

**Colo. Rev. Stat. &sect; 24-72-705 Sealing criminal justice records other than convictions - simplified process - processing fees - applicability (Colorado Revised Statutes (2021 Edition))**

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**§ 24-72-705. Sealing criminal justice records other than convictions - simplified process - processing fees - applicability**

(1)

(a) The court shall order the defendant's criminal justice records sealed when:

(I) A case against a defendant is completely dismissed;

(II) The defendant is acquitted of all counts in the case;

(III) The defendant completes a diversion agreement pursuant to section 18-1.3-101 when a criminal case has been filed; or

(IV) The defendant completes a deferred judgment and sentence pursuant to section 18-1.3-102 and all counts are dismissed.

(b) If the court did not order the record sealing at the time of the dismissal or acquittal, the defendant may make such motion at any time subsequent to the dismissal or acquittal through the filing of a written motion in the criminal case with written notice to the prosecuting attorney.

(c) If the defendant moves pursuant to subsection (1)(a) of this section to seal his or her criminal justice records pursuant to the expedited procedures of this section, the court shall promptly process the defendant's request to seal the criminal justice records within the criminal case without the filing of an independent civil action and without any further evidence except for evidence of the dismissal or acquittal. Motions filed pursuant to this section are procedural in nature, and sealing pursuant to this section applies retroactively for all eligible cases when the case has been completely dismissed or the defendant has been acquitted of all counts in a state or municipal criminal case.

(d) Notwithstanding the provision of subsection (1)(c) of this section, if the defendant is acquitted or if the case dismissed is a crime enumerated in section 24-4.1-302(1) in which notice of a hearing on a motion to seal is required pursuant to section 24-4.1-303(11) (b.7), the court shall allow the district attorney the opportunity to inform the victim that the record will be sealed and shall set a return date for the sealing motion no later than forty-two days after receipt of the motion.

(e) The provisions of section 24-72-703(2)(b) and section 24-72-703(5) apply to this section.

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(f) This section does not apply to records that are subject to the procedure set forth in section 18-13-122(13).

(2)

(a) A defendant moving to have his or her criminal justice records sealed or a defendant who has his or her criminal justice records sealed by the court pursuant to this section shall pay a processing fee of sixty-five dollars to cover the actual costs related to the sealing of the criminal justice records, which the court may waive upon a determination of indigency.

(b) When the motion to seal the criminal case is filed in state court, the processing fees collected pursuant to subsection (2)(a) of this section must be transmitted to the state treasurer and credited to the judicial stabilization cash fund created in section 13-32-101(6).

(c) When the motion to seal the criminal case is filed in municipal court, the processing fees collected pursuant to subsection (2)(a) of this section must be reported and paid as municipal costs and must be transmitted to the treasurer of the municipality and deposited in the general fund of the municipality pursuant to section 13-10-115.

(Amended by 2019 Ch. 295, §1, eff. 8/2/2019. Amended by 2018 Ch. 135, §5, eff. 8/8/2018. Added by 2014 Ch. 317, §3, eff. 8/1/2014. L. 2014: Entire part added, (SB 14-206), ch. 317, p. 1387, § 3, effective August 1. L. 2018:

(1)(d)(V) and (1)(e)(V) added, (HB 18-1078), ch. 135, p. 891, § 5, effective August 8.)