SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

<u>April 1, 2013</u> Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

<u>SB13-123</u> be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation:

- 1 Amend printed bill, page 2, line 16, strike "AND".
- 2 Page 2, after line 16 insert:
- 3 "(IV) 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 Renumber succeeding subparagraph accordingly.
- 8 Page 3, line 15, strike "AND".
- 9 Page 3, after line 15 insert:
- 10 "(IV) THAT THE STATE PUBLIC DEFENDER HAS COMPILED A LIST OF
- $11 \qquad {\tt LAWS\,THAT\,IMPOSE\,COLLATERAL\,CONSEQUENCES\,RELATED\, {\tt TO}\, {\tt A}\, CRIMINAL}$
- 12 CONVICTION AND THAT THE LIST IS AVAILABLE ON THE STATE PUBLIC
- 13 DEFENDER'S WEB SITE; AND".
- 14 Renumber succeeding subparagraph accordingly.
- 15 Page 3, line 20, strike "clemency." and substitute "commutation of
- 16 **sentence definitions.**".
- 17 Page 3, line 26, strike "CLEMENCY," and substitute "COMMUTATION OF
- 18 SENTENCE,".

1 Page 3, line 27, strike "CLEMENCY" and substitute "COMMUTATION OF SENTENCE".

- 3 Page 4, line 1, strike "INCLUDE A".
- 4 Page 4, line 3, strike "CLEMENCY" and substitute "COMMUTATION OF 5 SENTENCE".
- 6 Page 4, after line 3 insert:

7 FOR PURPOSES OF THIS SECTION, "COLLATERAL "(3) 8 CONSEQUENCES" MEANS A PENALTY, PROHIBITION, BAR, DISADVANTAGE, 9 OR DISQUALIFICATION, HOWEVER DENOMINATED, IMPOSED ON AN 10 INDIVIDUAL AS A RESULT OF THE INDIVIDUAL'S CONVICTION OF AN 11 OFFENSE, WHICH PENALTY, PROHIBITION, BAR, OR DISADVANTAGE APPLIES 12 BY OPERATION OF LAW REGARDLESS OF WHETHER THE PENALTY, 13 PROHIBITION, BAR, OR DISADVANTAGE IS INCLUDED IN THE JUDGMENT OR 14 SENTENCE. "COLLATERAL CONSEQUENCES" DOES NOT INCLUDE 15 IMPRISONMENT, PROBATION, PAROLE, SUPERVISED RELEASE, FORFEITURE, 16 RESTITUTION, FINE, ASSESSMENT, OR COSTS OF PROSECUTION.".

17 Page 5, line 27, after "OR" insert "COMMERCIAL OR".

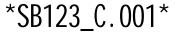
18 Page 7, strike lines 23 through 27 and substitute:

19 "24-72-308.9. Sealing of criminal conviction records
20 information for petty offenses and municipal offenses for convictions.
21 (1) Definitions. FOR PURPOSES OF THIS SECTION, "CONVICTION RECORDS"
22 MEANS ARREST AND CRIMINAL RECORDS INFORMATION AND ANY RECORDS
23 PERTAINING TO A JUDGMENT OF CONVICTION.

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

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

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



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

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

12 (IV) AN ORDER SEALING CONVICTION RECORDS SHALL NOT DENY 13 ACCESS TO THE CRIMINAL RECORDS OF A DEFENDANT BY ANY COURT, LAW 14 ENFORCEMENT AGENCY, CRIMINAL JUSTICE AGENCY, PROSECUTING 15 ATTORNEY, OR PARTY OR AGENCY REQUIRED BY LAW TO CONDUCT A 16 CRIMINAL HISTORY RECORD CHECK ON AN INDIVIDUAL. AN ORDER SEALING 17 CONVICTION RECORDS SHALL NOT BE CONSTRUED TO VACATE A 18 CONVICTION. A CONVICTION SEALED PURSUANT TO THIS SECTION MAY BE 19 USED BY A CRIMINAL JUSTICE AGENCY, LAW ENFORCEMENT AGENCY, 20 COURT, OR PROSECUTING ATTORNEY FOR ANY LAWFUL PURPOSE RELATING 21 TO THE INVESTIGATION OR PROSECUTION OF ANY CASE, INCLUDING BUT 22 NOT LIMITED TO ANY SUBSEQUENT CASE THAT IS FILED AGAINST THE 23 DEFENDANT, OR FOR ANY OTHER LAWFUL PURPOSE WITHIN THE SCOPE OF 24 HIS, HER, OR ITS DUTIES. IF A DEFENDANT IS CONVICTED OF A NEW FELONY, 25 MISDEMEANOR, OR TRAFFIC OFFENSE AFTER AN ORDER SEALING 26 CONVICTION RECORDS IS ENTERED, THE COURT SHALL ORDER THE 27 CONVICTION RECORDS TO BE UNSEALED. A PARTY OR AGENCY REQUIRED 28 BY LAW TO CONDUCT A CRIMINAL HISTORY RECORD CHECK SHALL BE 29 AUTHORIZED TO USE ANY SEALED CONVICTION FOR THE LAWFUL PURPOSE 30 FOR WHICH THE CRIMINAL HISTORY RECORD CHECK IS REQUIRED BY LAW.

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

(b) (I) A PETITION TO SEAL CONVICTION RECORDS PURSUANT TO
THIS SECTION SHALL INCLUDE A LISTING OF EACH CUSTODIAN OF THE
RECORDS TO WHOM THE SEALING ORDER IS DIRECTED AND ANY
INFORMATION THAT ACCURATELY AND COMPLETELY IDENTIFIES THE
RECORDS TO BE SEALED. A VERIFIED COPY OF THE DEFENDANT'S CRIMINAL
HISTORY, CURRENT THROUGH AT LEAST THE TWENTIETH DAY PRIOR TO THE

DATE OF THE FILING OF THE PETITION, SHALL BE SUBMITTED TO THE COURT
 BY THE DEFENDANT ALONG WITH THE PETITION AT THE TIME OF FILING,
 BUT IN NO EVENT LATER THAN THE TENTH DAY AFTER THE PETITION IS
 FILED. THE DEFENDANT SHALL BE RESPONSIBLE FOR OBTAINING AND
 PAYING FOR HIS OR HER CRIMINAL HISTORY RECORD.

6 (II) (A) UPON THE FILING OF A PETITION, THE COURT SHALL 7 REVIEW THE PETITION AND DETERMINE WHETHER THERE ARE GROUNDS 8 UNDER THIS SECTION TO PROCEED TO A HEARING ON THE PETITION. IF THE 9 COURT DETERMINES THAT THE PETITION ON ITS FACE IS INSUFFICIENT OR 10 IF THE COURT DETERMINES THAT, AFTER TAKING JUDICIAL NOTICE OF 11 MATTERS OUTSIDE THE PETITION, THE DEFENDANT IS NOT ENTITLED TO 12 RELIEF UNDER THIS SECTION, THE COURT SHALL ENTER AN ORDER DENYING 13 THE PETITION AND MAIL A COPY OF THE ORDER TO THE DEFENDANT. THE 14 COURT'S ORDER SHALL SPECIFY THE REASONS FOR THE DENIAL OF THE 15 PETITION.

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

22 (c) AFTER THE HEARING DESCRIBED IN SUBPARAGRAPH (II) OF 23 PARAGRAPH (b) OF THIS SUBSECTION (2) IS CONDUCTED AND IF THE COURT 24 FINDS THAT THE HARM TO THE PRIVACY OF THE DEFENDANT OR THE 25 DANGERS OF UNWARRANTED, ADVERSE CONSEQUENCES TO THE 26 DEFENDANT OUTWEIGH THE PUBLIC INTEREST IN RETAINING THE 27 CONVICTION RECORDS. THE COURT MAY ORDER THE CONVICTION RECORDS. 28 EXCEPT BASIC IDENTIFICATION INFORMATION, TO BE SEALED. IN MAKING 29 THIS DETERMINATION, THE COURT SHALL, AT A MINIMUM, CONSIDER THE 30 SEVERITY OF THE OFFENSE THAT IS THE BASIS OF THE CONVICTION 31 RECORDS SOUGHT TO BE SEALED, THE CRIMINAL HISTORY OF THE 32 DEFENDANT, THE NUMBER OF CONVICTIONS AND DATES OF THE 33 CONVICTIONS FOR WHICH THE DEFENDANT IS SEEKING TO HAVE THE 34 RECORDS SEALED, AND THE NEED FOR THE GOVERNMENT AGENCY TO 35 RETAIN THE RECORDS. AN ORDER ENTERED PURSUANT TO THIS PARAGRAPH 36 (c) MUST BE DIRECTED TO EACH CUSTODIAN WHO MAY HAVE CUSTODY OF 37 ANY PART OF THE CONVICTION RECORDS THAT ARE THE SUBJECT OF THE 38 ORDER. WHENEVER A COURT ENTERS AN ORDER SEALING CONVICTION 39 RECORDS PURSUANT TO THIS PARAGRAPH (c), THE DEFENDANT SHALL 40 PROVIDE THE COLORADO BUREAU OF INVESTIGATION AND EACH 41 CUSTODIAN OF THE CONVICTION RECORDS WITH A COPY OF THE ORDER. 42 THE PETITIONER SHALL PROVIDE A PRIVATE CUSTODIAN WITH A COPY OF

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

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

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

20 (f) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF 21 PARAGRAPH (a) OF THIS SUBSECTION (2) OR IN SUBPARAGRAPHS (II) AND 22 (III) OF THIS PARAGRAPH (f), EMPLOYERS, STATE AND LOCAL 23 GOVERNMENT AGENCIES, OFFICIALS, LANDLORDS, AND EMPLOYEES SHALL 24 NOT, IN ANY APPLICATION OR INTERVIEW OR IN ANY OTHER WAY, REQUIRE 25 AN APPLICANT TO DISCLOSE ANY INFORMATION CONTAINED IN SEALED 26 CONVICTION RECORDS. AN APPLICANT NEED NOT, IN RESPONSE TO ANY 27 QUESTION CONCERNING CONVICTION RECORDS THAT HAVE BEEN SEALED, 28 INCLUDE A REFERENCE TO OR INFORMATION CONCERNING THE SEALED 29 CONVICTION RECORDS AND MAY STATE THAT THE APPLICANT HAS NOT 30 BEEN CRIMINALLY CONVICTED.

31 (II) SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) SHALL NOT 32 PRECLUDE THE BAR COMMITTEE OF THE COLORADO STATE BOARD OF LAW 33 EXAMINERS FROM MAKING FURTHER INQUIRIES INTO THE FACT OF A 34 CONVICTION THAT COMES TO THE ATTENTION OF THE BAR COMMITTEE 35 THROUGH OTHER MEANS. THE BAR COMMITTEE OF THE COLORADO STATE 36 BOARD OF LAW EXAMINERS SHALL HAVE A RIGHT TO INQUIRE INTO THE 37 MORAL AND ETHICAL OUALIFICATIONS OF AN APPLICANT, AND THE 38 APPLICANT SHALL NOT HAVE A RIGHT TO PRIVACY OR PRIVILEGE THAT 39 JUSTIFIES HIS OR HER REFUSAL TO ANSWER A OUESTION CONCERNING 40 SEALED CONVICTION RECORDS THAT HAVE COME TO THE ATTENTION OF 41 THE BAR COMMITTEE THROUGH OTHER MEANS.

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

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

9 (g) THE OFFICE OF THE STATE COURT ADMINISTRATOR SHALL POST 10 ON ITS WEB SITE A LIST OF ALL PETITIONS TO SEAL CONVICTION RECORDS 11 THAT ARE FILED WITH A DISTRICT COURT. A DISTRICT COURT MAY NOT 12 GRANT A PETITION TO SEAL CONVICTION RECORDS UNTIL AT LEAST THIRTY 13 DAYS AFTER THE POSTING. AFTER THE EXPIRATION OF THIRTY DAYS 14 FOLLOWING THE POSTING, THE PETITION TO SEAL CONVICTION RECORDS 15 AND INFORMATION PERTINENT THERETO SHALL BE REMOVED FROM THE 16 WEB SITE OF THE OFFICE OF THE STATE COURT ADMINISTRATOR.

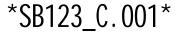
17 (h) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO 18 AUTHORIZE THE PHYSICAL DESTRUCTION OF ANY CONVICTION RECORDS.

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

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

32 (b) IN ADDITION TO, AND NOT IN LIEU OF, THE REQUIREMENT 33 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3), IF A DEFENDANT IS 34 SENTENCED TO PROBATION FOLLOWING A CONVICTION OF A PETTY OR 35 MUNICIPAL OFFENSE, THE PROBATION DEPARTMENT, UPON THE 36 TERMINATION OF THE DEFENDANT'S PROBATION, SHALL PROVIDE THE 37 DEFENDANT WITH A WRITTEN ADVISEMENT OF HIS OR HER RIGHTS 38 CONCERNING THE SEALING OF HIS OR HER CONVICTION RECORDS 39 PURSUANT TO THIS SECTION IF HE OR SHE COMPLIES WITH THE APPLICABLE 40 PROVISIONS OF THIS SECTION.

41 (4) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO 42 CONVICTION RECORDS THAT ARE IN THE POSSESSION OF A CRIMINAL



JUSTICE AGENCY WHEN AN INQUIRY CONCERNING THE CONVICTION
 RECORDS IS MADE BY ANOTHER CRIMINAL JUSTICE AGENCY.

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

6 (a) THE RULES OF DISCOVERY OR THE RULES OF EVIDENCE
7 PROMULGATED BY THE SUPREME COURT OF COLORADO OR ANY OTHER
8 STATE OR FEDERAL COURT; OR

9 (b) The provisions of section 13-90-101, C.R.S., concerning 10 WITNESS TESTIMONY.

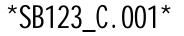
SECTION 10. In Colorado Revised Statutes, add 18-1.3-107 as
follows:

13 18-1.3-107. Sentencing order - collateral relief. (1) AT THE TIME
14 A DEFENDANT ENTERS INTO AN ALTERNATIVE TO SENTENCING IN THIS PART
15 1, UPON THE REQUEST OF THE DEFENDANT OR UPON THE COURT'S OWN
16 MOTION, A COURT MAY ENTER AN ORDER OF COLLATERAL RELIEF FOR THE
17 PURPOSE OF PRESERVING OR ENHANCING THE DEFENDANT'S EMPLOYMENT
18 OR EMPLOYMENT PROSPECTS AND TO IMPROVE THE DEFENDANT'S
19 LIKELIHOOD OF SUCCESS IN THE ALTERNATIVE TO SENTENCING PROGRAM.

20 (2) Application contents. (a) AN APPLICATION FOR AN ORDER OF 21 COLLATERAL RELIEF MUST CITE THE GROUNDS FOR GRANTING THE RELIEF, 22 THE TYPE OF RELIEF SOUGHT, AND THE SPECIFIC COLLATERAL 23 CONSEQUENCE FROM WHICH THE APPLICANT IS SEEKING RELIEF AND MUST 24 INCLUDE A COPY OF A RECENT COLORADO BUREAU OF INVESTIGATION 25 FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK. THE STATE 26 COURT ADMINISTRATOR MAY PRODUCE AN APPLICATION FORM THAT AN 27 APPLICANT MAY SUBMIT IN APPLICATION.

(b) THE APPLICANT SHALL PROVIDE A COPY OF THE APPLICATION
TO THE DISTRICT ATTORNEY AND TO THE REGULATORY OR LICENSING
BODY THAT HAS JURISDICTION OVER THE COLLATERAL CONSEQUENCE
FROM WHICH THE APPLICANT IS SEEKING RELIEF, IF ANY, BY CERTIFIED
MAIL OR PERSONAL SERVICE WITHIN TEN DAYS AFTER FILING THE
APPLICATION WITH THE COURT.

34 (3) AN ORDER OF COLLATERAL RELIEF MAY RELIEVE A DEFENDANT 35 OF ANY COLLATERAL CONSEQUENCES OF THE CONVICTION, WHETHER IN 36 HOUSING OR EMPLOYMENT BARRIERS OR ANY OTHER SANCTION OR 37 DISQUALIFICATION THAT THE COURT SHALL SPECIFY, INCLUDING BUT NOT 38 LIMITED TO STATUTORY, REGULATORY, OR OTHER COLLATERAL 39 CONSEQUENCES THAT THE COURT MAY SEE FIT TO RELIEVE THAT WILL 40 ASSIST THE DEFENDANT IN SUCCESSFULLY COMPLETING PROBATION OR A 41 COMMUNITY CORRECTIONS SENTENCE.



1 (4) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN 2 ORDER OF COLLATERAL RELIEF CANNOT RELIEVE ANY COLLATERAL 3 CONSEQUENCES IMPOSED BY LAW FOR LICENSURE BY THE DEPARTMENT OF 4 EDUCATION OR ANY COLLATERAL CONSEQUENCES IMPOSED BY LAW FOR 5 EMPLOYMENT WITH THE JUDICIAL BRANCH, THE DEPARTMENT OF 6 CORRECTIONS, DIVISION OF YOUTH CORRECTIONS IN THE DEPARTMENT OF 7 HUMAN SERVICES, OR ANY OTHER LAW ENFORCEMENT AGENCY IN THE 8 STATE OF COLORADO.

9 (b) A COURT SHALL NOT ISSUE AN ORDER OF COLLATERAL RELIEF 10 IF THE DEFENDANT:

(I) HAS BEEN CONVICTED OF A FELONY THAT INCLUDED ANELEMENT THAT REQUIRES A VICTIM TO SUFFER PERMANENT DISABILITY;

(II) HAS BEEN CONVICTED OF A CRIME OF VIOLENCE AS DESCRIBED
IN SECTION 18-1.3-406; OR

(III) IS REQUIRED TO REGISTER AS A SEX OFFENDER PURSUANT TO
 SECTION 16-22-103, C.R.S.

17 (5) Hearing. (a) THE COURT MAY CONDUCT A HEARING OR
18 INCLUDE A HEARING ON THE MATTER AT THE DEFENDANT'S SENTENCING
19 HEARING ON THE APPLICATION OR ON ANY MATTER RELEVANT TO THE
20 GRANTING OR DENYING OF THE APPLICATION AND MAY TAKE TESTIMONY
21 UNDER OATH.

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

25 (6) Standard for granting relief. (a) A COURT MAY ISSUE AN
26 ORDER OF COLLATERAL RELIEF IF THE COURT FINDS THAT:

27 (I) THE ORDER OF COLLATERAL RELIEF IS CONSISTENT WITH THE28 APPLICANT'S REHABILITATION; AND

29 (II) GRANTING THE APPLICATION WOULD IMPROVE THE
30 APPLICANT'S LIKELIHOOD OF SUCCESS IN REINTEGRATING INTO SOCIETY
31 AND IS IN THE PUBLIC'S INTEREST.

(b) THE COURT THAT PREVIOUSLY ISSUED AN ORDER OF
COLLATERAL RELIEF, ON ITS OWN MOTION OR EITHER BY CAUSE SHOWN BY
THE DISTRICT ATTORNEY OR ON GROUNDS OFFERED BY THE APPLICANT,
MAY AT ANY TIME ISSUE A SUBSEQUENT JUDGMENT TO ENLARGE, LIMIT, OR
CIRCUMSCRIBE THE RELIEF PREVIOUSLY GRANTED.

37 (c) UPON THE MOTION OF THE DISTRICT ATTORNEY OR PROBATION
38 OFFICER OR UPON THE COURT'S OWN MOTION, A COURT MAY REVOKE AN
39 ORDER OF COLLATERAL RELIEF UPON EVIDENCE OF A SUBSEQUENT
40 CRIMINAL CONVICTION OR PROOF THAT THE DEFENDANT IS NO LONGER
41 ENTITLED TO RELIEF. ANY BARS, PROHIBITIONS, SANCTIONS, AND

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DISQUALIFICATIONS THEREBY RELIEVED SHALL BE REINSTATED AS OF THE
 DATE OF THE WRITTEN ORDER OF REVOCATION. THE COURT SHALL
 PROVIDE A COPY OF THE ORDER OF REVOCATION TO THE HOLDER AND TO
 ANY REGULATORY OR LICENSING ENTITY THAT THE DEFENDANT NOTICED
 IN HIS OR HER MOTION FOR RELIEF.

6 (7) IF THE COURT ISSUES AN ORDER OF COLLATERAL RELIEF, IT 7 SHALL SEND A COPY OF THE ORDER OF COLLATERAL RELIEF THROUGH THE 8 COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM TO THE 9 COLORADO BUREAU OF INVESTIGATION, AND THE COLORADO BUREAU OF 10 INVESTIGATION SHALL NOTE IN THE APPLICANT'S RECORD IN THE 11 COLORADO CRIME INFORMATION CENTER THAT THE ORDER OF 12 COLLATERAL RELIEF WAS ISSUED.

13 (8) **Definitions.** As used in this section, unless the context
14 OTHERWISE REQUIRES:

15 (a) "COLLATERAL CONSEQUENCE" MEANS A COLLATERAL16 SANCTION OR A DISQUALIFICATION.

17 (b) "COLLATERAL SANCTION" MEANS A PENALTY, PROHIBITION, 18 BAR, OR DISADVANTAGE, HOWEVER DENOMINATED, IMPOSED ON AN 19 INDIVIDUAL AS A RESULT OF THE INDIVIDUAL'S CONVICTION OF AN 20 OFFENSE, WHICH PENALTY, PROHIBITION, BAR, OR DISADVANTAGE APPLIES 21 BY OPERATION OF LAW REGARDLESS OF WHETHER THE PENALTY, 22 PROHIBITION, BAR, OR DISADVANTAGE IS INCLUDED IN THE JUDGMENT OR 23 SENTENCE. "COLLATERAL SANCTION" DOES NOT INCLUDE IMPRISONMENT, 24 PROBATION, PAROLE, SUPERVISED RELEASE, FORFEITURE, RESTITUTION, 25 FINE, ASSESSMENT, COSTS OF PROSECUTION, OR A RESTRAINT OR SANCTION 26 ON AN INDIVIDUAL'S DRIVING PRIVILEGE.

27 (c) "CONVICTION" OR "CONVICTED" MEANS A VERDICT OF GUILTY 28 BY A JUDGE OR JURY OR A PLEA OF GUILTY OR NOLO CONTENDERE THAT IS 29 ACCEPTED BY THE COURT OR AN ADJUDICATION FOR AN OFFENSE THAT 30 WOULD CONSTITUTE A CRIMINAL OFFENSE IF COMMITTED BY AN ADULT, OR 31 A CONVICTION OF A CRIME UNDER THE LAWS OF ANY OTHER STATE. THE 32 UNITED STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE 33 UNITED STATES, WHICH, IF COMMITTED WITHIN THIS STATE, WOULD BE A FELONY OR MISDEMEANOR. "CONVICTION" OR "CONVICTED" ALSO 34 35 INCLUDES HAVING RECEIVED A DEFERRED JUDGMENT AND SENTENCE OR 36 A DEFERRED ADJUDICATION; EXCEPT THAT A PERSON SHALL NOT BE 37 DEEMED TO HAVE BEEN CONVICTED IF THE PERSON HAS SUCCESSFULLY 38 COMPLETED A DEFERRED SENTENCE OR A DEFERRED ADJUDICATION.

39 (d) "DISQUALIFICATION" MEANS A PENALTY, PROHIBITION, BAR, OR
40 DISADVANTAGE, HOWEVER DENOMINATED, THAT AN ADMINISTRATIVE
41 AGENCY, GOVERNMENTAL OFFICIAL, OR COURT IN A CIVIL PROCEEDING IS

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AUTHORIZED, BUT NOT REQUIRED, TO IMPOSE ON AN INDIVIDUAL ON
 GROUNDS RELATING TO THE INDIVIDUAL'S CONVICTION OF AN OFFENSE.

3 SECTION 11. In Colorado Revised Statutes, add 18-1.3-213 as
4 follows:

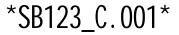
5 **18-1.3-213.** Sentencing order - collateral relief. (1) AT THE TIME 6 OF SENTENCING, UPON THE REQUEST OF THE DEFENDANT OR UPON THE 7 COURT'S OWN MOTION, A COURT THAT SENTENCES THE DEFENDANT TO 8 PROBATION MAY ENTER AN ORDER OF COLLATERAL RELIEF FOR THE 9 PURPOSE OF PRESERVING OR ENHANCING THE DEFENDANT'S EMPLOYMENT 10 OR EMPLOYMENT PROSPECTS AND TO IMPROVE THE DEFENDANT'S 11 LIKELIHOOD OF SUCCESS ON PROBATION OR IN THE COMMUNITY 12 CORRECTIONS PROGRAM.

13 (2) Application contents. (a) AN APPLICATION FOR AN ORDER OF 14 COLLATERAL RELIEF MUST CITE THE GROUNDS FOR GRANTING THE RELIEF, 15 THE TYPE OF RELIEF SOUGHT, AND THE SPECIFIC COLLATERAL 16 CONSEQUENCE FROM WHICH THE APPLICANT IS SEEKING RELIEF AND MUST 17 INCLUDE A COPY OF A RECENT COLORADO BUREAU OF INVESTIGATION 18 FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK. THE STATE 19 COURT ADMINISTRATOR MAY PRODUCE AN APPLICATION FORM THAT AN 20 APPLICANT MAY SUBMIT IN APPLICATION.

(b) THE APPLICANT SHALL PROVIDE A COPY OF THE APPLICATION
TO THE DISTRICT ATTORNEY AND TO THE REGULATORY OR LICENSING
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FROM WHICH THE APPLICANT IS SEEKING RELIEF, IF ANY, BY CERTIFIED
MAIL OR PERSONAL SERVICE WITHIN TEN DAYS AFTER FILING THE
APPLICATION WITH THE COURT.

27 (3) AN ORDER OF COLLATERAL RELIEF MAY RELIEVE A DEFENDANT 28 OF ANY COLLATERAL CONSEQUENCES OF THE CONVICTION, WHETHER IN 29 HOUSING OR EMPLOYMENT BARRIERS OR ANY OTHER SANCTION OR 30 DISQUALIFICATION THAT THE COURT SHALL SPECIFY, INCLUDING BUT NOT 31 LIMITED TO STATUTORY, REGULATORY, OR OTHER COLLATERAL 32 CONSEQUENCES THAT THE COURT MAY SEE FIT TO RELIEVE THAT WILL 33 ASSIST THE DEFENDANT IN SUCCESSFULLY COMPLETING PROBATION OR A 34 COMMUNITY CORRECTIONS SENTENCE.

35 (4) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN 36 ORDER OF COLLATERAL RELIEF CANNOT RELIEVE ANY COLLATERAL 37 CONSEQUENCES IMPOSED BY LAW FOR LICENSURE BY THE DEPARTMENT OF 38 EDUCATION OR ANY COLLATERAL CONSEQUENCES IMPOSED BY LAW FOR 39 EMPLOYMENT WITH THE JUDICIAL BRANCH, THE DEPARTMENT OF 40 CORRECTIONS, DIVISION OF YOUTH CORRECTIONS IN THE DEPARTMENT OF 41 HUMAN SERVICES, OR ANY OTHER LAW ENFORCEMENT AGENCY IN THE 42 STATE OF COLORADO.



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

3 (I) HAS BEEN CONVICTED OF A FELONY THAT INCLUDED AN
4 ELEMENT THAT REQUIRES A VICTIM TO SUFFER PERMANENT DISABILITY;
5 (II) Has been convicted of a crime of violence as described in

6 section 18-1.3-406; OR

7 (III) IS REQUIRED TO REGISTER AS A SEX OFFENDER PURSUANT TO
8 SECTION 16-22-103, C.R.S.

9 (5) **Hearing.** (a) THE COURT MAY CONDUCT A HEARING OR 10 INCLUDE A HEARING ON THE MATTER AT THE DEFENDANT'S SENTENCING 11 HEARING ON THE APPLICATION OR ON ANY MATTER RELEVANT TO THE 12 GRANTING OR DENYING OF THE APPLICATION AND MAY TAKE TESTIMONY 13 UNDER OATH.

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

17 (6) Standard for granting relief. (a) A COURT MAY ISSUE AN
18 ORDER OF COLLATERAL RELIEF IF THE COURT FINDS THAT:

19 (I) THE ORDER OF COLLATERAL RELIEF IS CONSISTENT WITH THE20 APPLICANT'S REHABILITATION; AND

21 (II) GRANTING THE APPLICATION WOULD IMPROVE THE
22 APPLICANT'S LIKELIHOOD OF SUCCESS IN REINTEGRATING INTO SOCIETY
23 AND IS IN THE PUBLIC'S INTEREST.

(b) THE COURT THAT PREVIOUSLY ISSUED AN ORDER OF
COLLATERAL RELIEF, ON ITS OWN MOTION OR EITHER BY CAUSE SHOWN BY
THE DISTRICT ATTORNEY OR ON GROUNDS OFFERED BY THE APPLICANT,
MAY AT ANY TIME ISSUE A SUBSEQUENT JUDGMENT TO ENLARGE, LIMIT, OR
CIRCUMSCRIBE THE RELIEF PREVIOUSLY GRANTED.

29 (c) UPON THE MOTION OF THE DISTRICT ATTORNEY OR PROBATION 30 OFFICER OR UPON THE COURT'S OWN MOTION, A COURT MAY REVOKE AN 31 ORDER OF COLLATERAL RELIEF UPON EVIDENCE OF A SUBSEQUENT 32 CRIMINAL CONVICTION OR PROOF THAT THE DEFENDANT IS NO LONGER 33 ENTITLED TO RELIEF. ANY BARS, PROHIBITIONS, SANCTIONS, AND 34 DISQUALIFICATIONS THEREBY RELIEVED SHALL BE REINSTATED AS OF THE 35 DATE OF THE WRITTEN ORDER OF REVOCATION. THE COURT SHALL 36 PROVIDE A COPY OF THE ORDER OF REVOCATION TO THE HOLDER AND TO 37 ANY REGULATORY OR LICENSING ENTITY THAT THE DEFENDANT NOTICED 38 IN HIS OR HER MOTION FOR RELIEF.

39 (7) IF THE COURT ISSUES AN ORDER OF COLLATERAL RELIEF, IT
40 SHALL SEND A COPY OF THE ORDER OF COLLATERAL RELIEF THROUGH THE
41 COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM TO THE
42 COLORADO BUREAU OF INVESTIGATION, AND THE COLORADO BUREAU OF

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INVESTIGATION SHALL NOTE IN THE APPLICANT'S RECORD IN THE
 COLORADO CRIME INFORMATION CENTER THAT THE ORDER OF
 COLLATERAL RELIEF WAS ISSUED.

4 (8) **Definitions.** As used in this section, unless the context
5 OTHERWISE REQUIRES:

6 (a) "COLLATERAL CONSEQUENCE" MEANS A COLLATERAL 7 SANCTION OR A DISQUALIFICATION.

8 (b) "COLLATERAL SANCTION" MEANS A PENALTY, PROHIBITION, 9 BAR, OR DISADVANTAGE, HOWEVER DENOMINATED, IMPOSED ON AN 10 INDIVIDUAL AS A RESULT OF THE INDIVIDUAL'S CONVICTION OF AN 11 OFFENSE, WHICH PENALTY, PROHIBITION, BAR, OR DISADVANTAGE APPLIES 12 BY OPERATION OF LAW REGARDLESS OF WHETHER THE PENALTY, 13 PROHIBITION, BAR, OR DISADVANTAGE IS INCLUDED IN THE JUDGMENT OR 14 SENTENCE. "COLLATERAL SANCTION" DOES NOT INCLUDE IMPRISONMENT, 15 PROBATION, PAROLE, SUPERVISED RELEASE, FORFEITURE, RESTITUTION, 16 FINE, ASSESSMENT, COSTS OF PROSECUTION, OR A RESTRAINT OR SANCTION 17 ON AN INDIVIDUAL'S DRIVING PRIVILEGE.

18 (c) "CONVICTION" OR "CONVICTED" MEANS A VERDICT OF GUILTY 19 BY A JUDGE OR JURY OR A PLEA OF GUILTY OR NOLO CONTENDERE THAT IS 20 ACCEPTED BY THE COURT OR AN ADJUDICATION FOR AN OFFENSE THAT 21 WOULD CONSTITUTE A CRIMINAL OFFENSE IF COMMITTED BY AN ADULT, OR 22 A CONVICTION OF A CRIME UNDER THE LAWS OF ANY OTHER STATE, THE 23 UNITED STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE 24 UNITED STATES, WHICH, IF COMMITTED WITHIN THIS STATE, WOULD BE A FELONY OR MISDEMEANOR. "CONVICTION" OR "CONVICTED" ALSO 25 26 INCLUDES HAVING RECEIVED A DEFERRED JUDGMENT AND SENTENCE OR 27 A DEFERRED ADJUDICATION; EXCEPT THAT A PERSON SHALL NOT BE 28 DEEMED TO HAVE BEEN CONVICTED IF THE PERSON HAS SUCCESSFULLY 29 COMPLETED A DEFERRED SENTENCE OR A DEFERRED ADJUDICATION.

30 (d) "DISQUALIFICATION" MEANS A PENALTY, PROHIBITION, BAR, OR
31 DISADVANTAGE, HOWEVER DENOMINATED, THAT AN ADMINISTRATIVE
32 AGENCY, GOVERNMENTAL OFFICIAL, OR COURT IN A CIVIL PROCEEDING IS
33 AUTHORIZED, BUT NOT REQUIRED, TO IMPOSE ON AN INDIVIDUAL ON
34 GROUNDS RELATING TO THE INDIVIDUAL'S CONVICTION OF AN OFFENSE.

35 SECTION 12. In Colorado Revised Statutes, add 18-1.3-303 as
 36 follows:

18-1.3-303. Sentencing order - collateral relief. (1) AT THE TIME
OF SENTENCING, UPON THE REQUEST OF THE DEFENDANT OR UPON THE
COURT'S OWN MOTION, A COURT MAY ENTER AN ORDER OF COLLATERAL
RELIEF IF THE COURT SENTENCES THE DEFENDANT TO A COMMUNITY
CORRECTIONS PROGRAM FOR THE PURPOSE OF PRESERVING OR ENHANCING
THE DEFENDANT'S EMPLOYMENT OR EMPLOYMENT PROSPECTS AND TO

IMPROVE THE DEFENDANT'S LIKELIHOOD OF SUCCESS ON PROBATION OR IN
 THE COMMUNITY CORRECTIONS PROGRAM.

3 (2) Application contents. (a) AN APPLICATION FOR AN ORDER OF 4 COLLATERAL RELIEF MUST CITE THE GROUNDS FOR GRANTING THE RELIEF, 5 THE TYPE OF RELIEF SOUGHT, AND THE SPECIFIC COLLATERAL 6 CONSEQUENCE FROM WHICH THE APPLICANT IS SEEKING RELIEF AND MUST 7 INCLUDE A COPY OF A RECENT COLORADO BUREAU OF INVESTIGATION 8 FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK. THE STATE 9 COURT ADMINISTRATOR MAY PRODUCE AN APPLICATION FORM THAT AN 10 APPLICANT MAY SUBMIT IN APPLICATION.

(b) THE APPLICANT SHALL PROVIDE A COPY OF THE APPLICATION
TO THE DISTRICT ATTORNEY AND TO THE REGULATORY OR LICENSING
BODY THAT HAS JURISDICTION OVER THE COLLATERAL CONSEQUENCE
FROM WHICH THE APPLICANT IS SEEKING RELIEF, IF ANY, BY CERTIFIED
MAIL OR PERSONAL SERVICE WITHIN TEN DAYS AFTER FILING THE
APPLICATION WITH THE COURT.

17 (3) AN ORDER OF COLLATERAL RELIEF MAY RELIEVE A DEFENDANT 18 OF ANY COLLATERAL CONSEQUENCES OF THE CONVICTION, WHETHER IN 19 HOUSING OR EMPLOYMENT BARRIERS OR ANY OTHER SANCTION OR 20 DISQUALIFICATION THAT THE COURT SHALL SPECIFY, INCLUDING BUT NOT 21 LIMITED TO STATUTORY, REGULATORY, OR OTHER COLLATERAL 22 CONSEQUENCES THAT THE COURT MAY SEE FIT TO RELIEVE THAT WILL 23 ASSIST THE DEFENDANT IN SUCCESSFULLY COMPLETING PROBATION OR A 24 COMMUNITY CORRECTIONS SENTENCE.

25 (4) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN 26 ORDER OF COLLATERAL RELIEF CANNOT RELIEVE ANY COLLATERAL 27 CONSEQUENCES IMPOSED BY LAW FOR LICENSURE BY THE DEPARTMENT OF 28 EDUCATION OR ANY COLLATERAL CONSEQUENCES IMPOSED BY LAW FOR 29 EMPLOYMENT WITH THE JUDICIAL BRANCH, THE DEPARTMENT OF 30 CORRECTIONS, DIVISION OF YOUTH CORRECTIONS IN THE DEPARTMENT OF 31 HUMAN SERVICES, OR ANY OTHER LAW ENFORCEMENT AGENCY IN THE 32 STATE OF COLORADO.

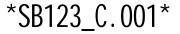
33 (b) A COURT SHALL NOT ISSUE AN ORDER OF COLLATERAL RELIEF
 34 IF THE DEFENDANT:

35 (I) HAS BEEN CONVICTED OF A FELONY THAT INCLUDED AN
36 ELEMENT THAT REQUIRES A VICTIM TO SUFFER PERMANENT DISABILITY;
37 (II) HAS BEEN CONVICTED OF A CRIME OF VIOLENCE AS DESCRIBED

38 IN SECTION 18-1.3-406; OR

39 (III) IS REQUIRED TO REGISTER AS A SEX OFFENDER PURSUANT TO
40 SECTION 16-22-103, C.R.S.

41 (5) Hearing. (a) THE COURT MAY CONDUCT A HEARING OR
42 INCLUDE A HEARING ON THE MATTER AT THE DEFENDANT'S SENTENCING



HEARING ON THE APPLICATION OR ON ANY MATTER RELEVANT TO THE
 GRANTING OR DENYING OF THE APPLICATION AND MAY TAKE TESTIMONY
 UNDER OATH.

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

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

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

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

(b) THE COURT THAT PREVIOUSLY ISSUED AN ORDER OF
COLLATERAL RELIEF, ON ITS OWN MOTION OR EITHER BY CAUSE SHOWN BY
THE DISTRICT ATTORNEY OR ON GROUNDS OFFERED BY THE APPLICANT,
MAY AT ANY TIME ISSUE A SUBSEQUENT JUDGMENT TO ENLARGE, LIMIT, OR
CIRCUMSCRIBE THE RELIEF PREVIOUSLY GRANTED.

19 (c) UPON THE MOTION OF THE DISTRICT ATTORNEY OR PROBATION 20 OFFICER OR UPON THE COURT'S OWN MOTION, A COURT MAY REVOKE AN 21 ORDER OF COLLATERAL RELIEF UPON EVIDENCE OF A SUBSEQUENT 22 CRIMINAL CONVICTION OR PROOF THAT THE DEFENDANT IS NO LONGER 23 ENTITLED TO RELIEF. ANY BARS, PROHIBITIONS, SANCTIONS, AND 24 DISQUALIFICATIONS THEREBY RELIEVED SHALL BE REINSTATED AS OF THE 25 DATE OF THE WRITTEN ORDER OF REVOCATION. THE COURT SHALL 26 PROVIDE A COPY OF THE ORDER OF REVOCATION TO THE HOLDER AND TO 27 ANY REGULATORY OR LICENSING ENTITY THAT THE DEFENDANT NOTICED 28 IN HIS OR HER MOTION FOR RELIEF.

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

36 (8) Definitions. AS USED IN THIS SECTION, UNLESS THE CONTEXT
 37 OTHERWISE REQUIRES:

38 (a) "COLLATERAL CONSEQUENCE" MEANS A COLLATERAL39 SANCTION OR A DISQUALIFICATION.

40 (b) "COLLATERAL SANCTION" MEANS A PENALTY, PROHIBITION,
41 BAR, OR DISADVANTAGE, HOWEVER DENOMINATED, IMPOSED ON AN
42 INDIVIDUAL AS A RESULT OF THE INDIVIDUAL'S CONVICTION OF AN

OFFENSE, WHICH PENALTY, PROHIBITION, BAR, OR DISADVANTAGE APPLIES
 BY OPERATION OF LAW REGARDLESS OF WHETHER THE PENALTY,
 PROHIBITION, BAR, OR DISADVANTAGE IS INCLUDED IN THE JUDGMENT OR
 SENTENCE. "COLLATERAL SANCTION" DOES NOT INCLUDE IMPRISONMENT,
 PROBATION, PAROLE, SUPERVISED RELEASE, FORFEITURE, RESTITUTION,
 FINE, ASSESSMENT, COSTS OF PROSECUTION, OR A RESTRAINT OR SANCTION
 ON AN INDIVIDUAL'S DRIVING PRIVILEGE.

8 (c) "CONVICTION" OR "CONVICTED" MEANS A VERDICT OF GUILTY 9 BY A JUDGE OR JURY OR A PLEA OF GUILTY OR NOLO CONTENDERE THAT IS 10 ACCEPTED BY THE COURT OR AN ADJUDICATION FOR AN OFFENSE THAT 11 WOULD CONSTITUTE A CRIMINAL OFFENSE IF COMMITTED BY AN ADULT, OR 12 A CONVICTION OF A CRIME UNDER THE LAWS OF ANY OTHER STATE, THE 13 UNITED STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE 14 UNITED STATES, WHICH, IF COMMITTED WITHIN THIS STATE, WOULD BE A 15 FELONY OR MISDEMEANOR. "CONVICTION" OR "CONVICTED" ALSO 16 INCLUDES HAVING RECEIVED A DEFERRED JUDGMENT AND SENTENCE OR 17 A DEFERRED ADJUDICATION; EXCEPT THAT A PERSON SHALL NOT BE 18 DEEMED TO HAVE BEEN CONVICTED IF THE PERSON HAS SUCCESSFULLY 19 COMPLETED A DEFERRED SENTENCE OR A DEFERRED ADJUDICATION.

20 (d) "DISQUALIFICATION" MEANS A PENALTY, PROHIBITION, BAR, OR
21 DISADVANTAGE, HOWEVER DENOMINATED, THAT AN ADMINISTRATIVE
22 AGENCY, GOVERNMENTAL OFFICIAL, OR COURT IN A CIVIL PROCEEDING IS
23 AUTHORIZED, BUT NOT REQUIRED, TO IMPOSE ON AN INDIVIDUAL ON
24 GROUNDS RELATING TO THE INDIVIDUAL'S CONVICTION OF AN OFFENSE.

25 SECTION 13. In Colorado Revised Statutes, 16-11.3-103, add
26 (2.8) as follows:

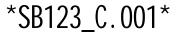
16-11.3-103. Duties of the commission - mission - staffing repeal. (2.8) (a) USING EMPIRICAL ANALYSIS AND EVIDENCE-BASED DATA
AND RESEARCH, THE RE-ENTRY TASK FORCE OF THE COMMISSION MUST
STUDY COLLATERAL CONSEQUENCES AND MAKE RECOMMENDATIONS TO
THE COMMISSION FOR RECOMMENDATION TO THE LEGISLATURE
REGARDING:

33 (I) WHETHER ADDITIONAL PROVISIONS FOR SEALING CRIMINAL
 34 CONVICTION RECORDS SHOULD BE ENACTED;

35 (II) WHETHER A CERTIFICATE OF REHABILITATION THAT PROVIDES
 36 RELIEF FROM COLLATERAL CONSEQUENCES SHOULD BE CREATED IN
 37 STATUTE;

38 (III) BEST PRACTICES FOR PROSECUTORS AND DEFENSE ATTORNEYS
39 FOR ADVISING DEFENDANTS IN CRIMINAL ACTIONS AS TO THE POTENTIAL
40 COLLATERAL CONSEQUENCES PRIOR TO ENTERING A PLEA;

41 (IV) WHETHER A STANDARD REGULATORY AND LICENSING 42 APPROACH FOR THE IMPOSITION OF COLLATERAL CONSEQUENCES SHOULD



BE DEVELOPED INCLUDING TREATMENT OF CRIMINAL CONVICTIONS,
 DEFERRED JUDGMENTS, DEFERRED PROSECUTIONS, AND OTHER CRIMINAL
 SANCTIONS;

4 (V) METHODS TO IMPROVE ACCURACY OF CRIMINAL HISTORY
5 RECORDS, PARTICULARLY ARREST RECORDS WHEN A FINAL DISPOSITION IS
6 NOT INDICATED; AND

7 (VI) ANY OTHER RECOMMENDATIONS TO IMPROVE REINTEGRATION
8 OF OFFENDERS, REDUCE RECIDIVISM, AND TAKE AN EVIDENCE-BASED
9 APPROACH TO THE APPLICATION OF COLLATERAL CONSEQUENCES.

10 (b) BY DECEMBER 15, 2013, THE COMMISSION SHALL PROVIDE TO 11 THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE 12 SENATE, OR THEIR SUCCESSOR COMMITTEES, A WRITTEN REPORT OF THE 13 COMMISSION'S RECOMMENDATIONS. IF THE COMMISSION IS UNABLE TO 14 BRING FORTH RECOMMENDATIONS, FOR EACH ISSUE IN PARAGRAPH (a) OF 15 SUBSECTION (2.8) OF THIS SECTION, TO THE GENERAL ASSEMBLY TO 16 CONSIDER, THE COMMISSION SHALL PROVIDE IN THE REPORT THE REASONS 17 THE COMMISSION COULD NOT MAKE ANY RECOMMENDATIONS AND, IF 18 POSSIBLE, DESCRIBE THE SPECIFIC AREAS OF DISAGREEMENT THAT 19 PREVENTED THE COMMISSION FROM MAKING ANY RECOMMENDATIONS.

(c) THIS SUBSECTION (2.8) IS REPEALED, EFFECTIVE JULY 1, 2014.
 SECTION 14. In Colorado Revised Statutes, 24-72-308, add (3)
 (f) as follows:

23 24-72-308. Sealing of arrest and criminal records other than 24 convictions. (3) Exceptions. (f) IF A PERSON WHO SEEKS TO HAVE HIS OR 25 HER ARREST RECORDS SEALED FOR CHARGES THAT ARE NOT COVERED BY 26 PARAGRAPH (a) OF THIS SUBSECTION, THE FACT THAT THE PERSON WAS 27 CHARGED FOR A CRIME COVERED IN PARAGRAPH (a) OF THIS SUBSECTION 28 AS A PART OF THE SAME ARREST DOES NOT PROHIBIT A COURT FROM 29 SEALING THE ARREST RECORDS RELATED TO THE CHARGES THAT ARE NOT 30 COVERED IN PARAGRAPH (a) OF THIS SUBSECTION.".

31 Strike pages 8 through 16.

32 Page 17, strike lines 1 through 25.

33 Renumber succeeding section accordingly.

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