

**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.**

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

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.*

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  
19 CONVICTION AND THAT THE LIST IS AVAILABLE ON THE STATE PUBLIC

1 DEFENDER'S WEB SITE; AND

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

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

6 **17-2-102. Division of adult parole - general powers, duties, and**  
7 **functions - definitions.** (12) (a) PRIOR TO AN OFFENDER BEING RELEASED  
8 FROM PAROLE, THE COMMUNITY PAROLE OFFICER RELEASING THE  
9 INDIVIDUAL SHALL PROVIDE THE NOTICE DESCRIBED IN PARAGRAPH (b) OF  
10 THIS SUBSECTION (12) AT THE LAST MEETING THE OFFICER HAS WITH THE  
11 PERSON.

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

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

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

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

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

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

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

1           **16-17-103. Effect of pardon and commutation of sentence -**

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

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

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

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

25           **24-34-102. Division of professions and occupations - creation**  
26 **- duties of division and department heads - license renewal,**  
27 **reinstatement, and endorsement - definitions - rules - review of**

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

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

9 **24-34-104. General assembly review of regulatory agencies**  
10 **and functions for termination, continuation, or reestablishment.**

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

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

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

1           **24-34-104.1. General assembly sunrise review of new**  
2 **regulation of occupations and professions.** (2) Any professional or  
3 occupational group or organization, any individual, or any other interested  
4 party that proposes the regulation of any unregulated professional or  
5 occupational group shall submit the following information to the  
6 department of regulatory agencies. A proposal to regulate a professional  
7 or occupational group shall be reviewed only when the party requesting  
8 such review files with the department a statement of support for the  
9 proposed regulation that has been signed by at least ten members of the  
10 professional or occupational group for which regulation is being sought  
11 or at least ten individuals who are not members of such professional or  
12 occupational group, along with the following information:

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

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

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

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

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

27           (III) Whether the public can be adequately protected by other

1 means in a more cost-effective manner; AND

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

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

8 **24-72-308. Sealing of arrest and criminal records other than**  
9 **convictions. (2) Advisements.** (b) In addition to, and not in lieu of, the  
10 requirement described in paragraph (a) of this subsection (2):

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

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

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

25 **24-72-308.5. Sealing of criminal conviction records**  
26 **information for offenses involving controlled substances for**  
27 **convictions entered on or after July 1, 2008, and prior to July 1, 2011.**

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

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

15 **24-72-308.9. Sealing of criminal conviction records**  
16 **information for petty offenses and municipal offenses for convictions.**

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

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

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



1 CONCERNING A CRIMINAL CONVICTION, WHICHEVER IS LATER; AND

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

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

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

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

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

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

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

27 (II) (A) UPON THE FILING OF A PETITION, THE COURT SHALL

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

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

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

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

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

25 (e) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF  
26 PARAGRAPH (a) OF THIS SUBSECTION (2), INSPECTION OF THE RECORDS  
27 INCLUDED IN AN ORDER SEALING CONVICTION RECORDS MAY THEREAFTER

1 BE PERMITTED BY THE COURT ONLY UPON PETITION BY THE DEFENDANT.

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

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

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

27 (IV) ANY MEMBER OF THE PUBLIC MAY PETITION THE COURT TO

1 UNSEAL ANY FILE THAT HAS BEEN PREVIOUSLY SEALED UPON A SHOWING  
2 THAT CIRCUMSTANCES HAVE COME INTO EXISTENCE SINCE THE ORIGINAL  
3 SEALING AND, AS A RESULT, THE PUBLIC INTEREST IN DISCLOSURE NOW  
4 OUTWEIGHS THE DEFENDANT'S INTEREST IN PRIVACY.

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

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

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

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

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

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

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

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

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

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

24           **18-1.3-107. Sentencing order - collateral relief.** (1) AT THE TIME  
25           A DEFENDANT ENTERS INTO AN ALTERNATIVE TO SENTENCING IN THIS PART  
26           1, UPON THE REQUEST OF THE DEFENDANT OR UPON THE COURT'S OWN  
27           MOTION, A COURT MAY ENTER AN ORDER OF COLLATERAL RELIEF FOR THE

1 PURPOSE OF PRESERVING OR ENHANCING THE DEFENDANT'S EMPLOYMENT  
2 OR EMPLOYMENT PROSPECTS AND TO IMPROVE THE DEFENDANT'S  
3 LIKELIHOOD OF SUCCESS IN THE ALTERNATIVE TO SENTENCING PROGRAM.

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

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

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

26 (4) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN  
27 ORDER OF COLLATERAL RELIEF CANNOT RELIEVE ANY COLLATERAL



1 CONSEQUENCES IMPOSED BY LAW FOR LICENSURE BY THE DEPARTMENT OF  
2 EDUCATION OR ANY COLLATERAL CONSEQUENCES IMPOSED BY LAW FOR  
3 EMPLOYMENT WITH THE JUDICIAL BRANCH, THE DEPARTMENT OF  
4 CORRECTIONS, DIVISION OF YOUTH CORRECTIONS IN THE DEPARTMENT OF  
5 HUMAN SERVICES, OR ANY OTHER LAW ENFORCEMENT AGENCY IN THE  
6 STATE OF COLORADO.

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

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

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

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

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

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

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

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

27 (II) GRANTING THE APPLICATION WOULD IMPROVE THE

1 APPLICANT'S LIKELIHOOD OF SUCCESS IN REINTEGRATING INTO SOCIETY  
2 AND IS IN THE PUBLIC'S INTEREST.

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

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

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

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

27 (a) "COLLATERAL CONSEQUENCE" MEANS A COLLATERAL

1 SANCTION OR A DISQUALIFICATION.

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

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

24 (d) "DISQUALIFICATION" MEANS A PENALTY, PROHIBITION, BAR, OR  
25 DISADVANTAGE, HOWEVER DENOMINATED, THAT AN ADMINISTRATIVE  
26 AGENCY, GOVERNMENTAL OFFICIAL, OR COURT IN A CIVIL PROCEEDING IS  
27 AUTHORIZED, BUT NOT REQUIRED, TO IMPOSE ON AN INDIVIDUAL ON

1       GROUNDs RELATING TO THE INDIVIDUAL'S CONVICTION OF AN OFFENSE.

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

4 **18-1.3-213. Sentencing order - collateral relief.** (1) AT THE TIME  
5 OF SENTENCING, UPON THE REQUEST OF THE DEFENDANT OR UPON THE  
6 COURT'S OWN MOTION, A COURT THAT SENTENCES THE DEFENDANT TO  
7 PROBATION MAY ENTER AN ORDER OF COLLATERAL RELIEF FOR THE  
8 PURPOSE OF PRESERVING OR ENHANCING THE DEFENDANT'S EMPLOYMENT  
9 OR EMPLOYMENT PROSPECTS AND TO IMPROVE THE DEFENDANT'S  
10 LIKELIHOOD OF SUCCESS ON PROBATION OR IN THE COMMUNITY  
11 CORRECTIONS PROGRAM.

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

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

26 **(3)** AN ORDER OF COLLATERAL RELIEF MAY RELIEVE A DEFENDANT  
27 OF ANY COLLATERAL CONSEQUENCES OF THE CONVICTION, WHETHER IN

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

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

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

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

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

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

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

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

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

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

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

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

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

26          (7) IF THE COURT ISSUES AN ORDER OF COLLATERAL RELIEF, IT  
27          SHALL SEND A COPY OF THE ORDER OF COLLATERAL RELIEF THROUGH THE

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

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

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

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

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

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

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

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

12 **18-1.3-303. Sentencing order - collateral relief.** (1) AT THE TIME  
13 OF SENTENCING, UPON THE REQUEST OF THE DEFENDANT OR UPON THE  
14 COURT'S OWN MOTION, A COURT MAY ENTER AN ORDER OF COLLATERAL  
15 RELIEF IF THE COURT SENTENCES THE DEFENDANT TO A COMMUNITY  
16 CORRECTIONS PROGRAM FOR THE PURPOSE OF PRESERVING OR ENHANCING  
17 THE DEFENDANT'S EMPLOYMENT OR EMPLOYMENT PROSPECTS AND TO  
18 IMPROVE THE DEFENDANT'S LIKELIHOOD OF SUCCESS ON PROBATION OR IN  
19 THE COMMUNITY CORRECTIONS PROGRAM.

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



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

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

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

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

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

27                 (II) HAS BEEN CONVICTED OF A CRIME OF VIOLENCE AS DESCRIBED

1 IN SECTION 18-1.3-406; OR  
2 (III) IS REQUIRED TO REGISTER AS A SEX OFFENDER PURSUANT TO  
3 SECTION 16-22-103, C.R.S.  
4 (5) **Hearing.** (a) THE COURT MAY CONDUCT A HEARING OR  
5 INCLUDE A HEARING ON THE MATTER AT THE DEFENDANT'S SENTENCING  
6 HEARING ON THE APPLICATION OR ON ANY MATTER RELEVANT TO THE  
7 GRANTING OR DENYING OF THE APPLICATION AND MAY TAKE TESTIMONY  
8 UNDER OATH.  
9 (b) THE COURT MAY HEAR TESTIMONY FROM VICTIMS OR ANY  
10 PROONENT OR OPPONENT OF THE APPLICATION AND MAY HEAR  
11 ARGUMENT FROM THE PETITIONER AND THE DISTRICT ATTORNEY.  
12 (6) **Standard for granting relief.** (a) A COURT MAY ISSUE AN  
13 ORDER OF COLLATERAL RELIEF IF THE COURT FINDS THAT:  
14 (I) THE ORDER OF COLLATERAL RELIEF IS CONSISTENT WITH THE  
15 APPLICANT'S REHABILITATION; AND  
16 (II) GRANTING THE APPLICATION WOULD IMPROVE THE  
17 APPLICANT'S LIKELIHOOD OF SUCCESS IN REINTEGRATING INTO SOCIETY  
18 AND IS IN THE PUBLIC'S INTEREST.  
19 (b) THE COURT THAT PREVIOUSLY ISSUED AN ORDER OF  
20 COLLATERAL RELIEF, ON ITS OWN MOTION OR EITHER BY CAUSE SHOWN BY  
21 THE DISTRICT ATTORNEY OR ON GROUNDS OFFERED BY THE APPLICANT,  
22 MAY AT ANY TIME ISSUE A SUBSEQUENT JUDGMENT TO ENLARGE, LIMIT, OR  
23 CIRCUMSCRIBE THE RELIEF PREVIOUSLY GRANTED.  
24 (c) UPON THE MOTION OF THE DISTRICT ATTORNEY OR PROBATION  
25 OFFICER OR UPON THE COURT'S OWN MOTION, A COURT MAY REVOKE AN  
26 ORDER OF COLLATERAL RELIEF UPON EVIDENCE OF A SUBSEQUENT  
27 CRIMINAL CONVICTION OR PROOF THAT THE DEFENDANT IS NO LONGER

1 ENTITLED TO RELIEF. ANY BARS, PROHIBITIONS, SANCTIONS, AND  
2 DISQUALIFICATIONS THEREBY RELIEVED SHALL BE REINSTATED AS OF THE  
3 DATE OF THE WRITTEN ORDER OF REVOCATION. THE COURT SHALL  
4 PROVIDE A COPY OF THE ORDER OF REVOCATION TO THE HOLDER AND TO  
5 ANY REGULATORY OR LICENSING ENTITY THAT THE DEFENDANT NOTICED  
6 IN HIS OR HER MOTION FOR RELIEF.

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

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

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

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

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

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

18           **SECTION 13.** In Colorado Revised Statutes, 16-11.3-103, **add**  
19 (2.8) as follows:

20           **16-11.3-103. Duties of the commission - mission - staffing -**  
21 **repeal.** (2.8) (a) USING EMPIRICAL ANALYSIS AND EVIDENCE-BASED DATA  
22 AND RESEARCH, THE RE-ENTRY TASK FORCE OF THE COMMISSION MUST  
23 STUDY COLLATERAL CONSEQUENCES AND MAKE RECOMMENDATIONS TO  
24 THE COMMISSION FOR RECOMMENDATION TO THE LEGISLATURE  
25 REGARDING:

26           (I) WHETHER ADDITIONAL PROVISIONS FOR SEALING CRIMINAL  
27 CONVICTION RECORDS SHOULD BE ENACTED;

1           (II) WHETHER A CERTIFICATE OF REHABILITATION THAT PROVIDES  
2 RELIEF FROM COLLATERAL CONSEQUENCES SHOULD BE CREATED IN  
3 STATUTE;

4           (III) BEST PRACTICES FOR PROSECUTORS AND DEFENSE ATTORNEYS  
5 FOR ADVISING DEFENDANTS IN CRIMINAL ACTIONS AS TO THE POTENTIAL  
6 COLLATERAL CONSEQUENCES PRIOR TO ENTERING A PLEA;

7           (IV) WHETHER A STANDARD REGULATORY AND LICENSING  
8 APPROACH FOR THE IMPOSITION OF COLLATERAL CONSEQUENCES SHOULD  
9 BE DEVELOPED INCLUDING TREATMENT OF CRIMINAL CONVICTIONS,  
10 DEFERRED JUDGMENTS, DEFERRED PROSECUTIONS, AND OTHER CRIMINAL  
11 SANCTIONS;

12           (V) METHODS TO IMPROVE ACCURACY OF CRIMINAL HISTORY  
13 RECORDS, PARTICULARLY ARREST RECORDS WHEN A FINAL DISPOSITION IS  
14 NOT INDICATED; AND

15           (VI) ANY OTHER RECOMMENDATIONS TO IMPROVE REINTEGRATION  
16 OF OFFENDERS, REDUCE RECIDIVISM, AND TAKE AN EVIDENCE-BASED  
17 APPROACH TO THE APPLICATION OF COLLATERAL CONSEQUENCES.

18           (b) BY DECEMBER 15, 2013, THE COMMISSION SHALL PROVIDE TO  
19 THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE  
20 SENATE, OR THEIR SUCCESSOR COMMITTEES, A WRITTEN REPORT OF THE  
21 COMMISSION'S RECOMMENDATIONS. IF THE COMMISSION IS UNABLE TO  
22 BRING FORTH RECOMMENDATIONS, FOR EACH ISSUE IN PARAGRAPH (a) OF  
23 SUBSECTION (2.8) OF THIS SECTION, TO THE GENERAL ASSEMBLY TO  
24 CONSIDER, THE COMMISSION SHALL PROVIDE IN THE REPORT THE REASONS  
25 THE COMMISSION COULD NOT MAKE ANY RECOMMENDATIONS AND, IF  
26 POSSIBLE, DESCRIBE THE SPECIFIC AREAS OF DISAGREEMENT THAT  
27 PREVENTED THE COMMISSION FROM MAKING ANY RECOMMENDATIONS.

1            (c) THIS SUBSECTION (2.8) IS REPEALED, EFFECTIVE JULY 1, 2014.

2            **SECTION 14.** In Colorado Revised Statutes, 24-72-308, **add** (3)

3            (f) as follows:

4            **24-72-308. Sealing of arrest and criminal records other than**  
5            **convictions. (3) Exceptions. (f) IF A PERSON WHO SEEKS TO HAVE HIS OR**  
6            **HER ARREST RECORDS SEALED FOR CHARGES THAT ARE NOT COVERED BY**  
7            **PARAGRAPH (a) OF THIS SUBSECTION, THE FACT THAT THE PERSON WAS**  
8            **CHARGED FOR A CRIME COVERED IN PARAGRAPH (a) OF THIS SUBSECTION**  
9            **AS A PART OF THE SAME ARREST DOES NOT PROHIBIT A COURT FROM**  
10           **SEALING THE ARREST RECORDS RELATED TO THE CHARGES THAT ARE NOT**  
11           **COVERED IN PARAGRAPH (a) OF THIS SUBSECTION. \_\_\_\_\_**

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.