

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 14-1002.03 Michael Dohr

**SENATE BILL 14-206**

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**SENATE SPONSORSHIP**

**Steadman,**

**HOUSE SPONSORSHIP**

**Singer,**

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**Senate Committees**  
Judiciary

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING CRIMINAL RECORD SEALING PROVISIONS, AND, IN**  
102 **CONNECTION THEREWITH, RELOCATING THE RECORD SEALING**  
103 **PROVISIONS IN A NEW PART, CLARIFYING WHEN AN ARREST**  
104 **RECORD CAN BE SEALED, AND MAKING OTHER CLARIFYING**  
105 **CHANGES.**

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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/bills summaries>.)*

The bill moves the sealing of criminal records statutes into a new

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.*

SENATE  
Amended 2nd Reading  
April 25, 2014

part and reorganizes the statutes. The bill allows a person to seal an arrest record if they are not charged with a crime, and the statute of limitations has not run, but the person is no longer being investigated by law enforcement.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.3-101, **amend**  
3 (10) (c) as follows:

4 **18-1.3-101. Pretrial diversion.** (10) **Diversion outcomes.** (c) At  
5 any point after a diversion agreement is ~~entered~~ COMPLETED a defendant  
6 may petition the court to seal all arrest and other criminal records  
7 pertaining to the offense, using the procedure described in ~~section~~  
8 ~~24-72-308~~ SECTION 24-72-602, C.R.S. Unless otherwise prohibited under  
9 ~~section 24-72-308 (3) (a)~~ SECTION 24-72-602 (4) (a), C.R.S., the court  
10 shall issue a sealing order if requested by the defendant following  
11 successful completion of a diversion agreement.

12 **SECTION 2.** In Colorado Revised Statutes, **repeal** 24-72-308,  
13 24-72-308.5, 24-72-308.6, 24-72-308.7, 24-72-308.8, and 24-72-308.9.

14 **SECTION 3.** In Colorado Revised Statutes, **add** part 6 to article  
15 72 of title 24 as follows:

16 **PART 6**

17 **CRIMINAL JUSTICE RECORD SEALING**

18 **24-72-601. Definitions.** AS USED IN THIS PART 6, UNLESS THE  
19 CONTEXT OTHERWISE REQUIRES:

20 (1) "ARREST AND CRIMINAL RECORDS INFORMATION" HAS THE  
21 SAME MEANING AS DEFINED IN SECTION 24-72-302.

22 (2) "BASIC IDENTIFICATION INFORMATION" HAS THE SAME  
23 MEANING AS DEFINED IN SECTION 24-72-302.

1           (3) "CONVICTION RECORDS" MEANS ARREST AND CRIMINAL  
2 RECORDS INFORMATION AND ANY RECORDS PERTAINING TO A JUDGMENT  
3 OF CONVICTION.

4           (4) "CRIMINAL JUSTICE AGENCIES" HAS THE SAME MEANING AS  
5 DEFINED IN SECTION 24-72-302.

6           (5) "CUSTODIAN" HAS THE SAME MEANING AS DEFINED IN SECTION  
7 24-72-302.

8           (6) "OFFICIAL ACTIONS" HAS THE SAME MEANING AS DEFINED IN  
9 SECTION 24-72-302.

10          (7) "PERSON IN INTEREST" HAS THE SAME MEANING AS DEFINED IN  
11 SECTION 24-72-302.

12          (8) "PRIVATE CUSTODIAN" HAS THE SAME MEANING AS DEFINED IN  
13 SECTION 24-72-302.

14           **24-72-602. Sealing of arrest and criminal records other than**  
15 **convictions.** (1) (a) (I) EXCEPT AS OTHERWISE PROVIDED IN  
16 SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH (a), ANY PERSON IN  
17 INTEREST MAY PETITION THE DISTRICT COURT OF THE DISTRICT IN WHICH  
18 ANY ARREST AND CRIMINAL RECORDS INFORMATION PERTAINING TO THE  
19 PERSON IN INTEREST IS LOCATED FOR THE SEALING OF ALL OF THE  
20 RECORDS, EXCEPT BASIC IDENTIFICATION INFORMATION, IF THE RECORDS  
21 ARE A RECORD OF OFFICIAL ACTIONS INVOLVING A CRIMINAL OFFENSE FOR  
22 WHICH THE PERSON IN INTEREST ENTERED INTO A DIVERSION AGREEMENT  
23 PURSUANT TO SECTION 18-1.3-101, C.R.S., OR WAS NOT CHARGED AND  
24 THE STATUTE OF LIMITATIONS FOR THE OFFENSE FOR WHICH THE PERSON  
25 WAS ARRESTED THAT HAS THE LONGEST STATUTE OF LIMITATIONS HAS  
26 RUN, OR WAS NOT CHARGED AND THE STATUTE OF LIMITATIONS HAS NOT  
27 RUN BUT THE PERSON IS NO LONGER BEING INVESTIGATED BY LAW

1 ENFORCEMENT FOR COMMISSION OF THE OFFENSE, OR IN ANY CASE WHICH  
2 WAS COMPLETELY DISMISSED, OR IN ANY CASE IN WHICH THE PERSON IN  
3 INTEREST WAS ACQUITTED.

4 (II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS  
5 PARAGRAPH (a), ARREST OR CRIMINAL RECORDS INFORMATION MAY NOT  
6 BE SEALED IF:

7 (A) AN OFFENSE IS NOT CHARGED DUE TO A PLEA AGREEMENT IN  
8 A SEPARATE CASE;

9 (B) A DISMISSAL OCCURS AS PART OF A PLEA AGREEMENT IN A  
10 SEPARATE CASE; OR

11 (C) THE DEFENDANT STILL OWES RESTITUTION, FINES, COURT  
12 COSTS, LATE FEES, OR OTHER FEES ORDERED BY THE COURT IN THE CASE  
13 THAT IS THE SUBJECT OF THE PETITION TO SEAL CRIMINAL RECORDS,  
14 UNLESS THE COURT THAT ENTERED THE ORDER FOR RESTITUTION, FINES,  
15 COURT COSTS, LATE FEES, OR OTHER FEES HAS VACATED THE ORDER.

16 (III) A PERSON IN INTEREST MAY PETITION THE DISTRICT COURT OF  
17 THE DISTRICT IN WHICH ANY ARREST AND CRIMINAL RECORDS  
18 INFORMATION PERTAINING TO THE PERSON IN INTEREST IS LOCATED FOR  
19 THE SEALING OF ALL OF SAID RECORDS, EXCEPT BASIC IDENTIFICATION  
20 INFORMATION, IF THE RECORDS ARE RECORDS OF OFFICIAL ACTIONS  
21 INVOLVING A CASE THAT WAS DISMISSED DUE TO A PLEA AGREEMENT IN A  
22 SEPARATE CASE, AND IF:

23 (A) THE PETITION IS FILED TEN YEARS OR MORE AFTER THE DATE  
24 OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE  
25 PERSON IN INTEREST; AND

26 (B) THE PERSON IN INTEREST HAS NOT BEEN CHARGED FOR A  
27 CRIMINAL OFFENSE IN THE TEN YEARS SINCE THE DATE OF THE FINAL

1 DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE PERSON IN  
2 INTEREST.

3 (b) (I) ANY PETITION TO SEAL CRIMINAL RECORDS SHALL INCLUDE  
4 A LISTING OF EACH CUSTODIAN OF THE RECORDS TO WHOM THE SEALING  
5 ORDER IS DIRECTED AND ANY INFORMATION THAT ACCURATELY AND  
6 COMPLETELY IDENTIFIES THE RECORDS TO BE SEALED.

7 (II) (A) UPON THE FILING OF A PETITION, THE COURT SHALL  
8 REVIEW THE PETITION AND DETERMINE WHETHER THE PETITION IS  
9 SUFFICIENT ON ITS FACE. IF THE COURT DETERMINES THAT THE PETITION  
10 ON ITS FACE IS INSUFFICIENT OR IF THE COURT DETERMINES THAT, AFTER  
11 TAKING JUDICIAL NOTICE OF MATTERS OUTSIDE THE PETITION, THE  
12 PETITIONER IS NOT ENTITLED TO RELIEF UNDER THIS SECTION, THE COURT  
13 SHALL ENTER AN ORDER DENYING THE PETITION AND MAIL A COPY OF THE  
14 ORDER TO THE PETITIONER, OR AS PERMITTED SERVE THE ORDER UNDER  
15 SUPREME COURT RULES. THE COURT'S ORDER SHALL SPECIFY THE REASONS  
16 FOR THE DENIAL OF THE PETITION. IF THE PETITION PERTAINS TO A  
17 DISMISSAL THAT IS NOT THE RESULT OF A COMPLETION OF A DEFERRED  
18 JUDGMENT AND SENTENCE OR A MULTI-CASE DISPOSITION, THE COURT  
19 SHALL ORDER A RECORD SEALED IF THE PETITION IS SUFFICIENT ON ITS  
20 FACE.

21 (B) IF THE COURT DETERMINES THAT THE PETITION IS SUFFICIENT  
22 ON ITS FACE AND THAT NO OTHER GROUNDS EXIST AT THAT TIME FOR THE  
23 COURT TO DENY THE PETITION UNDER THIS SECTION, THE COURT SHALL SET  
24 A DATE FOR A HEARING, AND THE PETITIONER SHALL NOTIFY THE  
25 PROSECUTING ATTORNEY BY CERTIFIED MAIL, THE ARRESTING AGENCY,  
26 AND ANY OTHER PERSON OR AGENCY IDENTIFIED BY THE PETITIONER.  
27 EXCEPT AS PROVIDED FOR IN SECTION 18-1.3-101 (10) (c), C.R.S., AFTER

1 THE HEARING DESCRIBED IN THIS SUB-SUBPARAGRAPH (B) IS CONDUCTED  
2 AND IF THE COURT FINDS THAT THE HARM TO THE PRIVACY OF THE  
3 PETITIONER OR DANGERS OF UNWARRANTED ADVERSE CONSEQUENCES TO  
4 THE PETITIONER OUTWEIGH THE PUBLIC INTEREST IN RETAINING THE  
5 RECORDS, THE COURT MAY ORDER SUCH RECORDS, EXCEPT BASIC  
6 IDENTIFICATION INFORMATION, TO BE SEALED.

7 (c) ANY ORDER ENTERED PURSUANT TO PARAGRAPH (b) OF THIS  
8 SUBSECTION (1) MUST BE DIRECTED TO EVERY CUSTODIAN WHO MAY HAVE  
9 CUSTODY OF ANY PART OF THE ARREST AND CRIMINAL RECORDS  
10 INFORMATION THAT IS THE SUBJECT OF THE ORDER. WHENEVER A COURT  
11 ENTERS AN ORDER SEALING CRIMINAL RECORDS PURSUANT TO PARAGRAPH  
12 (b) OF THIS SUBSECTION (1), THE PETITIONER SHALL PROVIDE THE  
13 COLORADO BUREAU OF INVESTIGATION AND EVERY CUSTODIAN OF SUCH  
14 RECORDS WITH A COPY OF THE ORDER. THE PETITIONER SHALL PROVIDE A  
15 PRIVATE CUSTODIAN WITH A COPY OF THE ORDER AND SEND THE PRIVATE  
16 CUSTODIAN AN ELECTRONIC NOTIFICATION OF THE ORDER. EACH PRIVATE  
17 CUSTODIAN THAT RECEIVES A COPY OF THE ORDER FROM THE PETITIONER  
18 SHALL REMOVE THE RECORDS THAT ARE SUBJECT TO AN ORDER FROM ITS  
19 DATABASE. THEREAFTER,   THE COURT MAY ISSUE AN ORDER SEALING  
20 THE CIVIL CASE IN WHICH THE RECORDS WERE SEALED.

21 (d) UPON THE ENTRY OF AN ORDER TO SEAL THE RECORDS, THE  
22 PETITIONER AND ALL CRIMINAL JUSTICE AGENCIES MAY PROPERLY REPLY,  
23 UPON ANY INQUIRY IN THE MATTER, THAT NO SUCH RECORDS EXIST WITH  
24 RESPECT TO THE PERSON.

25 (e) INSPECTION OF THE RECORDS INCLUDED IN AN ORDER SEALING  
26 CRIMINAL RECORDS MAY THEREAFTER BE PERMITTED BY THE COURT ONLY  
27 UPON PETITION BY THE PERSON WHO IS THE SUBJECT OF THE RECORDS OR

1 BY THE PROSECUTING ATTORNEY AND ONLY FOR THOSE PURPOSES NAMED  
2 IN THE PETITION.

3 (f) (I) EMPLOYERS, EDUCATIONAL INSTITUTIONS, STATE AND  
4 LOCAL GOVERNMENT AGENCIES, OFFICIALS, AND EMPLOYEES SHALL NOT,  
5 IN ANY APPLICATION OR INTERVIEW OR IN ANY OTHER WAY, REQUIRE AN  
6 APPLICANT TO DISCLOSE ANY INFORMATION CONTAINED IN SEALED  
7 RECORDS. AN APPLICANT NEED NOT, IN ANSWER TO ANY QUESTION  
8 CONCERNING ARREST AND CRIMINAL RECORDS INFORMATION THAT HAS  
9 BEEN SEALED, INCLUDE A REFERENCE TO OR INFORMATION CONCERNING  
10 THE SEALED INFORMATION AND MAY STATE THAT NO SUCH ACTION HAS  
11 EVER OCCURRED. SUCH AN APPLICATION MAY NOT BE DENIED SOLELY  
12 BECAUSE OF THE APPLICANT'S REFUSAL TO DISCLOSE ARREST AND  
13 CRIMINAL RECORDS INFORMATION THAT HAS BEEN SEALED.

14 (II) SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) DOES NOT  
15 PRECLUDE THE BAR COMMITTEE OF THE COLORADO STATE BOARD OF LAW  
16 EXAMINERS FROM MAKING FURTHER INQUIRIES INTO THE FACT OF A  
17 CONVICTION THAT COMES TO THE ATTENTION OF THE BAR COMMITTEE  
18 THROUGH OTHER MEANS. THE BAR COMMITTEE OF THE COLORADO STATE  
19 BOARD OF LAW EXAMINERS HAS A RIGHT TO INQUIRE INTO THE MORAL AND  
20 ETHICAL QUALIFICATIONS OF AN APPLICANT, AND THE APPLICANT HAS NO  
21 RIGHT TO PRIVACY OR PRIVILEGE THAT JUSTIFIES HIS OR HER REFUSAL TO  
22 ANSWER TO ANY QUESTION CONCERNING ARREST AND CRIMINAL RECORDS  
23 INFORMATION THAT HAS COME TO THE ATTENTION OF THE BAR COMMITTEE  
24 THROUGH OTHER MEANS.

25 (III) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I)  
26 OF THIS PARAGRAPH (f), THE DEPARTMENT OF EDUCATION MAY REQUIRE  
27 A LICENSED EDUCATOR OR AN APPLICANT FOR AN EDUCATOR'S LICENSE

1 WHO FILES A PETITION TO SEAL A CRIMINAL RECORD TO NOTIFY THE  
2 DEPARTMENT OF EDUCATION OF THE PENDING PETITION TO SEAL. THE  
3 DEPARTMENT OF EDUCATION HAS THE RIGHT TO INQUIRE INTO THE FACTS  
4 OF THE CRIMINAL OFFENSE FOR WHICH THE PETITION TO SEAL IS PENDING.  
5 THE EDUCATOR OR APPLICANT HAS NO RIGHT TO PRIVACY OR PRIVILEGE  
6 THAT JUSTIFIES HIS OR HER REFUSAL TO ANSWER ANY QUESTIONS OF THE  
7 DEPARTMENT OF EDUCATION CONCERNING THE ARREST AND CRIMINAL  
8 RECORDS INFORMATION CONTAINED IN THE PENDING PETITION TO SEAL.

9 (g) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO  
10 AUTHORIZE THE PHYSICAL DESTRUCTION OF ANY CRIMINAL JUSTICE  
11 RECORDS.

12 (2) FOR THE PURPOSE OF PROTECTING THE AUTHOR OF ANY  
13 CORRESPONDENCE THAT BECOMES A PART OF CRIMINAL JUSTICE RECORDS,  
14 THE COURT HAVING JURISDICTION IN THE JUDICIAL DISTRICT IN WHICH THE  
15 CRIMINAL JUSTICE RECORDS ARE LOCATED MAY, IN ITS DISCRETION, WITH  
16 OR WITHOUT A HEARING THEREON, ENTER AN ORDER TO SEAL ANY  
17 INFORMATION, INCLUDING BUT NOT LIMITED TO BASIC IDENTIFICATION  
18 INFORMATION CONTAINED IN THE CORRESPONDENCE. HOWEVER, THE  
19 COURT MAY, IN ITS DISCRETION, ENTER AN ORDER THAT ALLOWS THE  
20 DISCLOSURE OF SEALED INFORMATION TO DEFENSE COUNSEL OR, IF THE  
21 DEFENDANT IS NOT REPRESENTED BY COUNSEL, TO THE DEFENDANT.

22 (3) **Advisements.** (a) WHENEVER A DEFENDANT HAS APPEARED  
23 BEFORE THE COURT AND HAS CHARGES AGAINST HIM OR HER DISMISSED OR  
24 NOT FILED, OR WHENEVER THE DEFENDANT IS ACQUITTED, THE COURT  
25 SHALL PROVIDE HIM OR HER WITH A WRITTEN ADVISEMENT OF HIS OR HER  
26 RIGHTS PURSUANT TO THIS SECTION CONCERNING THE SEALING OF HIS OR  
27 HER CRIMINAL JUSTICE RECORDS IF HE OR SHE COMPLIES WITH THE

1 APPLICABLE PROVISIONS OF THIS SECTION.

2 (b) IN ADDITION TO, AND NOT IN LIEU OF, THE REQUIREMENT  
3 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3):

4 (I) IF A DEFENDANT'S CASE IS DISMISSED AFTER A PERIOD OF  
5 SUPERVISION BY PROBATION, THE PROBATION DEPARTMENT, UPON THE  
6 TERMINATION OF THE DEFENDANT'S PROBATION, SHALL PROVIDE THE  
7 DEFENDANT WITH A WRITTEN ADVISEMENT OF HIS OR HER RIGHTS  
8 PURSUANT TO THIS SECTION CONCERNING THE SEALING OF HIS OR HER  
9 CRIMINAL JUSTICE RECORDS IF HE OR SHE COMPLIES WITH THE APPLICABLE  
10 PROVISIONS OF THIS SECTION; OR

11 (II) IF A DEFENDANT IS RELEASED ON PAROLE, THE DEFENDANT'S  
12 PAROLE OFFICER, UPON THE TERMINATION OF THE DEFENDANT'S PAROLE,  
13 SHALL PROVIDE THE DEFENDANT WITH A WRITTEN ADVISEMENT OF HIS OR  
14 HER RIGHTS CONCERNING THE SEALING OF HIS OR HER CRIMINAL JUSTICE  
15 RECORDS PURSUANT TO THIS SECTION IF HE OR SHE COMPLIES WITH THE  
16 APPLICABLE PROVISIONS OF THIS SECTION.

17 (4) **Exceptions.** (a) THIS SECTION DOES NOT APPLY TO RECORDS  
18 PERTAINING TO CASES WHEN THE ONLY CHARGES WERE AS FOLLOWS:

19 (I) A CLASS 1 OR CLASS 2 MISDEMEANOR TRAFFIC OFFENSE;

20 (II) A CLASS A OR CLASS B TRAFFIC INFRACTION.

21 ==

22 (b) COURT ORDERS SEALING RECORDS OF OFFICIAL ACTIONS  
23 ENTERED PURSUANT TO THIS SECTION DO NOT LIMIT THE OPERATION OF  
24 RULES OF DISCOVERY PROMULGATED BY THE SUPREME COURT OF  
25 COLORADO.

26 (c) THIS SECTION SHALL NOT APPLY TO RECORDS PERTAINING TO  
27 A DEFERRED JUDGMENT AND SENTENCE FOR AN OFFENSE FOR WHICH THE

1 FACTUAL BASIS INVOLVED UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN  
2 SECTION 16-22-102 (9), C.R.S.

3 (d) THIS SECTION SHALL NOT APPLY TO RECORDS PERTAINING TO  
4 A DEFERRED JUDGMENT AND SENTENCE OF SECTION 42-4-1301(1) OR (2),  
5 C.R.S.

6 (e) THIS SECTION SHALL NOT APPLY TO ARREST AND CRIMINAL  
7 JUSTICE INFORMATION OR CRIMINAL JUSTICE RECORDS IN THE POSSESSION  
8 AND CUSTODY OF A CRIMINAL JUSTICE AGENCY WHEN INQUIRY  
9 CONCERNING THE ARREST AND CRIMINAL JUSTICE INFORMATION OR  
10 CRIMINAL JUSTICE RECORDS IS MADE BY ANOTHER CRIMINAL JUSTICE  
11 AGENCY.

12 (f) THIS SECTION SHALL NOT APPLY TO RECORDS PERTAINING TO  
13 A DEFERRED JUDGMENT AND SENTENCE FOR AN OFFENSE CONCERNING THE  
14 HOLDER OF A COMMERCIAL DRIVER'S LICENSE AS DEFINED IN SECTION  
15 42-2-402, C.R.S., OR THE OPERATOR OF A COMMERCIAL MOTOR VEHICLE  
16 AS DEFINED IN SECTION 42-2-402, C.R.S.

17 (g) IF A PERSON WHO SEEKS TO HAVE HIS OR HER ARREST RECORDS  
18 SEALED FOR CHARGES THAT ARE NOT COVERED BY PARAGRAPH (a) OF THIS  
19 SUBSECTION (4), THE FACT THAT THE PERSON WAS CHARGED FOR A CRIME  
20 COVERED IN PARAGRAPH (a) OF THIS SUBSECTION (4) AS A PART OF THE  
21 SAME ARREST DOES NOT PROHIBIT A COURT FROM SEALING THE ARREST  
22 RECORDS RELATED TO THE CHARGES THAT ARE NOT COVERED IN  
23 PARAGRAPH (a) OF THIS SUBSECTION (4).

24 (5) A PERSON MAY FILE A PETITION WITH THE COURT FOR SEALING  
25 OF EACH CASE ONCE EVERY TWELVE-MONTH PERIOD.

26 **24-72-603. Sealing criminal conviction records - advisements**  
27 **- discovery - order applicability - general provisions.**

1 (1) **Advisements.** (a) WHENEVER A DEFENDANT IS SENTENCED  
2 FOLLOWING A CONVICTION FOR AN OFFENSE DESCRIBED IN SECTIONS  
3 24-72-604 THROUGH 24-72-608, THE COURT SHALL PROVIDE HIM OR HER  
4 WITH A WRITTEN ADVISEMENT OF HIS OR HER RIGHTS CONCERNING THE  
5 SEALING OF HIS OR HER CONVICTION RECORDS PURSUANT TO THIS SECTION  
6 IF HE OR SHE COMPLIES WITH THE APPLICABLE PROVISIONS OF THIS  
7 SECTION.

8 (b) IN ADDITION TO, AND NOT IN LIEU OF, THE REQUIREMENT  
9 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1):

10 (I) IF A DEFENDANT IS SENTENCED TO PROBATION FOLLOWING A  
11 CONVICTION FOR AN OFFENSE DESCRIBED IN SECTIONS 24-72-603  
12 THROUGH 24-72-607, THE PROBATION DEPARTMENT, UPON THE  
13 TERMINATION OF THE DEFENDANT'S PROBATION, SHALL PROVIDE THE  
14 DEFENDANT WITH A WRITTEN ADVISEMENT OF HIS OR HER RIGHTS  
15 CONCERNING THE SEALING OF HIS OR HER CONVICTION RECORDS  
16 PURSUANT TO THIS SECTION IF HE OR SHE COMPLIES WITH THE APPLICABLE  
17 PROVISIONS OF THIS SECTION; OR

18 (II) IF A DEFENDANT IS RELEASED ON PAROLE FOLLOWING A  
19 CONVICTION FOR AN OFFENSE DESCRIBED IN SECTIONS 24-72-603  
20 THROUGH 24-72-607, THE DEFENDANT'S PAROLE OFFICER, UPON THE  
21 TERMINATION OF THE DEFENDANT'S PAROLE, SHALL PROVIDE THE  
22 DEFENDANT WITH A WRITTEN ADVISEMENT OF HIS OR HER RIGHTS  
23 CONCERNING THE SEALING OF HIS OR HER CONVICTION RECORDS  
24 PURSUANT TO THIS SECTION IF HE OR SHE COMPLIES WITH THE APPLICABLE  
25 PROVISIONS OF THIS SECTION.

26 (2) **Rules of discovery - rules of evidence - witness testimony.**  
27 COURT ORDERS SEALING RECORDS OF OFFICIAL ACTIONS PURSUANT TO

1 THIS PART 6 DO NOT LIMIT THE OPERATIONS OF:

2 (a) THE RULES OF DISCOVERY OR THE RULES OF EVIDENCE  
3 PROMULGATED BY THE SUPREME COURT OF COLORADO OR ANY OTHER  
4 STATE OR FEDERAL COURT; OR

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

7 (3) A PERSON MAY ONLY FILE A PETITION WITH THE COURT FOR  
8 SEALING OF EACH CASE ONCE EVERY TWELVE-MONTH PERIOD.

9 (4) **Effect of a sealing order.** (a) AN ORDER SEALING CONVICTION  
10 RECORDS DOES NOT DENY ACCESS TO THE CRIMINAL RECORDS OF A  
11 DEFENDANT BY ANY COURT, LAW ENFORCEMENT AGENCY, CRIMINAL  
12 JUSTICE AGENCY, PROSECUTING ATTORNEY, OR PARTY OR AGENCY  
13 REQUIRED BY LAW TO CONDUCT A CRIMINAL HISTORY RECORD CHECK ON  
14 AN INDIVIDUAL. AN ORDER SEALING CONVICTION RECORDS IS NOT  
15 CONSTRUED TO VACATE A CONVICTION. A CONVICTION SEALED PURSUANT  
16 TO THIS SECTION MAY BE USED BY A CRIMINAL JUSTICE AGENCY, LAW  
17 ENFORCEMENT AGENCY, COURT, OR PROSECUTING ATTORNEY FOR ANY  
18 LAWFUL PURPOSE RELATING TO THE INVESTIGATION OR PROSECUTION OF  
19 ANY CASE, INCLUDING BUT NOT LIMITED TO ANY SUBSEQUENT CASE THAT  
20 IS FILED AGAINST THE DEFENDANT, OR FOR ANY OTHER LAWFUL PURPOSE  
21 WITHIN THE SCOPE OF HIS, HER, OR ITS DUTIES. IF A DEFENDANT IS  
22 CONVICTED OF A NEW CRIMINAL OFFENSE AFTER AN ORDER SEALING  
23 CONVICTION RECORDS IS ENTERED, THE COURT SHALL ORDER THE  
24 CONVICTION RECORDS TO BE UNSEALED. A PARTY OR AGENCY REQUIRED  
25 BY LAW TO CONDUCT A CRIMINAL HISTORY RECORD CHECK IS AUTHORIZED  
26 TO USE ANY SEALED CONVICTION FOR THE LAWFUL PURPOSE FOR WHICH  
27 THE CRIMINAL HISTORY RECORD CHECK IS REQUIRED BY LAW.

1 (b) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (a) OF THIS  
2 SUBSECTION (4), UPON THE ENTRY OF AN ORDER TO SEAL THE CONVICTION  
3 RECORDS, THE DEFENDANT AND ALL CRIMINAL JUSTICE AGENCIES MAY  
4 PROPERLY REPLY, UPON AN INQUIRY IN THE MATTER, THAT PUBLIC  
5 CONVICTION RECORDS DO NOT EXIST WITH RESPECT TO THE DEFENDANT.

6 (c) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (a) OF THIS  
7 SUBSECTION (4), INSPECTION OF THE RECORDS INCLUDED IN AN ORDER  
8 SEALING CONVICTION RECORDS MAY THEREAFTER BE PERMITTED BY THE  
9 COURT ONLY UPON PETITION BY THE DEFENDANT.

10 (d) (I) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (a) OF THIS  
11 SUBSECTION (4) OR IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH  
12 (d), EMPLOYERS, STATE AND LOCAL GOVERNMENT AGENCIES, OFFICIALS,  
13 LANDLORDS, AND EMPLOYEES SHALL NOT, IN ANY APPLICATION OR  
14 INTERVIEW OR IN ANY OTHER WAY, REQUIRE AN APPLICANT TO DISCLOSE  
15 ANY INFORMATION CONTAINED IN SEALED CONVICTION RECORDS. AN  
16 APPLICANT NEED NOT, IN ANSWER TO ANY QUESTION CONCERNING  
17 CONVICTION RECORDS THAT HAVE BEEN SEALED, INCLUDE A REFERENCE  
18 TO OR INFORMATION CONCERNING THE SEALED CONVICTION RECORDS AND  
19 MAY STATE THAT THE APPLICANT HAS NOT BEEN CRIMINALLY CONVICTED.  
20 AN APPLICATION MAY NOT BE DENIED SOLELY BECAUSE OF THE  
21 APPLICANT'S REFUSAL TO DISCLOSE CONVICTION RECORDS THAT HAVE  
22 BEEN SEALED.

23 (II) SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) DOES NOT  
24 PRECLUDE THE BAR COMMITTEE OF THE COLORADO STATE BOARD OF LAW  
25 EXAMINERS FROM MAKING FURTHER INQUIRIES INTO THE FACT OF A  
26 CONVICTION THAT COMES TO THE ATTENTION OF THE BAR COMMITTEE  
27 THROUGH OTHER MEANS. THE BAR COMMITTEE OF THE COLORADO STATE

1 BOARD OF LAW EXAMINERS HAS A RIGHT TO INQUIRE INTO THE MORAL AND  
2 ETHICAL QUALIFICATIONS OF AN APPLICANT, AND THE APPLICANT HAS NO  
3 RIGHT TO PRIVACY OR PRIVILEGE THAT JUSTIFIES HIS OR HER REFUSAL TO  
4 ANSWER A QUESTION CONCERNING SEALED CONVICTION RECORDS THAT  
5 HAVE COME TO THE ATTENTION OF THE BAR COMMITTEE THROUGH OTHER  
6 MEANS.

7 (III) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH  
8 (d) SHALL NOT APPLY TO A CRIMINAL JUSTICE AGENCY OR TO AN  
9 APPLICANT TO A CRIMINAL JUSTICE AGENCY.

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

15 (5) THE OFFICE OF THE STATE COURT ADMINISTRATOR SHALL POST  
16 ON ITS WEB SITE A LIST OF ALL PETITIONS TO SEAL CONVICTION RECORDS  
17 THAT ARE FILED WITH A DISTRICT COURT. A DISTRICT COURT MAY NOT  
18 GRANT A PETITION TO SEAL CONVICTION RECORDS UNTIL AT LEAST THIRTY  
19 DAYS AFTER THE POSTING. AFTER THE EXPIRATION OF THIRTY DAYS  
20 FOLLOWING THE POSTING, THE PETITION TO SEAL CONVICTION RECORDS  
21 AND INFORMATION PERTINENT THERETO MUST BE REMOVED FROM THE  
22 WEB SITE OF THE OFFICE OF THE STATE COURT ADMINISTRATOR.

23 (6) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO  
24 AUTHORIZE THE PHYSICAL DESTRUCTION OF ANY CONVICTION RECORDS.

25 (7) NOTWITHSTANDING ANY PROVISION IN THIS PART 6 TO THE  
26 CONTRARY, IN REGARD TO ANY CONVICTION OF A DEFENDANT RESULTING  
27 FROM A SINGLE CASE IN WHICH THE DEFENDANT IS CONVICTED OF MORE

1 THAN ONE OFFENSE, RECORDS OF THE CONVICTION MAY BE SEALED  
2 PURSUANT TO THE PROVISIONS OF THIS PART 6 ONLY IF THE RECORDS OF  
3 EVERY CONVICTION OF THE DEFENDANT RESULTING FROM THAT CASE MAY  
4 BE SEALED PURSUANT TO THE PROVISIONS OF THIS PART 6.

5 (8) CONVICTION RECORDS MAY NOT BE SEALED IF THE DEFENDANT  
6 STILL OWES RESTITUTION, FINES, COURT COSTS, LATE FEES, OR OTHER FEES  
7 ORDERED BY THE COURT IN THE CASE THAT IS THE SUBJECT OF THE  
8 PETITION TO SEAL CONVICTION RECORDS, UNLESS THE COURT THAT  
9 ENTERED THE ORDER FOR RESTITUTION, FINES, COURT COSTS, LATE FEES,  
10 OR OTHER FEES HAS VACATED THE ORDER.

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

22 **24-72-604. Sealing of criminal conviction records information**  
23 **for offenses involving controlled substances for convictions entered**  
24 **on or after July 1, 2008, and prior to July 1, 2011. (1) Sealing of**  
25 **conviction records. (a) (I) SUBJECT TO THE LIMITATIONS DESCRIBED IN**  
26 **SUBSECTION (2) OF THIS SECTION, A DEFENDANT MAY PETITION THE**  
27 **DISTRICT COURT OF THE DISTRICT IN WHICH ANY CONVICTION RECORDS**

1 PERTAINING TO THE DEFENDANT ARE LOCATED FOR THE SEALING OF THE  
2 CONVICTION RECORDS, EXCEPT BASIC IDENTIFYING INFORMATION, IF:

3 (A) THE PETITION IS FILED TEN OR MORE YEARS AFTER THE DATE  
4 OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE  
5 DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION  
6 CONCERNING A CRIMINAL CONVICTION, WHICHEVER IS LATER; AND

7 (B) THE DEFENDANT HAS NOT BEEN CHARGED OR CONVICTED FOR  
8 A CRIMINAL OFFENSE IN THE TEN OR MORE YEARS SINCE THE DATE OF THE  
9 FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER  
10 OR THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION,  
11 WHICHEVER IS LATER.

12 (b) (I) UPON THE FILING OF A PETITION, THE COURT SHALL REVIEW  
13 THE PETITION AND DETERMINE WHETHER THERE ARE GROUNDS UNDER THIS  
14 SECTION TO PROCEED TO A HEARING ON THE PETITION. IF THE COURT  
15 DETERMINES THAT THE PETITION ON ITS FACE IS INSUFFICIENT OR IF THE  
16 COURT DETERMINES THAT, AFTER TAKING JUDICIAL NOTICE OF MATTERS  
17 OUTSIDE THE PETITION, THE DEFENDANT IS NOT ENTITLED TO RELIEF  
18 UNDER THIS SECTION, THE COURT SHALL ENTER AN ORDER DENYING THE  
19 PETITION AND MAIL A COPY OF THE ORDER TO THE DEFENDANT. THE  
20 COURT'S ORDER SHALL SPECIFY THE REASONS FOR THE DENIAL OF THE  
21 PETITION.

22 (II) IF THE COURT DETERMINES THAT THE PETITION IS SUFFICIENT  
23 ON ITS FACE AND THAT NO OTHER GROUNDS EXIST AT THAT TIME FOR THE  
24 COURT TO DENY THE PETITION UNDER THIS SECTION, THE COURT SHALL SET  
25 A DATE FOR A HEARING, AND THE DEFENDANT SHALL NOTIFY BY CERTIFIED  
26 MAIL THE PROSECUTING ATTORNEY, THE ARRESTING AGENCY, AND ANY  
27 OTHER PERSON OR AGENCY IDENTIFIED BY THE DEFENDANT.

1 (c) AFTER THE HEARING DESCRIBED IN SUBPARAGRAPH (II) OF  
2 PARAGRAPH (b) OF THIS SUBSECTION (1) IS CONDUCTED AND IF THE COURT  
3 FINDS THAT THE HARM TO THE PRIVACY OF THE DEFENDANT OR THE  
4 DANGERS OF UNWARRANTED, ADVERSE CONSEQUENCES TO THE  
5 DEFENDANT OUTWEIGH THE PUBLIC INTEREST IN RETAINING THE  
6 CONVICTION RECORDS, THE COURT MAY ORDER THE CONVICTION RECORDS,  
7 EXCEPT BASIC IDENTIFICATION INFORMATION, TO BE SEALED. IN MAKING  
8 THIS DETERMINATION, THE COURT SHALL, AT A MINIMUM, CONSIDER THE  
9 SEVERITY OF THE OFFENSE THAT IS THE BASIS OF THE CONVICTION  
10 RECORDS SOUGHT TO BE SEALED, THE CRIMINAL HISTORY OF THE  
11 DEFENDANT, THE NUMBER OF CONVICTIONS AND DATES OF THE  
12 CONVICTIONS FOR WHICH THE DEFENDANT IS SEEKING TO HAVE THE  
13 RECORDS SEALED, AND THE NEED FOR THE GOVERNMENT AGENCY TO  
14 RETAIN THE RECORDS. AN ORDER ENTERED PURSUANT TO THIS PARAGRAPH  
15 (c) SHALL BE DIRECTED TO EACH CUSTODIAN WHO MAY HAVE CUSTODY OF  
16 ANY PART OF THE CONVICTION RECORDS THAT ARE THE SUBJECT OF THE  
17 ORDER. WHENEVER A COURT ENTERS AN ORDER SEALING CONVICTION  
18 RECORDS PURSUANT TO THIS PARAGRAPH (c), THE DEFENDANT SHALL  
19 PROVIDE THE COLORADO BUREAU OF INVESTIGATION AND EACH  
20 CUSTODIAN OF THE CONVICTION RECORDS WITH A COPY OF THE ORDER.  
21 THE PETITIONER SHALL PROVIDE A PRIVATE CUSTODIAN WITH A COPY OF  
22 THE ORDER AND SEND THE PRIVATE CUSTODIAN AN ELECTRONIC  
23 NOTIFICATION OF THE ORDER. EACH PRIVATE CUSTODIAN THAT RECEIVES  
24 A COPY OF THE ORDER FROM THE PETITIONER SHALL REMOVE THE RECORDS  
25 THAT ARE SUBJECT TO AN ORDER FROM ITS DATABASE. THE DEFENDANT  
26 SHALL PAY TO THE BUREAU ANY COSTS RELATED TO THE SEALING OF HIS  
27 OR HER CRIMINAL CONVICTION RECORDS IN THE CUSTODY OF THE BUREAU.

1       THEREAFTER, THE DEFENDANT MAY REQUEST AND THE COURT MAY GRANT  
2       AN ORDER SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS  
3       WERE SEALED.

4               **(2) Applicability.** (a)   EXCEPT AS OTHERWISE PROVIDED IN  
5       PARAGRAPH (b) OF THIS SUBSECTION (2), THE PROVISIONS OF THIS SECTION  
6       APPLY ONLY TO CONVICTION RECORDS PERTAINING TO JUDGMENTS OF  
7       CONVICTION ENTERED ON AND AFTER JULY 1, 2008, AND PRIOR TO JULY 1,  
8       2011, FOR:

9               (I) ANY PETTY OFFENSE IN VIOLATION OF A PROVISION OF ARTICLE  
10       18 OF TITLE 18, C.R.S.;

11              (II) ANY MISDEMEANOR IN VIOLATION OF A PROVISION OF ARTICLE  
12       18 OF TITLE 18, C.R.S.;

13              (III) ANY CLASS 5 OR CLASS 6 FELONY IN VIOLATION OF A  
14       PROVISION OF ARTICLE 18 OF TITLE 18, C.R.S.; EXCEPT THAT THE  
15       PROVISIONS OF THIS SECTION SHALL NOT APPLY TO CONVICTION RECORDS  
16       PERTAINING TO A JUDGMENT OF CONVICTION FOR A CLASS 5 OR CLASS 6  
17       FELONY FOR THE SALE, MANUFACTURING, OR DISPENSING OF A  
18       CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), C.R.S.;  
19       ATTEMPT OR CONSPIRACY TO COMMIT THE SALE, MANUFACTURING, OR  
20       DISPENSING OF A CONTROLLED SUBSTANCE; OR POSSESSION WITH THE  
21       INTENT TO MANUFACTURE, DISPENSE, OR SELL A CONTROLLED SUBSTANCE;

22              (IV) ANY OFFENSE THAT WOULD BE CLASSIFIED AS A CLASS 5 OR  
23       6 FELONY IN VIOLATION OF A PROVISION OF ARTICLE 18 OF TITLE 18,  
24       C.R.S., IF THE OFFENSE WERE TO HAVE OCCURRED ON JULY 1, 2008.

25              (b) FOR ANY JUDGMENT OF CONVICTION ENTERED PRIOR TO JULY  
26       1, 2008, FOR WHICH THE DEFENDANT WOULD OTHERWISE QUALIFY FOR  
27       RELIEF UNDER THIS SECTION, THE DEFENDANT MAY OBTAIN AN ORDER

1 FROM THE COURT TO SEAL CONVICTION RECORDS IF:

2 (I) THE PROSECUTING ATTORNEY DOES NOT OBJECT TO THE  
3 SEALING; AND

4 (II) THE DEFENDANT PAYS TO THE OFFICE OF THE PROSECUTING  
5 ATTORNEY ALL REASONABLE ATTORNEY FEES AND COSTS OF THE  
6 PROSECUTING ATTORNEY RELATING TO THE PETITION TO SEAL PRIOR TO  
7 THE ENTRY OF AN ORDER SEALING THE CONVICTION RECORDS; AND

8 (III) THE DEFENDANT PAYS:

9 (A) THE FILING FEE REQUIRED BY LAW; AND

10 (B) AN ADDITIONAL FILING FEE OF TWO HUNDRED DOLLARS TO  
11 COVER THE ACTUAL COSTS RELATED TO THE FILING OF THE PETITION TO  
12 SEAL RECORDS.

13 (c) THE ADDITIONAL FILING FEES COLLECTED UNDER  
14 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF PARAGRAPH (b) OF  
15 THIS SUBSECTION (2) MUST BE TRANSMITTED TO THE STATE TREASURER  
16 FOR DEPOSIT IN THE JUDICIAL STABILIZATION CASH FUND CREATED IN  
17 SECTION 13-32-101 (6), C.R.S.

18 (d) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO  
19 CONVICTION RECORDS THAT ARE IN THE POSSESSION OF A CRIMINAL  
20 JUSTICE AGENCY WHEN AN INQUIRY CONCERNING THE CONVICTION  
21 RECORDS IS MADE BY ANOTHER CRIMINAL JUSTICE AGENCY.

22 **24-72-605. Sealing of criminal conviction records information**  
23 **for offenses involving controlled substances for convictions entered**  
24 **on or after July 1, 2011. (1) Sealing of conviction records.**

25 (a) SUBJECT TO THE LIMITATIONS DESCRIBED IN SUBSECTION (2) OF THIS  
26 SECTION, A DEFENDANT MAY PETITION THE DISTRICT COURT OF THE  
27 DISTRICT IN WHICH ANY CONVICTION RECORDS PERTAINING TO THE

1 DEFENDANT ARE LOCATED FOR THE SEALING OF THE CONVICTION  
2 RECORDS, EXCEPT BASIC IDENTIFYING INFORMATION, IF THE PETITION IS  
3 FILED WITHIN THE TIME FRAME DESCRIBED IN PARAGRAPH (b) OF THIS  
4 SUBSECTION (1).

5 (b) (I) IF THE OFFENSE IS A PETTY OFFENSE OR A CLASS 2 OR 3  
6 MISDEMEANOR IN ARTICLE 18 OF TITLE 18, C.R.S., THE PETITION MAY BE  
7 FILED THREE YEARS AFTER THE LATER OF THE DATE OF THE FINAL  
8 DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR  
9 THE RELEASE OF THE DEFENDANT FROM SUPERVISION CONCERNING A  
10 CRIMINAL CONVICTION.

11 (II) IF THE OFFENSE IS A CLASS 1 MISDEMEANOR IN ARTICLE 18 OF  
12 TITLE 18, C.R.S., THE PETITION MAY BE FILED FIVE YEARS AFTER THE  
13 LATER OF THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL  
14 PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE OF THE  
15 DEFENDANT FROM SUPERVISION CONCERNING A CRIMINAL CONVICTION.

16 (III) IF THE OFFENSE IS A CLASS 5 FELONY OR CLASS 6 FELONY  
17 DRUG POSSESSION OFFENSE DESCRIBED IN SECTION 18-18-403.5, C.R.S.,  
18 AS IT EXISTED PRIOR TO OCTOBER 1, 2013, SECTION 18-18-404, C.R.S., OR  
19 SECTION 18-18-405, C.R.S., AS IT EXISTED PRIOR TO AUGUST 11, 2010,  
20 THE PETITION MAY BE FILED SEVEN YEARS AFTER THE LATER OF THE DATE  
21 OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE  
22 DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION  
23 CONCERNING A CRIMINAL CONVICTION.

24 (IV) FOR ALL OTHER OFFENSES IN ARTICLE 18 OF TITLE 18, C.R.S.,  
25 THE PETITION MAY BE FILED TEN YEARS AFTER THE LATER OF THE DATE OF  
26 THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE  
27 DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION

1 CONCERNING A CRIMINAL CONVICTION.

2 (c) (I) IF THE OFFENSE IS A PETTY DRUG OFFENSE IN ARTICLE 18 OF  
3 TITLE 18, C.R.S., THE PETITION MAY BE FILED ONE YEAR AFTER THE LATER  
4 OF THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS  
5 AGAINST THE DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM  
6 SUPERVISION CONCERNING A CRIMINAL CONVICTION.

7 (II) IF THE OFFENSE IS A LEVEL 2   DRUG MISDEMEANOR IN  
8 ARTICLE 18 OF TITLE 18, C.R.S., THE PETITION MAY BE FILED THREE YEARS  
9 AFTER THE LATER OF THE DATE OF THE FINAL DISPOSITION OF ALL  
10 CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE OF  
11 THE DEFENDANT FROM SUPERVISION CONCERNING A CRIMINAL  
12 CONVICTION.

13 (III) IF THE OFFENSE IS A LEVEL 1 DRUG MISDEMEANOR IN ARTICLE  
14 18 OF TITLE 18, C.R.S., THE PETITION MAY BE FILED FIVE YEARS AFTER THE  
15 LATER OF THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL  
16 PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE OF THE  
17 DEFENDANT FROM SUPERVISION CONCERNING A CRIMINAL CONVICTION.

18 (IV) IF THE OFFENSE IS A LEVEL 4 DRUG FELONY, THE PETITION  
19 MAY BE FILED SEVEN YEARS AFTER THE LATER OF THE DATE OF THE FINAL  
20 DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR  
21 THE RELEASE OF THE DEFENDANT FROM SUPERVISION CONCERNING A  
22 CRIMINAL CONVICTION.

23 (V) FOR ALL OTHER FELONY DRUG OFFENSES IN ARTICLE 18 OF  
24 TITLE 18, C.R.S., THE PETITION MAY BE FILED TEN YEARS AFTER THE  
25 LATER OF THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL  
26 PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE OF THE  
27 DEFENDANT FROM SUPERVISION CONCERNING A CRIMINAL CONVICTION.

1 (d) (I) IF A PETITION IS FILED FOR THE SEALING OF A PETTY  
2 OFFENSE IN ARTICLE 18 OF TITLE 18, C.R.S., THE COURT SHALL ORDER THE  
3 RECORD SEALED AFTER THE PETITION IS FILED, THE FILING FEE IS PAID, AND  
4 THE CRIMINAL HISTORY FILED WITH THE PETITION AS REQUIRED BY  
5 SECTION 24-72-603 (9) DOCUMENTS TO THE COURT THAT THE DEFENDANT  
6 HAS NOT BEEN CHARGED OR CONVICTED FOR A CRIMINAL OFFENSE SINCE  
7 THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS  
8 AGAINST HIM OR HER OR SINCE THE DATE OF THE DEFENDANT'S RELEASE  
9 FROM SUPERVISION, WHICHEVER IS LATER.

10 (II) IF A PETITION IS FILED FOR THE SEALING OF A CLASS 1, CLASS  
11 2, OR CLASS 3 MISDEMEANOR IN ARTICLE 18 OF TITLE 18, C.R.S., THE  
12 DEFENDANT SHALL PAY THE FILING FEE AND PROVIDE NOTICE OF THE  
13 PETITION TO THE DISTRICT ATTORNEY. THE DISTRICT ATTORNEY SHALL  
14 DETERMINE WHETHER TO OBJECT TO THE PETITION AFTER CONSIDERING  
15 THE FACTORS IN SECTION 24-72-604 (1) (c). IF THE DISTRICT ATTORNEY  
16 DOES NOT OBJECT, THE COURT SHALL ORDER THAT THE RECORD BE SEALED  
17 AFTER THE DEFENDANT DOCUMENTS TO THE COURT THAT HE OR SHE HAS  
18 NOT BEEN CHARGED OR CONVICTED FOR A CRIMINAL OFFENSE SINCE THE  
19 DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST  
20 HIM OR HER OR THE DATE OF THE DEFENDANT'S RELEASE FROM  
21 SUPERVISION, WHICHEVER IS LATER. IF THE DISTRICT ATTORNEY OBJECTS  
22 TO THE PETITION, THE COURT SHALL SET THE MATTER FOR HEARING. TO  
23 ORDER THE RECORD SEALED, THE CRIMINAL HISTORY FILED WITH THE  
24 PETITION AS REQUIRED BY SECTION 24-72-603 (9) MUST DOCUMENT TO  
25 THE COURT THAT THE DEFENDANT HAS NOT BEEN CHARGED WITH OR  
26 CONVICTED OF A CRIMINAL OFFENSE SINCE THE DATE OF THE FINAL  
27 DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR

1 SINCE THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION,  
2 WHICHEVER IS LATER. THE COURT SHALL DECIDE THE PETITION AFTER  
3 CONSIDERING THE FACTORS IN SECTION 24-72-604 (1) (c).

4 (III) IF A PETITION IS FILED FOR THE SEALING OF A CLASS 5 OR  
5 CLASS 6 FELONY POSSESSION OFFENSE DESCRIBED IN SECTION 18-18-403.5,  
6 C.R.S., AS IT EXISTED PRIOR TO OCTOBER 1, 2013, SECTION 18-18-404,  
7 C.R.S., OR SECTION 18-18-405, C.R.S., AS IT EXISTED PRIOR TO AUGUST  
8 11, 2010, THE DEFENDANT SHALL PAY THE FILING FEE AND PROVIDE  
9 NOTICE OF THE PETITION TO THE DISTRICT ATTORNEY. THE DISTRICT  
10 ATTORNEY SHALL DETERMINE WHETHER TO OBJECT TO THE PETITION  
11 AFTER CONSIDERING THE FACTORS IN SECTION 24-72-604 (1) (c). IF THE  
12 DISTRICT ATTORNEY DOES NOT OBJECT, THE COURT MAY DECIDE THE  
13 PETITION WITH OR WITHOUT THE BENEFIT OF A HEARING. IF THE DISTRICT  
14 ATTORNEY OBJECTS TO THE PETITION, THE COURT SHALL SET THE MATTER  
15 FOR HEARING. TO ORDER THE RECORD SEALED, THE CRIMINAL HISTORY  
16 FILED WITH THE PETITION AS REQUIRED BY SECTION 24-72-603 (9) MUST  
17 DOCUMENT TO THE COURT THAT THE DEFENDANT HAS NOT BEEN CHARGED  
18 OR CONVICTED FOR A CRIMINAL OFFENSE SINCE THE DATE OF THE FINAL  
19 DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR  
20 SINCE THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION,  
21 WHICHEVER IS LATER. THE COURT SHALL DECIDE THE PETITION AFTER  
22 CONSIDERING THE FACTORS IN SECTION 24-72-604 (1) (c).

23 (IV) IF A PETITION IS FILED FOR ANY OFFENSE IN ARTICLE 18 OF  
24 TITLE 18, C.R.S., THAT IS NOT COVERED BY SUBPARAGRAPHS (I) TO (III)  
25 OF THIS PARAGRAPH (d), THE DEFENDANT SHALL PAY THE FILING FEE AND  
26 PROVIDE NOTICE OF THE PETITION TO THE DISTRICT ATTORNEY. THE  
27 DISTRICT ATTORNEY SHALL DETERMINE WHETHER TO OBJECT TO THE

1 PETITION AFTER CONSIDERING THE FACTORS IN SECTION 24-72-604 (1) (c).  
2 IF THE DISTRICT ATTORNEY OBJECTS TO THE PETITION, THE COURT SHALL  
3 DISMISS THE PETITION. IF THE DISTRICT ATTORNEY DOES NOT OBJECT, THE  
4 COURT SHALL SET THE PETITION FOR A HEARING. TO ORDER THE RECORD  
5 SEALED, THE CRIMINAL HISTORY FILED WITH THE PETITION AS REQUIRED  
6 BY SECTION 24-72-603 (9) MUST DOCUMENT TO THE COURT THAT THE  
7 DEFENDANT HAS NOT BEEN CHARGED OR CONVICTED FOR A CRIMINAL  
8 OFFENSE SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL  
9 PROCEEDINGS AGAINST HIM OR HER OR THE DATE OF THE DEFENDANT'S  
10 RELEASE FROM SUPERVISION, WHICHEVER IS LATER. THE COURT SHALL  
11 DECIDE THE PETITION AFTER CONSIDERING THE FACTORS IN SECTION  
12 24-72-604 (1) (c).

13 (e) (I) IF A PETITION IS FILED FOR THE SEALING OF A PETTY DRUG  
14 OFFENSE IN ARTICLE 18 OF TITLE 18, C.R.S., THE COURT SHALL ORDER THE  
15 RECORD SEALED AFTER THE PETITION IS FILED, THE FILING FEE IS PAID, AND  
16 THE CRIMINAL HISTORY FILED WITH THE PETITION AS REQUIRED BY  
17 SECTION 24-72-603 (9) DOCUMENTS TO THE COURT THAT THE DEFENDANT  
18 HAS NOT BEEN CHARGED OR CONVICTED FOR A CRIMINAL OFFENSE SINCE  
19 THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS  
20 AGAINST HIM OR HER OR SINCE THE DATE OF THE DEFENDANT'S RELEASE  
21 FROM SUPERVISION, WHICHEVER IS LATER.

22 (II) IF A PETITION IS FILED FOR THE SEALING OF A LEVEL 1 OR  
23 LEVEL 2 DRUG MISDEMEANOR IN ARTICLE 18 OF TITLE 18, C.R.S., THE  
24 DEFENDANT SHALL PAY THE FILING FEE AND PROVIDE NOTICE OF THE  
25 PETITION TO THE DISTRICT ATTORNEY. THE DISTRICT ATTORNEY MAY  
26 OBJECT TO THE PETITION AFTER CONSIDERING THE FACTORS IN SECTION  
27 24-72-604 (1) (c). IF THE DISTRICT ATTORNEY DOES NOT OBJECT, THE

1 COURT SHALL ORDER THAT THE RECORD BE SEALED AFTER THE  
2 DEFENDANT DOCUMENTS TO THE COURT THAT HE OR SHE HAS NOT BEEN  
3 CHARGED OR CONVICTED FOR A CRIMINAL OFFENSE SINCE THE DATE OF  
4 THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR  
5 HER OR THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION,  
6 WHICHEVER IS LATER. IF THE DISTRICT ATTORNEY OBJECTS TO THE  
7 PETITION, THE COURT SHALL SET THE MATTER FOR HEARING. TO ORDER  
8 THE RECORD SEALED, THE CRIMINAL HISTORY FILED WITH THE PETITION AS  
9 REQUIRED BY SECTION 24-72-603 (9) MUST DOCUMENT TO THE COURT  
10 THAT THE DEFENDANT HAS NOT BEEN CHARGED WITH OR CONVICTED OF  
11 A CRIMINAL OFFENSE SINCE THE DATE OF THE FINAL DISPOSITION OF ALL  
12 CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR SINCE THE DATE OF THE  
13 DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER. THE  
14 COURT SHALL DECIDE THE PETITION AFTER CONSIDERING THE FACTORS IN  
15 SECTION 24-72-604 (1) (c).

16 (III) IF A PETITION IS FILED FOR THE SEALING OF A LEVEL 4 DRUG  
17 FELONY POSSESSION OFFENSE DESCRIBED IN SECTION 18-18-403.5, C.R.S.,  
18 THE DEFENDANT SHALL PAY THE FILING FEE AND PROVIDE NOTICE OF THE  
19 PETITION TO THE DISTRICT ATTORNEY. THE DISTRICT ATTORNEY MAY  
20 OBJECT TO THE PETITION AFTER CONSIDERING THE FACTORS IN SECTION  
21 24-72-604 (1) (c). IF THE DISTRICT ATTORNEY DOES NOT OBJECT, THE  
22 COURT MAY DECIDE THE PETITION WITH OR WITHOUT THE BENEFIT OF A  
23 HEARING. IF THE DISTRICT ATTORNEY OBJECTS TO THE PETITION, THE  
24 COURT SHALL SET THE MATTER FOR HEARING. TO ORDER THE RECORD  
25 SEALED, THE CRIMINAL HISTORY FILED WITH THE PETITION AS REQUIRED  
26 BY SECTION 24-72-603 (9) MUST DOCUMENT TO THE COURT THAT THE  
27 DEFENDANT HAS NOT BEEN CHARGED OR CONVICTED FOR A CRIMINAL

1 OFFENSE SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL  
2 PROCEEDINGS AGAINST HIM OR HER OR SINCE THE DATE OF THE  
3 DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER. THE  
4 COURT SHALL DECIDE THE PETITION AFTER CONSIDERING THE FACTORS IN  
5 SECTION 24-72-604 (1) (c).

6 (IV) IF A PETITION IS FILED FOR ANY OTHER FELONY DRUG OFFENSE  
7 IN ARTICLE 18 OF TITLE 18, C.R.S., THAT IS NOT COVERED BY  
8 SUBPARAGRAPHS (I) TO (III) OF THIS PARAGRAPH (e), THE DEFENDANT  
9 SHALL PAY THE FILING FEE AND PROVIDE NOTICE OF THE PETITION TO THE  
10 DISTRICT ATTORNEY. THE DISTRICT ATTORNEY MAY OBJECT TO THE  
11 PETITION AFTER CONSIDERING THE FACTORS IN SECTION 24-72-604 (1) (c).  
12 IF THE DISTRICT ATTORNEY OBJECTS TO THE PETITION, THE COURT SHALL  
13 DISMISS THE PETITION. IF THE DISTRICT ATTORNEY DOES NOT OBJECT, THE  
14 COURT SHALL SET THE PETITION FOR A HEARING. TO ORDER THE RECORD  
15 SEALED, THE CRIMINAL HISTORY FILED WITH THE PETITION AS REQUIRED  
16 BY SECTION 24-72-603 (9) MUST DOCUMENT TO THE COURT THAT THE  
17 DEFENDANT HAS NOT BEEN CHARGED OR CONVICTED FOR A CRIMINAL  
18 OFFENSE SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL  
19 PROCEEDINGS AGAINST HIM OR HER OR THE DATE OF THE DEFENDANT'S  
20 RELEASE FROM SUPERVISION, WHICHEVER IS LATER. THE COURT SHALL  
21 DECIDE THE PETITION AFTER CONSIDERING THE FACTORS IN SECTION  
22 24-72-604 (1) (c).

23 (f) AN ORDER ENTERED PURSUANT TO THIS SECTION MUST BE  
24 DIRECTED TO EACH CUSTODIAN WHO MAY HAVE CUSTODY OF ANY PART OF  
25 THE CONVICTION RECORDS THAT ARE THE SUBJECT OF THE ORDER.  
26 WHENEVER A COURT ENTERS AN ORDER SEALING CONVICTION RECORDS  
27 PURSUANT TO THIS SECTION, THE DEFENDANT SHALL PROVIDE THE

1 COLORADO BUREAU OF INVESTIGATION AND EACH CUSTODIAN OF THE  
2 CONVICTION RECORDS WITH A COPY OF THE ORDER AND SHALL PAY TO THE  
3 BUREAU ANY COSTS RELATED TO THE SEALING OF HIS OR HER CRIMINAL  
4 CONVICTION RECORDS THAT ARE IN THE CUSTODY OF THE BUREAU.  
5 THEREAFTER, THE DEFENDANT MAY REQUEST AND THE COURT MAY GRANT  
6 AN ORDER SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS  
7 WERE SEALED.

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

14 (2) **Applicability.** (a) THE PROVISIONS OF THIS SECTION SHALL  
15 APPLY ONLY TO CONVICTION RECORDS PERTAINING TO JUDGMENTS OF  
16 CONVICTION ENTERED ON OR AFTER JULY 1, 2011.

17 (b) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO  
18 CONVICTION RECORDS THAT ARE IN THE POSSESSION OF A CRIMINAL  
19 JUSTICE AGENCY WHEN AN INQUIRY CONCERNING THE CONVICTION  
20 RECORDS IS MADE BY ANOTHER CRIMINAL JUSTICE AGENCY.

21 **24-72-606. Sealing of criminal conviction records information**  
22 **for offenses committed by victims of human trafficking.** (1) **Sealing**  
23 **of conviction records.** A DEFENDANT MAY PETITION THE DISTRICT COURT  
24 OF THE DISTRICT IN WHICH ANY CONVICTION RECORDS PERTAINING TO THE  
25 DEFENDANT'S CONVICTION FOR PROSTITUTION, AS DESCRIBED IN SECTION  
26 18-7-201, C.R.S.; SOLICITING FOR PROSTITUTION, AS DESCRIBED IN  
27 SECTION 18-7-202, C.R.S.; KEEPING A PLACE OF PROSTITUTION, AS

1 DESCRIBED IN SECTION 18-7-204, C.R.S.; PUBLIC INDECENCY, AS  
2 DESCRIBED IN SECTION 18-7-301, C.R.S.; OR ANY CORRESPONDING  
3 MUNICIPAL CODE OR ORDINANCE ARE LOCATED FOR THE SEALING OF THE  
4 CONVICTION RECORDS, EXCEPT FOR BASIC IDENTIFYING INFORMATION.

5 (2) IF A PETITION IS FILED PURSUANT TO SUBSECTION (1) OF THIS  
6 SECTION FOR THE SEALING OF A RECORD OF CONVICTION FOR  
7 PROSTITUTION, AS DESCRIBED IN SECTION 18-7-201, C.R.S.; SOLICITING  
8 FOR PROSTITUTION, AS DESCRIBED IN SECTION 18-7-202, C.R.S.; KEEPING  
9 A PLACE OF PROSTITUTION, AS DESCRIBED IN SECTION 18-7-204, C.R.S.; OR  
10 PUBLIC INDECENCY, AS DESCRIBED IN SECTION 18-7-301, C.R.S., THE  
11 COURT SHALL ORDER THE RECORD SEALED AFTER:

12 (a) THE PETITION IS FILED;

13 (b) THE FILING FEE IS PAID; AND

14 (c) THE DEFENDANT ESTABLISHES BY A PREPONDERANCE OF THE  
15 EVIDENCE THAT, AT THE TIME HE OR SHE COMMITTED THE OFFENSE, HE OR  
16 SHE HAD BEEN SOLD, EXCHANGED, BARTERED, OR LEASED BY ANOTHER  
17 PERSON, AS DESCRIBED IN SECTION 18-3-501 OR 18-3-502, C.R.S., FOR THE  
18 PURPOSE OF PERFORMING THE OFFENSE, OR HE OR SHE WAS COERCED BY  
19 ANOTHER PERSON, AS DESCRIBED IN SECTION 18-3-503, C.R.S., TO  
20 PERFORM THE OFFENSE.

21 (3) AN ORDER ENTERED PURSUANT TO THIS SECTION MUST BE  
22 DIRECTED TO EACH CUSTODIAN WHO MAY HAVE CUSTODY OF ANY PART OF  
23 THE CONVICTION RECORDS THAT ARE THE SUBJECT OF THE ORDER.  
24 WHENEVER A COURT ENTERS AN ORDER SEALING CONVICTION RECORDS  
25 PURSUANT TO THIS SECTION, THE DEFENDANT SHALL PROVIDE THE  
26 COLORADO BUREAU OF INVESTIGATION AND EACH CUSTODIAN OF THE  
27 CONVICTION RECORDS WITH A COPY OF THE ORDER AND SHALL PAY TO THE

1 BUREAU ANY COSTS RELATED TO THE SEALING OF HIS OR HER CRIMINAL  
2 CONVICTION RECORDS THAT ARE IN THE CUSTODY OF THE BUREAU.  
3 THEREAFTER, THE DEFENDANT MAY REQUEST AND THE COURT MAY GRANT  
4 AN ORDER SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS  
5 WERE SEALED.

6 **24-72-607. Sealing of criminal conviction records information**  
7 **for offenses involving theft of public transportation services.** (1) IF A  
8 PERSON WAS CONVICTED OF THEFT OF PUBLIC TRANSPORTATION SERVICES  
9 BY FARE EVASION AS DESCRIBED IN SECTION 18-4-802, C.R.S., AS IT  
10 EXISTED PRIOR TO JUNE 8, 2012, AND THE PERSON HAS COMPLETED THE  
11 SENTENCE, INCLUDING PAYMENT OF THE FINE AND SURCHARGE, FOR THE  
12 CONVICTION AS OF JUNE 8, 2012, THE COURT THAT ENTERED THE  
13 CONVICTION SHALL SEAL THE CONVICTION BY JANUARY 1, 2013.

14 (2) A PERSON DESCRIBED IN SUBSECTION (1) OF THIS SECTION THAT  
15 WANTS HIS OR HER CONVICTION SEALED PRIOR TO JANUARY 1, 2013, MAY  
16 MOVE THE COURT IN THE CASE IN WHICH THE CONVICTION WAS ENTERED  
17 FOR AN ORDER SEALING THE RECORD OF THE CONVICTION. THE PERSON  
18 SHALL PROVIDE ALL INFORMATION AS REQUIRED BY THE COURT IN THE  
19 MOTION. UPON RECEIPT OF THE MOTION, THE COURT SHALL VERIFY THAT  
20 THE PERSON HAS COMPLETED HIS OR HER SENTENCE, INCLUDING PAYMENT  
21 OF THE FINE AND SURCHARGE, AND, IF THE SENTENCE HAS BEEN  
22 COMPLETED, THE COURT SHALL ENTER AN ORDER SEALING THE  
23 CONVICTION.

24 (3) A PERSON CONVICTED OF THEFT OF PUBLIC TRANSPORTATION  
25 SERVICES BY FARE EVASION AS DESCRIBED IN SECTION 18-4-802, C.R.S.,  
26 AS IT EXISTED PRIOR TO JUNE 8, 2012, WHO DID NOT COMPLETE THE  
27 SENTENCE FOR THE CONVICTION PRIOR TO JUNE 8, 2012, MAY MOVE THE

1 COURT IN THE CASE IN WHICH THE CONVICTION WAS ENTERED FOR AN  
2 ORDER SEALING THE RECORD OF THE CONVICTION AFTER HE OR SHE  
3 COMPLETES THE SENTENCE, INCLUDING PAYMENT OF THE FINE AND  
4 SURCHARGE, FOR THE CONVICTION. THE PERSON SHALL PROVIDE ALL  
5 INFORMATION AS REQUIRED BY THE COURT IN THE MOTION. UPON RECEIPT  
6 OF THE MOTION, THE COURT SHALL VERIFY THAT THE PERSON HAS  
7 COMPLETED HIS OR HER SENTENCE, AND, IF THE SENTENCE HAS BEEN  
8 COMPLETED, THE COURT SHALL ENTER AN ORDER SEALING THE  
9 CONVICTION.

10 **24-72-608. Sealing of criminal conviction records information**  
11 **for petty offenses and municipal offenses for convictions. (1) Sealing**  
12 **of conviction records. (a)** A DEFENDANT MAY PETITION THE DISTRICT  
13 COURT OF THE DISTRICT IN WHICH ANY CONVICTION RECORDS PERTAINING  
14 TO THE DEFENDANT FOR A PETTY OFFENSE OR MUNICIPAL VIOLATION ARE  
15 LOCATED FOR THE SEALING OF THE CONVICTION RECORDS, EXCEPT BASIC  
16 IDENTIFYING INFORMATION, IF:

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

21 (II) THE DEFENDANT HAS NOT BEEN CHARGED OR CONVICTED FOR  
22 A FELONY, MISDEMEANOR, OR MISDEMEANOR TRAFFIC OFFENSE IN THE  
23 THREE OR MORE YEARS SINCE THE DATE OF THE FINAL DISPOSITION OF ALL  
24 CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR THE DATE OF THE  
25 DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER; AND

26 (III) THE CONVICTION RECORDS TO BE SEALED ARE NOT FOR A  
27 MISDEMEANOR TRAFFIC OFFENSE COMMITTED EITHER BY A HOLDER OF A

1 COMMERCIAL LEARNER'S PERMIT OR A COMMERCIAL DRIVER'S LICENSE, AS  
2 DEFINED IN SECTION 42-2-402, C.R.S., OR BY THE OPERATOR OF A  
3 COMMERCIAL MOTOR VEHICLE, AS DEFINED IN SECTION 42-2-402, C.R.S.

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

11 (2) (a) UPON THE FILING OF A PETITION, THE COURT SHALL REVIEW  
12 THE PETITION AND DETERMINE WHETHER THERE ARE GROUNDS UNDER THIS  
13 SECTION TO PROCEED TO A HEARING ON THE PETITION. IF THE COURT  
14 DETERMINES THAT THE PETITION ON ITS FACE IS INSUFFICIENT OR IF THE  
15 COURT DETERMINES THAT, AFTER TAKING JUDICIAL NOTICE OF MATTERS  
16 OUTSIDE THE PETITION, THE DEFENDANT IS NOT ENTITLED TO RELIEF  
17 UNDER THIS SECTION, THE COURT SHALL ENTER AN ORDER DENYING THE  
18 PETITION AND MAIL A COPY OF THE ORDER TO THE DEFENDANT. THE  
19 COURT'S ORDER SHALL SPECIFY THE REASONS FOR THE DENIAL OF THE  
20 PETITION.

21 (b) IF THE COURT DETERMINES THAT THE PETITION IS SUFFICIENT  
22 ON ITS FACE AND THAT NO OTHER GROUNDS EXIST AT THAT TIME FOR THE  
23 COURT TO DENY THE PETITION UNDER THIS SECTION, THE COURT SHALL SET  
24 A DATE FOR A HEARING, AND THE DEFENDANT SHALL NOTIFY BY CERTIFIED  
25 MAIL THE PROSECUTING ATTORNEY, THE ARRESTING AGENCY, AND ANY  
26 OTHER PERSON OR AGENCY IDENTIFIED BY THE DEFENDANT.

27 (3) AFTER THE HEARING DESCRIBED IN SUBSECTION (2) OF THIS

1 SECTION IS CONDUCTED AND IF THE COURT FINDS THAT THE HARM TO THE  
2 PRIVACY OF THE DEFENDANT OR THE DANGERS OF UNWARRANTED,  
3 ADVERSE CONSEQUENCES TO THE DEFENDANT OUTWEIGH THE PUBLIC  
4 INTEREST IN RETAINING THE CONVICTION RECORDS, THE COURT MAY  
5 ORDER THE CONVICTION RECORDS, EXCEPT BASIC IDENTIFICATION  
6 INFORMATION, TO BE SEALED. IN MAKING THIS DETERMINATION, THE  
7 COURT SHALL, AT A MINIMUM, CONSIDER THE FACTORS IN SECTION  
8 24-72-604 (1)(c). AN ORDER ENTERED PURSUANT TO THIS SUBSECTION (3)  
9 MUST BE DIRECTED TO EACH CUSTODIAN WHO MAY HAVE CUSTODY OF ANY  
10 PART OF THE CONVICTION RECORDS THAT ARE THE SUBJECT OF THE ORDER.  
11 WHENEVER A COURT ENTERS AN ORDER SEALING CONVICTION RECORDS  
12 PURSUANT TO THIS SUBSECTION (3), THE DEFENDANT SHALL PROVIDE THE  
13 COLORADO BUREAU OF INVESTIGATION AND EACH CUSTODIAN OF THE  
14 CONVICTION RECORDS WITH A COPY OF THE ORDER. THE PETITIONER SHALL  
15 PROVIDE A PRIVATE CUSTODIAN WITH A COPY OF THE ORDER AND SEND  
16 THE PRIVATE CUSTODIAN AN ELECTRONIC NOTIFICATION OF THE ORDER.  
17 EACH PRIVATE CUSTODIAN THAT RECEIVES A COPY OF THE ORDER FROM  
18 THE PETITIONER SHALL REMOVE THE RECORDS THAT ARE SUBJECT TO AN  
19 ORDER FROM ITS DATABASE. THE DEFENDANT SHALL PAY TO THE BUREAU  
20 ANY COSTS RELATED TO THE SEALING OF HIS OR HER CRIMINAL  
21 CONVICTION RECORDS IN THE CUSTODY OF THE BUREAU. THEREAFTER, THE  
22 DEFENDANT MAY REQUEST AND THE COURT MAY GRANT AN ORDER  
23 SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS WERE  
24 SEALED.

25 (4) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO  
26 CONVICTION RECORDS THAT ARE IN THE POSSESSION OF A CRIMINAL  
27 JUSTICE AGENCY WHEN AN INQUIRY CONCERNING THE CONVICTION

1 RECORDS IS MADE BY ANOTHER CRIMINAL JUSTICE AGENCY.

2 **SECTION 4. Effective date.** This act takes effect on August 1,  
3 2014.

4 **SECTION 5. Safety clause.** The general assembly hereby finds,  
5 determines, and declares that this act is necessary for the immediate  
6 preservation of the public peace, health, and safety.