

Sealing is a process for adults, where the record still exists, but [can only be seen if a judge issues a court order to unseal the record.](#)

Expungement is ordinarily only for juvenile records, certain traffic cases, or cases of mistaken identity. When a record is expunged, it is considered to have [never existed.](#)

SEALING -

In Colorado, “sealing” is a process reserved for adults who have had their criminal charges dismissed, and the record cannot be accessed by the public

When a record is sealed, it still exists, but can only be seen with a court order to unseal the record, although it can be seen by law enforcement. Information on a sealed record cannot legally be divulged to the public. For example, a private employer would not be able to access the record, but the courts and law enforcement would be able to see the sealed record. If a record has been sealed, you can legally deny that the crime in question ever happened, to most individuals.

A person could ask for a record to be sealed after the final disposition of the case is entered. Also, a case can be sealed 10 years after the final disposition, but the judge may decline the request if they believe there is a public interest in keeping the records, or if there was a conviction.

However, certain crimes, including driving under the influence, or offenses for which the factual basis involved unlawful sexual behavior, are not eligible for sealing.

You may be eligible for sealing a case if:

- Were acquitted of the charges or found not guilty by a jury
- If the case was dismissed (*unless the dismissal was for a plea in another case*)
- If you were arrested and not charged and the statutes of limitations for the potential criminal activity has passed
- If you were convicted of most municipal court violations or a petty offense
- Successful completion of some diversion or deferred entry programs
- Certain drug crimes
- Misdemeanor marijuana charges

EXPUNGEMENT –

In Colorado, the term “expungement” ordinarily only applies to juvenile cases, certain types of traffic cases, or mistaken identity, and then only if certain criteria are met. Adults are generally not eligible for expungement in Colorado.

When a record is expunged, it is deemed to have never existed (*CRS 19-1-103 (Definitions)*)

Expungement results in the deletion of any record that an arrest or criminal charge ever occurred.

A juvenile’s record may be expunged when he or she was found not guilty at a trial or if he or she completed a juvenile diversion program. However, a juvenile’s record may not be expunged if he or she has been convicted of a violent crime or sexual crime.

Expungement in Colorado is not automatic, and a Petition must be filed with the Court to request that a record be expunged. The record will only be expunged if the petition is granted by the Court.

For more info on expungements in Colorado:

CRS 13-65-103 Compensation for certain exonerated persons & expungement of records

CRS 16-23-103 & 105 Expungement of biological samples collected from persons arrested or charged with felonies

CRS 19-1-306 Expungement of Juvenile Records

CRS 19-3-313.5 State department duties – reports of child abuse or neglect

CRS 26-3.1-108 Notice of Report – appeals – rules

CRS 24-50.5-104 Complaints by state personnel

CRS 24-72-701.5 Expungement of Arrest Record In Case of Mistaken Identity

CRS 42-4-1715 Expungement of Traffic Records