

HB1251_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.HB13-1251 be amended as follows:

1 Amend printed bill, page 2, strike line 3 and substitute "(1) (g); and **add**
2 (7) as follows:".

3 Page 3, after line 8 insert:

4 "(7) (a) IF AN OFFENDER'S MISDEMEANOR CONVICTION IS
5 OVERTURNED ON POST-CONVICTION RELIEF OR APPEAL, THE OFFENDER
6 MAY SUBMIT A WRITTEN REQUEST FOR EXPUNGEMENT TO THE COLORADO
7 BUREAU OF INVESTIGATION. THE REQUEST SHALL INCLUDE THE ITEMS
8 LISTED IN THIS PARAGRAPH (a) AND ANY ADDITIONAL INFORMATION THAT
9 MAY ASSIST THE BUREAU IN LOCATING THE RECORDS OF CONVICTION OR
10 THE BIOLOGICAL SUBSTANCE SAMPLE OR TESTING RESULTS. THE
11 FOLLOWING INFORMATION MUST BE INCLUDED IN THE REQUEST:

12 (I) THE PERSON'S NAME, DATE OF BIRTH, AND MAILING ADDRESS;

13 (II) THE NAME OF THE AGENCY THAT COLLECTED THE BIOLOGICAL
14 SUBSTANCE SAMPLE;

15 (III) THE DATE WHEN THE SAMPLE WAS TAKEN;

16 (IV) A COPY OF THE POST-CONVICTION OR APPELLATE ORDER
17 OVERTURNING THE CONVICTION; AND

18 (V) A DECLARATION THAT, TO THE BEST OF THE PERSON'S
19 KNOWLEDGE, HE OR SHE QUALIFIES FOR EXPUNGEMENT.

20 (b) WITHIN NINETY DAYS AFTER RECEIVING THE REQUEST
21 SUBMITTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION, THE
22 COLORADO BUREAU OF INVESTIGATION SHALL DESTROY THE BIOLOGICAL
23 SUBSTANCE SAMPLE COLLECTED AND EXPUNGE THE RESULTS OF THE
24 TESTING OF THE SAMPLE FROM THE FEDERAL COMBINED DNA INDEX
25 SYSTEM AND ANY STATE INDEX SYSTEM.

26 (c) THE COLORADO BUREAU OF INVESTIGATION SHALL SEND
27 NOTIFICATION BY FIRST CLASS MAIL TO THE OFFENDER, EITHER STATING
28 THAT THE BUREAU DESTROYED THE BIOLOGICAL SUBSTANCE SAMPLE AND
29 EXPUNGED THE SAMPLE TEST RESULTS OR STATING WHY THE BUREAU HAS
30 NOT DESTROYED THE SAMPLE AND EXPUNGED THE TEST RESULTS.

31 (d) A DATA BANK OR DATABASE MATCH SHALL NOT BE ADMITTED
32 AS EVIDENCE AGAINST A PERSON IN A CRIMINAL PROSECUTION AND SHALL
33 NOT BE USED AS A BASIS TO IDENTIFY A PERSON IF THE MATCH IS:

34 (I) DERIVED FROM A BIOLOGICAL SUBSTANCE SAMPLE THAT IS
35 REQUIRED TO BE EXPUNGED PURSUANT TO THIS SECTION; AND

36 (II) OBTAINED AFTER THE REQUIRED DATE OF EXPUNGEMENT."

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