

**ADVISEMENT SEALING
OF CRIMINAL CONVICTIONS RECORDS FOR MUNICIPAL OFFENSES**

A defendant may file a motion in which any criminal case convictions records pertaining to the defendant for a municipal violation are located for the sealing of the conviction records, within the time frames described, except basic identification information, if the defendant meets either of the following:

1. It has been at least **three 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 felony, misdemeanor, or misdemeanor traffic offense 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 records you are trying to seal are not for a misdemeanor traffic offense committed either as a holder of a commercial learner's permit or a commercial driver's license as defined in [§42-2-402, C.R.S.](#), or as the operator of a commercial motor vehicle as defined in [§42-2-402, C.R.S.](#)

OR, records with a single subsequent offense;

1. It has been at least **ten 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. The defendant was 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), unlawful sexual behavior as defined in section 16-22-102 (9), or child abuse as defined in section 18-6-401; **AND**
3. The defendant has not been convicted of a felony, misdemeanor, or misdemeanor traffic offense since the date of the final disposition of all criminal proceedings against the defendant for the subsequent criminal case or since the date of the defendant's release from supervision for the subsequent case, whichever is later. **AND**
4. The conviction sought to be sealed is not a municipal assault or battery offense in which the underlying factual basis involves domestic violence, as defined in section 18-6-800.3 (1), or any other municipal violation in which the underlying factual basis involves domestic violence, as defined in section 18-6-800.3 (1),

- The Court **shall not** factor in or take into consideration any unpaid fines, court costs, late fees, or other fees ordered by the court in the case that is the subject of the motion to seal when the court is determining whether the record should be sealed
- The Court **may not** seal criminal convictions records if you owe restitution; 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 any sealed conviction(s) for any lawful purpose relating to the investigation or prosecution of any case, including any subsequent case filed; for collecting fines, court costs or other fees; or for any other lawful purpose within the scope of the agency's, courts or attorney's 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.
- Sealing of a record does not preclude a court's jurisdiction over any subsequently filed motion, including a motion to amend the record, a postconviction relief motion or any other motion concerning a sealed conviction record.
- A defendant whose record has been sealed may access information contained in the sealed record from the CBI without a court order. In response to an inquiry from the defendant, the CBI shall reply that a public criminal record does not exist with the information and records underlying the sealed record. Except as otherwise provided in subsection C.R.S. 24-72-703 (2)(a)(I).
- The person who is the subject of the records and the prosecuting attorney may inspect the records included in an order sealing criminal records without a court order and only for the purposes permitted by law.
- Upon the entry of an Order to Seal and an inquiry in the matter, you may properly respond *that public criminal records do not exist with respect to the defendant*. A criminal justice agency **shall** reply that a public criminal record does not exist with respect to the defendant. Except as otherwise provided in subsection C.R.S. 24-72-703 (2)(a)(I).
- You can file paperwork to seal your records for a case once every twelve-month period, unless otherwise provided by the Court.
- For further additional information, please review §24-72-703 and §24-72-708, C.R.S.

To file a Motion to Seal Criminal Conviction Municipal Records, upon determination you meet the initial requirements noted above and as reference in the state statute, you may request said Motion from the Court to begin the process.

You must also obtain a verified copy of your criminal history report. Report must be conducted no more than 20 days before the filing of paperwork with the Court Motion requesting to seal your records AND no later than ten days after the Motion is filed with the Court. To obtain a verified copy of your criminal history you may contact Colorado Bureau of Investigation (CBI) either by going online www.cbirecordscheck.com or, you may 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. There will be a fee to get your criminal history report. Check with the CBI about the amount of the fee.

You will be required to pay a processing fee of \$65. Court may waive upon determination of indigency.

Upon your filing of a Motion to Seal Conviction Records and criminal history record with the court, one of the following things will happen: The court will grant the motion, unless the prosecution files an objection/hearing set OR the court will deny the motion.

- If the Court denies the Motion, the court will send you, defendant, a signed copy of the Order Denying Motion to Seal Criminal Conviction Records. The Order will specify the reasons for the denial of the Motion ~~and no hearing will be set.~~
- If the Motion is not denied, the Court will grant the motion and send you, defendant, an Order to Seal Criminal Case Records. OR, should the prosecution file a written objection, an Order and Notice of Hearing to Seal Criminal Case Conviction Records will be sent you within forty-two days after the filing of the motion. The hearing date will be on the form. After the hearing, the Court will decide whether the defendant's records should be sealed. Be prepared for possible questions about the request for sealing criminal convictions records and any objections filed; if applicable. The Court will consider the severity of the offense that is the basis of the conviction record sought to be sealed, criminal history of the defendant, number of convictions and dates of convictions for which the defendant is seeking to have the records sealed, and the need for the government agency to retain the records. As well, the Court determining if harm to the privacy of the defendant or the dangers of unwarranted, adverse consequence to the defendant outweigh the public interest in obtaining public access to the conviction records.

Upon the Court's decision to seal your record. The Court will give you a signed copy of the Order to Seal Criminal Case Records. In addition, the Court shall provide a copy of the Order to the law enforcement agency, prosecuting attorney, Colorado Bureau of Investigation and any other named agency in the order. It will be your responsibility to follow-up with the Colorado Bureau of investigation as this agency will require a fee to seal your records (<https://www.colorado.gov/cbi>)

This advisement is for informational purposes only and does 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.