

## **ADVISEMENT FOR DEFENDANTS REGARDING SEALING OF YOUR RECORD**

**A. BOULDER MUNICIPAL COURT TRAFFIC OFFENSES:** Traffic violations are not eligible for sealing.

**B. BOULDER MUNICIPAL COURT GENERAL OFFENSES (Excludes MIPs; juveniles on back):**

You are advised that pursuant to Colorado Revised Statutes, 24-72-702, 703, and 708 you may pay \$65 (if you are indigent, you can request a waiver of the fee) and petition our court for the sealing of these records (except as noted for convictions), as follows:

**Acquittals:** If you were acquitted at trial, you are eligible to have the record of your violation be sealed immediately.

**Dismissals:** If your case was dismissed you are eligible to have your record sealed immediately after your case is dismissed. This includes dismissal of charges by the prosecutor, dismissal following completion of a Conditional Motion to Dismiss, dismissal following completion of a Deferred Prosecution, and dismissal following completion of a Deferred Judgment/Sentence. There are a few exceptions to this rule, but most cases are eligible for sealing.

**Requirements for Sealing Your Record:** You must not owe restitution, fines, court costs, late fees, or other fees, and must have been released from supervision.

**Convictions:** Your case is eligible for sealing in the District Court for the 20<sup>th</sup> Judicial District after 3 years if you have not been charged or convicted for a felony, misdemeanor, or misdemeanor traffic offense in the 3 or more years since. You will be required to submit a verified copy of your criminal history with the petition to seal the record. There are limitations and exceptions to this rule. For information: [https://www.courts.state.co.us/Forms/Forms\\_List.cfm?Form\\_Type\\_ID=34](https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=34)

**C. BOULDER MUNICIPAL COURT MIP (Possession/Consumption of Alcohol/Marijuana by a Minor)**

**MIP Cases that are Automatically Sealed:** The court will automatically seal your MIP record in the following circumstances: (1) you successfully complete a Deferred Prosecution; (2) you successfully complete a Deferred Judgment/Sentence; (3) you have successfully completed all terms of your sentence for your 1<sup>st</sup> MIP conviction; (4) your MIP case was dismissed; (5) you were found Not Guilty of MIP at trial. There is no charge to seal MIP cases that do not have any additional charges.

**MIP Cases where you must request that your record be sealed:** If you have a 2<sup>nd</sup> or subsequent conviction (guilty plea or guilty at trial), you may ask the court to seal the record of your MIP charge after one year from the date of your conviction. The request will be granted so long as you have not been convicted of any new charges during that one-year period, you have paid all fines and fees, and completed all required conditions. There is no charge to seal MIP cases that do not have any additional charges. More information, as well as the Petition to Seal MIP Record form, is available on the court's website at [www.bouldercolorado.gov/court](http://www.bouldercolorado.gov/court).

**For general information about sealed records for all cases, please read the back of this document.**

#### D. JUVENILE CASES (EXCEPT TRAFFIC)

You are advised that, in accordance with Colorado law, CRS §13-10-112 and S19-1-306, you are eligible to have the records in your case expunged if you complete your sentence, meaning all the requirements imposed by the judge. This includes payment of all fines, fees, costs, and restitution (money damages to the victim). Expunging your record means that you may legally assert that these records do not exist and you may lawfully deny ever being arrested, charged, adjudicated, convicted or sentenced in the expunged matter. (See also paragraph E.)

If the prosecutor does not object to the expungement, the Court will automatically expunge your records forty-two days after you fully complete your sentence. If the prosecutor objects, the Court will set the case for a hearing and the Court will decide if you are eligible to expunge your records.

If the Court orders your records expunged, the Court will send you, your attorney, the prosecutor, and local law enforcement a copy of the Order. **You must contact the Court and provide a list of any other agencies you want to have receive a copy of the Order of Expungement.** The Court will send its Order free of charge to you.

#### E. GENERAL INFORMATION ABOUT SEALED RECORDS FOR ALL CASES

A defendant whose record has been sealed or expunged is not required to disclose any information about the case, including the mere fact that she or he was charged, and may state that she or he has not been criminally convicted, or that no such action has occurred. C.R.S. §24-72-702(1)(d) and C.R.S. §24-72-703(4)(d)(I). Employers, educational institutions, state and local government agencies, officials, landlords and employees shall not, in any application or interview or in any other way, require an applicant to disclose any information contained in sealed or expunged records. Applications of this type may not be denied solely because of the applicant's refusal to disclose arrest and criminal record information that has been sealed or expunged. There are exceptions for prospective attorneys, licensed educators, and applicants to a criminal justice agency.

An order sealing or expunging a **criminal record other than a conviction** does not apply to such records when an inquiry concerning the information is made by another criminal justice agency. An order sealing or expunging a **conviction** record does not deny access to a court, law enforcement agency, criminal justice agency, prosecuting attorney, or party required by law to conduct a criminal history record check on an individual.

Please consult the statute or legal counsel with any questions you may have. Court staff may not give you legal advice.