



FY2011 RECOMMENDATION/FY11-D15 SEALING OF RECORDS (#7): FOR CONVICTIONS BEFORE THE 2011 EFFECTIVE DATE OF THE BILL

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

The time periods identified in FY11-D9 through FY11-D14 shall be applicable for record sealing of convictions before the 2011 effective date of the bill, however district attorney approval shall always be required when district attorney approval is required under current law. Note that DA approval is required for all drug offenses committed before July 1, 2008. For possession offenses between July 1, 2008 and July 1, 2011, assuming the latter is the effective date of the bill, there will be a ten year waiting period and district attorney notice. Court approval shall be 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.