



## INSTRUCTIONS FOR FILING A PETITION TO SEAL ANY CRIMINAL AND ARREST RECORDS IN A MUNICIPAL CASE

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 INSTRUCTION

- Any defendant or legal guardian, with proof of legal authority, may petition the Court to seal criminal and arrest records pertaining to themselves or a person in interest, except, basic identification information, by filing in the Court where the case was filed.
- A petition may be filed on a case once every twelve months.
- 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 under the statute, if inquiries are made by anyone other than a criminal justice agency, all agencies may respond that "no such records exists" with respect to such individual.
- For additional information, please review Colorado Revised Statute §24-72-70.

The following records may be sealed:

1. Cases in which all charges against the Defendant were completely dismissed.
2. Cases in which the Defendant was acquitted of all counts in the case.
3. Cases in which the Defendant successfully completed diversion pursuant to §18-1.3-101, C.R.S., (or like process).
4. Cases in which the Defendant successfully completed a deferred judgment and sentence pursuant to §18-1.3-102, C.R.S., (or like process) and the Court dismissed all counts.

The following records may not be sealed:

1. Cases in which the charge(s) is a traffic offense, traffic infraction, or records pertaining to a deferred judgment and sentence pursuant to §42-4-1301(1) or (2), C.R.S.
2. \*A dismissal as part of a plea agreement in a separate case in which judgment of conviction has been entered cannot be sealed pursuant to §24-72-702(1) (a) (II), C.R.S.
3. Records pertaining to a deferred judgment and sentence for an offense for which the factual basis involves unlawful sexual behavior, as defined in section §16-22-102(9), C.R.S.
4. Records pertaining to a deferred judgment and sentence for an offense concerning the holder of a commercial driver's license as defined in §42-2-402, C.R.S.
5. Cases in which the defendant still owes restitution, fines, court costs, late fees, or other fees ordered by the Court in the case that is subject to the petition.

\* When the record pertains to a dismissal that occurs as part of a plea agreement in a separate case, the case may still qualify to be sealed if ten (10) or more years have passed since the final disposition of all criminal proceedings against the defendant and the defendant has no additional criminal charges since the date of the final disposition of criminal proceedings.

### COMMON TERMS

**Arrest and criminal records:** Information reporting the arrest, indictment or other formal filing of criminal charge information against a person, the identity of the criminal justice agency taking such official action relative to an accused person; the date and place that such official action was taken relative to an accused person; the name, birth date, last-known address, and sex

of an accused person, the nature of the charges brought or the offenses alleged against an accused person; and one or more dispositions relating to the charges brought against an accused person.

Basic identification information: The name, place and date of birth, last-known address, social security number, occupation and address of employment, physical description, photograph, handwritten signature, sex, fingerprints, and any known aliases of any person.

Conviction records: Arrest and criminal records information and any records pertaining to a judgment of conviction.

Criminal justice agencies: Any court with criminal jurisdiction and any agency of the state, including but not limited to the department of education, or any agency or any county, city and county, home rule city and county, home rule city or county, city, town, territorial charter city, governing boards of institutions of higher education, school district, special district, judicial district, or law enforcement authority that performs any activity directly relating to the detection or investigation of crime; the apprehension, pretrial release, post-trial release, prosecution, correctional supervision, rehabilitation, evaluation, or treatment of accused persons or criminal offenders; or criminal identification activities of the collection, storage, or dissemination of arrest and criminal records information.

Custodian: The official custodian of any authorized person having personal custody and control of the criminal justice records in question.

May: In legal terms, "may" is defined as "optional" or "can".

Official actions: An arrest, indictment; charging by information; disposition; pretrial or post-trial release from custody; judicial determination of mental or physical condition; decision to grant, order, or terminate probation, parole, or participation in correctional or rehabilitative programs; and any decision to formally discipline, reclassify, or relocate any person under criminal sentence.

Person in interest: The person who is the primary subject of a criminal justice record or any representative designated by said person by power of attorney or notarized authorization; except that, if the subject of the record is under legal disability, "person in interest" means and includes his/her parents or duly appointed legal representative.

Petition: Document officially commences the sealing process.

Petitioner: The person or personal filing a motion to seal.

Private custodian: A private entity that has custody of the criminal justice records in question and is in the business of providing the information to others.

Shall: In legal terms, "shall" is defined as "required".

Victim: Any natural person against whom any crime has been perpetrated or attempted, unless the person is accountable for the crime or a crime arising from the same conduct or plan as the crime is defined under the laws of this state or of the United States, or, if such person is deceased or incapacitated, the person's spouse, parent, legal guardian, child, sibling, grandparent, grandchild, significant other, or other lawful representative.

## FEES

A filing fee of \$65.00 is required. If a defendant is unable to pay the filing fee, they may submit to the Court a Motion to File without Payment and Supporting Financial Affidavit. Upon receipt of the petition and blank order, the Court will determine if a defendant is responsible for payment of the filing fees.

A defendant may be assessed fees from agencies which are not part of or ordered by the Court and are not a part of the filing fee. Such fees may include, but not limited to, notary fee, certified mailing fee, etc.

## STEPS TO FILING YOUR CASE

### Step 1: Obtain arrest and criminal records.

To properly complete the required documents, the defendant should obtain as much case information as possible. Record information may be located at:

- Municipal Court Records: Contact the specific Court where the case was filed.
- Arrest or Police Records: Contact the issuing or arresting agency.
- Colorado State Criminal History: Criminal history reports may be accessed immediately at: <https://www.cbirecordscheck.com>. Fees may apply and are not part of the filing fee. Contact Colorado Bureau of Investigations (CBI) at 303.239.4208 or 690 Kipling Street, Suite 315, Lakewood CO 80215, for questions.

### Step 2: Complete required documents.

- Complete all applicable sections of the Petition to Seal Arrest and Criminal Records in a Municipal Case, including the top portion. Incomplete petitions may not be granted.
- Confirm the appropriate criminal justice agency boxes where the defendant's criminal records are kept is checked. Do not include Federal Bureau of Investigations (FBI). Colorado Bureau of Investigations (CBI) is responsible to contact FBI if there are corresponding FBI records.
- The petition must be signed in the presence of a Notary Public.
- The case numbers for each agency must be documented on the Order.

### Step 3: File with the Court.

- Provide the Court with the original documents completed in Steps 1 and 2 above. If requesting to seal more than one (1) case, a separate petition must be filed for each case.
- Pay the \$65.00 filing fee or a motion to waive the filing fee. If requesting to seal more than one (1) case, a separate filing fee or waiver must be filed for each case.
- To ensure accurate delivery of the Court order, it is advised that you provide a self-addressed stamped envelope to the Court.

### Step 4: Court Review.

- The Court may grant the motion without a hearing ONLY if the petition is sufficient on its face and pertains to a dismissal that is not the result of a completion of a deferred judgment and sentence or a multi-case disposition. If the motion is granted without a hearing, the Court will mail a copy of the order to the address provided.
- If the Court determines that on its face, the petition is insufficient, the petition may be denied. A copy of the order will be mailed to the address provided with specific reason(s) for the denial.
- For all other circumstances where the petition is sufficient on its face and no grounds exist at the time for denial, a hearing will be set.
  - The Petitioner is required to provide the prosecution attorney, by certified mail; the arresting agency; and any other person or agency identified by the Petitioner with a copy of the petition, the order and the hearing notice. Only the copies to the prosecution attorney must be sent certified mail.
  - A "Certificate of Service" must be complete and filed with the Court a minimum of three (3) business days prior to the hearing date for proof the entities/person(s) were provided a copy of the required documents. The certified mail receipt must be attached for proof the prosecution attorney was provided a copy of the documents.
  - If any agency files an objection to the petition, the defendant will be provided a copy of the objection.

Step 5: Prepare for Hearing.

- Questions may be asked about the petition and any objections filed.
- If the Petitioner does not appear for the hearing, a ruling will be made without the Petitioner's testimony.
- The Court will grant or deny the petition based upon the case presented.

Step 6: Final Orders.

- A copy of the order will be mailed to the Petitioner to the address provided.
- If the order was granted, the case will be sealed and a copy of the order will be sent to the agencies listed on the petition and order.
- Pursuant to §24-72-702(d), C.R.S., the cost of sealing Colorado Bureau of Investigation records shall be paid by the Petitioner directly to the Colorado Bureau of Investigation.

MUNICIPAL COURT, WELD COUNTY, STATE OF COLORADO  COURT ADDRESS: FORT LUPTON MUNICIPAL COURT 130 S MCKINLEY AVENUE FORT LUPTON, CO 80621 PHONE: 720.466.6105 FAX: 303.857.2314	
THE PEOPLE OF THE STATE OF COLORADO AND THE CITY OF FORT LUPTON  v.  _____, Defendant	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney:	Case Number: _____
<b>PETITION TO SEAL ARREST AND CRIMINAL RECORDS IN A MUNICIPAL CASE</b>	

1. The Petitioner is:
  - the Person of Interest that is the primary subject of the criminal justice record.
  - the parent of the Person in Interest, if the Person in Interest is under legal disability.
  - the designated representative of the Person in Interest, by power of attorney or notarized authorization.
  - the appointed legal representative of the Person in Interest, if the Person in Interest is under legal disability.
  
2. Information about the Person in Interest:

Full Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Current Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home/Cell Phone #: \_\_\_\_\_ Work Phone #: \_\_\_\_\_
  
3. The Petitioner asks the Court for an Order to Seal Arrest and Criminal Record information in the custody of the following agencies:
  - Fort Lupton Municipal Court
  - Law Enforcement: \_\_\_\_\_
  - Colorado Bureau of Investigations
  - Other: \_\_\_\_\_

4. If the Petition pertains to a dismissal that is not the result of the completion of a deferred judgment and sentence or a multiple case disposition, the Court shall grant the Petition without a hearing if the Petition is sufficient on its face. If the circumstances do not apply and the Court orders a hearing, the Court may grant the Petition if the Court finds that the harm to the Person in Interest's privacy or the danger of unwarranted adverse consequences outweighs the public interest in retaining the record. Explain why you believe the harm/danger outweighs the public interest.
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5. Complete the table\* below if the charges were filed or if no charges were filed but the Person in Interest successfully completed a diversion agreement pursuant to §18-1.3-101, C.R.S., or a deferred judgment and sentence pursuant to §18-1.3-102, C.R.S., or if the charges were dismissed or the Person of Interest was acquitted.

\* One (1) petition per case.

- i. Complete the table for all records the Person of Interest is asking the Court to seal.
- ii. Indicate in the Dismissal column "Yes" or "No" whether each charge was dismissed. If a charge was dismissed as part of a plea agreement in a separate case, the Petitioner must also complete Section 7 below.
- iii. If the charge was dismissed as a result of completion of a deferred judgment and sentence (or like program), indicate "Yes" or "No" in the Deferred Judgment column.
- iv. If the Person in Interest successfully completed a diversion agreement (or like program), indicate "Yes" or "No" in the Diversion Agreement column. If a charge was filed but dismissed, list the charge in the Charge column and indicate "Yes" in the Dismissal column.
- v. If the Person in Interest was acquitted, indicate "Yes" in the Acquittal column.

Offense Date	Arrest Date	Arrest or Summons Number	Charge (if applicable)	Dismissal	Deferred Judgment	Diversion Agreement	Acquittal

6. Complete the table below if the arrest record exists, no charges were filed, and the Person of Interest did not successfully complete a diversion agreement pursuant to §18-1.3-101, C.R.S.

- i. The Person in Interest may only ask the Court to seal the arrest record's longest statute of limitations has run OR the statute of limitations has not run but the Person in Interest is no longer being investigated by law enforcement for the commission of the offense.
- ii. If the charge(s) was not filed due to a plea agreement in a separate case, the Court cannot grant a request to seal an arrest record for such offense(s).

Date of Arrest	Original Arrest Number	Offense

7. Complete the table below if the court case exists but was dismissed due to a plea agreement in a separate case, ten (10) years have passed since the final disposition of all criminal proceedings against the Person in Interest, and the Petitioner is not aware of any charges for any criminal offense against the Person in Interest during the past ten (10) years.

Case Number of Dismissed Case	Date Case was Dismissed	Case Number of Plea Agreement Case

8. Court case numbers and criminal justice agency case numbers:  
 Municipal Court case number: \_\_\_\_\_  
 Law Enforcement case number: \_\_\_\_\_  
 Other Agency case number: \_\_\_\_\_  
 Arrest number (from fingerprint card): \_\_\_\_\_ Date: \_\_\_\_\_
9. The Person in Interest has paid all restitution, fines, court costs, late fines or other fees ordered by the Court, unless the Court has vacated the Order in the case requesting to be sealed.
10. The record does not pertain to a traffic offense.
11. The record does not pertain to a traffic infraction.
12. The record does not pertain to a deferred judgment and sentence for Driving Under the Influence (DUI), Driving while Ability Impaired (DWAI), or DUI per-se pursuant to §42-2-402, C.R.S.
13. The record does not pertain to a deferred judgment and sentence for an offense concerning the holder of a commercial driver's license, or the operator of a commercial motor vehicle pursuant to §42-2-402, C.R.S.
14. The record does not pertain to a deferred judgment and sentence for an offense for which the factual basis involved unlawful sexual behavior pursuant to §16-22-102(9), C.R.S.
15. The decision not to charge an offense was not due to a plea agreement in a separate case.
16. The Petitioner request the Court to set a date for hearing on this Petition, if necessary, and to enter an Order to Seal Arrest and Criminal Records pertaining to the Person in Interest, pursuant to §24-72-702, C.R.S., and to seal this action.

### VERIFICATION AND ACKNOWLEDGMENT

I, \_\_\_\_\_ (full name), swear/affirm under oath, and under penalty of perjury, that I have read the foregoing *Petition to Seal Arrest and Criminal Records in a Municipal Case*, and that the statements set forth herein are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
 Printed Full Name of Petitioner

\_\_\_\_\_  
 Signature of Petitioner

\_\_\_\_\_  
 Date

The foregoing instrument was subscribed and affirmed, or sworn before me in the County of \_\_\_\_\_, State of Colorado, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the Petitioner.

\_\_\_\_\_  
Signature of Notary Public/Attorney

My Commission Expires: \_\_\_\_\_