

**Please Support HB18-1344 (Weissman / Sias):**  
**updating collateral relief motions statutes**

### **Purpose**

- Expand availability of collateral relief motions to promote offender re-entry
- Add new collateral sanctions relief mechanism in the juvenile code
- Consolidate duplicative sections in the criminal code

### **Reasons to support the bill**

- Successful re-entry – including ability to work – is critical to avoiding recidivism and therefore to promoting public safety
- **84% approval** by CCJJ Re-Entry Task Force (June 9, 2017 meeting)
- Individualized judicial determination of suitability for collateral sanction relief – judge may deny
- HB 1344 does not change existing exceptions:
  - licensure by the department of education
  - employment with judicial branch, DOC, DYS, or any other law enforcement agency
  - defendant convicted of a felony involving SBI
  - defendant convicted of a COV
  - defendant required to register as a sex offender

### **Background / key definitions**

- **"collateral consequence"** means a collateral sanction or a disqualification
- **"collateral sanction"** means a penalty, prohibition, bar, or disadvantage, however denominated, imposed on an individual as a result of the individual's adjudication for an offense, which penalty, prohibition, bar, or disadvantage applies by operation of law regardless of whether the penalty, prohibition, bar, or disadvantage is included in the judgment or sentence.
- **"collateral sanction" does not include** imprisonment, probation, parole, supervised release, forfeiture, restitution, fine, assessment, costs of prosecution, or a restraint or sanction on an individual's driving privilege.

### **Section by Section Summary of HB 1344**

1. **Amend existing collateral relief section § 18-1.3-107** to allow motions after conviction as well
2. **Repeal duplicative sections** in § 18-1.3-pt2 and § 18-1.3-pt3
3. **Add notification** about collateral relief motions to PSIR
4. **Add new section** to provide for collateral relief motions for juvenile adjudications
5. **Add notification** about collateral relief motions for juvenile adjudication PSIR
6. **Effective date & applicability** – July 1, 2018
7. Safety Clause