

How Do I Get a DUI Off My Record?

(a 50 State Expungement Guide For DUI Convictions)

Note: Now includes Washington D.C. (District of Columbia)

This Expungement Guide is intended to provide practical guidance on how you may be able to expunge a DUI / DWI conviction. There are times that you may NOT be able to expunge your conviction, and everyone's situation is unique to them.

This guide must NOT be used in place of consulting a qualified attorney - it is informational only, and you are highly encouraged to seek appropriate legal counsel and possibly tax advice when attempting to get an expungement of your record.

Nothing in this guide should be interpreted as legal advice, and the purchase and reading of it will NOT constitute or imply an attorney-client relationship.

The authors of this guide are not attorneys and do not claim to be attorneys either.

Contents

Introduction	4
Alabama Expungement.....	5
Alaska Expungement.....	7
Arizona Expungement.....	9
Arkansas Expungement.....	11
California Expungement.....	13
Colorado Expungement.....	15
Connecticut Expungement.....	17
Delaware Expungement.....	19
Florida Expungement.....	21
Georgia Expungement.....	23
Hawaii Expungement.....	25
Idaho Expungement.....	27
Illinois Expungement.....	29
Indiana Expungement.....	31
Iowa Expungement.....	33
Kansas Expungement.....	35
Kentucky Expungement.....	37
Louisiana Expungement.....	39
Maine Expungement.....	41
Maryland Expungement.....	43
Massachusetts Expungement.....	45
Michigan Expungement.....	47
Minnesota Expungement.....	49

Mississippi Expungement.....	51
Missouri Expungement.....	53
Montana Expungement.....	55
Nebraska Expungement.....	57
Nevada Expungement.....	59
New Hampshire Expungement.....	61
New Jersey Expungement.....	63
New Mexico Expungement.....	65
New York Expungement.....	67
North Carolina Expungement.....	69
North Dakota Expungement.....	71
Ohio Expungement.....	73
Oklahoma Expungement.....	75
Oregon Expungement.....	77
Pennsylvania Expungement.....	79
Rhode Island Expungement.....	81
South Carolina Expungement.....	83
South Dakota Expungement.....	85
Tennessee Expungement.....	87
Texas Expungement.....	89
Utah Expungement.....	91
Vermont Expungement.....	93
Virginia Expungement.....	95
Washington Expungement.....	97
Washington - DC Expungement.....	99
West Virginia Expungement.....	101
Wisconsin Expungement.....	103
Wyoming Expungement.....	105

Introduction

A common question for people convicted of driving under the influence (aka DUI / DWI / OWI/ OVI / drunk driving) is how they may possibly expunge, seal, or "disappear" their criminal record in order to obtain a job, a position in the military, rent a house or submit a credit application, etc.

If you have a drunk driving (or drugged driving)DUI conviction on your record, you may pay for your crime long after your driver's the license suspension is over, fines are paid, jail time is served. Employers can access the information criminal records information in many cases, and can use it as grounds to deny you a job.

Colleges can look at this information when considering admitting you to their institution. And car auto insurers can use the information when determining your rate or can possibly deny you coverage. Don't despair totally – there may be good news for you but there is good news. It may be possible to expunge a DUI conviction it from your record. This means that it your criminal record and history is “sealed” or erased, like it never happened.

But laws vary before you jump joy, it's vital to know that DUI laws, expungement laws, and this whole process varies state by state, so here is a list of states and a brief summary of their expungement laws to help you understand your options.

myDUIattorney.org has compiled this information-packed guide as a resource to help walk you through the DUI expungement process at every stage, and in so doing, minimize the stress, worry, and feeling of helplessness you may experience following a DUI / DWI Conviction.

Foremost, it is up to you to take action – now it's not the time to procrastinate as time is an essential factor in getting the best result in your DUI case, and reducing the negative impact on your life.

Alabama Expungement

If you are charged with a crime in Alabama, you'll not only have to deal with the stress of the police and the judicial system, possibly even going to trial, you might have to live with the consequences of your actions for the rest of your life on your criminal record.

Depending on the type and severity of the crime, this can make it difficult for you to find a place to live, get a job, and live a normal life – even well after you've paid your dues to society.

Fortunately, the state of Alabama has expungement laws that you can use to attempt to get a number of crimes removed, erased, struck out, obliterated, or even have the record itself destroyed. Essentially, expungement is the legal elimination of a person's criminal records. This means that you can legally say that you were never arrested or convicted of a crime. As far as potential new employers or landlords will know, your crime simply won't exist.

What kinds of records can be expunged in Alabama?

Alabama laws state that expungement is allowed for individuals who were charged and sentenced incorrectly in cases where a conviction was never reached. In layman's terms, if you are charged or convicted of a crime but can find a way to prove that the information about the crime was wrong or incomplete, you might be able to erase or expunge the crime from your record.

In Alabama, only certain records are even eligible for expungement, including records in relation to:

- Child abuse investigations (the authority or agency that investigated the case is responsible for expunging your record)
- Cases with wrong or incomplete information toward criminal convictions
- DNA records

For example, if the police had you under investigation for abusing your spouse but did not have enough evidence to convict you, it is possible that Alabama law would allow you to expunge your criminal record. Expungement may also be allowed if you receive a criminal conviction that is then repealed, or if you complete pretrial or pre-prosecution diversionary programs in the state.

The Alabama Expungement Process

So how do you go about getting your eligible criminal record expunged in Alabama? If you want a record from an incorrect or incomplete case to disappear, the first step is to turn in a request to the Alabama Criminal Information Center. Be sure you include the correct information with your request so that they have proof of your innocence.

If you are not dealing with an incorrect or incomplete case, you will need to file your request to the Alabama Board of Pardons and Paroles. In addition, you are required to turn paperwork in to the Attorney General, the district attorney, and to the judge who oversaw your case within 30 days of filing with the

Pardons and Paroles Board. In the event that your request for expungement is denied, you have the legal right to appeal to the circuit court within 30 days of the refusal.

For records related to the investigation of child abuse, you will need to contact whatever agency or authority did the investigating and tell them that you would like the records expunged. Under Alabama law, once you do this the investigating agency is required to expunge all information from your records.

Sealed Records

There is one other avenue by which someone can remove or otherwise “hide” their records in Alabama, and that is to have them sealed. This is an option only open to juvenile records, and in order to be eligible you must be discharged and have no outstanding subsequent criminal charges leveled against you, or records of having participated in any criminal acts for two years after your discharge. An example of this kind of sealed record is a juvenile DUI. Rather than being expunged, this offense is simply sealed so that no future employers need to know it exists.

To seal a record, the proper paperwork must be filed and everyone involved with the case – the prosecuting attorney, the authority who discharged the juvenile, and the heading law agency – needs to be informed about what is going on. In most cases, it’s in your best interest to hire an Alabama lawyer with experience handling expungement.

Alaska Expungement

In Alaskan law, the language makes it clear that the state considers the expungement of individuals' criminal records to be a favor that the court is allowed to grant, not a right that every person is entitled to. In fact, just because someone requests an expungement does not mean that it will be given to them. If the expungement is not seen to be in the favor of society, or sometimes even if something just isn't filed correctly, it's quite possible that the powers that be will deny it.

So why go to all the trouble of getting a record expunged? Because whenever you attempt to apply for a new job or license, you have to go through a background check, and having a criminal record can make it difficult – and in some cases impossible – to qualify for certain licenses and a large number of jobs. You want that criminal record to be clean if at all possible.

The way that Alaska handles expungement is that the record itself continues to exist, but it is erased from the view of the public. Those doing background checks on you simply won't know it's there.

How can you have a criminal record expunged in Alaska?

You must submit a written request to the head of the agency in charge of maintaining past convictions and the information of current offenders, asking them to seal information relating to your arrest or conviction. Be sure to double check all paperwork before you send the request since, as mentioned above, the agency head can deny your request simply for making an error. He or she will look over your request and make a determination.

What will be sealed, and what does that mean?

How much of the information related to your case is sealed depends on the case itself, and that doesn't mean that the record is gone forever. In fact, it can be accessed for a number of reasons by a variety of people. These include:

- Access for auditing
- Access for employment in criminal justice
- Access for the purpose of research and statistics
- Access to prevent potential imminent harm to another person
- Access authorized by court order
- Access by you to review the record

For underage violators, the Alaskan court maintains all criminal records, but automatically seals them when charged minors turn eighteen years of age. However, if there is later probable cause to do so, all

records – including juvenile ones – can be unsealed and made available.

Who is eligible for expungement in Alaska?

Alaskan law only allows expungement for people involved in identity theft or other cases of mistaken identity. Those whose crimes do not fall under that category may be eligible for other types of record removal, such as pardoning. Both misdemeanors and felonies in Alaska will only be expunged if the governor grants a pardon to the accused or if some kind of mistake was made.

One additional possibility for sealing records is available to those convicted of driving under the influence. Along with expungement following a pardon or the discovery of a mistake, DUI convictions can be expunged following a reversal under warrant.

What about records that cannot be expunged?

The Alaska governor always has the power to pardon crimes, and this has the same effect as sealing a record. The public will not be able to view the crime, and you will not be barred from licenses or jobs due to a background check. It's as if the conviction didn't happen.

However, you should know that if you are ever convicted of another crime, both expunged and pardoned crimes are usually counted as priors, which can mean that you will receive harsher sentencing than if this was your first offense. This is especially true if the current conviction is for the same kind of crime as the one you previously had been pardoned for or had expunged.

If you are looking to expunge your criminal record, you can hire an Alaska attorney to help you through the process.

Arizona Expungement

What is a criminal record, and why do you not want one?

When you are convicted of a crime in the state of Arizona, whether it's a minor misdemeanor or a serious felony, it goes onto your criminal record. Even after you've paid your dues to society, the crime stays there for all the world to see, and can negatively impact your ability to get a job, obtain certain licenses, find a place to live, and possibly even vote. In short, carrying that crime around with you for the rest of your life can make even simple things very difficult for you.

But there is a way to avoid this and make it as if that conviction never happened as far as the public at large knows: get it expunged from your record.

What does expungement mean in Arizona?

Put simply, expungement is a process whereby a crime you committed in the past is removed from your record. After a set amount of time has passed, federal law has statutes in place that let people petition to have their criminal records expunged. States have laws of their own on this matter, and some don't even allow for expungement, but thankfully Arizona does.

The state of Arizona calls the expungement process "setting aside a judgment," and allows both felony and misdemeanor convictions to be cleared from your record. If your petition for expungement in Arizona is accepted, it will improve your chances at getting to vote, being able to hold a license to carry a firearm, receiving employment, and there will be a note in your criminal record that says the charges for which you were convicted were dismissed. All of these things can make life easier after serving your sentence.

What is the expungement process in Arizona?

By Arizona law, some crimes simply cannot be expunged from your record. These include:

- crimes of serious physical injury
- using a deadly weapon
- sexual crimes
- crimes involving minors (under 15 years old)
- driving violations where the license was already suspended

Beyond these listed crimes, it is possible for all others to be expunged from your criminal record. The only first step you have to meet to begin expungement for any crime is that you must complete your criminal sentence, including any probation period afterward. After that is done, you may put in a petition requesting that your conviction be set aside or expunged.

Can a DUI be expunged in Arizona?

Yes. While driving under the influence, or DUI, is an offense that Arizona takes very seriously, it is a crime that can be set aside from your record so that no one in the public at large needs to know that you received the charge. You will need to complete any sentencing and meet any other conditions demanded

of you at your conviction, including completing any probation period, and then you can petition for the record to be set aside. The crime will be removed from your record like it never took place once your expungement is approved.

How do Arizona misdemeanor expungements work?

Just like with a driving under the influence conviction, a misdemeanor has the potential to be expunged from your record after you serve whatever time required from your sentence and meet any other requirements. You would then be allowed to petition for expungement and, if approved, a note would appear on your record in place of the conviction, saying that the crime has been set aside.

While your conviction will still appear on your record to police and other law enforcement officials, employers and the public at large won't be able to see it, giving you the legal ability to say that you have not been convicted of any crimes. This is especially useful when applying for jobs, since you don't have to reveal a conviction that could hurt your chances of getting the position.

How do felony expungements in Arizona work?

Felonies can be set aside just like any other Arizona crime not listed above, and the same basic things are required before you can petition – complete your sentence and be done with probation. The only real difference with a felony is that the more serious nature of the crime can make it less likely that the deciding agency will approve the expungement. Unfortunately, the decision is made on a case-by-case basis, and there is little that you can do to influence the outcome.

To ensure that you follow the process of requesting an expungement correctly, you can seek the help of a qualified Arizona lawyer.

Arkansas Expungement

If you have been convicted of a crime in Arkansas, it will appear on your criminal record forever, even after you have completed your sentence and any other punishments associated with it. A criminal record can make it harder for you to find work, get an apartment, and even obtain certain licenses.

But for some, there is the possibility of help: Arkansas law allows for the elimination of criminal records for certain crimes via the expungement process.

What is Arkansas expungement?

Expungement in the state of Arkansas is a way to eliminate criminal records for certain crimes under certain circumstances. It is considered a privilege, not a right, and under Arkansas Code No. 16-90-901, records will not actually physically disappear; rather, they will no longer be viewable by the public.

Of course, this becomes complicated when you are talking about expungement in comparison with record sealing in Arkansas, because the terms are not interchangeable. When specific authorities can still have access to the record, despite it being hidden from the general public, this is called record sealing.

Expunging a record means that the record in question will be completely destroyed from viewing by anyone – public or government.

Who is eligible for Arkansas expungement?

Arkansas is very selective about who it allows to expunge their criminal records. If you have been arrested, but were not found guilty of the crime, it is possible for you to expunge anything related to the case, including arrest records, orders, petitions, and any other documents. This option is also available to some criminals who are pardoned of their crimes, but Arkansas law does not allow this for someone who commits a sexual offense, an offense against a minor, or any offense that results in serious injury or death.

Once your sentence has been served and probation has been completed, people who are first time offenders for driving offenses, controlled substance offenses, and even most other crimes have the option of expunging their crimes open to them. This is also true for minors who are pardoned for committing offenses before they turned 16, and for minors who committed non-violent felonies before they turned 18. And, of course, anyone who was charged and arrested but subsequently had those charges dismissed, were acquitted, or deemed nolle prossed in Arkansas can petition the court for expungement of those records.

Certain more serious offenses are also eligible for expungement after specific requirements are met. These requirements include completing probation or a commitment to the Department of Correction,

along with being transferred to the Department of Community Correction. Also, the convicted criminal must have no more than one previous felony conviction, and it cannot be a capital offense. Crimes under this banner include:

- Murder in the first degree
- Murder in the second degree
- First degree rape
- Aggravated robbery
- Kidnapping
- Any offense related to distributing substances to minors

How does one receive expungement?

Unlike juvenile records, which typically are automatically sealed or expunged by the court after several years, adult records or arrests and convictions stay with you for life. Thankfully, anyone convicted of a non-violent felony has the ability to petition the court to have their record expunged after they complete any and all requirements of the conviction, including serving time, finishing probation, and waiting out any suspension period. You petition the court by sending in a written application for expungement that must be filed in accordance with set rules.

Can my expungement be denied?

Unfortunately, yes, there are various reasons why petitions for expungement may be denied. Some of these include:

- Pending arrests
- Sexual offense convictions
- Existing additional convictions
- Previous expungement exits
- Registration as a sex offender
- Court records indicating a case is still open
- Not meeting set time period as dictated by the law

Your best chance at expungement is to make sure that everything is correct with your paperwork before turning in that petition. A qualified Arkansas lawyer can help you with this process. All probation and confinement in relation to your sentence must already be completed, and all fines have to be paid in full. Only then should you petition the court.

California Expungement

Having a California criminal record

If you have been convicted of a crime in the state of California, then you have a permanent criminal record that will follow you around your whole life. It will stay with you even after you complete your sentence, pay fines, and finish with any probation given to you, and can make it very difficult to do things that most people take for granted. Things like finding a job or a place to live, or even attaining certain licenses.

Thankfully, the federal government allows for a process called expungement in which your crimes can be removed from your criminal record. This means that the court will dismiss the crime for which you were convicted and that your record will show that the charge has been dismissed. Every state, however, handles this differently, and in California, you must meet certain criteria to expunge your record.

What is the criteria for a California expungement?

According to section 1203.4 of the California Penal Code, anyone who meets the criteria may file a petition for dismissal of their criminal record. What is this criteria? Most people convicted of misdemeanors or felonies that do not receive a state prison sentence are eligible, but the way to go about getting your record expunged varies depending upon your specific circumstances.

Regardless of whether you were convicted of a California felony or misdemeanor, if you were put on probation, your conviction can be expunged by the court as long as you:

- Finish probation and/or receive an early release
- Pay all fines or restitution owed
- Are not on probation for a different offense
- Are not currently charged with a separate offense

For those on probation, before you file for expungement you must either finish the term of your probation completely or petition to have your probation period ended early. If you were not given probation and were convicted of a misdemeanor offense, you are still eligible for expungement so long as:

- It has been at least a year since your conviction
- You complied fully with your sentence
- You haven't been put on probation for another offense
- You haven't broken any new laws since you were convicted

Those convicted of a felony who want it to be dismissed from their record first need to have it reduced to a misdemeanor offense prior to petitioning to have it expunged. Some crimes also fall into gray areas, where the court will have to use their own judgment about whether or not you qualify for expungement. For example, if you were convicted of driving under the influence or simply didn't complete your probation, it is still possible in some cases to have the charges dismissed from your record if you have

done other things, such as paying your fines and not being charged with, serving time for, or on probation for another offense. And, of course, there are crimes that simply are not eligible to be expunged from your record, such as sexual assault and rape of a minor.

Why do I want a California expungement?

Expungement won't solve all of your problems if you are convicted. Getting your record expunged doesn't literally mean that you didn't commit the expunged crime. Dismissal of a felony from your record won't allow you to remove the prohibition to possess or own a firearm, and if your license is suspended or revoked for getting a DUI, expungement won't get it back for you. Also, if you later are convicted of another crime, the expunged conviction may still cause you to receive increased penalties for your current crime, just as if you had multiple convictions without expungement.

One of the biggest drawbacks of a criminal record is that question you see on almost every job and rental application but probably never paid a lot of attention to until you got in trouble with the law: have you ever been convicted of a crime?

With a criminal record, you are now required by law to disclose your convictions, which could hurt your ability to get many jobs and find housing. If, however, you get the conviction expunged from your record, you can legally say that you haven't been convicted and the public at large – including most employers and potential landlords – never has to know about your crime.

You should know, though, that if you wish to be licensed by a state agency or run for public office, you will still need to disclose to them the fact that you were convicted. You would answer the question on the application as “Yes, conviction dismissed,” and by law California agencies must treat you as if you never received a conviction in the first place.

How do I begin the expungement process?

The court system in California has numerous resources available to people looking to dismiss prior convictions from their record, but the best person to contact is the California attorney who handled your case in the first place, since they will be familiar with it and can initiate the process.

Colorado Expungement

If you have been convicted of a Colorado crime and finished serving out your sentence, chances are you've started to discover differences in the way you live your life and how you are treated. You now have to disclose information about your conviction on job and housing applications, making it more difficult for you to find work and get a place to live. You may have even realized that there are certain Colorado licenses for which you are no longer eligible once people discover you have a conviction on your record. Many Coloradans, once they live through this, make the decision to have their criminal records expunged.

Expungement is a process whereby an individual's past criminal history is sealed, erased, or destroyed, making it appear like the record never existed in the first place. It is allowed by the federal government, but each state has their own rules about expungement, and some states won't allow it at all! Thankfully, Colorado is not one of those states, though there are specific rules that one must follow to apply for Colorado expungement, and not all crimes are allowed to be expunged.

What happens in Colorado if your record is expunged?

For juvenile cases in Colorado, any and all documentation related to your record (including files from local law enforcement, the department of human services, and the district attorney) can be sealed away and erased so that no one can view it. The only agency that may request it is the United States military. If you apply to join the armed forces, then they may ask to see your record before deciding whether or not to allow you to join.

Also, if a driver who is a minor is charged with a crime related to driving while intoxicated, it is possible that they can have their criminal records expunged once they have met the conditions of Colorado Statute 42-2-121.

Adults seeking expungement don't have it quite so easy. Under Colorado law, only certain forms of documentation are eligible to be expunged in adult cases. These include all records that relate to the apprehension, detention, arrest, detection, trial, or disposition of an individual in relation to an offense. Documentation that cannot be expunged includes civil lawsuits, judgments, and property deeds. One thing that is nice about Colorado's expungement laws is that not only conviction records, but arrest records as well are erased.

Who can receive expungement in Colorado?

Under Colorado Statute 19-1-306, most juvenile records are eligible for expungement – regardless of the circumstances. When the individual is being adjudicated, the court will inform him or her of the right to expunge their records from the juvenile probation department or the juvenile parole department. After the records are sealed, nothing with any personal information will be allowed to be disclosed to the public, including information related to the identification of the individual, a list of the state agencies involved, a list of the local agencies involved, and any people who had contact with the person in question. No district attorneys, local law enforcement agencies, or department of human services employees will receive these records, nor will they be made available to them.

After expungement has occurred, these records will only be able to be obtained if an agency petitions the court with sufficient evidence and cites probable cause. In this case, a hearing will be held before the documentation is released.

For adults, the Colorado court can expunge records related to an offense of drunk driving, but only if the convicted person had a BAC between .02 and .05; the individual also must petition the court with a request for expungement and meet a host of requirements, including:

- Provide accurate information to the court
- Be over the age of 21
- Any court action related to the offense must be completed
- Individual must not have been convicted of any other offense before turning 21
- All fines related to the conviction must be paid, and all requirements completed

Colorado also allows a specific kind of expungement in cases where an individual was accused of a crime but later acquitted, had the charges dismissed, where charges were not even made, and in certain instances of driving while intoxicated or driving under the influence. For these cases expungement can also refer to erasing all DNA records and fingerprints associated with the case.

If you would like to expunge a crime for your record, you may want to seek the help of a Colorado attorney who knows the process.

Connecticut Expungement

A criminal record is something that can haunt you for the rest of your life. Every time you have to fill out an application for a job, apartment, or even some licenses, you will need to disclose the fact that you have been convicted of a crime, making it more difficult for you to live your life and get the things you want.

Nationally, the federal government allows a process called expungement that can help alleviate this problem. If you have your record expunged, your criminal record will be sealed or erased so that no one in the public may access it, and you can legally fill out applications saying that you do not have a conviction on your record. Expungement laws vary from state to state, with some refusing to allow it altogether, but thankfully Connecticut is not one of those states.

How does expungement work in Connecticut?

In Connecticut, an individual must wait three years from the final verdict of their crime before they can apply for expungement of their record. If they are granted expungement, their criminal files will still exist, but they cannot be accessed by the public, and the individual may then legally say that they were never accused or arrested, and never committed a crime.

Can sealed or expunged Connecticut records be opened?

Yes. It is possible to access sealed records under certain circumstances where an agency or individual has received authorization to do so. Generally this access will be granted when it has been shown that there is probable cause to view the records. Disclosure of these records can also occur if they are found to have a connection to perjury charges or under the action of false arrest. Also, Connecticut Statutes Section 54-142c states that the dismissal of the crime will be disclosed to the victim or their legal representative after two years.

If, however, Connecticut decriminalizes a crime for which someone has previously been convicted, the individual who was charged can petition the court to receive permanent expungement for the crime. This is in accordance with Connecticut Statutes Section 54-142d.

What records are eligible for Connecticut expungement?

Under Connecticut law, only certain cases are eligible for expungement. For adults that have been charged, these include any crimes that have been pardoned or dismissed, or in cases where an individual

was found to be not guilty. Crimes that have since been decriminalized are also eligible for expungement. Expungement does not apply to adults found not guilty or guilty but not criminally responsible for their actions because of a mental defect or disease.

For youthful offenders – essentially, anyone under the age of 21 and who was tried as a juvenile – are eligible for expungement and may petition to have their records sealed or erased. Minors convicted of crimes who are later discharged from the Supreme Court’s supervision or the care of the Department of Children and Families may request to have their records sealed.

Which Connecticut criminal records are sealed?

When an expungement is granted in the state of Connecticut, this includes erasure or sealing of a number of files such as:

- All police records
- All court records
- All other materials related to the charge

The law goes even further for juvenile offenders. From their record, they may have all of the above erased as well as files of:

- Arrest
- Complaint
- Referrals
- Petitions
- Reports
- Orders

According to Connecticut Statute Section 54-76o, all of this information shall be removed from all official and institutional files and all agencies in authority. After this takes place, it legally means that the offense, arrest, and conviction never happened.

How can you have your Connecticut record expunged?

To receive expungement of an eligible record in Connecticut, the court that handled the case must be petitioned, making sure that you provide all of the correct information. Even then, the judge must believe that your expungement will be in the court’s best interests or he or she has the right to deny your petition. The best way to improve your chances of having an expungement approved is to work with a Connecticut lawyer on your case.

Delaware Expungement

Most of us probably don't think twice about background checks when applying for a job, housing or some kind of license. But if you are convicted of a crime in Delaware, you should, because it will go on your criminal record for anyone to see whenever one of these checks is done.

Having a criminal record can make it more difficult to live a normal life, since many employers and landlords may be more likely to go with someone who has a clean record. Luckily, the United States federal government allows a process called expungement, whereby your criminal records can be erased or sealed away from the public, preventing agencies that issue licenses, education grant agencies, credit card companies, employers, and other companies from accessing that information about you – it will be as if the conviction never occurred.

Each state has their own laws on expungement, and in Delaware, it is only granted to a few eligible people, and only then, after they fill out and file all of the correct paperwork to petition the court. Once this occurs, the decision goes to a judge who weighs the benefits of granting the expungement to ensure that it is in the favor of the court. If he or she believes this not to be the case, or if any paperwork was not correctly completed, the expungement may be denied.

Who can receive expungement in Delaware?

Expungement is not a civil right, it is a legal action and a privilege, and the court has the right to deny it. The nature of expungement makes it useful as a tool for those people who are attempting to turn their lives around and whom the state has deemed good citizens.

The state of Delaware only allows expungement under specific circumstances. In order for an individual to be eligible, they must be acquitted of the charges against them, or those charges must be dismissed in their favor and a nolle prosequi must be entered into the court at the time of the dismissal. After this, they may petition the court for expungement of all police records in relation to the crime or crimes they were charged with.

Delaware also offers mandatory expungement for misdemeanors and any crimes that are a violation of Titles four, seven, eleven, sixteen, or twenty-three. These crimes still must be dismissed or terminated fully in the individual's favor.

It is also possible that the State Bureau of Identification might declare an expungement mandatory if it falls under certain terms. When this happens, the bureau will ensure that the individual, the proper courts, and the police agencies where the records are being held are notified as soon as possible. All files are required to be eliminated from public record and placed in the State Bureau of Identification's supervisor's control within 60 days of their declaration of the need for expungement. The Bureau will then see to it that these records are maintained within the department.

What does Delaware expungement really mean?

If your Delaware criminal record is expunged, your files will not be completely destroyed. The public will no longer be able to view them, but they will be sealed away so that the proper authorities may still access

them under specific circumstances. An example of a circumstance in which your records could be accessed is in the event of a future crime committed by you. If this occurs, your previous expunged offense will work as a prior offense and mean that you will receive harsher punishments than if it was your first crime.

Other reasons why authorities might be granted access to your sealed criminal record include:

- New evidence is found in the past case, which could alter the charges leveled against you
- If you decide to run for public office
- If you decide to enter the military

In the latter two instances, it is required that all records be opened to complete thorough background checks.

If you are starting the expungement process on a case, you can hire a Delaware attorney to work with you to ensure the proper procedures are followed.

Florida Expungement

When you are charged with a crime in the state of Florida, it automatically goes onto your criminal record. This can make it difficult for you when applying for jobs, housing, or certain licenses in the state, because if anyone does a background check, they will learn of your criminal history and may not be inclined to choose you over a person without a record.

Because of this, the federal government allows for a legal process called expungement, which can erase, seal, or otherwise destroy records associated with the crime for which you were charged. The laws of expungement vary from state to state, with a few refusing to allow anyone to clear their criminal records of anything, but Florida, thankfully, is not one of these states.

Florida expungement rules

Under Florida state law, an individual is eligible to have his or her criminal record expunged only if they were not convicted of the crime for which they were charged. In Florida, expungement means that a particular person's record will no longer be accessible by the public at large. When a prospective employer or other agency attempts to access your records, all they will see is a statement in your file that says the record was expunged.

It does not, however, mean that files related to your charge will be physically destroyed. These files will be maintained by authorities in the event that specific circumstances arise and there is a need to access the information. Legally acceptable reasons for someone to access your sealed records includes:

- You decide to run for public office
- You apply for enlistment in the United States armed forces
- You are charged with another crime

In the first two instances, a thorough background check is mandated by law, so the agencies conducting them will be allowed to access any of your information that they wish to see.

And for the final example, if you are charged with another crime in the future, your previous charge can be used against you as a prior offense. This means that your new crime will not be charged as if it were a first time offense, and you will likely receive harsher punishments if you are convicted. Still, if your crime is granted expungement, you will legally be allowed to say that you never committed the crime, and even confirm this in documentation or court if you need to.

Because Florida's expungement laws and the process you need to go through can be confusing, it may be advisable to contact a Florida attorney experienced in the state's expungement proceedings. This way, you can avoid having your application for expungement overturned on technicalities such as not completing all necessary paperwork, turning in the wrong information, not meeting deadlines, or making other mistakes. Because expungement is a privilege and not a right, even the smallest inaccuracies can mean that it will be denied.

Florida expungement versus Florida record sealing

Sealed records in Florida are not the same as expunged records. While records that have been expunged aren't able to be accessed by the public or by law enforcement agencies, sealed records are only kept hidden from the public. This means that you will still be protected from employers, credit card companies, organizations offering grants, and professional licensing organizations seeing your criminal record, but certain specific government officials defined under Florida State Statutes will have this ability. This is important to note because depending on past crimes or the nature of the crime which you are seeking to strike from your criminal record, you may be eligible for sealing, but not expungement.

How can you attain a Florida expungement?

All proper paperwork must be sent in to the court where your case was originally tried in the form of a petition if you wish to have your crime expunged. As noted earlier, the judge who looks at your petition has the ability to grant or deny expungement. His or her decision can be based on many factors, including:

- Whether or not you have been charged or convicted for any other crimes
- Whether or not you have been a benefit to society since the crime
- Whether or not granting you expungement will benefit society
- Whether or not all paperwork was completed correctly and fully

If he or she does not believe that your expungement is in the court's favor, it is likely that your petition will receive a ruling of denied.

Who is eligible for a Florida expungement?

Expungement laws in Florida are quite strict, allowing only a select few to even petition for the privilege. Individuals who fall under this category must have been acquitted of all charges against them, be pardoned of all of their crimes, or circumstances must have caused the court to withhold adjudication after the person was arrested.

Georgia Expungement

When you commit a crime in Georgia, a record of that goes into your criminal history that stays with you forever. This can negatively impact you when you try to apply for jobs, housing, and even certain licenses if they ask to do a background check, because the person or agency will see information about your crime when they look into your history. This can make them more inclined to go with another person or turn you down.

Luckily, the United States has laws in place that allow for a legal process known as expungement, whereby it is possible for criminal records to be sealed or erased. Some states disagree with this law and forbid it altogether, others layer their own laws on top of it that prevent most people with a criminal history from hiding it.

What records will Georgia expunge?

If your crime is one of those that can be expunged under Georgia law and a judge approves your petition, documentation that will be erased includes arrest records, trial records, and detention records. These can consist of cards, photographs, fingerprints, or any other documents that could be used to identify you. And for those with convictions that were reversed or charges that have been dismissed, DNA records may be expunged, too.

Once this occurs, the public will not be able to access your records and neither will law enforcement agencies. Instead, your criminal record will show that no conviction took place, and you will be able to legally state that you were not accused of or arrested for a crime.

However, it is untrue to say that these records are utterly destroyed, or that no one could possibly ever access them. If government officials have a legally permissible reason to view your files, the court could grant access for an expunged record to be reopened. Reasons why this access might be granted include:

- The individual commits another criminal act – in this instance, the erased record can be used to count as a prior offense, causing you to face harsher penalties than if you were a first time offender
- If the individual runs for public office – it is legally required for all records to be open for review
- If the individual applies to enter the armed forces – it is legally required for all records to be open for review

It is also possible that certain kinds of documentation will not be destroyed. If so, this information will be held back for constitutional reasons and not revealed to the public or law enforcement unless the court orders it.

Records that cannot be expunged in the state of Georgia include custody records kept by the county, and municipal jail and detention records.

How does the Georgia expungement process work?

In the event that you are not convicted of the crime for which you are charged, you are required to wait a designated amount of time following the arrest or the case's dismissal to prove that no conviction occurred. If you are convicted, you must show that you have no prior convictions, that you satisfactorily completed the sentence, and that you aren't involved in any other criminal matters at present. Once you have met those requirements, you are eligible to apply for expungement of your crime to the court.

Those applying for expungement must do so in a written request to the appropriate law enforcement agency. Before the court makes any decision on your application for expungement, they will check to make sure that your paperwork was all completed correctly and fully, consider how serious your crime was, and determine whether or not expungement of your crime is in the favor of the court. If they do not believe that to be the case, they may decide – at their own discretion – to refuse your application and deny the expungement. You may challenge this decision in court if you are able to prove that your record is inaccurate or incomplete; however, anyone who had charges dead-docketed, nolle, or dismissed because of a plea agreement is ineligible to apply to have charges erased.

Georgia also has laws in place in some jurisdictions that allow a minor who has committed a crime to have his or her records automatically expunged when they reach the age of adulthood – 17 or 18 years of age. This allows individuals who make youthful indiscretions the opportunity to start adulthood with a clean record.

What criminal cases are eligible for expungement?

Expungement only applies to specific kinds of criminal cases. Non-adjudicated delinquents can have their juvenile records expunged, as can people who had a charge eliminated without a conviction who don't have a crime conviction on their record for the past 5 years.

Hawaii Expungement

Having a crime on your permanent record, even a minor violation, can pose significant problems with many things that you probably take for granted, such as getting a job or apartment, or even obtaining some licenses. The real culprit is the background check. If you haven't been arrested for a crime, chances are you don't give a second thought to companies asking for background checks or that place on many applications where they ask if you have ever been convicted of anything. But for people who have had criminal charges leveled against them, the background check can be a real source of trepidation, and can prevent you from living your life the way you want to.

Fortunately, Hawaii, like many states in the U.S., allows for a legal process called expungement for certain types of crimes in the state. This means that if you qualify for expungement, any criminal records related to the charge being expunged will be sealed away so that the general public is unable to access them.

What kinds of records can be expunged in Hawaii?

There are many different kinds of documentation created in conjunction with a criminal charge. Hawaii law allows for expungement of fingerprints according to state statutes 571-88 and 571-72 as well as photographs, arrest records, and DNA records, just to name a few.

Unfortunately not every type of criminal or crime is eligible to be expunged under Hawaii law.

Who can seek out expungement in Hawaii?

Juveniles who are arrested in Hawaii can apply for expungement as long as their case falls under one of the following two scenarios:

- The juvenile's case was not referred to a prosecutor or to family court, and he or she did not receive counseling or release from the police – or they did receive counseling and release from the police and is now an adult.
- The juvenile's case was referred to a prosecutor or to family court, but it was not adjudicated or the matter was dismissed with prejudice following the guidelines set down in Hawaii Statutes 571-88.

There are also several instances where non-juvenile offenders in Hawaii are eligible to seek out expungement for their crimes, including:

- If a person was not over 20 years of age when the offense was committed and subsequently the charges were dismissed and all proceedings related to the crime have been discharged.
- First-time non-violent drug offenders who have successfully finished their probation period and treatment. (This excludes certain types of cases, though, including first and second degree methamphetamine trafficking and cases where the individual has already had a similar offense expunged from their record.)
- Persons charged and arrested for a particular crime who were subsequently not convicted.

Gray areas that are not counted as eligible for expungement include cases where:

- a conviction occurs for a misdemeanor or felony, but is not ultimately carried out due to forfeiture of bail.
- Related to a petty misdemeanor or receiving a citation for a violation, bail forfeiture after 5 years prevented a conviction from occurring.
- An individual was arrested, but prevented themselves from being convicted by remaining absent.
- An individual was acquitted based on mental or physical defects as outlined under chapter 704
- Charges were dismissed after a year because the individual pleaded guilty or nolo contendere along with chapter 853.

How does the expungement process work in Hawaii?

In Hawaii, mandatory expungement will be granted to anyone not convicted under Hawaii Statutes 831-3.2 as long as they submit a written petition to the attorney general's office. A written statement must also be received in order to expunge DNA samples and profiles from the state database and data bank identification program. A copy of this request needs to be sent to the circuit trial court, the department, and the prosecuting attorney in the county where the individual was adjudicated or convicted.

Idaho Expungement

Living with a criminal record in Idaho can make life a lot tougher, and unfortunately the record will last for the rest of your life. Having a record of your criminal activities follow you around can negatively impact your ability to do a great many things, such as get the job you want, find housing for yourself and your family, receive credit or financial aid, and even obtain licenses for certain kinds of professional organizations.

Thankfully, Idaho, like most of the states in America, allows a legal process called expungement for certain types of crimes in specific situations. If your record is expunged, it will not be able to be accessed for use by the public – including employers doing background checks – or by law enforcement when they are looking into you for general purposes.

What kinds of things can be expunged under Idaho law?

There are many different types of records that might qualify for expungement in a particular case. Some specific kinds of documentation or records that you might have expunged include:

- DNA samples that relate to the convicted person – the Idaho state police will destroy samples unless a separate conviction requires the person to provide fingerprints or a DNA sample; also, regardless of whether your DNA record is expunged, the Bureau of Forensic Services doesn't have to destroy the actual physical DNA evidence they have if another person is connected to it.
- Fingerprints

- Juvenile photos
- Sexual offender records contained in a central registry

Who can have Idaho criminal records expunged?

Not everyone is eligible to have their criminal records expunged. Under Idaho law, juvenile offenders who were taken into police custody and subsequently fingerprinted and photographed can petition to have those records expunged. If a person was arrested or answered a criminal summons, but still has not been charged or indicted by the time a year has passed, and then was later acquitted, they, too, can petition for erasure of their records.

Idaho Law 18-8310 also allows for expungement for a person given exemption from being registered as a sexual offender. And if an offender's DNA profile has been added to the state database but they subsequently have the conviction dismissed, they are able to apply for expungement.

And finally, Idaho Law 20-525A details specific conditions and offenses under which juveniles can petition to have their crimes expunged.

How is an Idaho criminal record expunged?

Because expungement in Idaho is a privilege and not a right, the erasure of your records is not guaranteed, and in fact will likely be overturned if you do not carefully follow the requirements. For a record to be expunged, the first thing you need to do is file the correct paperwork and make sure to include all the information that you would like to be expunged. This information needs to be sent in to the court in which the case was handled, and you will also have to notify the prosecuting attorney and all other applicable law enforcement agencies that an expungement for this particular crime is pending. Even then, it is quite possible that the court could decide to deny your petition for other reasons, such as finding that it is not in the court's favor to grant the expungement to you.

Idaho cases which are ineligible for expungement

While most juvenile crimes are applicable for expungement, certain crimes are deemed so serious by the state that the records are not eligible to be expunged. These crimes include:

- Administering poison with intent to kill
- Forcible sexual penetration
- Assault with the intent to murder
- Any degree of murder
- Assault with the intent to commit a felony of a serious nature
- Arson
- Sexual exploitation of a minor
- Ritualized child abuse
- Kidnapping
- Armed robbery

- Committing an infamous crime against nature by using force or violence
- Voluntary manslaughter
- Using a bomb
- Aggravated battery
- Any violations of Idaho Law provisions from section 37-2732, which states that if any violation occurs in or within 1000 feet of a park, school, stadium, grounds, or building, or if drug manufacturing or drug trafficking is involved in the case, it is ineligible for expungement.

Illinois Expungement

No one wants a criminal record following them around for the rest of their lives, but if you are charged with a crime in the state of Illinois, that's exactly what will happen. The purpose, of course, is twofold: to punish people for committing crimes in the first place, and for society at large, to serve as a warning to other people that the person they are dealing with is a criminal.

Unfortunately, criminal records don't discriminate between serious, career criminals and people who've just made one mistake and are trying to turn their lives around. Either way, it still appears on your record, and can greatly hurt your chances at landing the job you want, getting an apartment or credit cards, and even obtaining certain professional licenses. People will see your crime every time a background check is done on you, which could cause them to go with another candidate or outright refuse your application.

But there is a way to combat this in some instances. A legal process called expungement is allowed by the federal government as a way to have the record of past crimes removed from your record so that it appears as if you have never been charged. Different states have different views on this process, with some outlawing it altogether, but in Illinois, it is legal.

What does Illinois' law allow to be expunged?

The state of Illinois has deemed that the only cases eligible for expungement from a criminal record are those that did not receive convictions – either in Illinois or in other states. The exception to this rule is driving under the influence arrests. Under Illinois law, DUI arrests are not eligible for expungement, regardless of whether there was supervision, probation, conditional discharge, or a plea of guilty. Only a pardon from the Governor can erase DUI records.

In contrast, it is possible to have Class 4 Felony cases expunged if they fall under specific circumstances outlined by Illinois law, but even above and beyond this, a number of cases that don't count as eligible for expungement fall under the purview of another helpful procedure – record sealing – which will be outlined below.

If your crime is expunged, there are a wide variety of documents and pieces of information that can be erased or sealed away. These include but are not limited to:

- Mug shots
- Arrest records
- Fingerprints
- Internal computer records

What do you have to do in Illinois to get your crime expunged?

A person seeking expungement must send a petition to the county judge where their arrest occurred. Because expungement is a privilege and not a guaranteed right, the judge does not have to grant expungement for your crime, even if it falls into the category of expungeable cases. There are a number of reasons why a judge might decide not to go ahead with your expungement, such as there being a number

of arrests on your record that you were never convicted for. He or she may see this as a sign that you will likely commit more crimes in the future and that the “warning” of your criminal record should stay intact. In an instance like this, a judge can decide that erasing your record isn't in favor of the court and deny the petition. That being said, it is not a common practice for expungement petitions to be denied in Illinois. In fact, they are granted a majority of the time after petitions are filed.

After you receive approval for your expungement, any agencies involved have to turn over your records. This includes the city police that arrested you, the State Police of Illinois, and even the FBI if any information was sent to them. Computer records in public accessing systems are also removed. Everything will go to the county courthouse, where the files will be sealed away so that no one in the public is able to access them.

What is the difference between expungement and record sealing in Illinois?

The main difference between the two processes in Illinois is that expungement only works for cases where there was no conviction, but record sealing can include some of those cases as well. Also, while in expungement cases the records are sealed to the public, government services, and arresting agencies except under specific circumstances, record sealing allows everyone but the general public to retain their access to the records.

Record sealing is broken into two different categories: partial sealing and complete sealing. As the name would indicate, partial sealing removes some criminal offenses on a person's record from the view of the public, but allows others to remain. Complete sealing, in contrast, removes all cases from the record, including cases that have been dismissed or thrown out, and can include some charges for misdemeanors.

That majority of misdemeanor convictions, as well as certain Class 4 Felonies, are eligible to be sealed in the state of Illinois. Most felony convictions, however, are not eligible, and even misdemeanors that are seen as violent crimes can be removed from eligibility.

Indiana Expungement

Being arrested and charged with a crime is one of the most stressful, frightening, humiliating experiences a person can go through. Often, you don't know what's going to happen and you don't want people to know out of embarrassment. You just want to get through it and go back to living your normal life.

Unfortunately, if you are arrested in Indiana, it will go onto your permanent criminal record, and that will follow you around for the rest of your life. Every time anyone does a background check on you – whether it's for an apartment, credit, a professional license, or even when you're applying for a new job – that record of your crime will show up, and could result in the person doing the check deciding you're not the person for them. For people who have made mistakes and are trying to get their life back on track, this can be a soul-crushing experience.

Thankfully, the federal government allows for a legal procedure called expungement whereby it is possible in some circumstances for the criminal and arrest records to be erased, sealed, or destroyed. This

means that any records which are expunged will not be able to be seen by either the public or even for general law enforcement.

For juveniles, these “destroyed” records are actually given to the person they belong to, except for photographs, fingerprints, and arrest records, which can be returned to the individual or simply destroyed by the agencies where they reside. Other juvenile records that are eligible to be expunged include:

- Law enforcement agency files
- Court files
- Files of anyone who has provided service to the minor under a court order

Certain adult cases, too, are eligible for expungement. If an adult is wrongfully arrested, the documentation that can be expunged includes:

- Fingerprints
- Arrest cases
- Photographs
- Arrest records

This information differs from other cases in that it won't be kept in the criminal history system arranged alphabetically and maintained by either local, regional, or state law enforcement agencies, or in any central criminal history repository for the state.

In adult wrongful arrest cases, records eligible for expungement include fingerprints, arrest cases, photographs, and arrest records. Unlike other cases, information pertaining to wrongful arrests will not be placed or retained in an alphabetical arranged criminal history system maintained through local, regional, or state law enforcement agencies or in any state central repository for criminal history information.

By law, expungement in Indiana doesn't require the court where the criminal charges were filed to alter its record, or for any changes to be made to records from the time of the arrest, including those entries

made into police blotters. If requested, it is possible for DNA profiles and samples that relate to any criminals to be expunged. If this request is approved, Indiana Code 10-13-6-18 details how the Indiana DNA database will destroy any samples.

Indiana Expungement: Who Is Eligible

Indiana law doesn't allow every single criminal or crime to remove records of their offenses. In fact, the rules for eligibility are fairly stringent. The only people who qualify are those who have had all criminal charges against them dropped due to:

- Probable cause
- Mistaken identity
- Discovery that no offense was committed

It is also possible for a person who was convicted on DNA evidence that was later found to be false and had the conviction reversed and ultimately dismissed to apply for expungement, as well as anyone

receiving a pardon from the Governor of Indiana. And, last but not least, minors charged with juvenile delinquency are also eligible to petition for their records to be expunged.

Indiana Expungement: How Does Someone Petition for Record Erasure?

If an individual's crime and specific circumstances make them eligible for expungement, the first thing that they must do is petition the court where they were accused of the original crime. Any petition is required to have on it the date the individual was arrested, the charges leveled against him or her, the name of the law enforcement agency for which the arresting officer works, all identifying information (case number, court number), the birthdate of the individual petitioning, and the petitioner's social security number. The arresting law enforcement agency and the central state repository should also receive copies of this petition to the court.

Once the petition is in, it will be examined thoroughly to determine whether or not it is in the favor of the court to grant expungement in this particular instance. Since expungement is not a right, but a privilege, it is entirely possible that the petition will be denied.

If, however, expungement is granted, all law enforcement agencies involved with the case will be required to send every record they have back to the court under Indiana Code 31-39-8-5. For juvenile cases, these records also include information from anyone who gave treatment to the minor under the order of the court.

Iowa Expungement

Getting arrested for an Iowa crime can lead to much more than simply the punishments you will be facing for your specific crime. Even after all is said and done with the court case and any sentence you might have to serve, a record of your crime will appear on your criminal record. This record follows you around for the rest of your life, and having an arrest on it can make it a lot more difficult to do previously simple things like apply for jobs, find housing, get a credit card, and even obtain licenses for some professional organizations.

Why? Background checks. Every time anyone does a background check on you, the record of your crime is going to appear, and may cause people to refuse you service or to move on to the next applicant. It can make it truly difficult for a person who is just trying to put their life back together and move on.

That's why the United States government decided to allow a little-known legal process called expungement. Expungement is a procedure available to some people who are arrested for some crimes in which records related to the crime for which they were charged can be eliminated so that the public at large cannot access the files, nor can law enforcement for general purposes. Each state has different laws governing how they handle expungement, and some states have made it altogether illegal, but luckily Iowa is not one of those states.

How does expungement in Iowa work?

Often when describing expungement, people talk about “destroying” files, but saying that isn't literally true. In reality, expunged files are sealed away by the court so that they aren't available for just anyone to access. To see the files, there must be special circumstances involved. Iowa also keeps fingerprint cards of anyone that has been arrested in the automated system so that a criminal history can be established, regardless of whether your other records have been expunged.

The only case in which this is not true is for juvenile expungement cases. Where a case involving a minor is concerned, all criminal history including fingerprints are fully eliminated from general search purposes and cannot be accessed without a court order.

What kind of records and documentation does Iowa allow to be expunged?

There are many different types of documentation involved in arresting and charging a person for a crime, and most are removed from general access if expungement is granted, including:

- Arrest data
- Disposition data
- Custody data
- Adjudication data
- For juveniles who reach 21 years of age and have not plead guilty or received a conviction for a serious or aggravated misdemeanor or felony between the ages of 18 and 21, the custody and adjudication date can also be expunged
- Public intoxication records (but only under specific circumstances and if certain conditions have been met)

What crimes are eligible for expungement in Iowa?

Naturally, the state of Iowa doesn't just allow any and every crime to be expunged. Eligible crimes include those where the person charged was acquitted, as well as cases where the charges were simply dismissed. If a case is dismissed by reason of insanity, it does not fall under the eligible cases for expungement. However, records of adjudications of mental incompetence that prevented the individual from standing trial, or where there was mental or physical injury – or an attempt to injure in these manners – are not included under this law.

Almost all juvenile records are also eligible for expungement unless the individual committed aggravated felonies or misdemeanors from the age of 18 to 21. Likewise eligible are cases where judgment was deferred under section 907.3 and the individual was discharged from probation.

And finally, if an individual has been arrested for being intoxicated in public, he or she can receive expungement if they have had no further criminal convictions for two years (simple misdemeanor

violations as outlined by law will not count against the individual's two-year period without convictions). In fact, public intoxication is one of the few Iowa crimes for which expungement is automatically granted as a matter of law laid down in Iowa Statutes 123.46. No petition is necessary so long as the individual meets specific criteria.

What crimes are ineligible for expungement in Iowa?

There is no legal way to expunge a previous conviction from your record in Iowa, barring the Governor giving you a pardon for your crime. There is, however, a process called deferment that can help to keep cases of operating a vehicle while intoxicated from ever going on your criminal record.

A deferred judgment can only be given by a judge, and when it is granted, the individual is placed on probation while they are being discharged. Deferment can only be granted twice in a person's lifetime, so it should not be taken lightly.

Iowa has no legal mechanism for expunging a previous conviction unless there is an application for a pardon and it is received by the Governor of Iowa. In the case of operating while intoxicated, an incident can be kept from criminal record by a deferred judgment granted by a judge. In the case of a deferred judgment, an individual will then be placed on probation while he or she is then discharged. Driving privileges are also not guaranteed to be reinstated just because a conviction is deferred, and deferred judgments can be used as priors if you are charge with a new crime, which will mean that you might face harsher penalties than if this was truly your first crime.

Kansas Expungement

Big or small, we all make mistakes in life. But if you get charged with a crime in Kansas, it is a mistake that can follow you around for the rest of your life – regardless of the outcome. How is this possible? Criminal records.

Once you are arrested, your criminal record will have this information put on it, and it is something that can negatively impact your ability to do a great number of things that most of us take for granted, including getting a job, finding housing, applying for credit, or obtaining certain licenses for professional organizations – basically, any time that you are required to go through a background check. Each time

this happens, the person doing the check will see the crime on your record. For some things, this disqualifies you outright, but even for those situations where you still have a chance, there's a fairly high likelihood that if a person or organization has a choice between you or someone without a criminal record, you're going to be left out.

Thankfully, there is a way around this for people who get charged with certain crimes in specific circumstances: expungement. The process of expungement involves removing information from your criminal record that relates to certain crimes so that general law enforcement and the public at large no longer have access to see them.

The state of Kansas does this in order to assist people who have been previously charged with a crime but since then have reformed and are attempting to rebuild their lives. If your record is approved for expungement, those offering you employment, certification, registration, licenses, or credit won't be able to use that information against you when making their determination. The only exceptions to this are if you attempt to gain employment in the following areas:

- Security firms
- State social services agencies
- Gambling-related entities
- Admission to the state Bar
- Commercial driving license applications
- Any other areas designated by the court

Although generally in expungement cases all information related to the case in question is destroyed, Kansas law states that certain juvenile records can be kept by the appropriate agencies as long as those records don't have any information that could identify the individual.

Also, anyone having information expunged from their records should note that such information doesn't simply disappear, and if an individual is later charged with another crime, the expunged record can be used as a prior offense according to Kansas Law 12-4516.

Records eligible for expungement in Kansas

Kansas is actually one of the states that's friendliest to expunging criminal records. With the exception of certain serious offenses that render them ineligible for expungement, most crimes involving minors as

offenders qualify to have the records and files erased. Municipal ordinance violations may also be expunged, even if the person was convicted, and it's also possible to petition for the arrest records of people who were not tried to be removed as well. Even regular convictions are eligible, provided they are for lesser crimes and the individual completes diversion programs or probation.

Who is eligible for expungement in Kansas?

While a wide array of crimes are eligible for expungement under Kansas law, the state does set guidelines about who is able to petition for record erasure. On top of this, once the court receives an eligible petition, it is still within their right to deny that petition if they do not believe expungement to be in the court's favor.

Some individuals and individual cases considered eligible in Kansas include:

- Juvenile offenders who have turned 23
- Juvenile offenders who have had at least two years pass since they were given a final discharge that led to receiving no felony or misdemeanor conviction (certain serious and/or violent offenses may exclude a juvenile from being granted this privilege)
- Individuals arrested for violating a city ordinance who finished their sentence at least three years ago, or who received a suspended sentence, or discharge from probation or parole
- Individuals who haven't been brought up on felony charges in the last two years, who are not currently being charged, who met the terms of a diversion agreement set down by a city violation ordinance, and for whom at least three years have passed since they fulfilled their sentence and any related requirements
- Individuals who were charged and arrested, but subsequently released because no probable cause was found, or they were found not guilty in court
- Individuals for whom the court believes expungement best serves the interest of justice in their specific circumstances

In both of the latter instances, charges against the offender must have been dismissed, and no new charges can have been filed against them, as well as there being the strong belief that no new charges ever will be filed against them.

Kentucky Expungement

No one wants a record of their past mistakes following them around for their entire life, but that is exactly what will happen if you are arrested and charged in the state of Kentucky. You will have the arrest information cited on your criminal record, and it will be there for all the world to see every time you have to apply for a job, an apartment, a credit card, a loan – you won't even be able to get licensed for some professional organizations. Worse than the embarrassment of having this happen is that fact that having a criminal record will likely cause people to pass you over for things like jobs and housing.

This is why the federal government allows for the legal procedure known as expungement, so that people who are trying to put their lives back on track can be put on some semblance of even footing with the rest of society. Expungement means the sealing away of all information and records related to your criminal charge from public view. Basically, when you fill out applications or go to interviews, you can legally say you've never been charged with anything, and if someone does a background check, it will appear as if your arrest never happened.

Each state has different rules and guidelines for expungement, and some have outlawed the process completely. Thankfully, Kentucky is not one of those states, though there are rules that render most felony convictions ineligible for expungement. In fact, the only felonies that can be considered are Class D drug felonies.

Differences Between Expungement and Sealing in Kentucky

Kentucky also has another process to hide criminal records – sealing. Many people use these two terms interchangeably, but in the state of Kentucky, there are specific differences between the two processes. Sealing a record in the state means simply that it will be inaccessible by the general public. Expunging a record, however, makes it like the crime never occurred in the first place. If someone were to attempt to contact the court about a case that has been expunged, they would simply say that no record exists for that case. Also, the individual whose record has been expunged is not required to tell potential employers about the arrest or charge in his or her past.

How Exactly Are Records “Expunged”?

Some states actually destroy the physical copies of files when a record has been expunged, but this is not the case in Kentucky. Instead, your records will be sealed away so that no one may access them except in specific circumstances, and only by entities such as public officials, the police, and immigration authorities.

Which Kinds of Crimes Are Eligible for Expungement in Kentucky?

The right for expungement of misdemeanor criminal records is upheld in Kentucky Revised Statute Section 431.078. However, this does not mean that all misdemeanors, or that misdemeanors perpetrated by all persons, will be eligible for expungement.

Eligible persons include:

- Individuals whose crime consisted of a state offense
- Individuals with prior convictions for misdemeanors or violations that occurred within the 5 years preceding the case seeking expungement, provided those individuals have successfully finished sentencing and probation

- Individuals who have not been convicted of a misdemeanor or violation in the 5 years preceding the case seeking expungement

Any people falling into the above two categories must also show that they have not been convicted of a misdemeanor, violation, or a felony since petitioning for expungement, nor can that person be facing any proceedings related to a misdemeanor, violation, or felony at the time he or she applies for expungement.

If finding work or housing is proving next to impossible because you have a criminal record, seeking expungement of your record might be the answer if you are eligible for expungement. Kentucky expungement forms are available online.

Ineligible crimes include:

- offenses against the Commonwealth of Kentucky
- offenses by repeat offenders
- offenses against children
- sex offenses

There is a caveat for some Kentucky sexual charges, however. If someone is accused by his or her spouse of a sexual offense and either a not guilty decision was arrived at or the charge was dismissed with prejudice, those charges are considered eligible for expungement.

One area where Kentucky is especially strict is in the matter of felony convictions. Not only are almost all felonies ineligible for expungement, if someone has been convicted of a felony previously, that renders the person ineligible to apply for expungement of a lesser crime.

Louisiana Expungement

Criminal records are given to people as a way to help law enforcement agencies track people who have committed crimes to ensure that serial criminals are easier to catch and punish. Unfortunately, if you are

just a person who has made a mistake that you regret, you will likely find that having a permanent criminal record follow you around is a lot more than you bargained for.

With a criminal charge or arrest on your record, you may be flat out barred from getting some jobs or obtaining certain professional licenses. Moreover, whenever anyone does a background check (and these days that can be potential employers, landlords, credit card companies, and more) they will see the criminal charge against you, and it will increase the likelihood of them turning you away.

This is precisely why the federal government chose to allow a legal process called expungement in the United States. With expungement, certain kinds of criminal records under specific circumstances can be legally removed from your record so that no one in the public has any access to them.

Every state has different laws governing expungement, and a few have outlawed it altogether, but luckily Louisiana is not one of those states.

How does expungement work in Louisiana?

By Louisiana law, any juvenile records that have been granted expungement are to be completely destroyed. If, however, destruction isn't a possibility, the records will be maintained by the agency in possession of them, but no one is allowed to disclose them. A confidential record is also kept by the court, to be released only after the court has received written consent as outlined under Louisiana Children's Code 920-921.

Any adults who were arrested but subsequently were not found guilty are also eligible to apply for expungement of their charges. In cases like this, the arrest records are typically destroyed – but not in the event of felony charges. Felony records may not be physically destroyed; instead, they are removed so that the public cannot access them and kept confidential.

The only agencies with access are Louisiana law enforcement agencies, criminal justice agencies, the Louisiana State Board of Nursing, the Louisiana Board of Medical Examiners, the Louisiana State Board of Examiners of Psychology, the Emergency Medical Services Certification Commission, the Louisiana Attorney Disciplinary Board, the Louisiana Board of Dentistry, the Office of Disciplinary Counsel, and the Louisiana Supreme Court Committee on Bar Admissions. It is also possible, under Louisiana Criminal Code 44-9, that the Department of Public Safety and Corrections may also keep a confidential record of the arrest and disposition for investigative purposes.

What kind of files can be expunged in Louisiana?

There are a broad array of files and documents associated with criminal proceedings in Louisiana, and expungement allows for the erasure of all of them. For juvenile cases, these can include but should not be limited to:

- Exhibits
- Pleadings
- Correspondence
- Reports

- Minute entries
- Microfilm
- Tape
- Photographs
- Fingerprints
- Computer memory devices

For adult misdemeanor cases that are granted expungement, any agencies with records related to the proceedings must return any and all:

- Photographs
- Computer cards
- Microfilm,
- Tapes
- Mechanical data
- Electronic data
- Fingerprints

For adult felony cases granted expungement, the files and documentation to be expunged includes:

- All records of the proceedings
- The judgment
- The order
- Any other action taken under Code of Criminal Procedure Article 893

Who is eligible for expungement in Louisiana?

The vast majority of offenders in Louisiana are not eligible for expungement. If a juvenile is over 17 years of age and was charged with a crime that did not result in adjudication, he or she may petition for expungement. Likewise, the misdemeanor adjudication records of a juvenile can be expunged after at least two years have passed since the time he or she completed all judgments. And juvenile records for felony adjudication can even be erased, provide the adjudication wasn't for murder, armed robbery, kidnapping, manslaughter, or any sex crime.

For expungement to occur in these cases, at least five years have to pass after the individual has successfully completed all of the conditions required by the judgment. Also, the person in question may not have any criminal court felony convictions or any misdemeanor convictions that involved a deadly weapon, nor can he or she have any indictment or outstanding bill of information against them.

As for adults, it is possible to expunge misdemeanor charges so long at the time limit for prosecution has expired, and felony charges if the prosecutor in the case has declined to prosecute. However, it is not possible to expunge any offenses that relate to drug crimes.

Maine Expungement

If you are arrested and charged with a crime in Maine, it is something that will go on your permanent criminal record, even if you ultimately are not found guilty of the crime. That may not seem like a big deal, but consider this: every time anyone does a background check on you, your criminal record will show up and they will learn of your arrest. Who does background checks? Employers. Potential landlords. Credit card companies. Banks. Do you think that employers are as likely to hire you, or landlords will be as willing to have you as a tenant if they see you as a criminal? And you'll likely be considered a higher risk by credit card companies and banks if you're seeking a loan, so there's a pretty good chance you could be turned down. In short, having a criminal record can make seemingly simple things in life pretty difficult if you're just trying to move on or start over.

Luckily, the federal government also saw this as a problem and decided to allow its citizens the ability to remove some crimes in some circumstances from their criminal record via a legal process called expungement. States have their own rules on this, and some of them have outlawed the procedure completely, but thankfully Maine is not one of those states.

What is Maine expungement and how does it work?

If the specific circumstances of the charges against you qualify for expungement in Maine, the record of the crime will be eliminated from the view of the public and from law enforcement officials. After expungement, only government officials who have received a special allowance by the court will be able to access your records, and only for certain outlined reasons, such as you deciding to apply to the United States armed forces or run for public office.

Maine records are sealed, not destroyed

Essentially, the state of Maine seals your records away rather than destroying them outright. Barring the records from public view means that you won't have problems with anyone seeing your charges when you attempt any of the aforementioned things like applying for jobs, housing, or credit. And because some licenses for professional organizations require background checks as well, expunging your record will help out there as well. This applies to juveniles as well as adults in Maine.

One other thing that is important to note is that expunging a record does not mean that it goes away or that the court will forget about it. If you are later charged with another crime, sealed or expunged records are legally allowed to be used as prior offenses, meaning that your current crime can be punished more harshly than if it was the first time you had been charged.

Who is eligible for Maine record sealing?

Generally speaking, Maine divides those eligible for the sealing or expungement of their record into three groups. Group one consists of juvenile offenders for whom three years or more have passed since their release and completion of the required sentence for their crime as a minor. Group two includes those who have not been convicted of any crime as an adult, and also have committed no further crimes as a juvenile

since the date of their disposition. Group three is individuals who are not undergoing any current adjudicatory proceedings that have been categorized as crimes – either juvenile or adult.

If a person's crime falls into one of these three categories, they are eligible for expungement and should petition the court, making sure to include and complete all necessary paperwork. The court will then look over the facts of the case and determine whether or not expungement should be granted.

It is quite possible that the petition will be denied, since it is up to the discretion of the court, and Maine is known as a state that rarely allows records to be sealed through expungement. One reason for denial, following Maine Law 3308, could be that the court believes it to be a greater benefit for society to have open access to the information than for the individual to be able to seal it away.

Are there ways besides expungement to clear your record in Maine?

Because expungement is not easily obtained in Maine, the state does offer other options to clear your record – executive clemency and pardons. If you are able to receive a pardon for your charge, your record will be deemed a “non-conviction,” and will only be allowed to be accessed under special circumstances. Normal misdemeanors and normal felonies can apply for pardons through the Maine Pardon Board, but offenses related to driving under the influence have been designated as unpardonable (and unexpungeable) under Maine law.

Section 611 and Section 622 in Title 16 of the Maine Revised Statutes Annotated contain the state's pardoning laws. Executive clemency laws in Maine lie under Section 11 in Article V's first portion in the Maine Constitution. Maine's Secretary of State can provide further information on how to obtain a certificate of rehabilitation or executive clemency.

What happens when a record is sealed?

Once an expungement, pardon, or executive clemency has been granted and records are to be sealed, all records relating to the juvenile crime and any information surrounding the crime itself is eligible to be sealed. This should also include any prior juvenile records and information associated with them.

Maryland Expungement

If you are arrested and charged with a crime in the state of Maryland, it can feel like the worst possible thing that could happen. You'll probably feel scared, embarrassed, and possibly even angry while you wait to figure out what might happen to you. Should you get a lawyer? Will you have to go to court? What will your punishment be if you are found guilty? Chances are you aren't even thinking about the fact that you will now have a criminal record, and how that can negatively impact you for the rest of your life – even if you are acquitted or the case against you is dropped.

Whatever the outcome of your case, simply being arrested means that a criminal record has been created for you saying that you were charged. This may not seem that important, but you might be surprised. Every time someone does a background check on you, they will discover your criminal record with the information saying you were arrested and charged. And because the people most often looking into your background are potential employers, landlords, credit card companies, banks, and professional licensing organizations, you can see how them learning this information about you might make your life more difficult if they refuse you service or decide to go with another candidate.

Because of the problem this can pose to individuals attempting to get a fresh start on their life, a legal process called expungement is available to some people who have been charged with certain crimes that enables them to erase their criminal records so that they will no longer be accessible by the public or law enforcement agencies. Each state handles the expungement process differently, and some have even decided not to allow it at all, but thankfully Maryland is not one of those states.

How does expungement work in Maryland?

If you are deemed eligible for expungement and your petition to erase your records is accepted, you should know that the records won't literally be erased or destroyed. Rather, the files will remain intact but be sealed away so that no one can see them except under specific circumstances for which they must receive a court order approving the access.

There are three reasons why the court could grant access to an individual or group to look into your sealed criminal history:

- if you decide to run for public office
- if you decide to apply to join the United States armed forces
- if the information in your sealed history is required for a court trial

For the last reason, it should be noted that just because a record is sealed away, that does not mean that it disappears, or that it doesn't count as far as the court is concerned. If, after your arrest and charge are sealed away, you are later charged with another crime, the expunged file can be considered as a prior offense, which would mean harsher punishments for you if you are found guilty.

Who is eligible for Maryland expungement?

Even though expungement is allowed both by the federal government of the United States and by the state of Maryland, it is not considered a legal right for all citizens, but rather a privilege that can be given to individuals the deciding body deems deserving. Because of this, Maryland only allows certain people to even apply for expungement. These individuals include:

- anyone who has been acquitted of a crime
- anyone whose charge was dismissed
- anyone who has probation before a judgment was entered
- in some cases, anyone who has a nolle prosequi entered
- anyone with criminal charges marked as stet
- anyone charged with assault that was dismissed in pre-trial
- anyone whose case was transferred to the juvenile court

It is also possible for someone to be eligible for expungement if they have been convicted of only one criminal act, so long as that act was not a violent crime, and for those for whom the Governor of Maryland grants a full and unconditional pardon.

And the final situation where expungement can apply is for court records created before July 1, 1975 which are still being maintained. This does not apply, however, for minor traffic violation records, disbursement, or cash receipt records needed for the purpose of auditing, transcripts of court proceedings in a case with multiple defendants that were made by a court reporter, the published opinion of the court, investigatory files, or a record of work produced by law enforcement units and solely used for police investigation.

Court Ordering in Maryland

If certain subsections allow a law enforcement unit to deny an expungement request of police records, it is possible for the person seeking expungement to then apply for an expungement order in the District Court against the law enforcement unit.

The application for this petition must be filed within thirty days of the written notice of denial from the law enforcement unit being mailed or delivered. After the unit has been made aware of the application, a hearing will begin.

One of two things will then occur. If it is decided by the court that the individual is in fact entitled to expungement, they will order the law enforcement unit to expunge the police records. If, however, the court finds that the application from the individual does not allow for expungement, they will deny the application. Each of the parties involved may receive an appellate review of the record if desired. The individual receiving expungement will not have to pay to have his or her records expunged so long as there is a waiver.

Massachusetts Expungement

If you or a loved one has a criminal record due to being arrested and charged with a crime in the state of Massachusetts, it can become a major roadblock to leading a normal life. Simply having a record can seriously hurt your ability to get a job, find housing, receive loans or credit, and even qualify for certain licenses. Worse yet, unlike the other penalties associated with criminal charges, such as jail time, fines, or probation, documentation of your criminal activities on your record doesn't always go away over time. Every time someone does a background check on you, the information is right there for them to see.

Thankfully, the United States federal government had the foresight to envision this being a potential problem and adopted a process called expungement that allows certain people who commit specific crimes to have any documentation related to those crimes removed from their criminal record. This way, when you go in for that big job interview or apply for your next credit card, no one will see anything about your arrest and you will be much more likely to get what you need.

The way that each state handles expungement is different, and since the ability to erase criminal records is seen as a privilege rather than a right, a few states don't allow the process at all, but Massachusetts is not one of those states.

What kinds of cases are able to be expunged in Massachusetts?

The Massachusetts system for expungement is an interesting one. Certain specific adult cases will be immediately sealed, such as any cases where criminal charges are dismissed or the accused is acquitted. For other adult crimes, the court has designated waiting periods from 10 years to 15 years.

For juveniles, Massachusetts handles things a bit differently. Under Massachusetts Law 276-100B, at least three years must pass before juvenile records may be sealed, and only then if they qualify. In order for a juvenile to qualify for expungement, he or she must not be guilty of any other crimes or have an adjudication of delinquency throughout that 3-year period.

Records typically cannot be sealed if the offense in question involved controlled substances, even if the request for expungement is made many years after the individual completed his or her sentence. However, there are some exceptions to this rule, and section 34 details eligibility for expungement when controlled substances are involved.

Reasons for expungement include when an acquittal occurs in the case, when the crime is dismissed, or when there is a nolle prosequi indictment. In these cases, all official documentation that relate to the arrest, conviction, indictment, continuance, or discharge will be ordered sealed by the court. In this way, police and any other law enforcement agencies will be able to view the records if they need to, but access by the general public will not be allowed for any reason.

Other types of crimes, cases, and situations that may be eligible for expungement include:

- Specific erroneous felony offenses as outlined by section 258D

- Misdemeanors that occur at least 10 years prior to the request, where the individual has a record of criminal court appearances and dispositions
- Felonies that occur at least 15 years prior to the request, where the individual has a record of criminal court appearances and dispositions
- For at least 10 years prior to the request, the person hasn't been found guilty of any criminal offenses (excluding those motor vehicle offenses with a punishment of less than \$50)
- The individual has received no convictions for criminal offenses in other states, and at no point in the past 10 years was imprisoned in another county or state
- There have been no convictions for offenses in a different section of the law (e.g. unlawful possession of firearms or unlawful firearm sales)

What happens in Massachusetts if a record is expunged?

For juvenile offenders, after records have been sealed away, it will be impossible for anyone in the public to use those records against them for the rest of their lives in regards to things like applying for a job or line of credit. The records can be used by the court, however, if the individual has any criminal proceedings in the future. If this occurs, the expunged records will be counted as priors and can mean that the individual will face harsher punishments than if this was truly their first offense.

Another type of "expungement" for Massachusetts juveniles is to receive a pardon from the governor for their offenses. For this to occur, the governor would need to approve a petition for pardoning in regards to the individual. Once this happens, the governor will make a request stating that all officers should seal any of the juvenile's records that relate to the offense. Just like after a normal expungement, pardoning will give the juvenile the ability to apply for jobs, housing, credit, and financial aid without revealing their past arrest. It is also impossible to use pardoned records in a hearing before any agency, board, or commission except if the juvenile is being charged in a subsequent sentence.

Not only will no one be able to see your records after a Massachusetts expungement or pardon, you'll have the legal ability to say that no records ever existed. It should be noted, however, that if the person whose records have been expunged is later found guilty of a similar crime, his or her probation officer will be provided with the expunged records unless there is a not guilty verdict, a no bill verdict, or a verdict of no probable cause.

Michigan Expungement of a Criminal Record

Expungement is a legal process granted as a privilege to citizens by the federal government that lets people who have previously been arrested and charged with a crime to have that crime removed from their criminal record.

Why is this important? Because unlike other punishments that can result from arrest – jail time, fines, court fees, probation, and so on – a criminal record is something that will stay with you for your entire life, and the simple fact of having one could negatively impact your life in a number of ways. This is because any time someone does a background check on you for things like employment, housing, credit, loans, and even some licenses for professional organizations, your criminal record will show up and they will be able to view it and see the arrest. This could cause them to refuse you service or pass you over for another person who does not have a criminal record.

Unfortunately, some states have decided not to allow anyone the privilege of expungement, but thankfully the state of Michigan does not fall into that category, and allows certain crimes to be erased or expunged under specific circumstances.

If expungement is granted in Michigan, what happens?

Once your eligible record has been approved and expunged or set-aside by Michigan officials, no one in the public will be able to see it anymore, nor will it be accessible for the purpose of general law enforcement.

There are, however, exceptions to this rule in Michigan. If an individual applies for a job or license in law enforcement, the court will grant access to the records that have been set aside so that the person's history can be considered as a whole. These records will also be accessible if a person who has had a record expunged is arrested for another crime. In cases such as this, the set-aside record can be counted as a prior offense to make the penalties you will face for your offense increase. And if you are a sex offender in Michigan, having a record set aside does not mean that you will not have to register as a sex offender.

For juvenile offenders with crimes that have been set aside or diverted, those records will be destroyed within 28 days of the person reaching 17 years of age.

Michigan Expungement

What kind of offenses can be expunged in Michigan?

Michigan law only allows certain first-time offenses to be set aside. If any other set-aside or regular convictions are already on the individual's record, this renders them ineligible. However, following Michigan Law 22.828, juveniles over the age of 17 with diverted sentence records are eligible.

This is true even if a judge or jury finds the individual guilty, they are found guilty by mental illness, or they plea no contest, provided that it is not a sexual offense as described by Michigan Law 750-520c through 750.520g.

The offense is not eligible to be set aside, though, if the person has been convicted of a felony or attempted felony that would otherwise require them to receive life in prison.

What is the process for expunging a record in Michigan?

Anyone eligible to have a record set aside is required to submit an application for expungement 5 years after either the sentence in question or 5 years after the imprisonment term for the conviction seeking expungement has been finished.

These applications must be filled out fully and completely, and include:

- the full name and current address of the individual
- a certified record of the conviction
- a statement saying the applicant has not been convicted of any offense besides the one on the application
- a statement saying whether or not a previous application for setting aside has been filed for this or for any other conviction
- a statement regarding whether or not the applicant has any current criminal charges pending in any court – even in another country
- a consent statement agreeing to use the non-public record under section 3 to the proper extent that the language of section 3 authorizes its use.

In addition to this, the applicant must also submit a second copy of the application to the state police department along with two complete sets of fingerprints and a \$50 fee. The police will then compare those fingerprints to the ones they already have on file as well as sending them to the FBI to check.

Once this is done, the state police department will contact the court to tell them where the case was originally handled and verify the information in the application. Before continuing with proceedings, the court will wait to hear back from the police to ensure that all information is correct.

And finally, copies of the application also have to be provided to the office of the prosecuting attorney and the attorney general, either of whom may attempt to contest the application.

Minnesota Expungement

What is expungement?

Expungement is a legal process allowed by the federal government of the United States whereby a person who has been arrested and charged with a crime is granted the ability to remove the documentation of their crime from their record. In doing this, the record would no longer be accessible by the general public or by any agencies of law enforcement for general use. The only access granted would be for specific officials of the government, and only then under certain circumstances as outlined under the law.

Why would someone want their record expunged?

If you have a criminal record that is open to the public, anyone who does a background check on you will be able to see it. This means that every time you apply for a job, housing, credit, bank loans, or even some licenses for professional organizations, there is a greater likelihood that they will turn you down because your criminal history will make them believe that you pose a bigger risk than someone without one. Beyond that, simply having a criminal history can bar you from some licenses if they know your history.

But with your record expunged, public agencies doing background checks won't be able to see a criminal record for you at all, so as far as they know one doesn't even exist.

How does expungement work in Minnesota?

Just because the federal government allows expungement doesn't mean they dictate how it works, and in fact each state handles it on their own terms – with some refusing to let people expunge their records at all! Thankfully, Minnesota does grant expungement for certain crimes under certain circumstances.

If a Minnesota arrest is dismissed due to probable cause, because the jury doesn't return an indictment, or because the prosecutor in the case decides not to file charges, these are considered expungeable offenses. Records that can be expunged in these cases include things like:

- Photographs
- Fingerprints
- Establishing data
- Any particulars that surround the case

If expunged, all of this is available to be returned to the offender at their request.

But just because the case is eligible for expungement under Minnesota law does not mean that the person also meets requirements. Anyone seeking expungement cannot have been charged with a gross misdemeanor or a felony within the 10 years previous to their request to have a file expunged.

Those who cannot meet the requirements laid down by Minnesota law may not have their records expunged, but there is another process that they can use to have their records removed: court sealing. Under Minnesota Law 609A.01, court sealing means that all access to your records and any other

information will be refused unless access is ordered by the authority given in a statute or by the court itself.

Does Minnesota have more specific rules about which crimes can be expunged, and for who?

Absolutely. Just like in most other states around the country, Minnesota has different standards for its juvenile offenders and their records. When the juvenile turns 17 or 18, it is possible to fully erase their criminal records for almost every case.

- Juvenile delinquency adjudication – eligible for expungement so long as the case doesn't involve putting the juvenile in a correctional facility
- Juveniles prosecuted as adults – eligible so long as they have been released from fulfilling their probation terms or were release from correctional facilities
- Juveniles with adjudications of minor petty offenses are also eligible

It is also possible for some adult drug offenders to receive records sealing as well. To qualify, they have to be first-time offenders and have their sentences deferred. Some specific drug possession charges could also qualify in Minnesota. For either of these situations, in order to apply for expungement, the individual must have had the determination go in their favor for all of their actions and court proceedings. And, as was previously stated, these individuals cannot have had any convictions for felonies or gross misdemeanors in the 10 years leading up to the request.

If, however, court proceedings are decided in favor of the individual without a verdict of not guilty due to mental illness, the records are ineligible for expungement. Cases where the person is required to register as a sex offender also fall under this category. Rather than being expunged, all records detailing the trial, indictment, arrest, and verdict are sealed, and any DNA information relating to a probable cause charge will also not be expunged.

How can someone expunge their Minnesota records?

In order to be granted expungement, an individual must file a petition to the court where his or her case was handled. The petition must include information such as:

- Personal information (name, DOB, address)
- The reason an expungement is being requested
- Details of the offense (charges, orders, trial number, names of victims)
- Information on the individual's rehabilitation progress
- Personal history
- Criminal convictions
- Any prior requests concerning the case

Mississippi Expungement

Being arrested and charged in the state of Mississippi – whether or not you are ultimately convicted of a crime – means that you will be given a criminal record. This record is something that will follow you around for the rest of your life, and can make it quite difficult to do things that previously you probably took for granted.

Simple tasks like getting a job, finding housing, applying for credit or a loan, and obtaining licenses from professional organizations will now be much more difficult – if not downright impossible.

Why? Because if you have a criminal record, every time anyone does a background check on you the details of your charges show up. In some cases, simply having a criminal record may disqualify you and remove you from contention. But even in situations where your criminal record doesn't bar you outright, once the person sees that you have a criminal record, they will be that much less likely to choose you – especially over another person who doesn't have a record.

Luckily, Mississippi is one of the states that grants the privilege of expungement to those citizens who meet the requirements. What's expungement? It's a legal process created to let certain people who have committed certain crimes have those crimes erased from their criminal record so that no law enforcement agency and no one in the public will be able to access them. Only specific government agencies will be granted access, and only then in certain circumstances outlined by law. After your crime is expunged, you can legally tell people that the arrest and offense never occurred. You can even make this declaration in a court of law.

Because expungement is such a powerful tool, Mississippi does not consider it to be a right for all citizens, but rather a privilege that may be granted or denied at the court's discretion. There are, however, general guidelines limiting who may even apply for expungement in the first place, and how the process works for different types of individuals.

For example, Mississippi treats juvenile offenders differently than adults. A simple order from the youth court can have juvenile records destroyed, and crimes eligible for expungement include both drug offense records where the matter was dismissed after the offender completed probation, and conviction records for first-time misdemeanor offenses. It should be noted, though, that Mississippi Law 99-19-71 states that a person's records can be kept in the event that they are needed for determining purposes in subsequent proceeding under these circumstances.

In relation to juveniles, the following types of records may be erased:

- Indictment records
- Trial records
- Arrest records
- Sentencing records
- Disposition records

Mississippi Law 43-21-265 forbids certain juvenile medical or mental health examination records from being expunged, however, and there is no expungement allowed for any implied consent violation, or for records containing sexual offenses that require dissemination.

Expungement Eligible Cases in Mississippi

The state of Mississippi has strict standards regarding which cases may apply for expungement. It is possible for juvenile release and arrest cases where there was no disposition, the charges were dropped, or which have been dismissed to be expunged, but in those cases, the juvenile must have no charges pending.

For adults, it is also possible to expunge first-time misdemeanor offenses (excluding traffic violations), and also any offenses that mirror the circumstances for juvenile described above. Adults, however, are excluded from expungement if these cases also include an offense relating to selling, bartering, transferring, manufacturing, distributing, or dispensing a controlled substance, or possession with the intent to sell, barter, distribute, transfer, manufacture, or dispense a controlled substance as outlined under Section 41-29-139.

Three exclusions to these circumstances exist:

- If the charge that is made involves less than an ounce of marijuana
- If the offense involves possessing more than a kilogram of marijuana
- If the offense falls under Mississippi Implied Consent Law 99-19-71

Other specific circumstances that allow for eligibility include:

- Anyone cited for a misdemeanor who then had all charges dismissed, or who was not formally charge within 12 months of the arrest
- Anyone who served either a sentence or a probation period and pled guilty in the six-month period leading up to March 31, 1983

How does expungement petitioning work in Mississippi?

If you are a juvenile, you have to petition the court with the proper jurisdiction. If your charges were dismissed or dropped, you must submit your petition to the court that handled your case.

For any other circumstances, individuals are required to wait the amount of time that has been designated before petitioning the court.

Missouri Expungement

For those arrested and charged with a crime in the state of Missouri, the first worries on your mind probably have to do with what kinds of punishments you might face, whether or not you need a lawyer, and wondering when all of this will be over and you can return to your normal life.

The good news is that at some point the trial (if you have one) has to end, as do most punishments you might face if convicted. Unfortunately, there is something that you will have following you around forever after being arrested, and it's probably that last thing you're worried about: your criminal record.

Now, a criminal record may not seem like a big deal, but if you're just trying to start over and live normally, there are a number of ways in which a Missouri criminal record can negatively affect you. Basically, it comes down to background checks. For the rest of your life, whenever anyone requests a background check on you, they will discover the arrest on your record. Who does background checks? Banks. Credit card companies. Potential employers and landlords. Essentially, the very people you need on your side to live normally. But if they find out you have a criminal history – even if you weren't convicted – there's a good chance they might refuse you service or pass you up for someone who doesn't have a criminal record.

Because the federal government understands how hard this can make life for people, they have made it possible for certain people under certain circumstances to have their criminal records hidden from the view of the public and general law enforcement utilizing a process called expungement.

Missouri Expungement: How does it work?

The way each state handles expungement varies. Missouri Law 610.123 dictates that if expungement is granted any record related to a criminal file has to be eliminated from the electronic database of the state. After that, Missouri officials will communicate with the Federal Bureau of Investigation, who will also expunge all of the records they hold. If for some reason your Missouri records can't be destroyed, officials will actually cross them out.

Expungement isn't legally allowed for every case, however. An example of an adult case that would qualify for expungement is if they have been arrested under what is later discovered to be false information. So long as the case and the individual meet all of the other necessary qualifications, Missouri Law 610.122 makes expungement of it possible.

For juveniles who have been arrested and charged with a crime, expungement is allowed under two circumstances.

1. After a juvenile has been taken into custody, but a petition has not been filed within the required 30-day window from the date of arrest.
2. After a juvenile has been arrested, but a petition has not been filed within 1 year of the date of the arrest.

Missouri Expungement: Who is eligible?

Missouri citizens are only eligible for record expungement under specific circumstances. If an individual has been arrested, but no charges have been filed against him or her, they are allowed to petition for expungement. Expungement petitioning is also allowed in cases where the individual who was arrested doesn't have any prior convictions for misdemeanors or felonies, and has not had any new convictions for misdemeanors or felonies. If there is no probable cause to arrest the person and law enforcement believes that the individual is innocent of the offense, this is also grounds for expungement. Record clearing may also be available when a person has a not suspended sentence imposition that relates to the arrest, or if there is no pending civil action towards an arrest or record.

Missouri Expungement: What is the process of expunging records?

Missouri's process for expunging records is one that requires a great attention to detail, because all instructions must be followed completely and accurately or the application for expungement will not be accepted.

First, a petition needs to be filed with the court in which the arrest was handled. This petition has to include all of the necessary information, including:

- Personal information (full legal name, sex, DOB, driver's license number, race, social security number, and current address)
- Offense charges
- Date of the arrest
- Name of the county or municipality where the arrest took place
- Name of the arresting agency
- Court number
- Case number
- Fingerprints of the individual

All related agencies have to receive a copy of this petition: the court, the prosecuting attorney, the arresting agency, and central state depositories. Within 30 days of the petition being filed, a court hearing will be set, and any agencies involved in the case will receive notification of this date. At the hearing, it will be determined whether or not the record should be expunged. If expungement is granted, any files with information about the arrest and conviction are required to be destroyed by any agencies that have such information.

Montana Expungement

Having a criminal record in Montana can make a lot of things that most people take for granted in their lives quite a bit more difficult, because every time that anyone does a background check on you, they will see your criminal history. This matters in large part because of the kinds of people and organizations that most often do background checks: potential employers and landlords, banks, credit card companies, and professional organizations that offer licenses. As soon as one of these people or agencies sees that you have an arrest on your criminal record, they will be far less likely to accept you as a client, offer you housing, or hire you as an employee.

Thankfully, the United States federal government does provide a solution for certain people and under specific circumstances: the legal process of expungement. In layman's terms, expungement is a way to legally destroy or erase records pertaining to criminal acts. Once a record is granted expungement, no one in the public will be able to view it, and it won't be accessible for general law enforcement use either. The person with the expunged record will have the legal right to tell people that they were never arrested or convicted of that crime. The only way for anyone to see the records after the court has ordered them to be expunged is if that agency receives a special motion from the court to do so.

Montana does not handle expungement in the same way that most other states do. If a person has been convicted of a violent or sexual crime that is later reversed, all records related to the crime can be released from all state government agencies, law enforcement agencies, local government agencies, and even the court. And according to Montana Law 44-6-107, if a conviction reversal is made on a felony offense that is sexual or violent in nature or on any adjudicated juvenile offense of the same caliber, any indexed DNA information will be expunged.

If all other requirements are met, eligibility may also be granted to sexual or violent felonies or misdemeanors that have been reversed. Crimes of this nature, including juvenile convictions for sexual or violent crimes that have been adjudicated, may also receive DNA sample expungement. And finally, if impositions have been deferred because of charges being dismissed, these cases may also petition for expungement.

How to Expunge Records in Montana

Petitions for expungement do not need to go through a sentencing court under the law of Montana. Rather, Montana Law 46-23-510 says that an expungement of any related criminal records will be ordered by the court if a misdemeanor or felony conviction of a sexual or violent nature has been reversed. It is then up to the county attorney located where the arrest occurred to inform the Department of Justice of the conviction reversal and that they are required by law to destroy any DNA records they have on file.

Records related to a case will be closed and completely eliminated in cases where the person in question was found not guilty, where a conviction was dismissed, or where the case has been deemed nolle prossed

The same follows for cases where the imposed sentences have been suspended through the court of prosecution. And if an individual is determined to be not guilty by reason of illness or mental defect, all

records are required to be closed. The only reason they will be allowed to be accessed in the future is if lawful circumstances require that law enforcement agencies have the ability to do so.

How the Montana Felony Statute of Limitations affects expungement

In the state of Montana, there exists a statute of limitations for felony prosecutions. Negligent, deliberate, and mitigated homicide charges have no statute of limitations imposed, but all other felonies must be prosecuted within 5 years. The exception to this law is those cases involving sexual or violent felony convictions where a final reversal has been made. For cases such as there, the sentencing court will automatically order an expunction and notify all relevant agencies.

If you would like to get a record expunged, you can hire a Montana attorney to work with you. He or she can ensure that you follow the proper procedures as dictated by laws in order to increase your chance of getting the expungement granted. It can also be helpful to contact the lawyer who worked with you on your initial case.

Nebraska Expungement

If you are arrested and charged with a crime in the state of Nebraska, documentation of that crime will go on your permanent criminal record. It's something you'll have to deal with every time you go to apply for a job, try to get an apartment, attempt to sign up for a credit card or loan, and to obtain some licenses for professional organizations. Why? Because all of those things require you to go through a background check, and the second one of those agencies looks into your history, they are going to see the charges leveled against you. For most people, that is likely to cause them to refuse you service or go with a different candidate immediately.

For a charge to appear on your criminal record, you don't even have to be convicted of it. A judge or jury can decide that you are innocent, but your criminal record may make it look like you are guilty to someone doing a background check.

This is why the federal government decided to allow a process called expungement. Essentially, it is a legal way to erase, eliminate, or otherwise destroy arrest and conviction records from your criminal history for individuals that have committed certain crimes in specific circumstances.

How does expungement work in the state of Nebraska?

Every state in the nation handles the expungement process differently. Nebraska law is interesting because for some specific cases, expungement is not even needed – they will be removed from your record automatically after a certain period of time passes. Examples of where this would occur include:

- Cases in which the prosecuting attorney determines that no charges were filed – because of this, after 1 year on the public record, the record of the arrest will be erased
- Cases in which a completed diversion caused no charges to be filed – because of this, after 2 years on the public record, the record of the arrest will be erased
- Cases in which charges were filed and subsequently dismissed by the court following a motion by the prosecuting attorney or resulting from not hearing the appeal's subject – because of this, after 3 years on the public record, the record of the arrest will be erased

For cases that do not simply disappear from your record after a certain period of time, only cases where a person is put under arrest due to the error of a law enforcement officer or agency is eligible to petition to have his or her records expunged under Nebraska law. For a charge that falls under this category, the petition would need to be filed to the district court where the arrest of the individual occurred and include all necessary information related to the wrongful arrest. In addition, a petition must also be served to the county attorney, who must be named as the respondent.

Simply being eligible for expungement and turning in your petition does not mean that your records will automatically be granted erasure. In fact, the state of Nebraska believes that expungement is a privilege and not a right, and district courts have discretion in deciding whether or not they believe that the individual submitting the petition has given them clear and significant evidence of being wrongfully arrested by Nebraska law enforcement.

Registered Sex Offenders in Nebraska

Nebraska citizens who are required by law to register under the Sex Offender Registration Act are also eligible to file an expungement petition, so long as the nature of their crime does not require them to remain registered for the rest of their life. As soon as an offender's registration requirement has ended, it is possible for expungement to be granted to them so long as they do not have any criminal charges pending, they are not under criminal investigation for any of the offenses covered under section 29-4003 for registration, and they are not considered to be a substantial risk to commit another offense that would require registration.

If expungement is granted under these circumstances, any criminal history of this nature would no longer be accessible by the public, including arrest notions. The only people who would have access would be those in agencies of criminal justice. However, if that individual has a separate arrest, decides to run for political office, if a notarized request is made for release to a specific person or agency, or if it is needed for files that summarize the arrest (including dates, reasons for arrest) to show the reasoning for not prosecuting certain cases, those expunged records may be allowed to resurface or have access be granted.

Nevada Expungement

Having a Nevada criminal record can make life quite tough for those who have made a mistake and are just trying to put their lives back on track. Whenever an individual or agency performs a background check on you, they will immediately discover your criminal record and be able to see the charges against you. Obviously, this is not going to make them see you in a positive light. Unfortunately, the kinds of people and agencies most commonly requesting background checks are potential employers and landlords, banks, credit card companies, and organizations that offer professional licenses. Think of how hard your life would be if you couldn't get work, find a place to live, or use any credit. Sadly, that is a reality for many individuals who have a criminal record.

The federal government saw the problem in this and decided to allow a legal process called expungement whereby the criminal records of specific people in specific circumstances can be deleted so that no one in the public or in general law enforcement will be able to see them. It gives individuals the legal right to state that their offense never happened. In this way, people genuinely putting forth an effort to live normally and find work would be much more likely to be able to do so and not have to resort to criminal acts just to survive.

Expungement in the State of Nevada

Because the federal government believed expungement to be a privilege rather than a right, freedom was given to each state on how they wished to utilize the process, and currently the state of Nevada has no statute for the expungement of criminal convictions. What this means in layman's terms is that, for all intents and purposes, expungement does not exist in Nevada.

However, this does not mean that Nevada has no provisions for deleting criminal information. While only a relative few people qualify for the process, Nevada jurisdiction allows record sealing for its citizens.

Record sealing is not the same as expungement. The extent to which records can be sealed does not go as far as expungement, refusing access to the public, but continuing to allow government agencies and law enforcement to see the information without need for a court order.

Record Sealing Eligibility in Nevada

Whether or not a record may be sealed in Nevada depends both on the circumstances of the particular crime and case, as well as the individual being charged with the crime.

In general, people who have been charged and convicted of crimes are eligible to have them sealed, but only after designated time periods. Such time periods vary depending upon how serious the offense in question is, and can be for a number of years. People still waiting for their conviction or even to be charged with an offense are required to keep waiting until the court tells them when they may apply for record sealing.

Under Nevada Law 179.259, records can also be sealed for those individuals who have finished reentry programs, and for people who were arrested but later received an acquittal or had their charges dismissed.

It is also possible under NRS 176A.850 for those who have been honorably discharged to have their records sealed, but it should be noted that even for records are sealed away, if the sealed record is for a conviction, it may still be used in any applications for licenses, permits, and public employment, for future convictions, and for the purpose of impeachment.

When juveniles turn 21 years of age, they also become eligible to have their records sealed. However, if a juvenile would have received a felony charge if they were charged as an adult, this record may not be sealed until they reach 30 years of age. Felonies of this type include:

- Sexual assault
- Battery with the intent to commit sexual assault
- Threatening by force or violence
- Lewdness involving a child

Juveniles with these types of crimes will only be eligible for record sealing if they have no charges other than traffic violations after they turn 21.

The Record Sealing Process in Nevada

The state of Nevada automatically seals offenses for juveniles once they turn 21 years old except in the types of cases mentioned above or where the person has records of being adjudicated.

Adults who wish to have their records sealed are required to petition the court that handled their cases and where their records are maintained. Section 179.245 states that petitions must include:

- Current records of the individual's criminal history
- The Central Repository for Nevada Records of Criminal History
- Name of the local law enforcement agency in the city or county where the conviction occurred

Just because an individual is eligible for record sealing does not mean that sealing will be granted. The Nevada court always retains the ability to deny petitions.

New Hampshire Expungement

There is a very good reason that the United States federal government decided to allow the legal process of expungement – or the erasure of records from a person’s criminal history – in our country.

Criminal records were created with the intent to help law enforcement officials better track career criminals and punish them according to the accumulation of their offenses to combat recidivism and reduce crime overall. Unfortunately, a criminal record doesn’t discriminate between major or minor crimes, or between those people who have just made one regrettable mistake and repeat offenders – if you are arrested and charged with a crime, you will receive a criminal record.

If anything, this matters more to those people who are simply attempting to be normal, productive citizens, because those areas of life are where having a criminal record can have the biggest negative effect. Why? Because the way that people will learn about your record is through doing a background check on you, and the individuals and institutions most commonly using those checks are employers, landlords, banks, credit card companies, and organizations that provide professional licenses. And when any of them discover the arrest in your background, they will be far less likely to offer you service, hire you, or agree to allow you to be a tenant at their property.

With expungement, all of those problems are removed, because your record will show up blank whenever someone does a check, and you can legally tell people that you’ve never been arrested or charged.

New Hampshire Expungement: What is the process?

The federal government has given leeway to each state so that they can deal with record expungement as they see fit, and unfortunately New Hampshire is one of a very few states in our country that has no provision for expungement.

What New Hampshire does have, though, is a process called annulment of records. Only a select few individuals and types of crimes are eligible for this process, as there are very specific stipulations associated with it. Still, New Hampshire does allow annulments for arrests, convictions, and sentencing records.

To receive annulment, an eligible individual needs to petition the appropriate state officials. The court will then hold a hearing to decide whether or not annulment for this particular individual in this instance will help to rehabilitate him or her and is in favor of the court.

New Hampshire Expungement: Who is eligible?

To be eligible for record annulment in New Hampshire, an individual must fall into one of several categories set down by law in the state. Annulment is possible for:

- any arrested individual who was subsequently found not guilty, or whose case was dismissed or not prosecuted (he or she may petition for annulment at any time)
- any individual who has been convicted and completed all sentences, convictions, and terms, provided he or she has not been convicted of any other crime – excepting motor vehicle offenses

classified as violations, other than driving under the influence – for certain legally defined time periods (including waiting 1 year after a violation, 3 years for a Class B Misdemeanor, 3 years for a Class A Misdemeanor, 5 years for a Class B Felony, 10 years for a Class A Felony, 10 years for sexual assault, and 10 years for an indecent exposure or lewdness felony)

New Hampshire Expungement: Annulment Denial

Just because a particular person and case are eligible for annulment does not mean that the court will approve the petition. In the event that an annulment petition is denied, a person may file a second petition for annulment after 3 more years have passed.

Annulment will not be given to any of the following crimes:

- violent crimes
- obstruction of justice
- any crime that carried with it an extended prison term

If annulment is sought for an individual who has been convicted of multiple offenses, the person must wait the required amount of time specified by law before they can submit a petition to the court, and the more convictions the individual has, the longer they will have to wait.

New Hampshire Expungement: Annulment Defined

Annulled records in New Hampshire share many similarities with expunged ones in other states. Once a record has been annulled, no one in the public will be granted access to it, nor will it be available for use in general law enforcement. The person with the annulled record may also legally say that their conviction, sentence, or arrest never happened.

The only time an annulled record may reappear under New Hampshire law is when the individual has committed another offense. If this happens, the annulled record will be counted as a prior offense and can cause the offender to face harsher penalties than if their current charge was a first offense.

Actual New Hampshire Expungement

While in general it is said that expungement does not exist in New Hampshire, this is not expressly true. Upon request, DNA records can be expunged, and two specific cases also allow actual expungement of records in the state: prowling and loitering. The arrest records for either of these may be expunged for an individual so long as he or she was not provided with the opportunity to explain the circumstances of the offense, or if the arrest is found unjustifiable due to a creditable explanation being offered. For all other crimes, annulment is used rather than expungement.

In the event of loitering or prowling convictions being reversed or dismissed, a petition for expungement does not need to be filed – the records will be expunged automatically. This is never the case in New Hampshire for annulment, where a petition must be filed for the court to even consider it.

New Jersey Expungement

Getting arrested for a crime in the state of New Jersey doesn't just mean that you will have to deal with fear and uncertainty of going through criminal proceedings and possibly face fines, probation, or even jail time – it means that for the rest of your life, you will now have a criminal record.

In the grand scheme of things, this may seem like a much smaller problem than the potential of imprisonment, but having a criminal record in New Jersey is something that can negatively impact you in a number of ways. Worse yet, while jail time and other penalties associated with criminal activities can be avoided if you are not convicted of the crime, your criminal history stays with you even if you are completely innocent.

So, what's so bad about having a criminal record? Because it will show up every time someone does a background check on you, and because the kinds of places that most often utilize background checks are banks, credit card companies, employers, and landlords, it can make it extremely difficult for you to find a job, get a place to live, or even be able to pay for things. Some professional organizations that provide licenses to people will even tell you that a criminal record makes you ineligible for their services.

Due to the problems this can cause for otherwise good, productive citizens who have just made a mistake, the federal government decided to allow the legal procedure known as expungement in our country. Expungement is a process by which the history of your criminal misconduct can be effectively “erased,” hiding it from the view of the public and even making it inaccessible for general law enforcement use.

How expungement works in New Jersey

When a citizen of New Jersey has a record expunged, it means that any documents filed in the court, correctional facilities, detention facilities, law enforcement agencies, or criminal justice agencies that relate to the trial, detention, arrest, apprehension, detection, or disposition of an offense will be removed and destroyed. If, in the future, one of these facilities is questioned about these records, they are to respond that no such record exists under New Jersey Law 2C:52-15.

In certain specific circumstances, it is possible for the Superior Court to order the expunged records to be inspected. New Jersey law states that these expunged records may still be used in helping to determine the sentence if the individual is convicted of another crime. They can also be used in the decision of whether or not to grant parole, and as an influencing factor if the individual has submitted an application to a treatment program or supervisory diversion related to further charges.

Records eligible for expungement in New Jersey

Not all records are eligible for expungement in New Jersey. In fact, the state is fairly selective. Applicable records include:

- Warrants
- Complaints
- Commitments
- Photographs

- Arrests
- Fingerprints
- Processing records
- Judicial docket records
- Index cards
- DNA that resides in a state database (if it relates to the outcome of a person's dismissed or reversed offense, as outlined under New Jersey law 53:1-20.25)

Circumstances eligible for New Jersey expungement

New Jersey Law 2C:52-1 allows for the erasure of certain past convictions and arrests. An example of this is if a person was convicted of a misdemeanor at least 5 years ago and has committed no further crimes. In this case, the person's attorney could petition the Superior Court for expungement. Guilty of a town ordinance? You'll have to wait 2 years for expungement. First time offender arrest for a minor drug violation that resulted in a conditional discharge? A year has to pass before you can petition. Even juvenile delinquent records must wait a specified amount of time before it is possible for them to be expunged.

There are, however, certain circumstances under which charges can be erased automatically and without a waiting period:

- Frivolous complaints
- Arrests that do not result in a conviction
- Arrests where charges were dismissed

New Jersey offenses that cannot be expunged

While New Jersey lawmakers want to make sure they are giving their citizens a fair chance to pull their lives together if they are guilty of a foolish mistake, there are certain offenses that have been deemed too serious to be eligible for expungement in the state:

- Crimes of public office
- Drug crimes (excepting possessing marijuana or hashish in small quantities)
- Kidnapping
- Luring
- Enticing
- Disorderliness after the second offense
- Criminal homicide (excepting death by vehicle)
- Criminal sexual contact (when the offender is not the victim's parent)
- Aggravated sexual assault
- Aggravated criminal sexual contact with a minor
- Robbery
- Criminal restraint
- False imprisonment
- Endangering a child
- Arson (and related offenses)
- Perjury
- False swearing
- Endangering a child through sexual conduct or moral impairment
- Conspiracy to commit crimes

New Mexico Expungement

Like most other states in our country, New Mexico has laws allowing the process of criminal record expungement to occur for certain people under certain circumstances. Expungement in New Mexico is a fairly thorough ordeal involving the destruction of any samples, records, information, or identification of DNA records. Arrest records for an individual may also qualify for expungement in the event that the final disposition of a case can not be found. Under such circumstances, arrest records will be destroyed both at all state police agencies and at the FBI. For cases involving juveniles, index references and case records are eligible for expungement. Once the process of removing all related files has been completed, all New Mexico law enforcement departments, agencies, officers, and the court will state that no arrest record for this offense exists. Outside of DNA records, New Mexico only allows expungement for certain types of records.

Most records for juvenile offenders are eligible for expungement, including:

- Social and legal files
- Petition judgments
- Records of the court
- Any findings
- Law enforcement files (if the court is petitioned to do so)

For adult offenders, if the case has been dismissed under New Mexico Law 30-31-28, it is considered eligible for expungement. Files for those types of cases that may be expunged include:

- Trial records
- Guilty pleas
- Indictments
- Arrest records
- Dismissal records
- Discharge records
- Any other information (excepting non-public files kept by the attorney general)

Why Expungement Is Important in New Mexico

You might wonder why states go to all the trouble of having records expunged. After all, isn't the point of a criminal record so that law enforcement agencies are better able to track and punish criminals based on their history? While that is absolutely true, it isn't career criminals that New Mexico is worried about. The people harmed the most by having a criminal record aren't multiple offenders, but individuals trying to live normal, productive lives.

How? Because people and agencies involving with hiring employees, providing housing, authorizing credit and loans, and offering licenses tend to do background checks, and one of the first things they all see when they look into your history is your criminal record. For some, this is an immediate deal breaker, but even for those who would still keep you in contention, they are far more likely to choose someone without a criminal record than with one.

Expungement can eliminate this problem for some people by making it appear to anyone in the public that your crime doesn't exist, and in fact you will be legally allowed to state that you were never arrested or charged after that record has been expunged.

New Mexico Expungement Eligibility: Who Can Do It?

If expungement were allowed for every person and every type of crime, it would defeat the purpose of having a criminal record in the first place. Therefore, New Mexico only allows expungement to a select few. Who is eligible?

- individuals arrested for a petty or simple misdemeanor where no location of a final disposition exists
- first-time juvenile drug offenders who have charges dismissed and were discharged
- individuals who have convictions reversed due to DNA evidence
- for those who fall under the Children's Code, individuals who have not been convicted of a felony or misdemeanor due to moral turpitude or delinquency after two years have passed

Expungement Process for New Mexico

According to the law of New Mexico, when a final disposition cannot be found, a file is eligible for expungement through the law enforcement department that initially dealt with the case. They will be in charge of maintaining all records and have full access to them.

A petition to the administrative agencies keeping the files is needed to expunge DNA records. This document has to include:

- a personal request for the DNA records and samples to be destroyed
- an official copy of the court order stating that the conviction for which the samples were taken has been reversed
- an official copy of the nolle prosequi, conditional discharge, dismissal, acquittal, misdemeanor conviction, or record of completion for a diversion program
- a document reflecting the fact that for a year since the arrest detailed in the petition, the individual has received no subsequent felony charges

New York Expungement

Is your criminal record in New York causing you to miss out on opportunities for apartments, jobs, licenses, and loans? It's possible, since a background check can reveal any past arrests, charges, or convictions. In many cases, this may disqualify you or cause another candidate to win out. It's a consequence of criminal activity that can follow you around for the rest of your life unless you are granted expungement.

Expungement is the process of erasing your criminal record, which is allowed by the United States. Individual states have different laws about how expungement is handled, and some don't allow it at all. Fortunately, New York allows for a process which is called "record sealing," so you may be able to get a clean record again.

However, you should be aware that not everyone is eligible for expungement, and even if you meet the requirements, there is always a chance that your request will be denied. Your best chance for a positive outcome is to hire a New York attorney to work with you on the matter to ensure you follow the correct procedures.

Who Is Eligible to Have Their Record Sealed in New York?

Only certain crimes are eligible to have the record sealed in New York. Most drug, marijuana, or Willard non-drug crimes are eligible as long as the individual has completed DIVERSION, DTEP, or another substance abuse treatment that was required by the court. Unlike many other states, which only allow you to seal one conviction, you are able to seal up to three drug or marijuana misdemeanor convictions in New York.

You can also ask that other information is destroyed completely, such as palm prints, fingerprints, proofs, copies, and photographs, as long as the criminal case is found in your favor. Under Consolidated Laws 995-c, all DNA samples, records, and related documents will be removed if record sealing is approved. Acquittal, dismissal upon adjourning, and outright dismissal are all considered favorable to the defendant.

Additionally, in some cases, a petition from an individual isn't needed. Instead, the court will motion that a record should be sealed, which occurs after criminal proceedings have concluded. This is done on a conditional basis. The Federal Bureau of Investigation (FBI) and district attorney will be notified by the court to seal the record and destroy the fingerprint history.

What Happens When a Record Becomes Sealed in New York?

The record is not destroyed. Instead, it is simply not available to the general public or local law enforcement. But the record does still exist and will contain documents such as official records, papers, judgments of the court, orders of the court, and court decisions. This will include any copies of these documents that may exist in courts, police agencies, or the prosecutor's office.

The record can become unsealed at a later time if the court believes it is in the interest of justice. Circumstances where this may be the case include additional criminal proceedings as well as application for particular types of employment or licenses, and running for office.

Why Do You Want to Have Your Records Sealed in New York?

If you are trying to rebuild your life after an arrest, criminal charge, or conviction in New York, getting your record sealed can be a very important part of the process. From then on, you can legally say that you have not been convicted of a crime.

For example, if you run across this question on an employment application, when seeking a student loan or housing assistance, or applying for a professional license, this will no longer be held against you. It is as though the arrest or conviction never happened.

You should also be aware that the initial handling of your case can affect your ability to expunge a record. This is why it's important to find the right criminal defense attorney to fight for your rights, and when you are seeking expungement, it can be beneficial to get the help of this attorney in the matter.

Alternately, you can get help from a New York lawyer who has experience dealing with expungement matters to assist you with the process.

North Carolina Expungement

If you are arrested, but not convicted of a crime, details of the event still remain on your criminal record. Additionally, if you are convicted of a crime, serve your time, pay the fines, and successfully complete your probation, you are still left with a criminal record as punishment.

There are many situations where a criminal record can come back to haunt you. For example, you may have filled out a rental application that asked if you have been convicted of a crime. You may be denied as a result, or someone else who does not have a conviction on their criminal record may be selected instead. Additionally, a bank may ask for information on your criminal history if you apply for a loan, since it will consider you riskier if you have a conviction or arrest. And employers sometimes conduct background searches which can uncover this type of information and hurt your chances of getting the position.

So what can you do to change this? You may be able to seek expungement in some cases. But every state handles expungement differently, so you need to find out the laws specific to the state where your case occurred. Fortunately, in North Carolina, expungement is allowed in certain situations.

What Does Expungement Mean in North Carolina?

Expungement, which is sometimes called expunction, is the legal erasure of arrest and conviction records. In essence, it is as if the crime was not committed or the arrest never occurred. If the public or local law enforcement goes to search your criminal history, they will not find details of the event.

Who Is Eligible for Expungement in North Carolina?

If you are a minor and a first-time offender that has been charged with a misdemeanor, the crime will be eligible for expungement.

As an adult, there are certain adult misdemeanors that are expungeable as long as certain requirements are met. Additionally, minor gang offenses and certain drug offenses, including toxic vapors offenses, can be eligible if they occur while the accused was under 21 years old.

How Does Expungement for a Minor in North Carolina Work?

If you were a minor, you will be eligible to petition the court to have records expunged if you:

- Plead guilty to a misdemeanor charge
- Were not previously convicted of a felony
- Have no other misdemeanor offenses (other than minor traffic violations)
- Committed the initial misdemeanor when you were under 18 years old
- All requirements for probation have been completed
- Two years have passed since the conviction

Additionally, you may be able to expunge a record if you were convicted of a misdemeanor possession of alcohol charge before 21 years old.

How Do You Petition for Expungement in North Carolina?

If you want to petition for expungement, you need to have a petitioner affidavit that shows good behavior for the two years since you were convicted of the misdemeanor, two affidavits from people who are not relatives that speak to the nature of your character, a statement detailing which conviction this is about, as well as affidavits from the chief of police, clerk of the superior court, and the sheriff of the county where you were convicted of the misdemeanor. These affidavits must state that you do not have any additional felony or misdemeanor charges on your criminal record – except for minor traffic violations. Additionally, you need to file an affidavit which states that all required restitution and civil judgments have been successfully concluded.

These affidavits must be presented to the district attorney at the court where you were convicted. Within 10 days, the file will be processed, and you will receive notice that a court date has been set. You should also be aware that there may be further investigations to ensure that the affidavits that were presented are legitimate.

During your hearing for expungement, the judge will look at a number of factors before deciding if your request is granted or not:

- if you have been convicted of another misdemeanor or felony
- if you have had good behavior for two years after your initial conviction
- if you were under 18 years old at the time of the offense and conviction
- if the petition is in the favor of the court

If the judge grants the petition, then you will be legally able to say that you were not convicted, arrested, or charged with the crime with no fear of perjury.

North Dakota Expungement

When you are being charged with a crime in North Dakota, your first concern is probably avoiding a conviction or what sentence you will be given. You may not consider one consequence you already face even before the verdict is given: a criminal record. Your arrest is already on file and available for anyone who wants to find it, such as landlords, bank employees, and potential employers. It can affect your future ability to rent an apartment, get a job, or qualify for a loan.

The United States recognizes these hurdles, so it offers a way to fix this blemish on your record called expungement. Every state handles this process differently, and unfortunately, North Dakota does not have a very lenient policy. In fact, it doesn't even offer a statutory process for expunging or sealing a criminal record.

The only way a record can be expunged is if the court finds an arrest to be unconstitutional and orders that it be expunged if the person charged was not otherwise acquitted of the matter.

But this means that if you are convicted as an adult for a misdemeanor or a felony, you cannot have that record expunged. It will remain on your file permanently.

Can Juveniles Have Their Records Expunged in North Dakota?

Ten years after the offense was committed, juvenile delinquency records that have been adjudicated can be removed. In the cases where the petition for expungement is denied, the records can be expunged either after the person turns 18 years old or when the person is released from court-mandated supervision, whichever occurs last. If you have a juvenile offense that you would like removed, you should contact the lawyer who initially worked on the case to see what options you have. You can also seek a North Dakota attorney who has experience with expungement to help you with the process.

What Happens When a Record Is Expunged in North Dakota?

Many people believe that the record is totally destroyed in the event that it becomes legally expunged, but this is not the case. The records will be made available under specific circumstances to qualified individuals. Two situations where the records may be accessed include if you apply for the U.S. military or are running for public office. However, these records are not able to be accessed by the general public or local law enforcement agencies.

If it is a DNA record expungement, then there are certain pieces of evidence that will be completely destroyed, including all identifying information and samples.

If a Conviction Cannot Be Expunged, Can Other Records Be Erased in North Dakota?

In some cases, you can have certain data expunged, such as in the case of a DNA expunction, but even then only certain cases qualify. For example, if the conviction was for less than one ounce of marijuana, it may be eligible, but only if you have no other offense for two years after the initial conviction.

Additionally, you can expunge DNA records that are related to a reversed or dismissed conviction, per the North Dakota laws 19-03.1-23 and 31-13-07.

If you had a DNA sample taken during an arrest, but the case did not ultimately end in a conviction, you can petition for expungement of the DNA records a year after the incident. This is true if your case was acquitted, dismissed, or reversed.

What Steps Do I Have to Take to Have DNA Records Expunged in North Dakota?

Under North Dakota law 31-13-07, you must first petition the district court. If your case involves less than one ounce of marijuana, you must wait until two years after the conviction and need to follow the requirements that are explained in section 19-03.1-23 of North Dakota law when you petition for legal erasure.

If you would like to pursue expungement of DNA records, a juvenile conviction, or an unconstitutional arrest, it is in your best interest to hire a North Dakota attorney who has experience with expungement because the process can be complicated and confusing.

Ohio Expungement

Have you been charged with or convicted of a crime in the state of Ohio? Then you now have a criminal record. This means that if anyone chooses to run a background check on you, they will have access to information about your case. This can affect your ability to rent a place to live, get a credit card, qualify for a loan, or gain employment. A criminal record can make you seem like a higher risk and cause you to be denied.

Because of this, many people seek to have their criminal history removed from public records. This process is called expungement, which is allowed by the Federal government. But every state has its own laws and regulations regarding this process, and not every crime or criminal is eligible.

The Rules for Expungement in Ohio

In the state of Ohio, there are two types of expungement available:

- Expunging a misdemeanor or felony conviction
- Expunging the record of an acquittal

An acquittal occurs when you have been tried in court but were given a verdict of not guilty or innocent. In these cases, many individuals believe that a not guilty verdict is enough to “clear their name,” but unfortunately, many people will still hold this against you. Just the fact that you were charged in the first place may be used as a reason to go with another candidate for a job or a lease. If you have been acquitted, you should take steps to have your record expunged in order to ensure that you have a clean slate when it comes to these types of opportunities.

Even though you have the right to petition the court to seal the records related to the proceedings of your acquittal, it is not a guarantee. It is considered a privilege and not a right. The court can use many reasons to keep the criminal record intact.

The Ohio Supreme Court has ruled that the public interest in having these records available can sometimes outweigh the privacy of the individual. However, your request will be considered and may be granted.

What If I Took a Plea Bargain?

Unfortunately, if you accepted a plea bargain for your case, then it is likely that the criminal record will not be able to be expunged, so it will remain on your record.

Who Qualifies for Expungement in Ohio?

There are statutory provisions in place that regulate the sealing of a criminal record. You must meet certain prerequisites before your expungement will be granted or the records will be sealed. In order to qualify for eligibility, you must:

- Be a first time offender
- Have an offense that is subject to expungement

If you are found not guilty by reason of insanity, you can make a request to have your case expunged as long as you can show proof that you were cured later for your mental health issues.

You can only have the one conviction on your record in order to qualify, so the court will take steps to confirm that you are a first-time offender. If you have other pending criminal proceedings, then you will be denied. Additionally, the court must determine that you have been rehabilitated to its satisfaction, and it will review any objections from the prosecutor on the matter. In the end, the court will weigh the benefits to you in having the record sealed against the needs that the government has to keep these records available.

If you make a petition to the court for an expungement, you are guaranteed the right to a hearing on the matter. If denied this right, you can file an appeal.

What cases are not eligible for expungement in Ohio?

Any convictions for a violent offense will not be considered for expungement. Additionally, if you were required to serve a mandatory prison sentence, then the crime is not eligible.

Also, if you did not successfully complete your sentence for a crime, then you will not be eligible for statutory expungement. This means that you must serve your time in prison or jail, pay all required fines, and comply with probation. If there is anything outstanding on your record, the crime will not be eligible for expungement until that is resolved.

Oklahoma Expungement

When you are arrested, charged, or convicted of a crime, details of the issue are placed on your criminal record. This information is then made available to local law enforcement and also to the general public. There are many cases where you may find that this information damages your future. For example, if you are applying for a lease on an apartment, you may be asked if you have a conviction of a crime on your record. This may be used as a reason not to rent the place to you. Banks also look at criminal records to determine whether giving a loan to someone is risky or not, and employers often get background checks to ensure that they are not hiring convicted felons. Also, having a felony conviction on your record can bar you from certain types of licenses, voting, and running for public office.

But there is a way to remove this information from your record. The United States allows for a process that is called expungement. The procedures vary from state to state, and not all crimes or criminals are eligible. In Oklahoma, the court has the power to expunge a criminal or arrest record.

How Does Expungement Work in Oklahoma?

If you have a record expunged, it is then removed from public viewing. It is not destroyed, but it is labeled as non-existent. This means that the record may not be used for public purposes except in specific circumstances, such as an application for the military, running for public office, impeachment, and false character proceedings.

What happens is that the record is removed from the clerk's office of the court, so it is no longer available in the main filing system. Your name will be removed from the docket sheet and public sharing files, so you cannot access it through the internet or the courthouse's computers. If any payments have been made in regards to the case, your name will simply appear as the person who made the payment, but there will be no details about the case.

But the records are still intact in the criminal history file. Arrest dispositions are kept in the Oklahoma State Bureau of Investigation. Fortunately, the general public is not able to fully access this information. In order to get the information with the Oklahoma State Bureau of Investigation expunged, you need to file a petition through Section 22 of Oklahoma laws 18 and 19.

Who Is Eligible for Expungement in the State of Oklahoma?

Not everyone is eligible for expungement. It is considered a privilege and not a right. This means that only certain records are even eligible, and you must meet specific requirements.

- If a sentence is deferred, pleas of no contest and guilty are eligible
- If you have been acquitted of the charges
- If your conviction is reversed
- If your conviction is dismissed
- If factual innocence is later proved through DNA
- If you receive a full pardon from Oklahoma's governor
- If charges were dismissed after a year or on merits
- If no charges were filed and the statute of limitations has expired

- If a full pardon was granted for someone under 18 years of age when the crime occurred
- If you were convicted of one misdemeanor and have had no more offenses in two years

- If you were convicted of a non-violent felony, receive a full pardon, and 10 years have passed with no more offenses
- If you were arrested using a search warrant but were released
- If it was a juvenile offense and you are now over 21 years old

However, there are also cases that make you ineligible. Under Section 22, anyone convicted of a felony is not eligible, unless there is a court waiver of this prohibition. Also, anyone who pleads nolo contendere or guilty to a sexual offense is not eligible.

If you are seeking expungement, you should contact an Oklahoma lawyer who has experience working with these types of cases, or work with the attorney who initially handled your case.

Oregon Expungement

Any good Oregon criminal lawyer will tell you that having a criminal record is something that can make your life a lot more difficult. Potential employers, landlords, credit card companies, banks, and organizations that provide professional licenses all tend to do background checks, and every time someone looks into your history, the first thing that they are going to notice is your criminal record, complete with information about the arrest and charges. Since this will make people doing background checks see you as a higher risk, there's a strong likelihood that you won't be getting that new apartment, landing that job you want, or using a new credit card anytime soon.

Luckily, Oregon law allows for a process called expungement that can help. With expungement, your records will be sealed so that no one in the public is able to look at them. Suddenly, those background checks won't matter so much, and you can even legally state that you have no criminal record if someone asks.

How does expungement work in Oregon?

Under Oregon Law 137.225, if a record is granted expungement this applies to a great number of documents related to that specific case, including:

- Probation records
- Court records
- Parole records
- Prison records
- Police records
- Jail records

The investigation records may also be expunged at times, but it is not required for this to happen. Also, if the court deems it to be in the interest of the public, they have it within their power to order either portions or the complete record of a juvenile offender to be expunged.

Keep in mind that having records expunged does not mean that they will be destroyed. The only time that physical copies of records will be destroyed are in certain juvenile court situations and – for some specific records – after a conviction has been terminated and 3 years have passed. This does not apply, however, to records held in law enforcement agencies or records of the judgment itself, which will continue to be sealed and maintained

Who is eligible for expungement in Oregon?

The state of Oregon only allows individuals in certain circumstances who meet specific requirements to even apply for expungement. These include:

- for juvenile cases, where 5 years have passed since the termination of the person's case and any sentence attached to it
- individuals who have not received a conviction for a misdemeanor or felony since the case's termination date
- anyone not seeking criminal conviction or adjudication

- Anyone not in violation of the laws under 419B.100 a, b, c, and f of delinquency cases.

What if someone is not eligible for expungement in Oregon?

For those not able to petition for expungement under Oregon law, there is another state process that might be able to help. “Setting aside” an arrest does not close the records completely the way that expungement does, but it is available to a wider range of offenders.

Adults who have been convicted of a crime are eligible to have their records set aside for several reasons, some of which much happen in conjunction:

- after a year has passed since the arrest
- if the case is dismissed
- if the person is acquitted
- if 3 years have passed since the date of conviction
- if the individual has fulfilled all court mandated requirements (sentences, payments of restitution, etc.)
- if no outstanding charges for a different crime have been filed
- if the individual hasn’t received another conviction for 10 years, excepting minor traffic violations

Oregon has different setting aside petitions available for eligible offenses, including:

- second degree attempted assault
- child abandonment
- third degree assault
- coercion
- first degree criminal mistreatment
- first degree attempted escape
- incest (for victims under the age of 18)
- unlawful use of a weapon
- first degree intimidation
- second degree attempted kidnapping
- second degree attempted robbery
- third degree robbery
- supplying contraband

Naturally, there are also crimes that Oregon marks as ineligible for setting aside. These include:

- sexual crimes
- child abuse
- first degree criminal mistreatment
- endangering a minor
- most Class C Felonies
- violent misdemeanors and felonies

Unfortunately, state offenses and municipal traffic offenses are also not eligible to be set aside. It should also be noted that if a record for conviction is set aside, it can be used as evidence in future setting aside cases for convictions, and if the conviction in question was set aside within the 10 year time period, it will be counted as a prior offense.

Pennsylvania Expungement

Pennsylvania defines expungement as the removal of information so as to leave no indication or evidence of that information. Currently, the state offers a legal process whereby certain people who have been charged with certain crimes are eligible to have those crimes “expunged” from their criminal records so that no one in the public will be able to see that charges against you ever existed.

Why is this important? Because simply having a criminal record can make life very difficult for someone just trying to move on with their existence and provide for themselves and their family in Pennsylvania. The reason behind this is largely due to background checks that certain individuals and organizations commonly perform. Once they open up the background check on you, if you have a criminal record that is the first thing that they will see. Unfortunately, the most common uses of background checks are for potential employers and landlords, banks and credit card companies, and by organizations that offer professional licenses. Just having a criminal record can bar you from some of those things, and others are far less likely to choose you once they discover your record because it is generally perceived that criminals will be more of a risk than those without a record. Imagine not being able to get a job, find housing, or use credit cards! Having your criminal record expunged removes all of those worries.

What kind of information does Pennsylvania expunge?

Because Pennsylvania maintains some of your records for later probation or diversion programs, or to use in any potential future criminal investigations against you, regardless of whether or not the case itself has been expunged, it is important to know what kind of documentation is even eligible for expungement:

- Arrest dates
- Arrest notations
- Indictments
- Descriptions
- Formal information and charges
- Dispositions

Records that cannot be removed include documentation related to:

- Treatment
- Intelligence
- Investigative information
- Psychological evaluations
- Medical information
- Press releases
- Criminal information reported by police blotters
- Document indexes prepared by the court
- Public information that identifies (e.g. posters, wanted ads, executive clemency announcements, fugitive announcements)

What kinds of cases and individuals are eligible for Pennsylvania Expungement?

Records of arrests that fall under Rule 320 may be eligible for expungement so long as the case was dismissed. For individuals, the rules get a bit more complicated. People eligible for expungement include:

- Offenders age 70 or over who have been free of prosecution or arrest for at least 10 years since his or her supervision or release from confinement
- Offenders who have been dead for at least three years
- Offenders who committed a summary offense and have remained free from arrest or conviction for at least 5 years
- Offenders who still have not either received a disposition or have not had a disposition recorded more than 18 months after the initial arrest.

Cases ineligible for expungement include:

- statutory sexual assault
- rape
- involuntary deviated sexual contact
- indecent assault
- indecent exposure
- aggravated indecent assault
- prostitution, sexual materials
- sexual performances
- sexual assault

Anyone put on an ARD program for a victim under 18 years of age is also ineligible for expungement.

What is the expungement process in Pennsylvania?

If you wish for your record to be expunged, you have to petition the court that convicted you. Individuals may have their records expunged automatically if those records fall under Rule 320 and they have finished all ARD requirements. A judge is also allowed to grant expungement for a person's record during the court proceeding if the charges have been dismissed. A Commonwealth attorney may object to this ruling. If this is the case, documents must be filed within 30 days by the judge, and a hearing will occur to determine whether the expungement will occur.

Before expungement can occur, the court must receive authorization and certification from the repository director. After this happens, the court can order expungement of any non-conviction information for offenses that fit the above-mentioned circumstances, as well as for convictions that fall under Section 6308, so long as the person seeking expungement is over 21 years of age. Pennsylvania Law Section 6308 covers the purchase, consumption, possession, or transportation of brewed liquor or malt beverages.

Once your petition for expungement has been sent and reviewed, it is up to the court whether or not to grant the petition, using as their guide the facts of the case, your personal history, and the potential benefits of expungement.

Rhode Island Expungement

If you or a loved one is arrested and charged with a crime in Rhode Island, your immediate worries are probably about things like jail time, fines, and how to get an experienced criminal attorney who can ensure you receive the best possible outcome. The fact that you will now have a criminal record – regardless of the outcome of the case – likely isn't even something that enters your mind.

But it should. Unlike many of those other penalties mentioned above, having a criminal record is a punishment that you will have to carry with you your whole life. This may not seem like such a bad thing, but consider this: every time someone performs a background check on you, they will see your criminal record. And what kinds of people and agencies are most often doing background checks? Potential employers. Banks. Credit card companies. Landlords.

What do you think your chances are of landing that job, leasing that amazing apartment, or opening new credit cards or loans if people know of your criminal history? Not very good, unfortunately. People with a criminal history are generally considered “high risk,” meaning that the person looking at your record is far more likely to just move on to the next person.

Luckily, a process called expungement exists that allows some people in certain circumstances to seal, erase, or otherwise destroy their criminal record so that no one in the public will be able to view it. In fact, as far as the public at large will be concerned, your arrest and charges won't even exist.

Expungement Eligibility in Rhode Island

The state does not believe that it can just let anyone who commits any crime later expunge that offense, so Rhode Island's expungement laws apply only to first time offenders. By definition in Rhode Island, a first time offender is a person who has never before been put on probation or received a conviction for a misdemeanor or felony.

The process is, however, open both to misdemeanor and to felony charges. A copy of the individual's conviction records can be provided upon request by the Department of Attorney General's Bureau of Criminal Identification Unit. It should be noted that there is a cost associated with obtaining these records.

Rhode Island allows any first time offender criminal charges to be expunged with the exception of those that the state has defined as crimes of violence. These crimes include:

- first degree arson
- manslaughter
- murder
- robbery
- larceny (of an individual)
- kidnapping with intent to extort
- first degree sexual assault

- first degree child molestation
- second degree sexual assault
- second degree child molestation

- assault with intent to murder
- assault with intent to rob
- burglary
- larceny
- sexual assault
- entering a dwelling or house with intent to murder
- assault with intent to commit first degree sexual assault

Rhode Island's Expungement Procedure Laws

Every state has different rules and regulations involving expungement. In Rhode Island, the person is required to wait a specified length of time after the crime was committed before they can petition for expungement. How long someone must wait before they can petition depends on two factors: one, the classification of the crime for which expungement is being sought; and two, the individual receiving no further criminal convictions.

Someone wishing to have a misdemeanor offense expunged must wait to apply for 5 years after all pending cases, convictions, or probation periods have been completed. For those attempting to have a felony expunged, the wait is even longer – 10 years.

Once the required time has passed, the person seeking expungement must file a motion to the court where they were convicted. The Attorney General's Office will then approve or deny the expungement after 10 days, depending on whether they believe that it is in favor of the court. Deciding whether or not to grant an expungement is at the sole discretion of the judge looking at the petition. Before deciding, he or she will consider factors including the nature of the convictions, how the person has behaved up till that time, how successful their rehabilitation has been, how expunging this record would help the larger community, and the offender's moral character.

If the records are to be expunged, a notification will be sent to the police department that arrested the individual telling them to expunge the files for that particular case. Certified copies of the court order granting expungement will also be sent to the probation department and the Attorney General, and each department is required to destroy the records they hold that are related to the case.

South Carolina Expungement

What does expungement mean in South Carolina? Expungement is the legal process by which an individual's criminal history may be removed from his or her records under certain circumstances. This can be important to individuals who have made a mistake and are simply trying to provide for themselves and their families, because having a criminal record can make a lot of things that we take for granted in life rather difficult.

The reason for this is that it is common practice for people and agencies such as landlords, credit card companies, banks, and potential employers to look into your history with a background check. The first thing they are likely to see when they do this is your criminal record, detailing arrests and charges against you. It should be no surprise that public agencies like the ones mentioned above consider criminals to be a higher risk than the rest of society, so their chances of turning you down or moving on to the next person are fairly high. But how are you supposed to function in life if you can't get a job, a place to live, or even a credit card?

Expungement can make these problems go away by making your criminal history inaccessible to anyone in the public. The next time you run across a question on a job application asking if you have committed a crime, you can confidently and legally say no.

What kind of records does South Carolina expunge?

South Carolina Code of Laws 17-1-40 details the kinds of documentation that expungement covers, including:

- Booking records
- Arrest records
- Mug shots
- Files
- Fingerprints

These types of files will be destroyed from any repository maintained by any county, state, or municipal law enforcement agencies. Of course, this will only occur if the individual qualifies to have his or her records expunged.

Who qualifies for record expungement in South Carolina?

Those who qualify for expungement in the state fall under one of several categories:

Non-violent first-time criminal offenders. People in this category are allowed to complete a diversion program called Pretrial Intervention. In this program, they will be required to give monetary restitution to the victims of their crime, as well as perform restitution to the community. Under the South Carolina Code of Law 17-22-150, people who complete this Intervention program can apply to have any of their records related to the arrest be destroyed. They will also then be legally able to say that they have never

committed a crime.

First-time offenders of check fraud. If someone has committed check fraud, it is possible that the charge might qualify for expungement a year after the assigned conviction. However, this offense may not be expunged if, after one year, other convictions for this individual exist, or if the value of the fraudulent check exceeded \$5,000. An individual may only be granted expungement for this type of offense once.

First-time misdemeanor possession of marijuana. The first time someone is charged with simple marijuana possession, it is considered a misdemeanor. South Carolina Code of Law 44-53-45 says that these types of offenses may be cleared from an individual's record so long as all required sentencing has been completed. Once this happens, the type of documentation that may be expunged includes not only arrest records, but also information associated with the indictment, trial, dismissal, verdict, and discharge of the individual.

Those convicted in municipal court. If someone is convicted in a municipal or magistrate's court, they are allowed to apply to have the record expunged 3 years after the date they were convicted, provided that they have not been convicted of any new crime during this 3-year period. An expungement of this sort is only allowed once in a person's lifetime. Also, there are exceptions to these expungement allowances. Offenses involving operating a motor vehicle, Title 50 violations, and criminal domestic violence offenses covered under Chapter 25 and Title 16 may not be expunged.

South Dakota Expungement

If you are arrested and charged with a crime in South Dakota, you are automatically given a criminal record. Whether or not you are ultimately found guilty of the crime is irrelevant. Worse, that record will stay with you for your entire life, and any experienced criminal attorney can tell you that that is not something you want.

But why? Is it even worth worrying about something like your criminal history when you could be facing fines, probation, or even jail time? The answer is emphatically yes. If you are carrying a criminal record around with you once your case and any sentencing has concluded and you're trying to get your life back to normal, it can greatly impact the way you live in a negative way. Every time you apply for a job, you are legally required to tell employers about your crime. And it's common practice for landlords, banks, and credit card companies to do background checks on people before agreeing to do business with them.

Unfortunately, since those with criminal records are considered to be higher risks than the general populace, it's quite common to get turned down for these things that you probably took for granted before your arrest. Imagine what life would be like if you couldn't get credit, land a job, or find housing. Not very pleasant, is it?

Luckily, the state of South Dakota allows for a legal process called expungement whereby certain people under specific circumstances may have their records sealed by a judge so that the information can no longer be accessed by anyone in the public. Not only will you not have to worry about background checks anymore, you can legally state that you've never been convicted. Essentially, it's a way of wiping your slate clean.

How does expungement work in South Dakota?

After 5 years have passed since the date the sentence was laid down, it is possible for an individual to petition for expungement of their criminal record. To be clear, the date in question must be the date that the accused was sentenced for the crime – dates involving charges being issued, the conviction, or even the arrest do not count. So long as the individual has fully completed his or her probation period and required sentence, as well as paying any fines related to the offense, it is very likely that expungement will be granted.

However, many jurisdictions still let individuals file for a probation modification if they have completed all requirements except for their probation period. A judge will then look at the case to see if he or she believes that the individual has shown "outstanding performance" throughout their probation, which could lead to shortening the probation time of that individual.

What kinds of documentation does South Dakota expunge?

Typically, the court will let any records relating to the criminal file in question to be expunged. This can include:

- police reports
- investigation reports
- other reports leading up to the conviction
- records of the detention
- correctional facility records
- court documents related to the case

Crimes in South Dakota that cannot be expunged

Because expungement is considered to be a privilege rather than a right in South Dakota, there are certain specific crimes that simply cannot be expunged, no matter the circumstances. The state will refuse expungement for any of the following crimes:

- any conviction in which a minor is involved
- any conviction that involves felony sexual assault
- a misdemeanor that involves a crime of moral turpitude
- convictions for Class A, Class B, Class 1, or Class 2 felonies
- any adult criminal convictions

Plan for South Dakota expungement from the beginning

With so much riding on your ability to expunge your crime and receive a clean slate, it is important that you hire a South Dakota criminal attorney with the knowledge and experience to ensure that you receive the best outcome. Knowing that you want to have the record expunged going into the trial and the preparation of your defense can alter the way your legal representative argues your case. Be sure to let him or her know what you want to happen and work to make it a reality.

Tennessee Expungement

The ordeal of going through an arrest in Tennessee can be incredibly taxing and frightening. You will likely be handcuffed and put into the back of a police squad car, as well as photographed, fingerprinted, and held in a cell while the police do their job and your fate is decided. During this time, there are probably a great number of things you'll be thinking about – your future, your family, whether you will have to pay fines or face jail time – but chances are the one thing you won't be thinking about is the criminal record that you will now have for the rest of your life.

With everything else facing you, a criminal record may see like a small and insignificant thing, but it is not something that you should take lightly, and when choosing your Tennessee criminal attorney, their knowledge and experience in this area should be something you consider.

What's so important about having a criminal record? First off, unlike other penalties, it doesn't just go away if you are found innocent. Second, a criminal record stays with you for life. This is a bad thing because having a record of your criminal activities can make it a lot harder to do things you probably took for granted before your arrest, like find a job or a place to live, or even get a loan or credit card.

This is due to the fact that it is quite common for employers, banks, credit card companies, and landlords to run background checks before they decide to get into any kind of relationship with you. Unfortunately, the first thing that background check is going to show them is a description of your arrest and criminal charges. Since people with a criminal history are considered higher risk than other individuals, it is likely that they will pass you over for another person, or simply refuse to do business with you outright.

Thankfully, the state of Tennessee realized that this could be a huge problem for citizens that had just made a mistake and were attempting to get their lives back on track, so they decided to allow a legal process called expungement for certain people in specific circumstances. Expungement is a legal way of removing, sealing, erasing, or otherwise destroying any identifying documentation that relates to your arrest and charges so that no one in the public will be able to access it.

How does Tennessee's expungement process work?

If you commit a crime as a juvenile in Tennessee, you're in luck. Except those crimes which are barred, juvenile records are typically expunged or sealed after the individual reaches 17 or 18 years of age. Expungement seals these records so that the public cannot look at them, and helps the individual to head into their adult life with a clean slate.

If, however, an individual commits an offense after they turn 18, they are no longer eligible for juvenile expungement. Expungement for adults is not an automatic affair. Rather, those who meet the necessary conditions and wish to have their records expunged must file a written application to the court following the rules laid down by the state for expungement petitions.

Expungement in Tennessee does not mean the record has been physically destroyed

Although many people tend to say that an expunged file has been erased, obliterated, or destroyed, this is merely a figurative definition. In reality, the applicable records have simply been hidden from the view of the public. These hidden records can be accessed again at any time if the individual commits a later crime and used as prior offenses against the individual. This means that instead of facing penalties befitting a first-time offense, their sentence could be much harsher reflecting the fact that they are a repeat offender.

Other instances in which expunged or “hidden” records can be used include when a person decides to run for public office or apply for a professional license that would otherwise be affected by their criminal history.

Are certain crimes ineligible for expungement?

By Tennessee law, it is not possible to seal or expunge violent felonies. Beyond that, so long as the person’s background meets the requirements laid down in the statutes, it is possible for expungement to be granted.

However, it is possible for expungement to be denied. The state of Tennessee holds that the process of expungement is not a right for all citizens, but instead a privilege that they may grant to those they deem worthy. As such, there are many factors that go into deciding whether or not to grant an expungement, including:

- conviction of a sexual offense
- a pending arrest or arrests
- existing additional convictions
- court records indicating an open case
- registration as a sex offender
- existence of a previous expungement
- not waiting the correct amount of time period before applying

Before a petition may be submitted for an eligible crime, the offender is required to wait a prescribed length of time, as well as finishing any probation or confinement term that they were given, and paying any applicable fines.

Due to the complicated nature of expungement in Tennessee, it is in your best interest to retain a lawyer that has experience with the expungement process before you even begin the process of putting together your petition. If possible, try to get the attorney who originally defended you, as they will already be familiar with your case, but the most important thing is finding someone comfortable with Tennessee’s expungement laws. Even though the regulations and eligibility requirements may seem straightforward, there are always exceptions that can be made and ways to work within the law to fight for eligibility. A good Tennessee expungement lawyer will know exactly what to look for in your case.

Texas Expungement

Texas law has provisions in place that may let certain people under specific circumstances to have their criminal history hidden from the view of the public and essentially “erased.” This process is called expungement, and most states in the U.S. allow it in one form or another.

In Texas, expungement means that any records related to your arrest or the trial that followed will be sealed away, as if the crime had never occurred. After your record is expunged, you can legally state that you’ve never been arrested or charged, and no one ever needs to know the truth.

The reason that a provision such as this is important is because a criminal record can make it truly difficult for someone to move on with their life and get things back to normal. Largely, this is due to the use of background checks by people and agencies like credit card companies, banks, landlords, and potential employers. No one wants to see a criminal charge in your background, because they believe this makes you a higher risk. Because of this, many places will refuse to do business with you altogether, and employers and landlords might pass you over for a candidate that doesn’t have a criminal record. With expungement, though, none of that matters because those people won’t ever know that you committed a crime in the past.

Kinds of documentation that Texas will expunge

If you qualify for expungement and your petition is granted by the court, there are a wide variety of records that could possibly be expunged, including:

- fingerprints
- mug shots
- DNA samples
- trial transcripts
- other arrest records

Once those records are removed from the various government agencies that house them, as far as the rest of the world is concerned your crime never happened.

Requirements for expungement in the state of Texas

Expungement eligibility in Texas has a number of moving parts, but there are some general guidelines.

Anyone arrested – either for a felony or a misdemeanor – who is later found not guilty may petition the court for their record to be expunged. Before they can do this, they must wait 30 days or more after they have been acquitted. Expungement is also allowed for those individuals who were convicted but later pardoned by the Governor.

In fact, in general expungement is allowed for people who have been convicted of a crime, but these cases will naturally receive more intense scrutiny from courts deciding whether or not to grant the expungement, and the requirements vary depending on the nature of the crime.

So long as you haven't committed any crimes in the time between the arrest you are petitioning and when you file your request for expungement, it is possible to expunge most misdemeanor convictions. Felonies are a bit of a different story. While it is possible to have some felonies expunged from your record, the state of Texas does not often grant these petitions.

DUIs are typically considered felonies, and as such are not often expunged from records. If however, your DUI was charged as a misdemeanor, it is within the realm of possibility for the state to grant expungement.

Texas law also takes into consideration the age of the offender. If a juvenile has been arrested and convicted, they can petition to have their record expunged as soon as they turn 18. So long as that individual has only one criminal incident on their record, expungement will be granted provided that the offense was not a sexual crime.

Process of expungement in Texas

Anyone desiring to have a record expunged in Texas is required to complete the correct application form and send it in as a petition. This application must include:

- your personal information
- arrest information
- trial information
- proof of completing any sentence or probation period

The court will schedule a hearing after they receive your application, and the decision will be made about whether or not expunging your record is in the favor of the court.

If you are considering having a criminal record expunged, it is in your best interests to secure an experienced Texas criminal attorney who knows the ins and outs of expungement in the state.

Utah Expungement

There is a lot to worry about if you get arrested and charged in the state of Utah. Will you need a lawyer? Will you be fined? Put in prison? What happens to your family, your job? How will this affect your future?

Well, there is one sure way that your future will be affected, regardless of the outcome of the charges and any trial that may follow: from now on, you will carry a criminal record with you for the rest of your life.

When you apply for jobs and it asks about your criminal history, you will have to admit to your arrest. When you try to get an apartment, a loan, or a credit card and they do a background check, the information about your arrest and charges will show up. What do you think happens when people learn about your record? It's not a difficult answer to guess: they usually turn you down. After all, individuals with criminal records are considered higher risk than the general population.

So how is a person who just made a mistake able to move on with their life? One thing that can help enormously is a legal process that Utah allows called expungement. Expungement is the legal erasure of eligible criminal records so that members of the public will no longer be able to access them. No more worrying about applications or background checks. And you can even legally tell people you've never been arrested!

How can a person in Utah get an expungement?

Utah's expungement process is quite involved and contains a number of different steps. It may be in your best interest to hire a lawyer – preferably the one who worked with you on your charges in the first place, since they know your case.

The first thing to do is get a certification of eligibility from the Utah Bureau of Criminal Investigation. Unfortunately, this isn't fast – it can take anywhere from 4 to 6 weeks. The forms can then be filed through the Criminal History Record Review as a petition, but you will need to pay a filing fee in order to do it.

Petitions also need to be served to:

- the Department of Corrections
- the attorney who prosecuted the case
- the court
- the arresting agency
- the booking agency
- the Division of Public Safety

Sole responsibility for filing these petitions is on your shoulders. After you serve the various agencies your petition, it can take up to 30 days for a decision to be made on your expungement request. These 30 days give the prosecuting attorney time to file an objection, if he or she wishes to do so, and provide the court time to do an evaluation. In the event that there is an objection, a hearing will be held, and you and

the prosecuting attorney will be told the court date.

It is also possible that the court might ask for a written evaluation from the Department of Corrections in the course of doing their own evaluation. So long as everything is filed correctly, a hearing date should be set by the court around 15 days later and everyone will be notified.

If there are no objections and the court rules that the individual's expungement should be granted, they will issue a certificate and decide what parts of the case should be expunged and which the court will hang on to. In some cases, the court will grant expungement of all documentation.

Who is eligible for expungement in Utah?

Juvenile offenders can have their records expunged, but only if:

- a year has passed since the termination of fines and jurisdiction
- all fees and restitution have been paid
- it has been a year since the release from Youth Corrections
- the individual is over 18 years of age
- the individual does not have an adult criminal record

If any of the above requirements are not met, a petition for expungement will not be granted.

Adults, naturally, must meet different requirements for expungement. These include:

- 30 days must have passed since the date of arrest
- no arrests may have occurred after that date
- the individual had to be released without any formal charges being issued
- the individual was acquitted of all charges
- the individual was discharged without conviction and without charges within a 30-day window
- the individual had the proceedings dismissed
- no more than one felony or two Class A or Class B misdemeanors can have been filed
- the individual must have been released from probation, parole, or incarceration for the length of time required
- the individual must have paid all fines and restitution ordered

Provided all other requirements and stipulations are met, second and third degree felonies may be expunged after 7 years. Traffic offenses where alcohol was involved must remain on your record for 10 years, multiple Class B misdemeanors take 12 years, multiple Class C misdemeanors take 6 years, and 3 years must pass before any other infractions or misdemeanors can be expunged. If, however, charges are not filed, the person has been acquitted, or the proceedings were dismissed, expungements are eligible after 30 days.

Crimes that may not be expunged include:

- Capital felonies
- Felony 1
- Felony 2
- Sexual offenses against minors

Vermont Expungement

If you are arrested and charged with a crime in Vermont, you will forever have a criminal record. This is regardless of whether or not you plead guilty or is found guilty in a court of law – the record is already there and it will stay there.

Originally, criminal records were created as a way to help law enforcement track criminals and make sure that they were punishing people accordingly. Unfortunately, for those people who have just made one mistake and want to get their lives back on track, having a criminal record will make it a lot harder.

Why? Because people with records are considered to be higher risks than the general population, and every time anyone performs a background check on you – for a job, an apartment, a bank loan, or when you apply for a credit card, among other things – that criminal record will show up like a giant red flag. After they see that, the chances of you getting what you want drop astronomically, and they are very likely to go with someone else or refuse you service outright.

All of this is why Vermont decided to allow certain people in specific circumstances to expunge their records. What does that mean? Well, expungement is a process that enables you to essentially “hide” your record so that no one in the public can see it. Your worries over background checks will evaporate, and it will be a lot easier to get the job or apartment that you want. You also can legally state that you have never been arrested for anything.

Expungeable records in Vermont

Naturally, the state doesn't allow just anyone to expunge anything. Certain types of documents are even barred from expungement eligibility, and Vermont Laws clearly lay down what kinds of information can and can't be expunged.

Under Law 5537, juvenile offenders who are under 16 years of age or who were arrested but not convicted of a crime may apply to have their fingerprints expunged. And under Vermont Laws 7041 and 5537, all files, arrest records, index records, and court records are eligible for expungement.

People eligible for expungement in Vermont

As stated above, only certain people in specific circumstances are eligible to have their records expunged in Vermont.

First off, if an adult was convicted of the crime, they are not eligible to have it expunged. This applies whether the offense was a more serious felony or a simple misdemeanor. There are two exceptions, however. If a court finding leads to them reconsidering the conviction and the individual is found innocent, the defendant's legal counsel is allowed to petition the court to have the person's criminal record reversed. Alternatively, if the misdemeanor or felony is deferred, the case is dismissed in court, and all terms have been completed, then it is possible that the charged individual could be eligible for expungement.

Generally speaking, Vermont citizens who receive a court discharge and subsequently satisfy all of the terms outlined in their probation and any deferred sentence agreements qualify to have their records expunged. 33 of Vermont Law 7041, however, excludes sex offenders from eligibility.

That same Vermont law also requires an individual to pay any restitution that is still outstanding after they are discharged before any expungement can happen. Still, under those guidelines and the ones outlined in 22 Vermont Law 5529e, the individual does not even need to apply to the court for expungement – it will happen automatically!

Vermont handles juvenile a bit differently. So long as the minor meets all requirements, it is possible to expunge both felony and misdemeanor offenses. Convictions received for driving under the influence charges are not eligible to be expunged from a person's record, but it is possible to have juvenile DUI cases sealed as long as they meet all of the requirements. 33 of Vermont Law 5529 says that juvenile offenders who complete rehabilitation and disposition orders will be eligible, too.

The expungement process for eligible people

Those for whom the records don't seal automatically will need to petition the court where their records are being held. Paperwork will need to be filed in the correct places, including notifying everyone involved in the case, such as the judge that presided and the prosecuting attorney. After this has occurred, there will be a hearing, at which time a decision will be made on whether or not to expunge the record. Expungements that are not believed to be in the favor of the court may be denied at the judge's discretion.

Virginia Expungement

Expungement. The word sounds long, complicated, and technical, but all it really means is to hide, remove, or otherwise erase something. In this case, a person's criminal record. Virginia expungement allows certain people under specific circumstances to go through a long and detailed application process that, if approved, will let them hide or seal away the record detailing their criminal charges so that no one in the public can see them.

But if the process is so long and detailed, is it really worth it? After all, maybe it's embarrassing, but a criminal record is still just a piece of paper.

While it may just be a piece of paper, if you're trying to get your life back to normal in Virginia after being arrested and charged, that paper can become very important. In fact, it can make your life a whole lot more difficult because people in the public tend to see those with a record as high risk individuals, and will often turn you down or refuse to do business with you once they learn about your record.

Now, this might not be such a big deal if we were talking about you not being able to rent movies at the corner store, but typically the way someone will learn about your criminal record is through a background check, and the people and agencies that do these checks most often are potential employers, landlords, banks, and credit card companies. Imagine what life would be like if you couldn't get a job, didn't have a place to live, and were constantly being turned down for loans and credit cards.

But those who qualify and get their records expunged no longer have to worry about that because when someone does a background check, their criminal record will show nothing. In fact, having a record expunged even gives you the legal right to state that you were never convicted of a crime in the first place.

What kinds of documentation does Virginia expunge?

There's all kinds of files and paperwork and information that goes along with arresting, charging, and trying a person, and if you qualify for expungement, you can file to have any and all records having to do with your arrest and the court proceedings be sealed away. These include:

- police reports
- investigation reports
- conviction reports
- detention facility records
- correctional facility records
- court documents.

Whose criminal records are eligible for Virginia expungement?

Because expungement is considered by the state of Virginia to be a privilege rather than a right, only certain people qualify under the law. A good Virginia expungement lawyer will know how to use the law

to benefit your particular case, but in general the examples below describe when someone in Virginia may petition for expungement:

- if a defendant in a criminal case pleads "not guilty" and is acquitted of all charges
- if the Commonwealth Attorney's office decides not to prosecute the defendant and files a motion to nolle prosequi the charge or charges
- if the victim of a defendant charged with criminal assault and battery or a misdemeanor notifies the court that there has been satisfaction for the injury, and the court discharges the case pursuant to Virginia Code 19.2-151
- in cases of identity theft or mistaken identity when a criminal defendant uses another person's name without their consent, and that innocent person is then given a criminal record
- if a convicted individual is later granted an Absolute Pardon after it has been determined that their conviction was unjust
- if a defendant's case has been dismissed

Along with the above situations, most juvenile records will be sealed automatically after the individual turns 19 or at least 5 years have passed since they committed the crime. There are some exceptions, though. Violations of the vehicle code, including DUI arrests, won't be expunged until the individual turns 29, and any felonies for violent crimes are not eligible for automatic expungement.

And finally, if an individual who writes a bad check subsequently reimburses the victim fully and the case is dismissed, they would then qualify for expungement. Dismissing the crime could also let the defendant bring a claim of innocence if they were being criminally prosecuted for their actions.

Virginia offenders who are not eligible for expungement

Just as there are specific guidelines for those deemed eligible, there are those clearly defined as ineligible under Virginia laws. People not eligible for expungement in the state include:

- those who merely believe they were wrongly convicted; only an Absolute Pardon conveys this, not a Simple or Conditional Pardon
- those who plead guilty to any crime, whether it is a felony or a misdemeanor
- those who plead nolo contendere
- those who enter an Alford plea

How Virginia expungement works for different types of crimes

Misdemeanors – those acquitted of the charge who don't have a prior record are eligible for expungement, but it is still possible for the petition to be denied if the Commonwealth Attorney's office successfully argues against expungement at a hearing.

Felonies – to expunge a felony, clear need of such an expungement must be shown, such as a prospective employer of the individual providing documentation of this need, and under Virginia Code 19.2-392.2-F, the defendant must show that the availability of their record is causing them "a manifest injustice."

Washington Expungement

In Washington, being arrested and charged with a crime will lead to more than just the possibility of fines, probation, and jail time. Whether or not you are ever found guilty of the crime, simply being arrested means that you will now carry a criminal record with you. For the rest of your life.

Most of you out there are probably saying, “Big deal, it’s just a piece of paper,” but for those of you actually dealing with it, you know what an embarrassing and debilitating hassle it can be to have a criminal record. You can lose out on jobs, apartments, loans, credit cards – you can’t even be licensed for some things!

This is because people in the public can access your criminal record and see the charges against you every time they do a background check, and once they see that, most of the time they’ve already written you off because people with criminal histories are considered higher risk and most people don’t want to do business with them.

That’s where expungement comes in. In the state of Washington, the government utilizes a process called expungement that lets some people in certain circumstances seal their criminal records away so that no one in the public can have a look at them. Moreover, if anyone asks, you’ll legally be able to tell people you were never arrested in the first place. It’s like getting a fresh start.

How can I get my Washington criminal record expunged?

Well, first you have to qualify. If you do, it is in your best interests to hire a lawyer to help you go over all the ins and outs of Washington expungement law and lead you through the process. Get the lawyer who originally handled your case if you can, because they will be the best person to consult about the specific circumstances you went through, but if they are unavailable, at least confirm that your counsel has Washington expungement experience. They can ensure that your application for expungement is correct before you submit it to the court, because you don’t want to give the judge any excuse to turn you down.

Who qualifies for expungement in Washington?

Underage offenders who have only a single conviction that does not involve a sexual offense of any kind and who pay all necessary fines are eligible under Washington law to have their records sealed when they reach 18 years of age. If, however, they are charged with a later felony offense, those juvenile records can be unsealed and used against them in the new case as a prior offense. This will mean that they will face harsher penalties than if they were actually a first-time offender.

It is also possible for some adult offenders to seek expungement, but the rules differ depending on the type of crime they committed.

Felonies – Adult felony offenses have largely the same requirements for eligibility as juveniles: the offenders must complete whatever sentence they were given, including probation and paying fines. They also can’t have any pending charges filed against them, and the original conviction cannot have been for a crime of a sexual nature or have involved them causing another person bodily harm. And if the crime is considered a Class A felony, it is simply ineligible for expungement.

Misdemeanors – Expungement for adult misdemeanor crimes will be denied if the crime in question didn't involve intoxication, was for an offense of a sexual nature, or there is a court order of protection against you. For all other misdemeanor crimes, you simply need to wait out the time period that has been designated before applying for expungement and make sure that you have no pending convictions.

The waiting period for Washington expungements

Expungement in Washington is only granted to first-time offenders, so to ensure that habitual criminals are not having their records sealed away, the state has imposed waiting periods before a person may apply to have their record expunged. During this time, if they are arrested and charged for another crime, they will not be able to expunge their original offense.

Misdemeanor offenders are required to wait for two years before they can apply for expungement. Those charged with a Class C felony will need to wait 5 years, and for a Class B felony, the wait doubles – to 10 years. After such time, if the individual has maintained a clean record, they are allowed to apply for criminal record expungement.

Washington, D.C Expungement

If you are arrested and charged with a crime in the District of Columbia, your energy will probably all be focused on simply getting through the ordeal. Dealing with opposing lawyers, police, and judges can be incredibly taxing, and as soon as the case is closed you will probably feel a huge surge of relief, happy to just have it over with.

Unfortunately, under Washington, D.C. law, there is one part of the process that doesn't end. In fact, it is something that will stick with you for the rest of your life, and likely make that life far more difficult than it would have been otherwise. What is it? Your criminal record.

Regardless of the outcome of your case, simply getting arrested and charged will earn you a criminal record and make you a higher risk as far as most of the world is concerned. You might be wondering how anyone would ever know, but it's a lot easier than you think.

Any time a background check is done on you, the person doing it will see your record and have access to the details of your arrest and charges. And who tends to perform background checks? The very people you don't want knowing about your record: credit card companies, banks, landlords, and potential employers. Good luck getting what you want from them once they see that information in your background. For someone just trying to put his or her life back together, it can make the world a very unfriendly place.

Because of this, Washington, D.C. law allows for a process called expungement. It is only available to certain people under certain circumstances, but those who qualify can have records related to their arrest and charges made inaccessible to the public. Worries over background checks will be a thing of the past, and you will even have the legal right to tell people that you've never been arrested.

How can someone expunge an arrest record in Washington, D.C.?

The law in D.C. provides for two ways in which a person can have their arrest record sealed:

- If they assert and can prove they are innocent (can be done immediately following prosecution)
- If they wait the required amount of time for an eligible record

If the person wishes to assert their innocence, they have to file a motion asking to have their arrest record sealed on the grounds of actual innocence, and convince the judge that either the crime never happened or that they were not the person that perpetrated it. This could mean providing witnesses stating that the defendant was never there, that another person was seen committing the crime, or that no actual crime was seen. If the accused files their motion within 4 years of the original case, the judge can rule based on a simple preponderance of the evidence, meaning that the majority points to the person being innocent. However, if the accused waits for longer than 4 years to file his or her motion, the judge has to believe the evidence reaches the higher standard of being clear and convincing. Someone claiming innocence can do so for any crime, and if the judge agrees with their claim, he or she will file a motion effectively saying that the arrest never happened in the first place.

When claiming actual innocence isn't an option, arrests can be sealed after the individual waits the required time. For eligible misdemeanors, this means that 2 years must pass from the completion of any sentence. All other offenses demand a waiting period of 5 years. Unfortunately, no one who has been

convicted previously or who currently has another case open can apply for expungement or record sealing.

Under D.C. Code § 16-803, those who seal their records under these circumstances can legally deny the existence of the arrest to everyone except:

- any court
- any federal, state, or local prosecutor
- any law enforcement agency
- any licensing agency
- any licensed school, day care center, or other facility involving children
- any government employer or nominating/tenure commission with respect to employment of a judicial or quasi-judicial officer or employment at a senior-level, executive-grade government position

How can someone expunge a conviction in Washington, D.C.?

Washington, D.C. has made it possible to expunge even convictions from your record, provided it is defined as an eligible misdemeanor or felony by the Bail Reform Act. Those wishing to do so have to wait 10 years after their sentence has been finished, and can't have any priors or open charges. If expungement or sealing is granted, the same rules and guidelines apply as those for sealing arrest records.

Can juvenile records be expunged in Washington, D.C.?

Yes. After 2 years have passed since the individual has been released from the supervision of the court, it is possible to file a motion to have juvenile records sealed. Of course, this only applies if the individual hasn't been convicted of any other crime or is considered an adjudicated delinquent that requires supervision.

West Virginia Expungement

No one wants to have a criminal record, but if you get arrested and charged with a crime in West Virginia, there's no way of stopping that from happening. Even if you are ultimately found innocent of the crime, the charge still shows up in your history, and it will stay with you for your entire life!

Besides the stigma of having a record, the real reason that this is unfortunate is that it can negatively impact your ability to do things that you probably thought of as simple and commonplace before your arrest. From now on, whenever you fill out a job application, you will have to answer yes to having a criminal history.

And if potential employers, landlords, credit card companies, banks, or organizations offering professional licenses need to do a background check, say goodbye to your chances of getting what you want there. This is because the first thing your history will show them is your criminal record, and people with crimes in their past tend to be considered higher risks that people don't want to do business with.

Which is where the legal process of expungement comes in. This is a very useful procedure whereby individuals' criminal records may be made inaccessible to the general public. In West Virginia, this procedure may be granted to certain people in specific situations to make it easier for them to get back to living their lives and moving forward.

Who is eligible for expungement in West Virginia?

Obviously, West Virginia does not want to simply allow everyone who has committed a crime to hide the fact that they are a criminal, so the rules about who may petition for expungement only apply to a few. Situations where a person would qualify for expungement include:

- The individual was not convicted of the crime for which they were charged
- Individual convicted of certain specific offenses eligible for expungement under West Virginia law
- Individuals who are convicted as first-time offenders in certain drug-related crimes
- If an individual is pardoned by the governor or a judge
- Most crimes where the offender is a juvenile

What kind of crimes does West Virginia deem eligible for expungement?

The two main categories of criminal charges are felonies and misdemeanors, and certain crimes from both categories are eligible for expungement.

Misdemeanor offenses that can be expunged in West Virginia include:

- certain drug-related first-time offenses
- certain juvenile convictions of misdemeanors

While West Virginia law makes a good number of misdemeanor offenses ineligible for expungement, even fewer felonies meet the requirements. The only ones which can be expunged are certain first

offenses involving drugs and certain records for juvenile offenders. The reason for this short list of eligible crimes is that the law states that no violent crime is eligible for expungement, including:

- murder in the various degrees
- manslaughter
- arson
- capital offenses
- rape

A type of crime for which there are particular complications and allowances is a driving under the influence (DUI) charge. While they are deemed expungeable, the state has set limitations in the circumstances under which expungement is allowed. If you are considering trying to get your DUI charge expunged, your best bet is to contact an experienced West Virginia DUI lawyer.

The three rules of West Virginia expungement

At its most basic, West Virginia expungement law can be broken down to three simple rules:

1. No violent crimes may ever be expunged
2. The only offenses that are eligible for petitioning are certain first-time drug crimes
3. Most juvenile offenses are eligible, but this depends upon the sentence that was imposed and the fact that that sentence was satisfactorily completed

Expunging arrest records in West Virginia

So long as the original arrest didn't lead to further charges or convictions, individuals in West Virginia may have their arrest records expunged. It is also possible for a person to prove that the court made an error when it convicted them and have their criminal record reversed, get the charges dropped, and gain the ability to expunge their record.

Wisconsin Expungement

If you have been convicted or even just charged of a crime in the state of Wisconsin, you now have a criminal record. This may not seem like a big deal, but you should understand that this information is available to the public. If someone does a background check on you, they will discover this information. Often, this can affect your ability to rent an apartment, get a job, or receive certain kinds of business licenses. There will likely be other candidates who do not have a criminal record and that can give them a leg up over you. Additionally, having a criminal record can sometimes take you out of the running altogether.

Luckily, there is a process to correct this situation. The United States federal government allows for a procedure that is called expungement. This means that your criminal record will not be available if someone does a background check or other search. It simply won't appear.

All 50 states have different laws on handling expungement, so it's important to understand Wisconsin's laws on the process if you plan to pursue this path. In fact, you may want to hire a Wisconsin lawyer to help you with the process.

Expungement, or Expunction, in Wisconsin

Unlike most states, Wisconsin does not use the term "expungement." Instead, the term you may hear is expunction, which refers to the physical destruction of court documents. You may also hear people talking about sealing criminal records, which is a related process. Records that are expunged include those from the arresting agency, the prosecutor, the booking agency, the Department of Corrections, and the Division of Public Safety.

Only certain types of records are allowed to be destroyed. For example, under some circumstances, a misdemeanor charge may be expunged. You must meet several requirements, such as:

- The successful completion of a probationary time period
- Being under 21 years old when the offense was committed
- Society must not be harmed
- You must show benefit for yourself (which can include being granted a license, employment, or housing)
- You can not have committed another offense or violated your probation requirements

In some states, expunction is not available for drug-related offenses, but it is in some cases in Wisconsin. If you receive a deferred prosecution, you plead guilty but the court will not pass judgment yet. A time period will pass, in which you must complete all conditions of your probation. The conditions that are set out for your probation can include many things, such as drug treatment, counseling, not breaking any further laws, and not drinking alcohol or using drugs. If you have met these conditions, then the case will be dismissed, and the arrest as well as the probation will be eligible for expunction.

As a result, the criminal record will not be able to be viewed by the public and law enforcement agencies. You can legally say that you did not commit a crime, have never been arrested, and never were convicted of a crime.

For civil purposes, however, any open record can be accessed if you are being considered for employment, so a background search can still uncover this information. You may end up losing out on an offer of employment as a result.

Who Is Eligible for Expunction?

Not all crimes or criminals are eligible for expunction under Wisconsin law. It is considered a privilege, and not a right. Generally, misdemeanor offenses are eligible as long as there are “favorable circumstances.” However, felonies are not eligible in most situations.

However, the exception is if you have been pardoned for a crime or there was deferred prosecution, then some crimes may be able to be expunged even if they would not normally be.

In some states, juvenile records are expunged, but this is not true in Wisconsin. However, your chances of getting the records expunged are high. Whether your case was handled in adult or juvenile court does not mean it will automatically be expunged or will not be eligible. Instead, each case is looked at individually.

In order to ensure that you follow the proper procedures and have the best possible chance at having your record expunged, you should hire a Wisconsin lawyer to work with you to get your criminal record expunction or record sealing granted.

Wyoming Expungement

If you are charged with a crime in the state of Wyoming, this will appear on your criminal record. As a result, you may have trouble finding a job, an apartment, or getting certain types of licenses since they will discover your criminal history if they do a background check on you.

In some cases, you may be able to avoid these troubles by having the record removed. The federal government allows for this in a legal process which is called expungement. Laws and processes for expungement are different in every state. In some cases, you will not be able to expunge your record at all, but if you are interested in pursuing expungement, you may want to hire a Wyoming attorney to find out if it's possible for you and how to proceed.

What Does Expungement Mean in Wyoming?

If you are able to get your record expunged successfully in the state of Wyoming, this won't necessarily mean that your records are physically destroyed. Instead, it means that the records are removed from access by the public – both the paper copies and the electronic copies.

These expunged files are still kept by the state central repository of the criminal investigation division. They are filed in a special way to ensure that they cannot be accessed for the purpose of dissemination. Instead, they will only be available to people who work for criminal justice agencies, on a federal or state level, for the purposes of criminal justice, such as evidence for another case or in the instance that you are charged with a crime again.

When a criminal record is sealed, the record itself isn't destroyed, but under Wyoming Statutes 14-6-240, evidence such as fingerprints, DNA samples, and other identifying records must be destroyed. Juvenile cases are often handled under this category, in order to protect the convicted once they have turned 18 years of age. However, if the child is found guilty of an adult felony, then this data will not be destroyed.

Also, felony cases where the conviction was dismissed or reversed can be eligible to have these types of records sealed, as long as the data is not related to any other crime.

Are You Eligible for Expungement?

Of course, the best way to understand your eligibility for expungement, and the likelihood of a successful petition, is to contact the lawyer who worked on your case initially or to work with an attorney who has experience with expungement cases.

Not everyone is eligible to have their criminal record expunged. Juvenile adjudicated delinquent files, which may include misdemeanors or municipal ordinances, can be sealed. But this option is only available if the convicted individual has turned 18 years old and also hasn't been convicted of another felony since the original adjudication.

Additionally, he or she must have completed rehabilitation to the satisfaction of the court and the prosecuting attorney.

As stated under Wyoming Statutes 7-13-1401, it is possible that you may also be eligible for expungement if you had your charges dismissed or waited 180 days after the arrest. If formal charges are still pending, you are not eligible. You must also show that you have no related dispositions, no filed criminal charges, and that all criminal proceedings filed against you were dismissed completely.

The Process for Expungement in Wyoming

You should be aware that expungement is a privilege, not a right. It is granted on an individual basis, so that means that even if you technically meet all the requirements, there is still a chance that the request will be denied.

In order to start the process, you might petition the applicable court with a formal written request. This petition will be denied if the form is not completed correctly or if it is decided that it is not in the “favor of the court.”

For verification purposes, you must also send a copy of the reversed or dismissed conviction. You may be charged filing fees for this procedure.

If you have been convicted of a crime as an adult in Wyoming, the only way to seek an expungement is to have the charges reversed. To find out if this is possible in your case, talk to a qualified Wyoming lawyer.