



INSTRUCTIONS TO SEAL MUNICIPAL CRIMINAL CONVICTIONS

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 petition the Municipal Court to seal criminal conviction records, except basic information, by filing a petition in the Municipal Court in which the criminal conviction record is filed.
- ❖ A separate Petition must be filed for each court case you want sealed.
- ❖ You may file a Petition with the Court for sealing of each case once every twelve-month period.
- ❖ You may not petition the Court to seal criminal records if you still owe restitution, fine, 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 orders.
- ❖ An Order sealing conviction records **does not** vacate a conviction.
- ❖ The Court, law enforcement and criminal justice agencies, the prosecuting attorney or a party/agency required by law to conduct a criminal history record on an individual will always have access to your conviction records. The sealed conviction(s) may be used for any lawful purpose relating to the investigation or prosecuting of any case or for any lawful purpose within the scope of the person's/agency's duties.
- ❖ 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 conviction records do not exist with respect to the defendant.*
- ❖ If you obtain a conviction for a new criminal offense after an order sealing conviction record is entered, the Court shall order the conviction records to be unsealed.

You may ask the Court to seal your case, except basic identification information, **ONLY IF**:

- The request is made three (3) or more years after your case is closed or your release from supervision concerning your criminal conviction, whichever is later; AND
- 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
- Your 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 section 42-2-402 C.R.S., or by the operator of a commercial motor vehicle, as defined in section 42-2-402 C.R.S.

STEPS TO FILING A PETITION TO SEAL:

Step 1: Obtain arrest and criminal records

In order to file your petition you must obtain the proper case report numbers, case numbers, and arrest numbers from the original arrest and/or criminal records. This information is necessary to ensure that your case is sealed properly, if ordered by the Court. Different agencies may require different fees to produce this information.

Step 2: Obtain a current verified copy of your Criminal History

A verified copy of your criminal history 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. You will be required to pay for any fees associated with obtaining the criminal history record.

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. CBI is located at 690 Kipling Street, Suite 3000, Lakewood, CO, 80215.

Step 3: Complete the form Petition to Seal Criminal Conviction Records Pursuant to section 24-72-708 C.R.S.

- All applicable sections must be completed before the petition is filed.
- You are responsible for specifying with a checkmark each of the criminal justice agencies listed on the petition that have information related to your case. If any other agencies not listed on the form also have information related to your case, you must provide the court with their names and addresses. A copy of the Order granting your petition will only be mailed to the agencies listed by you.
- You must enter the case number(s) or all the files you want sealed. If you are requesting multiple cases to be sealed, a separate petition for each case is required.

Step 4: Complete the following forms:

- Order and Notice of Hearing to Seal Criminal Conviction Municipal Records.**
 - 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 Pursuant to section 24-72-708 C.R.S.**
 - Complete the caption on the form.
 - Complete the initial part of the form, which includes your name, date of birth, and current mailing address.
 - Leave all other parts blank.

Step 5: File all three (3) forms with the court, in person at the Clerk's Office, or through the mail along with the filing fee of \$65.00. You may request the Court to waive the processing fee upon a determination of indigency. For details on how to request the waiver of the processing fee please contact the Court Clerks.

AFTER INITIAL FILING:

The Court will review the petition and any supporting documents to determine if a hearing will be set or if the petition will be denied without a hearing.

If the petition is DENIED the Court will send you a copy of the order denying the petition. This order will specify the reasons for the denial and no hearing will be set.

If the petition is sufficient on its face and no other grounds exist at that time to deny the petition, the petition will be SET FOR A HEARING with notification to the prosecuting attorney, the arresting agency, and any other person or agency identified by you.

In consideration of the factors set out in section 24-72-706(1)(g), C.R.S., if the Court finds that the harm to the privacy of you or the dangers of unwarranted, adverse consequences to you outweigh the public interest in retaining public access to the conviction records, the Court may order the conviction records, except basic identification information, to be sealed.

PAYMENT OF FEE TO THE COLORADO BUREAU OF INVESTIGATION (CBI):

The fee must be paid to the C.B.I. It is *not* payable to the Lafayette Municipal Court.

CBI **will not process** the Order to Seal unless a processing fee is paid. You must pay the exact amount. Over payments are not accepted and will be returned to the sender, which will delay the processing of the order to seal. CBI does not accept personal checks. You may pay by money order, certified check, business check, or credit card. If you choose to pay by credit card you may download the form here: <https://www.colorado.gov/pacific/cbi/fees-and-forms>

Forward a copy of the Court Order to Seal by mailing a copy to:

CBI Identification Unit
690 Kipling Street, Suite 4000
Lakewood, Colorado 80215

Or via Fax to (303) 239-5858 Attn: Disposition Updates

Please visit CBI's website at <https://www.colorado.gov/pacific/cbi/disposition-update-and-sealing-arrest-record>