

CHAPTER 19

COURTS

SENATE BILL 22-019

BY SENATOR(S) Winter, Fenberg, Fields, Gonzales, Hansen, Jaquez Lewis, Kolker, Lee, Moreno, Rodriguez;
also REPRESENTATIVE(S) Woodrow, Benavidez, Boesenecker, Daugherty, Duran, Exum, Gonzales-Gutierrez, Herod, Hooton,
Jodeh, Kipp, Lindsay, Lontine, Ricks, Weissman.

AN ACT**CONCERNING ACCESS TO AUTOMATICALLY SUPPRESSED COURT RECORDS OF EVICTION PROCEEDINGS.**

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

SECTION 1. In Colorado Revised Statutes, 13-40-110.5, **add (5)** as follows:

13-40-110.5. Automatic suppression of court records - definition. (5) IN ADDITION TO THE PERSONS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, A COURT SHALL ALLOW A PERSON TO ACCESS A SUPPRESSED COURT RECORD IF THE PERSON AFFIRMS TO THE COURT, IN WRITING OR ELECTRONICALLY, THAT:

(a) THE PERSON IS AN ATTORNEY, OTHER THAN A PARTY'S ATTORNEY DESCRIBED IN SUBSECTION (1) OF THIS SECTION, OR IS ACTING ON BEHALF OF THE ATTORNEY;

(b) A PARTY INCLUDED IN THE COURT RECORD HAS GIVEN WRITTEN OR VERBAL PERMISSION FOR THE PERSON TO ACCESS THE SUPPRESSED COURT RECORD;

(c) THE PERSON IS ONLY ACCESSING THE RECORD FOR THE PURPOSE OF:

(I) PROVIDING LEGAL ADVICE TO, OR EVALUATING WHETHER TO ENTER AN APPEARANCE ON BEHALF OF, THE PARTY WHO GAVE PERMISSION FOR THE PERSON TO ACCESS THE RECORD; OR

(II) EVALUATING WHETHER THE MATTER IS SUITABLE FOR MEDIATION OR IN PREPARATION FOR A MEDIATION BETWEEN THE PARTIES INCLUDED IN THE COURT RECORD; AND

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(d) THE PERSON IS NOT ACCESSING THE RECORD FOR COMMERCIAL PURPOSES, OTHER THAN AS DESCRIBED IN SUBSECTION (5)(c) OF THIS SECTION.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 15, 2022