

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0297.01 Michael Dohr x4347

**SENATE BILL 13-123**

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**SENATE SPONSORSHIP**

**Steadman,**

**HOUSE SPONSORSHIP**

**Levy,**

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**Senate Committees**

Judiciary  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING PROVISIONS THAT IMPROVE THE REINTEGRATION**  
102 **OPPORTUNITIES FOR PERSONS INVOLVED IN THE CRIMINAL**  
103 **JUSTICE SYSTEM, AND, IN CONNECTION THEREWITH, MAKING AN**  
104 **APPROPRIATION.**

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**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://www.leg.state.co.us/billsummaries>.)*

Under current law prior to a person's release on probation or parole the person's probation or parole officer provides the person with a notice

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.*

regarding sealing criminal records. The bill specifies what the notice must contain.

The bill provides that a pardon issued by the governor waives all collateral consequences associated with each conviction for which the person received a pardon unless the pardon limits the scope of the pardon regarding collateral consequences. If the governor grants a pardon or a request for clemency, the governor shall provide a copy of the pardon or clemency to the Colorado bureau of investigation, and the Colorado bureau of investigation shall include a note in the individual's record in the Colorado crime information center that a pardon was issued or clemency was granted.

Under current law, certain drug convictions are subject to sealing; the bill extends sealing to most other crimes.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-11-209, **add** (4)  
3 as follows:

4 **16-11-209. Duties of probation officers.** (4) (a) PRIOR TO AN  
5 OFFENDER BEING RELEASED FROM PROBATION, THE PROBATION OFFICER  
6 RELEASING THE INDIVIDUAL SHALL PROVIDE THE NOTICE DESCRIBED IN  
7 PARAGRAPH (b) OF THIS SUBSECTION (4) AT THE LAST MEETING THE  
8 OFFICER HAS WITH THE PERSON.

9 (b) THE NOTICE SHALL CONTAIN THE FOLLOWING INFORMATION:

10 (I) THAT A PERSON CONVICTED OF CERTAIN CRIMES HAS THE RIGHT  
11 TO SEEK TO HAVE HIS OR HER CRIMINAL RECORD SEALED;

12 (II) THAT THERE ARE COLLATERAL CONSEQUENCES ASSOCIATED  
13 WITH A CRIMINAL CONVICTION THAT A SEALING ORDER CAN ALLEVIATE;

14 (III) THE LIST OF CRIMES THAT ARE ELIGIBLE FOR SEALING AND  
15 THE ASSOCIATED TIME PERIOD THAT A PERSON MUST WAIT PRIOR TO  
16 SEEKING SEALING;     

17 (IV) THAT THE STATE PUBLIC DEFENDER HAS COMPILED A LIST OF  
18 LAWS THAT IMPOSE COLLATERAL CONSEQUENCES RELATED TO A CRIMINAL

1 CONVICTION AND THAT THE LIST IS AVAILABLE ON THE STATE PUBLIC  
2 DEFENDER'S WEB SITE; AND

3 (V) THAT THE PERSON SHOULD SEEK LEGAL COUNSEL IF HE OR SHE  
4 HAS ANY QUESTIONS REGARDING RECORD SEALING.

5 **SECTION 2.** In Colorado Revised Statutes, 17-2-102, **add** (12)  
6 as follows:

7 **17-2-102. Division of adult parole - general powers, duties, and**  
8 **functions - definitions.** (12) (a) PRIOR TO AN OFFENDER BEING RELEASED  
9 FROM PAROLE, THE COMMUNITY PAROLE OFFICER RELEASING THE  
10 INDIVIDUAL SHALL PROVIDE THE NOTICE DESCRIBED IN PARAGRAPH (b) OF  
11 THIS SUBSECTION (12) AT THE LAST MEETING THE OFFICER HAS WITH THE  
12 PERSON.

13 (b) THE NOTICE SHALL CONTAIN THE FOLLOWING INFORMATION:

14 (I) THAT A PERSON CONVICTED OF CERTAIN CRIMES HAS THE RIGHT  
15 TO SEEK TO HAVE HIS OR HER CRIMINAL RECORD SEALED;

16 (II) THAT THERE ARE COLLATERAL CONSEQUENCES ASSOCIATED  
17 WITH A CRIMINAL CONVICTION THAT A SEALING ORDER CAN ALLEVIATE;

18 (III) THE LIST OF CRIMES THAT ARE ELIGIBLE FOR SEALING AND  
19 THE ASSOCIATED TIME PERIOD THAT A PERSON MUST WAIT PRIOR TO  
20 SEEKING SEALING;     

21 (IV) THAT THE STATE PUBLIC DEFENDER HAS COMPILED A LIST OF  
22 LAWS THAT IMPOSE COLLATERAL CONSEQUENCES RELATED TO A CRIMINAL  
23 CONVICTION AND THAT THE LIST IS AVAILABLE ON THE STATE PUBLIC  
24 DEFENDER'S WEB SITE; AND

25 (V) THAT THE PERSON SHOULD SEEK LEGAL COUNSEL IF HE OR SHE  
26 HAS ANY QUESTIONS REGARDING RECORD SEALING.

27 **SECTION 3.** In Colorado Revised Statutes, **add** 16-17-103 as

1 follows:

2 **16-17-103. Effect of pardon and commutation of sentence -**

3 **definitions.** (1) A PARDON ISSUED BY THE GOVERNOR SHALL WAIVE ALL  
4 COLLATERAL CONSEQUENCES ASSOCIATED WITH EACH CONVICTION FOR  
5 WHICH THE PERSON RECEIVED A PARDON UNLESS THE PARDON LIMITS THE  
6 SCOPE OF THE PARDON REGARDING COLLATERAL CONSEQUENCES.

7 (2) IF THE GOVERNOR GRANTS A PARDON OR A REQUEST FOR  
8 COMMUTATION OF SENTENCE, THE GOVERNOR SHALL PROVIDE A COPY OF  
9 THE PARDON OR COMMUTATION OF SENTENCE TO THE COLORADO BUREAU  
10 OF INVESTIGATION, AND THE COLORADO BUREAU OF INVESTIGATION  
11 SHALL     NOTE IN THE INDIVIDUAL'S RECORD IN THE COLORADO CRIME  
12 INFORMATION CENTER THAT A PARDON WAS ISSUED OR COMMUTATION OF  
13 SENTENCE WAS GRANTED.

14 (3) FOR PURPOSES OF THIS SECTION, "COLLATERAL  
15 CONSEQUENCES" MEANS A PENALTY, PROHIBITION, BAR, DISADVANTAGE,  
16 OR DISQUALIFICATION, HOWEVER DENOMINATED, IMPOSED ON AN  
17 INDIVIDUAL AS A RESULT OF THE INDIVIDUAL'S CONVICTION OF AN  
18 OFFENSE, WHICH PENALTY, PROHIBITION, BAR, OR DISADVANTAGE APPLIES  
19 BY OPERATION OF LAW REGARDLESS OF WHETHER THE PENALTY,  
20 PROHIBITION, BAR, OR DISADVANTAGE IS INCLUDED IN THE JUDGMENT OR  
21 SENTENCE. "COLLATERAL CONSEQUENCES" DOES NOT INCLUDE  
22 IMPRISONMENT, PROBATION, PAROLE, SUPERVISED RELEASE, FORFEITURE,  
23 RESTITUTION, FINE, ASSESSMENT, OR COSTS OF PROSECUTION.

24 **SECTION 4.** In Colorado Revised Statutes, 24-34-102, **amend**  
25 (8.7) as follows:

26 **24-34-102. Division of professions and occupations - creation**  
27 **- duties of division and department heads - license renewal,**

1 **reinstatement, and endorsement - definitions - rules - review of**  
2 **functions - repeal.** (8.7) Unless there is a specific statutory  
3 disqualification that prohibits an applicant from obtaining licensure based  
4 on a criminal conviction, if ~~the~~ A licensing entity IN TITLE 10 OR 12,  
5 C.R.S., determines that an applicant for licensure has a criminal record,  
6 the licensing entity is governed by section 24-5-101 for purposes of  
7 granting or denying licensure or placing any conditions on licensure.

8 **SECTION 5.** In Colorado Revised Statutes, 24-34-104, **add** (9)  
9 (b) (VIII.5) as follows:

10 **24-34-104. General assembly review of regulatory agencies**  
11 **and functions for termination, continuation, or reestablishment.**

12 (9) (b) In such hearings, the determination as to whether an agency has  
13 demonstrated a public need for continued existence of the agency or  
14 function and for the degree of regulation it practices shall be based on the  
15 following factors, among others:

16 (VIII.5) WHETHER THE AGENCY THROUGH ITS LICENSING OR  
17 CERTIFICATION PROCESS IMPOSES ANY DISQUALIFICATIONS ON APPLICANTS  
18 BASED ON PAST CRIMINAL HISTORY AND, IF SO, WHETHER THE  
19 DISQUALIFICATIONS SERVE PUBLIC SAFETY OR COMMERCIAL OR CONSUMER  
20 PROTECTION INTERESTS. TO ASSIST IN CONSIDERING THIS FACTOR, THE  
21 ANALYSIS PREPARED PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (a)  
22 OF SUBSECTION (8) OF THIS SECTION SHALL INCLUDE DATA ON THE  
23 NUMBER OF LICENSES OR CERTIFICATIONS THAT WERE DENIED, REVOKED,  
24 OR SUSPENDED BASED ON A DISQUALIFICATION AND THE BASIS FOR THE  
25 DISQUALIFICATION.

26 **SECTION 6.** In Colorado Revised Statutes, 24-34-104.1, **amend**  
27 (2) (d), (2) (e), (4) (b) (II), and (4) (b) (III); and **add** (2) (f) and (4) (b)

1 (IV) as follows:

2 **24-34-104.1. General assembly sunrise review of new**  
3 **regulation of occupations and professions.** (2) Any professional or  
4 occupational group or organization, any individual, or any other interested  
5 party that proposes the regulation of any unregulated professional or  
6 occupational group shall submit the following information to the  
7 department of regulatory agencies. A proposal to regulate a professional  
8 or occupational group shall be reviewed only when the party requesting  
9 such review files with the department a statement of support for the  
10 proposed regulation that has been signed by at least ten members of the  
11 professional or occupational group for which regulation is being sought  
12 or at least ten individuals who are not members of such professional or  
13 occupational group, along with the following information:

14 (d) The benefit to the public that would result from the proposed  
15 regulation; ~~and~~

16 (e) The cost of the proposed regulation; AND

17 (f) A DESCRIPTION OF ANY ANTICIPATED DISQUALIFICATIONS ON  
18 AN APPLICANT FOR LICENSURE, CERTIFICATION, RELICENSURE, OR  
19 RECERTIFICATION BASED ON CRIMINAL HISTORY AND HOW THE  
20 DISQUALIFICATIONS SERVE PUBLIC SAFETY OR COMMERCIAL OR CONSUMER  
21 PROTECTION INTERESTS.

22 (4) (b) In such hearings, the determination as to whether such  
23 regulation of an occupation or a profession is needed shall be based upon  
24 the following considerations:

25 (II) Whether the public needs, and can reasonably be expected to  
26 benefit from, an assurance of initial and continuing professional or  
27 occupational competence; ~~and~~

1 (III) Whether the public can be adequately protected by other  
2 means in a more cost-effective manner; AND

3 (IV) WHETHER THE IMPOSITION OF ANY DISQUALIFICATIONS ON  
4 APPLICANTS FOR LICENSURE, CERTIFICATION, RELICENSURE, OR  
5 RECERTIFICATION BASED ON CRIMINAL HISTORY SERVES PUBLIC SAFETY OR  
6 COMMERCIAL OR CONSUMER PROTECTION INTERESTS.

7 **SECTION 7.** In Colorado Revised Statutes, 24-72-308, **amend**  
8 (2) (b) as follows:

9 **24-72-308. Sealing of arrest and criminal records other than**  
10 **convictions. (2) Advisements.** (b) In addition to, and not in lieu of, the  
11 requirement described in paragraph (a) of this subsection (2):

12 (I) If a defendant's case is dismissed after a period of supervision  
13 by probation, the probation department, upon the termination of the  
14 defendant's probation, shall provide the defendant with a written  
15 advisement of his or her rights pursuant to this section concerning the  
16 sealing of his or her criminal justice records if he or she complies with the  
17 applicable provisions of this section.

18 (II) IF A DEFENDANT IS RELEASED ON PAROLE, THE DEFENDANT'S  
19 PAROLE OFFICER, UPON THE TERMINATION OF THE DEFENDANT'S PAROLE,  
20 SHALL PROVIDE THE DEFENDANT WITH A WRITTEN ADVISEMENT OF HIS OR  
21 HER RIGHTS CONCERNING THE SEALING OF HIS OR HER CRIMINAL JUSTICE  
22 RECORDS PURSUANT TO THIS SECTION IF HE OR SHE COMPLIES WITH THE  
23 APPLICABLE PROVISIONS OF THIS SECTION.

24 **SECTION 8.** In Colorado Revised Statutes, 24-72-308.5, **amend**  
25 (2) (f) (I) as follows:

26 **24-72-308.5. Sealing of criminal conviction records**  
27 **information for offenses involving controlled substances for**

1 **convictions entered on or after July 1, 2008, and prior to July 1, 2011.**

2 (2) **Sealing of conviction records.** (f) (I) Except as otherwise provided  
3 in subparagraph (II) of paragraph (a) of this subsection (2) or in  
4 subparagraphs (II) and (III) of this paragraph (f), employers, state and  
5 local government agencies, officials, landlords, and employees shall not,  
6 in any application or interview or in any other way, require an applicant  
7 to disclose any information contained in sealed conviction records. An  
8 applicant need not, in answer to any question concerning conviction  
9 records that have been sealed, include a reference to or information  
10 concerning the sealed conviction records and may state that the applicant  
11 has not been criminally convicted. AN APPLICATION MAY NOT BE DENIED  
12 SOLELY BECAUSE OF THE APPLICANT'S REFUSAL TO DISCLOSE CONVICTION  
13 RECORDS THAT HAVE BEEN SEALED.

14 **SECTION 9.** In Colorado Revised Statutes, **add 24-72-308.9** as  
15 follows:

16 **24-72-308.9. Sealing of criminal conviction records**  
17 **information for petty offenses and municipal offenses for convictions.**

18 **(1) Definitions.** FOR PURPOSES OF THIS SECTION, "CONVICTION RECORDS"  
19 **MEANS ARREST AND CRIMINAL RECORDS INFORMATION AND ANY RECORDS**  
20 **PERTAINING TO A JUDGMENT OF CONVICTION.**

21 **(2) Sealing of conviction records.** (a) (I) A DEFENDANT MAY  
22 **PETITION THE DISTRICT COURT OF THE DISTRICT IN WHICH ANY**  
23 **CONVICTION RECORDS PERTAINING TO THE DEFENDANT FOR A PETTY**  
24 **OFFENSE OR MUNICIPAL VIOLATION ARE LOCATED FOR THE SEALING OF THE**  
25 **CONVICTION RECORDS, EXCEPT BASIC IDENTIFYING INFORMATION, IF:**

26 **(A) THE PETITION IS FILED THREE OR MORE YEARS AFTER THE DATE**  
27 **OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE**



1 DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION  
2 CONCERNING A CRIMINAL CONVICTION, WHICHEVER IS LATER; AND

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

8 (II) UPON FILING THE PETITION, THE DEFENDANT SHALL PAY THE  
9 FILING FEE REQUIRED BY LAW AND AN ADDITIONAL FILING FEE OF TWO  
10 HUNDRED DOLLARS TO COVER THE ACTUAL COSTS RELATED TO THE FILING  
11 OF THE PETITION TO SEAL RECORDS. THE ADDITIONAL FILING FEES  
12 COLLECTED UNDER THIS SUBPARAGRAPH (II) SHALL BE TRANSMITTED TO  
13 THE STATE TREASURER FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH  
14 FUND CREATED IN SECTION 13-32-101 (6), C.R.S.

15 (III) A PETITION TO SEAL RECORDS PURSUANT TO THIS SECTION  
16 MAY ONLY BE FILED ONCE DURING A TWELVE-MONTH PERIOD. THE COURT  
17 SHALL IMMEDIATELY DISMISS A SECOND OR SUBSEQUENT PETITION FILED  
18 WITHIN TWELVE MONTHS OF ANOTHER PETITION.

19 (IV) AN ORDER SEALING CONVICTION RECORDS SHALL NOT DENY  
20 ACCESS TO THE CRIMINAL RECORDS OF A DEFENDANT BY ANY COURT, LAW  
21 ENFORCEMENT AGENCY, CRIMINAL JUSTICE AGENCY, PROSECUTING  
22 ATTORNEY, OR PARTY OR AGENCY REQUIRED BY LAW TO CONDUCT A  
23 CRIMINAL HISTORY RECORD CHECK ON AN INDIVIDUAL. AN ORDER SEALING  
24 CONVICTION RECORDS SHALL NOT BE CONSTRUED TO VACATE A  
25 CONVICTION. A CONVICTION SEALED PURSUANT TO THIS SECTION MAY BE  
26 USED BY A CRIMINAL JUSTICE AGENCY, LAW ENFORCEMENT AGENCY,  
27 COURT, OR PROSECUTING ATTORNEY FOR ANY LAWFUL PURPOSE RELATING

1 TO THE INVESTIGATION OR PROSECUTION OF ANY CASE, INCLUDING BUT  
2 NOT LIMITED TO ANY SUBSEQUENT CASE THAT IS FILED AGAINST THE  
3 DEFENDANT, OR FOR ANY OTHER LAWFUL PURPOSE WITHIN THE SCOPE OF  
4 HIS, HER, OR ITS DUTIES. IF A DEFENDANT IS CONVICTED OF A NEW FELONY,  
5 MISDEMEANOR, OR TRAFFIC OFFENSE AFTER AN ORDER SEALING  
6 CONVICTION RECORDS IS ENTERED, THE COURT SHALL ORDER THE  
7 CONVICTION RECORDS TO BE UNSEALED. A PARTY OR AGENCY REQUIRED  
8 BY LAW TO CONDUCT A CRIMINAL HISTORY RECORD CHECK SHALL BE  
9 AUTHORIZED TO USE ANY SEALED CONVICTION FOR THE LAWFUL PURPOSE  
10 FOR WHICH THE CRIMINAL HISTORY RECORD CHECK IS REQUIRED BY LAW.

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

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

1           (II) (A) UPON THE FILING OF A PETITION, THE COURT SHALL  
2           REVIEW THE PETITION AND DETERMINE WHETHER THERE ARE GROUNDS  
3           UNDER THIS SECTION TO PROCEED TO A HEARING ON THE PETITION. IF THE  
4           COURT DETERMINES THAT THE PETITION ON ITS FACE IS INSUFFICIENT OR  
5           IF THE COURT DETERMINES THAT, AFTER TAKING JUDICIAL NOTICE OF  
6           MATTERS OUTSIDE THE PETITION, THE DEFENDANT IS NOT ENTITLED TO  
7           RELIEF UNDER THIS SECTION, THE COURT SHALL ENTER AN ORDER DENYING  
8           THE PETITION AND MAIL A COPY OF THE ORDER TO THE DEFENDANT. THE  
9           COURT'S ORDER SHALL SPECIFY THE REASONS FOR THE DENIAL OF THE  
10          PETITION.

11          (B) IF THE COURT DETERMINES THAT THE PETITION IS SUFFICIENT  
12          ON ITS FACE AND THAT NO OTHER GROUNDS EXIST AT THAT TIME FOR THE  
13          COURT TO DENY THE PETITION UNDER THIS SECTION, THE COURT SHALL SET  
14          A DATE FOR A HEARING, AND THE DEFENDANT SHALL NOTIFY BY CERTIFIED  
15          MAIL THE PROSECUTING ATTORNEY, THE ARRESTING AGENCY, AND ANY  
16          OTHER PERSON OR AGENCY IDENTIFIED BY THE DEFENDANT.

17          (c) AFTER THE HEARING DESCRIBED IN SUBPARAGRAPH (II) OF  
18          PARAGRAPH (b) OF THIS SUBSECTION (2) IS CONDUCTED AND IF THE COURT  
19          FINDS THAT THE HARM TO THE PRIVACY OF THE DEFENDANT OR THE  
20          DANGERS OF UNWARRANTED, ADVERSE CONSEQUENCES TO THE  
21          DEFENDANT OUTWEIGH THE PUBLIC INTEREST IN RETAINING THE  
22          CONVICTION RECORDS, THE COURT MAY ORDER THE CONVICTION RECORDS,  
23          EXCEPT BASIC IDENTIFICATION INFORMATION, TO BE SEALED. IN MAKING  
24          THIS DETERMINATION, THE COURT SHALL, AT A MINIMUM, CONSIDER THE  
25          SEVERITY OF THE OFFENSE THAT IS THE BASIS OF THE CONVICTION  
26          RECORDS SOUGHT TO BE SEALED, THE CRIMINAL HISTORY OF THE  
27          DEFENDANT, THE NUMBER OF CONVICTIONS AND DATES OF THE

1 CONVICTIONS FOR WHICH THE DEFENDANT IS SEEKING TO HAVE THE  
2 RECORDS SEALED, AND THE NEED FOR THE GOVERNMENT AGENCY TO  
3 RETAIN THE RECORDS. AN ORDER ENTERED PURSUANT TO THIS PARAGRAPH  
4 (c) MUST BE DIRECTED TO EACH CUSTODIAN WHO MAY HAVE CUSTODY OF  
5 ANY PART OF THE CONVICTION RECORDS THAT ARE THE SUBJECT OF THE  
6 ORDER. WHENEVER A COURT ENTERS AN ORDER SEALING CONVICTION  
7 RECORDS PURSUANT TO THIS PARAGRAPH (c), THE DEFENDANT SHALL  
8 PROVIDE THE COLORADO BUREAU OF INVESTIGATION AND EACH  
9 CUSTODIAN OF THE CONVICTION RECORDS WITH A COPY OF THE ORDER.  
10 THE PETITIONER SHALL PROVIDE A PRIVATE CUSTODIAN WITH A COPY OF  
11 THE ORDER AND SEND THE PRIVATE CUSTODIAN AN ELECTRONIC  
12 NOTIFICATION OF THE ORDER. EACH PRIVATE CUSTODIAN THAT RECEIVES  
13 A COPY OF THE ORDER FROM THE PETITIONER SHALL REMOVE THE RECORDS  
14 THAT ARE SUBJECT TO AN ORDER FROM ITS DATABASE. THE DEFENDANT  
15 SHALL PAY TO THE BUREAU ANY COSTS RELATED TO THE SEALING OF HIS  
16 OR HER CRIMINAL CONVICTION RECORDS IN THE CUSTODY OF THE BUREAU.  
17 THEREAFTER, THE DEFENDANT MAY REQUEST AND THE COURT MAY GRANT  
18 AN ORDER SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS  
19 WERE SEALED.

20 (d) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF  
21 PARAGRAPH (a) OF THIS SUBSECTION (2), UPON THE ENTRY OF AN ORDER  
22 TO SEAL THE CONVICTION RECORDS, THE DEFENDANT AND ALL CRIMINAL  
23 JUSTICE AGENCIES MAY PROPERLY REPLY, UPON AN INQUIRY IN THE  
24 MATTER, THAT PUBLIC CONVICTION RECORDS DO NOT EXIST WITH RESPECT  
25 TO THE DEFENDANT.

26 (e) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF  
27 PARAGRAPH (a) OF THIS SUBSECTION (2), INSPECTION OF THE RECORDS

1 INCLUDED IN AN ORDER SEALING CONVICTION RECORDS MAY THEREAFTER  
2 BE PERMITTED BY THE COURT ONLY UPON PETITION BY THE DEFENDANT.

3 (f) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF  
4 PARAGRAPH (a) OF THIS SUBSECTION (2) OR IN SUBPARAGRAPHS (II) AND  
5 (III) OF THIS PARAGRAPH (f), EMPLOYERS, STATE AND LOCAL  
6 GOVERNMENT AGENCIES, OFFICIALS, LANDLORDS, AND EMPLOYEES SHALL  
7 NOT, IN ANY APPLICATION OR INTERVIEW OR IN ANY OTHER WAY, REQUIRE  
8 AN APPLICANT TO DISCLOSE ANY INFORMATION CONTAINED IN SEALED  
9 CONVICTION RECORDS. AN APPLICANT NEED NOT, IN RESPONSE TO ANY  
10 QUESTION CONCERNING CONVICTION RECORDS THAT HAVE BEEN SEALED,  
11 INCLUDE A REFERENCE TO OR INFORMATION CONCERNING THE SEALED  
12 CONVICTION RECORDS AND MAY STATE THAT THE APPLICANT HAS NOT  
13 BEEN CRIMINALLY CONVICTED.

14 (II) SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) SHALL NOT  
15 PRECLUDE THE BAR COMMITTEE OF THE COLORADO STATE BOARD OF LAW  
16 EXAMINERS FROM MAKING FURTHER INQUIRIES INTO THE FACT OF A  
17 CONVICTION THAT COMES TO THE ATTENTION OF THE BAR COMMITTEE  
18 THROUGH OTHER MEANS. THE BAR COMMITTEE OF THE COLORADO STATE  
19 BOARD OF LAW EXAMINERS SHALL HAVE A RIGHT TO INQUIRE INTO THE  
20 MORAL AND ETHICAL QUALIFICATIONS OF AN APPLICANT, AND THE  
21 APPLICANT SHALL NOT HAVE A RIGHT TO PRIVACY OR PRIVILEGE THAT  
22 JUSTIFIES HIS OR HER REFUSAL TO ANSWER A QUESTION CONCERNING  
23 SEALED CONVICTION RECORDS THAT HAVE COME TO THE ATTENTION OF  
24 THE BAR COMMITTEE THROUGH OTHER MEANS.

25 (III) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH  
26 (f) SHALL NOT APPLY TO A CRIMINAL JUSTICE AGENCY OR TO AN  
27 APPLICANT TO A CRIMINAL JUSTICE AGENCY.

1           (IV) ANY MEMBER OF THE PUBLIC MAY PETITION THE COURT TO  
2           UNSEAL ANY FILE THAT HAS BEEN PREVIOUSLY SEALED UPON A SHOWING  
3           THAT CIRCUMSTANCES HAVE COME INTO EXISTENCE SINCE THE ORIGINAL  
4           SEALING AND, AS A RESULT, THE PUBLIC INTEREST IN DISCLOSURE NOW  
5           OUTWEIGHS THE DEFENDANT'S INTEREST IN PRIVACY.

6           (g) THE OFFICE OF THE STATE COURT ADMINISTRATOR SHALL POST  
7           ON ITS WEB SITE A LIST OF ALL PETITIONS TO SEAL CONVICTION RECORDS  
8           THAT ARE FILED WITH A DISTRICT COURT. A DISTRICT COURT MAY NOT  
9           GRANT A PETITION TO SEAL CONVICTION RECORDS UNTIL AT LEAST THIRTY  
10          DAYS AFTER THE POSTING. AFTER THE EXPIRATION OF THIRTY DAYS  
11          FOLLOWING THE POSTING, THE PETITION TO SEAL CONVICTION RECORDS  
12          AND INFORMATION PERTINENT THERETO SHALL BE REMOVED FROM THE  
13          WEB SITE OF THE OFFICE OF THE STATE COURT ADMINISTRATOR.

14          (h) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO  
15          AUTHORIZE THE PHYSICAL DESTRUCTION OF ANY CONVICTION RECORDS.

16          (i) NOTWITHSTANDING ANY PROVISION IN THIS SECTION TO THE  
17          CONTRARY, IN REGARD TO ANY CONVICTION OF A DEFENDANT RESULTING  
18          FROM A SINGLE CASE IN WHICH THE DEFENDANT IS CONVICTED OF MORE  
19          THAN ONE OFFENSE, RECORDS OF THE CONVICTION MAY BE SEALED  
20          PURSUANT TO THE PROVISIONS OF THIS SECTION ONLY IF THE RECORDS OF  
21          EVERY CONVICTION OF THE DEFENDANT RESULTING FROM THAT CASE MAY  
22          BE SEALED PURSUANT TO THE PROVISIONS OF THIS SECTION.

23          (3) Advisements. (a) WHENEVER A DEFENDANT IS SENTENCED  
24          FOLLOWING A CONVICTION OF A PETTY OR MUNICIPAL OFFENSE, THE  
25          COURT SHALL PROVIDE HIM OR HER WITH A WRITTEN ADVISEMENT OF HIS  
26          OR HER RIGHTS CONCERNING THE SEALING OF HIS OR HER CONVICTION  
27          RECORDS PURSUANT TO THIS SECTION IF HE OR SHE COMPLIES WITH THE

1 APPLICABLE PROVISIONS OF THIS SECTION.

2 (b) IN ADDITION TO, AND NOT IN LIEU OF, THE REQUIREMENT  
3 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3), IF A DEFENDANT IS  
4 SENTENCED TO PROBATION FOLLOWING A CONVICTION OF A PETTY OR  
5 MUNICIPAL OFFENSE, THE PROBATION DEPARTMENT, UPON THE  
6 TERMINATION OF THE DEFENDANT'S PROBATION, SHALL PROVIDE THE  
7 DEFENDANT WITH A WRITTEN ADVISEMENT OF HIS OR HER RIGHTS  
8 CONCERNING THE SEALING OF HIS OR HER CONVICTION RECORDS  
9 PURSUANT TO THIS SECTION IF HE OR SHE COMPLIES WITH THE APPLICABLE  
10 PROVISIONS OF THIS SECTION.

11 (4) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO  
12 CONVICTION RECORDS THAT ARE IN THE POSSESSION OF A CRIMINAL  
13 JUSTICE AGENCY WHEN AN INQUIRY CONCERNING THE CONVICTION  
14 RECORDS IS MADE BY ANOTHER CRIMINAL JUSTICE AGENCY.

15 (5) Rules of discovery - rules of evidence - witness testimony.  
16 COURT ORDERS SEALING RECORDS OF OFFICIAL ACTIONS PURSUANT TO  
17 THIS SECTION SHALL NOT LIMIT THE OPERATIONS OF:

18 (a) THE RULES OF DISCOVERY OR THE RULES OF EVIDENCE  
19 PROMULGATED BY THE SUPREME COURT OF COLORADO OR ANY OTHER  
20 STATE OR FEDERAL COURT; OR

21 (b) THE PROVISIONS OF SECTION 13-90-101, C.R.S., CONCERNING  
22 WITNESS TESTIMONY.

23 **SECTION 10.** In Colorado Revised Statutes, **add 18-1.3-107 as**  
24 **follows:**

25 **18-1.3-107. Sentencing order - collateral relief.** (1) **AT THE TIME**  
26 **A DEFENDANT ENTERS INTO AN ALTERNATIVE TO SENTENCING IN THIS PART**  
27 **1, UPON THE REQUEST OF THE DEFENDANT OR UPON THE COURT'S OWN**

1 MOTION, A COURT MAY ENTER AN ORDER OF COLLATERAL RELIEF FOR THE  
2 PURPOSE OF PRESERVING OR ENHANCING THE DEFENDANT'S EMPLOYMENT  
3 OR EMPLOYMENT PROSPECTS AND TO IMPROVE THE DEFENDANT'S  
4 LIKELIHOOD OF SUCCESS IN THE ALTERNATIVE TO SENTENCING PROGRAM.

5 (2) **Application contents.** (a) AN APPLICATION FOR AN ORDER OF  
6 COLLATERAL RELIEF MUST CITE THE GROUNDS FOR GRANTING THE RELIEF,  
7 THE TYPE OF RELIEF SOUGHT, AND THE SPECIFIC COLLATERAL  
8 CONSEQUENCE FROM WHICH THE APPLICANT IS SEEKING RELIEF AND MUST  
9 INCLUDE A COPY OF A RECENT COLORADO BUREAU OF INVESTIGATION  
10 FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK. THE STATE  
11 COURT ADMINISTRATOR MAY PRODUCE AN APPLICATION FORM THAT AN  
12 APPLICANT MAY SUBMIT IN APPLICATION.

13 (b) THE APPLICANT SHALL PROVIDE A COPY OF THE APPLICATION  
14 TO THE DISTRICT ATTORNEY AND TO THE REGULATORY OR LICENSING  
15 BODY THAT HAS JURISDICTION OVER THE COLLATERAL CONSEQUENCE  
16 FROM WHICH THE APPLICANT IS SEEKING RELIEF, IF ANY, BY CERTIFIED  
17 MAIL OR PERSONAL SERVICE WITHIN TEN DAYS AFTER FILING THE  
18 APPLICATION WITH THE COURT.

19 (3) AN ORDER OF COLLATERAL RELIEF MAY RELIEVE A DEFENDANT  
20 OF ANY COLLATERAL CONSEQUENCES OF THE CONVICTION, WHETHER IN  
21 HOUSING OR EMPLOYMENT BARRIERS OR ANY OTHER SANCTION OR  
22 DISQUALIFICATION THAT THE COURT SHALL SPECIFY, INCLUDING BUT NOT  
23 LIMITED TO STATUTORY, REGULATORY, OR OTHER COLLATERAL  
24 CONSEQUENCES THAT THE COURT MAY SEE FIT TO RELIEVE THAT WILL  
25 ASSIST THE DEFENDANT IN SUCCESSFULLY COMPLETING PROBATION OR A  
26 COMMUNITY CORRECTIONS SENTENCE.

27 (4) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN



1 ORDER OF COLLATERAL RELIEF CANNOT RELIEVE ANY COLLATERAL  
2 CONSEQUENCES IMPOSED BY LAW FOR LICENSURE BY THE DEPARTMENT OF  
3 EDUCATION OR ANY COLLATERAL CONSEQUENCES IMPOSED BY LAW FOR  
4 EMPLOYMENT WITH THE JUDICIAL BRANCH, THE DEPARTMENT OF  
5 CORRECTIONS, DIVISION OF YOUTH CORRECTIONS IN THE DEPARTMENT OF  
6 HUMAN SERVICES, OR ANY OTHER LAW ENFORCEMENT AGENCY IN THE  
7 STATE OF COLORADO.

8 (b) A COURT SHALL NOT ISSUE AN ORDER OF COLLATERAL RELIEF  
9 IF THE DEFENDANT:

10 (I) HAS BEEN CONVICTED OF A FELONY THAT INCLUDED AN  
11 ELEMENT THAT REQUIRES A VICTIM TO SUFFER PERMANENT DISABILITY;

12 (II) HAS BEEN CONVICTED OF A CRIME OF VIOLENCE AS DESCRIBED  
13 IN SECTION 18-1.3-406; OR

14 (III) IS REQUIRED TO REGISTER AS A SEX OFFENDER PURSUANT TO  
15 SECTION 16-22-103, C.R.S.

16 (5) **Hearing.** (a) THE COURT MAY CONDUCT A HEARING OR  
17 INCLUDE A HEARING ON THE MATTER AT THE DEFENDANT'S SENTENCING  
18 HEARING ON THE APPLICATION OR ON ANY MATTER RELEVANT TO THE  
19 GRANTING OR DENYING OF THE APPLICATION AND MAY TAKE TESTIMONY  
20 UNDER OATH.

21 (b) THE COURT MAY HEAR TESTIMONY FROM VICTIMS OR ANY  
22 PROONENT OR OPPONENT OF THE APPLICATION AND MAY HEAR  
23 ARGUMENT FROM THE PETITIONER AND THE DISTRICT ATTORNEY.

24 (6) **Standard for granting relief.** (a) A COURT MAY ISSUE AN  
25 ORDER OF COLLATERAL RELIEF IF THE COURT FINDS THAT:

26 (I) THE ORDER OF COLLATERAL RELIEF IS CONSISTENT WITH THE  
27 APPLICANT'S REHABILITATION; AND

1           (II) GRANTING THE APPLICATION WOULD IMPROVE THE  
2           APPLICANT'S LIKELIHOOD OF SUCCESS IN REINTEGRATING INTO SOCIETY  
3           AND IS IN THE PUBLIC'S INTEREST.

4           (b) THE COURT THAT PREVIOUSLY ISSUED AN ORDER OF  
5           COLLATERAL RELIEF, ON ITS OWN MOTION OR EITHER BY CAUSE SHOWN BY  
6           THE DISTRICT ATTORNEY OR ON GROUNDS OFFERED BY THE APPLICANT,  
7           MAY AT ANY TIME ISSUE A SUBSEQUENT JUDGMENT TO ENLARGE, LIMIT, OR  
8           CIRCUMSCRIBE THE RELIEF PREVIOUSLY GRANTED.

9           (c) UPON THE MOTION OF THE DISTRICT ATTORNEY OR PROBATION  
10          OFFICER OR UPON THE COURT'S OWN MOTION, A COURT MAY REVOKE AN  
11          ORDER OF COLLATERAL RELIEF UPON EVIDENCE OF A SUBSEQUENT  
12          CRIMINAL CONVICTION OR PROOF THAT THE DEFENDANT IS NO LONGER  
13          ENTITLED TO RELIEF. ANY BARS, PROHIBITIONS, SANCTIONS, AND  
14          DISQUALIFICATIONS THEREBY RELIEVED SHALL BE REINSTATED AS OF THE  
15          DATE OF THE WRITTEN ORDER OF REVOCATION. THE COURT SHALL  
16          PROVIDE A COPY OF THE ORDER OF REVOCATION TO THE HOLDER AND TO  
17          ANY REGULATORY OR LICENSING ENTITY THAT THE DEFENDANT NOTICED  
18          IN HIS OR HER MOTION FOR RELIEF.

19          (7) IF THE COURT ISSUES AN ORDER OF COLLATERAL RELIEF, IT  
20          SHALL SEND A COPY OF THE ORDER OF COLLATERAL RELIEF THROUGH THE  
21          COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM TO THE  
22          COLORADO BUREAU OF INVESTIGATION, AND THE COLORADO BUREAU OF  
23          INVESTIGATION SHALL NOTE IN THE APPLICANT'S RECORD IN THE  
24          COLORADO CRIME INFORMATION CENTER THAT THE ORDER OF  
25          COLLATERAL RELIEF WAS ISSUED.

26          (8) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT  
27          OTHERWISE REQUIRES:

1           (a) "COLLATERAL CONSEQUENCE" MEANS A COLLATERAL  
2           SANCTION OR A DISQUALIFICATION.

3           (b) "COLLATERAL SANCTION" MEANS A PENALTY, PROHIBITION,  
4           BAR, OR DISADVANTAGE, HOWEVER DENOMINATED, IMPOSED ON AN  
5           INDIVIDUAL AS A RESULT OF THE INDIVIDUAL'S CONVICTION OF AN  
6           OFFENSE, WHICH PENALTY, PROHIBITION, BAR, OR DISADVANTAGE APPLIES  
7           BY OPERATION OF LAW REGARDLESS OF WHETHER THE PENALTY,  
8           PROHIBITION, BAR, OR DISADVANTAGE IS INCLUDED IN THE JUDGMENT OR  
9           SENTENCE. "COLLATERAL SANCTION" DOES NOT INCLUDE IMPRISONMENT,  
10           PROBATION, PAROLE, SUPERVISED RELEASE, FORFEITURE, RESTITUTION,  
11           FINE, ASSESSMENT, COSTS OF PROSECUTION, OR A RESTRAINT OR SANCTION  
12           ON AN INDIVIDUAL'S DRIVING PRIVILEGE.

13           (c) "CONVICTION" OR "CONVICTED" MEANS A VERDICT OF GUILTY  
14           BY A JUDGE OR JURY OR A PLEA OF GUILTY OR NOLO CONTENDERE THAT IS  
15           ACCEPTED BY THE COURT OR AN ADJUDICATION FOR AN OFFENSE THAT  
16           WOULD CONSTITUTE A CRIMINAL OFFENSE IF COMMITTED BY AN ADULT, OR  
17           A CONVICTION OF A CRIME UNDER THE LAWS OF ANY OTHER STATE, THE  
18           UNITED STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE  
19           UNITED STATES, WHICH, IF COMMITTED WITHIN THIS STATE, WOULD BE A  
20           FELONY OR MISDEMEANOR. "CONVICTION" OR "CONVICTED" ALSO  
21           INCLUDES HAVING RECEIVED A DEFERRED JUDGMENT AND SENTENCE OR  
22           A DEFERRED ADJUDICATION; EXCEPT THAT A PERSON SHALL NOT BE  
23           DEEMED TO HAVE BEEN CONVICTED IF THE PERSON HAS SUCCESSFULLY  
24           COMPLETED A DEFERRED SENTENCE OR A DEFERRED ADJUDICATION.

25           (d) "DISQUALIFICATION" MEANS A PENALTY, PROHIBITION, BAR, OR  
26           DISADVANTAGE, HOWEVER DENOMINATED, THAT AN ADMINISTRATIVE  
27           AGENCY, GOVERNMENTAL OFFICIAL, OR COURT IN A CIVIL PROCEEDING IS

1 AUTHORIZED, BUT NOT REQUIRED, TO IMPOSE ON AN INDIVIDUAL ON  
2 GROUNDS RELATING TO THE INDIVIDUAL'S CONVICTION OF AN OFFENSE.

3 **SECTION 11. In Colorado Revised Statutes, add 18-1.3-213 as**  
4 **follows:**

5 **18-1.3-213. Sentencing order - collateral relief.** (1) AT THE TIME  
6 OF SENTENCING, UPON THE REQUEST OF THE DEFENDANT OR UPON THE  
7 COURT'S OWN MOTION, A COURT THAT SENTENCES THE DEFENDANT TO  
8 PROBATION MAY ENTER AN ORDER OF COLLATERAL RELIEF FOR THE  
9 PURPOSE OF PRESERVING OR ENHANCING THE DEFENDANT'S EMPLOYMENT  
10 OR EMPLOYMENT PROSPECTS AND TO IMPROVE THE DEFENDANT'S  
11 LIKELIHOOD OF SUCCESS ON PROBATION OR IN THE COMMUNITY  
12 CORRECTIONS PROGRAM.

13 **(2) Application contents.** (a) AN APPLICATION FOR AN ORDER OF  
14 COLLATERAL RELIEF MUST CITE THE GROUNDS FOR GRANTING THE RELIEF,  
15 THE TYPE OF RELIEF SOUGHT, AND THE SPECIFIC COLLATERAL  
16 CONSEQUENCE FROM WHICH THE APPLICANT IS SEEKING RELIEF AND MUST  
17 INCLUDE A COPY OF A RECENT COLORADO BUREAU OF INVESTIGATION  
18 FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK. THE STATE  
19 COURT ADMINISTRATOR MAY PRODUCE AN APPLICATION FORM THAT AN  
20 APPLICANT MAY SUBMIT IN APPLICATION.

21 **(b) THE APPLICANT SHALL PROVIDE A COPY OF THE APPLICATION**  
22 **TO THE DISTRICT ATTORNEY AND TO THE REGULATORY OR LICENSING**  
23 **BODY THAT HAS JURISDICTION OVER THE COLLATERAL CONSEQUENCE**  
24 **FROM WHICH THE APPLICANT IS SEEKING RELIEF, IF ANY, BY CERTIFIED**  
25 **MAIL OR PERSONAL SERVICE WITHIN TEN DAYS AFTER FILING THE**  
26 **APPLICATION WITH THE COURT.**

27 **(3) AN ORDER OF COLLATERAL RELIEF MAY RELIEVE A DEFENDANT**

1 OF ANY COLLATERAL CONSEQUENCES OF THE CONVICTION, WHETHER IN  
2 HOUSING OR EMPLOYMENT BARRIERS OR ANY OTHER SANCTION OR  
3 DISQUALIFICATION THAT THE COURT SHALL SPECIFY, INCLUDING BUT NOT  
4 LIMITED TO STATUTORY, REGULATORY, OR OTHER COLLATERAL  
5 CONSEQUENCES THAT THE COURT MAY SEE FIT TO RELIEVE THAT WILL  
6 ASSIST THE DEFENDANT IN SUCCESSFULLY COMPLETING PROBATION OR A  
7 COMMUNITY CORRECTIONS SENTENCE.

8 (4) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN  
9 ORDER OF COLLATERAL RELIEF CANNOT RELIEVE ANY COLLATERAL  
10 CONSEQUENCES IMPOSED BY LAW FOR LICENSURE BY THE DEPARTMENT OF  
11 EDUCATION OR ANY COLLATERAL CONSEQUENCES IMPOSED BY LAW FOR  
12 EMPLOYMENT WITH THE JUDICIAL BRANCH, THE DEPARTMENT OF  
13 CORRECTIONS, DIVISION OF YOUTH CORRECTIONS IN THE DEPARTMENT OF  
14 HUMAN SERVICES, OR ANY OTHER LAW ENFORCEMENT AGENCY IN THE  
15 STATE OF COLORADO.

16 (b) A COURT SHALL NOT ISSUE AN ORDER OF COLLATERAL RELIEF  
17 IF THE DEFENDANT:

18 (I) HAS BEEN CONVICTED OF A FELONY THAT INCLUDED AN  
19 ELEMENT THAT REQUIRES A VICTIM TO SUFFER PERMANENT DISABILITY;

20 (II) Has been convicted of a crime of violence as described in  
21 section 18-1.3-406; OR

22 (III) IS REQUIRED TO REGISTER AS A SEX OFFENDER PURSUANT TO  
23 SECTION 16-22-103, C.R.S.

24 (5) **Hearing.** (a) THE COURT MAY CONDUCT A HEARING OR  
25 INCLUDE A HEARING ON THE MATTER AT THE DEFENDANT'S SENTENCING  
26 HEARING ON THE APPLICATION OR ON ANY MATTER RELEVANT TO THE  
27 GRANTING OR DENYING OF THE APPLICATION AND MAY TAKE TESTIMONY

1 UNDER OATH.

2 (b) THE COURT MAY HEAR TESTIMONY FROM VICTIMS OR ANY  
3 PROPONENT OR OPPONENT OF THE APPLICATION AND MAY HEAR  
4 ARGUMENT FROM THE PETITIONER AND THE DISTRICT ATTORNEY.

5 (6) Standard for granting relief. (a) A COURT MAY ISSUE AN  
6 ORDER OF COLLATERAL RELIEF IF THE COURT FINDS THAT:

7 (I) THE ORDER OF COLLATERAL RELIEF IS CONSISTENT WITH THE  
8 APPLICANT'S REHABILITATION; AND

9 (II) GRANTING THE APPLICATION WOULD IMPROVE THE  
10 APPLICANT'S LIKELIHOOD OF SUCCESS IN REINTEGRATING INTO SOCIETY  
11 AND IS IN THE PUBLIC'S INTEREST.

12 (b) THE COURT THAT PREVIOUSLY ISSUED AN ORDER OF  
13 COLLATERAL RELIEF, ON ITS OWN MOTION OR EITHER BY CAUSE SHOWN BY  
14 THE DISTRICT ATTORNEY OR ON GROUNDS OFFERED BY THE APPLICANT,  
15 MAY AT ANY TIME ISSUE A SUBSEQUENT JUDGMENT TO ENLARGE, LIMIT, OR  
16 CIRCUMSCRIBE THE RELIEF PREVIOUSLY GRANTED.

17 (c) UPON THE MOTION OF THE DISTRICT ATTORNEY OR PROBATION  
18 OFFICER OR UPON THE COURT'S OWN MOTION, A COURT MAY REVOKE AN  
19 ORDER OF COLLATERAL RELIEF UPON EVIDENCE OF A SUBSEQUENT  
20 CRIMINAL CONVICTION OR PROOF THAT THE DEFENDANT IS NO LONGER  
21 ENTITLED TO RELIEF. ANY BARS, PROHIBITIONS, SANCTIONS, AND  
22 DISQUALIFICATIONS THEREBY RELIEVED SHALL BE REINSTATED AS OF THE  
23 DATE OF THE WRITTEN ORDER OF REVOCATION. THE COURT SHALL  
24 PROVIDE A COPY OF THE ORDER OF REVOCATION TO THE HOLDER AND TO  
25 ANY REGULATORY OR LICENSING ENTITY THAT THE DEFENDANT NOTICED  
26 IN HIS OR HER MOTION FOR RELIEF.

27 (7) IF THE COURT ISSUES AN ORDER OF COLLATERAL RELIEF, IT

1 SHALL SEND A COPY OF THE ORDER OF COLLATERAL RELIEF THROUGH THE  
2 COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM TO THE  
3 COLORADO BUREAU OF INVESTIGATION, AND THE COLORADO BUREAU OF  
4 INVESTIGATION SHALL NOTE IN THE APPLICANT'S RECORD IN THE  
5 COLORADO CRIME INFORMATION CENTER THAT THE ORDER OF  
6 COLLATERAL RELIEF WAS ISSUED.

7 (8) Definitions. AS USED IN THIS SECTION, UNLESS THE CONTEXT  
8 OTHERWISE REQUIRES:

9 (a) "COLLATERAL CONSEQUENCE" MEANS A COLLATERAL  
10 SANCTION OR A DISQUALIFICATION.

11 (b) "COLLATERAL SANCTION" MEANS A PENALTY, PROHIBITION,  
12 BAR, OR DISADVANTAGE, HOWEVER DENOMINATED, IMPOSED ON AN  
13 INDIVIDUAL AS A RESULT OF THE INDIVIDUAL'S CONVICTION OF AN  
14 OFFENSE, WHICH PENALTY, PROHIBITION, BAR, OR DISADVANTAGE APPLIES  
15 BY OPERATION OF LAW REGARDLESS OF WHETHER THE PENALTY,  
16 PROHIBITION, BAR, OR DISADVANTAGE IS INCLUDED IN THE JUDGMENT OR  
17 SENTENCE. "COLLATERAL SANCTION" DOES NOT INCLUDE IMPRISONMENT,  
18 PROBATION, PAROLE, SUPERVISED RELEASE, FORFEITURE, RESTITUTION,  
19 FINE, ASSESSMENT, COSTS OF PROSECUTION, OR A RESTRAINT OR SANCTION  
20 ON AN INDIVIDUAL'S DRIVING PRIVILEGE.

21 (c) "CONVICTION" OR "CONVICTED" MEANS A VERDICT OF GUILTY  
22 BY A JUDGE OR JURY OR A PLEA OF GUILTY OR NOLO CONTENDERE THAT IS  
23 ACCEPTED BY THE COURT OR AN ADJUDICATION FOR AN OFFENSE THAT  
24 WOULD CONSTITUTE A CRIMINAL OFFENSE IF COMMITTED BY AN ADULT, OR  
25 A CONVICTION OF A CRIME UNDER THE LAWS OF ANY OTHER STATE, THE  
26 UNITED STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE  
27 UNITED STATES, WHICH, IF COMMITTED WITHIN THIS STATE, WOULD BE A

1 FELONY OR MISDEMEANOR. "CONVICTION" OR "CONVICTED" ALSO  
2 INCLUDES HAVING RECEIVED A DEFERRED JUDGMENT AND SENTENCE OR  
3 A DEFERRED ADJUDICATION; EXCEPT THAT A PERSON SHALL NOT BE  
4 DEEMED TO HAVE BEEN CONVICTED IF THE PERSON HAS SUCCESSFULLY  
5 COMPLETED A DEFERRED SENTENCE OR A DEFERRED ADJUDICATION.

6 (d) "DISQUALIFICATION" MEANS A PENALTY, PROHIBITION, BAR, OR  
7 DISADVANTAGE, HOWEVER DENOMINATED, THAT AN ADMINISTRATIVE  
8 AGENCY, GOVERNMENTAL OFFICIAL, OR COURT IN A CIVIL PROCEEDING IS  
9 AUTHORIZED, BUT NOT REQUIRED, TO IMPOSE ON AN INDIVIDUAL ON  
10 GROUND RELATING TO THE INDIVIDUAL'S CONVICTION OF AN OFFENSE.

11 **SECTION 12. In Colorado Revised Statutes, add 18-1.3-303 as**  
12 **follows:**

13 **18-1.3-303. Sentencing order - collateral relief.** (1) AT THE TIME  
14 OF SENTENCING, UPON THE REQUEST OF THE DEFENDANT OR UPON THE  
15 COURT'S OWN MOTION, A COURT MAY ENTER AN ORDER OF COLLATERAL  
16 RELIEF IF THE COURT SENTENCES THE DEFENDANT TO A COMMUNITY  
17 CORRECTIONS PROGRAM FOR THE PURPOSE OF PRESERVING OR ENHANCING  
18 THE DEFENDANT'S EMPLOYMENT OR EMPLOYMENT PROSPECTS AND TO  
19 IMPROVE THE DEFENDANT'S LIKELIHOOD OF SUCCESS ON PROBATION OR IN  
20 THE COMMUNITY CORRECTIONS PROGRAM.

21 **(2) Application contents.** (a) AN APPLICATION FOR AN ORDER OF  
22 COLLATERAL RELIEF MUST CITE THE GROUNDS FOR GRANTING THE RELIEF,  
23 THE TYPE OF RELIEF SOUGHT, AND THE SPECIFIC COLLATERAL  
24 CONSEQUENCE FROM WHICH THE APPLICANT IS SEEKING RELIEF AND MUST  
25 INCLUDE A COPY OF A RECENT COLORADO BUREAU OF INVESTIGATION  
26 FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK. THE STATE  
27 COURT ADMINISTRATOR MAY PRODUCE AN APPLICATION FORM THAT AN



1 APPLICANT MAY SUBMIT IN APPLICATION.

2 (b) THE APPLICANT SHALL PROVIDE A COPY OF THE APPLICATION  
3 TO THE DISTRICT ATTORNEY AND TO THE REGULATORY OR LICENSING  
4 BODY THAT HAS JURISDICTION OVER THE COLLATERAL CONSEQUENCE  
5 FROM WHICH THE APPLICANT IS SEEKING RELIEF, IF ANY, BY CERTIFIED  
6 MAIL OR PERSONAL SERVICE WITHIN TEN DAYS AFTER FILING THE  
7 APPLICATION WITH THE COURT.

8 (3) AN ORDER OF COLLATERAL RELIEF MAY RELIEVE A DEFENDANT  
9 OF ANY COLLATERAL CONSEQUENCES OF THE CONVICTION, WHETHER IN  
10 HOUSING OR EMPLOYMENT BARRIERS OR ANY OTHER SANCTION OR  
11 DISQUALIFICATION THAT THE COURT SHALL SPECIFY, INCLUDING BUT NOT  
12 LIMITED TO STATUTORY, REGULATORY, OR OTHER COLLATERAL  
13 CONSEQUENCES THAT THE COURT MAY SEE FIT TO RELIEVE THAT WILL  
14 ASSIST THE DEFENDANT IN SUCCESSFULLY COMPLETING PROBATION OR A  
15 COMMUNITY CORRECTIONS SENTENCE.

16 (4) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN  
17 ORDER OF COLLATERAL RELIEF CANNOT RELIEVE ANY COLLATERAL  
18 CONSEQUENCES IMPOSED BY LAW FOR LICENSURE BY THE DEPARTMENT OF  
19 EDUCATION OR ANY COLLATERAL CONSEQUENCES IMPOSED BY LAW FOR  
20 EMPLOYMENT WITH THE JUDICIAL BRANCH, THE DEPARTMENT OF  
21 CORRECTIONS, DIVISION OF YOUTH CORRECTIONS IN THE DEPARTMENT OF  
22 HUMAN SERVICES, OR ANY OTHER LAW ENFORCEMENT AGENCY IN THE  
23 STATE OF COLORADO.

24 (b) A COURT SHALL NOT ISSUE AN ORDER OF COLLATERAL RELIEF  
25 IF THE DEFENDANT:

26 (I) HAS BEEN CONVICTED OF A FELONY THAT INCLUDED AN  
27 ELEMENT THAT REQUIRES A VICTIM TO SUFFER PERMANENT DISABILITY;

1           (II) HAS BEEN CONVICTED OF A CRIME OF VIOLENCE AS DESCRIBED  
2 IN SECTION 18-1.3-406; OR

3           (III) IS REQUIRED TO REGISTER AS A SEX OFFENDER PURSUANT TO  
4 SECTION 16-22-103, C.R.S.

5           (5) **Hearing.** (a) THE COURT MAY CONDUCT A HEARING OR  
6 INCLUDE A HEARING ON THE MATTER AT THE DEFENDANT'S SENTENCING  
7 HEARING ON THE APPLICATION OR ON ANY MATTER RELEVANT TO THE  
8 GRANTING OR DENYING OF THE APPLICATION AND MAY TAKE TESTIMONY  
9 UNDER OATH.

10           (b) THE COURT MAY HEAR TESTIMONY FROM VICTIMS OR ANY  
11 PROONENT OR OPPONENT OF THE APPLICATION AND MAY HEAR  
12 ARGUMENT FROM THE PETITIONER AND THE DISTRICT ATTORNEY.

13           (6) **Standard for granting relief.** (a) A COURT MAY ISSUE AN  
14 ORDER OF COLLATERAL RELIEF IF THE COURT FINDS THAT:

15           (I) THE ORDER OF COLLATERAL RELIEF IS CONSISTENT WITH THE  
16 APPLICANT'S REHABILITATION; AND

17           (II) GRANTING THE APPLICATION WOULD IMPROVE THE  
18 APPLICANT'S LIKELIHOOD OF SUCCESS IN REINTEGRATING INTO SOCIETY  
19 AND IS IN THE PUBLIC'S INTEREST.

20           (b) THE COURT THAT PREVIOUSLY ISSUED AN ORDER OF  
21 COLLATERAL RELIEF, ON ITS OWN MOTION OR EITHER BY CAUSE SHOWN BY  
22 THE DISTRICT ATTORNEY OR ON GROUNDS OFFERED BY THE APPLICANT,  
23 MAY AT ANY TIME ISSUE A SUBSEQUENT JUDGMENT TO ENLARGE, LIMIT, OR  
24 CIRCUMSCRIBE THE RELIEF PREVIOUSLY GRANTED.

25           (c) UPON THE MOTION OF THE DISTRICT ATTORNEY OR PROBATION  
26 OFFICER OR UPON THE COURT'S OWN MOTION, A COURT MAY REVOKE AN  
27 ORDER OF COLLATERAL RELIEF UPON EVIDENCE OF A SUBSEQUENT

1 CRIMINAL CONVICTION OR PROOF THAT THE DEFENDANT IS NO LONGER  
2 ENTITLED TO RELIEF. ANY BARS, PROHIBITIONS, SANCTIONS, AND  
3 DISQUALIFICATIONS THEREBY RELIEVED SHALL BE REINSTATED AS OF THE  
4 DATE OF THE WRITTEN ORDER OF REVOCATION. THE COURT SHALL  
5 PROVIDE A COPY OF THE ORDER OF REVOCATION TO THE HOLDER AND TO  
6 ANY REGULATORY OR LICENSING ENTITY THAT THE DEFENDANT NOTICED  
7 IN HIS OR HER MOTION FOR RELIEF.

8 (7) IF THE COURT ISSUES AN ORDER OF COLLATERAL RELIEF, IT  
9 SHALL SEND A COPY OF THE ORDER OF COLLATERAL RELIEF THROUGH THE  
10 COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM TO THE  
11 COLORADO BUREAU OF INVESTIGATION, AND THE COLORADO BUREAU OF  
12 INVESTIGATION SHALL NOTE IN THE APPLICANT'S RECORD IN THE  
13 COLORADO CRIME INFORMATION CENTER THAT THE ORDER OF  
14 COLLATERAL RELIEF WAS ISSUED.

15 (8) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT  
16 OTHERWISE REQUIRES:

17 (a) "COLLATERAL CONSEQUENCE" MEANS A COLLATERAL  
18 SANCTION OR A DISQUALIFICATION.

19 (b) "COLLATERAL SANCTION" MEANS A PENALTY, PROHIBITION,  
20 BAR, OR DISADVANTAGE, HOWEVER DENOMINATED, IMPOSED ON AN  
21 INDIVIDUAL AS A RESULT OF THE INDIVIDUAL'S CONVICTION OF AN  
22 OFFENSE, WHICH PENALTY, PROHIBITION, BAR, OR DISADVANTAGE APPLIES  
23 BY OPERATION OF LAW REGARDLESS OF WHETHER THE PENALTY,  
24 PROHIBITION, BAR, OR DISADVANTAGE IS INCLUDED IN THE JUDGMENT OR  
25 SENTENCE. "COLLATERAL SANCTION" DOES NOT INCLUDE IMPRISONMENT,  
26 PROBATION, PAROLE, SUPERVISED RELEASE, FORFEITURE, RESTITUTION,  
27 FINE, ASSESSMENT, COSTS OF PROSECUTION, OR A RESTRAINT OR SANCTION

1 ON AN INDIVIDUAL'S DRIVING PRIVILEGE.

2 (c) "CONVICTION" OR "CONVICTED" MEANS A VERDICT OF GUILTY  
3 BY A JUDGE OR JURY OR A PLEA OF GUILTY OR NOLO CONTENDERE THAT IS  
4 ACCEPTED BY THE COURT OR AN ADJUDICATION FOR AN OFFENSE THAT  
5 WOULD CONSTITUTE A CRIMINAL OFFENSE IF COMMITTED BY AN ADULT, OR  
6 A CONVICTION OF A CRIME UNDER THE LAWS OF ANY OTHER STATE, THE  
7 UNITED STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE  
8 UNITED STATES, WHICH, IF COMMITTED WITHIN THIS STATE, WOULD BE A  
9 FELONY OR MISDEMEANOR. "CONVICTION" OR "CONVICTED" ALSO  
10 INCLUDES HAVING RECEIVED A DEFERRED JUDGMENT AND SENTENCE OR  
11 A DEFERRED ADJUDICATION; EXCEPT THAT A PERSON SHALL NOT BE  
12 DEEMED TO HAVE BEEN CONVICTED IF THE PERSON HAS SUCCESSFULLY  
13 COMPLETED A DEFERRED SENTENCE OR A DEFERRED ADJUDICATION.

14 (d) "DISQUALIFICATION" MEANS A PENALTY, PROHIBITION, BAR, OR  
15 DISADVANTAGE, HOWEVER DENOMINATED, THAT AN ADMINISTRATIVE  
16 AGENCY, GOVERNMENTAL OFFICIAL, OR COURT IN A CIVIL PROCEEDING IS  
17 AUTHORIZED, BUT NOT REQUIRED, TO IMPOSE ON AN INDIVIDUAL ON  
18 GROUNDS RELATING TO THE INDIVIDUAL'S CONVICTION OF AN OFFENSE.

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20 **SECTION 13.** In Colorado Revised Statutes, 24-72-308, **add (3)**

21 (f) as follows:

22 **24-72-308. Sealing of arrest and criminal records other than**  
23 **convictions. (3) Exceptions. (f) If a person who seeks to have his or**  
24 **her arrest records sealed for charges that are not covered by**  
25 **paragraph (a) of this subsection, the fact that the person was**  
26 **charged for a crime covered in paragraph (a) of this subsection**  
27 **as a part of the same arrest does not prohibit a court from**

1 SEALING THE ARREST RECORDS RELATED TO THE CHARGES THAT ARE NOT  
2 COVERED IN PARAGRAPH (a) OF THIS SUBSECTION (3). \_\_\_\_\_

3 **SECTION 14. Appropriation.** (1) In addition to any other  
4 appropriation, there is hereby appropriated, out of any moneys in the  
5 general fund not otherwise appropriated, to the judicial department, for  
6 the fiscal year beginning July 1, 2013, the sum of \$533,199 and 6.9 FTE,  
7 or so much thereof as may be necessary, to be allocated for the  
8 implementation of this act as follows:

9 (a) \$424,913 and 6.9 FTE to be allocated to trial court programs  
10 for personal services;

11 (b) \$13,680 to be allocated to trial court programs for operating  
12 expenses; and

13 (c) \$94,606 to be allocated to centrally administered programs for  
14 courthouse capital/infrastructure maintenance.

15 (2) In addition to any other appropriation, there is hereby  
16 appropriated, out of any moneys in the Colorado bureau of investigation  
17 identification unit fund created in section 24-33.5-426, Colorado Revised  
18 Statutes, not otherwise appropriated, to the department of public safety,  
19 for the fiscal year beginning July 1, 2013, the sum of \$169,902 and 3.0  
20 FTE, or so much thereof as may be necessary, to be allocated for the  
21 implementation of this act as follows:

22 (a) \$152,943 and 3.0 FTE to be allocated to the Colorado bureau  
23 of investigation, Colorado crime information center, identification, for  
24 personal services;

25 (b) \$2,850 to be allocated to the Colorado bureau of investigation,  
26 Colorado crime information center, identification, for operating expenses;  
27 and

1           (c) \$14,109 to be allocated to the Colorado bureau of  
2 investigation, Colorado crime information center, identification, for  
3 capital outlay.

4           (3) In addition to any other appropriation, there is hereby  
5 appropriated, out of any moneys in the general fund not otherwise  
6 appropriated, to the department of public safety, for the fiscal year  
7 beginning July 1, 2013, the sum of \$15,000, or so much thereof as may  
8 be necessary, to be allocated to the Colorado bureau of investigation,  
9 Colorado crime information center, identification, personal services, for  
10 contractual software modifications related to the implementation of this  
11 act.

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