



WESTMINSTER MUNICIPAL COURT
3030 Turnpike Drive
Westminster, Colorado 80030
302-658-2250
Fax: 303-429-8684

INSTRUCTIONS TO FILE A PETITION TO SEAL CRIMINAL RECORDS OTHER THAN CONVICTIONS (DISMISSED CASES)

GENERAL INFORMATION:

You may ask the Court to immediately seal your case if:

- Your case has been completely dismissed (all counts); OR
- You have been acquitted (found not guilty) of all counts in your case; OR
- You have completed a diversion agreement; OR
- You have completed a deferred judgment and sentence and all counts were dismissed.

However, even if you meet the above requirements, you cannot have your criminal record sealed if:

- The dismissal occurred as a part of a plea agreement in a separate case **IN WHICH A JUDGMENT OF CONVICTION HAS BEEN ENTERED** unless the case in which the judgment of conviction entered is itself eligible for sealing under applicable law.

If your case is a matter of DOMESTIC VIOLENCE pursuant to C.R.S. § 24-4.1-302(1) (bb.3), (bb.7) or (cc), ASSAULT, BATTERY, OR INDECENT EXPOSURE, the Court will set a hearing on your Petition to Seal. The purpose of the hearing is to provide the Prosecutor the opportunity to notify the victim. The hearing will be set on a date no later than 42 days from the receipt of your motion.

No records involving a CONVICTION may be sealed under this process.

If the Court grants your Petition to Seal, you may legally state “that public criminal records do not exist.”

STEPS TO FILING THE PETITION TO SEAL:

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: Complete the form “Petition to Seal Criminal Justice Records Pursuant to § 24-72-705 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.

Step 3: Complete the form “Order to Seal Criminal Justice Records Pursuant to § 24-72-705 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 4: File both forms with the Court, in person at the Clerk’s Office, or through the mail.

AFTER INITIAL FILING:

The Court will review the Petition and any supporting documents to determine if a hearing will be set, if the Petition will be denied without a hearing, or if the Petition will be granted 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 GRANTED WITHOUT A HEARING, the Court will send you a copy of the Order to Seal Criminal Justice Records Pursuant to C.R.S § 24-72-705.

If a HEARING is set, the Court will send you a notice of the date and time set for the hearing. You are not required to appear at the hearing, however, if you choose not to appear, the Court will rule on your Petition despite your absence.

*****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.*****

PROCESSING FEE:

The Order granting your Petition will not be entered until a \$65.00 processing fee is paid. You may request the Court to waive the processing fee upon a determination that you are indigent. 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 verify and pay the exact amount of the CBI fee, which may change without notice. 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