

SB123_L.001

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB13-123 be amended as follows:

1 Amend printed bill, page 2, line 16, strike "AND".

2 Page 2, after line 16 insert:

3 "(IV) THAT THE STATE PUBLIC DEFENDER HAS COMPILED A LIST OF
4 LAWS THAT IMPOSE COLLATERAL CONSEQUENCES RELATED TO A CRIMINAL
5 CONVICTION AND THAT THE LIST IS AVAILABLE ON THE STATE PUBLIC
6 DEFENDER'S WEB SITE; AND".

7 Renumber succeeding subparagraph accordingly.

8 Page 3, line 15, strike "AND".

9 Page 3, after line 15 insert:

10 "(IV) THAT THE STATE PUBLIC DEFENDER HAS COMPILED A LIST OF
11 LAWS THAT IMPOSE COLLATERAL CONSEQUENCES RELATED TO A CRIMINAL
12 CONVICTION AND THAT THE LIST IS AVAILABLE ON THE STATE PUBLIC
13 DEFENDER'S WEB SITE; AND".

14 Renumber succeeding subparagraph accordingly.

15 Page 3, line 20, strike "clemency." and substitute "clemency -
16 definitions."

17 Page 4, line 1, strike "INCLUDE A".

18 Page 4, after line 3 insert:

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

1 RESTITUTION, FINE, ASSESSMENT, OR COSTS OF PROSECUTION."

2 Page 5, line 27, after "OR" insert "COMMERCIAL OR".

3 Page 7, strike lines 23 through 27 and substitute:

4 **"24-72-308.9. Sealing of criminal conviction records**
5 **information for petty offenses and municipal offenses for convictions.**

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

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

14 (A) THE PETITION IS FILED THREE OR MORE YEARS AFTER THE DATE
15 OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE
16 DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION
17 CONCERNING A CRIMINAL CONVICTION, WHICHEVER IS LATER; AND

18 (B) THE DEFENDANT HAS NOT BEEN CHARGED OR CONVICTED FOR
19 A CRIMINAL OFFENSE IN THE THREE OR MORE YEARS SINCE THE DATE OF
20 THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR
21 HER OR THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION,
22 WHICHEVER IS LATER.

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

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

34 (IV) AN ORDER SEALING CONVICTION RECORDS SHALL NOT DENY
35 ACCESS TO THE CRIMINAL RECORDS OF A DEFENDANT BY ANY COURT, LAW
36 ENFORCEMENT AGENCY, CRIMINAL JUSTICE AGENCY, PROSECUTING
37 ATTORNEY, OR PARTY OR AGENCY REQUIRED BY LAW TO CONDUCT A
38 CRIMINAL HISTORY RECORD CHECK ON AN INDIVIDUAL. AN ORDER SEALING



1 CONVICTION RECORDS SHALL NOT BE CONSTRUED TO VACATE A
2 CONVICTION. A CONVICTION SEALED PURSUANT TO THIS SECTION MAY BE
3 USED BY A CRIMINAL JUSTICE AGENCY, LAW ENFORCEMENT AGENCY,
4 COURT, OR PROSECUTING ATTORNEY FOR ANY LAWFUL PURPOSE RELATING
5 TO THE INVESTIGATION OR PROSECUTION OF ANY CASE, INCLUDING BUT
6 NOT LIMITED TO ANY SUBSEQUENT CASE THAT IS FILED AGAINST THE
7 DEFENDANT, OR FOR ANY OTHER LAWFUL PURPOSE WITHIN THE SCOPE OF
8 HIS, HER, OR ITS DUTIES. IF A DEFENDANT IS CONVICTED OF A NEW
9 CRIMINAL OFFENSE AFTER AN ORDER SEALING CONVICTION RECORDS IS
10 ENTERED, THE COURT SHALL ORDER THE CONVICTION RECORDS TO BE
11 UNSEALED. A PARTY OR AGENCY REQUIRED BY LAW TO CONDUCT A
12 CRIMINAL HISTORY RECORD CHECK SHALL BE AUTHORIZED TO USE ANY
13 SEALED CONVICTION FOR THE LAWFUL PURPOSE FOR WHICH THE CRIMINAL
14 HISTORY RECORD CHECK IS REQUIRED BY LAW.

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

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

32 (II) (A) UPON THE FILING OF A PETITION, THE COURT SHALL
33 REVIEW THE PETITION AND DETERMINE WHETHER THERE ARE GROUNDS
34 UNDER THIS SECTION TO PROCEED TO A HEARING ON THE PETITION. IF THE
35 COURT DETERMINES THAT THE PETITION ON ITS FACE IS INSUFFICIENT OR
36 IF THE COURT DETERMINES THAT, AFTER TAKING JUDICIAL NOTICE OF
37 MATTERS OUTSIDE THE PETITION, THE DEFENDANT IS NOT ENTITLED TO
38 RELIEF UNDER THIS SECTION, THE COURT SHALL ENTER AN ORDER DENYING
39 THE PETITION AND MAIL A COPY OF THE ORDER TO THE DEFENDANT. THE
40 COURT'S ORDER SHALL SPECIFY THE REASONS FOR THE DENIAL OF THE
41 PETITION.



1 (B) IF THE COURT DETERMINES THAT THE PETITION IS SUFFICIENT
2 ON ITS FACE AND THAT NO OTHER GROUNDS EXIST AT THAT TIME FOR THE
3 COURT TO DENY THE PETITION UNDER THIS SECTION, THE COURT SHALL SET
4 A DATE FOR A HEARING, AND THE DEFENDANT SHALL NOTIFY BY CERTIFIED
5 MAIL THE PROSECUTING ATTORNEY, THE ARRESTING AGENCY, AND ANY
6 OTHER PERSON OR AGENCY IDENTIFIED BY THE DEFENDANT.

7 (c) AFTER THE HEARING DESCRIBED IN SUBPARAGRAPH (II) OF
8 PARAGRAPH (b) OF THIS SUBSECTION (2) IS CONDUCTED AND IF THE COURT
9 FINDS THAT THE HARM TO THE PRIVACY OF THE DEFENDANT OR THE
10 DANGERS OF UNWARRANTED, ADVERSE CONSEQUENCES TO THE
11 DEFENDANT OUTWEIGH THE PUBLIC INTEREST IN RETAINING THE
12 CONVICTION RECORDS, THE COURT MAY ORDER THE CONVICTION RECORDS,
13 EXCEPT BASIC IDENTIFICATION INFORMATION, TO BE SEALED. IN MAKING
14 THIS DETERMINATION, THE COURT SHALL, AT A MINIMUM, CONSIDER THE
15 SEVERITY OF THE OFFENSE THAT IS THE BASIS OF THE CONVICTION
16 RECORDS SOUGHT TO BE SEALED, THE CRIMINAL HISTORY OF THE
17 DEFENDANT, THE NUMBER OF CONVICTIONS AND DATES OF THE
18 CONVICTIONS FOR WHICH THE DEFENDANT IS SEEKING TO HAVE THE
19 RECORDS SEALED, AND THE NEED FOR THE GOVERNMENT AGENCY TO
20 RETAIN THE RECORDS. AN ORDER ENTERED PURSUANT TO THIS PARAGRAPH
21 (c) MUST BE DIRECTED TO EACH CUSTODIAN WHO MAY HAVE CUSTODY OF
22 ANY PART OF THE CONVICTION RECORDS THAT ARE THE SUBJECT OF THE
23 ORDER. WHENEVER A COURT ENTERS AN ORDER SEALING CONVICTION
24 RECORDS PURSUANT TO THIS PARAGRAPH (c), THE DEFENDANT SHALL
25 PROVIDE THE COLORADO BUREAU OF INVESTIGATION AND EACH
26 CUSTODIAN OF THE CONVICTION RECORDS WITH A COPY OF THE ORDER.
27 THE PETITIONER SHALL PROVIDE A PRIVATE CUSTODIAN WITH A COPY OF
28 THE ORDER AND SEND THE PRIVATE CUSTODIAN AN ELECTRONIC
29 NOTIFICATION OF THE ORDER. EACH PRIVATE CUSTODIAN THAT RECEIVES
30 A COPY OF THE ORDER FROM THE PETITIONER SHALL REMOVE THE RECORDS
31 THAT ARE SUBJECT TO AN ORDER FROM ITS DATABASE. THE DEFENDANT
32 SHALL PAY TO THE BUREAU ANY COSTS RELATED TO THE SEALING OF HIS
33 OR HER CRIMINAL CONVICTION RECORDS IN THE CUSTODY OF THE BUREAU.
34 THEREAFTER, THE DEFENDANT MAY REQUEST AND THE COURT MAY GRANT
35 AN ORDER SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS
36 WERE SEALED.

37 (d) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF
38 PARAGRAPH (a) OF THIS SUBSECTION (2), UPON THE ENTRY OF AN ORDER
39 TO SEAL THE CONVICTION RECORDS, THE DEFENDANT AND ALL CRIMINAL
40 JUSTICE AGENCIES MAY PROPERLY REPLY, UPON AN INQUIRY IN THE
41 MATTER, THAT PUBLIC CONVICTION RECORDS DO NOT EXIST WITH RESPECT



1 TO THE DEFENDANT.

2 (e) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF
3 PARAGRAPH (a) OF THIS SUBSECTION (2), INSPECTION OF THE RECORDS
4 INCLUDED IN AN ORDER SEALING CONVICTION RECORDS MAY THEREAFTER
5 BE PERMITTED BY THE COURT ONLY UPON PETITION BY THE DEFENDANT.

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

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

28 (III) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH
29 (f) SHALL NOT APPLY TO A CRIMINAL JUSTICE AGENCY OR TO AN
30 APPLICANT TO A CRIMINAL JUSTICE AGENCY.

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

36 (g) THE OFFICE OF THE STATE COURT ADMINISTRATOR SHALL POST
37 ON ITS WEB SITE A LIST OF ALL PETITIONS TO SEAL CONVICTION RECORDS
38 THAT ARE FILED WITH A DISTRICT COURT. A DISTRICT COURT MAY NOT
39 GRANT A PETITION TO SEAL CONVICTION RECORDS UNTIL AT LEAST THIRTY
40 DAYS AFTER THE POSTING. AFTER THE EXPIRATION OF THIRTY DAYS
41 FOLLOWING THE POSTING, THE PETITION TO SEAL CONVICTION RECORDS



1 AND INFORMATION PERTINENT THERETO SHALL BE REMOVED FROM THE
2 WEB SITE OF THE OFFICE OF THE STATE COURT ADMINISTRATOR.

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

5 (i) NOTWITHSTANDING ANY PROVISION IN THIS SECTION TO THE
6 CONTRARY, IN REGARD TO ANY CONVICTION OF A DEFENDANT RESULTING
7 FROM A SINGLE CASE IN WHICH THE DEFENDANT IS CONVICTED OF MORE
8 THAN ONE OFFENSE, RECORDS OF THE CONVICTION MAY BE SEALED
9 PURSUANT TO THE PROVISIONS OF THIS SECTION ONLY IF THE RECORDS OF
10 EVERY CONVICTION OF THE DEFENDANT RESULTING FROM THAT CASE MAY
11 BE SEALED PURSUANT TO THE PROVISIONS OF THIS SECTION.

12 (3) **Advisements.** (a) WHENEVER A DEFENDANT IS SENTENCED
13 FOLLOWING A CONVICTION OF A PETTY OR MUNICIPAL OFFENSE, THE
14 COURT SHALL PROVIDE HIM OR HER WITH A WRITTEN ADVISEMENT OF HIS
15 OR HER RIGHTS CONCERNING THE SEALING OF HIS OR HER CONVICTION
16 RECORDS PURSUANT TO THIS SECTION IF HE OR SHE COMPLIES WITH THE
17 APPLICABLE PROVISIONS OF THIS SECTION.

18 (b) IN ADDITION TO, AND NOT IN LIEU OF, THE REQUIREMENT
19 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3), IF A DEFENDANT IS
20 SENTENCED TO PROBATION FOLLOWING A CONVICTION OF A PETTY OR
21 MUNICIPAL OFFENSE, THE PROBATION DEPARTMENT, UPON THE
22 TERMINATION OF THE DEFENDANT'S PROBATION, SHALL PROVIDE THE
23 DEFENDANT WITH A WRITTEN ADVISEMENT OF HIS OR HER RIGHTS
24 CONCERNING THE SEALING OF HIS OR HER CONVICTION RECORDS
25 PURSUANT TO THIS SECTION IF HE OR SHE COMPLIES WITH THE APPLICABLE
26 PROVISIONS OF THIS SECTION.

27 (4) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO
28 CONVICTION RECORDS THAT ARE IN THE POSSESSION OF A CRIMINAL
29 JUSTICE AGENCY WHEN AN INQUIRY CONCERNING THE CONVICTION
30 RECORDS IS MADE BY ANOTHER CRIMINAL JUSTICE AGENCY.

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

34 (a) THE RULES OF DISCOVERY OR THE RULES OF EVIDENCE
35 PROMULGATED BY THE SUPREME COURT OF COLORADO OR ANY OTHER
36 STATE OR FEDERAL COURT; OR

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

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

41 **18-1.3-107. Sentencing order - collateral relief.** (1) (a) AT THE



1 TIME A DEFENDANT ENTERS INTO AN ALTERNATIVE TO SENTENCING IN THIS
2 PART 1, UPON THE REQUEST OF THE DEFENDANT OR UPON THE COURT'S
3 OWN MOTION, A COURT MAY ENTER AN ORDER OF COLLATERAL RELIEF FOR
4 THE PURPOSE OF PRESERVING OR ENHANCING THE DEFENDANT'S
5 EMPLOYMENT OR EMPLOYMENT PROSPECTS AND TO IMPROVE THE
6 DEFENDANT'S LIKELIHOOD OF SUCCESS IN THE ALTERNATIVE TO
7 SENTENCING PROGRAM.

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

16 (b) THE APPLICANT SHALL PROVIDE A COPY OF THE APPLICATION
17 TO THE DISTRICT ATTORNEY AND TO THE REGULATORY OR LICENSING
18 BODY THAT HAS JURISDICTION OVER THE COLLATERAL CONSEQUENCE
19 FROM WHICH THE APPLICANT IS SEEKING RELIEF, IF ANY.

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

28 (4) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN
29 ORDER OF COLLATERAL RELIEF CANNOT RELIEVE ANY COLLATERAL
30 CONSEQUENCES IMPOSED BY LAW FOR LICENSURE BY THE DEPARTMENT OF
31 EDUCATION OR ANY COLLATERAL CONSEQUENCES IMPOSED BY LAW FOR
32 EMPLOYMENT WITH THE JUDICIAL BRANCH, THE DEPARTMENT OF
33 CORRECTIONS, DIVISION OF YOUTH CORRECTIONS IN THE DEPARTMENT OF
34 HUMAN SERVICES, OR ANY OTHER LAW ENFORCEMENT AGENCY IN THE
35 STATE OF COLORADO.

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

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

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



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

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

8 (b) THE COURT MAY HEAR TESTIMONY FROM VICTIMS OR ANY
9 PROPONENT OR OPPONENT OF THE APPLICATION AND MAY HEAR
10 ARGUMENT FROM THE PETITIONER AND THE DISTRICT ATTORNEY.

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

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

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

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

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

33 (7) IF THE COURT ISSUES AN ORDER OF COLLATERAL RELIEF, IT
34 SHALL SEND A COPY OF THE ORDER OF COLLATERAL RELIEF THROUGH THE
35 COLORADO INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM TO THE
36 COLORADO BUREAU OF INVESTIGATION, AND THE COLORADO BUREAU OF
37 INVESTIGATION SHALL NOTE IN THE APPLICANT'S RECORD IN THE
38 COLORADO CRIME INFORMATION CENTER THAT THE ORDER OF
39 COLLATERAL RELIEF WAS ISSUED.

40 (8) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
41 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
28 AUTHORIZED, BUT NOT REQUIRED, TO IMPOSE ON AN INDIVIDUAL ON
29 GROUNDS RELATING TO THE INDIVIDUAL'S CONVICTION OF AN OFFENSE.

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

32 **18-1.3-213. Sentencing order - collateral relief.** (1) (a) AT THE
33 TIME OF SENTENCING, UPON THE REQUEST OF THE DEFENDANT OR UPON
34 THE COURT'S OWN MOTION, A COURT MAY ENTER AN ORDER OF
35 COLLATERAL RELIEF IF THE COURT SENTENCES THE DEFENDANT TO
36 PROBATION FOR THE PURPOSE OF PRESERVING OR ENHANCING THE
37 DEFENDANT'S EMPLOYMENT OR EMPLOYMENT PROSPECTS AND TO IMPROVE
38 THE DEFENDANT'S LIKELIHOOD OF SUCCESS ON PROBATION OR IN THE
39 COMMUNITY CORRECTIONS PROGRAM.

40 (2) **Application contents.** (a) AN APPLICATION FOR AN ORDER OF
41 COLLATERAL RELIEF MUST CITE THE GROUNDS FOR GRANTING THE RELIEF,

1 THE TYPE OF RELIEF SOUGHT, AND THE SPECIFIC COLLATERAL
2 CONSEQUENCE FROM WHICH THE APPLICANT IS SEEKING RELIEF AND MUST
3 INCLUDE A COPY OF A RECENT COLORADO BUREAU OF INVESTIGATION
4 FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK. THE STATE
5 COURT ADMINISTRATOR MAY PRODUCE AN APPLICATION FORM THAT AN
6 APPLICANT MAY SUBMIT IN APPLICATION.

7 (b) THE APPLICANT SHALL PROVIDE A COPY OF THE APPLICATION
8 TO THE DISTRICT ATTORNEY AND TO THE REGULATORY OR LICENSING
9 BODY THAT HAS JURISDICTION OVER THE COLLATERAL CONSEQUENCE
10 FROM WHICH THE APPLICANT IS SEEKING RELIEF, IF ANY.

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

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

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

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

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

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

35 (5) **Hearing.** (a) THE COURT MAY CONDUCT A HEARING OR
36 INCLUDE A HEARING ON THE MATTER AT THE DEFENDANT'S SENTENCING
37 HEARING ON THE APPLICATION OR ON ANY MATTER RELEVANT TO THE
38 GRANTING OR DENYING OF THE APPLICATION AND MAY TAKE TESTIMONY
39 UNDER OATH.

40 (b) THE COURT MAY HEAR TESTIMONY FROM VICTIMS OR ANY
41 PROPONENT OR OPPONENT OF THE APPLICATION AND MAY HEAR



1 ARGUMENT FROM THE PETITIONER AND THE DISTRICT ATTORNEY.

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

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

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

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

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

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

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

33 (a) "COLLATERAL CONSEQUENCE" MEANS A COLLATERAL
34 SANCTION OR A DISQUALIFICATION.

35 (b) "COLLATERAL SANCTION" MEANS A PENALTY, PROHIBITION,
36 BAR, OR DISADVANTAGE, HOWEVER DENOMINATED, IMPOSED ON AN
37 INDIVIDUAL AS A RESULT OF THE INDIVIDUAL'S CONVICTION OF AN
38 OFFENSE, WHICH PENALTY, PROHIBITION, BAR, OR DISADVANTAGE APPLIES
39 BY OPERATION OF LAW REGARDLESS OF WHETHER THE PENALTY,
40 PROHIBITION, BAR, OR DISADVANTAGE IS INCLUDED IN THE JUDGMENT OR
41 SENTENCE. "COLLATERAL SANCTION" DOES NOT INCLUDE IMPRISONMENT,



1 PROBATION, PAROLE, SUPERVISED RELEASE, FORFEITURE, RESTITUTION,
2 FINE, ASSESSMENT, COSTS OF PROSECUTION, OR A RESTRAINT OR SANCTION
3 ON AN INDIVIDUAL'S DRIVING PRIVILEGE.

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

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

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

23 **18-1.3-303. Sentencing order - collateral relief.** (1) (a) AT THE
24 TIME OF SENTENCING, UPON THE REQUEST OF THE DEFENDANT OR UPON
25 THE COURT'S OWN MOTION, A COURT MAY ENTER AN ORDER OF
26 COLLATERAL RELIEF IF THE COURT SENTENCES THE DEFENDANT TO A
27 COMMUNITY CORRECTIONS PROGRAM FOR THE PURPOSE OF PRESERVING OR
28 ENHANCING THE DEFENDANT'S EMPLOYMENT OR EMPLOYMENT PROSPECTS
29 AND TO IMPROVE THE DEFENDANT'S LIKELIHOOD OF SUCCESS ON
30 PROBATION OR IN THE COMMUNITY CORRECTIONS PROGRAM.

31 (2) **Application contents.** (a) AN APPLICATION FOR AN ORDER OF
32 COLLATERAL RELIEF MUST CITE THE GROUNDS FOR GRANTING THE RELIEF,
33 THE TYPE OF RELIEF SOUGHT, AND THE SPECIFIC COLLATERAL
34 CONSEQUENCE FROM WHICH THE APPLICANT IS SEEKING RELIEF AND MUST
35 INCLUDE A COPY OF A RECENT COLORADO BUREAU OF INVESTIGATION
36 FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK. THE STATE
37 COURT ADMINISTRATOR MAY PRODUCE AN APPLICATION FORM THAT AN
38 APPLICANT MAY SUBMIT IN APPLICATION.

39 (b) THE APPLICANT SHALL PROVIDE A COPY OF THE APPLICATION
40 TO THE DISTRICT ATTORNEY AND TO THE REGULATORY OR LICENSING
41 BODY THAT HAS JURISDICTION OVER THE COLLATERAL CONSEQUENCE



1 FROM WHICH THE APPLICANT IS SEEKING RELIEF, IF ANY.

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

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

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

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

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

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

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

31 (b) THE COURT MAY HEAR TESTIMONY FROM VICTIMS OR ANY
32 PROPONENT OR OPPONENT OF THE APPLICATION AND MAY HEAR
33 ARGUMENT FROM THE PETITIONER AND THE DISTRICT ATTORNEY.

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

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

38 (II) GRANTING THE APPLICATION WOULD IMPROVE THE
39 APPLICANT'S LIKELIHOOD OF SUCCESS IN REINTEGRATING INTO SOCIETY
40 AND IS IN THE PUBLIC'S INTEREST.

41 (b) THE COURT THAT PREVIOUSLY ISSUED AN ORDER OF



1 COLLATERAL RELIEF, ON ITS OWN MOTION OR EITHER BY CAUSE SHOWN BY
2 THE DISTRICT ATTORNEY OR ON GROUNDS OFFERED BY THE APPLICANT,
3 MAY AT ANY TIME ISSUE A SUBSEQUENT JUDGMENT TO ENLARGE, LIMIT, OR
4 CIRCUMSCRIBE THE RELIEF PREVIOUSLY GRANTED.

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

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

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

24 (a) "COLLATERAL CONSEQUENCE" MEANS A COLLATERAL
25 SANCTION OR A DISQUALIFICATION.

26 (b) "COLLATERAL SANCTION" MEANS A PENALTY, PROHIBITION,
27 BAR, OR DISADVANTAGE, HOWEVER DENOMINATED, IMPOSED ON AN
28 INDIVIDUAL AS A RESULT OF THE INDIVIDUAL'S CONVICTION OF AN
29 OFFENSE, WHICH PENALTY, PROHIBITION, BAR, OR DISADVANTAGE APPLIES
30 BY OPERATION OF LAW REGARDLESS OF WHETHER THE PENALTY,
31 PROHIBITION, BAR, OR DISADVANTAGE IS INCLUDED IN THE JUDGMENT OR
32 SENTENCE. "COLLATERAL SANCTION" DOES NOT INCLUDE IMPRISONMENT,
33 PROBATION, PAROLE, SUPERVISED RELEASE, FORFEITURE, RESTITUTION,
34 FINE, ASSESSMENT, COSTS OF PROSECUTION, OR A RESTRAINT OR SANCTION
35 ON AN INDIVIDUAL'S DRIVING PRIVILEGE.

36 (c) "CONVICTION" OR "CONVICTED" MEANS A VERDICT OF GUILTY
37 BY A JUDGE OR JURY OR A PLEA OF GUILTY OR NOLO CONTENDERE THAT IS
38 ACCEPTED BY THE COURT OR AN ADJUDICATION FOR AN OFFENSE THAT
39 WOULD CONSTITUTE A CRIMINAL OFFENSE IF COMMITTED BY AN ADULT, OR
40 A CONVICTION OF A CRIME UNDER THE LAWS OF ANY OTHER STATE, THE
41 UNITED STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE



1 UNITED STATES, WHICH, IF COMMITTED WITHIN THIS STATE, WOULD BE A
2 FELONY OR MISDEMEANOR. "CONVICTION" OR "CONVICTED" ALSO
3 INCLUDES HAVING RECEIVED A DEFERRED JUDGMENT AND SENTENCE OR
4 A DEFERRED ADJUDICATION; EXCEPT THAT A PERSON SHALL NOT BE
5 DEEMED TO HAVE BEEN CONVICTED IF THE PERSON HAS SUCCESSFULLY
6 COMPLETED A DEFERRED SENTENCE OR A DEFERRED ADJUDICATION.

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

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

14 **16-11.3-103. Duties of the commission - mission - staffing -**
15 **repeal.** (2.8) (a) USING EMPIRICAL ANALYSIS AND EVIDENCE-BASED DATA
16 AND RESEARCH, THE RE-ENTRY TASK FORCE OF THE COMMISSION MUST
17 STUDY COLLATERAL CONSEQUENCES AND MAKE RECOMMENDATIONS TO
18 THE COMMISSION FOR RECOMMENDATION TO THE LEGISLATURE
19 REGARDING:

20 (I) WHETHER ADDITIONAL PROVISIONS FOR SEALING CRIMINAL
21 CONVICTION RECORDS SHOULD BE ENACTED;

22 (II) WHETHER A CERTIFICATE OF REHABILITATION THAT PROVIDES
23 RELIEF FROM COLLATERAL CONSEQUENCES SHOULD BE CREATED IN
24 STATUTE;

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

28 (IV) WHETHER A STANDARD REGULATORY AND LICENSING
29 APPROACH FOR THE IMPOSITION OF COLLATERAL CONSEQUENCES SHOULD
30 BE DEVELOPED INCLUDING TREATMENT OF CRIMINAL CONVICTIONS,
31 DEFERRED JUDGMENTS, DEFERRED PROSECUTIONS, AND OTHER CRIMINAL
32 SANCTIONS;

33 (V) METHODS TO IMPROVE ACCURACY OF CRIMINAL HISTORY
34 RECORDS, PARTICULARLY ARREST RECORDS WHEN A FINAL DISPOSITION IS
35 NOT INDICATED; AND

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

39 (b) BY DECEMBER 15, 2013, THE COMMISSION SHALL PROVIDE TO
40 THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
41 SENATE, OR THEIR SUCCESSOR COMMITTEES, A WRITTEN REPORT OF THE



1 COMMISSION'S RECOMMENDATIONS. IF THE COMMISSION IS UNABLE TO
2 BRING FORTH RECOMMENDATIONS, FOR EACH ISSUE IN PARAGRAPH (a) OF
3 SUBSECTION (2.8) OF THIS SECTION, TO THE GENERAL ASSEMBLY TO
4 CONSIDER, THE COMMISSION SHALL PROVIDE IN THE REPORT THE REASONS
5 THE COMMISSION COULD NOT MAKE ANY RECOMMENDATIONS AND, IF
6 POSSIBLE, DESCRIBE THE SPECIFIC AREAS OF DISAGREEMENT THAT
7 PREVENTED THE COMMISSION FROM MAKING ANY RECOMMENDATIONS.

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

9 SECTION 14. In Colorado Revised Statutes, 24-72-308, add (3)
10 (f) as follows:

11 24-72-308. Sealing of arrest and criminal records other than
12 convictions. (3) Exceptions. (f) IF A PERSON WHO SEEKS TO HAVE HIS OR
13 HER ARREST RECORDS SEALED FOR CHARGES THAT ARE NOT COVERED BY
14 PARAGRAPH (a) OF THIS SUBSECTION, THE FACT THAT THE PERSON WAS
15 CHARGED FOR A CRIME COVERED IN PARAGRAPH (a) OF THIS SUBSECTION
16 AS A PART OF THE SAME ARREST DOES NOT PROHIBIT A COURT FROM
17 SEALING THE ARREST RECORDS RELATED TO THE CHARGES THAT ARE NOT
18 COVERED IN PARAGRAPH (a) OF THIS SUBSECTION."

19 Strike pages 8 through 16.

20 Page 17, strike lines 1 through 25.

21 Renumber succeeding section accordingly.

** ** ** ** **

