

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 17-0463.01 Michael Dohr x4347

HOUSE BILL 17-1360

HOUSE SPONSORSHIP

Pabon,

SENATE SPONSORSHIP

Moreno,

House Committees

Judiciary
Finance
Appropriations

Senate Committees

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING ALLOWING A PERSON WITH A SUBSEQUENT CRIMINAL**
102 **CASE TO SEAL A LOW-LEVEL OFFENSE.**

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>.)

Under current law, a defendant may petition a court to have a municipal offense or petty offense sealed if the person was not charged or convicted of another crime within 3 years after the discharge of the municipal or petty offense. The bill allows sealing if the person had a single nonfelony conviction that did not involve domestic violence, unlawful sexual behavior, or child abuse during that 3-year period and no

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.

SENATE
3rd Reading Unamended
May 10, 2017

SENATE
2nd Reading Unamended
May 9, 2017

HOUSE
3rd Reading Unamended
May 8, 2017

HOUSE
Amended 2nd Reading
May 5, 2017

other convictions for 10 years after the subsequent offense.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-72-708, **amend**
3 **(1)** as follows:

4 **24-72-708. Sealing of criminal conviction records information**
5 **for petty offenses and municipal offenses for convictions. (1) Sealing**
6 **of conviction records.** (a) (I) A defendant may petition the district court
7 of the district in which any conviction records pertaining to the defendant
8 for a petty offense or municipal violation are located for the sealing of the
9 conviction records, except basic identifying information, if:

10 ~~(F)~~ (A) The petition is filed three or more years after the date of
11 the final disposition of all criminal proceedings against the defendant or
12 the release of the defendant from supervision concerning a criminal
13 conviction, whichever is later; and

14 ~~(H)~~ (B) The defendant has not been charged or convicted for a
15 felony, misdemeanor, or misdemeanor traffic offense in the three or more
16 years since the date of the final disposition of all criminal proceedings
17 against him or her or the date of the defendant's release from supervision,
18 whichever is later; and

19 ~~(HH)~~ (C) The conviction records to be sealed are not for a
20 misdemeanor traffic offense committed either by a holder of a
21 commercial learner's permit or a commercial driver's license, as defined
22 in section 42-2-402, ~~C.R.S.~~; or by the operator of a commercial motor
23 vehicle, as defined in section 42-2-402. ~~C.R.S.~~

24 (II) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION
25 (1)(a)(I)(B) OF THIS SECTION, A DEFENDANT MAY PETITION THE DISTRICT

1 COURT OF THE DISTRICT IN WHICH ANY CONVICTION RECORDS PERTAINING
2 TO THE DEFENDANT FOR A MUNICIPAL VIOLATION, EXCEPT A MUNICIPAL
3 ASSAULT OR BATTERY OFFENSE IN WHICH THE UNDERLYING FACTUAL
4 BASIS INVOLVES DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3
5 (1), OR ANY OTHER MUNICIPAL VIOLATION IN WHICH THE UNDERLYING
6 FACTUAL BASIS INVOLVES DOMESTIC VIOLENCE, AS DEFINED IN SECTION
7 18-6-800.3 (1), OR PETTY OFFENSE ARE LOCATED FOR THE SEALING OF THE
8 CONVICTION RECORDS, EXCEPT BASIC IDENTIFYING INFORMATION, IF:

9 (A) THE DEFENDANT WAS CONVICTED OF A SINGLE OFFENSE THAT
10 WAS NOT A FELONY AND DID NOT INVOLVE DOMESTIC VIOLENCE AS
11 DEFINED IN SECTION 18-6-800.3 (1), UNLAWFUL SEXUAL BEHAVIOR AS
12 DEFINED IN SECTION 16-22-102 (9), OR CHILD ABUSE AS DEFINED IN
13 SECTION 18-6-401;

14 (B) THAT OFFENSE OCCURRED WITHIN THREE YEARS OF THE DATE
15 OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM
16 OR HER RELATED TO THE CONVICTION THAT THE DEFENDANT IS SEEKING
17 TO HAVE SEALED OR WITHIN THREE YEARS OF THE DATE OF THE
18 DEFENDANT'S RELEASE FROM SUPERVISION RELATED TO THE CONVICTION
19 THAT THE DEFENDANT IS SEEKING TO HAVE SEALED, WHICHEVER IS LATER;
20 AND

21 (C) THE DEFENDANT HAS NOT BEEN CONVICTED FOR A FELONY,
22 MISDEMEANOR, OR MISDEMEANOR TRAFFIC OFFENSE IN THE TEN OR MORE
23 YEARS SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL
24 PROCEEDINGS AGAINST HIM OR HER FOR THE SUBSEQUENT CRIMINAL CASE
25 OR IN THE TEN OR MORE YEARS SINCE THE DATE OF THE DEFENDANT'S
26 RELEASE FROM SUPERVISION FOR THE SUBSEQUENT CASE, WHICHEVER IS
27 LATER.

1 (b) Upon filing the petition, the defendant shall pay the filing fee
2 required by law. ~~and an additional filing fee of two hundred dollars to~~
3 ~~cover the actual costs related to the filing of the petition to seal records.~~
4 ~~The additional filing fees collected under this paragraph (b) must be~~
5 ~~transmitted to the state treasurer for deposit in the judicial stabilization~~
6 ~~cash fund created in section 13-32-101 (6), C.R.S.;~~

7 **SECTION 2.** In Colorado Revised Statutes, 24-72-704, **amend**
8 **(2)(b)(III)** as follows:

9 **24-72-704. Sealing of criminal conviction records information**
10 **for offenses involving controlled substances for convictions entered**
11 **on or after July 1, 2008, and prior to July 1, 2011. (2) Applicability.**

12 (b) For any judgment of conviction entered prior to July 1, 2008, for
13 which the defendant would otherwise qualify for relief under this section,
14 the defendant may obtain an order from the court to seal conviction
15 records if:

- 16 (III) The defendant pays
- 17 ~~(A) The filing fee required by law. and~~
- 18 ~~(B) An additional filing fee of two hundred dollars to cover the~~
19 ~~actual costs related to the filing of the petition to seal records.~~

20 **SECTION 3. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2018 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.