

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

April 16, 2019

Committee on Judiciary.

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

HB19-1275 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 7, after line 24 insert:
- 2 "(V) IF A DEFENDANT IS CONVICTED OF A NEW CRIMINAL OFFENSE
- 3 AFTER AN ORDER SEALING CONVICTION RECORDS IS ENTERED, THE COURT
- 4 SHALL ORDER THE CONVICTION RECORDS TO BE UNSEALED."

- 5 Page 11, line 10, strike "13-10-101" and substitute "13-90-101".

- 6 Page 13, after line 2, insert:
- 7 "(11) A DEFENDANT SHALL NOT BE REQUIRED TO WAIVE HIS OR
- 8 HER RIGHT TO FILE A MOTION TO SEAL PURSUANT TO THE PROVISIONS OF
- 9 THIS SECTION AS A CONDITION OF A PLEA AGREEMENT IN ANY CASE."

- 10 Renumber succeeding subsection accordingly.

- 11 Page 18, strike lines 8 through 11.

- 12 Page 19, line 10, strike "FOR" and substitute "SUBJECT TO THE
- 13 LIMITATIONS IN SUBSECTION (2) OF THIS SECTION, FOR".

- 14 Page 21, line 10, after the period insert "THE DISTRICT ATTORNEY SHALL
- 15 ADVISE THE COURT OF A VICTIM'S OBJECTION AND REQUEST FOR HEARING
- 16 WHEN KNOWN."

- 17 Page 21, line 27, after the period insert "THE DISTRICT ATTORNEY SHALL
- 18 ADVISE THE COURT OF A VICTIM'S OBJECTION AND REQUEST FOR HEARING

- 1 WHEN KNOWN."
- 2 Page 23, line 2, after "RETAINING" insert "PUBLIC ACCESS TO".
- 3 Page 24, line 15, strike "OR".
- 4 Page 24, strike line 17 and substitute "SECTION 18-1.3-406;".
- 5 Page 24, after line 17 insert:
6 "(H) SENTENCING FOR A FELONY CRIME ENUMERATED IN SECTION
7 24-4.1-302 (1);
8 (I) SENTENCING FOR A FELONY OFFENSE IN VIOLATION OF SECTION
9 18-9-202;
10 (J) SENTENCING FOR AN OFFENSE CLASSIFIED AS A CLASS 1, 2, OR
11 3 FELONY OR A LEVEL 1 DRUG FELONY PURSUANT TO ANY SECTION OF
12 TITLE 18;
13 (K) SENTENCING FOR AN OFFENSE IN VIOLATION OF PART 1 OF
14 ARTICLE 6 OF TITLE 18; OR
15 (L) SENTENCING FOR AN OFFENSE IN VIOLATION OF SECTION
16 18-5-902 (1)."
- 17 Page 25, line 9, after "RECORDS" insert "EXIST".
- 18 Page 28, line 13, after "RETAINING" insert "PUBLIC ACCESS TO".
- 19 Page 28, strike line 17 and substitute "24-72-706 (1)(g).".
- 20 Page 28, strike lines 18 through 27.
- 21 Strike pages 29 and 30.
- 22 Page 31, strike lines 1 through 26.
- 23 Page 32, line 6, strike "SECTIONS 24-72-706 AND 24-72-709." and
24 substitute "SECTIONS 24-72-704 AND 24-72-705."
- 25 Page 32, line 7, strike "SECTIONS 24-72-704 AND 24-72-709," and
26 substitute "SECTION 24-72-703 (11),".
- 27 Page 32, after line 20, insert:
28 "**SECTION 4.** In Colorado Revised Statutes, 24-4.1-302, **amend**

1 (2)(t); and **add** (2)(v) as follows:
2 **24-4.1-302. Definitions.** As used in this part 3, and for no other
3 purpose, including the expansion of the rights of any defendant:
4 (2) "Critical stages" means the following stages of the criminal
5 justice process:
6 (t) A hearing held pursuant to section 18-1-414 (2)(b), C.R.S.; **and**
7 (v) A HEARING HELD PURSUANT TO SECTION 24-72-706 OR
8 24-72-709."

9 Renumber succeeding sections accordingly.

10 Page 32, line 26, strike "a MOTION" and substitute "a ANY MOTION FILED
11 FOR".

12 Page 33, strike line 7 and substitute:
13 "(b.7) Any MOTION FILED OR ANY hearing concerning a MOTION OR
14 petition for sealing of records as".

15 Page 33, line 8, strike "24-72-704" and substitute "24-72-706 OR
16 24-72-709".

17 Page 33, strike lines 12 through 16 and substitute:
18 "**SECTION 7. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2020 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor."

28 Strike "OBJECT," and substitute "OBJECT AND THE OFFENSE IS NOT A CRIME
29 ENUMERATED IN SECTION 24-4.1-302 (1)," on: **Page 21**, line 4 and line 26.

30 Strike "MOTION," and substitute "MOTION OR THE OFFENSE IS A CRIME
31 ENUMERATED IN SECTION 24-4.1-302 (1) AND THE VICTIM REQUESTS A
32 HEARING," on: **Page 21**, line 11; and **Page 22**, line 1.

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