

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0336.03 Michael Dohr x4347

HOUSE BILL 19-1275

HOUSE SPONSORSHIP

Weissman and Soper,

SENATE SPONSORSHIP

Lee,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASED ELIGIBILITY FOR THE SEALING OF CRIMINAL**
102 **JUSTICE RECORDS BY INDIVIDUALS WHO ARE NOT UNDER**
103 **SUPERVISION.**

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 repeals and reenacts the statutes related to sealing criminal justice records. The bill creates a simplified process to seal criminal justice records when:

- ! A case against a defendant is completely dismissed because the defendant is acquitted of all counts in the case;

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

- ! The defendant completes a diversion agreement when a criminal case has been filed; or
- ! The defendant completes a deferred judgment and sentence and all counts are dismissed.

The court seals those records within the criminal case without requiring the defendant to file a separate civil action.

The bill allows a defendant to petition for sealing criminal justice records when there is a criminal conviction and without requiring the defendant to file a separate civil action as follows:

- ! If the offense is a petty offense or a drug petty offense, the motion may be filed one year after the later of the date of the final disposition of all criminal proceedings against the defendant or the release of the defendant from supervision concerning a criminal conviction. The court seals the records if the defendant has not been convicted of a criminal offense since the later of the above dates.
- ! If the offense is a class 2 or 3 misdemeanor or any drug misdemeanor, the motion may be filed 2 years after the later of the date of the final disposition of all criminal proceedings against the defendant or the release of the defendant from supervision concerning a criminal conviction. The district attorney can object to the sealing. If the district attorney does not object, the court seals the case if the defendant has not been convicted of a criminal offense since the later of the above dates. If the district attorney objects, the court makes the determination after a hearing.
- ! If the offense is a class 4, 5, or 6 felony, a level 3 or 4 drug felony, or a class 1 misdemeanor, the motion may be filed 3 years after the later of the date of the final disposition of all criminal proceedings against the defendant or the release of the defendant from supervision concerning a criminal conviction. The district attorney can object to the sealing. If the district attorney does not object, the court seals the case if the defendant has not been convicted of a criminal offense since the later of the above dates. If the district attorney objects, the court makes the determination after a hearing and considering the district attorney's position.
- ! For all other offenses, the petition may be filed 5 years after the later of the date of the final disposition of all criminal proceedings against the defendant or the release of the defendant from supervision concerning a criminal conviction. The district attorney can object to the sealing. If the district attorney does not object, the court seals the

case if the defendant has not been convicted of a criminal offense since the later of the above dates. If the district attorney objects, the court makes the determination after a hearing and considering the district attorney's position.

The bill specifies the offenses for which sealing is not eligible. The bill retains the specific record sealing provisions for when no charges are filed and for victims of human trafficking, municipal offenses, and posting intimate photos of a person offenses.

The bill creates a process for a person with multiple conviction records that are eligible for sealing due to an intervening conviction to petition the court in a civil proceeding to have the records sealed. The district attorney has an opportunity to object, and if the district attorney objects, the court sets the matter for hearing to determine whether to seal the records.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact, with**
3 **amendments**, part 7 of article 72 of title 24 as follows:

4 PART 7

5 CRIMINAL JUSTICE RECORD SEALING

6 **24-72-701. Definitions.** AS USED IN THIS PART 7, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "ARREST AND CRIMINAL RECORDS INFORMATION" HAS THE
9 SAME MEANING AS IN SECTION 24-72-302.

10 (2) "BASIC IDENTIFICATION INFORMATION" HAS THE SAME
11 MEANING AS IN SECTION 24-72-302.

12 (3) "CONVICTION RECORDS" MEANS ARREST AND CRIMINAL
13 RECORDS INFORMATION AND ANY RECORDS PERTAINING TO A JUDGMENT
14 OF CONVICTION.

15 (4) "CRIMINAL JUSTICE AGENCIES" HAS THE SAME MEANING AS IN
16 SECTION 24-72-302.

17 (5) "CUSTODIAN" HAS THE SAME MEANING AS IN SECTION

1 24-72-302.

2 (6) "OFFICIAL ACTIONS" HAS THE SAME MEANING AS IN SECTION
3 24-72-302.

4 (7) "PERSON IN INTEREST" HAS THE SAME MEANING AS IN SECTION
5 24-72-302.

6 (8) "PRIVATE CUSTODIAN" HAS THE SAME MEANING AS IN SECTION
7 24-72-302.

8 (9) "VICTIM" MEANS ANY NATURAL PERSON AGAINST WHOM ANY
9 CRIME HAS BEEN PERPETRATED OR ATTEMPTED, UNLESS THE PERSON IS
10 ACCOUNTABLE FOR THE CRIME OR A CRIME ARISING FROM THE SAME
11 CONDUCT OR PLAN AS THE CRIME IS DEFINED UNDER THE LAWS OF THIS
12 STATE OR OF THE UNITED STATES, OR, IF SUCH PERSON IS DECEASED OR
13 INCAPACITATED, THE PERSON'S SPOUSE, PARENT, LEGAL GUARDIAN, CHILD,
14 SIBLING, GRANDPARENT, GRANDCHILD, SIGNIFICANT OTHER, OR OTHER
15 LAWFUL REPRESENTATIVE.

16 **24-72-702. Expungement of arrest records in case of mistaken**
17 **identity - definitions.** (1) (a) NOTWITHSTANDING ANY OTHER PROVISION
18 OF LAW, A COURT SHALL EXPUNGE THE ARREST AND CRIMINAL RECORDS
19 INFORMATION OF A PERSON WHO WAS ARRESTED AS A RESULT OF
20 MISTAKEN IDENTITY AND WHO DID NOT HAVE CHARGES FILED AGAINST HIM
21 OR HER.

22 (b) NO LATER THAN NINETY DAYS AFTER AN INVESTIGATION BY A
23 LAW ENFORCEMENT AGENCY FINDS THAT A PERSON WAS ARRESTED AS A
24 RESULT OF MISTAKEN IDENTITY AND NO CHARGES WERE FILED, THE LAW
25 ENFORCEMENT AGENCY THAT MADE THE ARREST SHALL PETITION THE
26 DISTRICT COURT IN THE JUDICIAL DISTRICT WHERE THE PERSON WAS
27 ARRESTED FOR AN EXPUNGEMENT ORDER FOR THE ARREST AND CRIMINAL

1 RECORDS INFORMATION MADE AS A RESULT OF THE MISTAKEN IDENTITY,
2 AT NO COST TO THE PERSON ARRESTED. A PETITION FILED PURSUANT TO
3 THIS SUBSECTION (1)(b) IS NOT SUBJECT TO A FILING FEE.

4 (c) NO LATER THAN NINETY DAYS AFTER RECEIVING THE PETITION,
5 THE COURT SHALL ORDER THE EXPUNGEMENT OF THE ARREST AND
6 CRIMINAL RECORDS INFORMATION AND ALL OTHER ADMINISTRATIVE
7 RECORDS OF THE LAW ENFORCEMENT AGENCY RELATING TO THE PERSON'S
8 ARREST AS A RESULT OF MISTAKEN IDENTITY.

9 (2) THE COURTS SHALL DIRECT ANY ORDER ENTERED PURSUANT TO
10 SUBSECTION (1)(c) OF THIS SECTION TO EVERY CUSTODIAN WHO MAY HAVE
11 CUSTODY OF ANY PART OF THE ARREST AND CRIMINAL RECORDS
12 INFORMATION THAT IS THE SUBJECT OF THE ORDER. WHEN A COURT
13 ENTERS AN ORDER EXPUNGING CRIMINAL RECORDS PURSUANT TO
14 SUBSECTION (1)(c) OF THIS SECTION, THE PETITIONER SHALL PROVIDE THE
15 COLORADO BUREAU OF INVESTIGATION AND EVERY CUSTODIAN OF SUCH
16 RECORDS WITH A COPY OF THE ORDER. THE PETITIONER SHALL PROVIDE A
17 PRIVATE CUSTODIAN WITH A COPY OF THE ORDER AND SEND THE PRIVATE
18 CUSTODIAN AN ELECTRONIC NOTIFICATION OF THE ORDER. EACH PRIVATE
19 CUSTODIAN THAT RECEIVES A COPY OF THE ORDER FROM THE PETITIONER
20 SHALL REMOVE THE RECORDS THAT ARE SUBJECT TO THE ORDER FROM ITS
21 DATABASE. THEREAFTER, THE COURT MAY ISSUE AN ORDER SEALING THE
22 CIVIL CASE IN WHICH THE RECORDS WERE SEALED.

23 (3) UPON THE ENTRY OF AN ORDER TO EXPUNGE THE RECORDS, THE
24 PETITIONER AND ALL CRIMINAL JUSTICE AGENCIES MAY PROPERLY REPLY,
25 UPON ANY INQUIRY INTO THE MATTER, THAT NO SUCH RECORDS EXIST
26 WITH RESPECT TO THE PERSON.

27 (4) EMPLOYERS, EDUCATIONAL INSTITUTIONS, STATE AND LOCAL

1 GOVERNMENT AGENCIES, OFFICIALS, AND EMPLOYEES SHALL NOT, IN ANY
2 APPLICATION OR INTERVIEW OR IN ANY OTHER WAY, REQUIRE AN
3 APPLICANT TO DISCLOSE ANY INFORMATION CONTAINED IN EXPUNGED
4 RECORDS. AN APPLICANT NEED NOT, IN ANSWER TO ANY QUESTION
5 CONCERNING ARREST AND CRIMINAL RECORDS INFORMATION THAT HAS
6 BEEN EXPUNGED, INCLUDE A REFERENCE TO OR INFORMATION
7 CONCERNING THE EXPUNGED INFORMATION AND MAY STATE THAT NO
8 SUCH ACTION HAS EVER OCCURRED. SUCH AN APPLICATION MAY NOT BE
9 DENIED SOLELY BECAUSE OF THE APPLICANT'S REFUSAL TO DISCLOSE
10 ARREST AND CRIMINAL RECORDS INFORMATION THAT HAS BEEN
11 EXPUNGED.

12 (5) FOR PURPOSES OF THIS SECTION:

13 (a) "LAW ENFORCEMENT AGENCY" MEANS THE COLORADO STATE
14 PATROL OR THE AGENCY OF A STATE OR LOCAL GOVERNMENT AUTHORIZED
15 TO ENFORCE THE LAWS OF COLORADO.

16 (b) "MISTAKEN IDENTITY" MEANS THE MISIDENTIFICATION BY A
17 WITNESS OR LAW ENFORCEMENT, CONFUSION ON THE PART OF A WITNESS
18 OR LAW ENFORCEMENT AS TO THE IDENTITY OF THE PERSON WHO
19 COMMITTED THE CRIME, MISINFORMATION PROVIDED TO LAW
20 ENFORCEMENT AS TO THE IDENTITY OF THE PERSON WHO COMMITTED THE
21 CRIME, OR SOME OTHER MISTAKE ON THE PART OF A WITNESS OR LAW
22 ENFORCEMENT AS TO THE IDENTITY OF THE PERSON WHO COMMITTED THE
23 CRIME.

24 **24-72-703. Sealing of arrest and criminal records - general**
25 **provisions - order applicability - discovery and advisements.**

26 (1) **Applicability.** THE PROVISIONS OF THIS SECTION SHALL APPLY TO
27 THE SEALING OF ARREST AND CRIMINAL RECORDS PURSUANT TO SECTIONS

1 24-72-704 TO 24-72-709.

2 (2) **Effect of a sealing order.** (a) (I) AN ORDER SEALING ARREST
3 OR OTHER CRIMINAL RECORDS DOES NOT DENY ACCESS TO THE CRIMINAL
4 RECORDS OF A PETITIONER OR DEFENDANT BY ANY COURT, LAW
5 ENFORCEMENT AGENCY, CRIMINAL JUSTICE AGENCY, PROSECUTING
6 ATTORNEY, OR PARTY OR AGENCY REQUIRED BY LAW TO CONDUCT A
7 CRIMINAL HISTORY RECORD CHECK ON AN INDIVIDUAL.

8 (II) AN ORDER SEALING CONVICTION RECORDS DOES NOT VACATE
9 A CONVICTION.

10 (III) A CONVICTION SEALED PURSUANT TO THIS ARTICLE 72 MAY
11 BE USED BY A CRIMINAL JUSTICE AGENCY, LAW ENFORCEMENT AGENCY,
12 COURT, OR PROSECUTING ATTORNEY FOR ANY LAWFUL PURPOSE RELATING
13 TO THE INVESTIGATION OR PROSECUTION OF ANY CASE, INCLUDING BUT
14 NOT LIMITED TO ANY SUBSEQUENT CASE THAT IS FILED AGAINST THE
15 PETITIONER OR DEFENDANT, OR FOR ANY OTHER LAWFUL PURPOSE WITHIN
16 THE SCOPE OF HIS, HER, OR ITS DUTIES. A PARTY OR AGENCY REQUIRED BY
17 LAW TO CONDUCT A CRIMINAL HISTORY RECORD CHECK IS AUTHORIZED TO
18 USE ANY SEALED CONVICTION FOR THE LAWFUL PURPOSE FOR WHICH THE
19 CRIMINAL HISTORY RECORD CHECK IS REQUIRED BY LAW.

20 (IV) CRIMINAL JUSTICE INFORMATION AND CRIMINAL JUSTICE
21 RECORDS IN THE POSSESSION OF A CRIMINAL JUSTICE AGENCY MAY BE
22 SHARED WITH ANY OTHER CRIMINAL JUSTICE AGENCY WHEN AN INQUIRY
23 CONCERNING THE ARREST AND CRIMINAL JUSTICE INFORMATION OR
24 RECORDS IS MADE.

25 (b) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1)(a)(I) OF
26 THIS SECTION, UPON THE ENTRY OF AN ORDER TO SEAL THE CRIMINAL
27 RECORDS, THE DEFENDANT AND ALL CRIMINAL JUSTICE AGENCIES MAY

1 PROPERLY REPLY, UPON AN INQUIRY INTO THE MATTER, THAT PUBLIC
2 CRIMINAL RECORDS DO NOT EXIST WITH RESPECT TO THE PETITIONER OR
3 DEFENDANT.

4 (c) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1)(a)(I) OF
5 THIS SECTION, INSPECTION OF THE RECORDS INCLUDED IN AN ORDER
6 SEALING CRIMINAL RECORDS MAY THEREAFTER BE PERMITTED BY THE
7 COURT ONLY UPON PETITION BY THE PETITIONER OR DEFENDANT.

8 (d) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1)(a)(I)
9 OF THIS SECTION, EMPLOYERS, STATE AND LOCAL GOVERNMENT AGENCIES,
10 OFFICIALS, LANDLORDS, AND EMPLOYEES SHALL NOT REQUIRE AN
11 APPLICANT TO DISCLOSE ANY INFORMATION CONTAINED IN SEALED
12 CONVICTION RECORDS IN ANY APPLICATION OR INTERVIEW OR IN ANY
13 OTHER WAY. AN APPLICANT DOES NOT NEED TO INCLUDE A REFERENCE TO
14 OR INFORMATION CONCERNING THE SEALED CONVICTION RECORDS IN
15 ANSWER TO ANY QUESTION CONCERNING CONVICTION RECORDS THAT
16 HAVE BEEN SEALED AND MAY STATE THAT THE APPLICANT HAS NOT BEEN
17 CRIMINALLY CONVICTED. AN APPLICATION MAY NOT BE DENIED SOLELY
18 BECAUSE OF THE APPLICANT'S REFUSAL TO DISCLOSE CONVICTION
19 RECORDS THAT HAVE BEEN SEALED.

20 (II) SUBSECTION (2)(d)(I) OF THIS SECTION DOES NOT PRECLUDE
21 THE BAR COMMITTEE OF THE COLORADO STATE BOARD OF LAW
22 EXAMINERS FROM MAKING FURTHER INQUIRIES INTO THE FACT OF A
23 CONVICTION THAT COMES TO THE ATTENTION OF THE BAR COMMITTEE
24 THROUGH OTHER MEANS. THE BAR COMMITTEE OF THE COLORADO STATE
25 BOARD OF LAW EXAMINERS HAS A RIGHT TO INQUIRE INTO THE MORAL AND
26 ETHICAL QUALIFICATIONS OF AN APPLICANT, AND THE APPLICANT HAS NO
27 RIGHT TO PRIVACY OR PRIVILEGE THAT JUSTIFIES HIS OR HER REFUSAL TO

1 ANSWER ANY QUESTION CONCERNING ARREST AND CRIMINAL RECORDS
2 INFORMATION THAT HAS COME TO THE ATTENTION OF THE BAR COMMITTEE
3 THROUGH OTHER MEANS.

4 (III) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2)(d)(I)
5 OF THIS SECTION, THE DEPARTMENT OF EDUCATION MAY REQUIRE A
6 LICENSED EDUCATOR OR AN APPLICANT FOR AN EDUCATOR'S LICENSE WHO
7 FILES A PETITION TO SEAL A CRIMINAL RECORD TO NOTIFY THE
8 DEPARTMENT OF EDUCATION OF THE PENDING PETITION TO SEAL. THE
9 DEPARTMENT OF EDUCATION HAS THE RIGHT TO INQUIRE INTO THE FACTS
10 OF THE CRIMINAL OFFENSE FOR WHICH THE PETITION TO SEAL IS PENDING.
11 THE EDUCATOR OR APPLICANT HAS NO RIGHT TO PRIVACY OR PRIVILEGE
12 THAT JUSTIFIES HIS OR HER REFUSAL TO ANSWER ANY QUESTIONS OF THE
13 DEPARTMENT OF EDUCATION CONCERNING THE ARREST AND CRIMINAL
14 RECORDS INFORMATION CONTAINED IN THE PENDING PETITION TO SEAL.

15 (3) A PERSON MAY ONLY FILE A PETITION WITH THE COURT FOR
16 SEALING OF EACH CASE ONCE EVERY TWELVE-MONTH PERIOD, UNLESS
17 OTHERWISE PROVIDED BY THE COURT.

18 (4) NOTHING IN THIS PART 7 REGARDING SEALING OF RECORDS
19 AUTHORIZES THE PHYSICAL DESTRUCTION OF ANY CONVICTION RECORDS.

20 (5) (a) INSPECTION OF THE COURT RECORDS INCLUDED IN AN
21 ORDER SEALING CRIMINAL RECORDS MAY BE PERMITTED BY THE COURT
22 ONLY UPON PETITION BY THE PETITIONER OR THE DEFENDANT WHO IS THE
23 SUBJECT OF THE RECORDS OR BY THE PROSECUTING ATTORNEY AND ONLY
24 FOR THOSE PURPOSES NAMED IN THE PETITION. THIS PETITION TO INSPECT
25 THE CRIMINAL JUSTICE RECORDS MUST BE FILED BY THE PETITIONING
26 PARTY WITHIN THE CASE IN WHICH THE SEALING ORDER WAS ENTERED.

27 (b) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (1)(b)

1 AND (1)(c) OF THIS SECTION, THE PROSECUTING ATTORNEY OR THE LAW
2 ENFORCEMENT AGENCY MAY RELEASE TO THE VICTIM IN THE SEALED CASE
3 COPIES OF POLICE REPORTS OR ANY PROTECTION ORDERS ISSUED IN THE
4 SEALED CASE IF THE VICTIM DEMONSTRATES TO THE PROSECUTING
5 ATTORNEY OR LAW ENFORCEMENT AGENCY A NEED FOR THE REPORTS OR
6 COURT ORDERS FOR A LAWFUL PURPOSE. THE PROSECUTING ATTORNEY,
7 INCLUDING STAFF OF THE PROSECUTING ATTORNEY'S OFFICE OR A VICTIM
8 OR WITNESS ASSISTANCE PROGRAM, OR THE STAFF OF A LAW
9 ENFORCEMENT AGENCY OR LAW ENFORCEMENT VICTIM ASSISTANCE
10 PROGRAM, MAY DISCUSS THE SEALED CASE, THE RESULTS OF THE SEALING
11 PROCEEDINGS, AND INFORMATION RELATED TO ANY VICTIM SERVICES
12 AVAILABLE TO THE VICTIM.

13 (c) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
14 ANY MEMBER OF THE PUBLIC MAY PETITION THE COURT TO UNSEAL ANY
15 COURT FILE OF A CRIMINAL CONVICTION THAT HAS PREVIOUSLY BEEN
16 SEALED UPON A SHOWING THAT CIRCUMSTANCES HAVE COME INTO
17 EXISTENCE SINCE THE ORIGINAL SEALING AND, AS A RESULT, THE PUBLIC
18 INTEREST IN DISCLOSURE NOW OUTWEIGHS THE DEFENDANT'S INTEREST IN
19 PRIVACY.

20 (6) FOR THE PURPOSE OF PROTECTING THE AUTHOR OF ANY
21 CORRESPONDENCE THAT BECOMES A PART OF CRIMINAL JUSTICE RECORDS,
22 THE COURT HAVING JURISDICTION IN THE JUDICIAL DISTRICT IN WHICH THE
23 CRIMINAL JUSTICE RECORDS ARE LOCATED MAY, IN ITS DISCRETION, WITH
24 OR WITHOUT A HEARING, ENTER AN ORDER TO SEAL ANY INFORMATION,
25 INCLUDING BUT NOT LIMITED TO BASIC IDENTIFICATION INFORMATION
26 CONTAINED IN THE CORRESPONDENCE THAT IS PART OF THE RECORD IN THE
27 CRIMINAL CASE. HOWEVER, THE COURT MAY, IN ITS DISCRETION, ENTER AN

1 ORDER THAT ALLOWS THE DISCLOSURE OF SEALED INFORMATION TO
2 DEFENSE COUNSEL OR, IF THE DEFENDANT IS NOT REPRESENTED BY
3 COUNSEL, TO THE DEFENDANT.

4 (7) **Rules of discovery - rules of evidence - witness testimony.**
5 COURT ORDERS SEALING RECORDS OF OFFICIAL ACTIONS PURSUANT TO
6 THIS PART 7 DO NOT LIMIT THE OPERATIONS OF:

7 (a) THE RULES OF DISCOVERY OR THE RULES OF EVIDENCE
8 PROMULGATED BY THE SUPREME COURT OF COLORADO OR ANY OTHER
9 STATE OR FEDERAL COURT;

10 (b) THE PROVISIONS OF SECTION 13-10-101 CONCERNING WITNESS
11 TESTIMONY.

12 (8) **Service of sealing order.** THE COURT SHALL DIRECT A
13 SEALING ORDER ENTERED PURSUANT TO THIS PART 7 TO EACH CUSTODIAN
14 WHO MAY HAVE CUSTODY OF ANY PART OF THE CONVICTION RECORDS
15 THAT ARE THE SUBJECT OF THE ORDER. WHENEVER A COURT ENTERS AN
16 ORDER SEALING CONVICTION RECORDS, THE DEFENDANT SHALL PROVIDE
17 THE COLORADO BUREAU OF INVESTIGATION AND EACH CUSTODIAN OF THE
18 CONVICTION RECORDS WITH A COPY OF THE ORDER. THE PETITIONER SHALL
19 PROVIDE A PRIVATE CUSTODIAN WITH A COPY OF THE ORDER AND SEND
20 THE PRIVATE CUSTODIAN AN ELECTRONIC NOTIFICATION OF THE ORDER.
21 EACH PRIVATE CUSTODIAN THAT RECEIVES A COPY OF THE ORDER FROM
22 THE PETITIONER SHALL REMOVE THE RECORDS THAT ARE SUBJECT TO AN
23 ORDER FROM ITS DATABASE. THE DEFENDANT SHALL PAY TO THE BUREAU
24 ANY COSTS RELATED TO THE SEALING OF HIS OR HER CRIMINAL
25 CONVICTION RECORDS IN THE CUSTODY OF THE BUREAU. THEREAFTER, THE
26 DEFENDANT MAY REQUEST AND THE COURT MAY GRANT AN ORDER
27 SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS WERE

1 SEALED.

2 (9) **Advisements.** (a) WHENEVER A DEFENDANT IS SENTENCED
3 FOLLOWING A CONVICTION FOR AN OFFENSE DESCRIBED IN SECTIONS
4 24-72-706 TO 24-72-708, THE COURT SHALL PROVIDE HIM OR HER WITH A
5 WRITTEN ADVISEMENT OF HIS OR HER RIGHTS CONCERNING THE SEALING
6 OF HIS OR HER CONVICTION RECORDS PURSUANT TO THIS SECTION IF HE OR
7 SHE COMPLIES WITH THE APPLICABLE PROVISIONS OF THIS SECTION.

8 (b) IN ADDITION TO, AND NOT IN LIEU OF, THE REQUIREMENT
9 DESCRIBED IN SUBSECTION (9)(a) OF THIS SECTION:

10 (I) IF A DEFENDANT IS SENTENCED TO PROBATION FOLLOWING A
11 CONVICTION FOR AN OFFENSE DESCRIBED IN SECTIONS 24-72-706 TO
12 24-72-708, THE PROBATION DEPARTMENT, UPON THE TERMINATION OF THE
13 DEFENDANT'S PROBATION, SHALL PROVIDE THE DEFENDANT WITH A
14 WRITTEN ADVISEMENT OF HIS OR HER RIGHTS CONCERNING THE SEALING
15 OF HIS OR HER CONVICTION RECORDS PURSUANT TO THIS SECTION IF HE OR
16 SHE COMPLIES WITH THE APPLICABLE PROVISIONS OF THIS SECTION; OR

17 (II) IF A DEFENDANT IS RELEASED ON PAROLE FOLLOWING A
18 CONVICTION FOR AN OFFENSE DESCRIBED IN SECTIONS 24-72-706 TO
19 24-72-708, THE DEFENDANT'S PAROLE OFFICER, UPON THE TERMINATION
20 OF THE DEFENDANT'S PAROLE, SHALL PROVIDE THE DEFENDANT WITH A
21 WRITTEN ADVISEMENT OF HIS OR HER RIGHTS CONCERNING THE SEALING
22 OF HIS OR HER CONVICTION RECORDS PURSUANT TO THIS SECTION IF HE OR
23 SHE COMPLIES WITH THE APPLICABLE PROVISIONS OF THIS SECTION.

24 (10) IF THE PERSON IN INTEREST HAS SUCCESSFULLY COMPLETED
25 A VETERANS TREATMENT PROGRAM ESTABLISHED PURSUANT TO SECTION
26 13-5-144 IN THE CASE THAT IS THE SUBJECT OF THE PETITION TO SEAL, THE
27 COURT SHALL CONSIDER SUCH FACTOR FAVORABLY IN DETERMINING

1 WHETHER TO ISSUE AN ORDER TO SEAL RECORDS PURSUANT TO THIS
2 SECTION.

3 (11) **Exclusions.** (a) (I) NOTWITHSTANDING ANY PROVISION IN
4 THIS PART 7 TO THE CONTRARY, IN REGARD TO ANY CONVICTION OF THE
5 DEFENDANT RESULTING FROM A SINGLE CASE IN WHICH THE DEFENDANT
6 IS CONVICTED OF MORE THAN ONE OFFENSE, RECORDS OF THE CONVICTION
7 MAY BE SEALED PURSUANT TO THE PROVISIONS OF THIS PART 7 ONLY IF
8 THE RECORDS OF EVERY CONVICTION OF THE DEFENDANT RESULTING FROM
9 THAT CASE MAY BE SEALED PURSUANT TO THE PROVISIONS OF THIS PART
10 7.

11 (II) IF A CRIMINAL CASE IS DISMISSED OR IF A CRIMINAL OFFENSE
12 IS NOT CHARGED DUE TO A PLEA AGREEMENT IN A SEPARATE CASE, THE
13 RECORDS ARE ELIGIBLE FOR SEALING AT SUCH TIME AS THE CRIMINAL CASE
14 IN WHICH THE CONVICTION WAS ENTERED IS ELIGIBLE FOR SEALING
15 PURSUANT TO THE PROVISIONS OF THIS PART 7.

16 (b) CONVICTION RECORDS MUST NOT BE SEALED IF THE
17 DEFENDANT STILL OWES RESTITUTION, FINES, COURT COSTS, LATE FEES, OR
18 OTHER FEES ORDERED BY THE COURT IN THE CASE THAT IS THE SUBJECT OF
19 THE MOTION TO SEAL, UNLESS THE COURT THAT ENTERED THE ORDER HAS
20 VACATED THE ORDER.

21 (c) SEALING IS NOT AVAILABLE FOR CASES WHEN THE ONLY
22 CHARGES WERE AS FOLLOWS:

23 (I) A CLASS 1 OR 2 MISDEMEANOR TRAFFIC OFFENSE; OR

24 (II) A CLASS A OR B TRAFFIC OFFENSE.

25 (d) SEALING IS NOT BE AVAILABLE FOR:

26 (I) RECORDS PERTAINING TO A DEFERRED JUDGMENT AND
27 SENTENCE CONCERNING THE HOLDER OF A COMMERCIAL DRIVER'S LICENSE

1 AS DEFINED IN SECTION 42-2-402 OR THE OPERATOR OF A COMMERCIAL
2 MOTOR VEHICLE AS DEFINED IN SECTION 42-2-402; AND

3 (II) RECORDS PERTAINING TO A DEFERRED JUDGMENT AND
4 SENTENCE FOR A FELONY OFFENSE FOR THE FACTUAL BASIS INVOLVED IN
5 UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9).

6 **24-72-704. Sealing of arrest records when no charges filed.**

7 (1) (a) ANY PERSON IN INTEREST MAY PETITION THE DISTRICT COURT OF
8 THE DISTRICT IN WHICH ANY ARREST AND CRIMINAL RECORDS
9 INFORMATION PERTAINING TO THE PERSON IN INTEREST IS LOCATED FOR
10 THE SEALING OF ALL OF THE RECORDS, EXCEPT BASIC IDENTIFICATION
11 INFORMATION, IF THE RECORDS ARE A RECORD OF OFFICIAL ACTIONS
12 INVOLVING A CRIMINAL OFFENSE FOR WHICH THE PERSON IN INTEREST:

13 (I) COMPLETED A DIVERSION AGREEMENT PURSUANT TO SECTION
14 18-1.3-101 AND NO CRIMINAL CHARGES WERE EVER FILED;

15 (II) WAS NOT CHARGED AND THE STATUTE OF LIMITATIONS FOR
16 THE OFFENSE FOR WHICH THE PERSON WAS ARRESTED THAT HAS THE
17 LONGEST STATUTE OF LIMITATIONS HAS RUN; OR

18 (III) WAS NOT CHARGED AND THE STATUTE OF LIMITATIONS HAS
19 NOT RUN BUT THE PERSON IS NO LONGER BEING INVESTIGATED BY LAW
20 ENFORCEMENT FOR COMMISSION OF THE OFFENSE.

21 (b) ANY PETITION TO SEAL CRIMINAL RECORDS SHALL INCLUDE A
22 LISTING OF EACH CUSTODIAN OF THE RECORDS TO WHOM THE SEALING
23 ORDER IS DIRECTED AND ANY INFORMATION THAT ACCURATELY AND
24 COMPLETELY IDENTIFIES THE RECORDS TO BE SEALED.

25 (c) (I) UPON THE FILING OF A PETITION, THE COURT SHALL REVIEW
26 THE PETITION AND DETERMINE WHETHER THE PETITION IS SUFFICIENT ON
27 ITS FACE. IF THE COURT DETERMINES THAT THE PETITION ON ITS FACE IS

1 INSUFFICIENT OR IF THE COURT DETERMINES THAT, AFTER TAKING
2 JUDICIAL NOTICE OF MATTERS OUTSIDE THE PETITION, THE PETITIONER IS
3 NOT ENTITLED TO RELIEF PURSUANT TO THIS SECTION, THE COURT SHALL
4 ENTER AN ORDER DENYING THE PETITION AND MAIL A COPY OF THE ORDER
5 TO THE PETITIONER OR, AS PERMITTED, SERVE THE ORDER PURSUANT TO
6 COLORADO SUPREME COURT RULES. THE COURT'S ORDER MUST SPECIFY
7 THE REASONS FOR THE DENIAL OF THE PETITION.

8 (II) IF THE COURT DETERMINES THAT THE PETITION IS SUFFICIENT
9 ON ITS FACE AND THAT NO OTHER GROUNDS EXIST AT THAT TIME FOR THE
10 COURT TO DENY THE PETITION PURSUANT TO THIS SECTION, THE COURT
11 SHALL SET A DATE FOR A HEARING AT LEAST THIRTY-FIVE DAYS AFTER THE
12 DETERMINATION AND NOTIFY THE PROSECUTING ATTORNEY, THE
13 ARRESTING AGENCY, AND ANY OTHER PERSON OR AGENCY IDENTIFIED BY
14 THE PETITIONER OF THE HEARING DATE. IF NO OBJECTION IS RECEIVED BY
15 THE COURT SEVEN DAYS PRIOR TO THE HEARING DATE, THE COURT SHALL
16 VACATE THE HEARING AND ORDER SUCH RECORDS, EXCEPT FOR BASIC
17 IDENTIFICATION INFORMATION, TO BE SEALED. IF AN OBJECTION IS FILED
18 AND THE COURT DETERMINES AT A HEARING OR OTHERWISE THAT THE
19 OBJECTION PROVIDES FACTS THAT MAKE THE PETITIONER INELIGIBLE FOR
20 SEALING OF THE ARREST RECORDS, THE COURT SHALL DENY THE PETITION
21 AND PROVIDE A COPY OF THE ORDER TO THE PETITIONER. THE COURT'S
22 ORDER MUST SPECIFY THE REASONS FOR THE DENIAL OF THE PETITION. IF
23 THE OBJECTION DOES NOT PROVIDE FACTS THAT MAKE THE PETITIONER
24 INELIGIBLE FOR SEALING OF THE ARREST RECORDS, THE COURT SHALL
25 ORDER SUCH RECORDS, EXCEPT BASIC IDENTIFICATION INFORMATION, TO
26 BE SEALED.

27 (d) INSPECTION OF THE RECORDS INCLUDED IN AN ORDER SEALING

1 CRIMINAL RECORDS MAY BE PERMITTED BY THE COURT ONLY UPON
2 PETITION BY THE PERSON WHO IS THE SUBJECT OF THE RECORDS OR BY THE
3 PROSECUTING ATTORNEY AND ONLY FOR THOSE PURPOSES NAMED IN THE
4 PETITION.

5 **24-72-705. Sealing criminal justice records other than**
6 **convictions - simplified process - processing fees - applicability.**

7 (1) (a) THE COURT SHALL ORDER THE DEFENDANT'S CRIMINAL JUSTICE
8 RECORDS SEALED WHEN:

9 (I) A CASE AGAINST A DEFENDANT IS COMPLETELY DISMISSED;

10 (II) THE DEFENDANT IS ACQUITTED OF ALL COUNTS IN THE CASE;

11 (III) THE DEFENDANT COMPLETES A DIVERSION AGREEMENT
12 PURSUANT TO SECTION 18-1.3-101 WHEN A CRIMINAL CASE HAS BEEN
13 FILED; OR

14 (IV) THE DEFENDANT COMPLETES A DEFERRED JUDGMENT AND
15 SENTENCE PURSUANT TO SECTION 18-1.3-102 AND ALL COUNTS ARE
16 DISMISSED.

17 (b) IF THE COURT DID NOT ORDER THE RECORD SEALING AT THE
18 TIME OF THE DISMISSAL OR ACQUITTAL, THE DEFENDANT MAY MAKE SUCH
19 MOTION AT ANY TIME SUBSEQUENT TO THE DISMISSAL OR ACQUITTAL
20 THROUGH THE FILING OF A WRITTEN MOTION IN THE CRIMINAL CASE WITH
21 WRITTEN NOTICE TO THE PROSECUTING ATTORNEY.

22 (c) IF THE DEFENDANT MOVES PURSUANT TO SUBSECTION (1)(a) OF
23 THIS SECTION TO SEAL HIS OR HER CRIMINAL JUSTICE RECORDS PURSUANT
24 TO THE EXPEDITED PROCEDURES OF THIS SECTION, THE COURT SHALL
25 PROMPTLY PROCESS THE DEFENDANT'S REQUEST TO SEAL THE CRIMINAL
26 JUSTICE RECORDS WITHIN THE CRIMINAL CASE WITHOUT THE FILING OF AN
27 INDEPENDENT CIVIL ACTION AND WITHOUT ANY FURTHER EVIDENCE

1 EXCEPT FOR EVIDENCE OF THE DISMISSAL OR ACQUITTAL. MOTIONS FILED
2 PURSUANT TO THIS SECTION ARE PROCEDURAL IN NATURE, AND SEALING
3 PURSUANT TO THIS SECTION APPLIES RETROACTIVELY FOR ALL ELIGIBLE
4 CASES WHEN THE CASE HAS BEEN COMPLETELY DISMISSED OR THE
5 DEFENDANT HAS BEEN ACQUITTED OF ALL COUNTS IN A STATE OR
6 MUNICIPAL CRIMINAL CASE.

7 (d) NOTWITHSTANDING THE PROVISION OF SUBSECTION (1)(c) OF
8 THIS SECTION, IF THE DEFENDANT IS ACQUITTED OR IF THE CASE DISMISSED
9 IS A CRIME ENUMERATED IN SECTION 24-4.1-302 (1) IN WHICH NOTICE OF
10 A HEARING ON A MOTION TO SEAL IS REQUIRED PURSUANT TO SECTION
11 24-4.1-303 (11)(b.7), THE COURT SHALL ALLOW THE DISTRICT ATTORNEY
12 THE OPPORTUNITY TO INFORM THE VICTIM THAT THE RECORD WILL BE
13 SEALED AND SHALL SET A RETURN DATE FOR THE SEALING MOTION NO
14 LATER THAN FORTY-TWO DAYS AFTER RECEIPT OF THE MOTION.

15 (e) THE PROVISIONS OF SECTION 24-72-703 (1)(b) AND SECTION
16 24-72-703 (5) APPLY TO THIS SECTION.

17 (f) THIS SECTION DOES NOT APPLY TO RECORDS THAT ARE SUBJECT
18 TO THE PROCEDURE SET FORTH IN SECTION 18-13-122 (13).

19 (2) (a) A DEFENDANT MOVING TO HAVE HIS OR HER CRIMINAL
20 JUSTICE RECORDS SEALED PURSUANT TO THIS SECTION SHALL PAY A
21 PROCESSING FEE OF SIXTY-FIVE DOLLARS TO COVER THE ACTUAL COSTS
22 RELATED TO THE SEALING OF THE CRIMINAL JUSTICE RECORDS, WHICH THE
23 COURT MAY WAIVE UPON A DETERMINATION OF INDIGENCY.

24 (b) WHEN THE MOTION TO SEAL THE CRIMINAL CASE IS FILED IN
25 STATE COURT, THE PROCESSING FEES COLLECTED PURSUANT TO
26 SUBSECTION (2)(a) OF THIS SECTION MUST BE TRANSMITTED TO THE STATE
27 TREASURER AND CREDITED TO THE JUDICIAL STABILIZATION CASH FUND

1 CREATED IN SECTION 13-32-101 (6).

2 (c) WHEN THE MOTION TO SEAL THE CRIMINAL CASE IS FILED IN
3 MUNICIPAL COURT, THE PROCESSING FEES COLLECTED PURSUANT TO
4 SUBSECTION (2)(a) OF THIS SECTION MUST BE REPORTED AND PAID AS
5 MUNICIPAL COSTS AND MUST BE TRANSMITTED TO THE TREASURER OF THE
6 MUNICIPALITY AND DEPOSITED IN THE GENERAL FUND OF THE
7 MUNICIPALITY PURSUANT TO SECTION 13-10-115.

8 (3) THIS SECTION APPLIES TO ALL ELIGIBLE CASES FILED PRIOR TO
9 JULY 1, 2019, OR ANY CASES FILED ON OR AFTER JULY 1, 2019, IF THE
10 COURT HAS FAILED TO COMPLY WITH THE PROVISIONS OF SECTION
11 24-72-706.

12 **24-72-706. Sealing of criminal conviction records. (1) Sealing**
13 **of conviction records.** (a) SUBJECT TO THE LIMITATIONS DESCRIBED IN
14 SUBSECTION (2) OF THIS SECTION, A DEFENDANT MAY FILE A MOTION IN
15 THE CRIMINAL CASE IN THE COURT IN WHICH ANY CONVICTION RECORDS
16 PERTAINING TO THE DEFENDANT ARE LOCATED FOR THE SEALING OF THE
17 CONVICTION RECORDS, EXCEPT BASIC IDENTIFICATION INFORMATION, IF
18 THE MOTION IS FILED WITHIN THE TIME FRAME DESCRIBED IN SUBSECTION
19 (1)(b) OF THIS SECTION AND PROPER NOTICE IS GIVEN TO THE DISTRICT
20 ATTORNEY.

21 (b) (I) IF THE OFFENSE IS A PETTY OFFENSE OR A DRUG PETTY
22 OFFENSE, THE MOTION MAY BE FILED ONE YEAR AFTER THE LATER OF THE
23 DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST
24 THE DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION
25 CONCERNING A CRIMINAL CONVICTION.

26 (II) IF THE OFFENSE IS A CLASS 2 OR CLASS 3 MISDEMEANOR OR
27 ANY DRUG MISDEMEANOR, THE MOTION MAY BE FILED TWO YEARS AFTER

1 THE LATER OF THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL
2 PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE OF THE
3 DEFENDANT FROM SUPERVISION CONCERNING A CRIMINAL CONVICTION.

4 (III) IF THE OFFENSE IS A CLASS 4, CLASS 5, OR CLASS 6 FELONY, A
5 LEVEL 3 OR LEVEL 4 DRUG FELONY, OR A CLASS 1 MISDEMEANOR, THE
6 MOTION MAY BE FILED THREE YEARS AFTER THE LATER OF THE DATE OF
7 THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE
8 DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION
9 CONCERNING A CRIMINAL CONVICTION.

10 (IV) FOR ALL OTHER OFFENSES, THE PETITION MAY BE FILED FIVE
11 YEARS AFTER THE LATER OF THE DATE OF THE FINAL DISPOSITION OF ALL
12 CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE OF
13 THE DEFENDANT FROM SUPERVISION CONCERNING A CRIMINAL
14 CONVICTION.

15 (c) A MOTION TO SEAL CONVICTION RECORDS PURSUANT TO THIS
16 SECTION SHALL INCLUDE A LISTING OF EACH CUSTODIAN OF THE RECORDS
17 TO WHOM THE SEALING ORDER IS DIRECTED AND ANY INFORMATION THAT
18 ACCURATELY AND COMPLETELY IDENTIFIES THE RECORDS TO BE SEALED.
19 THE DEFENDANT SHALL SUBMIT A VERIFIED COPY OF THE DEFENDANT'S
20 CRIMINAL HISTORY, CURRENT THROUGH AT LEAST THE TWENTIETH DAY
21 BEFORE THE DATE OF THE FILING OF THE PETITION TO THE COURT, ALONG
22 WITH THE MOTION AT THE TIME OF FILING, BUT IN NO EVENT LATER THAN
23 THE TENTH DAY AFTER THE MOTION IS FILED. THE DEFENDANT SHALL PAY
24 FOR HIS OR HER CRIMINAL HISTORY RECORD.

25 (d) UPON THE FILING OF ANY MOTION PURSUANT TO THIS SECTION,
26 THE COURT SHALL INITIALLY REVIEW THE MOTION AND DETERMINE
27 WHETHER THERE ARE GROUNDS PURSUANT TO THIS SECTION TO PROCEED

1 TO A HEARING ON THE MOTION. IF THE COURT DETERMINES THAT THE
2 MOTION ON ITS FACE IS INSUFFICIENT OR IF THE COURT DETERMINES THAT,
3 AFTER TAKING JUDICIAL NOTICE OF MATTERS OUTSIDE THE MOTION, THE
4 DEFENDANT IS NOT ENTITLED TO RELIEF PURSUANT TO THIS SECTION, THE
5 COURT SHALL ENTER AN ORDER DENYING THE MOTION AND MAIL A COPY
6 OF THE ORDER TO THE DEFENDANT. THE COURT'S ORDER SHALL SPECIFY
7 THE REASONS FOR THE DENIAL OF THE MOTION. IF THE COURT DETERMINES
8 THAT THE MOTION IS SUFFICIENT ON ITS FACE AND THAT NO OTHER
9 GROUNDS EXIST AT THAT TIME FOR THE COURT TO DENY THE MOTION
10 PURSUANT TO THIS SECTION, THE COURT SHALL PROCEED PURSUANT TO
11 THE PROVISIONS OF THIS SECTION.

12 (e) CONVICTION RECORDS MAY NOT BE SEALED IF THE DEFENDANT
13 STILL OWES RESTITUTION, FINES, COURT COSTS, LATE FEES, OR OTHER FEES
14 ORDERED BY THE COURT IN THE CASE THAT IS THE SUBJECT OF THE MOTION
15 TO SEAL CONVICTION RECORDS, UNLESS THE COURT THAT ENTERED THE
16 ORDER FOR RESTITUTION, FINES, COURT COSTS, LATE FEES, OR OTHER FEES
17 VACATED THE ORDER.

18 (f) (I) IF A MOTION IS FILED FOR THE SEALING OF A PETTY OFFENSE
19 OR A PETTY DRUG OFFENSE, THE COURT SHALL ORDER THAT THE RECORDS
20 BE SEALED AFTER THE MOTION IS FILED AND THE CRIMINAL HISTORY FILED
21 WITH THE COURT DOCUMENTS TO THE COURT THAT THE DEFENDANT HAS
22 NOT BEEN CONVICTED OF A CRIMINAL OFFENSE SINCE THE DATE OF THE
23 FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER
24 OR SINCE THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION,
25 WHICHEVER IS LATER.

26 (II) IF A MOTION IS FILED FOR THE SEALING OF A CLASS 2 OR CLASS
27 3 MISDEMEANOR OR ANY DRUG MISDEMEANOR, THE DEFENDANT SHALL

1 PROVIDE NOTICE OF THE MOTION TO THE DISTRICT ATTORNEY. THE
2 DISTRICT ATTORNEY SHALL DETERMINE WHETHER TO OBJECT TO THE
3 MOTION AFTER CONSIDERING THE FACTORS IN SUBSECTION (1)(g) OF THIS
4 SECTION. IF THE DISTRICT ATTORNEY DOES NOT OBJECT, THE COURT SHALL
5 ORDER THAT THE RECORDS BE SEALED IF THE CRIMINAL HISTORY FILED
6 WITH THE COURT DOCUMENTS TO THE COURT THAT THE DEFENDANT HAS
7 NOT BEEN CONVICTED OF A CRIMINAL OFFENSE SINCE THE DATE OF THE
8 FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER
9 OR SINCE THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION,
10 WHICHEVER IS LATER. IF THE DISTRICT ATTORNEY OBJECTS TO THE
11 MOTION, THE COURT SHALL SET THE MATTER FOR HEARING. THE COURT
12 MAY ONLY SEAL THE RECORDS IF THE CRIMINAL HISTORY FILED WITH THE
13 MOTION AS REQUIRED BY SUBSECTION (1)(c) OF THIS SECTION DOCUMENTS
14 TO THE COURT THAT THE DEFENDANT HAS NOT BEEN CONVICTED OF A
15 CRIMINAL OFFENSE SINCE THE DATE OF THE FINAL DISPOSITION OF ALL
16 CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR SINCE THE DATE OF THE
17 DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER. THE
18 COURT SHALL DECIDE THE MOTION AFTER CONSIDERING THE FACTORS IN
19 SUBSECTION (1)(g) OF THIS SECTION.

20 (III) IF A MOTION IS FILED FOR THE SEALING OF A CLASS 4, CLASS
21 5, OR CLASS 6 FELONY, A LEVEL 3 OR LEVEL 4 DRUG FELONY, OR A CLASS
22 1 MISDEMEANOR, THE DEFENDANT SHALL PROVIDE NOTICE OF THE MOTION
23 TO THE DISTRICT ATTORNEY. THE DISTRICT ATTORNEY SHALL DETERMINE
24 WHETHER TO OBJECT TO THE MOTION AFTER CONSIDERING THE FACTORS
25 IN SUBSECTION (1)(g) OF THIS SECTION. IF THE DISTRICT ATTORNEY DOES
26 NOT OBJECT, THE COURT MAY GRANT THE MOTION WITH OR WITHOUT THE
27 BENEFIT OF A HEARING. IF THE DISTRICT ATTORNEY OBJECTS TO THE

1 MOTION, THE COURT SHALL SET THE MATTER FOR HEARING. THE COURT
2 MAY ONLY SEAL THE RECORDS IF THE CRIMINAL HISTORY FILED WITH THE
3 MOTION AS REQUIRED BY SUBSECTION (1)(c) OF THIS SECTION DOCUMENTS
4 TO THE COURT THAT THE DEFENDANT HAS NOT BEEN CONVICTED OF A
5 CRIMINAL OFFENSE SINCE THE DATE OF THE FINAL DISPOSITION OF ALL
6 CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR SINCE THE DATE OF THE
7 DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER. THE
8 COURT SHALL DECIDE THE MOTION AFTER CONSIDERING THE POSITION OF
9 THE DISTRICT ATTORNEY AND THE FACTORS IN SUBSECTION (1)(g) OF THIS
10 SECTION.

11 (IV) IF A MOTION IS FILED FOR ANY OTHER OFFENSE, THE
12 DEFENDANT SHALL PROVIDE NOTICE OF THE PETITION TO THE DISTRICT
13 ATTORNEY. THE DISTRICT ATTORNEY SHALL DETERMINE WHETHER TO
14 OBJECT TO THE MOTION AFTER CONSIDERING THE FACTORS IN SUBSECTION
15 (1)(g) OF THIS SECTION. THE COURT SHALL SET ANY MOTION FILED FOR A
16 HEARING. THE COURT MAY ONLY SEAL THE RECORDS IF THE CRIMINAL
17 HISTORY FILED WITH THE MOTION AS REQUIRED BY SUBSECTION (1)(c) OF
18 THIS SECTION DOCUMENTS TO THE COURT THAT THE DEFENDANT HAS NOT
19 BEEN CONVICTED OF A CRIMINAL OFFENSE SINCE THE DATE OF THE FINAL
20 DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR
21 SINCE THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION,
22 WHICHEVER IS LATER. THE COURT SHALL DECIDE THE MOTION AFTER
23 CONSIDERATION OF THE POSITION OF THE DISTRICT ATTORNEY AND THE
24 FACTORS IN SUBSECTION (1)(g) OF THIS SECTION.

25 (g) AT ANY HEARING TO DETERMINE WHETHER RECORDS MAY BE
26 SEALED, EXCEPT FOR BASIC IDENTIFICATION INFORMATION, THE COURT
27 MUST DETERMINE THAT THE HARM TO THE PRIVACY OF THE DEFENDANT OR

1 THE DANGERS OF UNWARRANTED, ADVERSE CONSEQUENCES TO THE
2 DEFENDANT OUTWEIGH THE PUBLIC INTEREST IN RETAINING THE
3 CONVICTION RECORDS. IN MAKING THIS DETERMINATION, THE COURT
4 SHALL, AT A MINIMUM, CONSIDER THE SEVERITY OF THE OFFENSE THAT IS
5 THE BASIS OF THE CONVICTION RECORDS SOUGHT TO BE SEALED, THE
6 CRIMINAL HISTORY OF THE DEFENDANT, THE NUMBER OF CONVICTIONS
7 AND DATES OF THE CONVICTIONS FOR WHICH THE DEFENDANT IS SEEKING
8 TO HAVE THE RECORDS SEALED, AND THE NEED FOR THE GOVERNMENT
9 AGENCY TO RETAIN THE RECORDS.

10 (h) A DEFENDANT WHO FILES A MOTION TO SEAL CRIMINAL JUSTICE
11 CONVICTION RECORDS PURSUANT TO THIS SECTION SHALL PAY A
12 PROCESSING FEE OF SIXTY-FIVE DOLLARS TO COVER THE ACTUAL COSTS
13 RELATED TO THE SEALING OF THE CRIMINAL JUSTICE RECORDS, WHICH THE
14 COURT MAY WAIVE UPON A DETERMINATION OF INDIGENCY. THE
15 DEFENDANT SHALL PAY TO THE COLORADO BUREAU OF INVESTIGATION
16 ANY COSTS RELATED TO THE SEALING OF HIS OR HER CRIMINAL
17 CONVICTION RECORDS IN THE CUSTODY OF THE BUREAU.

18 (2) (a) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO
19 RECORDS PERTAINING TO:

- 20 (I) A CLASS 1 OR CLASS 2 MISDEMEANOR TRAFFIC OFFENSE;
- 21 (II) A CLASS A OR CLASS B TRAFFIC INFRACTION;
- 22 (III) A CONVICTION FOR A VIOLATION OF SECTION 42-4-1301 (1) OR
23 (2);
- 24 (IV) A CONVICTION FOR AN OFFENSE FOR WHICH THE UNDERLYING
25 FACTUAL BASIS INVOLVED UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN
26 SECTION 16-22-102 (9);
- 27 (V) A CONVICTION FOR A VIOLATION OF SECTION 18-6-401; OR

1 (VI) A CONVICTION THAT IS SUBJECT TO ONE OR MORE OF THE
2 FOLLOWING PROVISIONS:

3 (A) SENTENCES FOR A CRIME INVOLVING EXTRAORDINARY
4 AGGRAVATING CIRCUMSTANCES PURSUANT TO SECTION 18-1.3-401 (8);

5 (B) A SENTENCE FOR AN EXTRAORDINARY RISK CRIME PURSUANT
6 TO SECTION 18-1.3-401 (10);

7 (C) SENTENCING FOR A CRIME INVOLVING A PREGNANT VICTIM,
8 PURSUANT TO SECTION 18-1.3-401 (13);

9 (D) SENTENCING FOR A CRIME PERTAINING TO A SPECIAL
10 OFFENDER PURSUANT TO SECTION 18-18-407;

11 (E) SENTENCING FOR A CRIMINAL CONVICTION FOR WHICH THE
12 UNDERLYING FACTUAL BASIS INVOLVES DOMESTIC VIOLENCE AS DEFINED
13 IN SECTION 18-6-800.3;

14 (F) SENTENCING FOR A CRIMINAL CONVICTION FOR A SEXUAL
15 OFFENSE, PURSUANT TO PART 4 OF ARTICLE 3 OF TITLE 18; OR

16 (G) SENTENCING FOR ANY CRIME OF VIOLENCE PURSUANT TO
17 SECTION 18-1.3-406.

18 (b) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A
19 MISDEMEANOR OFFENSE INELIGIBLE PURSUANT TO THE PROVISIONS OF THIS
20 SECTION OR SUBSECTION (2)(a) OF THIS SECTION IS ELIGIBLE FOR SEALING
21 PURSUANT TO THIS SECTION IF THE DISTRICT ATTORNEY CONSENTS TO THE
22 SEALING OR IF THE COURT FINDS, BY CLEAR AND CONVINCING EVIDENCE,
23 THAT THE PETITIONER'S NEED FOR SEALING OF THE RECORD IS SIGNIFICANT
24 AND SUBSTANTIAL, THE PASSAGE OF TIME IS SUCH THAT THE PETITIONER
25 IS NO LONGER A THREAT TO PUBLIC SAFETY, AND THE PUBLIC DISCLOSURE
26 OF THE RECORD IS NO LONGER NECESSARY TO PROTECT OR INFORM THE
27 PUBLIC.

1 (c) THIS SECTION DOES NOT APPLY TO RECORDS THAT ARE SUBJECT
2 TO THE PROCEDURE SET FORTH IN SECTION 18-13-122 (13).

3 (3) **Applicability.** MOTIONS FILED PURSUANT TO THIS SECTION
4 ARE PROCEDURAL IN NATURE, AND SEALING PURSUANT TO THIS SECTION
5 APPLIES RETROACTIVELY TO ALL ELIGIBLE CASES.

6 **24-72-707. Sealing of criminal conviction records information**
7 **for offenses committed by victims of human trafficking. (1) Sealing**
8 **of conviction records.** AT ANY TIME AFTER CONVICTION, A DEFENDANT
9 MAY FILE A MOTION IN THE CASE IN WHICH ANY CONVICTION RECORDS
10 PERTAINING TO THE DEFENDANT'S CONVICTION FOR ANY MISDEMEANOR
11 OFFENSE OR MUNICIPAL CODE OR ORDINANCE VIOLATION, EXCLUDING ANY
12 OFFENSE OF A CRIME AS DEFINED IN SECTION 24-4.1-302 (1).

13 (2) A DEFENDANT MOVING TO HAVE HIS OR HER CRIMINAL
14 RECORDS SEALED PURSUANT TO THIS SECTION IS NOT REQUIRED TO PAY A
15 PROCESSING FEE.

16 (3) THE COURT SHALL ORDER THE RECORDS SEALED AFTER:
17 (a) THE PETITION IS FILED; AND
18 (b) THE DEFENDANT ESTABLISHES BY A PREPONDERANCE OF THE
19 EVIDENCE THAT, AT THE TIME HE OR SHE COMMITTED THE OFFENSE, HE OR
20 SHE HAD BEEN TRAFFICKED BY ANOTHER PERSON, AS DESCRIBED IN
21 SECTION 18-3-503 OR 18-3-504, FOR THE PURPOSE OF PERFORMING THE
22 OFFENSE.

23 **24-72-708. Sealing of criminal conviction records information**
24 **for municipal offenses for convictions. (1) Sealing of conviction**
25 **records.** (a) (I) A DEFENDANT MAY FILE A MOTION IN WHICH ANY
26 CONVICTION RECORDS PERTAINING TO THE DEFENDANT FOR A MUNICIPAL
27 VIOLATION ARE LOCATED FOR THE SEALING OF THE CONVICTION RECORDS,

1 EXCEPT BASIC IDENTIFICATION INFORMATION, IF:

2 (A) THE MOTION IS FILED THREE OR MORE YEARS AFTER THE DATE
3 OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE
4 DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION
5 CONCERNING A CRIMINAL CONVICTION, WHICHEVER IS LATER; AND

6 (B) THE DEFENDANT HAS NOT BEEN CHARGED OR CONVICTED OF
7 A FELONY, MISDEMEANOR, OR MISDEMEANOR TRAFFIC OFFENSE IN THE
8 THREE OR MORE YEARS SINCE THE DATE OF THE FINAL DISPOSITION OF ALL
9 CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR THE DATE OF THE
10 DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER; AND

11 (C) THE CONVICTION RECORDS TO BE SEALED ARE NOT FOR A
12 MISDEMEANOR TRAFFIC OFFENSE COMMITTED EITHER BY A HOLDER OF A
13 COMMERCIAL LEARNER'S PERMIT OR A COMMERCIAL DRIVER'S LICENSE, AS
14 DEFINED IN SECTION 42-2-402, OR BY THE OPERATOR OF A COMMERCIAL
15 MOTOR VEHICLE, AS DEFINED IN SECTION 42-2-402.

16 (II) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION
17 (1)(a)(I)(B) OF THIS SECTION, A DEFENDANT MAY PETITION THE DISTRICT
18 COURT OF THE DISTRICT IN WHICH ANY CONVICTION RECORDS PERTAINING
19 TO THE DEFENDANT FOR A MUNICIPAL VIOLATION, EXCEPT A MUNICIPAL
20 ASSAULT OR BATTERY OFFENSE IN WHICH THE UNDERLYING FACTUAL
21 BASIS INVOLVES DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3
22 (1), OR ANY OTHER MUNICIPAL VIOLATION IN WHICH THE UNDERLYING
23 FACTUAL BASIS INVOLVES DOMESTIC VIOLENCE, AS DEFINED IN SECTION
24 18-6-800.3 (1), OR PETTY OFFENSE ARE LOCATED FOR THE SEALING OF THE
25 CONVICTION RECORDS, EXCEPT BASIC IDENTIFICATION INFORMATION, IF:

26 (A) THE DEFENDANT WAS CONVICTED OF A SINGLE OFFENSE THAT
27 WAS NOT A FELONY AND DID NOT INVOLVE DOMESTIC VIOLENCE AS

1 DEFINED IN SECTION 18-6-800.3 (1), UNLAWFUL SEXUAL BEHAVIOR AS
2 DEFINED IN SECTION 16-22-102 (9), OR CHILD ABUSE AS DEFINED IN
3 SECTION 18-6-401;

4 (B) THAT OFFENSE OCCURRED WITHIN THREE YEARS OF THE DATE
5 OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM
6 OR HER RELATED TO THE CONVICTION THAT THE DEFENDANT IS SEEKING
7 TO HAVE SEALED OR WITHIN THREE YEARS OF THE DATE OF THE
8 DEFENDANT'S RELEASE FROM SUPERVISION RELATED TO THE CONVICTION
9 THAT THE DEFENDANT IS SEEKING TO HAVE SEALED, WHICHEVER IS LATER;
10 AND

11 (C) THE DEFENDANT HAS NOT BEEN CONVICTED OF A FELONY,
12 MISDEMEANOR, OR MISDEMEANOR TRAFFIC OFFENSE IN THE TEN OR MORE
13 YEARS SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL
14 PROCEEDINGS AGAINST HIM OR HER FOR THE SUBSEQUENT CRIMINAL CASE
15 OR IN THE TEN OR MORE YEARS SINCE THE DATE OF THE DEFENDANT'S
16 RELEASE FROM SUPERVISION FOR THE SUBSEQUENT CASE, WHICHEVER IS
17 LATER.

18 (b) UPON FILING THE PETITION, THE DEFENDANT SHALL PAY THE
19 FILING FEE REQUIRED BY LAW.

20 (2) (a) UPON THE FILING OF A MOTION, THE COURT SHALL REVIEW
21 THE MOTION AND DETERMINE WHETHER THERE ARE GROUNDS PURSUANT
22 TO THIS SECTION TO PROCEED TO A HEARING ON THE PETITION. IF THE
23 COURT DETERMINES THAT THE MOTION ON ITS FACE IS INSUFFICIENT OR IF
24 THE COURT DETERMINES THAT, AFTER TAKING JUDICIAL NOTICE OF
25 MATTERS OUTSIDE THE MOTION, THE DEFENDANT IS NOT ENTITLED TO
26 RELIEF PURSUANT TO THIS SECTION, THE COURT SHALL ENTER AN ORDER
27 DENYING THE MOTION AND MAIL A COPY OF THE ORDER TO THE

1 DEFENDANT. THE COURT'S ORDER SHALL SPECIFY THE REASONS FOR THE
2 DENIAL OF THE MOTION.

3 (b) IF THE COURT DETERMINES THAT THE PETITION IS SUFFICIENT
4 ON ITS FACE AND THAT NO OTHER GROUNDS EXIST AT THAT TIME FOR THE
5 COURT TO DENY THE PETITION PURSUANT TO THIS SECTION, THE COURT
6 SHALL SET A DATE FOR A HEARING AND THE COURT SHALL NOTIFY BY
7 CERTIFIED MAIL THE PROSECUTING ATTORNEY, THE ARRESTING AGENCY,
8 AND ANY OTHER PERSON OR AGENCY IDENTIFIED BY THE DEFENDANT.

9 (3) AFTER THE HEARING DESCRIBED IN SUBSECTION (2) OF THIS
10 SECTION IS CONDUCTED AND IF THE COURT FINDS THAT THE HARM TO THE
11 PRIVACY OF THE DEFENDANT OR THE DANGERS OF UNWARRANTED,
12 ADVERSE CONSEQUENCES TO THE DEFENDANT OUTWEIGH THE PUBLIC
13 INTEREST IN RETAINING THE CONVICTION RECORDS, THE COURT MAY
14 ORDER THE CONVICTION RECORDS, EXCEPT BASIC IDENTIFICATION
15 INFORMATION, TO BE SEALED. IN MAKING THIS DETERMINATION, THE
16 COURT SHALL, AT A MINIMUM, CONSIDER THE FACTORS IN SECTION
17 24-72-707 (1)(g).

18 **24-72-709. Sealing of criminal conviction records information**
19 **for multiple conviction records.** (1) SUBJECT TO THE PROVISIONS OF
20 SUBSECTION (4) OF THIS SECTION, A DEFENDANT WITH MULTIPLE
21 CONVICTION RECORDS IN THE STATE MAY PETITION THE DISTRICT COURT
22 OF THE DISTRICT WHERE THE CONVICTION RECORD OR RECORDS
23 PERTAINING TO THE DEFENDANT ARE LOCATED FOR THE SEALING OF THE
24 CONVICTION RECORDS, EXCEPT BASIC IDENTIFYING INFORMATION, IF THE
25 RECORD OR RECORDS ARE NOT ELIGIBLE FOR SEALING PURSUANT TO ANY
26 OTHER SECTION IN THIS PART 7 BECAUSE OF AN INTERVENING CONVICTION,
27 IF THE PETITION IS FILED WITHIN THE TIME FRAME DESCRIBED IN

1 SUBSECTION (2) OF THIS SECTION.

2 (2) (a) IF THE OFFENSE OR HIGHEST OFFENSE OF MULTIPLE
3 OFFENSES IS A PETTY OFFENSE OR PETTY DRUG OFFENSE, THE PETITION
4 MAY BE FILED FIVE YEARS AFTER THE LATER OF THE DATE OF THE FINAL
5 DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR
6 THE RELEASE OF THE DEFENDANT FROM SUPERVISION CONCERNING THE
7 CONVICTION, OR THE LATEST IN TIME CRIMINAL CONVICTION OF THE
8 MULTIPLE CONVICTIONS.

9 (b) IF THE OFFENSE OR HIGHEST OFFENSE OF THE MULTIPLE
10 OFFENSES IS A MISDEMEANOR OR MISDEMEANOR DRUG OFFENSE, THE
11 PETITION MAY BE FILED SEVEN YEARS AFTER THE LATER OF THE DATE OF
12 THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE
13 DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION
14 CONCERNING THE CONVICTION, OR THE LATEST IN TIME CRIMINAL
15 CONVICTION OF THE MULTIPLE CONVICTIONS.

16 (c) IF THE OFFENSE OR HIGHEST OFFENSE OF THE MULTIPLE
17 OFFENSES IS A FELONY OR DRUG FELONY, THE PETITION MAY BE FILED TEN
18 YEARS AFTER THE LATER OF THE DATE OF THE FINAL DISPOSITION OF ALL
19 CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE OF
20 THE DEFENDANT FROM SUPERVISION CONCERNING THE CRIMINAL
21 CONVICTION.

22 (3) (a) THE DEFENDANT SHALL PAY THE FILING FEE AND PROVIDE
23 NOTICE OF THE PETITION TO THE DISTRICT ATTORNEY. THE DISTRICT
24 ATTORNEY SHALL DETERMINE WHETHER TO OBJECT TO THE PETITION
25 AFTER CONSIDERING THE FACTORS IN SECTION 24-72-707 (1)(g). IF THE
26 DISTRICT ATTORNEY DOES NOT OBJECT, THE COURT MAY DECIDE THE
27 PETITION WITH OR WITHOUT THE BENEFIT OF A HEARING. IF THE DISTRICT

1 ATTORNEY OBJECTS TO THE PETITION, THE COURT SHALL SET THE MATTER
2 FOR HEARING. TO ORDER THE RECORD SEALED, THE CRIMINAL HISTORY
3 FILED WITH THE PETITION MUST DOCUMENT TO THE COURT THAT THE
4 DEFENDANT HAS NOT BEEN CONVICTED FOR A CRIMINAL OFFENSE SINCE
5 THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS
6 AGAINST HIM OR HER OR SINCE THE DATE OF THE DEFENDANT'S RELEASE
7 FROM SUPERVISION, WHICHEVER IS LATER. THE COURT SHALL DECIDE THE
8 PETITION AFTER CONSIDERING THE FACTORS IN SECTION 24-72-707 (1)(g).

9 (b) CONVICTION RECORDS MAY NOT BE SEALED IF THE DEFENDANT
10 STILL OWES RESTITUTION, FINES, COURT COSTS, LATE FEES, OR OTHER FEES
11 ORDERED BY THE COURT IN THE CASE THAT IS THE SUBJECT OF THE
12 PETITION TO SEAL CONVICTION RECORDS, UNLESS THE COURT THAT
13 ENTERED THE ORDER FOR RESTITUTION, FINES, COURT COSTS, LATE FEES,
14 OR OTHER FEES HAS VACATED THE ORDER.

15 (4) (a) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO
16 RECORDS PERTAINING TO:

- 17 (I) A CLASS 1 OR CLASS 2 MISDEMEANOR TRAFFIC OFFENSE;
- 18 (II) A CLASS A OR CLASS B TRAFFIC INFRACTION;
- 19 (III) A CONVICTION FOR A VIOLATION OF SECTION 42-4-1301 (1) OR
20 (2);

21 (IV) A CONVICTION FOR AN OFFENSE FOR WHICH THE UNDERLYING
22 FACTUAL BASIS INVOLVED UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN
23 SECTION 16-22-102 (9);

24 (V) A CONVICTION FOR A VIOLATION OF SECTION 18-6-401; OR

25 (VI) A CONVICTION THAT IS SUBJECT TO ONE OR MORE OF THE
26 FOLLOWING PROVISIONS:

27 (A) SENTENCES FOR A CRIME INVOLVING EXTRAORDINARY

1 AGGRAVATING CIRCUMSTANCES PURSUANT TO SECTION 18-1.3-401 (8);

2 (B) A SENTENCE FOR AN EXTRAORDINARY RISK CRIME PURSUANT
3 TO SECTION 18-1.3-401 (10);

4 (C) SENTENCING FOR A CRIME INVOLVING A PREGNANT VICTIM,
5 PURSUANT TO SECTION 18-1.3-401 (13);

6 (D) SENTENCING FOR A CRIME PERTAINING TO A SPECIAL
7 OFFENDER PURSUANT TO SECTION 18-18-407;

8 (E) SENTENCING FOR A CRIMINAL CONVICTION FOR WHICH THE
9 UNDERLYING FACTUAL BASIS INVOLVES DOMESTIC VIOLENCE AS DEFINED
10 IN SECTION 18-6-800.3;

11 (F) SENTENCING FOR A CRIMINAL CONVICTION FOR A SEXUAL
12 OFFENSE, PURSUANT TO PART 4 OF ARTICLE 3 OF TITLE 18; OR

13 (G) SENTENCING FOR ANY CRIME OF VIOLENCE PURSUANT TO
14 SECTION 18-1.3-406.

15 (b) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A
16 MISDEMEANOR OFFENSE INELIGIBLE PURSUANT TO THE PROVISIONS OF THIS
17 SECTION OR SUBSECTION (4)(a) OF THIS SECTION IS ELIGIBLE FOR SEALING
18 PURSUANT TO THIS SECTION IF THE DISTRICT ATTORNEY CONSENTS TO THE
19 SEALING OR IF THE COURT FINDS, BY CLEAR AND CONVINCING EVIDENCE,
20 THAT THE PETITIONER'S NEED FOR SEALING OF THE RECORD IS SIGNIFICANT
21 AND SUBSTANTIAL, THE PASSAGE OF TIME IS SUCH THAT THE PETITIONER
22 IS NO LONGER A THREAT TO PUBLIC SAFETY, AND THE PUBLIC DISCLOSURE
23 OF THE RECORD IS NO LONGER NECESSARY TO PROTECT OR INFORM THE
24 PUBLIC.

25 (c) THIS SECTION DOES NOT APPLY TO RECORDS THAT ARE SUBJECT
26 TO THE PROCEDURE SET FORTH IN SECTION 18-13-122 (13).

27 **SECTION 2.** In Colorado Revised Statutes, 18-1.3-101, **amend**

1 (10)(c) as follows:

2 **18-1.3-101. Pretrial diversion. (10) (c) Diversion outcomes.** At
3 any point after a diversion agreement is completed, a defendant may
4 petition the court to seal all arrest and other criminal records pertaining
5 to the offense using the procedure described in ~~section 24-72-702, C.R.S.~~
6 ~~SECTIONS 24-72-706 AND 24-72-709.~~ Unless otherwise prohibited under
7 ~~section 24-72-702 (4)(a), C.R.S. SECTIONS 24-72-704 AND 24-72-709,~~ the
8 court shall issue a sealing order if requested by the defendant following
9 successful completion of a diversion agreement.

10 **SECTION 3.** In Colorado Revised Statutes, 18-7-201.3, **amend**
11 (2)(a) as follows:

12 **18-7-201.3. Affirmative defense - human trafficking -**
13 **expungement of record protective order - definitions.** (2) (a) On or
14 after January 1, 2016, a person charged with or convicted of prostitution,
15 as described in section 18-7-201 or any corresponding municipal code or
16 ordinance, for an offense committed before July 1, 2015, which offense
17 was committed as a direct result of being a victim of human trafficking,
18 as defined in subsection (4) of this section, may apply to the court for a
19 sealing of his or her records pursuant to ~~section 24-72-702 or 24-72-706,~~
20 ~~C.R.S. SECTION 24-72-704 OR 24-72-707,~~ as applicable.

21 **SECTION 4.** In Colorado Revised Statutes, 24-4.1-302.5, **amend**
22 (1)(z) as follows:

23 **24-4.1-302.5. Rights afforded to victims - definitions.** (1) In
24 order to preserve and protect a victim's rights to justice and due process,
25 each victim of a crime has the following rights:

26 (z) The right to be notified of a hearing concerning a MOTION OR
27 petition for sealing of records described in ~~section 24-72-702~~ SECTION

1 24-72-704 filed by a defendant in the criminal case whose crime falls
2 under section 24-4.1-302 (1);

3 **SECTION 5.** In Colorado Revised Statutes, 24-4.1-303, **amend**
4 (11)(b.7) as follows:

5 **24-4.1-303. Procedures for ensuring rights of victims of**
6 **crimes.** (11) The district attorney shall inform a victim of the following:

7 (b.7) Any hearing concerning a petition for sealing of records as
8 described in ~~section 24-72-702~~ SECTION 24-72-704 that was filed by a
9 defendant in the criminal case and whose crime falls under section
10 24-4.1-302 (1). The notification should be made using the last known
11 contact information that is available for the victim.

12 **SECTION 6. Effective date.** This act takes effect August 1,
13 2019.

14 **SECTION 7. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.