

ADVISEMENT TO DEFENDANT CONCERNING THE EXPUNGEMENT OF JUVENILE RECORDS

Under the Colorado Children's Code, a person may request their juvenile record to be expunged (sealed from public access) by filing a Petition for Expungement of Records in each case in the District Court (or Denver Juvenile Court, if appropriate).

- ◆ A Petition may be filed to expunge a record only once during any 12-month period.
- ◆ If a Juvenile was charged by a direct filing in the District Court as an Adult, but he/she was sentenced as a Juvenile, a Petition for Expungement of Records can be filed in the District Court criminal (CR) case.
- ◆ You are **eligible** to Petition for an expungement order:
 1. Immediately upon the following circumstances: a finding of not guilty at an adjudicatory trial; dismissal of the petition in its entirety as a result of non-prosecution of the offense; or successful completion of a juvenile diversion program, a deferred adjudication, or an informal adjustment.
 2. One year from the date of the following occurrences: a law enforcement contact that did not result in a referral to another agency; or the termination of the Court's jurisdiction over you after successful completion of probation.
 3. Three years from the date of the following occurrences: your unconditional release from commitment to the Department of Human Services; or your unconditional release from parole supervision.
 4. Five years from the date of the termination of the Court's jurisdiction over you or your unconditional release from probation or parole supervision, whichever date is later, if you have been adjudicated a repeat or mandatory juvenile offender and if you have not further violated any criminal statute.
- ◆ You are **not eligible** to Petition for an expungement order if:
 1. You were adjudicated for an offense involving unlawful sexual behavior as defined in §16-22-102(9), C.R.S.; **or**
 2. You were adjudicated an aggravated juvenile offender pursuant to §19-2-516(4), C.R.S.; **or**
 3. You were adjudicated a violent juvenile offender pursuant to §19-2-516(3), C.R.S.; **or**
You were charged by the direct filing of an indictment or information in district court as a juvenile pursuant to §19-2-517, C.R.S., and you received an adult sentence; **or**
 4. You have failed to pay court-ordered restitution to a victim of the offense that is the basis for the juvenile record.

To access a form online go to www.courts.state.co.us and click on the "Self Help Center". For additional information, please review Colorado Revised Statute §19-1-306, C.R.S.

ADVISEMENT TO DEFENDANT CONCERNING THE SEALING OF RECORDS

Pursuant to §24-72-308, C.R.S. (Colorado Revised Statutes), any person in interest may petition the District Court in the county in which any arrest and/or criminal records are filed. Instructions are located at to www.courts.state.co.us.

You may only petition the Court to seal your arrest or criminal records if you meet the following requirements:

- All charges were dismissed, or you were acquitted of all charges; or
- There is only an arrest record and no charges were filed in a Court.
- The Defendant had a case that was dismissed due to a plea agreement in another case and **10 or more years have passed** from the final disposition of all criminal proceedings and no additional criminal charges since the date of the final disposition of all criminal proceedings have been filed against the Defendant.

You may not petition the Court to seal your arrest or criminal records if:

- You have been convicted of an offense for which the factual basis involved unlawful sexual behavior pursuant to §16-22-102(9), C.R.S; or
- An offense is not charged due to a plea agreement in a separate case; but **10 years have not passed** since the final disposition of all criminal proceedings against the Defendant; or
- A dismissal occurs as part of a plea agreement in a separate case; but **10 years have not passed** since the final disposition of all criminal proceedings against the Defendant; or
- The Defendant still owes restitution, fines, court costs, late fees, or other fees ordered by the Court in the case being requested to seal, unless the court has vacated such order.
- The offense pertains to any class 1 or class 2 traffic offense, or to any class A or class B traffic infraction, or any conviction for a violation of Driving Under the Influence, §42-4-1301(1) or (2), C.R.S.
- The conviction pertains to an offense concerning the holder of a commercial driver's license or the operator of a commercial motor vehicle.

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ADVISEMENT TO DEFENDANT CONCERNING THE SEALING OF CONVICTION RECORDS

Pursuant to Colorado Revised Statutes § 24-72-308.9(3)(a), you are being notified of your ability to petition the District Court to seal your record pertaining to this case and that there are collateral consequences associated with a criminal conviction that a sealing order may alleviate. The State Public Defender has compiled a list of laws that impose collateral consequences related to criminal convictions and that list is available on the State Public Defender's website: <http://pdweb.coloradodefenders.us>.

Colorado Revised Statute § 24-72-308.9(2)(a)(I) , a defendant may petition the District Court of the District in which any conviction pertaining to the defendant for a Petty Offense or Municipal Violation are located for the sealing of the conviction records, except basic identifying information, if:

(A) The petition is filed three or more years after the date of final disposition of all criminal proceedings against the defendant or the release of the defendant from supervision concerning a criminal conviction, whichever is later; AND

(B) The defendant has not been charged or convicted for a felony, misdemeanor, or misdemeanor traffic offense in the three or more years since the date of final disposition of all criminal proceedings against him or her or the date of the defendant's release from supervision, whichever is later; AND

(C) The 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.

If you have any questions regarding the above information or process you should seek legal counsel.

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