



**FY2011 RECOMMENDATION/FY11-D09 SEALING OF RECORDS (#1): PETTY DRUG OFFENSE**

**Status:** Implementation Complete

**Actions/Updates**

**2012 ACTION/IMPLEMENTATION**

These recommendations were encompassed, with changes, by H.B. 11-1167: Concerning the petition process for the sealing of certain drug offense records. The provisions of the bill apply to convictions entered on and after July 1, 2011. For convictions prior to July 1, 2011, the time frames of the bill are applicable but sealing of the criminal records is available only with the consent of the district attorney and subsequent court review and approval.

Action on this recommendation was completed with the passage of House Bill 11-1167.

**Description**

For petty drug offenses, records may be sealed three years from final disposition of the case or release from supervision, whichever is later. Sealing will be automatic upon filing if the offender pays the fee and proves there were no convictions incurred and are no charges pending during the waiting period. Notice to the district attorney is not required.

**Agencies Responsible**

**Discussion**

*Current law allows for drug possession convictions to be sealed after a ten year waiting period. The recommendations presented here reduce the waiting time period for low level offenses and recommend waiting periods consistent with the research which has found that that after a certain period former offenders create no higher risk to public safety than those with no criminal history. Specifically, researchers have found that the likelihood to reoffend decreases dramatically for those who remain crime-free for 7 years, nearly matching the risk of new offenses among those with no criminal history.*