

## ***ADVISEMENT FOR DEFENDANTS REGARDING SEALING OF ADULT RECORDS***

### **SALIDA MUNICIPAL COURT TRAFFIC OFFENSES:**

Traffic violations are not eligible for sealing.

### **SALIDA MUNICIPAL COURT GENERAL OFFENSES:**

Pursuant to Colorado Revised Statutes (C.R.S.) §24-72-702 - 708, you have the right to immediately petition the Court (verbally or in writing) for the sealing of non-traffic records in which the entire case was dismissed\* or for which you were acquitted at trial\*\* conditional upon meeting the requirements of the statute including the following:

1. Within seven days after your verbal or written petition made, you must provide to the Court a written list of all agency custodians who may have custody of any records subject to the order, and
2. You must pay to the Court, a \$65 processing fee (unless waived by the Court based upon a sworn Affidavit of Indigency which you may request from the Court Clerk) and, if you wish to have the CBI seal your record, a separate check/money order payable to the Colorado Bureau of Investigation (C.B.I.) in the amount of \$28.95 (which cost cannot be waived).

**\*ACQUITTALS:** If you were acquitted at trial, you are eligible to have the record of your violation be sealed immediately by informal motion you may make to the Court.

**\*\*DISMISSALS:** If your case was dismissed you are eligible to have your records sealed immediately after your case is dismissed by motion you may make to the court. 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.

**CONVICTIONS:** Pursuant to C.R.S. §24-72-708, a Municipal Court conviction (including finding of guilty after trial or upon your plea of guilty) is generally eligible for sealing three years after the date of conviction upon written petition filed in this Court if: 1) you have completed all requirements of your Municipal Court sentence; 2) 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 your conviction; and 3) you submit a verified copy of your criminal history with written petitions to seal the records plus 4) pay all fees required. The Court Clerk can provide you with the Petition to Seal. There are some limitations and exceptions to this rule. There may also be future legislative changes to this rule so you may wish to consult with an attorney. Having your conviction sealed does not mean your conviction goes away; it does mean that access to it by employers and the general public is not allowed. NOTE: Law enforcement will still have access to it (see below).

### **GENERAL INFORMATION ABOUT SEALED RECORDS FOR ALL CASES:**

A defendant whose record has been sealed is not required to disclose any information about the sealed case, including the mere fact that she/he was charged, and may state that she/he has not been criminally convicted, or that no such action has occurred. 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 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. There are exceptions for prospective attorneys, licensed educators, and applicants to a criminal justice agency and for law enforcement.

An order sealing criminal records does not apply to such records when an inquiry concerning the information is made by another 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 cannot give you legal advice.