

INSTRUCTIONS TO FILE A PETITION TO SEAL ARREST AND CRIMINAL RECORDS OTHER THAN CONVICTIONS (MUNICIPAL VIOLATIONS ONLY)

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

- ◆ You may pick up a form Petition to Seal Arrest and Criminal Records other than Convictions at Municipal Court, 200 South Main Street, Pueblo, Colorado. If you do not reside in Pueblo, you may call the Court at 719-562-3810 and request a form be sent to you via U.S. Mail or e-mail.
- ◆ Any person in interest may petition the Municipal Court to seal any arrest and criminal records information pertaining to the person in interest, except basic identification information, by filing a Petition to Seal Criminal Justice Records pursuant to C.R.S. §24-72-702.5.
- ◆ A separate Petition must be filed for each court case record you want sealed.
- ◆ 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 by C.R.S. §24-72-702, 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 Statutes §24-72-702 and §24-72-702.5.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact the Municipal Court Administrator.

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

- You were acquitted;
- You successfully completed a deferred sentence or deferred prosecution;
- Your case was dismissed;
- You have an arrest record, but you were not charged in court and the statute of limitations for the offense for which the you were arrested that has the longest statute of limitations has run; 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 further 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
- 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.

**Where your record pertains to a dismissal that occurs as part of a plea agreement in a separate case, 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.

Other criminal records that cannot be sealed include the following:

- Records pertaining to traffic infractions.
- Records pertaining to an offense of indecent exposure.
- **NOTE:** If you are trying to seal records for an offense that is not a traffic infraction or traffic offense, the fact that you are also charged with a traffic infraction or traffic offense as part of the same case does not prohibit the court from sealing the records of the additional offense(s).
- Records pertaining to deferred judgment and sentence for an offense concerning the holder of a commercial driver's license, or the operator of a commercial motor vehicle, as defined in § 42-2-402, C.R.S.

COMMON TERMS

| | |
|---|--|
| <input checked="" type="checkbox"/> Petition: | Document officially commences the Sealing of Records process. |
| <input checked="" type="checkbox"/> Petitioner: | The person or persons filing a Petition to Seal Arrest and Criminal Records. |
| <input checked="" type="checkbox"/> 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. |
| <input checked="" type="checkbox"/> Arrest: | To take into custody by legal authority; to receive a citation or ticket; to receive a summons and complaint. |
| <input checked="" type="checkbox"/> Acquitted: | The finding of not guilty by a Judge or Jury. |
| <input checked="" type="checkbox"/> Criminal Case: | A case brought by the government against an individual accused of committing a crime. |
| <input checked="" type="checkbox"/> May: | In legal terms, "may" is defined as "optional" or "can". |
| <input checked="" type="checkbox"/> 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 \$65.00 is required. If you are unable to pay, you must an Inability to Pay Application and submit it to the Court. Once you submit the completed Inability to Pay Application together with all required documents, 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:

| | |
|--|---|
| <input type="checkbox"/> Records Search Fees | Varies and is payable to the agency |
| <input type="checkbox"/> Copies of Documents (Documents on File) | \$.75 per page or \$1.50 if double-sided |
| <input type="checkbox"/> Copies of Documents (Documents not on File) | \$.25 per page or \$.50 if double-sided |
| <input type="checkbox"/> Certification Fee | \$ 20.00 |

STEPS TO FILING YOUR CASE

Step 1: Obtain arrest and criminal records.

In order to file a Petition to Seal Arrest and Criminal Records, you must obtain the proper case report numbers, 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. **No Criminal Justice Information involving a conviction may be sealed under this process. In order to seal records related to convictions, you must file a civil case in the county court in which any arrest and/or criminal records are filed.** The records may be found in the following locations:

- County and District 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.
- Colorado State criminal history. This report may assist you in locating correct dates, arrest numbers, and agency case numbers to include on your Petition.
- 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 303239-4208 for additional information. CBI is located at 690 Kipling Street, Suite 315, Lakewood, CO 80215.

Step 2: Complete the appropriate forms.

- Petition to Seal Arrest and Criminal Records (Municipal Violations Only).**
- 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 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 arrest record or court case file you want sealed. You may obtain this information from the arresting agency and Municipal Court.
- If you had a case that was dismissed due to a plea agreement in a separate case, provide the case number(s) that are related to the plea agreement.
- 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 result of the official action you are petitioning to seal.
- This Petition must be signed in the presence of a Court Clerk or Notary Public.

Step 3: 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 \$65.00. If you are requesting to seal multiple cases, you must file a separate Petition to Seal and pay a separate \$65.00 filing fee for each case. If the Petition has not been signed in the presence of a Notary Public, you will sign the Petition before the Clerk at this time.

- You may be required to provide copies of your Petition to Seal for each of the agencies identified on the Order and Notice of Hearing to the Court.
- The Court may require addressed stamped envelopes for every agency you identified on the Notice and Certificate of Mailing. In addition, provide a self-addressed stamped envelope to receive a copy of the Order.

Step 4: The Court will review the Petition and supporting documents to determine if the Petition will be Granted or Denied.

- If the Petition is denied the Court will send you an Order Denying the Petition to the last mailing address on file with the Court. This Order will specify the reasons for the denial of the Petition and no hearing will be set.

- ☐ If the Petition is granted, the Court will send you an Order to Seal Arrest and Criminal Records. The Court will grant the Petition only if the Petition is sufficient on its face and pertains to a dismissal that is not the result of a multi-case disposition.

Step 6: Following the hearing.

When the Court seals criminal justice records, the Court will provide a copy of the Court order to the Colorado Bureau of Investigation. You must pay to the Bureau any costs related to the sealing of the records in the custody of the Bureau. The Court will also provide a copy of the Court order to each custodian listed in the Order. **You must provide to the Court, within seven days of filing or making the motion, a list of all agency custodians who may have custody of any records subject to the Order.** It is your responsibility to notify any agencies that may have custody of any records subject to the order, which are not listed in the Order. Your failure to notify the agencies may result in the Defendant's arrest and criminal record not being sealed.