



**FY2011 RECOMMENDATION/FY11-D12 SEALING OF RECORDS (#4): F6 AND F5 DRUG POSSESSION**

**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**

Records may be sealed seven years from final disposition of the case or release from supervision, whichever is later. Sealing requires filing of a petition and notice to the district attorney. If there is no objection by the district attorney, it is at the court's discretionary if there needs to be a hearing to determine eligibility based on statutory criteria (this is the same as current practice but is codified). The petitioner must demonstrate that there was conviction or pending charges incurred during the waiting period.

**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.*