

AMENDMENT A: *Removes requirement that users of consumer reports disclose copies of the consumer report to consumers, the additional definition of “adverse action,” and the prohibition of disclosing charges pending trial. Allows parties to access sealed record if required by statute, rules, or regulations.*

Page 2, lines 2 to 9: strike SECTION 1 and SECTION 2 and replace section 2 with the following amendment to section 5-18-105:

Whenever a consumer reporting agency prepares a consumer report, the agency shall follow reasonable procedures to assure maximum possible accuracy of the information concerning the consumer about whom the report relates, including the use of the consumer's social security number if, in accordance with section 5-18-104(1)(c)(I), the consumer's social security number is provided to the consumer reporting agency by a person intending to use the information contained in a consumer report in connection with a credit transaction involving the consumer and the social security number was initially provided to the user by the consumer in connection with that transaction. THE DUTY UNDER THIS SUBSECTION EXTENDS TO THE ACCURACY OF CRIMINAL JUSTICE RECORDS, WHICH MUST EXCLUDE SEALED AND EXPUNGED RECORDS FROM A CONSUMER REPORT, UNLESS OTHERWISE REQUIRED TO DISCLOSE SUCH INFORMATION UNDER STATE OR FEDERAL STATUTE, RULES, OR REGULATIONS.

Page 3, line 24: strike “RECORDS OF CHARGES OR INDICTMENTS PENDING TRIAL”

Page 13, line 15: add back in “or party”

Page 13, line 16: add “OR RULES OR REGULATIONS”

AMENDMENT B: *Strikes provisions that make it an unfair housing or employment practice to discriminate on the basis of the contents of a sealed record.*

Page 15, line 13-18: strike

Page 15, lines 29-26: strike

AMENDMENT C: *Clarifies what data the state court administrator must report.*

Page 7, lines 13-14: strike “misdemeanors and felonies” and replace with “BY OFFENSE TYPE”

Page 7, lines 18-26: strike

Page 7, line 18: add “(II) THE STATE COURT ADMINISTRATOR SENT TO THE CHIEF JUDGES FOR EACH JUDICIAL DISTRICT;

(III) THE DISTRICT ATTORNEYS OBJECTED TO DUE TO:

- (A) INTERVENING CONVICTIONS;
- (B) THE INELIGIBILITY OF THE OFFENSE;
- (C) PENDING CHARGES;
- (D) PLEA AGREEMENTS WAIVING THE RIGHT TO RECORD SEALING; AND

(E) OBJECTIONS PURSUANT TO SECTION 13-3-117(3)(a)(II)

AMENDMENT D: *Makes technical fixes to the statute requested by the District Attorneys. It also allows prosecuting attorneys and individuals who are the subject of the records to access the records without a court order.*

Page 5, line 2: add “FOR DRUG CONVICTIONS, MISDEMEANORS, AND PETTY OFFENSES THAT ARE ELIGIBLE pursuant to this subsection (1) ON A QUARTERLY BASIS. THE STATE COURT ADMINISTRATOR SHALL ONLY INCLUDE THE ADDITION OF ELIGIBLE FELONIES OUTSIDE OF ARTICLE 18 OF TITLE 18 PURSUANT TO (1)(a.5) BEGINNING JULY 1, 2025.”

Page 5, line 21: Insert “ELIGIBLE” before “CIVIL”

Page 6, line 3: after “each” strike “district attorney” and insert, “ELECTED DISTRICT ATTORNEY, OR HIS OR HER DESIGNEE. . .”

Page 13, line 11: add “SUBSECTIONS (2), (4), (5), (6), (7), AND (12) SHALL APPLY TO THE AUTOMATED SEALING OF CRIMINAL JUSTICE RECORDS PURSUANT TO 13-3-117.” and add “JUSTICE” after “criminal”

Page 13, line 17: add “PROSECUTORS” after “OF”

Page 13, line 21: add “AND SECTION 13-3-117” after “article 72”

Page 14, line 5: add “AND 13-3-117” after “article 72”

Page 14, after line 16: add “(VIII) ACCESS PURSUANT TO THIS SUBPARAGRAPH (a) SHALL BE WITHOUT THE REQUIREMENT OF A COURT ORDER FOR PROSECUTING ATTORNEYS AND THE PERSON WHO IS THE SUBJECT OF THE RECORDS.”

Page 14, line 21: strike “QUERY” and replace with “INQUIRY”

Page 14, line 25 to page 15, line 1: (c) INSPECTION OF THE RECORDS INCLUDED IN AN ORDER SEALING CRIMINAL RECORDS MAY BE PERMITTED ~~ONLY UPON PETITION~~ BY THE PERSON WHO IS THE SUBJECT OF THE RECORDS OR BY THE PROSECUTING ATTORNEY WITHOUT A COURT ORDER AND ONLY FOR ~~THOSE PURPOSES PERMITTED BY LAW NAMED IN THE PETITION~~

Page 15, line 16: add “AND 13-3-117” after “article 72”

Page 17, lines 8-11: Reinsert paragraph (d) and amend as follows:

(d) INSPECTION OF THE RECORDS INCLUDED IN AN ORDER SEALING CRIMINAL RECORDS MAY BE PERMITTED ~~ONLY UPON PETITION~~ BY THE PERSON WHO IS THE SUBJECT OF THE RECORDS OR BY THE PROSECUTING ATTORNEY WITHOUT COURT ORDER AND ONLY FOR ~~THOSE PURPOSES PERMITTED BY LAW NAMED IN THE PETITION~~.

Page 17, lines 2-4: strike.

Page 21, lines 24: revise as follows: add (i) THE COURT MUST DETERMINE ELIGIBILITY OF ~~ANA~~ DRUG OFFENSE COMMITTED ON OR AFTER OCTOBER 1, 2013 BY THE CLASSIFICATION OF THE OFFENSE AT THE TIME OF CONSIDERING THE RECORD SEALING.

Page 20, line 11: strike “AND” and replace with “OR”

Page 24, line 12: add “AND NOT AN OFFENSE OR INFRACTION LISTED IN PARAGRAPH (5)(a) OF THIS SECTION” after “INFRACTION”

AMENDMENT E: *Allows district attorneys to object to the sealing of offenses on the basis of an intervening convictions and convictions that are ineligible for sealing. It provides that district attorneys may object to felonies outside of Article 18 of Title 18 if they have a reasonable belief that public safety outweighs the defendant’s privacy interest. It also requires that district attorneys file a notice of their objections with the court.*

Page 6, line 5: (3)(a)(I) Upon receipt of the list from the Colorado bureau of investigation, each district attorney MAY, WITHIN FORTY-FIVE DAYS, OBJECT TO THE INCLUSION OF A CONVICTION ON THE LIST, FOR CIRCUMSTANCES in which a condition of THE plea was that the defendant agreed to not have the conviction record sealed, convictions in which the defendant has a pending criminal charge OR AN INTERVENING CONVICTION, OR CONVICTIONS THAT ARE INELIGIBLE FOR SEALING.”

(II) FOR FELONY CONVICTIONS OUTSIDE OF ARTICLE 18 OF TITLE 18, IN ADDITION TO THE OBJECTIONS IN SUBSECTION (3)(a)(I), EACH DISTRICT ATTORNEY MAY, WITHIN 45 DAYS, OBJECT WHEN THE DISTRICT ATTORNEY HAS A REASONABLE BELIEF, GROUNDED IN SUPPORTING FACTS, THAT THE PUBLIC INTEREST AND PUBLIC SAFETY IN RETAINING PUBLIC ACCESS TO THE CURRENT RECORD OR CASE OUTWEIGHS THE PRIVACY INTEREST OF, OR ADVERSE CONSEQUENCES TO, THE DEFENDANT.

(III) Each district attorney shall FILE A NOTICE WITH THE COURT IN THE CRIMINAL CASE THAT IS THE SUBJECT OF THE RECORD NOTING THE BASIS OF THE OBJECTION. FOR OBJECTIONS PURSUANT TO 13-3-117(3)(a)(II), THE NOTICE MUST EXPLAIN THE BASIS FOR THE OBJECTION AND INCLUDE ANY AVAILABLE SUPPORTING DOCUMENTS. IN SUCH CASES, THE COURT SHALL SERVE NOTICE TO THE DEFENDANT’S LAST KNOWN ADDRESS AND EXPLAIN IN PLAIN LANGUAGE THAT DEFENDANT MAY REQUEST A HEARING ON THE MATTER. IF THE DEFENDANT REQUESTS A HEARING, THE COURT SHALL PROCEED PURSUANT TO SECTION 24-72-706.

(IV) THE STATE COURT ADMINISTRATOR SHALL SEAL ALL CONVICTIONS UNLESS OBJECTED TO WITHIN THE FORTY-FIVE-DAY PERIOD AS INELIGIBLE UNDER (I) OR (II) OF THIS SUBSECTION. The state court administrator shall REMOVE CONVICTIONS OBJECTED TO BY THE DISTRICT ATTORNEYS FROM THE LIST, IF

ANY, AND THEN compile each of the lists into one final list and sort the convictions by judicial district.

Page 6, lines 13-14: strike “DUE TO PENDING CHARGES” and replace with “UNDER (I) OR (II) OF THIS SUBSECTION.”

AMENDMENT F: *Allows sealing if there is outstanding fines, costs, and fees, but prohibits sealing if restitution is outstanding.*

Page 13, line 26: strike “RESTITUTION”

Page 16, line 25: strike “RESTITUTION”

Page 21, lines 2-6: reinsert (1)(e) and amend as follows:

(e) Conviction records may not be sealed if the defendant still owes restitution, ~~finer, court costs, late fees, or other fees ordered by the court in the case that is the subject of the motion to seal conviction records,~~ unless the court that entered the order for restitution, ~~finer, court costs, late fees, or other fees~~ vacated the order.

Page 24, lines 18-22: Reinsert (4)(b) and amend as follows:

(b) Conviction records may not be sealed if the defendant still owes restitution, ~~finer, court costs, late fees, or other fees ordered by the court in the case that is the subject of the motion to seal conviction records,~~ unless the court that entered the order for restitution, ~~finer, court costs, late fees, or other fees~~ vacated the order.

AMENDMENT G: *Removes the Colorado bureau of investigation from the initial eligibility determination in the automated record sealing process. Given that civil infractions are not criminal in nature, the amendment requires that the courts seal civil infractions.*

Page 4, line 19: strike “CONVICTION” and add “JUDGMENT”

Page 5, line 10: add “EACH DISTRICT ATTORNEY, EXCEPT FOR CIVIL INFRACTIONS. THE LIST OF CIVIL INFRACTIONS TO BE SEALED SHALL BE SENT WITH THE FINAL LIST PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION TO THE CHIEF JUDGE FOR EACH JUDICIAL DISTRICT.” after “of this section to”

Page 5, line 11 to page 6, line 1: strike, starting at “the Colorado bureau of investigation.”

Page 6, line 2: strike “Colorado bureau of investigation” and add “STATE COURT ADMINISTRATOR”

Page 5, line 2: (b) The state court administrator shall use the state conviction database and the conviction databases of entities that do not report convictions to the state database to compile the list. The state court administrator shall compile the list based on a name-based review with sufficient points of reference for identification validation as determined by the state court administrator. The state court administrator must only include convictions on the list if sufficient points of validation, as determined by the state court administrator, are present. THE STATE COURT ADMINISTRATOR SHALL NOT INCLUDE ANY CASE IN WHICH THERE IS NO

FINAL DISPOSITION ON ALL CHARGES IN THE CASE. THE STATE COURT ADMINISTRATOR SHALL NOT INCLUDE ANY CONVICTIONS FOR WHICH THE DEFENDANT HAS AN INTERVENING CONVICTION DURING THE SEVEN-YEAR WAITING PERIOD IF THE CONVICTION IS FOR A PETTY OFFENSE OR MISDEMEANOR, OR DURING THE TEN-YEAR WAITING PERIOD IF THE CONVICTION IS FOR A FELONY. The state court administrator shall sort the list by judicial district of conviction.

Page 7, line 13: strike “ETHNICITY” and replace with “SEX”

Page 7, lines 14-15: strike “RECEIVED FROM THE STATE COURT ADMINISTRATOR’S OFFICE”

Page 17, line 26: strike “ETHNICITY” and add “GENDER”

Page 17, line 27: strike

Page 18, lines 2 to 5: strike

AMENDMENT I: *Creates a process for the sealing of prefiling diversionary programs to seal records outside of obtaining a court order.*

Page 8, line 10: add (f) (I) UPON COMPLETION OF DIVERSION AT THE PREFILING LEVEL AS AN ALTERNATIVE TO THE FILING OF A CHARGE, THE CUSTODIAN OF ANY RECORD SHALL SEAL THE RECORD IN THE CUSTODY OF LAW ENFORCEMENT, THE DIVERSION PROVIDER, AND THE DISTRICT ATTORNEY WITHOUT THE NEED FOR A COURT ORDER.

(II) THE DISTRICT ATTORNEY OR OTHER DIVERSION PROVIDER SHALL NOTIFY THE COLORADO BUREAU OF INVESTIGATION, THE LAW ENFORCEMENT AGENCY THAT HAD CONTACT WITH THE INDIVIDUAL THAT DIVERSION IS COMPLETE AND THE CRIMINAL JUSTICE RECORDS ARE SEALED. ANY LAW ENFORCEMENT AGENCY THAT RECEIVES A NOTICE SHALL ACKNOWLEDGE RECEIPT OF THE NOTICE. THE COLORADO BUREAU OF INVESTIGATION, LAW ENFORCEMENT AGENCY, DIVERSION PROVIDER, AND DISTRICT ATTORNEY SHALL TREAT THE RECORDS AS SEALED WITHIN THIRTY-FIVE DAYS AFTER THE COMPLETION OF DIVERSION, AND ALL PROVISIONS OF SECTION 72-24-703 SHALL APPLY TO THOSE RECORDS.

AMENDMENT J: *Allows for research programs employed by or contracted with the state to obtain access to aggregate form and prohibits the disclosure of any personal identifying information.*

Page 14, after line 16 as a new subparagraph (VIII):

(VIII) SEALED COURT RECORDS ARE OPEN TO INSPECTION WITHOUT COURT ORDER TO ANY PERSON OR AGENCY FOR RESEARCH PURPOSES, IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

(1) THE PERSON OR AGENCY CONDUCTING THE RESEARCH IS EMPLOYED BY THE STATE OF COLORADO OR IS UNDER CONTRACT WITH THE STATE OF COLORADO OR OTHER GOVERNMENTAL SUBDIVISION AND IS AUTHORIZED BY THE STATE OR SUBDIVISION TO CONDUCT THE RESEARCH;

(2) THE PERSON OR AGENCY CONDUCTING THE RESEARCH ENSURES THAT ALL DOCUMENTS CONTAINING IDENTIFYING INFORMATION ARE MAINTAINED IN SECURE LOCATIONS AND ACCESS TO SUCH DOCUMENTS BY UNAUTHORIZED PERSONS IS PROHIBITED; THAT NO IDENTIFYING INFORMATION IS INCLUDED IN DOCUMENTS GENERATED FROM THE RESEARCH CONDUCTED; AND THAT ALL IDENTIFYING INFORMATION IS DELETED FROM DOCUMENTS USED IN THE RESEARCH WHEN THE RESEARCH IS COMPLETED;

(3) ANY DATA RELEASED MUST ONLY BE IN AGGREGATE FORM;

(4) IF APPLICABLE, WHEN PUBLICLY REPORTING DE-IDENTIFIED AGGREGATE INFORMATION ABOUT CRIMINAL JUSTICE ISSUES, THE INFORMATION WOULD BE INACCURATE WITHOUT THE INCLUSION OF SEALED RECORD INFORMATION;
AND

(5) IF APPLICABLE, WHEN THE PURPOSE OF THE RESEARCH CANNOT BE ACCOMPLISHED WITHOUT THE INCLUSION OF DE-IDENTIFIED SEALED RECORD INFORMATION; AND (6) IF APPLICABLE, WHEN THE PERSON OR AGENCY CONDUCTING THE RESEARCH IS ALSO CONDUCTING DATA MAINTENANCE OR DATA LINKAGE ON BEHALF OF A CUSTODIAN OF CRIMINAL JUSTICE RECORDS AND REQUIRES ACCESS TO IDENTIFIED SEALED RECORD INFORMATION.