

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 17-1152.01 Richard Sweetman x4333

HOUSE BILL 17-1333

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HOUSE SPONSORSHIP

Hooton and Melton,

SENATE SPONSORSHIP

(None),

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE SEALING OF CRIMINAL RECORDS RELATING TO  
102 MARIJUANA-RELATED OFFENSES THAT ARE NO LONGER ILLEGAL.

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 criminal offenses for the use, cultivation, or possession of marijuana to petition for the sealing of criminal records relating to such convictions if their behavior would not have been illegal if it had occurred on or after December 10, 2012.

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.*

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-72-702, **amend**  
3 (1)(a)(I) as follows:

4 **24-72-702. Sealing of arrest and criminal records other than**  
5 **convictions.** (1) (a) (I) Except as otherwise provided in ~~subparagraphs~~  
6 ~~(II) and (III) of this paragraph (a)~~ SUBSECTIONS (1)(a)(II) AND (1)(a)(III)  
7 OF THIS SECTION, any person in interest may petition the district court of  
8 the district in which any arrest and criminal records information  
9 pertaining to the person in interest is located for the sealing of all of the  
10 records, except basic identification information, if the records are a record  
11 of official actions involving a criminal offense:

12 (A) For which the person in interest completed a diversion  
13 agreement pursuant to section 18-1.3-101; ~~C.R.S., or~~

14 (B) FOR WHICH THE PERSON IN INTEREST was not charged and the  
15 statute of limitations for the offense for which the person was arrested  
16 that has the longest statute of limitations has run; ~~or~~

17 (C) FOR WHICH THE PERSON IN INTEREST was not charged and the  
18 statute of limitations has not run but the person is no longer being  
19 investigated by law enforcement for commission of the offense; ~~or~~

20 (D) In any case ~~which~~ THAT was completely dismissed, or in any  
21 case in which the person in interest was acquitted; OR

22 (E) FOR THE USE, CULTIVATION, OR POSSESSION OF MARIJUANA, IF  
23 THE ACT FOR WHICH THE INTERESTED PERSON WAS ARRESTED WOULD NOT  
24 HAVE BEEN A CRIMINAL OFFENSE IF THE ACT HAD OCCURRED ON OR AFTER  
25 DECEMBER 10, 2012.

26 **SECTION 2.** In Colorado Revised Statutes, **add** 24-72-710 as

1 follows:

2 **24-72-710. Sealing of criminal conviction records information**  
3 **for offenses involving use, cultivation, or possession of marijuana.**

4 (1) WITH REGARD TO CONVICTION RECORDS PERTAINING TO A PETTY  
5 OFFENSE, MISDEMEANOR OFFENSE, OR FELONY OFFENSE FOR THE USE,  
6 CULTIVATION, OR POSSESSION OF MARIJUANA, WHICH OFFENSE WOULD NOT  
7 HAVE BEEN A CRIMINAL OFFENSE IF THE ACT HAD OCCURRED ON OR AFTER  
8 DECEMBER 10, 2012, A DEFENDANT MAY PETITION THE DISTRICT COURT  
9 OF THE DISTRICT IN WHICH ANY SUCH CONVICTION RECORDS ARE LOCATED  
10 FOR THE SEALING OF THE CONVICTION RECORDS, EXCEPT BASIC  
11 IDENTIFYING INFORMATION.

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

23 (III) THE PETITIONER ESTABLISHES BY A PREPONDERANCE OF THE  
24 EVIDENCE THAT THE OFFENSE WOULD NOT HAVE BEEN A CRIMINAL  
25 OFFENSE IF THE ACT HAD OCCURRED ON OR AFTER DECEMBER 10, 2012;  
26 AND

27 (IV) THE PETITION HAS BEEN POSTED ON THE WEBSITE OF THE

1 STATE COURT ADMINISTRATOR, AND AT LEAST THIRTY DAYS HAVE  
2 ELAPSED SINCE SUCH POSTING, AS DESCRIBED IN SECTION 24-72-703 (5).

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

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

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

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

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