

Colorado



The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact policy@polarisproject.org.

GOOD FOR SURVIVORS:

Time Limitations and Wait Times:

Colorado has no time limit, restriction, or wait time for survivors to clear their criminal records.

Burden of Proof:

The current burden of proof in Colorado is a "preponderance of the evidence," which aligns with the level of proof survivors typically are able to use to establish their victimization.

Not Charging to Apply for Relief:

It can be financially challenging for survivors to apply for criminal record relief as they may have to hire an attorney, get documentation, travel for hearings, etc. Colorado explicitly requires that survivors are not charged fees to apply for and access record relief and are not charged fees to clear their records with agencies and departments after being granted record relief by the courts. This removes at least one financial burden that could prevent survivors from accessing record relief.

NEEDS IMPROVEMENT:

Offenses Covered:

The narrow scope of offenses currently covered by the criminal record relief statute in Colorado is inadequate because relief only applies to misdemeanor offenses - yet the range of offenses for which survivors are arrested and prosecuted is much broader. Ideally, legislators in Colorado would expand the statute to include all offenses so more survivors are eligible for relief.

Procedural Confidentiality:

The statute in Colorado is silent on the confidentiality of the petition for relief or records of the proceeding. Applying for record relief under these statutes can indicate a survivor's status as a trafficking victim and give information on their location, trafficking experience, and other sensitive details. Survivors should not have to choose between the safety risk of their victimization being exposed and applying for and accessing criminal record relief. Ideally, there should be an automatic process with clear confidentiality provisions in the statute to protect survivors applying for record relief.

Trafficking Nexus:

Survivors in Colorado must prove the underlying offense and subsequent record was "proximately caused by" or "as a direct result of" being trafficked. Ideally, legislators in Colorado would change the statute to utilize less restrictive statutory language like "as a result" of trafficking or "while they were a victim" of trafficking.



Statute: [Colo. Rev. Stat. § 24-72-707](#)