

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0650.02 Michael Dohr x4347

HOUSE BILL 16-1395

HOUSE SPONSORSHIP

Lee, Court, Buckner, Esgar, Fields, Kagan, Lontine, Melton, Williams

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING JUVENILE DELINQUENCY RECORD EXPUNGEMENT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Under current law, there is some access to juvenile delinquency records. The bill limits that access by making certain records public only after a court orders that a child be charged as an adult, consistent with recent changes to the direct file statute, and by eliminating the requirement that the prosecuting attorney notify the school principal of minor offenses. The bill also ensures that the juvenile and his or her attorney can access the juvenile's records, and that juvenile record information is available to agencies that require the information for

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.

research purposes, with protections against the disclosure of identifying information.

Under current law, a juvenile or someone on the juvenile's behalf must petition, after an applicable waiting period of one to 5 years, for expungement. The bill requires the court to automatically expunge records in certain situations. In some situations, the juvenile must still petition for expungement. Records will be expunged immediately upon:

- ! A finding of not guilty at an adjudicatory trial;
- ! Dismissal of the entire case;
- ! Dismissal after completion of juvenile diversion, a deferred adjudication, or an informal adjustment;
- ! The completion of a sentence for a municipal offense; and
- ! The completion of a juvenile sentence for a class 2 or 3 misdemeanor that is not a sex offense and does not involve domestic violence.

Records will be eligible for expungement upon the completion of a juvenile sentence when the juvenile has a class 1 misdemeanor; a misdemeanor sex offense; a misdemeanor involving domestic violence; or a first time felony adjudication and the adjudicated felony is not a crime of violence, is not an offense involving unlawful sexual behavior, and is not a class 1 or 2 felony. The court sends a notice to the district attorney that the records are eligible for expungement. The district attorney shall notify the victim, and the victim and the district attorney have the right to object to the expungement. If there is no objection, the court enters an expungement order. If there is an objection, the court holds a hearing to determine if the juvenile is sufficiently rehabilitated and whether expungement is in the best interest of the juvenile and the community.

All other juveniles must file a petition to request expungement after an applicable waiting period. Records will be eligible for expungement one year after a law enforcement contact that did not result in a referral to another agency. Records will be eligible for expungement one year from the date of the completion of a juvenile sentence if the juvenile was not adjudicated a repeat, mandatory, aggravated, or violent juvenile offender. Records will be eligible for expungement 3 years from the date of completion of a juvenile sentence if the juvenile was adjudicated a repeat or mandatory offender and not adjudicated for a felony sex offense. Records will be eligible for expungement 5 years from the date of completion of a juvenile sentence if the juvenile was adjudicated an aggravated or violent juvenile offender or was adjudicated for a felony sex offense. After the petition is filed, the court shall hold a hearing, and the court shall grant expungement if it finds that the juvenile has been rehabilitated and that expungement is in the best interest of the juvenile and the community.

The bill requires written notice of the right to expungement and the

process to the juvenile.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-304, **amend** (1)
3 (a) introductory portion, (1) (a) (II), (1) (a) (XIII) (A), (1) (b.5)
4 introductory portion, (1) (b.7), (1) (b.8), (1) (c) introductory portion, (1)
5 (c) (VIII), (1) (d), (2) (a) (I), (2) (a) (XIV) (A), (2.5), (3), (5), (5.5), (6),
6 (7) introductory portion, and (7) (d); and **add** (1) (c) (VII.5), (7) (f), and
7 (7) (g) as follows:

8 **19-1-304. Juvenile delinquency records - division of youth**
9 **corrections critical incident information - definitions.** (1) (a) **Court**
10 **records - open.** Except as provided in paragraph (b.5) of this subsection
11 (1), court records in juvenile delinquency proceedings or proceedings
12 concerning a juvenile charged with the violation of any municipal
13 ordinance except a traffic ordinance ~~shall be~~ ARE open to inspection to the
14 following persons without court order:

15 (II) The juvenile's parent, guardian, ~~or~~ legal custodian, OR
16 ATTORNEY;

17 (XIII) Any person or agency for research purposes, if all of the
18 following conditions are met:

19 (A) The person or agency conducting such research is employed
20 by the state of Colorado or is under contract with the state of Colorado
21 and is authorized by the department of human services to conduct such
22 research; EXCEPT THAT THE DEPARTMENT OF PUBLIC SAFETY DOES NOT
23 NEED TO OBTAIN PRIOR AUTHORIZATION FROM THE DEPARTMENT OF
24 HUMAN SERVICES FOR THE PURPOSES OF THIS SUB-SUBPARAGRAPH (A);
25 and

1 (b.5) **Arrest and criminal records - certain juveniles - public**
2 **access - information limited.** The public has access to ~~arrest and~~
3 ~~criminal records information, as defined in section 24-72-302 (1), C.R.S.,~~
4 ~~and including a person's physical description, that~~ INFORMATION
5 REPORTING THE ARREST OR OTHER FORMAL FILING OF CHARGES AGAINST
6 A JUVENILE; THE IDENTITY OF THE CRIMINAL JUSTICE AGENCY TAKING
7 SUCH OFFICIAL ACTION RELATIVE TO AN ACCUSED JUVENILE; THE DATE
8 AND PLACE THAT SUCH OFFICIAL ACTION WAS TAKEN RELATIVE TO AN
9 ACCUSED JUVENILE; THE NATURE OF THE CHARGES BROUGHT OR THE
10 OFFENSES ALLEGED; AND ONE OR MORE DISPOSITIONS RELATING TO THE
11 CHARGES BROUGHT AGAINST AN ACCUSED JUVENILE, WHEN THIS
12 INFORMATION:

13 (b.7) The information ~~which shall be~~ THAT IS open to the public
14 pursuant to paragraph (b.5) OF THIS SUBSECTION (1) regarding a juvenile
15 who is charged with the commission of a delinquent act shall not include
16 records of investigation as such records are described in section
17 24-72-305 (5), C.R.S. In addition, any psychological profile of any such
18 juvenile, any intelligence test results for any such juvenile, or any
19 information regarding whether such juvenile has been sexually abused
20 ~~shall not be~~ ARE NOT open to the public unless released by an order of the
21 court. THE INFORMATION THAT IS OPEN TO THE PUBLIC PURSUANT TO
22 PARAGRAPH (b.5) OF THIS SUBSECTION (1) REGARDING A JUVENILE WHO IS
23 CHARGED WITH A DELINQUENT ACT SHALL NOT INCLUDE THE JUVENILE'S
24 NAME, BIRTH DATE, OR PHOTOGRAPH.

25 (b.8) The court shall report the final disposition concerning a
26 juvenile who has been adjudicated a juvenile delinquent to the Colorado
27 bureau of investigation in a form that is electronically consistent with

1 applicable law. The report ~~shall~~ MUST be made within seventy-two hours
2 after the final disposition; except that the time period shall not include
3 Saturdays, Sundays, or legal holidays. The report ~~shall~~ MUST include ~~the~~
4 ~~information provided to the court in accordance with paragraph (b.7) of~~
5 ~~this subsection (1)~~; the disposition of each charge and the court case
6 number, and the Colorado bureau of investigation shall reflect any change
7 of status but shall not delete or eliminate information concerning the
8 original charge. COLORADO BUREAU OF INVESTIGATION RECORDS
9 REGARDING JUVENILE OFFENSES ARE NOT OPEN TO THE PUBLIC.

10 (c) **Probation records - limited access.** Except as otherwise
11 authorized by section 19-1-303, a juvenile probation officer's records,
12 whether or not part of the court file, ~~shall not be~~ ARE NOT open to
13 inspection except as provided in subparagraphs (I) to (XI) of this
14 paragraph (c):

15 (VII.5) TO THE JUVENILE NAMED IN THE RECORD;

16 (VIII) To the juvenile's parent, guardian, ~~or~~ legal custodian, OR
17 ATTORNEY;

18 (d) **Social and clinical studies - closed - court authorization.**
19 Except as otherwise authorized by section 19-1-303, any social and
20 clinical studies, INCLUDING ALL EVALUATIONS OF THE JUVENILE, whether
21 or not part of the court file OR ANY OTHER RECORD, ~~shall not be~~ ARE NOT
22 open to inspection, except: ~~by consent of the court.~~

23 (I) TO THE JUVENILE NAMED IN THE RECORD;

24 (II) TO THE JUVENILE'S PARENT, GUARDIAN, LEGAL CUSTODIAN, OR
25 ATTORNEY; OR

26 (III) BY ORDER OF THE COURT, UPON A FINDING OF A LEGITIMATE
27 INTEREST IN AND NEED TO REVIEW THE SOCIAL AND CLINICAL STUDIES.

1 (2) (a) **Law enforcement records in general - closed.** Except as
2 otherwise provided by paragraph (b.5) of subsection (1) of this section
3 and otherwise authorized by section 19-1-303, the records of law
4 enforcement officers concerning juveniles, including identifying
5 information, shall be identified as juvenile records and shall not be
6 inspected by or disclosed to the public, except:

7 (I) To the juvenile and the juvenile's parent, guardian, ~~or~~ legal
8 custodian, OR ATTORNEY;

9 (XIV) To any person or agency for research purposes, if all of the
10 following conditions are met:

11 (A) The person or agency conducting such research is employed
12 by the state of Colorado or is under contract with the state of Colorado
13 and is authorized by the department of human services to conduct such
14 research; EXCEPT THAT THE DEPARTMENT OF PUBLIC SAFETY DOES NOT
15 NEED TO OBTAIN PRIOR AUTHORIZATION FROM THE DEPARTMENT OF
16 HUMAN SERVICES FOR THE PURPOSES OF THIS SUB-SUBPARAGRAPH (A);
17 and

18 (2.5) **Parole records.** Parole records ~~shall be~~ ARE open to
19 inspection by the principal of a school, or such principal's designee, in
20 which the juvenile is or will be enrolled as a student and, if the student is
21 or will be enrolled in a public school, by the superintendent of the school
22 district in which the student is or will be enrolled, or such
23 superintendent's designee. Parole records ~~shall also be~~ ARE ALSO open to
24 inspection by assessment centers for children AND BY THE JUVENILE
25 NAMED IN THE RECORD AND THE JUVENILE'S PARENT, GUARDIAN, LEGAL
26 CUSTODIAN, OR ATTORNEY.

27 (3) Prior to adjudication, the defense counsel, the district attorney,

1 the prosecuting attorney, or any other party TO A PENDING DELINQUENCY
2 PETITION with consent of the court shall have access to records of any
3 proceedings pursuant to this title, except as provided in section 19-1-309,
4 which involve a juvenile against whom criminal or delinquency charges
5 have been filed. No new criminal or delinquency charges against such
6 juvenile shall MAY be brought based upon information gained initially or
7 solely from such examination of records.

8 (5) **Direct filings - arrest and criminal records open.** Whenever
9 ~~a petition filed in juvenile court alleges that a juvenile between the ages~~
10 ~~of twelve to eighteen years has committed an offense that would~~
11 ~~constitute unlawful sexual behavior, as defined in section 16-22-102 (9),~~
12 ~~C.R.S., or a crime of violence, as defined in section 18-1.3-406, C.R.S.,~~
13 ~~if committed by an adult or whenever charges filed in district court allege~~
14 ~~that a juvenile has committed such an offense then~~ A JUDGE ORDERS THAT
15 A JUVENILE BE CHARGED AS AN ADULT AFTER A HEARING HELD PURSUANT
16 TO SECTION 19-2-517 OR 19-2-518, the arrest and criminal records
17 information, as defined in section 24-72-302 (1), C.R.S., and including
18 a juvenile's physical description, concerning such juvenile shall MUST be
19 made available to the public. The information is available only from the
20 investigative law enforcement agency, the agency responsible for filing
21 a petition, and the court, and shall not include records of investigation as
22 such records are described in section 24-72-305 (5), C.R.S. Basic
23 identification information, as defined in section 24-72-302 (2), C.R.S.,
24 along with the details of the alleged delinquent act or offense, shall MUST
25 be provided immediately to the school district in which the juvenile is
26 enrolled. Such information shall MUST be used by the board of education
27 for purposes of section 22-33-105 (5), C.R.S., but information made

1 available to the school district and not otherwise available to the public
2 ~~shall remain~~ REMAINS confidential.

3 (5.5) Whenever a petition is filed in juvenile court ~~involving a~~
4 ~~felony or a class 1 misdemeanor or the following offenses of any degree:~~
5 ALLEGING A CLASS 1, 2, 3, OR 4 FELONY; AN OFFENSE INVOLVING
6 UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9),
7 C.R.S.; A CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406,
8 C.R.S.; A BURGLARY OFFENSE AS DESCRIBED IN PART 2 OF ARTICLE 4 OF
9 TITLE 18, C.R.S.; FELONY menacing, in violation of section 18-3-206,
10 C.R.S.; ~~harassment, in violation of section 18-9-111, C.R.S.;~~ fourth
11 degree arson, in violation of section 18-4-105, C.R.S.; ~~theft, in violation~~
12 ~~of section 18-4-401, C.R.S.;~~ aggravated motor vehicle theft, in violation
13 of section 18-4-409, C.R.S.; ~~criminal mischief, in violation of section~~
14 ~~18-4-501, C.R.S.;~~ ~~defacing property, in violation of section 18-4-509,~~
15 ~~C.R.S.;~~ ~~disorderly conduct, in violation of section 18-9-106, C.R.S.;~~
16 ~~hazing, in violation of section 18-9-124, C.R.S.;~~ or possession of a
17 handgun by a juvenile, in violation of section 18-12-108.5, C.R.S., the
18 prosecuting attorney, within three working days after the petition is filed,
19 shall make good faith reasonable efforts to notify the principal of the
20 school in which the juvenile is enrolled and shall provide such principal
21 with the arrest and criminal records information, as defined in section
22 24-72-302 (1), C.R.S. In the event the prosecuting attorney, in good faith,
23 is not able to either identify the school ~~which~~ THAT the juvenile attends
24 or contact the principal of the juvenile's school, then the prosecuting
25 attorney shall contact the superintendent of the juvenile's school district.

26 (6) The department of human services shall release to the
27 committing court, the district attorney, the Colorado bureau of

1 investigation, and local law enforcement agencies basic identification
2 information as defined in section 24-72-302 (2), C.R.S., concerning any
3 juvenile released or released to parole supervision or any juvenile who
4 escapes. THIS INFORMATION IS NOT OPEN TO THE PUBLIC.

5 (7) In addition to the persons who have access to court records
6 pursuant to paragraph (a) of subsection (1) of this section, statewide
7 electronic read-only access to the name index and register of actions of
8 the judicial department ~~shall be~~ IS allowed to the following agencies or
9 ~~attorneys appointed by the court~~ PERSONS:

10 (d) Attorneys under contract with the office of the alternate
11 defense counsel, created in section 21-2-101, C.R.S., as it relates to a case
12 in which they are appointed by the court; ~~and~~

13 (f) A NONPROFIT ORGANIZATION PROVIDING FREE LEGAL
14 ASSISTANCE, AS IT RELATES TO SCREENING AN APPLICANT FOR ELIGIBILITY
15 FOR FREE SERVICES OR TO A CASE IN WHICH THE ORGANIZATION HAS
16 ENTERED AN APPEARANCE TO PROVIDE FREE REPRESENTATION; AND

17 (g) AN ATTORNEY WHO HAS ENTERED AN APPEARANCE AS THE
18 ATTORNEY OF RECORD FOR THE JUVENILE IN A DELINQUENCY CASE, AS IT
19 RELATES TO THE CASE IN WHICH THE ATTORNEY HAS ENTERED THE
20 APPEARANCE. A PRIVATE ATTORNEY MAY BE CHARGED A FEE PER USE OR
21 A MONTHLY FEE FOR ELECTRONIC ACCESS.

22 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**
23 **with amendments,** 19-1-306 as follows:

24 **19-1-306. Expungement of juvenile delinquent records.**

25 (1) FOR THE PURPOSES OF THIS SECTION, "EXPUNGEMENT" IS DEFINED IN
26 SECTION 19-1-103 (48). UPON THE ENTRY OF AN EXPUNGEMENT ORDER,
27 THE PROCEEDINGS IN THE CASE AND THE VIOLATION OF LAW ARE DEEMED

1 NEVER TO HAVE OCCURRED. THE COURT, LAW ENFORCEMENT, AND ALL
2 OTHER AGENCIES SHALL REPLY TO ANY INQUIRY THAT NO RECORD EXISTS
3 WITH RESPECT TO THE PERSON. THE PERSON WHO IS THE SUBJECT OF THE
4 RECORD THAT HAS BEEN EXPUNGED MAY ASSERT THAT THE CONTACT
5 THAT WAS THE SUBJECT OF THE RECORD NEVER OCCURRED AND THAT THE
6 RECORD NEVER EXISTED. UPON ENTRY OF AN EXPUNGEMENT ORDER, THE
7 PERSON WHO IS THE SUBJECT OF THE RECORD THAT HAS BEEN EXPUNGED
8 MAY PROPERLY INDICATE THAT HE OR SHE HAS NEVER BEEN ARRESTED,
9 CHARGED, ADJUDICATED, CONVICTED, OR SENTENCED IN REGARD TO THE
10 EXPUNGED CASE, MATTER, AND CHARGE.

11 (2) (a) AT THE TIME OF THE ADJUDICATION, THE COURT SHALL
12 ADVISE THE ADJUDICATED JUVENILE AND ANY RESPONDENT PARENT OR
13 GUARDIAN, IN WRITING, OF THE RIGHT TO AND THE TIME PERIOD AND
14 PROCESS FOR EXPUNGING THE ORDER. THE COURT, ON ITS OWN MOTION OR
15 THE MOTION OF THE JUVENILE PROBATION DEPARTMENT, THE JUVENILE
16 PAROLE DEPARTMENT, THE JUVENILE, A RESPONDENT PARENT OR
17 GUARDIAN, OR A COURT-APPOINTED GUARDIAN AD LITEM, MAY INITIATE
18 EXPUNGEMENT PROCEEDINGS CONCERNING THE RECORD OF ANY JUVENILE
19 WHO HAS BEEN UNDER THE JURISDICTION OF THE COURT.

20 (b) IF A JUVENILE IS SUPERVISED BY PROBATION, THE PROBATION
21 DEPARTMENT, UPON THE TERMINATION OF THE JUVENILE'S SUPERVISION
22 PERIOD, SHALL PROVIDE THE DEFENDANT WITH A WRITTEN ADVISEMENT
23 OF THE RIGHT TO EXPUNGEMENT AND THE TIME PERIOD AND PROCESS FOR
24 EXPUNGING THE RECORD.

25 (c) IF A JUVENILE IS SUPERVISED BY PAROLE, THE DEPARTMENT OR
26 DIVISION SUPERVISING THE JUVENILE'S PAROLE, UPON THE TERMINATION
27 OF THE JUVENILE'S PAROLE SUPERVISION PERIOD, SHALL PROVIDE THE

1 DEFENDANT WITH A WRITTEN ADVISEMENT OF THE RIGHT TO
2 EXPUNGEMENT AND THE TIME PERIOD AND PROCESS FOR EXPUNGING THE
3 RECORD.

4 (d) IF THE JUVENILE IS SUPERVISED BY A DIVERSION OFFICER OR
5 AGENCY OTHER THAN PROBATION, THE AGENCY SUPERVISING THE
6 DIVERSION PROGRAM, UPON THE TERMINATION OF THE DEFENDANT'S
7 DIVERSION PERIOD, SHALL PROVIDE THE DEFENDANT WITH A WRITTEN
8 ADVISEMENT OF THE RIGHT TO EXPUNGEMENT AND THE TIME PERIOD AND
9 PROCESS FOR EXPUNGING THE RECORD.

10 (e) IF A JUVENILE IS SENTENCED IN MUNICIPAL COURT, THE
11 MUNICIPAL COURT, UPON TERMINATION OF THE JUVENILE'S SENTENCE,
12 SHALL PROVIDE THE DEFENDANT WITH A WRITTEN ADVISEMENT OF THE
13 RIGHT TO EXPUNGEMENT AND THE TIME PERIOD AND PROCESS FOR
14 EXPUNGING THE RECORD. THE MUNICIPAL COURT MAY PROVIDE THE
15 NOTICE THROUGH A MUNICIPAL DIVERSION PROGRAM, THE CITY
16 ATTORNEY, OR A MUNICIPAL PROBATION PROGRAM.

17 (f) IF A JUVENILE IS COMMITTED TO THE DIVISION OF YOUTH
18 CORRECTIONS AND IS RELEASED WITHOUT A REQUIREMENT TO COMPLETE
19 FURTHER PAROLE, THE DIVISION SHALL PROVIDE THE JUVENILE WITH A
20 WRITTEN ADVISEMENT OF THE RIGHT TO EXPUNGEMENT AND THE TIME
21 PERIOD AND PROCESS FOR EXPUNGING THE RECORD.

22 (g) EXPUNGEMENT SHALL BE EFFECTUATED BY PHYSICALLY
23 SEALING OR CONSPICUOUSLY INDICATING ON THE FACE OF THE RECORD OR
24 AT THE BEGINNING OF THE COMPUTERIZED FILE OF THE RECORD THAT THE
25 RECORD HAS BEEN DESIGNATED AS EXPUNGED.

26 (3) (a) AFTER EXPUNGEMENT, BASIC IDENTIFICATION
27 INFORMATION ON THE JUVENILE AND A LIST OF ANY STATE AND LOCAL

1 AGENCIES AND OFFICIALS HAVING CONTACT WITH THE JUVENILE, AS THEY
2 APPEAR IN THE RECORDS, ARE NOT OPEN TO THE PUBLIC BUT ARE
3 AVAILABLE TO A DISTRICT ATTORNEY, LOCAL LAW ENFORCEMENT
4 AGENCY, THE DEPARTMENT OF HUMAN SERVICES, THE STATE JUDICIAL
5 DEPARTMENT, AND THE VICTIM AS DEFINED IN SECTION 24-4.1-302 (5),
6 C.R.S.; EXCEPT THAT SUCH INFORMATION IS NOT AVAILABLE TO AN
7 AGENCY OF THE MILITARY FORCES OF THE UNITED STATES.

8 (b) NOTWITHSTANDING ANY ORDER FOR EXPUNGEMENT PURSUANT
9 TO THIS SECTION, ANY CRIMINAL JUSTICE RECORD OF A JUVENILE WHO HAS
10 BEEN CHARGED, ADJUDICATED, OR CONVICTED AS A REPEAT OR
11 MANDATORY JUVENILE OFFENDER IS AVAILABLE FOR USE BY A COURT, A
12 DISTRICT ATTORNEY, ANY LAW ENFORCEMENT AGENCY, OR ANY AGENCY
13 OF THE STATE JUDICIAL DEPARTMENT IN ANY SUBSEQUENT CRIMINAL
14 INVESTIGATION, PROSECUTION, OR ADJUDICATION UNDER THIS TITLE OR
15 DURING PROBATION OR PAROLE SUPERVISION, IF OTHERWISE PERMITTED
16 BY LAW.

17 (c) NOTWITHSTANDING ANY ORDER FOR EXPUNGEMENT ISSUED
18 PURSUANT TO THIS SECTION, AND IF ALL OF THE CONDITIONS SET FORTH IN
19 SECTION 19-1-304 (1) (a) (XIII) ARE MET, INFORMATION REGARDING AN
20 EXPUNGED CASE MUST BE MADE AVAILABLE BY ANY LAW ENFORCEMENT
21 AGENCY, A DISTRICT ATTORNEY, A COURT, OR ANY AGENCY OF THE STATE
22 JUDICIAL DEPARTMENT FOR RESEARCH PURPOSES.

23 (4) (a) THE COURT SHALL ORDER ALL RECORDS IN A JUVENILE
24 DELINQUENCY CASE IN THE CUSTODY OF THE COURT, AND ANY RECORDS
25 RELATED TO THE CASE AND CHARGES IN THE CUSTODY OF ANY OTHER
26 AGENCY, PERSON, OR ORGANIZATION, EXPUNGED IMMEDIATELY UPON:

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

1 (II) DISMISSAL OF THE PETITION IN ITS ENTIRETY;

2 (III) DISMISSAL AFTER COMPLETION OF A JUVENILE DIVERSION
3 PROGRAM, A DEFERRED ADJUDICATION, OR AN INFORMAL ADJUSTMENT; OR

4 (IV) THE COMPLETION OF A JUVENILE SENTENCE FOR AN
5 ADJUDICATION FOR A CLASS 2 OR 3 MISDEMEANOR OFFENSE IF THE
6 OFFENSE DOES NOT INVOLVE UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN
7 SECTION 16-22-102 (9), C.R.S., AND IS NOT AN ACT OF DOMESTIC
8 VIOLENCE AS DEFINED IN SECTION 18-6-800.3, C.R.S.

9 (b) THE COURT SHALL, ON OR BEFORE NOVEMBER 1 OF EACH YEAR,
10 REVIEW ALL JUVENILE DELINQUENCY COURT FILES DURING THE TWO
11 PREVIOUS YEARS THAT RESULTED IN A FINDING OF NOT GUILTY; A
12 DISMISSAL OF THE PETITION; PARTICIPATION IN A DIVERSION, A DEFERRED
13 ADJUDICATION, OR AN INFORMAL ADJUSTMENT; OR A SENTENCE FOR A
14 CLASS 2 OR CLASS 3 MISDEMEANOR OFFENSE. THE COURT SHALL ENTER AN
15 EXPUNGEMENT ORDER FOR ALL JUVENILES ELIGIBLE FOR EXPUNGEMENT
16 PURSUANT TO THIS SUBSECTION (4), IF THE EXPUNGEMENT ORDER WAS NOT
17 PREVIOUSLY MADE.

18 (5) (a) THE COURT SHALL SEND NOTICE TO THE DISTRICT
19 ATTORNEY THAT ALL RECORDS IN A JUVENILE DELINQUENCY CASE IN THE
20 CUSTODY OF THE COURT, AND ANY RECORDS RELATED TO THE CASE AND
21 CHARGES IN THE CUSTODY OF ANY OTHER AGENCY, PERSON, OR
22 ORGANIZATION, WILL BE EXPUNGED AND SHALL SEND THE NOTICE AFTER
23 COMPLETION OF:

24 (I) A JUVENILE SENTENCE FOR AN ADJUDICATION FOR A CLASS 1
25 MISDEMEANOR; A MISDEMEANOR OFFENSE INVOLVING UNLAWFUL SEXUAL
26 BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), C.R.S.; OR A
27 MISDEMEANOR OFFENSE INVOLVING DOMESTIC VIOLENCE AS DEFINED IN

1 SECTION 18-6-800.3, C.R.S.;

2 (II) A JUVENILE SENTENCE FOR AN ADJUDICATION FOR A FELONY
3 OFFENSE IF:

4 (A) THE FELONY OFFENSE DID NOT CONSTITUTE UNLAWFUL
5 SEXUAL BEHAVIOR;

6 (B) THE FELONY OFFENSE WAS NOT A CRIME OF VIOLENCE AS
7 DESCRIBED IN SECTION 18-1.3-406, C.R.S.;

8 (C) THE FELONY OFFENSE WAS NOT A CLASS 1 OR CLASS 2 FELONY;
9 AND

10 (D) THE JUVENILE HAD NO PRIOR FELONY ADJUDICATIONS.

11 (b) UPON RECEIPT OF THE NOTICE FROM THE COURT IN PARAGRAPH
12 (a) OF THIS SUBSECTION (5), THE DISTRICT ATTORNEY SHALL CONTACT THE
13 VICTIM REGARDING EXPUNGEMENT.

14 (c) IF NEITHER THE DISTRICT ATTORNEY NOR A VICTIM FILES AN
15 OBJECTION WITHIN FIFTY-SIX DAYS AFTER RECEIPT OF THE NOTICE BY THE
16 DISTRICT ATTORNEY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION
17 (5), THE COURT SHALL ORDER ALL RECORDS IN THE JUVENILE
18 DELINQUENCY CASE IN THE CUSTODY OF THE COURT, AND ANY RECORDS
19 RELATED TO THE CASE AND CHARGES IN THE CUSTODY OF ANY OTHER
20 AGENCY, PERSON, OR ORGANIZATION, EXPUNGED.

21 (d) IF THE DISTRICT ATTORNEY OR A VICTIM FILES AN OBJECTION
22 WITHIN FIFTY-SIX DAYS AFTER RECEIPT OF THE NOTICE BY THE DISTRICT
23 ATTORNEY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5), THE
24 COURT SHALL SCHEDULE A HEARING ON THE ISSUE OF EXPUNGEMENT. THE
25 COURT SHALL NOTIFY ALL OBJECTING PARTIES OF THE HEARING DATE. THE
26 HEARING MUST BE SET AT LEAST THIRTY-FIVE DAYS AFTER THE DATE THAT
27 THE COURT SENDS NOTICE OF THE HEARING.

1 (e) IF A HEARING IS SCHEDULED PURSUANT TO PARAGRAPH (d) OF
2 THIS SUBSECTION (5), THE COURT SHALL SEND NOTICE TO THE LAST
3 KNOWN ADDRESS OF THE JUVENILE NOTIFYING THE JUVENILE OF THE DATE
4 OF THE HEARING AND OF THE JUVENILE'S RIGHTS TO APPEAR AT THE
5 HEARING AND TO PRESENT EVIDENCE TO THE COURT IN WRITING PRIOR TO
6 THE HEARING AND IN PERSON AT THE HEARING. THE NOTICE MUST
7 INDICATE THAT, AT THE HEARING, THE COURT WILL CONSIDER WHETHER
8 THE JUVENILE HAS BEEN REHABILITATED AND WHETHER EXPUNGEMENT IS
9 IN THE BEST INTEREST OF THE JUVENILE AND THE COMMUNITY. THE
10 JUVENILE IS NOT REQUIRED TO APPEAR AT THE HEARING.

11 (f) AT A HEARING HELD PURSUANT TO THIS SUBSECTION (5), THE
12 COURT SHALL ORDER ALL RECORDS OF THE CASE IN THE CUSTODY OF THE
13 COURT, AND ANY RECORDS RELATED TO THE CASE OR CHARGES IN THE
14 CUSTODY OF ANY OTHER AGENCY, PERSON, OR ORGANIZATION, EXPUNGED
15 IF THE COURT FINDS THAT:

16 (I) THE REHABILITATION OF THE JUVENILE HAS BEEN ATTAINED TO
17 THE SATISFACTION OF THE COURT; AND

18 (II) THE EXPUNGEMENT IS IN THE BEST INTEREST OF THE JUVENILE
19 AND THE COMMUNITY.

20 (g) AT A HEARING HELD PURSUANT TO THIS SUBSECTION (5), IT IS
21 THE BURDEN OF THE PERSON OBJECTING TO EXPUNGEMENT TO
22 DEMONSTRATE THAT THE PETITIONER HAS NOT BEEN REHABILITATED AND
23 THAT EXPUNGEMENT IS NOT IN THE BEST INTEREST OF THE PETITIONER AND
24 THE COMMUNITY.

25 (h) THE COURT SHALL, ON OR BEFORE NOVEMBER 1 OF EACH YEAR,
26 REVIEW ALL JUVENILE DELINQUENCY COURT FILES DURING THE TWO
27 PREVIOUS YEARS THAT RESULTED IN A SENTENCE FOR A MISDEMEANOR

1 OFFENSE OR A FELONY OFFENSE THAT DID NOT CONSTITUTE UNLAWFUL
2 SEXUAL BEHAVIOR, WAS NOT A CRIME OF VIOLENCE, AND WAS NOT A
3 CLASS 1 OR CLASS 2 FELONY. THE COURT SHALL SEND THE NOTICE
4 REQUIRED FOR ALL RECORDS ELIGIBLE FOR A NOTICE PURSUANT TO THIS
5 SUBSECTION (5), IF THE NOTICE WAS NOT PREVIOUSLY SENT AND AN
6 EXPUNGEMENT ORDER WAS NOT PREVIOUSLY MADE. AFTER THE NOTICE IS
7 SENT, THE PROVISIONS OF PARAGRAPHS (b) TO (g) OF THIS SUBSECTION (5)
8 APPLY.

9 (i) WITH THE VICTIM'S CONSENT, THE DISTRICT ATTORNEY MAY
10 AGREE AT THE TIME OF A PLEA THAT THERE WILL BE NO OBJECTION TO
11 EXPUNGEMENT UPON THE COMPLETION OF THE JUVENILE'S SENTENCE. IN
12 SUCH A CASE, THE COURT SHALL ORDER ALL RECORDS OF THE CASE IN THE
13 CUSTODY OF THE COURT, AND ANY RECORDS RELATED TO THE CASE OR
14 CHARGES IN THE CUSTODY OF ANY OTHER AGENCY, PERSON, OR
15 ORGANIZATION, EXPUNGED UPON COMPLETION OF THE JUVENILE'S
16 SENTENCE. A HEARING IS NOT REQUIRED.

17 (6) (a) A PERSON CHARGED AS A JUVENILE WHOSE RECORD HAS
18 NOT BEEN EXPUNGED UNDER SUBSECTION (4) OR (5) OF THIS SECTION MAY
19 PETITION THE COURT TO REQUEST EXPUNGEMENT OF HIS OR HER RECORD:

20 (I) IMMEDIATELY, IF THE PERSON IS ELIGIBLE TO EXPUNGE UNDER
21 SUBSECTION (4) OR (5) OF THIS SECTION AND NO ACTION HAS YET BEEN
22 TAKEN BY THE COURT;

23 (II) ONE YEAR AFTER A LAW ENFORCEMENT CONTACT THAT DID
24 NOT RESULT IN A REFERRAL TO ANOTHER AGENCY;

25 (III) ONE YEAR AFTER THE DATE OF THE PETITIONER'S
26 UNCONDITIONAL RELEASE FROM HIS OR HER JUVENILE SENTENCE, IF THE
27 PETITIONER WAS NOT ADJUDICATED A MANDATORY SENTENCE OFFENDER

1 PURSUANT TO SECTION 19-2-516 (1), A REPEAT JUVENILE OFFENDER
2 PURSUANT TO SECTION 19-2-516 (2), A VIOLENT JUVENILE OFFENDER
3 PURSUANT TO SECTION 19-2-516 (3), OR AN AGGRAVATED JUVENILE
4 OFFENDER PURSUANT TO SECTION 19-2-516 (4), AND WAS NOT
5 ADJUDICATED FOR A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL
6 BEHAVIOR;

7 (IV) THREE YEARS AFTER THE DATE OF THE PETITIONER'S
8 UNCONDITIONAL RELEASE FROM HIS OR HER JUVENILE SENTENCE, IF THE
9 PETITIONER WAS ADJUDICATED A MANDATORY SENTENCE OFFENDER
10 PURSUANT TO SECTION 19-2-516 (1) OR A REPEAT JUVENILE OFFENDER
11 PURSUANT TO SECTION 19-2-516 (2) AND WAS NOT ADJUDICATED FOR A
12 FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR;

13 (V) FIVE YEARS AFTER THE DATE OF THE PETITIONER'S
14 UNCONDITIONAL RELEASE FROM HIS OR HER JUVENILE SENTENCE, IF THE
15 PETITIONER WAS ADJUDICATED A VIOLENT JUVENILE OFFENDER PURSUANT
16 TO SECTION 19-2-516 (3) OR AN AGGRAVATED JUVENILE OFFENDER
17 PURSUANT TO SECTION 19-2-516 (4), OR WAS ADJUDICATED OF A FELONY
18 OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR.

19 (b) THE PERSONS LISTED IN PARAGRAPH (a) OF THIS SUBSECTION
20 (6) MAY FILE A PETITION REQUESTING EXPUNGEMENT. PROCEEDINGS FOR
21 PERSONS LISTED IN PARAGRAPH (a) OF THIS SUBSECTION (6) MAY ALSO BE
22 INITIATED BY THE COURT, ON ITS OWN MOTION OR THE MOTION OF THE
23 JUVENILE PROBATION DEPARTMENT, THE JUVENILE PAROLE DEPARTMENT,
24 THE JUVENILE, A RESPONDENT PARENT OR GUARDIAN, OR A
25 COURT-APPOINTED GUARDIAN AD LITEM. A FILING FEE, NOTARIZATION, OR
26 OTHER FORMALITIES SHALL NOT BE REQUIRED. IF THE PETITIONER IS
27 ELIGIBLE TO EXPUNGE UNDER SUBSECTION (4) OR (5) OF THIS SECTION AND

1 NO ACTION HAS YET BEEN TAKEN BY THE COURT, THE PROVISIONS OF
2 SUBSECTIONS (4) AND (5) APPLY UPON THE FILING OF A PETITION. IF THE
3 PETITIONER IS NOT ELIGIBLE TO EXPUNGE UNDER SUBSECTION (4) OR (5) OF
4 THIS SECTION, UPON THE FILING OF A PETITION, THE COURT SHALL SET A
5 DATE FOR A HEARING ON THE PETITION FOR EXPUNGEMENT AND SHALL
6 NOTIFY THE APPROPRIATE PROSECUTING AGENCY.

7 (c) THE COURT SHALL ORDER ALL RECORDS OF THE CASE IN THE
8 CUSTODY OF THE COURT, AND ANY RECORDS RELATED TO THE CASE OR
9 CHARGES IN THE CUSTODY OF ANY OTHER AGENCY, PERSON, OR
10 ORGANIZATION, EXPUNGED PURSUANT TO THIS SUBSECTION (6) IF THE
11 COURT FINDS THAT:

12 (I) THE REHABILITATION OF THE PETITIONER HAS BEEN ATTAINED
13 TO THE SATISFACTION OF THE COURT; AND

14 (II) THE EXPUNGEMENT IS IN THE BEST INTEREST OF THE
15 PETITIONER AND THE COMMUNITY.

16 (d) A PERSON MAY FILE A PETITION WITH THE COURT FOR
17 EXPUNGEMENT OF HIS OR HER RECORD PURSUANT TO THIS SUBSECTION (6)
18 ONLY ONCE DURING ANY TWELVE-MONTH PERIOD.

19 (7) **Municipal court records.** (a) A MUNICIPAL COURT SHALL
20 ORDER, IN A CASE CHARGING A JUVENILE WITH A VIOLATION OF A
21 MUNICIPAL CODE OR ORDINANCE, ALL RECORDS OF THE CASE IN THE
22 CUSTODY OF THE COURT, AND ANY RECORDS RELATED TO THE CASE OR
23 CHARGES IN THE CUSTODY OF ANY OTHER AGENCY, PERSON, OR
24 ORGANIZATION, EXPUNGED IMMEDIATELY UPON THE COMPLETION OF THE
25 MUNICIPAL SENTENCE.

26 (b) THE MUNICIPAL COURT SHALL, ON NOVEMBER 1 OF EACH YEAR,
27 REVIEW ALL JUVENILE COURT FILES DURING THE TWO PREVIOUS YEARS

1 THAT RESULTED IN A FINDING OF NOT GUILTY, GUILTY, DIVERSION,
2 DEFERRED JUDGMENT, DISMISSAL, OR OTHER DISPOSITION OR RESOLUTION,
3 AND ENTER AN EXPUNGEMENT ORDER FOR ALL JUVENILES ELIGIBLE FOR
4 EXPUNGEMENT PURSUANT TO THIS SUBSECTION (7), IF THE EXPUNGEMENT
5 ORDER WAS NOT PREVIOUSLY MADE.

6 (c) IN THE EVENT THAT MUNICIPAL RECORDS HAVE NOT BEEN
7 EXPUNGED PURSUANT TO THIS SECTION, AN INDIVIDUAL MAY PETITION THE
8 JUVENILE COURT IN THE JUDICIAL DISTRICT WHERE THE MUNICIPALITY IS
9 LOCATED TO EXPUNGE RECORDS OF A MUNICIPAL CASE BROUGHT AGAINST
10 A JUVENILE. EXPUNGEMENT PROCEEDINGS PURSUANT TO THIS SUBSECTION
11 (7) MUST BE INITIATED BY THE FILING OF A PETITION REQUESTING AN
12 ORDER OF EXPUNGEMENT. A FILING FEE, NOTARIZATION, OR OTHER
13 FORMALITIES SHALL NOT BE REQUIRED. IF THE PETITION IS NOT GRANTED
14 WITHOUT A HEARING, THE COURT SHALL SET A DATE FOR A HEARING ON
15 THE PETITION FOR EXPUNGEMENT AND SHALL NOTIFY THE APPROPRIATE
16 PROSECUTING AGENCY.

17 (d) THE COURT SHALL ORDER ALL RECORDS RELATED TO THE
18 MUNICIPAL CASE IN THE CUSTODY OF THE COURT, AND ANY RECORDS
19 RELATED TO THE CASE AND CHARGES IN THE CUSTODY OF ANY OTHER
20 AGENCY, PERSON, OR ORGANIZATION, EXPUNGED PURSUANT TO THIS
21 SUBSECTION (7) IF THE COURT FINDS THAT THE SENTENCE HAS BEEN
22 COMPLETED OR THE MUNICIPAL COURT CASE IS CLOSED.

23 (8) UPON THE ENTRY OF AN ORDER EXPUNGING A RECORD
24 PURSUANT TO THIS SECTION, THE COURT SHALL ORDER, IN WRITING, THE
25 EXPUNGEMENT OF ALL CASE RECORDS IN THE CUSTODY OF THE COURT AND
26 ANY RECORDS RELATED TO THE CASE AND CHARGES IN THE CUSTODY OF
27 ANY OTHER AGENCY, PERSON, OR ORGANIZATION. THE COURT MAY ORDER

1 EXPUNGED ANY RECORDS IN THE CUSTODY OF ANY AGENCY OR OFFICIAL,
2 BUT, AT A MINIMUM, THE FOLLOWING RECORDS MUST BE EXPUNGED
3 PURSUANT TO EVERY EXPUNGEMENT ORDER:

- 4 (a) ALL COURT RECORDS;
- 5 (b) ALL RECORDS RETAINED WITHIN THE OFFICE OF THE
6 PROSECUTING ATTORNEY;
- 7 (c) ALL PROBATION AND PAROLE RECORDS;
- 8 (d) ALL LAW ENFORCEMENT RECORDS;
- 9 (e) ALL DEPARTMENT OF HUMAN SERVICES RECORDS, INCLUDING
10 DISASSOCIATING THE OFFENSE AND THE DISPOSITION INFORMATION FROM
11 THE NAME OF THE YOUTH IN THE MANAGEMENT INFORMATION SYSTEM;
- 12 (f) ALL DIVISION OF YOUTH CORRECTIONS RECORDS;
- 13 (g) ALL DEPARTMENT OF CORRECTIONS RECORDS; AND
- 14 (h) ALL SCHOOL RECORDS THAT MENTION THE CASE, CHARGE, OR
15 UNDERLYING FACTS.

16 (9) WHEN AN EXPUNGEMENT ORDER IS ISSUED PURSUANT TO THIS
17 SECTION, THE COURT SHALL SEND A COPY OF THE ORDER TO THE JUVENILE,
18 THE JUVENILE'S LAST ATTORNEY OF RECORD, AND EACH AGENCY AND
19 OFFICIAL NAMED THEREIN, DIRECTING THE AGENCY TO EXPUNGE ITS
20 RECORDS WITHIN THIRTY-FIVE DAYS AFTER THE RECEIPT OF THE ORDER.
21 EACH SUCH AGENCY AND OFFICIAL SHALL EXPUNGE THE RECORDS IN ITS
22 CUSTODY AS DIRECTED BY THE ORDER. THE PERSON WHO IS THE SUBJECT
23 OF RECORDS EXPUNGED PURSUANT TO THIS SECTION MAY PETITION THE
24 COURT TO PERMIT INSPECTION OF THE RECORDS HELD BY PERSONS NAMED
25 IN THE PETITION, AND THE COURT MAY SO ORDER.

26 (10) (a) ANY PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO
27 CONTEMPT OF COURT.

1 (b) A PERSON HAS A RIGHT OF ACTION AGAINST ANY PERSON WHO
2 VIOLATES THE CONFIDENTIALITY PROVISIONS OF THIS SECTION. PUNITIVE
3 DAMAGES IN AN AMOUNT UP TO ONE THOUSAND DOLLARS MAY BE SOUGHT
4 IN ADDITION TO ANY ACTUAL DAMAGES. THE PREVAILING PARTY IS
5 ENTITLED TO COSTS AND REASONABLE ATTORNEY FEES.

6 (c) INTENTIONAL VIOLATION OF THE CONFIDENTIALITY PROVISIONS
7 IN THIS SECTION BY A PUBLIC EMPLOYEE IS CAUSE FOR DISMISSAL.

8 (11) EMPLOYERS, EDUCATIONAL INSTITUTIONS, LANDLORDS,
9 STATE AND LOCAL GOVERNMENT AGENCIES, OFFICIALS, AND EMPLOYEES
10 SHALL NOT, IN ANY APPLICATION OR INTERVIEW OR IN ANY OTHER WAY,
11 REQUIRE AN APPLICANT TO DISCLOSE ANY INFORMATION CONTAINED IN
12 EXPUNGED RECORDS. IN ANSWER TO ANY QUESTION CONCERNING ARREST
13 OR JUVENILE AND CRIMINAL RECORDS INFORMATION THAT HAS BEEN
14 EXPUNGED, AN APPLICANT NEED NOT INCLUDE A REFERENCE TO OR
15 INFORMATION CONCERNING THE EXPUNGED INFORMATION AND MAY STATE
16 THAT NO ACTION HAS EVER OCCURRED. AN APPLICATION MAY NOT BE
17 DENIED SOLELY BECAUSE OF THE APPLICANT'S REFUSAL TO DISCLOSE
18 RECORDS OR INFORMATION THAT HAS BEEN EXPUNGED.

19 (12) NOTHING IN THIS SECTION AUTHORIZES THE PHYSICAL
20 DESTRUCTION OF ANY CRIMINAL JUSTICE RECORD.

21 **SECTION 3.** In Colorado Revised Statutes, **add** 16-18.5-112 as
22 follows:

23 **16-18.5-112. Effect of expungement.** THE PROVISIONS OF THIS
24 ARTICLE APPLY NOTWITHSTANDING THE ENTRY OF AN ORDER OF
25 EXPUNGEMENT PURSUANT TO SECTION 19-1-306, C.R.S.

26 **SECTION 4.** In Colorado Revised Statutes, 18-1.3-603, **amend**
27 (4) (a) as follows:

1 **18-1.3-603. Assessment of restitution - corrective orders.**

2 (4) (a) Any order for restitution entered pursuant to this section ~~shall be~~
3 IS a final civil judgment in favor of the state and any victim.
4 Notwithstanding any other civil or criminal statute or rule, any such
5 judgment ~~shall remain~~ REMAINS in force until the restitution is paid in
6 full. The provisions of article 18.5 of title 16, C.R.S., apply
7 notwithstanding the termination of a deferred judgment and sentence or
8 a deferred adjudication AND NOTWITHSTANDING THE ENTRY OF AN ORDER
9 OF EXPUNGEMENT PURSUANT TO SECTION 19-1-306, C.R.S.

10 **SECTION 5.** In Colorado Revised Statutes, 18-7-201.3, **repeal**
11 (2) (b) as follows:

12 **18-7-201.3. Affirmative defense - human trafficking -**
13 **expungement of record protective order - definitions.** (2) (b) ~~A~~
14 ~~juvenile charged with or adjudicated of prostitution, as described in~~
15 ~~section 18-7-201 or any corresponding municipal code or ordinance, for~~
16 ~~an offense committed before July 1, 2015, which offense was committed~~
17 ~~as a direct result of being a victim of human trafficking, as defined in~~
18 ~~subsection (4) of this section, may apply to the court for expungement of~~
19 ~~his or her record pursuant to section 19-1-306, C.R.S.~~

20 **SECTION 6.** In Colorado Revised Statutes, 24-4.1-302, **amend**
21 (2) (r.3) as follows:

22 **24-4.1-302. Definitions.** As used in this part 3, and for no other
23 purpose, including the expansion of the rights of any defendant:

24 (2) "Critical stages" means the following stages of the criminal
25 justice process:

26 (r.3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
27 PARAGRAPH (r.3), any hearing concerning a petition for expungement as

1 described in ~~section 19-1-306 (5) (a)~~ SECTION 19-1-306, C.R.S.;

2 (II) THE ENTRY OF AN ORDER OF EXPUNGEMENT IS NOT A CRITICAL
3 STAGE IF:

4 (A) THE CASE RESULTED IN A NOT GUILTY VERDICT AT TRIAL;

5 (B) THE CASE WAS DISMISSED IN ITS ENTIRETY;

6 (C) THE JUVENILE COMPLETED A SENTENCE OF DIVERSION, A
7 DEFERRED ADJUDICATION, OR AN INFORMAL ADJUSTMENT;

8 (D) THE JUVENILE COMPLETED A SENTENCE FOR A CLASS 1 OR
9 CLASS 2 MISDEMEANOR OFFENSE NOT INVOLVING UNLAWFUL SEXUAL
10 BEHAVIOR OR DOMESTIC VIOLENCE; OR

11 (E) THE JUVENILE COMPLETED A SENTENCE FOR A MUNICIPAL
12 OFFENSE.

13 **SECTION 7.** In Colorado Revised Statutes, 24-4.1-302.5, **amend**
14 (1) (d) (VIII) as follows:

15 **24-4.1-302.5. Rights afforded to victims.** (1) In order to
16 preserve and protect a victim's rights to justice and due process, each
17 victim of a crime shall have the following rights:

18 (d) The right to be heard at any court proceeding:

19 (VIII) Involving a petition for expungement as described in
20 ~~section 19-1-306 (5) (a)~~ SECTION 19-1-306, C.R.S.

21 **SECTION 8.** In Colorado Revised Statutes, 24-33.5-412, **repeal**
22 (3) (b) as follows:

23 **24-33.5-412. Functions of bureau - legislative review -**
24 **interagency cooperation with reporting functions - processing time**
25 **for criminal history record checks - computer crime - synthetic**
26 **cannabinoids enforcement.** (3) (b) ~~On or after July 1, 1983, the bureau~~
27 ~~may establish a program under which every entity, agency, or facility~~

1 specified in paragraph (a) of this subsection (3) shall furnish to the bureau
2 the information specified in section 19-1-306 (3), C.R.S.

3 **SECTION 9. Effective date.** This act takes effect September 1,
4 2016.

5 **SECTION 10. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.