



HB 17-1204: Juvenile Expungement

- Under current law, children in Colorado must complete and file a legal petition, and attend a court hearing, to ask that their juvenile records be expunged. No attorneys are provided to children to complete this process; it is a complicated and daunting requirement that keeps youth from expunging their records and pursuing education and employment so they can contribute to our community.
- Under current law, children often must complete a waiting period, which can be as long as five years, before they are permitted to petition the court to expunge their records.
- Under current law, colleges, educators, and employers can ask about juvenile records on applications, putting youth who are trying to build a better future at a disadvantage.
- This bill simplifies the process to expunge a juvenile record and eliminates waiting periods:
 - Youth who were found not guilty, had their case dismissed, or completed a sentence for a low-level offense (petty offenses and low-level misdemeanors) have their cases expunged automatically.
 - Youth who completed diversion or completed a sentence for a misdemeanor or first time felony offense are eligible for expungement at the end of their sentences. The court sends a notice to the prosecution, who notifies the victim. If the prosecution and victim do not object, the record is automatically expunged. If either the prosecution or the victim object, the court holds a hearing, and determines if the record should be expunged using the same standard in current law: whether rehabilitation of the juvenile has been attained to the satisfaction of the court, and whether expungement is in the best interest of the juvenile and the community.
- Youth found guilty of certain offenses are never eligible to expunge: Youth adjudicated of a class 1 or 2 felony; youth adjudicated as an aggravated juvenile offender; youth adjudicated of homicide offenses; youth adjudicated for a felony offense involving unlawful sexual behavior.
- Records are not physically destroyed; they are sealed and designated as expunged.
- The prosecution and the court can access and use expunged records if the juvenile is charged with an offense in the future as either a juvenile or an adult.
- Expunged records can be accessed for purposes of conducting a background check related to authorizing a firearm purchase.
- Victims can continue to speak with the prosecution about the case after expungement.
- After expungement, the juvenile may lawfully deny that he or she has a juvenile delinquency record in regard to the expunged matter, and employers, educational institutions, landlords, and state and local government agencies shall not require an applicant to disclose expunged record information.