

SENATE COMMITTEE OF REFERENCE REPORT

	February 14, 2012
Chairman of Committee	Date

Committee on Transportation.

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

SB12-044 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, line 17, after the period, add
2 "NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FINES FOR A
3 VIOLATION OF SUBSECTION (1) OF THIS SECTION SHALL BE RETAINED BY
4 THE CLERK OF THE COURT IN THE CITY AND COUNTY OF DENVER UPON
5 RECEIPT BY THE CLERK FOR A VIOLATION OCCURRING WITHIN THAT
6 JURISDICTION, OR TRANSMITTED TO THE STATE JUDICIAL DEPARTMENT IF
7 THE FINE IS RECEIPTED BY THE CLERK OF THE COURT OF ANY OTHER
8 COUNTY."

9 Page 2, line 20, after the period, add "THE EMPLOYING PUBLIC
10 TRANSPORTATION ENTITY SHALL DETERMINE THE REQUIREMENTS FOR
11 EMPLOYMENT AS A FARE INSPECTOR."

12 Page 2, strike lines 21 through 27.

13 Page 3, strike lines 1 through 4.

14 Reletter succeeding paragraph accordingly.

15 Page 7, after line 1, insert:

16 "SECTION 6. In Colorado Revised Statutes, add 24-72-308.8 as
17 follows:

18 **24-72-308.8. Sealing of criminal conviction records**
19 **information for offenses involving theft of public transportation**
20 **services.** (1) IF A PERSON WAS CONVICTED OF THEFT OF PUBLIC

1 TRANSPORTATION SERVICES BY FARE EVASION AS DESCRIBED IN SECTION
2 18-4-802, C.R.S., AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF THIS
3 SECTION, AND THE PERSON HAS COMPLETED THE SENTENCE, INCLUDING
4 PAYMENT OF THE FINE AND SURCHARGE, FOR THE CONVICTION AS OF THE
5 EFFECTIVE DATE OF THIS SECTION, THE COURT THAT ENTERED THE
6 CONVICTION SHALL SEAL THE CONVICTION BY JANUARY 1, 2013.

7 (2) A PERSON DESCRIBED IN SUBSECTION (1) OF THIS SECTION THAT
8 WANTS HIS OR HER CONVICTION SEALED PRIOR TO JANUARY 1, 2013, MAY
9 PETITION THE COURT IN WHICH THE CONVICTION WAS ENTERED FOR AN
10 ORDER SEALING THE RECORD OF THE CONVICTION. THE PERSON SHALL
11 PROVIDE ALL INFORMATION AS REQUIRED BY THE COURT IN THE PETITION.
12 UPON RECEIPT OF THE PETITION THE COURT SHALL VERIFY THAT THE
13 PERSON HAS COMPLETED HIS OR HER SENTENCE, INCLUDING PAYMENT OF
14 THE FINE AND SURCHARGE, AND IF THE SENTENCE HAS BEEN COMPLETED,
15 THE COURT SHALL ENTER AN ORDER SEALING THE CONVICTION.

16 (3) A PERSON CONVICTED OF THEFT OF PUBLIC TRANSPORTATION
17 SERVICES BY FARE EVASION AS DESCRIBED IN SECTION 18-4-802, C.R.S.,
18 AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION, WHO DID
19 NOT COMPLETE THE SENTENCE FOR THE CONVICTION PRIOR TO THE
20 EFFECTIVE DATE OF THIS SECTION MAY PETITION THE COURT IN WHICH THE
21 CONVICTION WAS ENTERED FOR AN ORDER SEALING THE RECORD OF THE
22 CONVICTION AFTER HE OR SHE COMPLETES THE SENTENCE, INCLUDING
23 PAYMENT OF THE FINE AND SURCHARGE, FOR THE CONVICTION. THE
24 PERSON SHALL PROVIDE ALL INFORMATION AS REQUIRED BY THE COURT IN
25 THE PETITION. UPON RECEIPT OF THE PETITION, THE COURT SHALL VERIFY
26 THAT THE PERSON HAS COMPLETED HIS OR HER SENTENCE AND IF THE
27 SENTENCE HAS BEEN COMPLETED, THE COURT SHALL ENTER AN ORDER
28 SEALING THE CONVICTION.

29 (4) UPON THE ENTRY OF AN ORDER TO SEAL CONVICTION RECORDS
30 PURSUANT TO THIS SECTION, THE DEFENDANT AND ALL CRIMINAL JUSTICE
31 AGENCIES MAY PROPERLY REPLY, UPON AN INQUIRY IN THE MATTER, THAT
32 PUBLIC CONVICTION RECORDS DO NOT EXIST WITH RESPECT TO THE
33 DEFENDANT. INSPECTION OF THE RECORDS INCLUDED IN AN ORDER
34 SEALING CONVICTION RECORDS MAY THEREAFTER BE PERMITTED BY THE
35 COURT ONLY UPON PETITION BY THE DEFENDANT. EMPLOYERS, STATE AND
36 LOCAL GOVERNMENT AGENCIES, OFFICIALS, LANDLORDS, AND EMPLOYEES
37 SHALL NOT, IN ANY APPLICATION OR INTERVIEW OR IN ANY OTHER WAY,
38 REQUIRE AN APPLICANT TO DISCLOSE ANY INFORMATION CONTAINED IN
39 SEALED CONVICTION RECORDS. AN APPLICANT NEED NOT, IN ANSWER TO
40 ANY QUESTION CONCERNING CONVICTION RECORDS THAT HAVE BEEN
41 SEALED, INCLUDE A REFERENCE TO OR INFORMATION CONCERNING THE
42 SEALED CONVICTION RECORDS AND MAY STATE THAT THE APPLICANT HAS

1 NOT BEEN CRIMINALLY CONVICTED. NOTWITHSTANDING THE PROVISIONS
2 OF THIS SECTION, THE COLORADO STATE BOARD OF LAW EXAMINERS MAY
3 MAKE FURTHER INQUIRIES INTO THE FACT OF A CONVICTION THAT COMES
4 TO THE ATTENTION OF THE BAR COMMITTEE THROUGH OTHER MEANS. THE
5 BAR COMMITTEE OF THE COLORADO STATE BOARD OF LAW EXAMINERS
6 HAS A RIGHT TO INQUIRE INTO THE MORAL AND ETHICAL QUALIFICATIONS
7 OF AN APPLICANT, AND THE APPLICANT DOES NOT HAVE A RIGHT TO
8 PRIVACY OR PRIVILEGE THAT JUSTIFIES HIS OR HER REFUSAL TO ANSWER
9 A QUESTION CONCERNING SEALED CONVICTION RECORDS THAT HAVE COME
10 TO THE ATTENTION OF THE BAR COMMITTEE THROUGH OTHER MEANS."

11 Page 7, strike lines 2 through 11 and substitute:

12 "SECTION 7. **Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety."

** *** ** *** **