

Chart: Deregistration Eligibility 16-22-113

Category	Waiting period	Limitations: new charges	Other requirements
(1)(e) Successful completion of and discharge from juvenile sentence	None—immediately upon SUCCESSFUL discharge	Petitioner has not been convicted of <i>or have a pending prosecution for</i> unlawful sexual behavior or an offense with underlying unlawful sexual behavior factual basis.	Court did not enter an order continuing the duty to register or discontinuing under 1.3(b). (If order issued but time has passed consider re-filing). <i>*See below for factors</i>
(1)(d) D/A for unlawful sexual behavior offense	None: immediately upon SUCCESSFUL completion of D/A and dismissal of the case	Person has not been subsequently convicted of unlawful sexual behavior or any other offense, the underlying factual basis of which involved unlawful sexual behavior.	Court did not issue an order continuing the duty to register or discontinuing the duty to register under (1.3)(a). (If order issued but time has passed consider re-filing).
(1)(c) Misdemeanor other than unlawful sexual contact (or sexual assault in the third degree prior to July 1, 2000)	Five years from discharge of sentence	Person has not subsequently been convicted of unlawful sexual behavior or any other offense the underlying factual basis of which involved unlawful sexual behavior.	
(1)(b) F4, F5, F6, or M1 for unlawful sexual contact (or sexual assault in the third degree prior to July 1, 2000)	10 years from discharge of sentence	Person has not subsequently been convicted of unlawful sexual behavior or any other offense the underlying factual basis of which involved unlawful sexual behavior.	
(1)(a) F1, F2, F3	20 years from discharge of sentence	Person has not subsequently been convicted of unlawful sexual behavior or any other offense the underlying factual basis of which involved unlawful sexual behavior.	

Persons who are subject to lifetime registration: *any person who is a sexually violent predator*; any person convicted as an adult of: Sexual assault (18-3-402) (or sexual assault in the first or second degree prior to 2000); SAOC, SAOC position of trust, sexual assault by psychotherapist, incest, Agg. Incest, and *any adult who has more than one conviction or adjudication for unlawful sexual behavior in this state or any other jurisdiction.*

Factors to consider under (1)(e)(successful completion of juvenile sentence): the court shall consider whether the person is likely to commit a subsequent offense of or involving unlawful sexual behavior. The court shall base its determination on recommendations from the person's probation or community parole officer, the person's treatment provider, and the prosecuting attorney for the jurisdiction in which the person was tried and on the recommendations included in the person's presentence investigation report. In addition, the court shall consider any written or oral testimony submitted by the victim of the offense for which the petitioner was required to register.

EXPUNGEMENT CHART 19-1-306

Category	Waiting period	Requirements	Notes
(5)(d) prostitution offenses where child was sold, exchanged, bartered, or leased, or coerced. (6)(a.5)	None	Standard (see below)	
(6)(1)(a) finding of not guilty at trial or dismissal of petition entirely as result of non-prosecution	None	Standard (see below)	
(6)(1)(a) successful completion of diversion, D/A, or informal adjustment	None	Standard (see below)	
(6)(1)(b) law enforcement contact that does not result in referral to another agency	One year	Standard (see below)	
(6)(1)(b) successful completion of probation and termination of court's jurisdiction	One year (unless repeat or mandatory juvenile offender)	Standard (see below)	<i>Where does unsuccessful completion fall if child is not committed? Unclear.</i>
(6)(1)(c) unconditional release from DHS commitment or parole supervision	Three years (unless repeat or mandatory juvenile offender)	Standard (see below)	
6(1)(d) termination of court's jurisdiction or unconditional release from probation or parole (the later) if repeat or mandatory juvenile offender	Five years	Standard, plus: Juvenile has not further violated any criminal statute.	

TO EXPUNGE COURT MUST FIND:

NOT ELIGIBLE TO EXPUNGE:

- (5)(c)(I) Petitioner has not been convicted or adjudicated of any felony or misdemeanor DV offense, unlawful sexual behavior, or possession of weapon since termination of court's jurisdiction or juvenile's unconditional release from parole.
- (II) there is no pending proceeding for felony, misdemeanor, delinquency
- (III) rehabilitation of the petitioner has been attained to the satisfaction of the court and
- (IV) expungement is in the best interest of petitioner and community.

(7)(a) juvenile has been adjudicated aggravated juvenile offender or violent juvenile offender

(c) juvenile has been charged under direct file statute, unless person was sentenced as juvenile

(d) juvenile has been adjudicated for an offense involving unlawful sexual behavior

(e) juvenile failed to pay court ordered restitution to victim for the offense that is the basis for the juvenile record.