

**Answers
To Your Questions
About**

**Sealing Adult
Criminal Records**



**Excellence
In
Customer Service
Colorado Judicial Branch**

<http://www.courts.state.co.us>

April 2001

What are sealed records?

Sealed criminal records under Colorado law are records involving a criminal incident that can be represented not to exist. Under Colorado law, most adult criminal records are accessible to the public for inspection during regular business hours. One exception is where you have not been charged, the case has been completely dismissed, or you were acquitted of all charges **and** you are granted a court order to seal any record of the incident in the case.

What is the process for sealing criminal records?

To seal your records, you must petition the district court of the district in which arrest and criminal records information pertaining to you are located. Check with your local courthouse for the appropriate petition forms, or download the forms from the Judicial Branch website: www.courts.state.co.us.

You must file a separate petition for **each** case or incident you want sealed. There is a fee for each petition you file.

After you obtain the necessary forms, you must determine whether you are eligible under the statute to have your record(s) sealed. You are eligible to have your records sealed **ONLY** if:

- you were not charged;
- the case against you was completely dismissed; or
- you were acquitted of all charges.

If you are eligible, the records that you may seek to seal can include:

- the police contact;
- an arrest;
- an indictment, information, or summons and complaint and any court case associated with it;
- any other record held by a criminal justice agency regarding the incident.

You may **NOT** petition to seal any records of cases involving a conviction on a **DUI** or **DWAI** and certain traffic offenses and infractions. No

criminal justice information involving a **CONVICTION** may be sealed.

It is your responsibility to specify, in your petition, each criminal justice agency that has a copy of your record(s). After the petition is filed and the fees are paid, the court sets a hearing date. Each agency that you listed on the petition will receive a notice of the petition and the hearing.

If the court decides to grant your **Petition to Seal Arrest and Criminal Records**, it orders the record to be sealed.

For more specific information about sealing criminal records, see Colorado Revised Statutes § 24-72-308.

What happens after the court grants the petition?

If the court grants your petition, you must provide any agency or custodi-

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an of the records (including the Colorado Bureau of Investigation, or CBI) with a copy of the court's order. The CBI will notify the Federal Bureau of Investigation (FBI) of the court's order to seal your records.

You may also ask the court to seal the record of the civil case in which your criminal records were sealed. After receiving the order, it takes approximately 5-10 days for the court to seal your records and approximately 30 days for all the agencies to be notified of the order.

Once the court has ordered the criminal record(s) sealed, you and the criminal justice agencies may represent that no such record exists on this matter. One exception is that one criminal justice agency may have access to the sealed records of another criminal justice agency.

Keep in mind that sealing a record does **NOT** mean that the record is physically destroyed or altered in any way.

Once a record is sealed, it may be unsealed only with the court's consent.