



## How to Seal Criminal Conviction Records

### 1. General Information

- ◆ Use this guide if you want to seal your conviction records within a single case.
- ◆ If you want to seal convictions from multiple cases within the same Judicial District, use [JDF 640 – How to Seal Multiple Convictions](#) instead.
- ◆ If denied, a person may file once every twelve-months unless otherwise ordered by the Court.
- ◆ 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.
- ◆ The Court **will not** seal the records if you still owe restitution.
- ◆ An Order sealing a conviction record does not vacate the conviction.
- ◆ If you obtain a new conviction, the Court will unseal the records.
- ◆ The government may still use sealed conviction records for any lawful purpose within the scope of 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.
- ◆ Note that conviction records are not physically destroyed. C.R.S. § 24-72-703(4).
- ◆ Once sealed, 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 C.R.S. §§ 24-72-703, 24-72-706, and 24-72-707.

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## 2. Ineligible Convictions

These Conviction Records May Not Be Sealed:

- ◆ When the only charges in a case are:
  - Class 1 or Class 2 misdemeanor traffic offenses
  - Class A or Class B traffic infractions
- ◆ A conviction for a violation of C.R.S. § 42-4-1301(1) or (2);
- ◆ A conviction for an offense for which the underlying basis involved unlawful sexual behavior as defined in C.R.S. § 16-22-102(9);
- ◆ A conviction for a violation of C.R.S. § 18-6-401;
- ◆ A conviction that is subject to one or more of the following provisions:
- ◆ Sentences for a crime involving extraordinary aggravating circumstances pursuant to C.R.S. 18-1.3-401 (8);
- ◆ A sentence for an extraordinary risk crime pursuant to C.R.S. § 18-1.3-401 (10);
- ◆ Sentencing for a crime involving a pregnant victim pursuant to C.R.S. § 18-1.3-401(13);
- ◆ Sentencing for a crime pertaining to a special offender pursuant to C.R.S. § 18-18-407;
- ◆ Sentencing for a criminal conviction for which the underlying factual basis involves domestic violence as defined in C.R.S. § 18-6-800.3;
- ◆ Sentencing for a criminal conviction for a sexual offense pursuant to Part 4 of Article 3 of Titled 18 of the Colorado Revised Statutes;
- ◆ Sentencing for any crime of violence pursuant to C.R.S. § 18-1.3-406;
- ◆ Sentencing for a felony crime enumerated in C.R.S. § 24-4.1-302 (1);
- ◆ Sentencing for a felony offense in violation of C.R.S. 18-9-202;
- ◆ Sentencing for an offense classified as a class 1 or 2 felony or a level 1 drug felony pursuant to any section of Title 18 of the Colorado Revised Statutes;
- ◆ Sentencing for an offense classified as a class 3 felony pursuant to any section of title 18, except for marijuana cultivation under C.R.S. § 18-18-106(8)(a)(II)(B) as it existed prior to July 1, 1992; C.R.S. § 18-18-406(8)(a)(II)(B) as it existed prior to August 11, 2010; or C.R.S. § 18-18-406(6)(a)(II)(B) as it existed prior to October 1, 2013;
- ◆ Sentencing for an offense in violation of Part 1 of Article 6 of Title 18 of the Colorado Revised Statutes;
- ◆ Sentencing for an offense in violation of: C.R.S. § 18-3.5-103 (4), (5), (6), (7), (8), and (9); 18-5-902 (1); or 18-7-203.

**Note:** A misdemeanor offense listed above is eligible for sealing if the district attorney consents or if the court finds, by clear and convincing evidence, that your need to seal is significant and substantial, the passage of time is such that you are no longer a threat to public safety, and the public disclosure of the record is no longer necessary to protect or inform the public.

## 3. Wait Times

Except as provided above, the following crimes are eligible for sealing after the time periods listed below. See C.R.S. § 24-72-706(1)(b).

### Any Time

- ◆ Offenses committed by victims of human trafficking.
- ◆ Cases where one or more of the charges were related to psilocybin or psilocyn were unlawful at the time of the offense but are no longer unlawful under C.R.S. § 18-18-434. Qualifying charges statutes include 18-18-404, 411, 412.4, 429 and 430.

### 1 Year

- ◆ Petty offenses and drug petty offenses.

## 2 Years

- ◆ Class 2 misdemeanors, class 3 misdemeanors, any drug misdemeanor, and level 4 drug felonies under C.R.S. § 18-18-403.5(2.5).

## 3 Years

- ◆ Class 4 felonies, class 5 felonies, class 6 felonies, level 3 drug felonies, level 4 drug felonies (*except under 18-18-403.5(2.5)*), and class 1 misdemeanors.

## 5 Years

- ◆ All other offenses.

Time is calculated from the end of all criminal proceedings or release from supervision, whichever is later.

## 4. Common Terms

- ⊗ Motion: Document officially commences the Sealing of Conviction Records process.
- ⊗ 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.
- ⊗ Arrest: To take into custody by legal authority.
- ⊗ Conviction Records: Arrest and criminal records information and any records pertaining to a judgment of conviction.
- ⊗ Criminal Case: A case brought by the government against an individual accused of committing a crime.
- ⊗ May: In legal terms, "may" is defined as "optional" or "can".
- ⊗ Shall: In legal terms, "shall" is defined as "required".

## 5. Filing Fee

Filing Fee\*           **\$65.00**

\* To Request a [Fee Waiver](#):

- [JDF 205 - Motion to Waive Fees.](#)
- [JDF 206 - Order.](#) (*Just do the case caption.*)

## 6. Forms

To access forms online, go to the website at [www.courts.state.co.us/Forms/Criminal](http://www.courts.state.co.us/Forms/Criminal).

- [JDF 612](#)    Motion to Seal Criminal Conviction Records
- [JDF 613](#)    Order Denying Motion to Seal Criminal Conviction Records
- [JDF 614](#)    Order and Notice of Hearing to Seal Criminal Conviction Records
- [JDF 615](#)    Order to Seal Criminal Conviction Records

## 7. Step-by-Step

### Step 1: Obtain Records

In order to file a Motion 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.
- Arrest or Police Records. Contact the arresting agency. Their files have the arresting agency and arrest numbers.

## Step 2: Criminal History Report

A verified copy of your criminal history report must be filed with the Court at the time you file the Motion, or no later than 10 days after you file the Motion 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/>. 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.

**Note** Criminal history is not required for cases where one or more of the charges were related to plocybin or psilocyn and were unlawful at the time of offense but are no longer unlawful under C.R.S. § 18-18-434. The Court will notify you if it needs you to file a criminal history report.

## Step 3: Complete the appropriate forms

- Motion to Seal Criminal Conviction Records (JDF 612).**
  - Enter the Defendant's name in the case caption.
  - All applicable sections must be completed before the case is filed.
  - Check each criminal justice agency that has your criminal arrest and conviction records.
    - You **must** include the agency's mailing address.
    - Do **not** list the Federal Bureau of Investigation (FBI).
  - 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.
  - List the offense you are motioning 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 Motion is filed) unless you've checked 'yes' in section 4.
- Order Denying Motion to Seal Criminal Conviction Records (JDF 613).**
  - Complete only the caption on this form.
  - The Court will complete this form only if your Motion is denied.
- Order and Notice of Hearing to Seal Criminal Conviction Records (JDF 614).**
  - Complete all portions of the form.
  - The Court will send this Notice to you if a hearing is set.
- Order to Seal Criminal Conviction Records (JDF 615).**

- Complete all portions of the form.
- You must indicate the same agencies on the Order as you did on the Motion.
- The Judge or Magistrate will sign the Order if your Motion 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 in the same Judicial District, read [JDF 640](#) for the appropriate forms.

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

#### **Step 5: Court Review**

The Court will review the Motion and supporting documents to determine if a hearing will be set, if the Motion will be denied without a hearing, or if the Motion will be granted without a hearing.

- If the Motion is denied the Court will send you an Order Denying the Motion (JDF 613). This Order will specify the reasons for the denial of the Motion and no hearing will be set.
- If the Court decides to set a hearing, the Court will send you the Order and Notice of Hearing (JDF 614).
- If the Court grants your Motion (with or without a hearing), the Judge or Magistrate will sign JDF 615 (Order to Seal Criminal Conviction Records). See Step 7 below for information on what you need to do with this Order once you receive it.

#### **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.

If you selected 'yes' in section 4 because charges in your case were related to psilocybin or psilocyn that were unlawful at the time of the offense but are no longer unlawful under C.R.S. § 18-18-434, the court will schedule a hearing if the DA objects to your motion. At the hearing, you will have the burden to show by a preponderance of the evidence that the underlying factual basis of the conviction you are trying to seal is no longer unlawful pursuant to C.R.S. § 18-18-434.

- The Court will either grant or deny the Motion to Seal Criminal Conviction Records.

#### **Step 7: If Your Request is Approved**

The Court will send the order to the agencies at the address you listed in the Petition.

- You must contact the Colorado Bureau of Investigation and pay the fee required to seal your records <https://cbi.colorado.gov/>.

If you do not pay the fee, the CBI may not seal the record.

- Generally, the agencies will seal your records within 30 days of receiving the order.

## **8. ADA Information**

For reasonable accommodations under the Americans with Disabilities Act contact the court's ADA coordinator:

[www.courts.state.co.us/Administration/HR/ADA/Coordinator\\_List.cfm](http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm)

## **9. Legal Advisory**

These are basic instructions for informational purposes only. They do not constitute legal advice. If you choose to represent yourself, you are bound by the same rules and process as a lawyer. If you do not understand this information, please contact a lawyer.