

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB22-099 be amended as follows:

- 1 Amend printed bill, page 6, line 3, after strike "district attorney" and
2 substitute insert "ELECTED district attorney, OR HIS OR HER DESIGNEE,".
- 3 Page 13, line 6, after "(2)(b)," insert "(2)(c)," and strike "**repeal** (2)(c):".
- 4 Page 13, line 7, strike "(2)(a)(VII), (2)(d)(IV), and (13)" and substitute
5 "(2)(a)(VII), and (2)(d)(IV)".
- 6 Page 13, line 11, after "criminal" insert "JUSTICE" and after the period add
7 "SUBSECTIONS (2), (4), (5), (6), (7), AND (12) OF THIS SECTION APPLY TO
8 THE AUTOMATIC SEALING OF CRIMINAL JUSTICE RECORDS PURSUANT TO
9 SECTION 13-3-117".
- 10 Page 13, line 17, after "OF" insert "A PROSECUTOR".
- 11 Page 13, line 21, after "72" insert "AND SECTION 13-3-117".
- 12 Page 14, line 5, after "72" insert "AND SECTION 13-3-117".
- 13 Page 14, after line 16 insert:
14 "(VIII) A PROSECUTING ATTORNEY'S ACCESS TO RECORDS
15 PURSUANT TO THIS SUBSECTION (2) DOES NOT REQUIRE A COURT ORDER.".
- 16 Page 14, line 21, strike "A QUERY" and substitute "AN INQUIRY".
- 17 Page 15, line 1, after the period add "THE PERSON WHO IS THE SUBJECT OF
18 THE RECORDS AND THE PROSECUTING ATTORNEY MAY INSPECT THE
19 RECORDS INCLUDED IN AN ORDER SEALING CRIMINAL RECORDS WITHOUT
20 A COURT ORDER AND ONLY FOR THE PURPOSES PERMITTED BY LAW.".
- 21 Page 15, line 16, after "72" insert "AND SECTION 13-3-117".
- 22 Page 15, line 25, after "72" insert "AND SECTION 13-3-117".
- 23 Page 17, strike lines 2 through 4.
- 24 Page 17, line 6, strike "(2)(b)(I)(B); **repeal**" and substitute "(2)(b)(I)(B)
25 and".
- 26 Page 17, line 11, after the period add THE PERSON WHO IS THE SUBJECT OF
27 THE RECORDS AND THE PROSECUTING ATTORNEY MAY INSPECT THE

1 RECORDS INCLUDED IN AN ORDER SEALING CRIMINAL RECORDS WITHOUT
2 A COURT ORDER AND ONLY FOR THE PURPOSES PERMITTED BY LAW.".

3 Page 18, line 9, strike "(2)" and substitute "(2); and **add** (1)(a.5)".

4 Page 18, line 12, strike "MOTION AND AT THE TIME OF DISPOSITION," and
5 substitute "MOTION,".

6 Page 18, after line 13 insert:
7 "(a.5) THE COURT SHALL NOT REQUIRE A WRITTEN MOTION OR ANY
8 OTHER WRITTEN PLEADINGS FOR SEALING PURSUANT TO THIS SECTION. THE
9 COURT SHALL ENTER AN ORDER SEALING RECORDS PURSUANT TO THIS
10 SUBSECTION (1) AT THE TIME OF DISPOSITION AND SHALL SERVE THE
11 SEALING ORDER PURSUANT TO SECTION 24-72-703(8) NO LATER THAN
12 TWENTY-EIGHT DAYS AFTER THE DATE OF DISPOSITION.".

13 Page 19, line 27, strike "and (1)(b)(III.5)" and substitute "(1)(b)(III.5),
14 and (1)(i)".

15 Page 20, line 11, strike "AND" and substitute "OR".

16 Page 22, after line 1 insert:
17 "(i) THE COURT SHALL DETERMINE ELIGIBILITY OF A DRUG OFFENSE
18 COMMITTED ON OR AFTER OCTOBER 1, 2013, BY THE CLASSIFICATION OF
19 THE OFFENSE AT THE TIME OF CONSIDERING THE RECORD SEALING.".

20 Page 24, line 12, strike "INFRACTION," and substitute "INFRACTION AND
21 NOT AN OFFENSE OR CIVIL INFRACTION LISTED IN SUBSECTION (5)(a) OF
22 THIS SECTION,".

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