Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

ENGROSSED

This Version Includes All Amendments Adopted on Second Reading in the House of Introduction

LLS NO. 20-0292.01 Conrad Imel x2313

HOUSE BILL 20-1009

HOUSE SPONSORSHIP

Jackson,

SENATE SPONSORSHIP

Winter,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

CONCERNING SUPPRESSING COURT RECORDS OF EVICTION PROCEEDINGS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

The bill requires a court to suppress court records related to an eviction proceeding or an action for termination of a mobile home park tenancy so that the records are not publicly available. If an order granting the plaintiff possession of the premises is entered in the action, the court must lift the suppression order unless the parties agree that the records should remain suppressed.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
January 28, 2020

The names of the parties included in a court record that is suppressed may be used by a court for administrative purposes, but the court shall not, for any reason, publish the names of the parties online.

A summons in an eviction proceeding must include a notice concerning suppression of court records related to the action.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 13-40-110.5 as follows:

13-40-110.5. Automatic suppression of court records - definition. (1) FOR THE PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "SUPPRESSED COURT RECORD" MEANS A COURT RECORD THAT IS ACCESSIBLE ONLY TO JUDGES; COURT STAFF; A PARTY TO THE CASE AND, IF REPRESENTED, THE PARTY'S ATTORNEYS; AUTHORIZED JUDICIAL DEPARTMENT STAFF; AND A PERSON WITH A VALID COURT ORDER AUTHORIZING ACCESS TO THE COURT RECORD.

(2) UPON THE COMMENCEMENT OF AN ACTION PURSUANT TO THIS ARTICLE 40, ANY COURT RECORD OF THE ACTION IS A SUPPRESSED COURT RECORD.

(3) WHEN AN ORDER GRANTING THE PLAINTIFF POSSESSION OF THE PREMISES IS ENTERED IN AN ACTION TO WHICH THIS SECTION APPLIES, THE RECORD IS NO LONGER A SUPPRESSED COURT RECORD AND THE COURT SHALL MAKE THE RECORD AVAILABLE TO THE PUBLIC UNLESS THE PARTIES TO THE ACTION AGREE THAT THE RECORD SHOULD REMAIN SUPPRESSED. IF THE PARTIES AGREE THAT THE RECORD SHOULD REMAIN SUPPRESSED, THE RECORD REMAINS A SUPPRESSED COURT RECORD.

(4) THE NAMES OF THE PARTIES INCLUDED IN A COURT RECORD THAT IS SUPPRESSED PURSUANT TO THIS SECTION MAY BE USED BY THE COURT FOR ADMINISTRATIVE PURPOSES, BUT THE COURT SHALL NOT, FOR

ANY REASON, PUBLISH THE NAMES OF THE PARTIES ONLINE.

SECTION 2. In Colorado Revised Statutes, 13-40-111, **add** (4) as follows:

13-40-111. Issuance and return of summons. (4) A SUMMONS ISSUED PURSUANT TO THIS SECTION MUST CONTAIN A STATEMENT IN BOLD-FACED TYPE NOTIFYING THE DEFENDANT THAT:

(a) ANY RECORDS ASSOCIATED WITH THE ACTION ARE SUPPRESSED AND NOT ACCESSIBLE TO THE PUBLIC UNTIL AN ORDER IS ENTERED GRANTING THE PLAINTIFF POSSESSION OF THE PREMISES; AND

(b) IF THE PLAINTIFF IS GRANTED POSSESSION OF THE PREMISES, THE COURT RECORDS MAY REMAIN PRIVATE IF BOTH PARTIES AGREE TO SUPPRESS THE RECORDS.

SECTION 3. In Colorado Revised Statutes, 38-12-202.5, **add** (5) as follows:

38-12-202.5. Action for termination. (5) THE PROVISIONS OF SECTION 13-40-110.5 CONCERNING SUPPRESSION OF COURT RECORDS APPLY TO AN ACTION FOR TERMINATION.

SECTION 4. Act subject to petition - effective date - applicability. (1) This act takes effect December 1, 2020; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect December 1, 2020, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

(2) This act applies to actions commenced on or after the applicable effective date of this act.