

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 17-1020.01 Richard Sweetman x4333

HOUSE BILL 17-1266

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HOUSE SPONSORSHIP

Hooton and Melton,

SENATE SPONSORSHIP

Fenberg,

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House Committees

Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING ALLOWING PERSONS WHO WERE CONVICTED OF  
102 MISDEMEANORS FOR MARIJUANA-RELATED BEHAVIORS THAT  
103 ARE NO LONGER ILLEGAL TO PETITION FOR THE SEALING OF  
104 CRIMINAL RECORDS RELATING TO SUCH CONVICTIONS.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill allows persons who were convicted of misdemeanors for the use or possession of marijuana to petition for the sealing of criminal records relating to such convictions if their behavior would not have been

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

a criminal offense if the behavior had occurred on or after December 10, 2012. The court shall order the record sealed after the filing fees are paid and the petitioner establishes the offense is eligible for sealing.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, **add** 24-72-710 as  
3 follows:

4           **24-72-710. Sealing of criminal conviction records information**  
5 **for misdemeanor offenses involving possession or use of marijuana**  
6 **for convictions entered before December 10, 2012.** (1) A DEFENDANT  
7 MAY PETITION THE DISTRICT COURT OF THE DISTRICT IN WHICH ANY  
8 CONVICTION RECORDS PERTAINING TO THE DEFENDANT FOR A  
9 MISDEMEANOR OFFENSE FOR THE USE OR POSSESSION OF MARIJUANA THAT  
10 WOULD NOT HAVE BEEN A CRIMINAL OFFENSE IF THE ACT OCCURRED ON OR  
11 AFTER DECEMBER 10, 2012, ARE LOCATED FOR THE SEALING OF THE  
12 CONVICTION RECORDS, EXCEPT BASIC IDENTIFYING INFORMATION.

13           (2) (a) IF A PETITION IS FILED PURSUANT TO SUBSECTION (1) OF  
14 THIS SECTION FOR THE SEALING OF A RECORD OF CONVICTION FOR A  
15 MISDEMEANOR OFFENSE FOR THE USE OR POSSESSION OF MARIJUANA THAT  
16 WOULD NOT HAVE BEEN A CRIMINAL OFFENSE IF THE ACT OCCURRED ON OR  
17 AFTER DECEMBER 10, 2012, THE COURT SHALL ORDER THE RECORD  
18 SEALED AFTER:

19           (I) THE PETITION IS FILED;

20           (II) THE FILING FEE AND AN ADDITIONAL FILING FEE OF SIXTY-FIVE  
21 DOLLARS TO COVER THE ACTUAL COSTS RELATED TO THE FILING OF THE  
22 PETITION TO SEAL RECORDS IS PAID; AND

23           (III) THE PETITIONER ESTABLISHES BY A PREPONDERANCE OF THE  
24 EVIDENCE THAT THE OFFENSE WOULD NOT HAVE BEEN A CRIMINAL

1 OFFENSE IF THE ACT OCCURRED ON OR AFTER DECEMBER 10, 2012.

2 (b) THE ADDITIONAL FILING FEE COLLECTED UNDER SUBSECTION  
3 (2)(a)(II) OF THIS SECTION MUST BE TRANSMITTED TO THE STATE  
4 TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND  
5 CREATED IN SECTION 13-32-101 (6).

6 (3) AN ORDER ENTERED PURSUANT TO THIS SECTION MUST BE  
7 DIRECTED TO EACH CUSTODIAN WHO MAY HAVE CUSTODY OF ANY PART OF  
8 THE CONVICTION RECORDS THAT ARE THE SUBJECT OF THE ORDER.  
9 WHENEVER A COURT ENTERS AN ORDER SEALING CONVICTION RECORDS  
10 PURSUANT TO THIS SECTION, THE DEFENDANT SHALL PROVIDE THE  
11 COLORADO BUREAU OF INVESTIGATION AND EACH CUSTODIAN OF THE  
12 CONVICTION RECORDS WITH A COPY OF THE ORDER AND SHALL PAY TO THE  
13 BUREAU ANY COSTS RELATED TO THE SEALING OF HIS OR HER CRIMINAL  
14 CONVICTION RECORDS THAT ARE IN THE CUSTODY OF THE BUREAU.  
15 THEREAFTER, THE DEFENDANT MAY REQUEST AND THE COURT MAY GRANT  
16 AN ORDER SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS  
17 WERE SEALED.

18 (4) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO  
19 CONVICTION RECORDS THAT ARE IN THE POSSESSION OF A CRIMINAL  
20 JUSTICE AGENCY WHEN AN INQUIRY CONCERNING THE CONVICTION  
21 RECORDS IS MADE BY ANOTHER CRIMINAL JUSTICE AGENCY.

22 **SECTION 2. Act subject to petition - effective date.** This act  
23 takes effect at 12:01 a.m. on the day following the expiration of the  
24 ninety-day period after final adjournment of the general assembly (August  
25 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a  
26 referendum petition is filed pursuant to section 1 (3) of article V of the  
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect  
2 unless approved by the people at the general election to be held in  
3 November 2018 and, in such case, will take effect on the date of the  
4 official declaration of the vote thereon by the governor.