

**Summary of 2013 Amended
Juvenile Expungement Statute
C.R.S. § 19-1-306**



Who can apply (is eligible) for Expungement

- Persons with an offense not listed in the ineligible category;
 - Immediately upon a finding of not guilty, dismissal, or upon successful completion of diversion, deferred adjudication, or informal adjustment
 - One year from successful completion of probation, or from law enforcement contact that did not result in the referral to another agency
 - Three years from unconditional release from parole supervision or commitment to human services;
 - Five years from unconditional release of probation or parole, if the juvenile was adjudicated a repeat or mandatory offender
- AND the person has not be convicted of, or adjudicated delinquent for, any felony offense, or a misdemeanor offense involving domestic violence, unlawful sexual behavior, or weapons possession, since the end of the court's jurisdiction or since unconditional release from parole;
- AND no case of a felony, misdemeanor, or delinquency action is pending;
- AND the person has paid court-ordered restitution
- Additional provisions apply for adjudications involving prostitution.

Who cannot apply (is ineligible) for Expungement

- Persons adjudicated an aggravated or violent juvenile offender
- Persons who were direct filed, unless the person was sentenced as a juvenile
- Persons adjudicated for an offense involving unlawful sexual behavior

Right to Expungement Advisement

At the time of adjudication the court shall advise any person of the right to petition the court for expungement of records.

Starting Expungement Proceedings

The juvenile may petition for expungement, or, the court on its own motion, or on the motion of the juvenile probation or juvenile parole department, may start expungement proceedings concerning the record of any juvenile who has been under the court's jurisdiction. There is no filing fee. When the petition is filed the court shall set a hearing and notify the prosecutor and anyone else the court believes has relevant information. A person can only file for expungement only once a year.

Expungement Considerations for the Court

The court may order expungement if the person is eligible and if the rehabilitation of the person has been obtained to the satisfaction of the court, and, expungement is in the best interests of the person and the community.

Effect of Expungement Order:

Upon court order of expungement, "the person, agency, and court may properly indicate that no record exists." The file shall be physically sealed or plainly state on the file or on the computer that the record is expunged. Expungement does not authorize physical destruction of files. The court may order expunged all records in the custody of the court and any records in the custody of any other agency.

Accessibility of Records after Expungement:

Basic identification information on the juvenile and a list of any state and local agencies having contact with the juvenile shall not be open to the public, *but*, shall be available to a district attorney, local law enforcement agency, the department of human services, the state judicial department, and the victim, *except* information shall not be available to an agency of the military forces. Expunged records are available to any judge and the probation department for use in any future juvenile or adult sentencing hearing regarding the person whose record was expunged. Expunged records may only be inspected by order of the court, after a hearing and good cause shown. Notice of hearing shall be given to all parties five days in advance.