

As of January 1, 2021 the state of Colorado shall have 120 days to execute the expungement of eligible criminal records whose convictions occurred before January 1, 2021. For convictions that occur on or after January 1, 2021 that meet the eligibility requirements, the state of Colorado shall expunge eligible records within 30 days.

Definitions:

Penalties: Any sentence imposed by the court. Including, but not limited to, fines, fees, surcharges, prison time, jail time, parole, probation, work release, GPS monitoring, therapy classes, treatment programs, alcohol or drug monitoring, interlock devices, and community service.

Total Expungement Period: A length of time to begin once all penalties have been satisfied that if interrupted by another conviction or charge equal to or greater than category and class/level will not lose time accumulated and will continue to be awarded once the penalties of any later convictions have been satisfied.

Consecutive Expungement Period: A length of time to begin once all penalties have been satisfied that if interrupted by another conviction or charge equal to or greater than category and class/level will start over once the penalties of any new convictions have been satisfied.

Expungement Fee: All convictions that occur on or after January 1, 2021 incur an expungement fee to be assessed at the time of sentencing.

A person must be a U.S. citizen to be eligible for expungement.

Eligibility Requirements:

Any charges that have been brought against a person that have been either dropped, dismissed, deferred, or the person was found not guilty or acquitted of in a court of law shall be expunged within 30 days of such outcome.

Class 2 petty offenses:

Class 2 petty offenses carry a total expungement period of six months and incur an expungement fee of \$250 for the first offense and \$500 for subsequent offenses.

Class 1 petty offenses:

Class 1 petty offenses carry a total expungement period of one year and incur an expungement fee of \$500 for the first offense and \$750 for subsequent offenses.

Traffic misdemeanors:

Traffic misdemeanors carry a total expungement period of 18 months and incur an expungement fee of \$500 for the first offense and \$750 for subsequent offenses.

Level 2 drug misdemeanors:

Level 2 drug misdemeanors carry a total expungement period of one year and incur an expungement fee of \$250 for the first offense and \$500 for subsequent offenses.

Level 1 drug misdemeanors:

Level 1 drug misdemeanors carry a total expungement period of 18 months and incur an expungement fee of \$500 for each offense.

Class 3 misdemeanors:

Class 3 misdemeanors carry a total expungement period of 18 months and an expungement fee of \$1,000 for the first offense and \$1,500 for subsequent offenses.

Exceptions:

Menacing and reckless endangerment carry an expungement period of two years and incur an expungement fee of \$1,500 for the first offense and \$2,000 for subsequent offenses.

Class 2 misdemeanors:

Class 2 misdemeanors carry a total expungement period of 18 months and incur an expungement fee of \$2,000 for the first offense and \$2,500 for subsequent offenses.

Exceptions:

Violation of a protection order, keeping a place of prostitution, violating any of the provisions of Part 5 of Article 7 of Title 18 regarding sexually explicit materials that are harmful to children, criminal invasion of privacy, resisting arrest, obstructing a peace officer, firefighter, emergency medical services provider, rescue specialist, or volunteer, false reporting to authorities, carrying a concealed weapon, any prohibited use of weapons and failure to leave premises upon request of a peace officer carries a consecutive expungement period of three years and an expungement fee of \$2,500 for the first offense and \$3,000 for subsequent offenses.

Class 1 misdemeanors:

Class 1 misdemeanors carry a consecutive expungement period of 18 months and incur an expungement fee of \$2,500 for the first offense and \$3,000 for subsequent offenses.

Exceptions:

Assault In the third degree, child abuse when a person acts knowingly or recklessly and any injury other than serious bodily injury results, violation of a protection order, crimes against at-risk adults, at-risk juveniles or at-risk elders carry a consecutive expungement period of five years and an expungement fee of \$3,000 for the first offense and \$4,000 for subsequent offenses.

Any form of unlawful sexual behavior is ineligible for expungement.

DUI/DWAI/UDD

DUI, DWAI or UDD where no serious bodily injury occurred to anyone other than the impaired driver carries a total expungement period of seven years with an expungement fee of \$5,000 for the first offense and \$7,500 for subsequent offenses.

Level 4 Drug Felonies:

Level 4 drug felonies carry a total expungement period of two years and incur an expungement fee of \$750 for the first offense and \$1,000 for subsequent offenses.

Level 3 Drug Felonies:

Level 3 drug felonies carry a total expungement period of three years and incur an expungement fee of \$1,500 for the first offense and \$2,000 for subsequent offenses.

Exceptions:

Inducing consumption by fraudulent means carries a consecutive expungement period of five years and an expungement fee of \$3,500 for the first offense and \$5,000 for subsequent offenses.

Level 2 Drug Felonies:

Level 2 drug felonies carry a consecutive expungement period of five years and incur an expungement fee of \$3,500 for the first offense and \$5,000 for subsequent offenses.

Level 1 Drug Felonies

Level 1 drug felonies carry a consecutive expungement period of seven years and incur an expungement fee of \$5,000 for the first offense and \$10,000 for subsequent offenses.

Class 6 Felonies:

Class 6 Felonies carry a consecutive expungement period of three years and incur an expungement fee of \$3,000 for the first offense and \$4,000 for subsequent offenses.

Exceptions:

Inciting destruction of life or property, cruelty to animals, and a habitual offender that operates a motor vehicle in this state while a revocation is in effect and, as a part of the same criminal episode, also commits a DUI, DWAI, reckless driving, eluding a peace officer, vehicular eluding, or fleeing the scene of an accident carries a consecutive expungement period of seven years and an expungement fee of \$5,000 for the first offense and \$7,500 for subsequent offenses.

Any form of unlawful sexual behavior, unlawful sexual contact, sexual assault, human trafficking and slavery, offenses against pregnant women, sexual exploitation of a child, patronizing a prostitute with knowledge of being infected with AIDS, or putting the personal information of a peace officer or a member of the officer's immediate family on the internet are ineligible for expungement.

Class 5 Felonies:

Class 5 Felonies carry a consecutive expungement period of five years and incur an expungement fee of \$5,000 for the first offense and \$7,500 for subsequent offenses.

Exceptions:

Vehicular assault, menacing, crimes against at-risk adults or at-risk juveniles, jury tampering, theft of trade secrets, aggravated motor vehicle theft, inciting riot, vehicular eluding, sedition, illegal sale of wildlife, any offenses related to taxation carry a consecutive expungement period of seven years with an expungement fee of \$7,500 for the first offense and \$10,000 for subsequent offenses.

None: Criminally negligent homicide, any form of kidnapping, unlawful sexual behavior, stalking, offenses against pregnant women, wrongs to children, domestic violence, prostitution with knowledge of being infected with AIDS, pandering, disarming a peace officer, failure to leave premises on request of a peace officer, terrorist training activities, bias-motivated crimes, cruelty to

animals, any offense relating to firearms and weapons, financing extortionate extensions of credit and willful destruction of wildlife are ineligible for expungement.

Class 4 Felonies:

Class 4 felonies carry a consecutive expungement period of seven years and incur an expungement fee of \$7,500 for the first offense and \$10,000 for subsequent offenses.

Exceptions:

Criminal attempt, criminal conspiracy, criminal solicitation, vehicular assault, second degree assault carry a consecutive expungement period of ten years and an expungement fee of \$10,000 for each offense.

Death by negligence, manslaughter, vehicular homicide, criminal extortion, any form of kidnapping, any form of unlawful sexual behavior, stalking, any offense against pregnant women, any person who fraudulently causes another person to unknowingly consume or receive the direct administration of any controlled substance, child abuse, sexual exploitation of a child, criminal negligence with regards to an at-risk adult or at-risk juvenile, intimidating a juror, retaliation against a judge, intimidating a witness or victim, failure to leave premises upon request of a peace officer, bias-motivated crimes, cruelty to animals, any offenses related to firearms and weapons, extortionate extensions of credit, collections of extortionate extensions of credit by extortionate means are ineligible for expungement.

Class 3 Felonies:

Ineligible for expungement.

Class 2 Felonies:

Ineligible for expungement.

Class 1 Felonies

Ineligible for expungement.