

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 20, 2018
Date

Committee on Judiciary.

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

HB18-1078 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, strike lines 12 through 14 and substitute
2 "TREATMENT, OR OTHER SERVICES AS A VETERAN."

3 Page 2, line 20, strike "TO" and substitute "TO, BUT IS NOT LIMITED TO,".

4 Page 3, strike lines 2 through 4 and substitute "IS ONLY A FINE AND
5 ARREST IS PROHIBITED."

6 Page 3, strike lines 13 and 14 and substitute "ELIGIBILITY CRITERIA."

7 Page 3, after line 14 insert:

8 "SECTION 3. In Colorado Revised Statutes, 24-72-702, add
9 (1)(b)(II)(C) as follows:

10 **24-72-702. Sealing of arrest and criminal records other than**
11 **convictions.** (1) (b) (II) (C) IF THE PERSON IN INTEREST HAS
12 SUCCESSFULLY COMPLETED A VETERANS TREATMENT PROGRAM
13 ESTABLISHED PURSUANT TO SECTION 13-5-144, THE COURT SHALL
14 CONSIDER SUCH FACTOR FAVORABLY IN DETERMINING WHETHER TO ISSUE
15 AN ORDER TO SEAL RECORDS PURSUANT TO THIS SECTION.

16 SECTION 4. In Colorado Revised Statutes, 24-72-704, amend
17 (1)(c) as follows:

18 **24-72-704. Sealing of criminal conviction records information**
19 **for offenses involving controlled substances for convictions entered**

1 **on or after July 1, 2008, and prior to July 1, 2011. (1) Sealing of**
2 **conviction records.** (c) After the hearing described in ~~subparagraph (H)~~
3 ~~of paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b)(II) OF THIS
4 SECTION is conducted and if the court finds that the harm to the privacy
5 of the defendant or the dangers of unwarranted, adverse consequences to
6 the defendant outweigh the public interest in retaining the conviction
7 records, the court may order the conviction records, except basic
8 identification information, to be sealed. In making this determination, the
9 court shall, at a minimum, consider the severity of the offense that is the
10 basis of the conviction records sought to be sealed, the criminal history
11 of the defendant, the number of convictions and dates of the convictions
12 for which the defendant is seeking to have the records sealed, and the
13 need for the government agency to retain the records. IF THE PERSON IN
14 INTEREST HAS SUCCESSFULLY COMPLETED A VETERANS TREATMENT
15 PROGRAM ESTABLISHED PURSUANT TO SECTION 13-5-144, THE COURT
16 SHALL CONSIDER SUCH FACTOR FAVORABLY IN DETERMINING WHETHER TO
17 ISSUE AN ORDER TO SEAL RECORDS PURSUANT TO THIS SECTION. THE
18 COURT SHALL DIRECT an order entered pursuant to this ~~paragraph (c)~~ shall
19 ~~be directed~~ SUBSECTION (1)(c) to each custodian who may have custody
20 of any part of the conviction records that are the subject of the order.
21 Whenever a court enters an order sealing conviction records pursuant to
22 this ~~paragraph (c)~~ SUBSECTION (1)(c), the defendant shall provide the
23 Colorado bureau of investigation and each custodian of the conviction
24 records with a copy of the order. The petitioner shall provide a private
25 custodian with a copy of the order and send the private custodian an
26 electronic notification of the order. Each private custodian that receives
27 a copy of the order from the petitioner shall remove the records that are
28 subject to an order from its database. The defendant shall pay to the
29 bureau any costs related to the sealing of his or her criminal conviction
30 records in the custody of the bureau. Thereafter, the defendant may
31 request and the court may grant an order sealing the civil case in which
32 the conviction records were sealed.

33 **SECTION 5.** In Colorado Revised Statutes, 24-72-705, **add**
34 (1)(d)(V) as follows:

35 **24-72-705. Sealing of criminal conviction records information**
36 **for offenses involving controlled substances for convictions entered**
37 **on or after July 1, 2011. (1) Sealing of conviction records.** (d) (V) IF
38 THE PERSON IN INTEREST HAS SUCCESSFULLY COMPLETED A VETERANS
39 TREATMENT PROGRAM ESTABLISHED PURSUANT TO SECTION 13-5-144, THE
40 COURT SHALL CONSIDER SUCH FACTOR FAVORABLY IN DETERMINING
41 WHETHER TO ISSUE AN ORDER TO SEAL RECORDS PURSUANT TO THIS

1 SECTION.

2 **SECTION 6.** In Colorado Revised Statutes, 24-72-706, **add** (2.5)
3 as follows:

4 **24-72-706. Sealing of criminal conviction records information**
5 **for offenses committed by victims of human trafficking.** (2.5) IF THE
6 PERSON IN INTEREST HAS SUCCESSFULLY COMPLETED A VETERANS
7 TREATMENT PROGRAM ESTABLISHED PURSUANT TO SECTION 13-5-144, THE
8 COURT SHALL CONSIDER SUCH FACTOR FAVORABLY IN DETERMINING
9 WHETHER TO ISSUE AN ORDER TO SEAL RECORDS PURSUANT TO THIS
10 SECTION.

11 **SECTION 7.** In Colorado Revised Statutes, 24-72-707, **add** (4)
12 as follows:

13 **24-72-707. Sealing of criminal conviction records information**
14 **for offenses involving theft of public transportation services.** (4) IF
15 THE PERSON IN INTEREST HAS SUCCESSFULLY COMPLETED A VETERANS
16 TREATMENT PROGRAM ESTABLISHED PURSUANT TO SECTION 13-5-144, THE
17 COURT SHALL CONSIDER SUCH FACTOR FAVORABLY IN DETERMINING
18 WHETHER TO ISSUE AN ORDER TO SEAL RECORDS PURSUANT TO THIS
19 SECTION.

20 **SECTION 8.** In Colorado Revised Statutes, 24-72-708, **add**
21 (2)(c) as follows:

22 **24-72-708. Sealing of criminal conviction records information**
23 **for petty offenses and municipal offenses for convictions.** (2) (c) IF
24 THE PERSON IN INTEREST HAS SUCCESSFULLY COMPLETED A VETERANS
25 TREATMENT PROGRAM ESTABLISHED PURSUANT TO SECTION 13-5-144, THE
26 COURT SHALL CONSIDER SUCH FACTOR FAVORABLY IN DETERMINING
27 WHETHER TO ISSUE AN ORDER TO SEAL RECORDS PURSUANT TO THIS
28 SECTION.

29 **SECTION 9.** In Colorado Revised Statutes, 24-72-709, **add** (2.5)
30 as follows:

31 **24-72-709. Sealing of criminal conviction records information**
32 **for posting an intimate photograph of a person on the internet.**
33 (2.5) IF THE PERSON IN INTEREST HAS SUCCESSFULLY COMPLETED A
34 VETERANS TREATMENT PROGRAM ESTABLISHED PURSUANT TO SECTION
35 13-5-144, THE COURT SHALL CONSIDER SUCH FACTOR FAVORABLY IN
36 DETERMINING WHETHER TO ISSUE AN ORDER TO SEAL RECORDS PURSUANT
37 TO THIS SECTION."

38 Renumber succeeding section accordingly.

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