

HB1082\_L.001

## HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.HB13-1082 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 19-1-306, amend  
4 (2) (a), (3), (5) (c) (I), (6), and (7) as follows:

5 **19-1-306. Expungement of juvenile delinquent records.**  
6 (2) (a) AT THE TIME OF THE ADJUDICATION, the court shall advise THE  
7 ADJUDICATED JUVENILE AND any person RESPONDENT PARENT OR  
8 GUARDIAN of the right to petition the court for the expungement of such  
9 person's THE JUVENILE'S record. ~~at the time of adjudication, or~~ The court,  
10 on its own motion or the motion of the juvenile probation department, or  
11 the juvenile parole department, THE JUVENILE, A RESPONDENT PARENT OR  
12 GUARDIAN, OR A COURT-APPOINTED GUARDIAN AD LITEM, may initiate  
13 expungement proceedings concerning the record of any juvenile who has  
14 been under the jurisdiction of the court.

15 (3) AFTER EXPUNGEMENT, basic identification information on the  
16 juvenile and a list of any state and local agencies and officials having  
17 contact with the juvenile, as they appear from the records, shall not be  
18 open to the public but shall be available to a district attorney, local law  
19 enforcement agency, and the department of human services; except that  
20 such information shall not be available to an agency of the military forces  
21 of the United States.

22 (5) (c) The court may order expunged all records in the petitioner's  
23 case in the custody of the court and any records in the custody of any  
24 other agency or official if at the hearing the court finds that:

25 (I) The petitioner who is the subject of the hearing has not been  
26 convicted of, OR ADJUDICATED A JUVENILE DELINQUENT FOR, a felony  
27 OFFENSE or of a misdemeanor ~~and has not been adjudicated a juvenile~~  
28 ~~delinquent~~ OFFENSE INVOLVING DOMESTIC VIOLENCE, UNLAWFUL SEXUAL  
29 BEHAVIOR, OR POSSESSION OF A WEAPON since the termination of the  
30 court's jurisdiction or the petitioner's unconditional release from parole  
31 supervision;

32 (6) A person is eligible to petition for an expungement order:

33 (a) Immediately upon: ~~a finding of not guilty at an adjudicatory~~  
34 ~~trial;~~

35 (I) A FINDING OF NOT GUILTY AT AN ADJUDICATORY TRIAL;

36 (II) DISMISSAL OF THE PETITION IN ITS ENTIRETY AS A RESULT OF  
37 NONPROSECUTION OF THE OFFENSE; OR

38 (III) SUCCESSFUL COMPLETION OF A JUVENILE DIVERSION



1 PROGRAM, A DEFERRED ADJUDICATION, OR AN INFORMAL ADJUSTMENT;  
2 (a.5) At any time for the purposes described in paragraph (d) of  
3 subsection (5) of this section;  
4 (b) One year from THE DATE OF:  
5 (I) ~~The date of~~ A law enforcement contact that did not result in a  
6 referral to another agency; OR  
7 (II) ~~The completion of a juvenile diversion program or informal~~  
8 ~~adjustment~~ TERMINATION OF THE COURT'S JURISDICTION OVER THE  
9 PETITIONER AFTER SUCCESSFUL COMPLETION OF PROBATION;  
10 (c) ~~Four~~ THREE years from the date of:  
11 (I) ~~The termination of the court's jurisdiction over the petitioner;~~  
12 (II) The petitioner's unconditional release from commitment to the  
13 department of human services; or  
14 (III) The petitioner's unconditional release from parole  
15 supervision; OR  
16 (IV) (Deleted by amendment, L. 96, p. 1163, § 6, effective  
17 January 1, 1997.)  
18 (d) ~~Ten~~ FIVE years from the date of THE TERMINATION OF THE  
19 COURT'S JURISDICTION OVER THE PETITIONER OR THE PETITIONER'S  
20 UNCONDITIONAL RELEASE FROM PROBATION OR PAROLE SUPERVISION,  
21 WHICHEVER DATE IS LATER, IF:  
22 (I) ~~The termination of the court's jurisdiction over the juvenile or~~  
23 ~~the juvenile's unconditional release from parole supervision, whichever~~  
24 ~~date is later, if the juvenile has been adjudicated a repeat, or mandatory,~~  
25 VIOLENT, OR AGGRAVATED juvenile offender and if the juvenile has not  
26 further violated any criminal statute; OR  
27 (II) THE JUVENILE HAS BEEN ADJUDICATED FOR AN OFFENSE  
28 INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION  
29 16-22-102 (9), C.R.S., THE JUVENILE HAS SUCCESSFULLY COMPLETED  
30 OFFENSE-SPECIFIC TREATMENT AS ORDERED BY THE COURT, AND THE  
31 JUVENILE HAS NOT FURTHER VIOLATED ANY CRIMINAL STATUTE.  
32 (7) The following persons are not eligible to petition for the  
33 expungement of any juvenile record:  
34 (a) ~~Any person who has been adjudicated as an aggravated~~  
35 ~~juvenile offender or a violent juvenile offender;~~  
36 (b) ~~Any person who has been adjudicated for an offense that~~  
37 ~~would constitute a crime of violence under section 18-1.3-406, C.R.S.,~~  
38 ~~had the person been an adult at the time the offense was committed;~~  
39 (c) Any person who, as a juvenile, has been charged by the direct  
40 filing of an information in the district court or by indictment pursuant to  
41 section 19-2-517, unless the person was sentenced as a juvenile in the



1 same matter;

2 (d) Any person who has been adjudicated for an offense involving  
3 unlawful sexual behavior as defined in section 16-22-102 (9), C.R.S.

4 **SECTION 2.** In Colorado Revised Statutes, 19-1-304, amend (1)  
5 (b.5) (II) (A) as follows:

6 **19-1-304. Juvenile delinquency records.** (1) (b.5) **Arrest and**  
7 **criminal records - certain juveniles - public access - information**  
8 **limited.** The public has access to arrest and criminal records information,  
9 as defined in section 24-72-302 (1), C.R.S., and including a person's  
10 physical description, that:

11 (II) Concerns a juvenile who:

12 (A) Is adjudicated a juvenile delinquent or is subject to a  
13 revocation-of-probation PETITION for committing the crime of possession  
14 of a handgun by a juvenile or for committing an act that would constitute  
15 a ~~class 1, 2, 3, or 4~~ CLASS 1 OR 2 felony or would constitute any crime that  
16 involves the use or possession of a weapon if such act were committed by  
17 an adult; or

18 **SECTION 3. Act subject to petition - effective date.** This act  
19 takes effect at 12:01 a.m. on the day following the expiration of the  
20 ninety-day period after final adjournment of the general assembly (August  
21 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a  
22 referendum petition is filed pursuant to section 1 (3) of article V of the  
23 state constitution against this act or an item, section, or part of this act  
24 within such period, then the act, item, section, or part will not take effect  
25 unless approved by the people at the general election to be held in  
26 November 2014 and, in such case, will take effect on the date of the  
27 official declaration of the vote thereon by the governor."

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