

SB116_L.002

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB16-116 be amended as follows:

1 Amend printed bill, page 2, strike lines 2 through 20.

2 Strike page 3.

3 Page 4, strike lines 1 through 24 and substitute:

4 "SECTION 1. In Colorado Revised Statutes, add 24-72-703.5 as
5 follows:

6 **24-72-703.5. Sealing criminal justice records - simplified**
7 **process - defendant option - fees - referral - support services.** (1) AT
8 THE TIME OF AN ADVISEMENT UNDER THIS PART 7, THE COURT SHALL GIVE
9 THE DEFENDANT ELIGIBLE TO HAVE HIS OR HER CRIMINAL JUSTICE
10 RECORDS SEALED THE OPTION OF IMMEDIATELY MOVING TO HAVE HIS OR
11 HER CRIMINAL JUSTICE RECORDS SEALED. THIS MOTION MAY BE INFORMAL,
12 AND THE WRITTEN ADVISEMENT MUST CONTAIN A CHECK-OFF BOX
13 INDICATING WHETHER OR NOT THE DEFENDANT IS MOVING OR NOT MOVING
14 IMMEDIATELY TO HAVE HIS OR HER CRIMINAL JUSTICE RECORDS SEALED.
15 IF THE DEFENDANT MOVES UNDER THIS SUBSECTION (1) TO SEAL HIS OR
16 HER CRIMINAL JUSTICE RECORDS, THE COURT SHALL PROMPTLY PROCESS
17 THE DEFENDANT'S REQUEST TO SEAL THE CRIMINAL JUSTICE RECORDS. THE
18 SUPREME COURT MAY SET AND COLLECT REASONABLE FEES FOR THE
19 SEALING OF CRIMINAL JUSTICE RECORDS BY THE COURTS IN AMOUNTS
20 NECESSARY TO RECOVER THE DIRECT AND INDIRECT COSTS OF SEALING
21 CRIMINAL JUSTICE RECORDS THROUGH THE SIMPLIFIED PROCESS INITIATED
22 UNDER THIS SUBSECTION (1).

23 (2) IF A DEFENDANT ELIGIBLE TO HAVE HIS OR HER CRIMINAL
24 JUSTICE RECORDS SEALED OPTS TO UTILIZE OTHER PROVISIONS OF THIS
25 PART 7 TO SEAL HIS OR HER CRIMINAL JUSTICE RECORDS RATHER THAN THE
26 SIMPLIFIED PROCEDURE IN SUBSECTION (1) OF THIS SECTION, THE COURT
27 SHALL REFER THE DEFENDANT TO SUPPORT SERVICES TO ASSIST THE
28 DEFENDANT IN SEALING HIS OR HER CRIMINAL JUSTICE RECORDS."

29 Renumber succeeding section accordingly.

30 Page 5, line 8, strike "acts of private custodians" and substitute "the
31 sealing".

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