

WHAT DO I FILE
AND WHEN?

Seal your Court Record

WHICH INSTRUCTIONS SHOULD I FOLLOW THERE ARE SO MANY?

Non Conviction

Was your case dismissed?

Were you arrested and not charged?

Conviction

Did your case result in a finding of Guilt? Guilty plea?

**Simplified
24-72-702.5**

Was your case Dismissed?

Were you Acquitted?

Did you successfully finish a Deferred Sentence?

Determine the proper paperwork to file

Sealing of Arrest and criminal records

Check §24-72-702.5 to determine if you might qualify for the simplified procedure before filing this type of case.

Forms Required:

JDF 417 Petition to Seal Arrest
and Criminal Records

JDF 418 Order to Seal Arrest
and Criminal Records

JDF 419 Order and Notice of
Hearing (Sealing of Records)

JDF 435 Order Denying Petition
to Seal Arrest and Criminal
Record

FILING FEE \$224.00

If you are unable to pay, you must complete the Motion 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.

§ 24-72-702

General information

- ◆ Any person in interest may petition the District Court to seal any arrest and criminal records information pertaining to the person in interest, except basic identification information, by filing a civil action in the county in which any arrest and/or criminal records are filed.
- ◆ A separate civil case must be filed for each court case record you want sealed, unless both a county court case (F Case) and a district court case (CR case) were established as a result of the same offense.
- ◆ A person may file a Petition with the Court for sealing of each case once every twelve-month period.
- ◆ The arrest records may be included in the court case file or you may need to contact the arresting agency.
- ◆ The Court, law enforcement and criminal justice agencies will always have access to the file. The files are not destroyed. However, as provided under the statute, if inquiries are made by anyone other than a criminal justice agency, all agencies may respond that “*no such record exists with respect to such person*”.
- ◆ For additional information, please review Colorado Revised Statute §24-72-702.

In order to qualify to have your criminal record sealed, you must meet one of the following requirements:

- You were acquitted
- Your case was dismissed
- You completed a diversion agreement pursuant to C.R.S. § 18-1.3-101
- You have an arrest record, but you were not charged in court and the statute of limitations for the offense for which you were arrested that has the longest statute of limitations has run out

OR

- You have an arrest record, but you were not charged in court, the statute of limitations has not run and you are no longer being investigated by law enforcement for commission of the offense.

For more information about specific statutes of limitations, see §16-5-401, C.R.S.

However even if you meet the above requirements you cannot have your criminal record sealed if:

The record pertains to a dismissal that occurs as part of a plea agreement in a separate case**; OR

Records pertaining to a deferred judgment and sentence for an offense concerning Driving under the Influence, (DUI), Driving While Ability Impaired (DWAI), or DUI per-se pursuant to § 42-4-1301(1) or (2), C.R.S.

You still owe restitution, fines, court costs, late fees, or other fees ordered by the court in the case that you are asking to be sealed and the court has not vacated that order.

**you may still qualify to have your record sealed if 10 or more years have passed since the final disposition of all criminal proceedings against you and you have no additional criminal charges since the date of the final disposition of all criminal proceedings filed against you.

Fill in the entire Caption but
Leave the case number blank you will receive a new case number

Check the appropriate box

Fill in your contact information

Fill in the proper agencies/addresses for your case, check the boxes and fill in their contact information

District Court _____ County, Colorado Court Address: _____		
Petition of:		
Person in Interest (Primary subject of the criminal justice record) Attorney or Party Without Attorney (Name and Address):		▲ COURT USE ONLY ▲
Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		Case Number: _____
		Division _____ Courtroom _____
PETITION TO SEAL ARREST AND CRIMINAL RECORDS OTHER THAN CONVICTIONS PURSUANT TO §24-72-702, C.R.S.		

- The Petitioner is: (check one only)
 - the Person in Interest that is the primary subject of the criminal justice record.
 - the designated representative of the Person in Interest, by power of attorney or notarized authorization.
 - the parent of the Person in Interest, if the Person in Interest is under legal disability.
 - the appointed legal representative of the Person in Interest, if Person in Interest is under legal disability.
- Information about the Person in Interest: Date of Birth: _____
 Current Mailing Address: _____
 City: _____ State: _____ Zip Code: _____
 Home Phone #: _____ Work Phone #: _____ Cell #: _____
- The Petitioner asks this Court for an Order to Seal Arrest and Criminal Records information in the custody of the following agencies:
 - District and County Courts
 - Sheriff's Department
 - District Attorney
 - Law Enforcement Agency (name of agency) _____
 - Municipal Court (location) _____
 - Colorado Bureau of Investigation
 - Other _____
- If the Petition pertains to a dismissal that is not the result of the completion of a deferred judgment and sentence or a multiple case disposition the Court shall grant the Petition without a hearing if the Petition is sufficient on its face. If the circumstances do not apply and the Court orders a hearing, the Court may grant the Petition if the Court finds that the harm to the Person in Interest's privacy or the danger of unwarranted adverse consequences outweighs the public interest in retaining the records. Explain why you believe the harm/danger outweighs the public interest.

Fill in the appropriate information

Fill in this section if you were arrested but no Court charges were filed and a court case does not exist

Dismissed due to a plea in a separate case and the proper time has passed?

5. COMPLETE THIS SECTION, INCLUDING THE TABLE BELOW IF CHARGES WERE FILED OR IF NO CHARGES WERE FILED BUT THE PERSON IN INTEREST SUCCESSFULLY COMPLETED A DIVERSION AGREEMENT PURSUANT TO § 18-1.3-101, C.R.S.
- Complete the first five columns of the table below for all records the Person in Interest is asking the Court to seal.
 - Indicate in the Dismissal column by **Yes** or **No** whether each charge has been dismissed. If a charge was dismissed as part of a plea agreement in a separate case, the Petitioner must also complete Section 7e below.
 - Deferred: If the charge was dismissed as a result of completion of a deferred judgment and sentence, indicate **Yes** in the Deferred Judgment column.
 - Diversion: If the Person in Interest successfully completed a diversion agreement, indicate **Yes** in the Diversion Agreement column. If no charges were filed, indicate **None** in the Charges column. If a charge was filed but dismissed, list the charge in the Charge column and indicate **Yes** in the Dismissal Column.
 - If the Person in Interest was acquitted, indicate **Yes** in the Acquittal column.

Offense Date	Arrest Date	Arrest or Summons Number	Charge (if any)	F/M *	Dismissal	Deferred Judgment	Diversion Agreement	Acquittal

* F/M asks Petitioner to state if Person in Interest's records are related to Felony (F) or Misdemeanor (M) charges.

6. COMPLETE THIS SECTION, INCLUDING THE TABLE BELOW, IF ARREST RECORDS EXIST, NO CHARGES WERE FILED, AND THE PERSON IN INTEREST DID NOT SUCCESSFULLY COMPLETE A DIVERSION AGREEMENT PURSUANT TO § 18-1.3.101, C.R.S.
- The Person in Interest may only ask the Court to seal the arrest records if and the statute of limitations for the offense for which the person was arrested that has the longest statute of limitations has run OR the statute of limitations has not run, but the Person in Interest is no longer being investigated by law enforcement for the commission of the offense.
 - If charges were not filed due to a plea agreement in a separate case, The Court cannot grant a request to seal the arrest record(s) for such offense(s).

Date of Arrest	Original Arrest Number	Offense

7. Complete this section if the following court case exists but was dismissed due to a plea agreement in a separate case, ten years have passed since the final disposition of all criminal proceedings against the Person in Interest and Petitioner is not aware of any charges for any criminal offense against the Person in Interest during that ten-year period.

Case Number of Case Dismissed	Date Case was Dismissed	Case Number(s) Identified in the Plea Agreement



8. Court case numbers and criminal justice agency case numbers:

County Court case number: _____
District Court case number: _____
Municipal Court case number: _____
Law Enforcement Agency case number: _____
Arrest number (from fingerprint card): _____ Date: _____

- 9. The Person in Interest has paid all restitution, fines, court costs, late fines or other fees ordered by the Court, unless the Court has vacated the Order in the case requesting to be sealed.
- 10. The record does not pertain to a class 1 or a class 2 misdemeanor traffic offense.
- 11. The record does not pertain to a class A or a class B traffic infraction.
- 12. The record does not pertain to a deferred judgment and sentence for Driving Under the Influence (DUI), Driving while Ability Impaired (DWAi), or DUI per-se pursuant to § 42-4-1301(1) or (2), C.R.S.
- 13. The record does not pertain to a deferred judgment and sentence for an offense 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.
- 14. The record does not pertain to a deferred judgment and sentence for an offense for which the factual basis involved unlawful sexual behavior pursuant to § 16-22-102(9), C.R.S.
- 15. The decision not to charge an offense was not due to a plea agreement in a separate case.
- 16. Petitioner requests the Court to set a date for hearing on this Petition, if necessary, and to enter an order sealing arrest and criminal records pertaining to the Person in Interest, pursuant to § 24-72-702(1)(b)(II), C.R.S. and to seal this civil action.

By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.

By checking this box, I am acknowledging that I have made a change to the original content of this form.

SIGNATURE

Printed name of Petitioner

Signature of Petitioner

Date

What should I expect once I file my paperwork?

You should provide a copy of your Petition to the District Attorneys office (this will speed the process along for you).

The Court will send you a copy of the Notice of Hearing to advise you of your Court date if necessary.

If you do not get a Notice of Hearing, the Judge may decide they do not require a hearing because the District Attorney does not object and they will send you the final Order to seal your case.

If you receive this Order in the mail you must make copies and send it to the Agencies you have listed on the Order to ensure they seal the record. Your case is sealed.



[Return to the Sealing Start Menu](#)

Sealing of Arrest and criminal records Simplified

Your deferred sentence ended successfully, your case was dismissed, or you were acquitted of all charges

Forms Required:

JDF 477 Motion to Seal
Criminal Justice Records
Pursuant to
§24-72-702.5 C.R.S.

JDF 478 Order to Seal
Criminal Justice Records
Pursuant to
§24-72-702.5 C.R.S.

FILING FEE \$65.00

If you are unable to pay, you must complete the Motion 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.

§24-72-702.5

Fill out the caption with your name and original case number and your name and address

Check the appropriate box and fill in the date

Fill in the address of the agencies and appropriate information

<input type="checkbox"/> District <input type="checkbox"/> County Court _____ County, Colorado	
Court Address: _____	
▲ COURT USE ONLY ▲	
Petition of: _____	Case Number: _____
Defendant (Primary subject of the criminal justice record)	Division: _____ Courtroom: _____
MOTION TO SEAL CRIMINAL JUSTICE RECORDS PURSUANT TO §24-72-702.5, C.R.S.	

I, _____ (defendant's name), am the defendant in the above captioned case.

Defendant's Name: _____ Date of Birth: _____

Current Mailing Address: _____

City: _____ State: _____ Zip Code: _____ Phone: _____

- I was acquitted of all charges on _____.
- The case was completely dismissed on _____, and the dismissal was not part of a plea agreement in a separate case.
- I completed a diversion agreement on _____.
- I completed a deferred judgment and sentence on _____, and the deferred judgment and sentence does not pertain to any of the following offenses:
 - Driving Under the Influence (DUI), Driving While Ability Impaired (DWAI), or DUI Per-Se pursuant to § 42-4-1301(1) or (2), C.R.S.,
 - An offense 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.
 - An offense for which the factual basis involved unlawful sexual behavior pursuant to § 16-22-102(9), C.R.S.

I have paid any and all restitution, fines, court costs, late fees or other fees ordered by the Court, or the Court has vacated such order(s).

The records in this case do not pertain to a class 1 misdemeanor traffic offense, class 2 misdemeanor traffic offense, class A traffic infraction, or a class B traffic infraction.

Agencies having records related to this case are:

- Sheriff's Department
- District Attorney
- Colorado Bureau of Investigation (Statute authorizes this agency to assess an additional fee to seal its records)

Law Enforcement Agency (identify): _____

Other: _____

Arrest number (from fingerprint card): _____ Date: _____

Fill out the caption with your name and original case number and your name and address

Fill in the case numbers You will have either a County or District Court case number

File the paperwork with the Court and you will receive the Order in the mail with the Judges decision.

<input type="checkbox"/> District <input type="checkbox"/> County Court _____ County, Colorado	
Court Address:	
▲ COURT USE ONLY ▲	
People of the State of Colorado v. Defendant	Case Number: Division: Courtroom:
ORDER TO SEAL CRIMINAL JUSTICE RECORDS PURSUANT TO §24-72-702.5, C.R.S.	

The Court has considered Defendant's motion to seal criminal justice records pursuant to § 24-72-702.5, C.R.S. and has examined the record. The Court finds Defendant is eligible for relief under § 24-72-702.5, C.R.S.

Defendant's Name: _____ Date of Birth: _____
 Current Mailing Address: _____
 City: _____ State: _____ Zip Code: _____

The Court ORDERS that the criminal records information specifically relating to and contained in:

County Court case number: _____
 District Court case number: _____
 Law Enforcement Agency case number: _____
 Arrest number (from fingerprint card): _____ Date: _____
 Colorado Bureau of Investigation (Statute authorizes this agency to assess an additional fee to seal its records.)

shall be sealed immediately, except for basic identifying information, and that upon inquiry in the matter, the Person in Interest and criminal justice agencies to which this Order is directed may properly reply that no such records exist with respect to such person.

The Court directs the above Order to the Clerk of Court to seal the criminal case listed above. Copies of this Order shall be provided, as evidenced by the attached Certificate of Mailing, to each custodian who may have custody of any of the records subject to this Order.

Date: _____ Judge _____

CERTIFICATE OF MAILING

I certify that on _____ (date), I delivered a copy of this Order to the following:

Petitioner and/or Petitioner's Attorney: Hand-Delivered, E-filed, or Mailed to:

Sheriff's Department
 District Attorney
 Law Enforcement Agency _____
 Colorado Bureau of Investigation 690 Kipling St., Suite 3000, Attn: Identification- Seals. Lakewood, CO 80215

Other _____: Hand-Delivered, E-filed, or Mailed to: _____

 Clerk signature: _____

Sealing of Criminal conviction Records

Forms Required:

JDF 612 Petition to Seal Criminal
Conviction Records

JDF 615 Order to Seal
Criminal Conviction Records

JDF 614 Order and Notice of Hearing

JDF 613 Order Denying Petition to
Seal

A filing fee of \$224.00 is required for controlled substance convictions entered prior to July 1, 2008. For controlled substance convictions entered on or after July 1, 2011, or felony drug offenses occurring on or after October 1, 2013, a filing fee of \$224.00 is required. If you are unable to pay, you must complete the Motion 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.

CONTROLLED SUBSTANCE CONVICTIONS ENTERED

PRIOR TO
July 1 2008

You may petition the Court to seal criminal conviction records, except basic identifying information, if you meet all the requirements listed below for controlled substance convictions entered on or after July 1, 2008 and prior to July 1, 2011, **AND**

1. The prosecuting attorney does not object to the sealing;
2. You pay to the office of the prosecuting attorney all reasonable attorney fees and costs of the prosecuting attorney relating to the Petition to Seal prior to the entry of an Order sealing the conviction records;
3. You pay the filing fee required by law

§24-72-704(2)(b)

CONTROLLED SUBSTANCE CONVICTIONS ENTERED

ON OR AFTER
JULY 1, 2008 AND
PRIOR TO
JULY 1, 2011

You may petition the Court to seal criminal conviction records, except basic identifying information, if:

1. The Petition is filed ten or more years after the date of the final disposition of all criminal proceedings against you or your release from supervision concerning a criminal conviction, whichever is later; **AND**
2. You have not been charged or convicted of a criminal offense in the ten or more years since the date of the final disposition of all criminal proceedings against you or the date of your release from supervision, whichever is later.
3. If you qualify under paragraphs 1 and 2 of this section, you may get the following types of conviction records sealed:
 - a. Any petty offense or misdemeanor in violation of article 18 of title 18, C.R.S.
 - b. Any class 5 or 6 felony in violation of article 18 of title 18, C.R.S. **OTHER THAN** a class 5 or 6 felony conviction for the sale, manufacturing or dispensing of a controlled substance; or attempt or conspiracy to commit the sale, manufacturing or dispensing of a controlled substance; or possession with the intent to manufacture, dispense, or sell a controlled substance.
 - c. Any offense that would be classified as a class 5 or 6 felony in violation of article 18 of title 18, C.R.S. if the offense were to have occurred on July 1, 2008.

CONTROLLED SUBSTANCE CONVICTIONS ENTERED

ON OR AFTER
JULY 1, 2011

You may petition the Court to seal criminal conviction records, except basic identifying information, if the Petition is filed within the following **time frames**:

1. If the offense is a petty drug offense in article 18 or title 18, C.R.S., the Petition may be filed **one year** after the later of the date of the final disposition of all criminal proceedings against you or your release from supervision concerning a criminal conviction.
2. If the offense is a petty offense, a class 2 or 3 misdemeanor, or a level 2 drug misdemeanor in article 18 of title 18, C.R.S. the Petition may be **filed three years** after the later date of the final disposition of all criminal proceedings against you or your release from supervision concerning a criminal conviction.
3. If the offense is a class 1 misdemeanor, or a level 1 drug misdemeanor in article 18 of title 18, C.R.S., the Petition may be filed **five years** after the later of the date of the final disposition of all criminal proceedings against you or your release from supervision concerning a criminal conviction.
4. If the offense is a level 4 drug felony, or a class 5 felony or class 6 felony drug possession offense described in §18-18-403.5, C.R.S., as it existed prior to October 1, 2013, §18-18-404, C.R.S., or §18-18-405, C.R.S., as it existed prior to August 11, 2010, the Petition may be filed **seven years** after the later of the date of the final disposition of all criminal proceedings against you or your release from supervision concerning a criminal conviction.
5. For all other offenses in article 18 of title 18, C.R.S., the Petition may be filed **ten years** after the later of the date of the final disposition of all criminal proceedings against you or your release from supervision concerning a criminal conviction.

FOR PETTY OFFENSE AND MUNICIPAL VIOLATION CONVICTIONS

**NOT RELATED TO
CONTROLLED
SUBSTANCES**

You may petition the Court to seal criminal conviction records, except basic identifying information, **if:**

1. The Petition is filed three or more years after the date of the final disposition of all criminal proceedings against you or the date of your release from supervision concerning a criminal conviction, whichever is later; **AND**
2. You have not 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 from supervision, whichever is later; **AND**
3. The conviction records to be sealed are not for a misdemeanor traffic offense committed either by a holder of a commercial learner's permit or a commercial driver's license, as defined in §42-2-402, C.R.S., or by the operator of a commercial motor vehicle as defined in §42-2-402, C.R.S.

§24-72-708

Fill in the date of sentencing and the date your Probation/Parole terminated. Did you or an Attorney file to have your case appealed?

You must attach a copy of your criminal history when you file and it had to have been obtained within 20 days of filing the Petition

Have you paid all of your fines, costs....? Why do you want your case sealed?

Check the option that applies (date of conviction/sentence date)

Sign your Petition

JDF 612 page 2

Date Sentenced: _____

Probation/Parole Supervision Termination Date: _____

5. Was this case appealed? Yes No If yes, please provide the following information:

Appeal Case Number: _____

Appellate Court: _____

Result: _____ Date: _____

6. A current verified copy of the Defendant's criminal history record is attached and the criminal history record check was conducted no more than 20 days prior to the filing of this Petition. Yes No (If it is not attached to this Petition, a copy of the criminal history record must be filed with the Court no later than 10 days after the filing of this Petition)
7. The Defendant has paid all restitution, fines, court costs, late fees or other fees ordered by the Court, unless the Court has vacated the Order in the case requesting to be sealed. Yes No
8. The Petitioner further shows the Court that the harm to Defendant's privacy or the danger of unwarranted, adverse consequences outweighs the public interest in retaining the records. Explain:

9. The Petition is for: (check the box that applies)

A conviction that entered prior to July 1, 2011 (notice of this Petition is not required to be given and you do not need to complete the Certificate of Service section below).

A conviction that entered on or after July 1, 2011 for a petty offense in article 18 of title 18, C.R.S. (notice of this Petition is not required to be given, and you do not need to complete the Certificate of Service section below).

A conviction that entered on or after July 1, 2011 for something other than a petty offense in article 18 of title 18, C.R.S. (notice of this Petition must be given to the prosecuting attorney, and you will need to complete the Certificate of Service section below).

10. Petitioner requests the Court to enter an order sealing criminal conviction records pertaining to the Defendant, pursuant to § 24-72-704, § 24-72-705, or § 24-72-708, C.R.S., as applicable, and to seal this civil action.

By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.

By checking this box, I am acknowledging that I have made a change to the original content of this form.

SIGNATURE

(Printed name of Petitioner)

Signature of Petitioner Date

Signature of Attorney Date

You must give a copy of the Petition to the District Attorneys office. Fill in when you plan to give it to them, how, and to which and then sign the certificate of service portion of the form



CERTIFICATE OF SERVICE

I certify that on _____ (date) a true and accurate copy of this *Petition to Seal Criminal Conviction Records* was served on the Prosecuting Attorney by:

Hand Delivery E-filed Faxed to this number _____ or by placing it in the United States mail, postage pre-paid, and addressed to the following:

Signature of Petitioner