



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Memorandum

October 2, 2025

TO: Interested Persons

FROM: [Aaron Carpenter](#), Principal Fiscal Analyst

SUBJECT: Process for Sealing or Expunging Criminal Records

Overview

This memorandum provides an overview of the process in Colorado for removing criminal records from publicly available sources, known as the “sealing” or “expungement” of criminal records.

Criminal record sealing and expungement refer to the same process. The distinction is that “sealing” applies to adult criminal records, while “expungement” applies to juvenile delinquency records. With an order of sealing or expungement from the court, an individual may legally indicate that they have no criminal record and the criminal record will not appear in public records. However, sealing or expungement does not mean the record is destroyed. Certain individuals may still have access to the record, such as the courts, prosecuting and defense attorneys, and law enforcement. Records may be unsealed if an individual is convicted of a new crime.

Criminal Record Sealing—Adult Cases

Sealing a criminal record depends on the circumstance of the case. In some cases, sealing may occur automatically. In others, an individual must petition a court to have their records sealed. This section describes the circumstances and requirements for sealing different types of criminal records, including arrest records, criminal charging records, and conviction records.

[Specific instructions and required forms](#) to request that a record be sealed are available on the Judicial Branch website.



Arrest Records

Arrest records document an instance of police apprehension, regardless of the final legal outcome. In cases where no charges are brought or there is no conviction, arrest records may be sealed if:

- the individual completes a diversion agreement without any charges filed;
- no charges were filed, and the statute of limitations has expired; or
- no charges were filed, and law enforcement is no longer investigating.¹

In Colorado, courts can automatically seal records without a written motion if the district attorney confirms eligibility. Also, for arrests after January 1, 2022, the Colorado Bureau of Investigation (CBI) automatically seals records when no charges are filed within one year. For older arrests, sealing occurs after 3 years for certain felonies and 18 months for other offenses, based on the statute of limitations.

In addition to automatically sealing certain new arrest records, recent legislation also created a schedule for older arrest records to be automatically sealed if no conviction occurred.² The State Court Administrator compiled lists of every eligible defendant and forwarded those lists to the chief judge of each judicial district, the district attorney, and the CBI and for each of these entities to seal the identified records. These records were or will be automatically sealed on the following timeline:

- January 1, 2023, for records from 2013 to 2018;
- January 1, 2024, for arrest records from 2008 to 2012;
- January 1, 2025, for arrest records from 2003 to 2007;
- January 1, 2026, for arrest records from 1997 to 2002; and
- January 1, 2027, for any older arrest records.

A defendant may petition the court to seal the records in cases where records are not automatically sealed. If a petition is found sufficient by the court, a hearing is scheduled, and district attorneys may object at that time. The records are then sealed if no objections are made. If objections are raised, the court reviews the objections during a hearing and then makes a final decision.

¹ Section 24-72-704, C.R.S.

² [House Bill 21-1214](#) and [Senate Bill 22-099](#).



Criminal Charge Records

A criminal charge is a formal accusation by a prosecutor, stating that someone has committed a crime and must appear in court to respond to the allegations.

The court automatically orders the sealing of criminal charges when:

- the case is completely dismissed;
- the defendant is acquitted of all charges;
- the defendant completes a diversion agreement after a criminal case is filed; or
- the defendant completes a deferred judgment and sentence, and all counts are dismissed.³

No written motion is required for the sealing in these cases. The court must enter the order at the time of disposition and serve it within 28 days. If the court does not enter a sealing order, other processes are available, including automatic sealing by CBI and the defendant filing a motion.

Conviction Records

A defendant must wait a certain amount of time after their final disposition before becoming eligible to seal a conviction record. The waiting period for different types of criminal offenses are as follows:

- one year for an eligible civil infraction, petty offense, or drug petty offense, except for convictions of intentional misrepresentation of entitlement to an assistance animal or misrepresentation of a service animal;
- two years for an eligible class 2, 3, or drug misdemeanor, or level 4 felony for unlawful possession of a controlled substance;
- three years for an eligible class 4, 5, or 6 felony, level 3 or level 4 drug felony, a class 1 misdemeanor, or a conviction of intentional misrepresentation of entitlement to an assistance animal or misrepresentation of a service animal; or
- five years any other offense that is eligible for sealing.⁴

A defendant is not eligible for sealing of conviction records if they were convicted of a traffic offense or infraction, driving under the influence, a crime where the factual basis involved unlawful sexual behavior, child abuse, or if the crime:

³ Section 24-72-705, C.R.S.

⁴ Section 24-72-706, C.R.S.



- is an extraordinary risk crime, sexual offense, crime of violence, Victim Rights Act crime;
- involves domestic violence, cruelty to animals, identity theft, pandering, a class 1, 2, or 3 felony or a level 1 drug felony with some exceptions, or cases of abortion and unlawful termination of pregnancy in the first degree committed before October 2013;⁵ or
- involves a pregnant victim or a special offender.

However, if the case meets one of these above scenarios and is a misdemeanor, it may be eligible to be sealed with consent of the district attorney.

Upon receiving a motion to seal a conviction record, the court must review and determine whether there are grounds to proceed to a hearing. If the motion concerns a misdemeanor or felony and is found to be sufficient, a hearing is held. If the motion is for a civil infraction, petty offense, or petty drug offense, the court must order the record sealed without a hearing. Conviction records cannot be sealed if the defendant still owes restitution, fines, court costs, late fees, or other fees unless the court vacates the order for those obligations. Finally, defendants must pay a \$65 processing fee, unless the fee is waived.

If a defendant's petition to seal is denied, they generally must wait one year before reapplying for the same records. After addressing the reasons for the denial and waiting the required time, they may resubmit the motion. The court will then review the new motion to decide if another hearing is warranted.

Sealing Records in Cases with Multiple Convictions

Defendants with multiple conviction records can petition courts to seal eligible records.⁶ In some cases, misdemeanor records can be sealed if the court finds strong reasons to do so or the district attorney consents. Defendants must file separate petitions in each jurisdiction where the convictions occurred and notify the district attorney in that jurisdiction.

The time allowed to petition the court depends on the severity of the offense and the number of convictions. A defendant may file:

- two years after final case disposition or release from supervision for petty offenses and civil infractions;
- five years after final case disposition or release from supervision for misdemeanors level 4 drug felonies; and
- ten years after final case disposition or release from supervision for felonies.

⁵ Section 24-72-706 (2)(a)(VI)(K and N).

⁶ Section 24-72-709, C.R.S.



Petitions can only be filed if the defendant has a limited number of previous convictions including:

- civil infractions and petty offenses: up to 5 separate cases;
- class 2 or 3 misdemeanors or level 1 or 2 drug misdemeanors: up to 4 previous convictions; and
- class 1 misdemeanors or felonies: up to 3 previous convictions for a class 1 misdemeanor or felony.

Finally, restitution must be paid in full before records can be sealed. A defendant must file a motion in the jurisdiction where the offense occurred and pay a processing fee of \$65, unless waived. Once filed, the district attorney may object to the motion and a hearing is scheduled, or if no objections are raised, the court can decide without a hearing.

Sealing Records in Municipal Cases

Defendants can file a motion to seal conviction records for municipal violations if there are no felony, misdemeanor, or misdemeanor traffic offenses after the case is resolved or the defendant is released from supervision.⁷ Defendants with a single subsequent offense may also apply for record sealing, as long as the offense is not a felony, or involves domestic violence, sex, or child abuse. Additionally, the subsequent case must not involve new felony or misdemeanor convictions nor be related to domestic violence assault or battery. Convictions for misdemeanor traffic offenses related to commercial drivers cannot be sealed under this process.

For general cases, motions can be filed three years after final case disposition or release from supervision. For single subsequent offenses, motions can be filed ten years after the final disposition or release from supervision.

The defendant must pay a filing fee to the municipal court where they are making the motion. The court reviews the motion and may deny it if there are insufficient grounds or the prosecution objects. If an objection is filed, a hearing is scheduled. At the hearing, the court decides if the defendant's privacy outweighs the public interest in keeping the records accessible. Restitution must be paid unless vacated by the court.

⁷ Section 24-72-708, C.R.S.



Other Specific Cases

State law provides other sealing processes for specific types of cases. These include cases of mistaken identity, being a victim of human trafficking, receiving a gubernatorial pardon, and sealing a record for a crime that is no longer illegal. More information on each of these cases is provided below.

- **Sealing records in cases of mistaken identity.** If a person has an arrest record due to a case of mistaken identity, their arrest and other criminal records must be automatically sealed within 90 days. If an agency fails to do so, an individual may petition the court, and the court must issue a sealing order within 90 days. There is no charge for filing a petition for sealing due to mistaken identity.⁸
- **Sealing records in cases of victims of human trafficking.** A person convicted of prostitution as a direct result of being a victim of human trafficking may file a motion to seal their records with no fees. The court must seal the records if the defendant provides by a preponderance of the evidence that they were trafficked for the purpose of committing that offense.⁹
- **Pardoned offenses.** After receiving a full and unconditional pardon, a defendant can file a motion to seal conviction records for the pardoned offense at no cost.¹⁰
- **Convictions for crimes no longer illegal.** Defendants may request the sealing of their criminal records if the offense they were convicted of is no longer illegal due to a statutory change. Defendants can file the motion after their case's final disposition or their release from supervision, whichever comes later. No fees are required for filing the motion. The district attorney can only object if they believe the offense is still illegal at the time of the motion or a hearing is requested on behalf of a victim. If no objection is made within 42 days, the court will automatically seal the record. If there is objection, a hearing will be scheduled and the court will seal the records unless it finds, by clear and convincing evidence, that public interest in keeping the records accessible outweighs the defendant's privacy rights and the intent of the pardon.¹¹

⁸ Section 24-72-702, C.R.S.

⁹ Section 24-72-707, C.R.S.

¹⁰ Section 24-72-710, C.R.S.

¹¹ Section 24-72-711, C.R.S.



Expunging a Criminal Record—Juvenile Cases

Eligibility

An individual is eligible to petition for expungement of juvenile records at different times, depending on the circumstances of a case. To be eligible for expungement, the juvenile cannot have a felony, misdemeanor, or other delinquency action pending and cannot have been:

- adjudicated for a felony offense involving unlawful sexual behavior;
- adjudicated as an aggravated juvenile offender;
- adjudicated as a violent juvenile offender;
- adjudicated for homicide or related offense; or
- charged, adjudicated, or convicted for a traffic offense.¹²

Expungement Process

If a juvenile is eligible, records may either be automatically expunged by a court, or a juvenile may petition for expungement after a certain amount of time, as described below.

Automatic Expungement

A court will automatically expunge a record if:

- the juvenile was found not guilty;
- the case was dismissed; or
- the juvenile successfully completed an alternative sentence (e.g. diversion, deferred adjudication) for a petty offense, drug petty offense, class 2 or 3 misdemeanors, level 1 or 2 drug misdemeanor.¹³

Petition after 42 Days

A juvenile may petition a court after 42 days from the closing of the case if:

- the court did not automatically seal the record but the record was eligible for automatic sealing;
- the juvenile completed a diversion program, deferred adjudication, or informal adjustment that did not qualify for automatic sealing;
- the juvenile completed a sentence for a misdemeanor or a petty offense; or

¹² Section 19-1-306 (2)(i), C.R.S.

¹³ Section 19-1-306 (4)(a), C.R.S.



- the juvenile completed a sentence for a felony or felony drug offense.¹⁴

Petition after One Year

A juvenile may petition the court for expungement one year after:

- a law enforcement contact where no court case was brought (i.e., a ticket or arrest); or
- a court denied the petition for expungement under the 42-day petition and the juvenile brings new information.¹⁵

Petition after Three Years

A juvenile may petition the court for expungement three years after the unconditional release from the sentence if the juvenile was a mandatory sentence offender or a repeat offender.¹⁶

¹⁴ Section 19-1-306 (6), C.R.S.

¹⁵ Section 19-1-306 (6)(c)

¹⁶ Section 19-1-306 (6)(e)