

INSTRUCTIONS TO SEAL CRIMINAL CONVICTION RECORDS INFORMATION FOR MUNICIPAL OFFENSES

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

GENERAL INFORMATION

- ◆ A Defendant may petition the District Court to seal any conviction records, except basic identifying information, pertaining to the defendant for a Municipal violation by filing a civil action in the county in which the conviction record is located.
- ◆ A separate civil case must be filed for each court case record you want sealed.
- ◆ If you have been convicted of more than one offense in a single case, the conviction records may be sealed only if the records of every conviction resulting from the case may be sealed pursuant to title 24, article 72, part 7, C.R.S.
- ◆ If a criminal case is dismissed or if a criminal offense is not charged due to a plea agreement in a separate case, the records are eligible for sealing when the criminal case in which the conviction was entered is eligible for sealing.
- ◆ The Court **will not** seal criminal conviction records if you still owe restitution, fines, court costs, late fees, or other fees ordered by the Court in the case you are requesting to seal, unless the Court has vacated such order.
- ◆ An Order sealing conviction records does not vacate a conviction.
- ◆ If you obtain a conviction for a new criminal offense after an order sealing conviction records is entered, the Court shall order the sealed conviction records to be unsealed.
- ◆ The Court, law enforcement, criminal justice agencies, and the prosecuting attorney may use sealed any sealed conviction(s) for any lawful purpose relating to the investigation or prosecution of any case or for any other lawful purpose within the scope of the his, her, or its duties. A party or agency required by law to conduct a criminal history record check is authorized to use any sealed conviction for the lawful purpose for which the criminal history record check is required by law.
- ◆ Pursuant to § 24-72-703(4), C.R.S., the conviction records are not physically destroyed.
- ◆ Upon the entry of an Order to Seal and an inquiry in the matter, you and all criminal justice agencies may properly respond *that public criminal records do not exist with respect to the defendant*.
- ◆ For additional information, please review § 24-72-703 and § 24-72-708, C.R.S.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website:
http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm

You may file a Petition the district court of the district in which any conviction records pertaining to the you for a Municipal violation are located for the sealing of the conviction records, except basic identification information if:

- ◆ The Petition is filed three or more years after the date of final disposition of all criminal proceedings against the you or the release of your release from supervision concerning a criminal conviction, whichever is later; and
- ◆ You have no been charged or convicted of a felony, misdemeanor, or misdemeanor traffic offense in the three or more years since the date of the final disposition of all criminal proceedings against you or the date of your release of supervision; and
- ◆ The case you are requesting be sealed contains at least one charge that is not a class 1 misdemeanor traffic offense, class 2 misdemeanor traffic offense, class A traffic infraction, or class B traffic infraction; and
- ◆ Your case does not include a deferred judgement and sentence concerning the holder of a commercial driver's license or the operator of a commercial motor vehicle pursuant to § 42-2-402, C.R.S., or an offense for which the factual basis involved unlawful sexual behavior pursuant to § 16-22-102(9), C.R.S.

If, subsequent to the Municipal violation you are requesting be sealed, you were convicted of a single offense that was not a felony and did not involve domestic violence as defined in section § 18-6-800.3 (1), C.R.S., unlawful sexual behavior as defined in section § 16-22-102 (9), or C.R.S., or child abuse as defined

in section § 18-6-401, C.R.S., you may Petition the district court of the district in which any conviction records pertaining to you for a Municipal violation, except a Municipal assault or battery offense in which the underlying factual basis involves domestic violence, as defined in section § 18-6-800.3 (1), C.R.S., or any other Municipal violation in which the underlying factual basis involves domestic violence, as defined in section § 18-6-800.3 (1), C.R.S., if:

- ◆ That subsequent offense occurred within three years of the date of the final disposition of all criminal proceedings against you related to the Municipal conviction and you are seeking to have sealed or within three years of your release of supervision related to the conviction, and;
- ◆ You have not been convicted of a felony, misdemeanor, or misdemeanor traffic offense in the ten or more years since the date of the final disposition of all criminal proceedings against you for the subsequent criminal case or in the ten or more years since the date of release from supervision for the subsequent case.

COMMON TERMS

- Petition: Document officially commences the Sealing of Conviction Records process.
- Petitioner: The person or persons filing a Petition to Seal Criminal Conviction Records.
- Person in Interest: The person who is the primary subject of a criminal justice record or his/her legal representative. If the person is under legal disability this means and includes the person's parent.
- Conviction Records: Arrest and criminal records information and any records pertaining to a judgment of conviction.
- May: In legal terms, "may" is defined as "optional" or "can".
- Shall: In legal terms, "shall" is defined as "required".

If you do not understand this information, please contact an attorney.

FEES

A filing fee of \$224.00 is required for a Petition to seal criminal convictions. If you are unable to pay, you must complete the Petition to File without Payment and Supporting Financial Affidavit (JDF 205) and submit it to the Court. Once you submit the completed JDF 205 form and a blank Order (JDF 206), the Court will decide if you need to pay the filing fee.

Other fees that a party to the case may encounter are as follows:

- Records Search Fees Varies and is payable to the agency
- Copies of Documents (Documents on File) \$.75 per page or \$1.50 if double-sided
- Copies of Documents (Documents not on File) \$.25 per page or \$.50 if double-sided
- Certification Fee \$ 20.00
- Colorado Bureau of Investigation (CBI) Records Seal Fee:
Visit the CBI website at: <https://www.colorado.gov/pacific/cbi/disposition-update-and-sealing-arrest-record>

FORMS

To access forms online, go to the website at www.courts.state.co.us and then click the "Self Help/Forms" tab. The forms are available in PDF by selecting **All Court Forms and Instructions** **Seal my case** **Sealing of Criminal Conviction Municipal Records**. Please click the Download PDF link under the title of the form. You may complete a form online and print or you may print it and type or print legibly in black ink.

- JDF 683 Petition to Seal Criminal Conviction Municipal Records
- JDF 684 Order Denying Petition to Seal Criminal Conviction Municipal Records
- JDF 685 Order and Notice of Hearing to Seal Criminal Conviction Municipal Records
- JDF 686 Order to Seal Criminal Conviction Municipal Records

STEPS TO FILING YOUR CASE

Step 1: Obtain arrest and criminal records.

In order to file a Petition to Seal Criminal Conviction Records, you must obtain the proper case report numbers, court case numbers, and arrest numbers from the original arrest or criminal records. This information is necessary to ensure that your case is sealed properly, if ordered by the Court. A fee may be required to obtain this information. The records may be found in the following locations:

- Court Records. County and district court files are available from the clerk of court's office for each respective court.
- Municipal Court Records. These can be found at each Municipal Court. Contact the specific court for assistance.
- Arrest or Police Records. Contact the arresting agency. Their files have the arresting agency and arrest numbers.

Step 2: Obtain a Current Verified Copy of the Defendant's Criminal History

A verified copy of your criminal history report must be filed with the Court at the time you file the Petition, or no later than 10 days after you file the Petition with the Court. The criminal history records check must be conducted no more than 20 days before you file your paperwork with the Court asking to seal your records. The cost of obtaining the criminal history report is your responsibility. You may obtain the report as follows:

- Criminal history reports can be accessed immediately by using the web-based system <https://www.cbirecordscheck.com/Index.aspx?AspxAutoDetectCookieSupport=1>. You will be charged per result viewed.
- If you are unable to access the Internet, please call the Colorado Bureau of Investigation (CBI) at 303-239-4208 for additional information. CBI is located at 690 Kipling Street, Suite 3000, Lakewood, CO 80215.

Step 3: Complete the appropriate forms.

- Petition to Seal Criminal Conviction Municipal Records (JDF 683).**
 - Enter the Defendant's name in the case caption.
 - All applicable sections must be completed before the case is filed.
 - You are responsible for specifying with a checkmark each criminal justice agency that has the Defendant's criminal arrest and conviction records. Do not include the Federal Bureau of Investigation (FBI). It is the Colorado Bureau of Investigation's (CBI) responsibility to contact the FBI if there is a corresponding FBI record.
 - Specify the charge(s) for any criminal conviction record or court case file you want sealed. You may obtain this information from the arresting agency and the Court Clerk's office.
 - You must enter the case number(s) of all the files you want sealed. If you are requesting multiple cases to be sealed, a separate filing fee for each case is required.
 - List the offense you are Petitioning to seal as well as the date you were sentenced and the date you were released from supervision, if applicable.
 - Attach current verified criminal history report (or it must be filed with the Court no later than 10 days after the Petition is filed).
- Order Denying Petition to Petition to Seal Criminal Conviction Municipal Records (JDF 684).**
 - Complete only the caption on this form.
 - The Court will complete this form only if your Petition is denied.
- Order and Notice of Hearing to Seal Criminal Conviction Municipal Records (JDF 685).**
 - Complete all portions of the form.
 - The Court will send this Notice to you if a hearing is set.

- Order to Seal Criminal Conviction Municipal Records (JDF 686).**
 - Complete all portions of the form.
 - You must indicate the same agencies on the Order as you did on the Petition.
 - The Judge or Magistrate will sign the Order if your Petition is approved.

Step 4: You are ready to file the case with the Court.

Provide the Court with the documents completed as described in Steps 1 - 2 above and pay the filing fee. If you are requesting to seal multiple cases, you must file a separate Petition to Seal and pay a separate filing fee for each case.

- Please Note:** You are required to provide a copy of your Petition to Seal to the prosecuting attorney. Make the appropriate number of copies.

Step 5: The Court will review the Petition and supporting documents to determine if a hearing will be set, or if the Petition will be denied without a hearing.

- If the Court denies your Petition, the Court will send you an Order Denying the Petition (JDF 684). This Order will specify the reasons for the denial of the Petition and no hearing will be set.
- If a hearing is set, the Court will send you the Order and Notice of Hearing (JDF 685).

Step 6: Be prepared for the hearing.

If the Court conducts a hearing, you may be asked questions about the request for sealing criminal conviction records and any objections filed, if applicable.

- The Court will either grant or deny the Petition to Seal Criminal Conviction Municipal Records.
- If the Court grants your Petition, the Judge or Magistrate will sign JDF 686 (Order to Seal Criminal Conviction Municipal Records). See Step 7 below for information on what you need to do with this Order once you receive it.

Step 7: After your records are ordered to be sealed (following a hearing).

After the Order to seal your records is entered (JDF 686 – Order to Seal Criminal Conviction Municipal Records), it is your responsibility to notify the Colorado Bureau of Investigation (this agency will require a fee to seal your records <https://www.colorado.gov/cbi>), and all agencies listed on the Order, by mailing each agency a copy of the signed Order. Your failure to notify the agencies may result in your criminal conviction record not being sealed. You do not need to notify the District or County Court, but you must notify the Municipal Court Clerk if Municipal Court arrest and conviction records are being sealed.

- Approximately 30 days after you send a copy of the Court's Order to the agencies listed, your record will be sealed by the agencies.