

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 24, 2016  
Date

Committee on Judiciary.

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

SB16-116 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 2 through 20.

2 Strike page 3.

3 Page 4, strike lines 1 through 24 and substitute:

4 "SECTION 1. In Colorado Revised Statutes, **add** 24-72-703.5 as  
5 follows:

6 **24-72-703.5. Sealing criminal justice records - simplified**  
7 **process - defendant option - fees - referral - support services.** (1) AT  
8 THE TIME OF AN ADVISEMENT UNDER THIS PART 7, THE COURT SHALL GIVE  
9 THE DEFENDANT ELIGIBLE TO HAVE HIS OR HER CRIMINAL JUSTICE  
10 RECORDS SEALED THE OPTION OF IMMEDIATELY MOVING TO HAVE HIS OR  
11 HER CRIMINAL JUSTICE RECORDS SEALED. THIS MOTION MAY BE INFORMAL,  
12 AND THE WRITTEN ADVISEMENT MUST CONTAIN A CHECK-OFF BOX  
13 INDICATING WHETHER OR NOT THE DEFENDANT IS MOVING OR NOT MOVING  
14 IMMEDIATELY TO HAVE HIS OR HER CRIMINAL JUSTICE RECORDS SEALED.  
15 IF THE DEFENDANT MOVES UNDER THIS SUBSECTION (1) TO SEAL HIS OR  
16 HER CRIMINAL JUSTICE RECORDS, THE COURT SHALL PROMPTLY PROCESS  
17 THE DEFENDANT'S REQUEST TO SEAL THE CRIMINAL JUSTICE RECORDS. THE  
18 SUPREME COURT MAY SET AND COLLECT REASONABLE FEES FOR THE  
19 SEALING OF CRIMINAL JUSTICE RECORDS BY THE COURTS IN AMOUNTS  
20 NECESSARY TO RECOVER THE DIRECT AND INDIRECT COSTS OF SEALING  
21 CRIMINAL JUSTICE RECORDS THROUGH THE SIMPLIFIED PROCESS INITIATED

1 UNDER THIS SUBSECTION (1).  
2 (2) IF A DEFENDANT ELIGIBLE TO HAVE HIS OR HER CRIMINAL  
3 JUSTICE RECORDS SEALED OPTS TO UTILIZE OTHER PROVISIONS OF THIS  
4 PART 7 TO SEAL HIS OR HER CRIMINAL JUSTICE RECORDS RATHER THAN THE  
5 SIMPLIFIED PROCEDURE IN SUBSECTION (1) OF THIS SECTION, THE COURT  
6 SHALL REFER THE DEFENDANT TO SUPPORT SERVICES TO ASSIST THE  
7 DEFENDANT IN SEALING HIS OR HER CRIMINAL JUSTICE RECORDS."

8 Renumber succeeding section accordingly.

9 Page 5, line 8, strike "acts of private custodians" and substitute "the  
10 sealing".

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