

Be it Enacted by the People of the State of Colorado.

Received
Legislative Council Staff
2/5/2020, 9:53am

SECTION 1. Short title. THIS ACT MAY BE CITED AS “THE OPPORTUNITY ACT.”

SECTION 2. In Colorado Revised Statutes, **add** part 8 of article 72 of title 24 as follows:

PART 8

EXPUNGEMENT OF CRIMINAL RECORDS

24-72-801. Declaration of the people. THE PEOPLE OF THE STATE OF COLORADO HEREBY FIND AND DECLARE THAT CRIMINAL RECORDS FOR LOW-LEVEL, NON-VIOLENT OFFENSES HAVE MORE OF A NEGATIVE EFFECT ON SOCIETY THAN INTENDED. IT IS THE INTENT OF THE PEOPLE THAT THE CRIMINAL RECORD IS DYNAMIC, REFLECTING AN INDIVIDUAL’S RECENT CHARACTER, AND DOES NOT ALLOW MINOR TRANSGRESSIONS TO NEGATIVELY IMPACT ONE’S ABILITY TO GAIN EMPLOYMENT, RESIDE IN SUITABLE HOUSING, BUILD THEIR SKILLS THROUGH EDUCATIONAL INSTITUTIONS OR TO VOLUNTEER TO GIVE BACK TO THEIR COMMUNITY. MAKING MISTAKES IS HOW WE’VE BEEN TAUGHT TO LEARN AND ONCE AN INDIVIDUAL HAS SHOWN THAT THEY HAVE LEARNED FROM THEIR MISTAKES, THEY SHALL BE ALLOWED TO MOVE FORWARD WITHOUT THIS LIMIT ON THEIR POTENTIAL TO BECOME AN EXCELLENT MEMBER OF SOCIETY. ESTABLISHING THIS PROCESS FOR THE EXPUNGEMENT OF ELIGIBLE CRIMINAL RECORDS SHALL STRENGTHEN OUR COMMUNITIES, AND OUR ECONOMY, WHILE EASING THE BURDEN ON OUR LEGAL SYSTEM AND PROVIDING RELIEF TO TAXPAYERS.

24-72-802. Definitions. AS USED IN THIS PART 8, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (1) “BASIC IDENTIFICATION INFORMATION” HAS THE SAME MEANING AS SET FORTH IN SECTION 24-72-302.
- (2) “COMMUNITY MAINTENANCE” MEANS COLLECTION AND DISPOSAL OF LITTER, SERVICING COMMUNITY GARDEN PROJECTS, SCRAPING GUM OFF OF SIDEWALKS OR REMOVAL OF GRAFFITI.
- (3) “CONVICTION” OR “CONVICTED” MEANS A PLEA OF GUILTY ACCEPTED BY THE COURT, INCLUDING A PLEA OF GUILTY ENTERED PURSUANT TO A DEFERRED SENTENCE UNDER SECTION 18-1.3-102, A VERDICT OF GUILTY BY A JUDGE OR JURY, OR A PLEA OF NOLO CONTENDERE ACCEPTED BY THE COURT, OR ADJUDICATION FOR AN OFFENSE THAT WOULD CONSTITUTE A CRIMINAL OFFENSE IF COMMITTED BY AN ADULT, INCLUDING HAVING RECEIVED A DEFERRED JUDGMENT AND SENTENCE OR DEFERRED ADJUDICATION EVEN IF THE PERSON HAS SUCCESSFULLY COMPLETED A DEFERRED SENTENCE OR DEFERRED ADJUDICATION, OR IF THE COURT GIVES JUDGMENT IN FAVOR OF THE STATE OF COLORADO, THE APPROPRIATE PROSECUTING ATTORNEY, OR THE APPROPRIATE LAW ENFORCEMENT AGENCY AND AGAINST THE OFFENDER OR JUVENILE.
- (4) “CRIMINAL JUSTICE AGENCY” HAS THE SAME MEANING AS SET FORTH IN SECTION 24-72-302.

- (5) "CRIMINAL RECORDS" MEANS INFORMATION REPORTING TO THE ARREST, INDICTMENT OR OTHER FORMAL FILING OF CRIMINAL CHARGES AGAINST A PERSON; THE IDENTITY OF THE CRIMINAL JUSTICE AGENCY TAKING SUCH OFFICIAL ACTION RELATIVE TO AN ACCUSED PERSON, THE DATE AND PLACE SUCH OFFICIAL ACTION WAS TAKEN RELATIVE TO AN ACCUSED PERSON; THE NAME, BIRTH DATE, LAST-KNOWN ADDRESS, AND SEX OF AN ACCUSED PERSON; THE NATURE OF THE CHARGES BROUGHT OR THE OFFENSES ALLEGED AGAINST AN ACCUSED PERSON, AND ONE OR MORE DISPOSITIONS RELATING TO THE CHARGES BROUGHT AGAINST AN ACCUSED PERSON; ALL BOOKS, PAPERS, CARDS, PHOTOGRAPHS, TAPES, RECORDINGS OR OTHER DOCUMENTARY MATERIALS, REGARDLESS OF FORM OR CHARACTERISTICS, THAT ARE MADE, MAINTAINED OR KEPT BY ANY CRIMINAL JUSTICE AGENCY IN THE STATE FOR USE IN THE EXERCISE OF FUNCTIONS REQUIRED OR AUTHORIZED BY LAW OR ADMINISTRATIVE RULE.
- (6) "DISPOSITION" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-72-302.
- (7) "EXPUNGEMENT" MEANS THE DESTRUCTION, REMOVAL, DELETION OR ERASURE OF RECORDS WHEREBY SUCH RECORDS ARE DEEMED NEVER TO HAVE EXISTED.
- (8) "EXPUNGEMENT SURCHARGE" IS A SURCHARGE ASSESSED AT THE TIME OF SENTENCING; THE AMOUNT DETERMINED IS SET FORTH IN THIS PART 8.
- (9) "EXPUNGEMENT PERIOD" MEANS A PERIOD OF TIME TO COMMENCE ONCE ALL PUNISHMENTS AND PENALTIES HAVE BEEN SATISFIED AND PAID FOR BY THE CONVICTED PERSON.
- (10) "LAW ENFORCEMENT AGENCY" MEANS ANY AGENCY OF A STATE OR LOCAL GOVERNMENT AUTHORIZED TO ENFORCE THE LAWS OF COLORADO.
- (11) "OFFENSE" HAS THE SAME MEANING AS SET FORTH IN SECTION 18-1-104.
- (12) "OFFICIAL ACTION" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-72-302.
- (13) "OFFICIAL CUSTODIAN" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-72-302.
- (14) "PENALTIES" MEAN INCARCERATION, CORRECTIONAL SUPERVISION, INCLUDING TERMS AND CONDITIONS THEREOF; INCLUDING BUT NOT LIMITED TO, COSTS, FINES, FEES, SURCHARGES, PAROLE, PROBATION, WORK RELEASE, GPS MONITORING, THERAPY CLASSES, TREATMENT PROGRAMS, ALCOHOL OR DRUG MONITORING, INTERLOCK DEVICES, AND COMMUNITY SERVICE.
- (15) "PERSON" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-72-302.
- (16) "PRIVATE CUSTODIAN" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-72-302.

24-72-803. Expungement of criminal records where no conviction occurs. (1) AFTER AN ARREST, SHOULD THE DECISION BE MADE TO NOT FILE CRIMINAL CHARGES, THE CONCLUSION OF CRIMINAL PROCEEDINGS INCLUDE ACQUITTAL OR THE DISMISSAL, ABANDONMENT, OR INDEFINITE POSTPONEMENT OF CRIMINAL PROCEEDINGS OR CHARGES. THE DISTRICT COURT IN THE JUDICIAL DISTRICT WHERE THE PERSON WAS ARRESTED SHALL, NO LATER THAN THIRTY-ONE DAYS FROM THE DATE OF THE DISPOSITION, ISSUE AN EXPUNGEMENT ORDER FOR ALL CRIMINAL RECORDS PERTAINING TO THE PERSON'S ARREST TO EVERY OFFICIAL CUSTODIAN.

(2) IMMEDIATELY UPON THE DECISION TO NOT FILE CRIMINAL CHARGES, THE LAW ENFORCEMENT AGENCY THAT MADE THE ARREST SHALL PETITION THE DISTRICT COURT, IN THE JUDICIAL DISTRICT WHERE THE PERSON WAS ARRESTED, FOR AN EXPUNGEMENT ORDER FOR THE CRIMINAL RECORDS PERTAINING TO THE ARREST.

24-72-804. Expungement period – applicability – interruption – concurrency – equality – municipal infractions – rights. (1) IMMEDIATELY FOLLOWING THE SATISFACTION OF ALL PENALTIES AND PUNISHMENTS IMPOSED BY THE COURT, THE EXPUNGEMENT PERIOD SHALL COMMENCE AS SET FORTH IN THIS PART 8.

(2)(a) IN THE EVENT THAT ONE OR MORE CRIMINAL CHARGES ARE BROUGHT UPON A PERSON IN THE MIDST OF AN EXPUNGEMENT PERIOD FOR A PREVIOUS OFFENSE THAT RESULTED IN CONVICTION, THE PREVIOUS EXPUNGEMENT PERIOD MAY PAUSE, AS DESCRIBED IN SUBSECTIONS (2)(b) AND (2)(c) OF THIS SECTION, PENDING THE DISPOSITION OF THE CURRENT CHARGE OR CHARGES.

(b) IF THERE IS A "P" INDICATOR ON THE TABLE IN THE INTERSECTION BETWEEN A PREVIOUS OFFENSE AND A RECENT CHARGE, THERE SHALL BE A PAUSE IN THE EXPUNGEMENT PERIOD.

Recent Charge and Effect on Previous Expungement Period																					
Category	Petty		Drug Petty		Traffic Misd		Drug Misd		Drug Felony				Misdemeanor			Felony					
	Class	2	1	2	1	2	1	2	1	4	3	2	1	3	2	1	6	5	4	3	2
Petty	2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	1		P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Drug Petty	2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	1		P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Traffic Misd	2					P	P			P	P	P	P		P	P	P	P	P	P	P
	1						P			P	P	P	P			P	P	P	P	P	P
Drug Misd	2							P	P	P	P	P	P		P	P	P	P	P	P	P
	1								P	P	P	P	P			P	P	P	P	P	P
Drug Felony	4									P	P	P	P				P	P	P	P	P
	3										P	P	P				P	P	P	P	P
	2	Ineligible for Expungement																			
	1	Ineligible for Expungement																			
Misd.	3									P	P	P	P	P	P	P	P	P	P	P	P
	2									P	P	P	P		P	P	P	P	P	P	P
	1									P	P	P	P			P	P	P	P	P	P
Felony	6											P	P				P	P	P	P	P
	5											P	P					P	P	P	P
	4											P	P						P	P	P
	3	Ineligible for Expungement																			
	2	Ineligible for Expungement																			
	1	Ineligible for Expungement																			

Previous Offense Serving Expungement Period

(c) IF THE CRIMINAL CHARGE, OR CHARGES, BROUGHT UPON A PERSON IN THE MIDST OF AN EXPUNGEMENT PERIOD ARE FOR OFFENSES THAT ARE INELIGIBLE FOR EXPUNGEMENT, THEN THE EXPUNGEMENT PERIOD FOR ANY PREVIOUS OFFENSES SHALL PAUSE.

(d) IF THE PERSON IS CONVICTED OF THE MOST RECENT CHARGE, OR CHARGES, WHILE AN EXPUNGEMENT PERIOD IS ON PAUSE, THE EXPUNGEMENT PERIOD FOR THE PREVIOUS OFFENSE, OR OFFENSES, THAT RESULTED IN CONVICTION SHALL START OVER IMMEDIATELY FOLLOWING THE SATISFACTION OF ALL PENALTIES AND PUNISHMENTS IMPOSED BY THE COURT FOR THE MOST RECENT OFFENSE THAT RESULTED IN CONVICTION.

(e) ALL EXPUNGEMENT PERIODS SHALL RUN CONCURRENTLY.

(f) IF THE PERSON IS NOT CONVICTED OF THE PENDING CHARGE, OR CHARGES, THE EXPUNGEMENT PERIOD FOR THE PREVIOUS OFFENSE, OR OFFENSES, WHICH RESULTED IN CONVICTION SHALL BE CREDITED THE TIME THAT IT WAS ON PAUSE AND SHALL PROCEED AS SET FORTH IN THIS PART 8.

(3)(a) IF A PERSON HAS A CRIMINAL RECORD FOR A STATUTE VIOLATION THAT IS INELIGIBLE FOR EXPUNGEMENT AS SET FORTH IN THIS PART 8 AND THAT VIOLATION, IF COMMITTED ON THE CURRENT DAY, WOULD BE ELIGIBLE FOR EXPUNGEMENT, THEN UPON THE SATISFACTION OF ALL PENALTIES AND PUNISHMENTS IMPOSED BY THE COURT, THE CRIMINAL RECORD SHALL FOLLOW THE EXPUNGEMENT PERIOD OF THE VIOLATION IF COMMITTED ON THE CURRENT DAY. IN THIS CASE, NO EXPUNGEMENT SURCHARGE SHALL BE ASSESSED.

(b) IF A PERSON HAS A CRIMINAL RECORD FOR A STATUTE VIOLATION THAT IS INELIGIBLE FOR EXPUNGEMENT AS SET FORTH IN THIS PART 8 AND THAT VIOLATION, IF COMMITTED ON THE CURRENT DAY, WOULD NOT CONSTITUTE A CRIMINAL OFFENSE, THEN UPON THE SATISFACTION OF ALL PENALTIES AND PUNISHMENTS IMPOSED BY THE COURT, THE CRIMINAL RECORD SHALL BE ELIGIBLE FOR IMMEDIATE EXPUNGEMENT. IN THIS CASE, NO EXPUNGEMENT SURCHARGE SHALL BE ASSESSED.

(4)(a) IF A PERSON HAS A CRIMINAL RECORD FOR AN OFFENSE THAT IS ELIGIBLE FOR EXPUNGEMENT AS SET FORTH IN THIS PART 8 AND THAT OFFENSE, IF COMMITTED ON THE CURRENT DAY, WOULD BE SUBJECT TO A LESSER EXPUNGEMENT PERIOD, THEN UPON THE SATISFACTION OF ALL PENALTIES AND PUNISHMENTS IMPOSED BY THE COURT, THE CRIMINAL RECORD SHALL FOLLOW THE EXPUNGEMENT PERIOD OF THE OFFENSE IF COMMITTED ON THE CURRENT DAY. IN THIS CASE, NO EXPUNGEMENT SURCHARGE SHALL BE ASSESSED.

(b) IF A PERSON HAS A CRIMINAL RECORD FOR AN OFFENSE THAT IS ELIGIBLE FOR EXPUNGEMENT AS SET FORTH IN THIS PART 8 AND THAT OFFENSE, IF COMMITTED ON THE CURRENT DAY, WOULD NOT CONSTITUTE A CRIMINAL OFFENSE, THEN UPON THE SATISFACTION OF ALL PENALTIES AND PUNISHMENTS IMPOSED BY THE COURT, THE CRIMINAL RECORD SHALL BE ELIGIBLE FOR IMMEDIATE EXPUNGEMENT. IN THIS CASE, NO EXPUNGEMENT SURCHARGE SHALL BE ASSESSED.

(5)(a) IN THE CASE OF EXECUTIVE CLEMENCY, THE CRIMINAL RECORDS THAT PERTAIN TO THE EXECUTIVE CLEMENCY SHALL BE SUBJECT TO THE CONDITIONS OF EXPUNGEMENT SET FORTH IN THIS PART 8.

(b) WITHIN THIRTY-ONE DAYS OF GRANTING EXECUTIVE CLEMENCY, THE PERSON GRANTING EXECUTIVE CLEMENCY SHALL PETITION THE DISTRICT COURT IN THE JUDICIAL DISTRICT WHERE THE CONVICTION OCCURRED FOR AN EXPUNGEMENT ORDER, IF APPLICABLE, AS SET FORTH IN THIS PART 8.

(6) MUNICIPAL CHARGES AND CONVICTIONS HAVE NO EFFECT ON EXPUNGEMENT PERIODS, PROVIDED THAT THE OFFENSE WOULD NOT QUALIFY AS AN OFFENSE DESCRIBED IN THE COLORADO REVISED STATUTES THAT WOULD REQUIRE AN EXPUNGEMENT PERIOD TO PAUSE.

(7) THE EXPUNGEMENT PERIOD SHALL APPLY TO THE CRIMINAL RECORDS OF JUVENILES THE SAME AS IT IS APPLIED TO THE CRIMINAL RECORDS OF ADULTS.

(8) A PERSON'S RIGHT TO EXPUNGEMENT SHALL NOT BE WAIVED THROUGH ANY PLEA AGREEMENT OR ANY OTHER MEANS.

(9) AT THE TIME OF SENTENCING, THE COURT SHALL ADVISE EACH DEFENDANT OF THEIR RIGHT TO EXPUNGEMENT AS SET FORTH IN THIS PART 8.

24-72-805. Expungement surcharge – applicability – collection – interest – waiver. (1) ALL CONVICTIONS THAT OCCUR ON OR AFTER JANUARY 1, 2021 INCUR AN EXPUNGEMENT SURCHARGE. THE AMOUNT OF THE SURCHARGE IS SET FORTH IN THIS PART 8.

(2) THE EXPUNGEMENT SURCHARGE SHALL BE COLLECTED BY THE COURT IN WHICH THE CONVICTION OCCURRED. THE SURCHARGE SHALL BE DEPOSITED INTO THE EXPUNGEMENT SURCHARGE CASH FUND CREATED BY SECTION 24-72-830.

(3)(a) FOR THOSE UNABLE TO PAY THE EXPUNGEMENT SURCHARGE UPON SENTENCING, INTEREST SHALL ACCRUE AT A RATE OF FIVE PERCENT PER ANNUM, COMPOUNDED ANNUALLY, AS DESCRIBED IN SUBSECTIONS (3)(b) AND (3)(c) OF THIS SECTION.

(b) IF SENTENCING IMPOSED BY THE COURT DOES NOT INCLUDE INCARCERATION OF ANY KIND, INTEREST ON UNPAID EXPUNGEMENT SURCHARGES SHALL BEGIN TO ACCRUE NINETY DAYS AFTER THE DATE OF SENTENCING.

(c) IF SENTENCING BY THE COURT INCLUDES INCARCERATION, INTEREST SHALL BEGIN TO ACCRUE ON UNPAID EXPUNGEMENT SURCHARGES NINETY DAYS AFTER THE PERSON IS RELEASED FROM INCARCERATION.

(4)(a) THE EXPUNGEMENT SURCHARGE CANNOT BE WAIVED, EXCEPT AS DESCRIBED IN SUBSECTION (b) OF THIS SECTION.

(b)(I) UPON A DETERMINATION OF INDIGENCE BY THE COURT, THE DEFENDANT MAY CHOOSE TO SUBSTITUTE THE EXPUNGEMENT SURCHARGE FOR A SENTENCE IN THE LIFE SKILLS DEVELOPMENT PROGRAM AS DESCRIBED IN SECTION 24-72-807. A SUBSTITUTION OF AN EXPUNGEMENT SURCHARGE FOR A SENTENCE IN THE LIFE SKILLS DEVELOPMENT PROGRAM SHALL NOT OCCUR FOR ANY CONVICTION FOR ANY OFFENSE DESCRIBED IN SECTIONS 24-72-811 (2),(3), AND (4); 24-72-812 (3); 24-72-819 (2), 24-72-820 (2); 24-72-821 (2); 24-72-822 (2) AND 24-72-823 (2).

(II) ONCE A QUALIFIED DEFENDANT HAS CHOSEN AN EXPUNGEMENT SURCHARGE INSTEAD OF A SENTENCE IN THE LIFE SKILLS DEVELOPMENT PROGRAM, THE DEFENDANT SHALL NOT HAVE THE CHOICE TO MAKE THE SUBSTITUTION BACK TO A SENTENCE IN THE LIFE SKILLS DEVELOPMENT PROGRAM AT A LATER TIME OR DATE.

(III) AFTER A CHOICE IS MADE BY A DEFENDANT TO RECEIVE A SENTENCE IN THE LIFE SKILLS DEVELOPMENT PROGRAM, AT ANY TIME, THE DEFENDANT MAY CHOOSE TO SUBSTITUTE THE SENTENCE IN THE LIFE SKILLS DEVELOPMENT PROGRAM FOR THE EXPUNGEMENT SURCHARGE, IN FULL, WITH INTEREST AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION. NO PERCENTAGE OF COMPLETION OF A SENTENCE IN THE LIFE SKILLS DEVELOPMENT PROGRAM SHALL REDUCE THE EXPUNGEMENT SURCHARGE, OR ANY INTEREST ACCRUED, OTHER THAN ONE HUNDRED PERCENT COMPLETION OF A SENTENCE IN THE LIFE SKILLS DEVELOPMENT PROGRAM.

(5) THERE SHALL BE NO IMPRISONMENT FOR NON-PAYMENT OF EXPUNGEMENT SURCHARGES.

(6) EXPUNGEMENT SURCHARGES ARE APPLICABLE TO JUVENILES IF THE SAME CONVICTION APPLIED TO AN ADULT WOULD INCUR AN EXPUNGEMENT SURCHARGE.

(7) CONVICTIONS THAT OCCUR ON OR BEFORE DECEMBER 31, 2020 SHALL NOT INCUR AN EXPUNGEMENT SURCHARGE.

24-72-806. Basic identification information. REGARDLESS OF EXPUNGEMENT, BASIC IDENTIFICATION INFORMATION MAY BE KEPT ON FILE BY ANY OFFICIAL CUSTODIAN.

24-72-807. Life skills development program – creation – advisory – qualification – conversion – substitution. (1) THERE IS HEREBY CREATED IN THE DEPARTMENT OF PUBLIC SAFETY, THE LIFE SKILLS DEVELOPMENT PROGRAM. THE LIFE SKILLS DEVELOPMENT PROGRAM IS DESIGNED TO BE AN ALTERNATIVE TO AN EXPUNGEMENT SURCHARGE IN THE CASE OF INDIGENCE.

(2)(a) THERE IS HEREBY CREATED IN THE DEPARTMENT OF PUBLIC SAFETY, THE LIFE SKILLS DEVELOPMENT PROGRAM ADVISORY BOARD, REFERRED TO IN THIS SECTION AS THE “BOARD.”

(b) THE BOARD IS RESPONSIBLE FOR CREATING, IMPLEMENTING AND MAINTAINING THE PROVISIONS SET FORTH IN THIS SECTION, INCLUDING BUT NOT LIMITED TO COMMUNITY MAINTENANCE, BEHAVIORAL HEALTH, MENTAL HEALTH, SUBSTANCE ABUSE, THERAPY AND EDUCATIONAL ALTERNATIVES TO AN EXPUNGEMENT SURCHARGE.

(c) THE BOARD SHALL SUPERVISE AND MONITOR THE PROGRESS OF PERSONS SENTENCED TO THE LIFE SKILLS PROGRAM AND PROVIDE THE INFORMATION TO THE COURT AS SENTENCES IN THE LIFE SKILLS PROGRAM ARE COMPLETED.

(d) THE BOARD SHALL ADOPT, BY RULE, ANY OTHER CRITERIA NECESSARY TO CREATE, IMPLEMENT OR MAINTAIN THE LIFE SKILLS DEVELOPMENT PROGRAM.

(3)(a) THE BOARD SHALL CONSIST OF THE FOLLOWING FIVE MEMBERS:

(I) THE EXECUTIVE DIRECTOR OF THE COLORADO DEPARTMENT OF PUBLIC SAFETY, OR THE EXECUTIVE DIRECTOR’S DESIGNEE;

(II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, OR THE EXECUTIVE DIRECTOR’S DESIGNEE;

(III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR THE EXECUTIVE DIRECTOR’S DESIGNEE;

(IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HIGHER EDUCATION, OR THE EXECUTIVE DIRECTOR’S DESIGNEE;
AND

(V) AN INDIVIDUAL, APPOINTED BY THE GOVERNOR, WHO IS A FORMER OFFENDER WHO HAS DEMONSTRATED KNOWLEDGE OF THE CRIMINAL JUSTICE SYSTEM AND ITS IMPACT ON MEMBERS OF SOCIETY.

(b) THE GOVERNOR SHALL ATTEMPT TO APPOINT A BOARD MEMBER THAT REFLECTS THE GEOGRAPHIC AND DEMOGRAPHIC DIVERSITY OF THE STATE AND SHALL ATTEMPT TO INCLUDE A MEMBER OF DIVERSE POLITICAL, RACIAL, CULTURAL, INCOME, AND ABILITY GROUPS.

(4) THE DEPARTMENT OF PUBLIC SAFETY SHALL REPORT ON THE LIFE SKILLS DEVELOPMENT PROGRAM TO THE PUBLIC THROUGH THE ANNUAL HEARING PURSUANT TO THE “STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE AND TRANSPARENT (SMART) GOVERNMENT ACT.”

(5) AT THE END OF EACH FISCAL YEAR, THE BOARD SHALL SUBMIT A REPORT TO THE DEPARTMENT OF PUBLIC SAFETY AND THE STRATEGIC ACTION PLANNING GROUP ON EXPUNGEMENT. AT A MINIMUM THE REPORT MUST INCLUDE A LIST OF THE NUMBER OF INDIVIDUALS ADMITTED TO THE LIFE SKILLS PROGRAM, THE TOTAL NUMBER OF HOURS SENTENCED, THE TOTAL NUMBER OF HOURS COMPLETED AND THE EXPENSES RELATED TO THE CREATION, IMPLEMENTATION AND MAINTENANCE OF THE PROGRAM.

(6) THE MEMBERS OF THE BOARD SHALL SERVE WITHOUT COMPENSATION EXCEPT THAT THE MEMBERS OF THE BOARD MAY BE REIMBURSED FOR ANY ACTUAL AND NECESSARY TRAVEL EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS SECTION.

(7)(a) UPON THE DETERMINATION OF INDIGENCE BY THE COURT, THE EXPUNGEMENT SURCHARGE MAY BE SUBSTITUTED FOR A SENTENCE IN THE LIFE SKILLS DEVELOPMENT PROGRAM AS DESCRIBED IN SECTION 24-72-805. THE LENGTH OF THE SENTENCE IN THE LIFE SKILLS DEVELOPMENT PROGRAM, IN HOURS, SHALL BE EQUAL TO THE RATIO, ROUNDED UP TO THE NEAREST INTEGER MULTIPLE OF TEN, OF THE EXPUNGEMENT SURCHARGE TO THE CURRENT FEDERAL MINIMUM WAGE. THE MINIMUM NUMBER OF HOURS TO BE SPENT IN THE LIFE SKILLS DEVELOPMENT PROGRAM SHALL BE FIFTY.

(b) EXAMPLE:

EXPUNGEMENT SURCHARGE = \$1,000,
FEDERAL MINIMUM WAGE = \$7.25/HOUR

$(\$1,000 / (\$7.25/\text{HOUR})) = 137.93 \text{ HOURS.}$

ROUND UP TO NEAREST INTEGER MULTIPLE OF TEN.

137.93 HOURS ROUNDS UP TO 140 HOURS.

140 HOURS IS GREATER THAN, OR EQUAL TO, 50 HOURS.

SENTENCE IN THE LIFE SKILLS DEVELOPMENT PROGRAM = 140 HOURS.

(8) THE FIRST FIFTY HOURS IN THE LIFE SKILLS DEVELOPMENT PROGRAM SHALL BE ALLOTTED TO COMMUNITY MAINTENANCE.

(9)(a) UPON COMPLETION OF THE FIRST FIFTY HOURS OF A CONVERTED SENTENCE IN COMMUNITY MAINTENANCE, A PERSON IS ELIGIBLE TO CONVERT THEIR REMAINING HOURS FROM COMMUNITY MAINTENANCE TO OTHER REHABILITATION AND EDUCATIONAL SERVICES AS DESCRIBED IN SUBSECTIONS (9)(b) AND (9)(c) OF THIS SECTION.

(b) SUBJECT TO AVAILABILITY, A PERSON IN THE LIFE SKILLS DEVELOPMENT PROGRAM MAY ATTEND BEHAVIORAL HEALTH, MENTAL HEALTH, OR SUBSTANCE ABUSE THERAPY CLASSES, SESSIONS OR GROUPS PROVIDED OR APPROVED BY THE LIFE SKILLS DEVELOPMENT PROGRAM IN LIEU OF COMMUNITY MAINTENANCE AFTER THE COMPLETION OF FIFTY HOURS OF COMMUNITY MAINTENANCE.

(c) SUBJECT TO AVAILABILITY, AFTER THE COMPLETION OF FIFTY HOURS OF COMMUNITY MAINTENANCE, AND THE SUBMISSION OF CERTIFICATION OF HIGH SCHOOL EQUIVALENCE, OR HIGHER EDUCATION, ONE MAY QUALIFY FOR OCCUPATIONAL EDUCATION, AGRICULTURAL EDUCATION, GERIATRIC HEALTHCARE EDUCATION OR ANY OTHER FORM OF HIGHER EDUCATION PROVIDED, OR APPROVED, BY THE LIFE SKILLS DEVELOPMENT PROGRAM.

(10) SHOULD A PERSON CHOOSE NOT TO SPEND ANY HOURS AFTER THE INITIAL FIFTY ON REHABILITATION OR EDUCATIONAL SERVICES AS DESCRIBED IN SUBSECTIONS (9)(b) OR (9)(c) OF THIS SECTION, THE PERSON SHALL SPEND THE REMAINING HOURS IN COMMUNITY MAINTENANCE.

(11) THERE IS NO TIME LIMIT FOR A PERSON TO COMPLETE THEIR SENTENCE IN THE LIFE SKILLS DEVELOPMENT PROGRAM. THE CRIMINAL RECORD OF THE PERSON WHO HAS NOT COMPLETED THEIR SENTENCE IN THE LIFE SKILLS DEVELOPMENT PROGRAM SHALL NOT BE EXPUNGED UNTIL ALL PENALTIES AND PUNISHMENTS IMPOSED BY THE COURT ARE SATISFIED, INCLUDING THEIR SENTENCE IN THE LIFE SKILLS DEVELOPMENT PROGRAM.

24-72-808. Class 2 petty offense convictions – eligibility – penalties. CLASS 2 PETTY OFFENSE CONVICTIONS SHALL BE SUBJECT TO AN EXPUNGEMENT PERIOD OF SIX MONTHS AND AN EXPUNGEMENT SURCHARGE OF THREE HUNDRED AND FIFTY DOLLARS FOR THE FIRST CONVICTION AND FIVE HUNDRED DOLLARS FOR EACH SUBSEQUENT CONVICTION.

24-72-809. Class 1 petty offense convictions – eligibility – penalties. CLASS 1 PETTY OFFENSE CONVICTIONS SHALL BE SUBJECT TO AN EXPUNGEMENT PERIOD OF SIX MONTHS AND AN EXPUNGEMENT SURCHARGE OF FIVE HUNDRED DOLLARS FOR THE FIRST CONVICTION AND SEVEN HUNDRED AND FIFTY DOLLARS FOR EACH SUBSEQUENT CONVICTION.

24-72-810. Drug petty offense convictions – eligibility – penalties. DRUG PETTY OFFENSE CONVICTIONS SHALL BE SUBJECT TO AN EXPUNGEMENT PERIOD OF SIX MONTHS AND AN EXPUNGEMENT SURCHARGE OF THREE HUNDRED AND FIFTY DOLLARS FOR THE FIRST CONVICTION AND FIVE HUNDRED DOLLARS FOR EACH SUBSEQUENT CONVICTION.

24-72-811. Class 2 misdemeanor traffic offense convictions – eligibility – penalties. (1) EXCEPT AS DESCRIBED IN SUBSECTIONS (2), (3), AND (4) OF THIS SECTION, ALL OTHER CLASS 2 MISDEMEANOR TRAFFIC OFFENSE CONVICTIONS SHALL BE SUBJECT TO AN EXPUNGEMENT PERIOD OF EIGHTEEN MONTHS AND AN EXPUNGEMENT SURCHARGE OF FIVE HUNDRED DOLLARS FOR THE FIRST CONVICTION AND ONE THOUSAND DOLLARS FOR EACH SUBSEQUENT CONVICTION.

(2) THE FOLLOWING CLASS 2 MISDEMEANOR TRAFFIC OFFENSE CONVICTIONS SHALL BE SUBJECT TO AN EXPUNGEMENT PERIOD OF THREE YEARS AND AN EXPUNGEMENT SURCHARGE OF SEVEN HUNDRED AND FIFTY DOLLARS FOR THE FIRST CONVICTION AND ONE THOUSAND AND FIVE HUNDRED DOLLARS FOR EACH SUBSEQUENT CONVICTION.

(a) SPEED EXHIBITIONS AS DESCRIBED IN SECTION 42-4-1105 (2).

(b) RECKLESS DRIVING AS DESCRIBED IN SECTION 42-4-1401.

(3) THE FOLLOWING CLASS 2 TRAFFIC MISDEMEANOR OFFENSE CONVICTIONS ARE SUBJECT TO AN EXPUNGEMENT

PERIOD OF FIVE YEARS AND AN EXPUNGEMENT SURCHARGE OF FOUR THOUSAND DOLLARS FOR THE FIRST CONVICTION AND EIGHT THOUSAND DOLLARS FOR EACH SUBSEQUENT CONVICTION.

(a) ELUDING OR ATTEMPTING TO ELUDE A POLICE OFFICER AS DESCRIBED IN SECTION 42-4-1413.

(4) THE FOLLOWING CLASS 2 TRAFFIC MISDEMEANOR CONVICTIONS ARE SUBJECT TO AN EXPUNGEMENT PERIOD OF SEVEN YEARS AND AN EXPUNGEMENT SURCHARGE OF FIVE THOUSAND DOLLARS FOR THE FIRST CONVICTION AND TEN THOUSAND DOLLARS FOR EACH SUBSEQUENT CONVICTION.

(a) DRIVING UNDER THE INFLUENCE — DRIVING WHILE ABILITY IMPAIRED — DRIVING WITH EXCESSIVE ALCOHOL CONTENT AS DESCRIBED IN SECTION 42-4-1301.

24-72-812. Class 1 misdemeanor traffic offense convictions – eligibility – penalties. (1) EXCEPT AS DESCRIBED IN SUBSECTIONS (2), (3) AND (4) OF THIS SECTION, ALL OTHER CLASS 2 MISDEMEANOR TRAFFIC OFFENSE CONVICTIONS ARE SUBJECT TO AN EXPUNGEMENT PERIOD OF THREE YEARS AND AN EXPUNGEMENT SURCHARGE OF ONE THOUSAND DOLLARS FOR THE FIRST CONVICTION AND TWO THOUSAND DOLLARS FOR EACH SUBSEQUENT CONVICTION.

(2) THE FOLLOWING CLASS 1 TRAFFIC MISDEMEANOR OFFENSE CONVICTIONS ARE SUBJECT TO AN EXPUNGEMENT PERIOD OF TWO YEARS AND AN EXPUNGEMENT SURCHARGE OF FIVE HUNDRED DOLLARS FOR THE FIRST CONVICTION AND ONE THOUSAND DOLLARS FOR EACH SUBSEQUENT CONVICTION.

(a) COMPULSORY INSURANCE AS DESCRIBED IN SECTION 42-4-1409 (4)(a).

(3) THE FOLLOWING CLASS 1 MISDEMEANOR TRAFFIC OFFENSE CONVICTIONS ARE SUBJECT TO AN EXPUNGEMENT PERIOD OF SEVEN YEARS AND AN EXPUNGEMENT SURCHARGE OF TWO THOUSAND AND FIVE HUNDRED DOLLARS FOR THE FIRST CONVICTION AND FIVE THOUSAND DOLLARS FOR EACH SUBSEQUENT CONVICTION.

(a) MANDATORY AND VOLUNTARY RESTRICTED LICENSES FOLLOWING ALCOHOL CONVICTIONS AS DESCRIBED IN SECTION 42-2-132.5 (10).

(4) THE FOLLOWING CLASS 1 MISDEMEANOR TRAFFIC OFFENSE CONVICTIONS ARE INELIGIBLE FOR EXPUNGEMENT.

(a) CARELESS DRIVING RESULTING IN UNLAWFUL TERMINATION OF PREGNANCY AS DESCRIBED IN SECTION 18-3.5-109.

(b) CARELESS DRIVING AS DESCRIBED IN 42-4-1402 (2)(c).

(c) OPERATION OF A VEHICLE APPROACHED BY EMERGENCY VEHICLE — OPERATION OF VEHICLE APPROACHING STATIONARY EMERGENCY VEHICLE, STATIONARY TOWING CARRIER VEHICLE, OR STATIONARY PUBLIC UTILITY SERVICE VEHICLE AS DESCRIBED IN SECTION 42-4-705 (3)(b)(III).

24-72-813. Level 2 drug misdemeanor offense convictions – eligibility – penalties. LEVEL 2 DRUG MISDEMEANOR OFFENSE CONVICTIONS ARE SUBJECT TO AN EXPUNGEMENT PERIOD OF ONE YEAR AND AN EXPUNGEMENT SURCHARGE OF FIVE HUNDRED DOLLARS FOR THE FIRST CONVICTION AND SEVEN HUNDRED AND FIFTY DOLLARS FOR EACH SUBSEQUENT CONVICTION.

24-72-814. Level 1 drug misdemeanor offense convictions – eligibility – penalties. LEVEL 1 DRUG MISDEMEANOR OFFENSE CONVICTIONS ARE SUBJECT TO AN EXPUNGEMENT PERIOD OF EIGHTEEN MONTHS AND AN EXPUNGEMENT SURCHARGE OF SEVEN HUNDRED AND FIFTY DOLLARS FOR EACH CONVICTION.

24-72-815. Level 4 drug felony offense convictions – eligibility – penalties. LEVEL 4 DRUG FELONY OFFENSE CONVICTIONS ARE SUBJECT TO AN EXPUNGEMENT PERIOD OF TWO YEARS AND AN EXPUNGEMENT SURCHARGE OF SEVEN HUNDRED AND FIFTY DOLLARS FOR THE FIRST CONVICTION AND ONE THOUSAND DOLLARS FOR EACH SUBSEQUENT CONVICTION.

24-72-816. Level 3 drug felony offense convictions – eligibility – penalties. (1) EXCEPT AS DESCRIBED IN SUBSECTION (2), OF THIS SECTION, ALL OTHER LEVEL 3 DRUG FELONY OFFENSE CONVICTIONS ARE SUBJECT TO AN EXPUNGEMENT PERIOD OF THREE YEARS AND AN EXPUNGEMENT SURCHARGE OF ONE THOUSAND AND FIVE HUNDRED DOLLARS FOR THE FIRST CONVICTION AND TWO THOUSAND DOLLARS FOR EACH SUBSEQUENT CONVICTION.

(2) THE FOLLOWING LEVEL 3 DRUG FELONY OFFENSE CONVICTIONS ARE INELIGIBLE FOR EXPUNGEMENT.

(a) CONTROLLED SUBSTANCES – INDUCING CONSUMPTION BY FRAUDULENT MEANS AS DESCRIBED IN SECTION 18-18-416.

24-72-817. Level 2 drug felony offense convictions – eligibility. LEVEL 2 DRUG FELONY OFFENSE CONVICTIONS ARE INELIGIBLE FOR EXPUNGEMENT.

24-72-818. Level 1 drug felony offense convictions – eligibility. LEVEL 1 DRUG FELONY OFFENSE CONVICTIONS ARE INELIGIBLE FOR EXPUNGEMENT.

24-72-819. Class 3 misdemeanor offense convictions – eligibility – penalties. (1) EXCEPT AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, ALL OTHER CLASS 3 MISDEMEANOR OFFENSE CONVICTIONS ARE SUBJECT TO AN EXPUNGEMENT PERIOD OF EIGHTEEN MONTHS AND AN EXPUNGEMENT SURCHARGE OF ONE THOUSAND DOLLARS FOR THE FIRST CONVICTION AND ONE THOUSAND AND FIVE HUNDRED DOLLARS FOR EACH SUBSEQUENT CONVICTION.

(2) THE FOLLOWING CLASS 3 MISDEMEANOR OFFENSE CONVICTIONS ARE SUBJECT TO AN EXPUNGEMENT PERIOD OF TWO YEARS AND AN EXPUNGEMENT SURCHARGE OF ONE THOUSAND AND FIVE HUNDRED DOLLARS FOR THE FIRST CONVICTION AND TWO THOUSAND AND FIVE HUNDRED DOLLARS FOR EACH SUBSEQUENT CONVICTION.

(a) MENACING AS DESCRIBED IN SECTION 18-3-206 (1).

(b) RECKLESS ENDANGERMENT AS DESCRIBED IN SECTION 18-3-208.

(c) FAILURE OR REFUSAL TO LEAVE PREMISES OR PROPERTY UPON REQUEST OF A PEACE OFFICER AS DESCRIBED IN SECTION 18-9-119 (2).

24-72-820. Class 2 misdemeanor offense convictions – eligibility – penalties. (1) EXCEPT AS DESCRIBED IN SUBSECTIONS (2) AND (3) OF THIS SECTION, ALL OTHER CLASS 2 MISDEMEANOR OFFENSE CONVICTIONS ARE SUBJECT TO AN EXPUNGEMENT PERIOD OF EIGHTEEN MONTHS AND AN EXPUNGEMENT SURCHARGE OF TWO THOUSAND DOLLARS FOR THE FIRST CONVICTION AND TWO THOUSAND AND FIVE HUNDRED DOLLARS FOR EACH SUBSEQUENT CONVICTION.

(2) THE FOLLOWING CLASS 2 MISDEMEANOR OFFENSE CONVICTIONS ARE SUBJECT TO AN EXPUNGEMENT PERIOD OF THREE YEARS AND AN EXPUNGEMENT SURCHARGE OF TWO THOUSAND AND FIVE HUNDRED DOLLARS FOR THE FIRST CONVICTION AND THREE THOUSAND DOLLARS FOR EACH SUBSEQUENT CONVICTION.

(a) THEFT OF TRADE SECRETS AS DESCRIBED IN SECTION 18-4-408.

(b) VIOLATION OF A PROTECTION ORDER AS DESCRIBED IN SECTION 18-6-803.5 (2)(a).

(c) KEEPING A PLACE OF PROSTITUTION AS DESCRIBED IN SECTION 18-7-204.

(d) VIOLATING ANY OF THE PROVISIONS OF PART 5 OF ARTICLE 7 OF TITLE 18 REGARDING SEXUALLY EXPLICIT MATERIALS THAT ARE HARMFUL TO CHILDREN.

(e) RESISTING ARREST AS DESCRIBED IN SECTION 18-8-103.

(f) OBSTRUCTING A PEACE OFFICER, FIREFIGHTER, EMERGENCY SERVICE PROVIDER, RESCUE SPECIALIST, OR VOLUNTEER AS DESCRIBED IN SECTION 18-8-104.

(g) UNLAWFULLY CARRYING A CONCEALED WEAPON – UNLAWFUL POSSESSION OF WEAPONS AS DESCRIBED IN SECTION 18-12-105.

(h) PROHIBITED USE OF WEAPONS AS DESCRIBED IN SECTION 18-12-106.

(i) POSSESSION OF HANDGUNS BY JUVENILES AS DESCRIBED IN SECTION 18-12-108.5.

(3) THE FOLLOWING CLASS 2 MISDEMEANOR OFFENSE CONVICTIONS ARE INELIGIBLE FOR EXPUNGEMENT.

(a) CRIMINAL INVASION OF PRIVACY AS DESCRIBED IN SECTION 18-7-801.

(b) FAILURE OR REFUSAL TO LEAVE PREMISES OR PROPERTY UPON REQUEST OF A PEACE OFFICER AS DESCRIBED IN SECTION 18-9-119 (3)

24-72-821. Class 1 misdemeanor offense convictions – eligibility – penalties. (1) EXCEPT AS DESCRIBED IN SUBSECTIONS (2) AND (3) OF THIS SECTION, ALL OTHER CLASS 1 MISDEMEANOR OFFENSE CONVICTIONS ARE SUBJECT TO AN EXPUNGEMENT PERIOD OF TWO YEARS AND AN EXPUNGEMENT SURCHARGE OF TWO THOUSAND AND FIVE HUNDRED DOLLARS FOR THE FIRST CONVICTION AND THREE THOUSAND DOLLARS FOR EACH SUBSEQUENT CONVICTION.

(2) THE FOLLOWING CLASS 1 MISDEMEANOR OFFENSE CONVICTIONS ARE SUBJECT TO AN EXPUNGEMENT PERIOD OF SEVEN YEARS AND AN EXPUNGEMENT SURCHARGE OF FOUR THOUSAND DOLLARS FOR THE FIRST CONVICTION AND FIVE THOUSAND DOLLARS FOR EACH SUBSEQUENT CONVICTION.

(a) SECOND DEGREE FORGERY AS DESCRIBED IN SECTION 18-5-104.

- (b) CRIMINAL SIMULATION AS DESCRIBED IN SECTION 18-5-110.
- (c) VIOLATION OF A PROTECTION ORDER AS DESCRIBED IN SECTION 18-6-803.5 (2)(a).
- (3) THE FOLLOWING CLASS 1 MISDEMEANOR OFFENSE CONVICTIONS ARE INELIGIBLE FOR EXPUNGEMENT.
 - (a) ASSAULT IN THE THIRD DEGREE AS DESCRIBED IN SECTIONS 18-3-204 (b) AND (c).
 - (b) CRIMES AGAINST AT-RISK PERSONS AS DESCRIBED IN SECTION 18-6.5-103 (6).
 - (c) SEXUAL ASSAULT AS DESCRIBED IN SECTION 18-3-402 (3).
 - (d) UNLAWFUL SEXUAL CONTACT AS DESCRIBED IN SECTION 18-3-404 (2)(a).
 - (e) SEXUAL ASSAULT ON A CLIENT BY A PSYCHOTHERAPIST AS DESCRIBED IN SECTION 18-3-405.5 (2).
 - (f) INVASION OF PRIVACY FOR SEXUAL GRATIFICATION AS DESCRIBED IN SECTION 18-3-405.6 (2)(a).
 - (g) FAILURE TO REGISTER AS A SEX OFFENDER AS DESCRIBED IN SECTION 18-3-412.5 (3).
 - (h) PERSONAL INFORMATION ON THE INTERNET – LAW ENFORCEMENT OFFICIAL AS DESCRIBED IN SECTION 18-9-313 (2).
 - (i) POSTING A PRIVATE IMAGE FOR HARASSMENT AS DESCRIBED IN SECTION 18-7-107 (1).
 - (j) POSTING A PRIVATE IMAGE FOR PECUNIARY GAIN AS DESCRIBED IN SECTION 18-7-108 (1).

24-72-822. Class 6 felony offense convictions – eligibility – penalties. (1) EXCEPT AS DESCRIBED IN SUBSECTIONS (2) AND (3) OF THIS SECTION, ALL OTHER CLASS 6 FELONY OFFENSE CONVICTIONS ARE SUBJECT TO AN EXPUNGEMENT PERIOD OF THREE YEARS AND AN EXPUNGEMENT SURCHARGE OF THREE THOUSAND DOLLARS FOR THE FIRST CONVICTION AND FOUR THOUSAND DOLLARS FOR EACH SUBSEQUENT CONVICTION.

(2) THE FOLLOWING CLASS 6 FELONY OFFENSE CONVICTIONS ARE SUBJECT TO AN EXPUNGEMENT PERIOD OF SEVEN YEARS AND AN EXPUNGEMENT SURCHARGE OF FIVE THOUSAND DOLLARS FOR THE FIRST CONVICTION AND SEVEN THOUSAND AND FIVE HUNDRED DOLLARS FOR EACH SUBSEQUENT CONVICTION.

- (a) INCITING DESTRUCTION OF LIFE OR PROPERTY AS DESCRIBED IN SECTION 18-11-202.
- (b) FIRING WOODS OR PRAIRIE AS DESCRIBED IN SECTION 18-13-109 (2)(a).
- (3) THE FOLLOWING CLASS 6 FELONY OFFENSE CONVICTIONS ARE INELIGIBLE FOR EXPUNGEMENT.
 - (a) INVASION OF PRIVACY FOR SEXUAL GRATIFICATION AS DESCRIBED IN SECTION 18-3-405.6 (2)(b).
 - (b) FAILURE TO REGISTER AS A SEX OFFENDER AS DESCRIBED IN SECTION 18-3-412.5 (2).
 - (c) UNLAWFUL TERMINATION OF PREGNANCY IN THE FOURTH DEGREE AS DESCRIBED IN SECTION 18-3.5-106 (2)(a)
 - (d) CRIMES AGAINST AT-RISK PERSONS AS DESCRIBED IN SECTIONS 18-6.5-103 (2)(c), (3)(c), (7)(c), AND (7)(f).
 - (e) INDECENT EXPOSURE AS DESCRIBED IN SECTION 18-7-302 (4).

- (f) FALSE REPORT OF EXPLOSIVES, WEAPONS, OR HARMFUL SUBSTANCES AS DESCRIBED IN SECTION 18-8-110.
- (g) IMPERSONATING A PEACE OFFICER AS DESCRIBED IN SECTION 18-8-112.
- (h) CRUELTY TO ANIMALS AS DESCRIBED IN SECTIONS 18-9-202 (2)(b)(i) AND (2)(c).
- (i) POSSESSION OF WEAPONS BY PREVIOUS OFFENDERS AS DESCRIBED IN SECTIONS “18-12-108 (2)(a) AND (4)(a).

24-72-823. Class 5 felony offense convictions – eligibility – penalties. (1) EXCEPT AS DESCRIBED IN SUBSECTIONS (2), (3) OF THIS SECTION, ALL OTHER CLASS 5 FELONY OFFENSE CONVICTIONS ARE SUBJECT TO AN EXPUNGEMENT PERIOD OF FIVE YEARS AND AN EXPUNGEMENT SURCHARGE OF FIVE THOUSAND DOLLARS FOR THE FIRST CONVICTION AND SEVEN THOUSAND AND FIVE HUNDRED DOLLARS FOR EACH SUBSEQUENT CONVICTION.

(2) THE FOLLOWING CLASS 5 FELONY OFFENSE CONVICTIONS ARE SUBJECT TO AN EXPUNGEMENT PERIOD OF SEVEN YEARS AND AN EXPUNGEMENT SURCHARGE OF SEVEN THOUSAND AND FIVE HUNDRED DOLLARS FOR THE FIRST CONVICTION AND TEN THOUSAND DOLLARS FOR EACH SUBSEQUENT CONVICTION.

- (a) VEHICULAR ASSAULT AS DESCRIBED IN SECTIONS 18-3-205 (1)(a) AND (1)(b).
- (b) THEFT OF TRADE SECRETS AS DESCRIBED IN SECTION 18-4-408 (3).
- (c) AGGRAVATED MOTOR VEHICLE THEFT AS DESCRIBED IN SECTIONS 18-4-409 (3)(a) AND (4)(a).
- (d) CRIMES AGAINST AT-RISK PERSONS AS DESCRIBED IN SECTIONS 18-6.5-103 (2)(b), (3)(b) AND (5).
- (e) INCITING RIOT AS DESCRIBED IN SECTION 18-9-102.
- (f) VEHICULAR ELUDING AS DESCRIBED IN SECTION 18-9-116.5 (2)(a).
- (g) POSSESSION OF A DANGEROUS OR ILLEGAL WEAPON AS DESCRIBED IN SECTION 18-12-102.
- (h) ILLEGAL SALE OF WILDLIFE AS DESCRIBED IN SECTION 33-6-113 (2)(a).

(3) THE FOLLOWING, CLASS 5 FELONY OFFENSE CONVICTIONS ARE INELIGIBLE FOR EXPUNGEMENT.

- (a) CRIMINALLY NEGLIGENT HOMICIDE AS DESCRIBED IN SECTION 18-3-105.
- (b) MENACING AS DESCRIBED IN SECTIONS 18-3-206 (1)(a) AND (1)(b).
- (c) FALSE IMPRISONMENT AS DESCRIBED IN SECTION 18-3-303 (2).
- (d) VIOLATION OF A CUSTODY ORDER OR ORDER RELATING TO PARENTAL RESPONSIBILITIES AS DESCRIBED IN SECTIONS 18-3-304 (1) AND (2).
- (e) INTERNET LURING OF A CHILD AS DESCRIBED IN SECTION 18-3-306 (3).
- (f) FAILURE TO REGISTER AS A SEX OFFENDER AS DESCRIBED IN SECTION 18-3-412.5 (2)(a).
- (g) STALKING AS DESCRIBED IN SECTION 18-3-602 (3)(a).

- (h) UNLAWFUL TERMINATION OF PREGNANCY IN THE SECOND DEGREE AS DESCRIBED IN SECTION 18-3.5-104 (2)(b).
- (i) UNLAWFUL TERMINATION OF PREGNANCY IN THE THIRD DEGREE AS DESCRIBED IN SECTION 18-3.5-105.
- (j) UNLAWFUL TERMINATION OF PREGNANCY IN THE FOURTH DEGREE AS DESCRIBED IN SECTION 18-3.5-106 (2)(b).
- (k) VEHICULAR UNLAWFUL TERMINATION OF PREGNANCY AS DESCRIBED IN SECTION 18-3.5-107.
- (l) CHILD ABUSE AS DESCRIBED IN SECTION 18-6-401 (7)(e).
- (m) SEXUAL EXPLOITATION OF A CHILD AS DESCRIBED IN SECTION 18-6-403 (5)(b).
- (n) DOMESTIC VIOLENCE — SENTENCING AS DESCRIBED IN SECTION 18-6-801 (7).
- (o) PANDERING AS DESCRIBED IN SECTION 18-7-203 (2).
- (p) DISARMING A PEACE OFFICER AS DESCRIBED IN SECTION 18-8-116.
- (q) EMBEZZLEMENT OF PUBLIC PROPERTY AS DESCRIBED IN SECTION 18-8-407.
- (r) JURY TAMPERING AS DESCRIBED IN SECTION 18-8-609.
- (s) FAILURE OR REFUSAL TO LEAVE PREMISES OR PROPERTY UPON REQUEST OF A PEACE OFFICER AS DESCRIBED IN SECTION 18-9-119 (7).
- (t) TERRORIST TRAINING ACTIVITIES AS DESCRIBED IN SECTION 18-9-120 (2).
- (u) BIAS-MOTIVATED CRIMES AS DESCRIBED IN SECTION 18-9-121 (3).
- (v) AGGRAVATED CRUELTY TO ANIMALS AS DESCRIBED IN SECTION 18-9-202 (2)(c).
- (w) ANIMAL FIGHTING AS DESCRIBED IN SECTION 18-9-204 (2)(a).
- (x) INSURRECTION AS DESCRIBED IN SECTION 18-11-102.
- (y) ADVOCATING OVERTHROW OF GOVERNMENT AS DESCRIBED IN SECTION 18-11-201.
- (z) MEMBERSHIP IN ANARCHISTIC AND SEDITIOUS ASSOCIATIONS AS DESCRIBED IN SECTION 18-11-203.
- (aa) USE OF STUN GUNS AS DESCRIBED IN SECTION 18-12-106.5.
- (bb) PENALTY FOR A SECOND OFFENSE AS DESCRIBED IN SECTION 18-12-107.
- (cc) ILLEGAL DISCHARGE OF A FIREARM AS DESCRIBED IN SECTION 18-12-107.5.
- (dd) POSSESSION OF WEAPONS BY PREVIOUS OFFENDERS AS DESCRIBED IN SECTIONS 18-12-108 (2)(b), (2)(c), (4)(b), AND (4)(c).

(ee) POSSESSION OF HANDGUNS BY JUVENILES AS DESCRIBED IN SECTION 18-12-108.5 (1)(c)(II).

(ff) POSSESSION, USE, OR REMOVAL OF EXPLOSIVES OR INCENDIARY DEVICES — POSSESSION OF COMPONENTS THEREOF — CHEMICAL, BIOLOGICAL, AND NUCLEAR WEAPONS — HOAXES AS DESCRIBED IN SECTION 18-12-109 (7).

(gg) FINANCING EXTORTIONATE EXTENSIONS OF CREDIT AS DESCRIBED IN SECTION 18-15-105.

(hh) WILLFUL DESTRUCTION OF WILDLIFE AS DESCRIBED IN SECTIONS 33-6-117 (1)(a) AND (1)(b)(I).

24-72-824. Class 4 felony offense convictions – eligibility – penalties. (1) EXCEPT AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, ALL OTHER CLASS 4 FELONY OFFENSE CONVICTIONS ARE INELIGIBLE FOR EXPUNGEMENT.

(2) THE FOLLOWING CLASS 4 FELONY CONVICTIONS ARE SUBJECT TO AN EXPUNGEMENT PERIOD OF SEVEN YEARS AND AN EXPUNGEMENT SURCHARGE SEVEN THOUSAND AND FIVE HUNDRED DOLLARS FOR THE FIRST CONVICTION AND TEN THOUSAND DOLLARS FOR EACH SUBSEQUENT CONVICTION.

(a) FOURTH DEGREE ARSON AS DESCRIBED IN SECTION 18-4-105 (2).

(b) CONTRIBUTING TO THE DELINQUENCY OF A MINOR AS DESCRIBED IN SECTION 18-6-701.

(c) TRAFFICKING IN FOOD STAMPS AS DESCRIBED IN SECTIONS 26-2-306 (2)(c) AND (3).

24-72-825. Class 3 felony offense convictions – eligibility. CLASS 3 FELONY OFFENSE CONVICTIONS ARE INELIGIBLE FOR EXPUNGEMENT.

24-72-826. Class 2 felony offense convictions – eligibility. CLASS 2 FELONY OFFENSE CONVICTIONS ARE INELIGIBLE FOR EXPUNGEMENT.

24-72-827. Class 1 felony offense convictions – eligibility. CLASS 1 FELONY OFFENSE CONVICTIONS ARE INELIGIBLE FOR EXPUNGEMENT.

24-72-828. Responsibilities – Penalties – Effects of Expungement. (1)(a) ON OR BEFORE DECEMBER 31, 2021, ANY OFFICIAL CUSTODIAN OF CRIMINAL RECORDS SHALL EXPUNGE ALL CRIMINAL RECORDS ELIGIBLE FOR IMMEDIATE EXPUNGEMENT WHEN CONVICTION OCCURS ON OR BEFORE DECEMBER 31, 2020. THE DELETION, REMOVAL, PHYSICAL AND ELECTRONIC DESTRUCTION OR ERASURE OF A CRIMINAL RECORD CONSTITUTES EXPUNGEMENT. FAILURE TO COMPLY WITH THIS ORDER SHALL RESULT IN A ONE HUNDRED DOLLAR PER WEEK PENALTY, ROUNDED UP TO THE NEAREST WEEK, TO BE PAID BY THE STATE TO THE PERSON WHO LEGALLY SHOULD NOT HAVE THE CRIMINAL RECORD.

(b) ON, OR BEFORE, JULY 1, 2021, THE DEPARTMENT OF PUBLIC SAFETY SHALL PROVIDE A REPORT, LIST OR DATABASE OF CRIMINAL RECORDS ELIGIBLE FOR IMMEDIATE EXPUNGEMENT FOR CONVICTIONS THAT OCCURRED ON OR BEFORE DECEMBER 31, 2020 TO EACH JUDICIAL COURT IN THE JUDICIAL DISTRICT WHERE ANY CRIMINAL RECORD ELIGIBLE FOR IMMEDIATE EXPUNGEMENT EXISTS. ON THE FIRST DAY OF EACH MONTH THEREAFTER, A CURRENT REPORT, LIST OR DATABASE OF CRIMINAL RECORDS ELIGIBLE FOR IMMEDIATE EXPUNGEMENT WILL BE PROVIDED TO EACH JUDICIAL

COURT IN EACH JUDICIAL DISTRICT WHERE ANY CRIMINAL RECORD ELIGIBLE FOR IMMEDIATE EXPUNGEMENT EXISTS

(c) WITHIN FIFTEEN CALENDAR DAYS OF RECEIVING THE REPORT, LIST OR DATABASE FROM THE DEPARTMENT OF PUBLIC SAFETY, THE JUDICIAL COURT SHALL ISSUE AN ORDER FOR THE EXPUNGEMENT OF ALL CRIMINAL RECORDS ELIGIBLE FOR IMMEDIATE EXPUNGEMENT. THE COURT NEED NOT ISSUE EXPUNGEMENT ORDERS FOR CRIMINAL RECORDS INDIVIDUALLY.

(d) EVERY OFFICIAL CUSTODIAN OF CRIMINAL RECORDS SHALL BE RESPONSIBLE FOR UPDATING AND MAINTAINING THEIR EXISTING TECHNOLOGICAL CAPABILITIES OR PERSONNEL TO BE COMPLAINT WITH THE DESTRUCTION OF CRIMINAL RECORDS ELIGIBLE FOR EXPUNGEMENT.

(e) CRIMINAL RECORDS ELIGIBLE FOR IMMEDIATE EXPUNGEMENT FOR CONVICTIONS THAT OCCUR AFTER JANUARY 1, 2021 SHALL BE EXPUNGED WITHIN NINETY DAYS OF THEIR IMMEDIATE ELIGIBILITY. FAILURE TO COMPLY WITH THIS ORDER SHALL RESULT IN A ONE HUNDRED DOLLAR PER WEEK PENALTY, ROUNDED UP TO THE NEAREST WEEK, TO BE PAID BY THE STATE TO THE PERSON WHO LEGALLY SHOULD NOT HAVE THE CRIMINAL RECORD.

(2) UPON THE ORDER OF EXPUNGEMENT, ANY CRIMINAL JUSTICE AGENCY MAY PROPERLY REPLY, UPON ANY INQUIRY INTO THE MATTER, THAT NO SUCH RECORD EXISTS.

(3) A PERSON WHO HAD A CRIMINAL RECORD THAT WAS EXPUNGED NEED NOT ANSWER TO ANY QUESTION CONCERNING THE CRIMINAL RECORDS THAT HAVE BEEN EXPUNGED, INCLUDING A REFERENCE TO, OR INFORMATION CONCERNING, THE EXPUNGED INFORMATION AND MAY STATE THAT NO SUCH ACTION HAS EVER OCCURRED.

(4) ANY RECORD THAT IS ORDERED EXPUNGED SHALL NOT BE AVAILABLE TO ANY JUDGE OR PROBATION DEPARTMENT FOR USE IN ANY FUTURE PROCEEDING IN WHICH THE PERSON WHOSE RECORD WAS EXPUNGED IS CHARGED WITH AN OFFENSE AS EITHER A JUVENILE OR AS AN ADULT.

24-72-829. Private Custodians. (1) PRIVATE CUSTODIANS BARE SOLE RESPONSIBILITY FOR MAINTAINING AND PROVIDING ACCURATE CRIMINAL RECORDS. IT IS THE RESPONSIBILITY OF THE PRIVATE CUSTODIAN TO INQUIRE OFFICIAL CUSTODIANS FOR ACCURATE CRIMINAL RECORDS INFORMATION.

(2) ANY PRIVATE CUSTODIAN WHO PROVIDES CRIMINAL RECORDS INFORMATION ABOUT A PERSON CONCERNING RECORDS WHICH HAVE BEEN EXPUNGED, OR DO NOT EXIST, COMMITS A CLASS 3 MISDEMEANOR.

24-72-830. Expungement surcharge cash fund – creation – administration. (1) THERE IS HEREBY CREATED IN THE OFFICE OF THE STATE TREASURER, THE EXPUNGEMENT SURCHARGE CASH FUND. ALL MONEY DERIVED FROM THE COLLECTION OF EXPUNGEMENT SURCHARGES AND ANY INTEREST PURSUANT TO SECTION 24-72-805 (3) SHALL BE CREDITED TO THE EXPUNGEMENT SURCHARGE CASH FUND.

(2) AT THE END OF EVERY FISCAL YEAR, ALL INTEREST DERIVED FROM THE DEPOSIT OF EXPUNGEMENT SURCHARGES AND INTEREST PURSUANT TO SECTION 24-72-805 (3) SHALL BE DEPOSITED INTO THE LIFE SKILLS DEVELOPMENT PROGRAM FUND CREATED BY SECTION 24-72-831.

(3)(a) EXCEPT AS DESCRIBED IN SUBSECTIONS (3)(b) AND (3)(o) OF THIS SECTION, ALL MONEY SHALL BE APPROPRIATED AS DESCRIBED AT THE BEGINNING OF EVERY FISCAL YEAR. ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE EXPUNGEMENT SURCHARGE CASH FUND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND EXCEPT AS DESCRIBED IN SUBSECTIONS (3)(b) AND (3)(o) OF THIS SECTION AND SHALL REMAIN IN THE FUND FOR EXPENDITURE IN THE NEXT FISCAL YEAR IN EQUAL PROPORTION TO THE APPROPRIATIONS

DESCRIBED IN SUBSECTION (3) OF THIS SECTION.

(b)(I) PRIOR TO THE END OF THE FIRST FULL FISCAL YEAR FOLLOWING JANUARY 1, 2021, APPROPRIATIONS FOR ADMINISTRATIVE EXPENSES SHALL BE AVAILABLE FOR EXPENDITURE AT THE BEGINNING OF EACH MONTH. ADMINISTRATIVE EXPENSES INCLUDE, BUT ARE NOT LIMITED TO, THE ELECTRONIC AND PHYSICAL DESTRUCTION BY EVERY OFFICIAL CUSTODIAN OF CRIMINAL RECORDS ELIGIBLE FOR IMMEDIATE EXPUNGEMENT AND FOR PENALTIES PAID BY THE STATE FOR FAILURE TO COMPLY.

(II) PRIOR TO THE END OF THE FIRST FULL FISCAL YEAR FOLLOWING JANUARY 1, 2021, TEN PERCENT SHALL BE APPROPRIATED AND AVAILABLE FOR EXPENDITURE AS NECESSARY FOR ADMINISTRATIVE EXPENSES ASSOCIATED WITH THE EXPUNGEMENT OF CRIMINAL RECORDS.

(III) BEGINNING AT THE END OF THE FIRST FULL FISCAL YEAR FOLLOWING JANUARY 1, 2021, FIVE PERCENT SHALL BE APPROPRIATED AND AVAILABLE FOR EXPENDITURE AS NECESSARY FOR ADMINISTRATIVE EXPENSES.

(IV) IF THIS APPROPRIATION IS INSUFFICIENT TO SATISFY THE ADMINISTRATIVE COSTS ASSOCIATED WITH THE EXPUNGEMENT OF CRIMINAL RECORDS, APPROPRIATIONS FROM SECTION 24-72-830 (3)(o) SHALL BE USED TO SUPPLEMENT THE EXPENSES.

(c) TEN PERCENT SHALL BE APPROPRIATED TO THE COLORADO DEPARTMENT OF HUMAN SERVICES TO SUPPLEMENT, NOT SUPPLANT, MONEY USED FOR INCREASING ACCESS TO EFFECTIVE SUBSTANCE USE DISORDER SERVICES, INCLUDING EVALUATION OF INTENSIVE RESIDENTIAL TREATMENT PURSUANT TO S.B. 16-202 AND BEHAVIORAL AND MENTAL HEALTH SERVICES FOR JUVENILE AND ADULT OFFENDERS.

(d) TWENTY PERCENT SHALL BE APPROPRIATED TO THE LIFE SKILLS DEVELOPMENT PROGRAM FUND CREATED BY SECTION 24-72-831.

(e) TEN PERCENT SHALL BE APPROPRIATED TO THE AURARIA HIGHER EDUCATION CENTER FOR THE EXCLUSIVE PURPOSE OF AWARDED GRANTS AND SCHOLARSHIPS TO LOW INCOME, REENTRY CITIZENS OR STUDENTS SPECIALIZING IN SCIENCE, TECHNOLOGY, ENGINEERING OR MATHEMATICAL FIELDS.

(f)(I) TEN PERCENT SHALL BE APPROPRIATED TO THE COLORADO DEPARTMENT OF LOCAL AFFAIRS TO SUPPLEMENT, NOT SUPPLANT, ANY MONEY IN HOUSING DEVELOPMENT GRANT FUND AS DESCRIBED IN SECTION 24-32-721 (1) AND THE HOUSING ASSISTANCE FOR PERSONS TRANSITIONING FROM THE CRIMINAL OR JUVENILE JUSTICE SYSTEM CASH FUND AS DESCRIBED IN SECTION 24-32-721 (4).

(II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL HAVE SOLE DISCRETION ON THE ALLOCATION OF THE FUNDING DESCRIBED IN SUBSECTION (3)(f)(I) OF THIS SECTION.

(g) THREE PERCENT SHALL BE APPROPRIATED TO SUPPLEMENT, NOT SUPPLANT, ANY MONEY IN THE COLORADO DOMESTIC ABUSE FUND FOR THE EXCLUSIVE PURPOSE OF SUPPORTING COMMUNITY-BASED DOMESTIC VIOLENCE ADVOCACY PROGRAMS THAT INTERVENE, PREVENT AND RESPOND TO DOMESTIC VIOLENCE.

(h) ONE PERCENT SHALL BE APPROPRIATED TO SUPPLEMENT, NOT SUPPLANT, NO DUI COLORADO COALITIONS FOR THE EXCLUSIVE PURPOSES OF WORKING TO PREVENT IMPAIRED DRIVING AND/OR THE LOCAL CONDITIONS THAT FACILITATE THIS BEHAVIOR AT ALL LEVELS OF THE COMMUNITY, ESPECIALLY AMONG YOUNG DRIVERS.

(i) PEACE OFFICERS MENTAL HEALTH SUPPORT PROGRAM CREATED BY SECTION 24-32-3501:

(I) PRIOR TO THE END OF THE FIRST FULL FISCAL YEAR FOLLOWING JANUARY 1, 2021, SIX PERCENT SHALL BE APPROPRIATED AND AVAILABLE FOR EXPENDITURE TO SUPPLEMENT, NOT SUPPLANT, ANY MONEY IN THE PEACE OFFICERS MENTAL HEALTH SUPPORT PROGRAM CREATED BY SECTION 24-32-3501.

(II) BEGINNING AT THE END OF THE FIRST FULL FISCAL YEAR FOLLOWING JANUARY 1, 2021, TWELVE PERCENT SHALL BE APPROPRIATED AND AVAILABLE FOR EXPENDITURE TO SUPPLEMENT, NOT SUPPLANT ANY MONEY IN THE PEACE OFFICERS MENTAL HEALTH SUPPORT PROGRAM CREATED BY SECTION 24-32-3501.

(j) COUNSELING SERVICES FOR FIREFIGHTERS:

(I) PRIOR TO THE END OF THE FIRST FULL FISCAL YEAR FOLLOWING JANUARY 1, 2021, FOUR PERCENT SHALL BE APPROPRIATED AND AVAILABLE FOR EXPENDITURE TO SUPPLEMENT, NOT SUPPLANT, ANY MONEY USED FOR THE EXCLUSIVE PURPOSE OF PROVIDING COUNSELING SERVICES TO FIREFIGHTERS.

(II) BEGINNING AT THE END OF THE FIRST FULL FISCAL YEAR FOLLOWING JANUARY 1, 2021, SEVEN PERCENT SHALL BE APPROPRIATED AND AVAILABLE FOR EXPENDITURE TO SUPPLEMENT, NOT SUPPLANT, ANY MONEY USED FOR THE EXCLUSIVE PURPOSE OF PROVIDING COUNSELING SERVICES TO FIREFIGHTERS.

(k) COUNSELING SERVICES FOR EMERGENCY MEDICAL TECHNICIANS:

(I) PRIOR TO THE END OF THE FIRST FULL FISCAL YEAR FOLLOWING JANUARY 1, 2021, THREE PERCENT SHALL BE APPROPRIATED AND AVAILABLE FOR EXPENDITURE TO SUPPLEMENT, NOT SUPPLANT, ANY MONEY USED FOR THE EXCLUSIVE PURPOSE OF PROVIDING COUNSELING SERVICES TO EMERGENCY MEDICAL TECHNICIANS.

(II) BEGINNING AT THE END OF THE FIRST FULL FISCAL YEAR FOLLOWING JANUARY 1, 2021, SIX PERCENT SHALL BE APPROPRIATED AND AVAILABLE FOR EXPENDITURE TO SUPPLEMENT, NOT SUPPLANT, ANY MONEY USED FOR THE EXCLUSIVE PURPOSE OF PROVIDING COUNSELING SERVICES TO EMERGENCY MEDICAL TECHNICIANS.

(I) ONE PERCENT SHALL BE APPROPRIATED TO SUPPLEMENT, NOT SUPPLANT, ANY MONEY IN THE COLORADO PET OVERPOPULATION FUND FOR THE EXCLUSIVE PURPOSE OF PROVIDING GRANTS TO CARE FOR HOMELESS PETS AND TO SUBSIDIZE SPAY AND NEUTER SURGERIES OF OWNED PETS IN UNDERSERVED AREAS THROUGH PET ANIMAL CARE FACILITIES ACT (PACFA) LICENSED FACILITIES.

(m) FOUR PERCENT SHALL BE APPROPRIATED THE DEPARTMENT OF NATURAL RESOURCES FOR THE EXCLUSIVE PURPOSES DESCRIBED SUBSECTIONS (3)(m)(I) AND (3)(m)(II) OF THIS SECTION.

(I) FIFTY PERCENT OF THE TOTAL APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES BY THE EXPUNGEMENT SURCHARGE CASH FUND SHALL BE USED TO SUPPLEMENT, NOT SUPPLANT, THE GREAT OUTDOORS COLORADO (GOCO) PARKS CAPITAL BUDGET.

(II) FIFTY PERCENT OF THE TOTAL APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES BY THE EXPUNGEMENT SURCHARGE CASH FUND SHALL BE USED TO SUPPLEMENT, NOT SUPPLANT, THE GREAT OUTDOORS COLORADO PARKS OPERATING BUDGET.

(n) FIVE PERCENT SHALL BE APPROPRIATED TO THE COUNTY TREASURY IN WHICH THE CONVICTION OCCURRED FOR THE EXCLUSIVE PURPOSE OF BUILDING AND MAINTAINING PARKS AND RECREATION LOCATED WITHIN THAT COUNTY.

(o) APPROPRIATIONS TO THE GENERAL FUND AS DESCRIBED IN SUBSECTIONS (3)(o)(I) AND (3)(o)(II) OF THIS SECTION SHALL BE AVAILABLE FOR EXPENDITURE ON THE BEGINNING OF EVERY FISCAL MONTH, IF APPLICABLE:

(I) PRIOR TO THE END OF THE FIRST FULL FISCAL YEAR FOLLOWING JANUARY 1, 2021, TEN PERCENT SHALL BE APPROPRIATED AND AVAILABLE FOR EXPENDITURE AT THE BEGINNING OF EACH MONTH BY THE GENERAL FUND UNLESS THE ADMINISTRATIVE EXPENSES ASSOCIATED WITH EXPUNGEMENT EXCEED THE AMOUNT APPROPRIATED BY SUBSECTION (3)(b) OF THIS SECTION.

(II) BEGINNING AT THE END OF THE FIRST FULL FISCAL YEAR FOLLOWING JANUARY 1, 2021, THREE PERCENT SHALL BE APPROPRIATED AND AVAILABLE FOR EXPENDITURE AT THE BEGINNING OF EACH MONTH BY THE GENERAL FUND UNLESS THE ADMINISTRATIVE EXPENSES ASSOCIATED WITH EXPUNGEMENT EXCEED THE AMOUNT APPROPRIATED BY SUBSECTION (3)(b) OF THIS SECTION.

(p) THREE PERCENT SHALL BE APPROPRIATED TO THE STRATEGIC ACTION PLANNING GROUP ON EXPUNGEMENT FUND CREATED BY SECTION 24-72-832.

24-72-831. Life skills development program fund – creation – administration. (1) THERE IS HEREBY CREATED IN THE OFFICE OF THE STATE TREASURER, THE LIFE SKILLS DEVELOPMENT PROGRAM FUND.

(2) MONEY IN THE LIFE SKILLS DEVELOPMENT PROGRAM FUND SHALL BE USED TO SUPPLEMENT THE LIFE SKILLS DEVELOPMENT PROGRAM TO DEVELOP AND MAINTAIN COMMUNITY MAINTENANCE, REHABILITATION, AND EDUCATIONAL PROGRAMS AS DESCRIBED IN SECTION 24-72-807.

(3) AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE LIFE SKILLS DEVELOPMENT PROGRAM FUND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND AND SHALL REMAIN IN THE LIFE SKILLS DEVELOPMENT PROGRAM FUND FOR EXPENDITURE IN THE NEXT FISCAL YEAR FOR THE PURPOSES SPECIFIED IN SUBSECTION (2) OF THIS SECTION WITHOUT FURTHER APPROPRIATION.

(4) ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF EXPUNGEMENT SURCHARGES INTO THE LIFE SKILLS DEVELOPMENT PROGRAM FUND SHALL NOT BE TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND AND SHALL REMAIN IN THE LIFE SKILLS DEVELOPMENT PROGRAM FUND FOR EXPENDITURE IN THE NEXT FISCAL YEAR FOR THE PURPOSES SPECIFIED IN SUBSECTION (2) OF THIS SECTION WITHOUT FURTHER APPROPRIATION.

24-72-832. Strategic action planning group on expungement fund – creation – administration. (1) THERE IS HEREBY CREATED IN THE OFFICE OF THE STATE TREASURER, THE STRATEGIC ACTION PLANNING GROUP ON EXPUNGEMENT FUND.

(2) SUBJECT TO APPROPRIATIONS RECEIVED FROM THE EXPUNGEMENT SURCHARGE CASH FUND, ANY MONEY IN THE STRATEGIC ACTION PLANNING GROUP ON EXPUNGEMENT FUND ARE TO BE USED FOR THE DEVELOPMENT, MANAGEMENT AND EXECUTION OF STRATEGIC ACTION PLANNING GROUPS TO STUDY THE EFFECTS OF EXPUNGEMENT AND TO PROVIDE OVERVIEWS, FORECASTS, GOALS AND RECOMMENDATIONS AS IT RELATES TO THE EFFECTS OF THE EXPUNGEMENT OF CRIMINAL RECORDS, INCLUDING BUT NOT LIMITED TO, APPROPRIATIONS SET FORTH BY THE EXPUNGEMENT SURCHARGE CASH FUND DESCRIBED IN SECTION 24-72-830.

(3) AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEY AND ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF EXPUNGEMENT SURCHARGES IN THE STRATEGIC ACTION PLANNING GROUP ON EXPUNGEMENT FUND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND AND SHALL REMAIN IN THE STRATEGIC ACTION PLANNING GROUP ON EXPUNGEMENT FUND FOR EXPENDITURE IN THE NEXT

FISCAL YEAR FOR THE PURPOSES SPECIFIED IN SUBSECTION (2) OF THIS SECTION WITHOUT FURTHER APPROPRIATION.

SECTION 3. Effective date. ALL PROVISIONS OF ALL SECTIONS SHALL TAKE EFFECT FROM AND AFTER THE DATE OF THE OFFICIAL DECLARATION OF THE VOTE THEREON BY PROCLAMATION BY THE GOVERNOR, BUT NOT LATER THAN THIRTY DAYS AFTER THE VOTE HAS BEEN CANVASSED.