaces any person, ~~or~~ the person or another participant is
21 armed with explosives, or THE PERSON OR ANOTHER PARTICIPANT USES A
22 DEADLY WEAPON OR POSSESSES AND THREATENS THE USE OF a deadly
23 weapon.

24 **SECTION 9.** In Colorado Revised Statutes, 18-8-208, **amend** (9);
25 **add** (4.5); and **repeal** (10) as follows:

26 **18-8-208. Escapes.** (4.5) A PERSON COMMITS A CLASS 3
27 MISDEMEANOR IF HE OR SHE HAS BEEN COMMITTED TO THE DIVISION OF

1 YOUTH CORRECTIONS IN THE DEPARTMENT OF HUMAN SERVICES FOR A
2 DELINQUENT ACT, IS OVER 18 YEARS OF AGE, AND ESCAPES FROM A STAFF
3 SECURE FACILITY AS DEFINED IN SECTION 19-1-103 (101.5), C.R.S., OTHER
4 THAN A STATE-OPERATED LOCKED FACILITY.

5 (9) The minimum sentences provided by sections 18-1.3-401,
6 18-1.3-501, and 18-1.3-503, respectively, for violation of the provisions
7 of this section shall be mandatory, and the court shall not grant probation
8 or a suspended sentence, in whole or in part; except that the court may
9 grant a suspended sentence if the court is sentencing a person to the
10 youthful offender system pursuant to section 18-1.3-407. THE PROVISIONS
11 OF THIS SUBSECTION (9) DO NOT APPLY TO SUBSECTION (4.5) OF THIS
12 SECTION.

13 (10) ~~Any person held in a staff secure facility, as defined in~~
14 ~~section 19-1-103 (101.5), C.R.S., shall be deemed to be in custody or~~
15 ~~confinement for purposes of this section.~~

16 **SECTION 10.** In Colorado Revised Statutes, **amend** 18-8-210.1
17 as follows:

18 **18-8-210.1. Persons in custody or confinement - juvenile**
19 **offenders.** For the purposes of this part 2, any reference to custody,
20 confinement, charged with, held for, convicted of, a felony, misdemeanor,
21 or petty offense shall be deemed to include a juvenile who is detained OR
22 COMMITTED for the commission of an act which would constitute such a
23 felony, misdemeanor, or petty offense if committed by an adult or who is
24 the subject of a petition filed pursuant to article 2 of title 19, C.R.S.,
25 alleging the commission of such a delinquent act or a juvenile who has
26 been adjudicated a juvenile delinquent as provided for in article 2 of title
27 19, C.R.S., for an act which would constitute a felony, misdemeanor, or

1 petty offense if committed by an adult.

2 **SECTION 11.** In Colorado Revised Statutes, 19-2-508, **amend**
3 (4) (f) as follows:

4 **19-2-508. Detention and shelter - hearing - time limits -**
5 **findings - review - confinement with adult offenders - restrictions.**

6 (4) (f) Any person who is eighteen years of age or older who is being
7 detained for a delinquent act or criminal charge over which the juvenile
8 court has jurisdiction, OR FOR WHICH CHARGES ARE PENDING IN DISTRICT
9 COURT PURSUANT TO A DIRECT FILING OR TRANSFER IF THE PERSON HAS
10 NOT ALREADY BEEN TRANSFERRED TO THE COUNTY JAIL PURSUANT TO THE
11 PROVISIONS OF SUBPARAGRAPH (IV) OF PARAGRAPH (c) OF SUBSECTION (3)
12 OF THIS SECTION, shall be detained in the county jail in the same manner
13 as if such person is charged as an adult.

14 **SECTION 12.** In Colorado Revised Statutes, 19-2-601, **amend**
15 (5) (a) (I) (D) and (6) (b) as follows:

16 **19-2-601. Aggravated juvenile offender.** (5) (a) (I) Upon
17 adjudication as an aggravated juvenile offender:

18 (D) When the petition alleges the offense of murder in the first
19 degree or murder in the second degree, OR SEXUAL ASSAULT UNDER
20 SECTION 18-3-402 (3.5) OR 18-3-402 (4), C.R.S., and the juvenile is
21 adjudicated a delinquent for either murder in the first degree or murder in
22 the second degree, then the court may sentence the juvenile consecutively
23 or concurrently for any crime of violence as described in section
24 18-1.3-406, C.R.S., ~~or aggravated juvenile offender petition arising from~~
25 ~~that petition~~ OR FOR A DELINQUENT ACT CONTAINED IN THE PETITION FOR
26 WHICH THE JUVENILE IS AN AGGRAVATED JUVENILE OFFENDER.

27 (6) (b) Parole supervision of a juvenile who has been transferred

1 to the department of corrections is governed by the provisions for adult
2 felony offenders in titles 16, 17, and 18, C.R.S., as if the juvenile had
3 been sentenced as an adult felony offender; except that, if the juvenile
4 was adjudicated and sentenced for ~~murder in the first degree~~ A CLASS 1
5 FELONY, then the juvenile shall serve a ten-year period of mandatory
6 parole after completion of his or her sentence.

7 **SECTION 13.** In Colorado Revised Statutes, 19-2-709, **add** (3.5)
8 as follows:

9 **19-2-709. Deferral of adjudication.** (3.5) APPLICATION FOR
10 ENTRY OF ADJUDICATION AND IMPOSITION OF SENTENCE MAY BE MADE BY
11 THE DISTRICT ATTORNEY OR A PROBATION OFFICER AT ANY TIME WITHIN
12 THE TERM OF THE DEFERRED ADJUDICATION OR WITHIN THIRTY-FIVE DAYS
13 THEREAFTER.

14 **SECTION 14.** In Colorado Revised Statutes, 20-1-201, **amend**
15 (1) (b) and (1) (c) as follows:

16 **20-1-201. Deputies - chief deputies - staff.** (1) (b) The district
17 attorney in every judicial district ~~that is composed in part of a county or~~
18 ~~counties of less than twenty-five thousand population may~~ IS AUTHORIZED
19 TO appoint ~~with the approval of the board of county commissioners of~~
20 ~~such county or counties~~ one or more part-time deputies to fulfill the duties
21 of the district attorney. ~~which may arise in such county or counties. Such~~
22 THE part-time deputies shall be entitled to receive as compensation for
23 services rendered a sum as provided in section 20-1-203. ~~Such~~ THE
24 part-time ~~deputies~~ DEPUTY may engage in the private practice of law;
25 EXCEPT THAT HE OR SHE MAY NOT ENGAGE IN THE PRACTICE OF CRIMINAL
26 DEFENSE IN THE SAME JUDICIAL DISTRICT AS THE DISTRICT ATTORNEY'S
27 OFFICE WHERE HE OR SHE IS EMPLOYED.

1 (c) The district attorney in every judicial district is authorized to
2 appoint such special deputy district attorneys as he deems necessary to
3 properly discharge the duties of his office, and such special deputies shall
4 hold their offices during the pleasure of such district attorney. Such
5 special deputies shall receive no compensation for their services from the
6 county or counties of the judicial district; except that such special
7 deputies may be reimbursed their ordinary and necessary expenses,
8 including travel. Such special deputies shall only be appointed from
9 among those persons holding office as attorney general, deputy attorney
10 general, assistant attorney general, or special assistant attorney general of
11 the state of Colorado, or as district attorney, assistant district attorney,
12 chief deputy district attorney, or deputy district attorney of another
13 judicial district, or as United States attorney or assistant United States
14 attorney for the district of Colorado, or as city attorney or assistant city
15 attorney of a city and county in this state, OR AN ATTORNEY EMPLOYED BY
16 THE COLORADO DISTRICT ATTORNEYS' COUNCIL AND ACTIVELY LICENSED
17 TO PRACTICE LAW IN THE STATE OF COLORADO.

18 **SECTION 15.** In Colorado Revised Statutes, **amend 20-1-203** as
19 follows:

20 **20-1-203. Compensation of deputy, chief deputy, and assistant**
21 **district attorneys.** Compensation for all deputy, chief deputy, part-time
22 deputy, assistant, and part-time assistant district attorneys shall be fixed
23 by the district attorney with the approval of the board of county
24 commissioners or boards of county commissioners of multicounty
25 districts or the city council of a city and county affected, and each county
26 comprising such judicial district shall pay such deputies, chief deputies,
27 assistants, and part-time assistants salaries in the proportion which the

1 population of such county bears to the whole population of such judicial
2 district. ~~except that part-time deputies shall be paid by the county or~~
3 ~~counties they serve.~~

4 **SECTION 16.** In Colorado Revised Statutes, 24-72-308, **amend**
5 (1) (b) (II); and **add** (4) as follows:

6 **24-72-308. Sealing of arrest and criminal records other than**
7 **convictions.** (1) (b) (II) (A) Upon the filing of a petition, the court shall
8 review the petition and determine whether there are grounds under this
9 section to proceed to a hearing on the petition. If the court determines that
10 the petition on its face is insufficient or if the court determines that, after
11 taking judicial notice of matters outside the petition, the petitioner is not
12 entitled to relief under this section, the court shall enter an order denying
13 the petition and mail a copy of the order to the petitioner. The court's
14 order shall specify the reasons for the denial of the petition. IF THE
15 PETITION PERTAINS TO A DISMISSAL THAT IS NOT THE RESULT OF A
16 COMPLETION OF A DEFERRED DISPOSITION OR A MULTI-CASE DISPOSITION,
17 THE COURT SHALL ORDER A RECORD SEALED IF THE PETITION IS SUFFICIENT
18 ON ITS FACE.

19 (B) If the court determines that the petition is sufficient on its face
20 and that no other grounds exist at that time for the court to deny the
21 petition under this section, the court shall set a date for a hearing and the
22 petitioner shall notify the prosecuting attorney by certified mail, the
23 arresting agency, and any other person or agency identified by the
24 petitioner. IF THE PETITION PERTAINS TO A DISMISSAL THAT IS NOT THE
25 RESULT OF A COMPLETION OF A DEFERRED DISPOSITION OR A MULTI-CASE
26 DISPOSITION, THE COURT SHALL ORDER A RECORD SEALED IF THE PETITION
27 IS SUFFICIENT ON ITS FACE.

1 (4) A PERSON MAY FILE A PETITION WITH THE COURT FOR SEALING
2 OF EACH CASE ONCE EVERY TWELVE-MONTH PERIOD.

3 **SECTION 17.** In Colorado Revised Statutes, 24-72-308.5, **add**
4 (6) as follows:

5 **24-72-308.5. Sealing of criminal conviction records**
6 **information for offenses involving controlled substances for**
7 **convictions entered on or after July 1, 2008, and prior to July 1, 2011.**

8 (6) A PERSON MAY FILE A PETITION WITH THE COURT FOR SEALING OF
9 EACH CASE ONCE EVERY TWELVE-MONTH PERIOD.

10 **SECTION 18.** In Colorado Revised Statutes, 24-72-308.6, **add**
11 (6) as follows:

12 **24-72-308.6. Sealing of criminal conviction records**
13 **information for offenses involving controlled substances for**
14 **convictions entered on or after July 1, 2011.** (6) A PERSON MAY FILE

15 A PETITION WITH THE COURT FOR sealing of EACH CASE ONCE EVERY
16 TWELVE-MONTH PERIOD.

17 =====

18 **SECTION 19. Effective date - applicability.** This act takes
19 effect July 1, 2013, and applies to offenses committed on or after said
20 date; except that section 5 of this act applies to offenses committed prior
21 to July 1, 2013.

22 **SECTION 20. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.