



How to Seal Multiple Conviction Records

Note: 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

- ◆ A Defendant may petition the Court to seal multiple criminal conviction records, except basic identifying information, by filing in the District Court in the county in which the criminal conviction records are filed.
- ◆ If you have been convicted of offenses in different judicial districts, you must file a petition in each district and attach a copy of each petition filed in the other districts.
- ◆ The Court **will not** seal criminal conviction records if you still owe restitution.
- ◆ 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 or for any other lawful purpose within the scope of their 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.
- ◆ Pursuant to C.R.S. § 24-72-703(4), the conviction records are not physically destroyed.
- ◆ 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 criminal records do not exist with respect to the defendant*.
- ◆ For additional information, please review C.R.S. §§ 24-72-703, and -709.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator.

Charges that Cannot be Sealed:

- ◆ A class 1 or Class 2 misdemeanor traffic offense;
- ◆ A class A or Class B traffic infraction;
- ◆ A conviction for a violation of C.R.S. § 42-4-1301(1) or (2);
- ◆ A conviction for an offense for which the underlying basis involved unlawful sexual behavior as defined in C.R.S. § 16-22-102(9);
- ◆ A conviction for a violation of C.R.S. § 18-6-401;
- ◆ Records that are subject to the procedure set forth in C.R.S. § 18-13-122(13); or
- ◆ A conviction that is subject to one or more of the following provisions:
 - Sentences for a crime involving extraordinary aggravating circumstances pursuant to C.R.S. 18-1.3-401(8);
 - A sentence for an extraordinary risk crime pursuant to C.R.S. § 18-1.3-401(10);
 - Sentencing for a crime involving a pregnant victim pursuant to C.R.S. § 18-1.3-401(13);
 - Sentencing for a crime pertaining to a special offender pursuant to C.R.S. § 18-18-407;
 - Sentencing for a criminal conviction for which the underlying factual basis involves domestic violence as defined in C.R.S. § 18-6-800.3;
 - Sentencing for a criminal conviction for a sexual offense pursuant to Part 4 of Article 3 of Titled 18 of the Colorado Revised Statutes;
 - Sentencing for any crime of violence pursuant to C.R.S. § 18-1.3-406;
 - Sentencing for a felony crime enumerated in C.R.S. § 24-4.1-302(1);
 - Sentencing for a felony offense in violation of C.R.S. § 18-9-202;
 - Sentencing for an offense classified as a class 1, 2, or 3 felony or a level 1 drug felony pursuant to any section of Title 18 of the Colorado Revised Statutes;
 - Sentencing for an offense in violation of Part 1 of Article 6 of Title 18 of the Colorado Revised Statutes;
 - Sentencing for an offense in violation of C.R.S. § 18-5-902;
 - Sentencing for an offense in violation of C.R.S. § 18-3.5-103; or
 - Sentencing for an offense in violation of C.R.S. § 18-7-203.

Note: A misdemeanor offense listed above is eligible for sealing if:

- 1) The district attorney consents to the sealing; or
- 2) The court finds, by clear and convincing evidence:
 - That your need for sealing the record is significant and substantial;
 - The passage of time is such that you are no longer a threat to public safety; and
 - The public disclosure of the record is no longer necessary to protect or inform the public.

Wait Time Before Filing:

You can seal multiple records for eligible offenses after the time listed below:

(Use the highest-level offense for calculation)

Petty offenses and petty drug offenses:

Two years after the date of the final disposition of all criminal proceedings, or release from supervision concerning a criminal conviction. Use whichever date is later.

Misdemeanors, drug misdemeanors, and Level 4 drug felonies:

Five years after the date of the final disposition of all criminal proceedings, or release from supervision concerning a criminal conviction. Use whichever date is later.

Felonies and drug felonies:

Ten years after the date of the final disposition of all criminal proceedings, or release from supervision concerning a criminal conviction. Use whichever date is later.

Exceptions:

You cannot seal eligible offenses if the highest offense is a:

Petty offense or a petty drug offense:

And there are more than five convictions in a separate criminal case.

Class 2 or 3 misdemeanor or Level 1 or 2 misdemeanor drug offense:

And there are more than four previous convictions in separate criminal cases.

Class 1 misdemeanor, Class 4, 5, or 6 felony, or drug felony offense:

And there are more than three previous convictions in separate criminal cases.

Common Terms

- ⊗ Petition: Document officially commences the Sealing of Conviction Records process.
- ⊗ Petitioner: The person or persons filing a Petition to Seal Criminal Conviction Records.
- ⊗ Arrest: To take into custody by legal authority.
- ⊗ Conviction Records: Arrest and criminal records information and any records pertaining to a judgment of conviction.
- ⊗ Criminal Case: A case brought by the government against an individual accused of committing a crime.
- ⊗ May: In legal terms, “may” is defined as “optional” or “can”.
- ⊗ Shall: In legal terms, “shall” is defined as “required”.

Fees

For a list of court fees and the fee waiver process, visit www.coloradojudicial.gov/self-help-resources.

Forms

- JDF 641 Petition to Seal Multiple Conviction Records
- JDF 613 Order Denying Request to Seal Records
- JDF 614 Order and Notice of Hearing
- JDF 642 Order to Seal Multiple Conviction Records

Step-by-Step

1) Obtain arrest and criminal records.

You must obtain the proper case report numbers, court case numbers, and arrest numbers from the original arrest or criminal records. A fee may be required to obtain this information. The records may be found in the following locations:

- Court Records County and district court files are available from the clerk of court's office for each respective court.
- Police Records Contact the arresting agency. Their files have the arresting agency and arrest numbers.

2) Criminal History Report

You must get a verified criminal history report. File with, or within 10 days, of the Petition. The criminal history report cannot be more than 20 days older than the date you file the Petition. The cost of obtaining the criminal history report is your responsibility. You may obtain the report as follows:

- Criminal history reports can be accessed immediately by using the web-based system 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 for additional information. The CBI is located at 690 Kipling Street, Suite 3000, Lakewood, CO 80215.

3) Complete the appropriate forms.

Petition to Seal Multiple Conviction Records (JDF 641).

- Enter the Defendant's name as the Petitioner 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 arrest and conviction records.

You **must** include the agency's mailing address.

Do **not** list the Federal Bureau of Investigation (FBI).

Verified Criminal History Report.

Order Denying Request to Seal Records (JDF 613).

- Complete only the caption on this form.
- The Court will complete this form only if your Motion is denied.

Order and Notice of Hearing (JDF 614).

- Complete only the caption on this form.
- The Court will complete this form if a hearing is needed.

Order to Seal Multiple Conviction Records (JDF 642).

- Complete only the caption on this form.
- The Court will complete this form if your request is approved.

4) File with the Court.

File the above forms with the District Court and pay the filing fee.

- This will start a District Civil (CV) case.
- If you are requesting to seal cases in multiple districts, you must file a separate Petition and pay a separate filing fee for each district. File a copy of those Petitions into this case.

Note: You are required to provide a copy of your forms to the prosecuting attorney.
Make the appropriate number of copies.

5) Court Review

The Court will review the Motion and supporting documents to determine if a hearing will be set, if the Motion will be denied without a hearing, or if the Motion will be granted without a hearing.

Denied: The Court will send you an Order Denying the Motion (JDF 613). This Order will specify the reasons for the denial and no hearing will be set.

Hearing: If the Court decides to set a hearing, the Court will send you the Order and Notice of Hearing (JDF 614).

Approved: If the Court grants your Motion (with or without a hearing), the Court will sign JDF 642 (Order to Seal Multiple Conviction Records). See Step 7 below for information on what you need to do with this Order once you receive it.

6) The Hearing

If the Court conducts a hearing, you may be asked questions about the request for sealing criminal conviction records and any objections filed, if any.

7) If Approved

The Court will send the order to the agencies at the address you listed in the Petition.

- Approximately 30 days after you send a copy of the Court's Order to the agencies listed, your record will be sealed by the agencies.