



Please Support: HB 21-1214 to Reduce Collateral Sanctions Experienced by People with Criminal Records

Sponsored by Rep Mike Weissman, Senator James Coleman, Senator Pete Lee

Why do our record sealing laws in Colorado need to be updated?

There are more than 1.8 million Coloradans listed on the state criminal record database. For many of these people, involvement with the justice system has led to perpetual unemployment, housing insecurity, and the loss of income for themselves and their families.¹

Legislation that increases the eligibility requirements for record sealing will provide many benefits to Coloradans, including:

- **Employment and housing:** By removing barriers to employment and housing, this bill will give people a chance to move on with their lives and become more productive citizens.
- **Community safety:** Research has established that if an offender does not commit another offense within three years of their previous conviction, they are unlikely to offend in the future. Research also shows that policies to reduce economic obstacles for people with criminal histories are effective at lowering recidivism and strengthening public safety.
- **Family security:** Experts estimate that half of the children in the U.S. have at least one parent with a criminal record. In Colorado, an estimated 60,000 children have experienced the incarceration of a parent. This bill would expand economic opportunities for the families and children of people involved in the criminal justice system.

What this bill does:

- It opens the process for adults and juveniles to file motions for relief from collateral consequences through the court. This process allows a judge to issue an order that may relieve a defendant of barriers in housing or employment based on their conviction record.
- It will allow the state public defender and the office of alternate defense counsel to seek and accept gifts, grants, and donations for the purposes of representing defendants in record sealing proceedings by creating the sealing defense fund.
- It creates an automated sealing process for arrest records that do not lead to a charge ever being filed, with some exceptions. The intent of the component is to address the fact that up to 30% of arrests may never result in a filed charge. With a presumption of innocence in this country, records that do not lead to convictions should not prevent individuals from housing or employment opportunities.
- It creates a limited process for individuals with multiple conviction records that are eligible for sealing to petition the court to have their records sealed. Current law allows for only one.
- It creates a process to automatically seal certain drug convictions
- Lastly, this bill creates a website that allows people to confidentially determine if their conviction has been sealed and provides information about how to receive a copy of the sealing order.

¹ Michele Natividad Rodriguez and Maurice Emsellem, *65 Million 'Need Not Apply': The Case for Reforming Criminal Background Checks for Employment*. The National Employment Law Project, March 2011, http://www.nelp.org/page/-/SCLP/2011/65_Million_Need_Not_Apply.pdf?nocdn=1