



WESTMINSTER MUNICIPAL COURT
3030 Turnpike Drive
Westminster, Colorado 80030
303-658-2250
Fax: 303-429-8684

INSTRUCTIONS TO FILE A PETITION TO SEAL CRIMINAL – CONVICTIONS

GENERAL INFORMATION:

- In some circumstances, you may petition the Municipal Court to seal criminal conviction records, except basic information, by filing a Petition in the Municipal Court in which the criminal conviction record is filed.
- A separate Petition must be filed for each court case you want sealed.
- You may file a Petition with the Court for sealing of each case once *every twelve-month period*.
- You may *not* petition the Court to seal criminal records if you still owe restitution, fine, court costs, late fees, or other fees ordered by the Court in the case you are requesting to seal, unless the Court has vacated such orders.
- An Order sealing conviction records *does not vacate* a conviction.
- If you obtain a conviction for a new criminal offense after an order sealing your prior conviction record is entered, the Court shall order the prior conviction records to be unsealed.
- The Court, law enforcement and criminal justice agencies, the prosecuting attorney or a party/agency required by law to conduct a criminal history record on an individual will always have access to your conviction records. The sealed conviction(s) may be used for any lawful purpose relating to the investigation or prosecuting of any case or for any lawful purpose within the scope of the person's/agency's duties. Please review C.R.S. § 24-72-703 through C.R.S. § 24-72-708.
- Upon the entry of an Order to seal, if an inquiry is made into the matter, you and all criminal justice agencies may properly respond *that public conviction records do not exist with respect to the defendant*.

LIMITATIONS:

You may Petition the **Municipal Court** to seal your case, except basic identifying information, **IF:**

- The request is made three or more years after the date of the final disposition of all criminal proceedings against you or your release from supervision concerning your criminal conviction, whichever is later; AND
- You have not been charged or convicted of a felony, misdemeanor, or misdemeanor traffic offense in the three or more years since the date of the final disposition of all criminal proceedings against you or the date of your release from supervision, whichever is later; AND
- Your conviction records to be sealed are not for a misdemeanor traffic offense committed either by a holder of a commercial learner's permit or a commercial driver's license, as defined in section 42-2-402 C.R.S., or by the operator of a commercial motor vehicle, as defined in section 42-2-402 C.R.S.

Additionally, you may file a Petition with the **District Court** for the County in which the conviction records are located to seal your case, except basic identifying information, **IF:**

- The case you are seeking to have sealed is not a matter of domestic violence as defined in C.R.S. § 18-6-800.3(1); AND
- You were charged or convicted of a single offense that was not a felony and did not involve domestic violence as defined in C.R.S. § 18-6-800.3(1), unlawful sexual behavior as defined in C.R.S. § 16-22-102(9), or child abuse as defined in C.R.S. § 18-6-401; AND
- The subsequent charge or conviction occurred within three years of the date of the final disposition of all criminal proceedings against you or your release from supervision concerning the case sought to be sealed, whichever is later; AND
- You have not been convicted of a felony, misdemeanor, or misdemeanor traffic offense in the ten or more years since the date of the final disposition of all criminal proceedings against you for the subsequent criminal case or in the ten or more years since the date of the your release from supervision for the subsequent case, whichever is later.

STEPS TO FILING A PETITION TO SEAL IN THE MUNICIPAL COURT.

Step 1: Obtain arrest and criminal records

In order to file your Petition you must obtain the proper case report numbers, case numbers, and arrest numbers from the original arrest and/or criminal records. This information is necessary to ensure that your case is sealed properly, if ordered by the Court. Different agencies may require different fees to produce this information.

Step 2: Obtain a current verified copy of your Criminal History

A verified copy of your criminal history must be filed with the Court at the time you file the Petition, or no later than 10 days after you file the Petition with the Court. The criminal history records check must be conducted no more than 20 days before you file your paperwork with the Court asking to seal your records. You will be required to pay for any fees associated with obtaining the criminal history record. You may obtain the report as follows:

- Criminal history reports can be accessed immediately by using the web-based system <https://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. CBI is located at 690 Kipling Street, Suite 3000, Lakewood, CO, 80215.

Step 3: Complete the form “Petition to Seal Criminal Conviction Records Pursuant to section 24-72-708 C.R.S.” (attached to this packet).

- All applicable sections must be completed before the Petition is filed.
- You are responsible for specifying with a checkmark each of the criminal justice agencies listed on the Petition that have information related to your case. If any other agencies not listed on the form also have information related to your case, you must provide the court with their names and addresses.
- You must enter the case number(s) or all the files you want sealed. If you are requesting multiple cases to be sealed, a separate Petition for each case is required.

Step 4: Complete the form “Order to Seal Criminal Conviction Records Pursuant to section 24-72-708 C.R.S.” (attached to this packet).

- Complete the caption on the form.
- Complete the initial part of the form, which includes your name, date of birth, and current mailing address.
- Leave all other parts blank.

Step 5: File both forms with the court, in person at the Clerk’s Office, or through the mail along with the filing fee. If sending payment by check, please make it payable to City of Westminster.

AFTER INITIAL FILING:

The Court will review the Petition and any supporting documents to determine if a hearing will be set or if the Petition will be denied without a hearing.

If the Petition is DENIED the Court will send you a copy of the order denying the Petition. This order will specify the reasons for the denial and no hearing will be set.

If the Petition is sufficient on its face and no other grounds exist at that time to deny the Petition, the Petition will be SET FOR A HEARING with notification to the prosecuting attorney, the arresting agency, and any other person or agency identified by you.

In consideration of the factors set out in section 24-72-706(1)(g), C.R.S., if the Court finds that the harm to the privacy of you or the dangers of unwarranted, adverse consequences to you outweigh the public interest

in retaining public access to the conviction records, the Court may order the conviction records, except basic identification information, to be sealed.

*****Please note that if your Petition is granted the Court will direct the sealing Order to each custodian who may have custody of any part of the conviction records subject to the Order. Additionally, as a courtesy, the Court will mail a copy of the Order to each custodian of records listed on the Order's certificate of service. However, you are ultimately responsible for ensuring that all custodians of record who may have any part of the conviction records receive a copy of the Order and for paying any applicable fees. Your failure to do so could result in your records remaining public.*****

FILING FEE:

You will be required to pay a non-refundable \$65.00 fee upon filing of your Petition. You may request the Court to waive the processing fee upon a determination of indigency. For details on how to request the waiver of the processing fee please contact the Clerk's Office.

PAYMENT OF FEE TO THE COLORADO BUREAU OF INVESTIGATION (CBI):

Please note that CBI will not process the Order to Seal unless a processing fee is paid. You must pay the exact amount. Over payments are not accepted and will be returned to the sender, which will delay the processing of the order to seal. CBI does not accept personal checks. You may pay by money order, certified check, business check, or credit card. If you choose to pay by credit card you may use the credit card authorization form attached to this packet. The fee may be mailed or dropped off at:

Colorado Bureau of Investigation
Biometrics/Identification Unit
690 Kipling Street, Suite 4000
Denver, CO 80215



The fee must be paid to the C.B.I. It is *not* payable to the Westminster Municipal Court.

Please visit CBI's website at <https://www.colorado.gov/pacific/cbi/disposition-update-and-sealing-arrest-record> if you have any questions.

PLEASE CONTACT THE CLERK'S OFFICE AT 303-658-2250 IF YOU HAVE ANY ADDITIONAL QUESTIONS CONCERNING YOUR PETITION TO SEAL CRIMINAL RECORDS.

IF YOU DO NOT UNDERSTAND THE INFORMATION ON THIS FORM, YOU HAVE THE RIGHT TO CONTACT AN ATTORNEY FOR ASSISTANCE. NOTHING ON THIS FORM CONSTITUTES LEGAL ADVICE. IF YOU CHOOSE TO REPRESENT YOURSELF, YOU ARE BOUND TO THE SAME RULES AND PROCEDURES AS AN ATTORNEY.

IDENTIFICATION UNIT

COLORADO DEPARTMENT OF PUBLIC SAFETY CREDIT CARD AUTHORIZATION FORM

BLUE INK PLEASE

I authorize you to bill my credit card account for \$ _____

***If you miscalculate the "total amount due", your card will automatically be billed the correct amount. Please check your invoice when your statement arrives for the actual amount billed to your card.**

No Charge Backs or Refunds

All Sales Final

Colorado Bureau of Investigation accepts the following Credit Cards.



Card Number: _____

Expiration Date: _____

Phone Number _____

Cardholder Name

Signature