

INSTRUCTIONS FOR FILING A PETITION TO SEAL CRIMINAL RECORD

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

- ◆ The court cannot seal the record of any traffic case.
- ◆ The court will automatically expunge (seal) your record if you were a juvenile (under 18) at the time of your offense. Your record will not be expunged until you have completed all required conditions. It may take up to 42 days to seal a juvenile record.
- ◆ The court will automatically seal your record if you were charged with Possession or Consumption of Alcohol or Marijuana by a Minor (MIP) **UNLESS** it was your second or subsequent conviction for that charge. MIP cases that resulted in a successfully completed Deferred Prosecution or Deferred Judgment and Sentence do not count as a conviction. MIP records are typically sealed within 1-2 weeks.
- ◆ Defendant may petition the Municipal Court to seal his/her second or subsequent conviction of illegal possession or consumption of alcohol or marijuana by a minor (MIP) as follows:
 - The conviction for MIP was entered at least one year prior to the date of filing of the Petition **and**
 - You have not been arrested for, charged with, or convicted of any felony, misdemeanor, petty offense, or municipal ordinance violation during the period of one year following the date of your conviction, **and**
 - You completed all the conditions of your MIP case, including payment of all fines and fees.
- ◆ Defendant may petition the Municipal Court to seal his/her case for any other charge, without a waiting period, and after payment of a \$65 fee (indigent defendants can request a waiver), as follows:
 - You successfully completed all the requirements of a Conditional Motion to Dismiss, OR
 - You successfully completed all the requirements of a Deferred Prosecution, OR
 - You successfully completed all the requirements of a Deferred Judgment and Sentence, OR
 - Your case was dismissed by the prosecution, OR
 - You were found Not Guilty at trial.
- ◆ Defendant may petition the Municipal Court to seal his/her conviction for any other charge if it has been three (3) years from the date that you completed all your conditions and your case was closed, as follows:
 - You have not been arrested for, charged with, or convicted of any felony, misdemeanor, petty offense, or municipal ordinance violation during the period of three years following the date of your conviction, **and**
 - You pay the \$65 records sealing fee (indigent defendants can request a waiver).
- ◆ The Court, law enforcement, and criminal justice agencies will always have access to the file. However, as provided under C.R.S. §24-72-702(1)(d) and C.R.S. §24-72-703(4)(d)(I), if inquiries are made by anyone other than a criminal justice agency, all agencies must respond that “*no such record exists with respect to such person*”.

If you do not understand this information, please contact an attorney.

FORMS

To access forms online, go to the website at www.bouldercolorado.gov/municipal-court, then click on Record Sealing, then select the appropriate Petition to Seal for your circumstance. The link will open as a PDF document. If you choose to fill out the form manually, please type or print legibly in black ink. These instructions are also available from a link on the same web page.

STEPS TO FILING YOUR CASE

Step 1: Complete Petition to Seal form.

- Select the appropriate form.
 - *Petition to Seal-MIP-2nd or subsq conviction* (Minor in Possession of Alcohol/Marijuana cases)
 - *Petition to Seal-non MIP-no conviction* for other cases/charges that don't have a 3 year waiting period
 - *Petition to Seal-non MIP-conviction* for other cases/charges that have a 3 year waiting period
- Complete all sections on the form.
- Include the \$65 fee, or call and pay it by phone, unless it is an MIP case, or you are indigent and are requesting a waiver of the fee.
- It is important that the Defendant's name and court case number are identified in the caption, so that the documents are filed in the appropriate case.
- Your court case number is on the paperwork you received from the court, e.g., CR-2010-0054321-GE. Alternatively, you may specify the summons number, e.g., No. G54321 (from the top right-hand corner of the ticket).
- If you do not have your court case number or summons number, please call the court clerk at 303-441-1843 to obtain this information.
- If the Petition is approved, the Judge will sign an Order to Seal Record and you will receive a copy.

Step 2: File Documents with the Court.

Provide the Court with the document completed as described in Step 1. You may mail it to: Boulder Municipal Court, P.O. Box 8015, Boulder, CO 80306, email it to bouldermunicipalcourt@bouldercolorado.gov, FAX it to Boulder Municipal Court, 303-441-4233, or bring it to Boulder Municipal Court, 1777 6th St. (6th St. and Canyon Blvd.), Boulder, CO. If you are asking to seal multiple cases, you must file a separate Petition to Seal for each case.

Step 3: Court will Review the Petition.

The Judge will review the Court record and will sign an Order to Seal Record only if Defendant has met the requirements to have the conviction sealed. The prosecuting attorney has the right to object to a record being sealed, although s/he rarely objects. If there is an objection, the court can conduct a hearing to decide the issue.

Step 4: Following the Court's Review of the Petition.

After the Order is entered, the court will mail a copy to you. The court will notify the agency that issued the citation or summons, as well as the city prosecutor's office, to seal their portion of the record. If a warrant was issued at any time during your case, or you were arrested, there will be a record of your case with the CBI (Colorado Bureau of Investigation). To have that portion of your record sealed, you will need to provide the CBI with a copy of the Order to Seal and pay their fee, which is at least \$27.98 and is in addition to any fee you paid to the court to have your record sealed. It may take approximately 30 days after the Court's Order to Seal for the agencies noted to seal their records.