

Chart # 4 - Judicial Expungement, Sealing, and Set-aside

**CHART #4 - JUDICIAL EXPUNGEMENT, SEALING, AND SET-ASIDE**

State	All Or Most Offenses	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction records
<b>AL</b>						Delinquency adjudications (with exceptions) sealed after final discharge or court order if no pending criminal proceedings. May petition to have records destroyed five years after age of majority. Ala. Code §§ 12-15-136, 12-15-137.	Effective July 1, 2014 courts may expunge nonconviction records of non-violent felonies and misdemeanors, including cases where charges dismissed. See also Ala. Code § 41-9-625 (authority to delete arrest records from rap sheets within 30 days of release from custody)
<b>AK</b>			Court may suspend imposition of sentence and “set aside” conviction after successful completion of probation for certain offenses (Alaska Stat. § 12.55.085), but no expungement. No predicate, but limited use for enhancement of sentence.			Court seals most juvenile records within 30 days of 18 <sup>th</sup> birthday or court’s release of jurisdiction, whichever is later. If charged as adult, most juvenile records sealed five years after completed sentence or after records made public. Alaska Stat. §§ 47.12.030, 47.12.300.	Effective October 1, 2014, records of criminal cases in which a person was acquitted or had charges dismissed are confidential. Alaska Stat. § 22.35.030. Sealing also for mistaken identity or false accusation if proven beyond reasonable doubt. Alaska Stat. § 12.62.180(b).
<b>AZ</b>	“Set-aside” upon discharge for all but violent and sex offenses. Relieves collateral consequences, but conviction must be disclosed. Predicate. Ariz. Rev. Stat. Ann. § 13-907.					If 18 years or older, may apply to set aside juvenile delinquency adjudication upon discharge from probation or absolute discharge for certain offenses. Yes predicate. Ariz. Rev. Stat. §§ 8-348; 8-207, 13-501.	Non-conviction records may not be sealed or expunged but may be amended to note person cleared of any arrests or indictments. Ariz. Rev. Stat. § 13-4051.

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<b>AR</b>	Minor felonies and drug convictions eligible for sealing after 5 yrs. (if no more than one prior felony), misdemeanors immediately after completion of sentence; Serious violent and sexual offenses ineligible. Sealed conviction “shall be deemed as a matter of law never to have occurred, and the person may state that the underlying conduct did not occur and that a record of the person that was sealed does not exist.” Predicate effect. Ark Code Ann. § 16-90-1401 et seq.				If ineligible for sealing may seek pardon, which results in sealing for all but a few serious offenses. Ark Code Ann. § 16-90-1411.		Arrest records may be sealed if no charges are filed within one year, §16-19-1409, and records in which charges are dismissed or no conviction is obtained. § 16-90-1410.
<b>CA</b>	Courts may issue certificates of rehabilitation, which affect consideration for employment. See Cal. Bus. & Prof. § 480(b) and chart #5.		Set-aside for probationers, misdemeanants, and minor felony offenders – rights restored and disabilities removed, may be used as predicate offense and disclosed in certain contexts. Deferred sentencing for felony convictions, treated as misdemeanors following successful completion of probation. No sealing except for certain under-age misdemeanants. Predicate effect. Cal. Penal §§ 17(b), 1203.4, 1203.4a, 1203.41.			Misdemeanors under age 18 when crime committed and who are otherwise eligible may apply to have record sealed. Cal. Penal § 1203.45(a).	In any case where a person has been arrested and an accusatory pleading has been filed, but where no conviction has occurred, the court may, with the concurrence of the prosecuting attorney, order that the records be sealed and destroyed. Cal. Penal § 851.8(d).
<b>CO</b>	Court imposing a non-prison sentence may relieve any collateral consequence. Colo. Rev. Stat. §§ 18-1.3-107; 18-1.3-213; and 18-1.3-303. Drug convictions after July 1, 2011, may be sealed after three to ten years. § 24-72-308.6. Convictions before that subject to 10-year waiting period. § 24-72-308.5. The court must grant the petition unless the district attorney objects.		Deferred adjudication may lead to sealing. Colo. Rev. Stat. §§ 24-72-308(1)(a); § 18-1.3-101 (pretrial diversion), 18-1.3-102 (deferred sentencing).	Petty offenses and municipal violations (except for traffic offenses). See Colo. Rev. Stat. § 24-72-308.9.		All but violent offenses, if no subsequent adjudications.. Colo. Rev. Stat. § 19-1-306. Court must advise at time of sentencing, and no eligibility period. §§ 19-1-306(2), (6). The person and court may indicate that no record exists. § 19-1-306(1).	Courts must seal a criminal record where the charges were completely dismissed or the person is acquitted. Col. Rev. Stat. § 24-72-308.

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CT			Six programs for deferred adjudication may result in “erasure” of record. May deny conviction; predicate unless records destroyed. Conn. Gen. Stat. § 54-142a.		Pardoned conviction “erased,” after 3 years records destroyed; may deny conviction. Conn. Gen. Stat. § 54-142a(d).	Upon majority, may petition for erasure of police & court records, if no subsequent convictions. Separate erasure law for “youthful offenders” once 21 years old. Conn. Gen. Stat. §§ 46b-146, 54-76o.	“Erasure” of criminal records where charges have been dismissed or nolle, or where person has been acquitted; may deny arrest under oath. Conn. Gen. Stat. § 54-142a.
DE			Probation Before Judgment under Del. Code tit. 11 § 4218, or the first offenders controlled substances diversion program, tit. 16 § 4767.	Mandatory expungement upon request for first misdemeanors & certain violations if not subsequently convicted. Del. Code Ann. tit 11, § 4373.	Expungement if unconditionally pardoned of misdemeanor & violation convictions. Del. Code Ann. tit 11, § 4375.	Mandatory & discretionary expungement for juvenile delinquency records. Del. Code Ann. tit. 10, § 1014-20	Court may expunge records where misdemeanor results in acquittal or other termination of action in favor of the accused, but prior conviction may disqualify. Del. Code Ann. tit. 11 § 4374. Expungement mandatory upon request for certain first offender misdemeanants. Del. Code Ann. tit. 11 § 4373.
DC			Deferred adjudication, treatment, and expungement for drug use and possession. Yes predicate.	Sealing for selected misdemeanors and one felony (failure to appear) after waiting period. May deny conviction in most situations; certain law enforcement, court, employer/licensing access. D.C. Code §§ 16-803, 16-806.		Upon majority, sealing after a two-year waiting period with no subsequent convictions. D.C. Code § 16-2335(a).	Court authorized to seal non-conviction records after waiting period; may deny conviction in most situations; certain law enforcement, court, & employer/licensing access. D.C. Code §§ 16-803, 16-806.

Chart # 4 - Judicial Expungement, Sealing, and Set-aside

<b>FL</b>			Adjudication may be withheld and defendant placed on probation for second and third degree felonies if requested by prosecutor or if court makes findings of mitigating circumstances; no conviction results and expungement for certain first offenders after 10 years. Fla. Stat. Ann. §§ 948.01(2), 943.0585(2)(h), 775.08435; Fla. Crim. P. Rule 3.670.		Records of juvenile adjudications involving serious offenses are available to the public. See Fla. Stat. § 985.04(2). Expungement for nonjudicial record of minor’s arrest (non-violent misdemeanor, first offense) if successfully completed a prearrest or postarrest diversion program. Fla. Stat. Ann. § 943.0582.	Court may order sealing/expungement of non-conviction records for first offenders, with certain exceptions. Limited law enforcement, employment, licensing access. Fla. Stat. Ann. §§ 943.0585, 943.059.
<b>GA</b>			Discharge without adjudication after completion of probation “completely exonerate[s] the defendant of any criminal purpose and shall not affect any of his or her civil rights or liberties.” Ga. Code Ann. §§ 42-8-60, 42-8-62. Restores firearms privileges. 1974 Ga. Op. Att’y Gen. 48 (1974); Ga. Code Ann. § 16-11-131(f). No sealing or expungement. Effective July 2013 new sealing provisions for minor offenses in Ga. Code Ann. § 35-3-37.		Sealing upon motion to the court after a two-year waiting period and finding of rehabilitation. Ga. Code Ann. § 15-11-79.2(b).	If released without prosecution or charges dismissed, may request expungement under “record restriction” law effective July 1, 2013. Access only for law enforcement or criminal justice purposes. Ga. Code Ann. § 35-3-37.
<b>HI</b>			Deferred adjudication for nonviolent first offenders, expungement after one year. Also for certain first-time minor drug offenders on probation. Yes predicate. Haw. Rev. Stat. §§ 712-1255, 712-1256, 831-3.2, 853-1, 853-4.		Court may expunge juvenile adjudication records. Haw. Rev. Stat. §§ 571-88(a). Juvenile records a confidential and <i>per se</i> sealed. <i>Id.</i> § 571-84(e).	Expungement of non-conviction records; person “shall be treated as having not been arrested.” Haw. Rev. Stat. § 831-3.2
<b>ID</b>	Reduction of felony to misdemeanor after completion of probation, with concurrence of prosecutor if earlier than five years or if crime of violence; offenses requiring sex offender registration not eligible. Idaho Code Ann. § 19-2604(3). Certain sex offenders can petition for expungement from registry after 10 years. Idaho Code Ann. § 18-8310.		Set-aside of plea where sentence deferred or suspended upon successful completion of probation, or reduction of felony to misdemeanor conviction; restores rights but does not expunge or seal (not applicable to sex offenses). Idaho Code Ann. §§ 19-2601, 19-2604(1), (2).		Juvenile convictions may be expunged after waiting period (except for serious offenses). Idaho Code Ann. § 20-525A	No provision except for unreturned arrests.

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<b>IL</b>	Courts authorized to remove employment and licensing bars through certificate of good conduct. 730 Ill. Comp. Stat. Ann. 5/5-5.5-55. In addition, consideration of conviction limited for certain employments where a person has received a certificate of relief from disabilities from the court. <i>Id.</i> at 5/5-5-5.		Deferred adjudication for first-time non-violent offenders may be expunged five years after successful completion of probation. Predicate offense if within five years. 20 Ill. Comp. Stat. Ann. 2630/5.2; 720 Ill. Comp. Stat. Ann. 570/410, 550/10, 5/5-6-3.4.	Sealing for misdemeanors and two minor felonies only (marijuana and prostitution). 20 Ill. Comp. Stat. Ann. 2630/5.2(c).	Pardon may provide for expungement, which results in destruction of record. 20 Ill. Comp. Stat. Ann. 2630/5.2(e); 2630/5.2(a)(1)(E).	Expungement available upon petition to the court. 705 Ill. Comp. Stat. 405/5-915. Sealing for non-expunged records. <i>Id.</i> 405/5-915(5).	Arrests that resulted in acquittal or dismissal may be expunged. 20 Ill. Comp. Stat. Ann. 2630/5.2(b). Effect of expungement is destruction of record. § 2630/5.2(a)(1)(E).
<b>IN</b>	Expungement of most felony offenses after waiting period ranging from five to ten years. Ind. Code § 35-38-9-2 et seq. Records “remain public,” although must be “clearly and visibly marked” as being expunged. § 35-38-9-7. Sealing for most expunged misdemeanors and Class D felonies. § 35-38-9-6. Admin. sealing from state police after 15 yrs. § 35-38-5-5.		Deferred adjudication for drug abusers and alcoholics charged with less serious felonies, if one prior and no charges pending. Ind. Code §§ 12-23-5-1 et seq., 12-23-6-1, 12-23-7-1 et seq.		Pardon “wipes out guilt” and automatically becomes basis for expungement. <i>State v. Bergman</i> , 558 N.E.2d 1111 (Ind. Ct. App. 1990).	Court may juvenile records expunge at any time upon petition. Ind. Code § 31-39-8-2.	Nonconviction records and convictions vacated on appeal may be expunged and sealed after one year § 35-38-9-1. Once records are sealed “only a criminal justice agency may access the records without the order of a court.” § 35-38-9-1(d).
<b>IA</b>			Deferred adjudication followed by expungement for first offenders. Predicate offense. Iowa Code §§ 907.3, 907.9.			Automatic expungement at age 21 if no subsequent offenses. Iowa Code Ann. § 692.17(1). Sealing at majority upon application to the court after a two-year waiting period if no subsequent offenses. Iowa Code Ann. § 232.150(1).	Expungement of non-conviction arrest records. Iowa Code Ann. § 692.17(1).

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<b>KS</b>	Waiting period of 3-5 years; serious violent and sex offenses excluded. Also no expungement if required to register under KS offender registration act. Presumption in favor of expungement if court makes certain findings. May deny conviction except for certain law enforcement, employment and licensing contexts. No guns, predicate offense. Kan. Stat. Ann. § 21-6614.					Expungement of juvenile adjudications, except for serious or violent offenses, following a two-year waiting period if the person is at least age 23 and has no subsequent offenses. Kan. Stat. Ann. § 38-2312(a)-(c).	May be expunged on petition to court where no conviction results from arrest (including where charges dismissed), subject to certain court-ordered grounds for disclosure. Kan. Stat. Ann. § 22-2410.
<b>KY</b>			Deferred adjudication for Class D felonies; no conviction results, and expungement available if charges dismissed. Ky. Rev. Stat. Ann. §§ 431.076, 533.250-533.262.	Misdemeanants and Class D felony drug possession convictions may obtain expungement after 5 yrs. Ky. Rev. Stat. Ann. §§ 431.078, 533.250-533.262.		Expungement and sealing available, upon petition, for certain minor offenses after a two-year waiting period and no subsequent convictions. Ky. Rev. Stat. Ann. § 610.330.	Court has discretion to expunge records of misdemeanor or felony cases that result in dismissals or acquittals. Ky. Rev. Stat. Ann. §§ 431.076, 510.300.
<b>LA</b>			Deferred adjudication for certain misdemeanor and first offender felony convictions sentenced to probation; record expunged but remains available for law enforcement and certain licensing purposes. Predicate offense. La. Rev. Stat. Ann. § 44:9(E)			Expungement after a two-year, crime-free waiting period for misdemeanors and five-year waiting period for felonies, excluding serious offenses. La. Child Code Ann. art. 918(A)-(B).	Both felony and misdemeanor non-conviction records may be expunged, but remain available to law enforcement and for certain licensing purposes. La. Rev. Stat. Ann. § 44:9(A)-(B)

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ME	No general sealing or expungement laws				Information re: pardoned convictions considered “non-conviction” data with limited availability per Me. Rev. Stat. Ann. tit. 16, §§ 611-622. Can delete from FBI record after 10 years per tit. 15, § 2167; and no sex offender registration if pardoned under tit. 34A, § 1125-A(6)(c).	Sealing, upon petition, for all adjudication records after a three-year, crime-free waiting period. Me. Rev. Stat. Ann. tit. 15 § 3308.	Non-conviction records may not be disseminated. See Me. Rev. Stat. Ann. tit. 16, §§ 611-622.
MD			Deferred adjudication available for certain crimes, record may be expunged after 3 years. No predicate effect. Md. Code Ann., Crim. Proc. § 6-220; <i>Jones v. Baltimore City Police Dep’t</i> , 606 A.2d 214.	Expungement for specified nuisance convictions. Md. Code Ann., Crim. Proc. § 10-105(a)(9), (c)(6).	Non-violent first offenders pardoned may obtain judicial expungement. Md. Code Ann., Crim. Proc. § 10-105(a)(8). DNA records may be expunged under Md. Code Ann., Public Safety § 2-511 (through 2013) or Crim. Proc. § 6-232(a) (beginning in 2014).	Expungement for charges transferred to juvenile court per Md. Code Ann., Crim. Proc. §§ 10-105(a)(7), 10-106. Sealing of juvenile court records available under Md. Code Ann., Courts & Judic. Proc. § 3-8A-27.	Arrest records not leading to charges are automatically expunged, and other non-conviction records (including probation before judgment) may also be expunged upon petition after a waiting period; records may be opened only upon court order. Md. Code Ann., Crim. Proc. § 10-105(a)(1)-(4), (c)(1)-(2).

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<b>MA</b>	<p>Felonies may be sealed after 10 years if no subsequent conviction (misdemeanors 5 years), but no expungement. May deny conviction in employment application, but no guns, predicate offense. Mass. Gen. Laws ch. 276, § 100A; ch. 140, § 122. <i>See also</i> Mass. Gen. Laws ch. 151B, § 4(9) (employers may not inquire into misdemeanor convictions more than 5 years old or arrest records).</p>		<p>Per Mass. Gen. Laws ch. 278, § 18 (2011) (“Continuance Without a Finding”), sealing after 10 years for felonies and five for misdemeanors (Mass. Gen. Laws ch. 6, § 172).</p>	<p>Employers may not inquire into misdemeanor convictions more than 5 years old or arrest records. Mass. Gen. Laws ch. 151B, § 4(9).</p>	<p>Pardon seals automatically, recipient may deny conviction. May be used as predicate. Mass. Gen. Laws ch. 127, § 152.</p>	<p>Upon discharge of person committed to department, civil rights restored &amp; past commitment cannot be received in evidence or used in subsequent proceedings except as against same person. Mass. Gen. Laws ch. 120, § 21.</p>	<p>Non-conviction records may be sealed on order of court; may not be used to disqualify a person from public employment. Mass. Gen. Laws ch. 276, § 100C.</p>
<b>MI</b>		<p>Set-aside for first offenders (certain traffic &amp; sex offenses excluded) 5 years following discharge or release from prison. Law enforcement and employment-related uses, predicate. Mich. Comp. Laws § 780.621</p>	<p>Mich. Comp. Laws § 333.7411 (probation before judgment for drug first offenders): nonpublic records kept by state police, available to law enforcement and court.</p>			<p>Subject to exceptions, mandatory destruction of diversion records after reaching age 17. MCR 3.925(E)(2)(a). Sealing upon petition and finding of good cause. MCR. 8.119(F). Set-aside of a single delinquency adjudication upon meeting certain criteria. Mich. Comp. Law. Ann. § 712A.18e.</p>	<p>First offenders may have non-conviction record sealed by requesting court to return fingerprints. Mich. Comp. Laws § 28.243(8), (12)</p>



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<b>MN</b>	<p>Trial court has common law expungement authority; balancing test applied. <i>State v. S.L.H.</i>, 755 N.W.2d 271 (Minn. 2008).</p> <p>Legislation enacted in April 2014, and effective in January 2015, authorizes expungement (sealing) of all misdemeanors and many minor non-violent felonies. Minn. Stat. §§ 609A.02, subd. 3. Applies to both court and executive branch records.</p>		<p>Deferred sentencing for felony convictions, treated as misdemeanors following probation. Minn. Stat. § 609.13.</p> <p>Deferred prosecution and expungement for minor drug offenses per Minn. Stat. §§ 152.18, 609A.03.</p>		<p>“Pardon extraordinary” has effect of “setting aside and nullifying” conviction, but does not expunge or seal record. Recipient may deny conviction.</p>	<p>Sealing of conviction records available for juveniles tried as adults once finally discharged or probation successfully completed (some law enforcement exceptions). Minn. Stat. §§ 609A.02, subd. 2; 609A.03, subd. 7. Expungement of juvenile delinquency adjudications available for certain offenses and case dispositions. Minn. Stat. § 260B.198, subd. 6.</p>	<p>Expungement of non-conviction records; remain available for certain law enforcement and background check purposes. Minn. Stat. §§ 609A.02, subd. 3; 609A.03, subd. 7; 299C.11.</p>
<b>MS</b>		<p>Expungement of first offender misdemeanors and some minor felonies. Miss. Code Ann. § 99-19-71. Retained for law enforcement.</p>	<p>Deferred adjudication followed by dismissal for misdemeanors and certain felonies, but no expungement unless otherwise provided by law. Miss. Code Ann. § 99-19-26.</p>			<p>Sealing upon reaching age 20 if case dismissed or set aside; judge has discretion to seal and unseal. Miss. Code Ann. § 43-21-263(2).</p>	<p>Expungement of records not resulting in conviction. Miss. Code Ann. §§ 99-15-59, 99-15-26(5).</p>
<b>MO</b>			<p>Sealing for suspended &amp; probationary sentences, becomes “non-conviction” record, need not be reported; sealed records remain available for law enforcement &amp; certain licensing. Mo. Rev. Stat. §§ 557.011, 610.105-610.110.</p>	<p>Bad check felonies and a few public order misdemeanors may be expunged, but limited effect. § 610.140. First time alcohol-related misdemeanors, after 10 yrs. Mo. Rev. Stat. § 577.054.</p>		<p>Court motion may seal and destroy records after reach age 17. Juvenile driving records may be expunged after two years or upon reaching age 21. Mo. Rev. Stat. §§ 211.321, 302.545.</p>	<p>Automatic sealing of records in all cases disposed of favorably to the defendant. Mo. Rev. Stat. §§ 610.105, 610.110.</p>

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<b>MT</b>			Deferred sentencing for first felony offenders and misdemeanants, after which charges dismissed and access to records limited (but not “expunged” or destroyed). Mont. Code Ann. §§ 46-18-201, 46-18-204.		Pardon is grounds for judicial expungement.	Automatic sealing of youth court and probation records upon reaching majority. Mont. Code Ann. § 41-5-215–216.	No provision for sealing or expunging non-conviction records.
<b>NE</b>			Set-aside for probationers “nullifies” conviction, removes “all civil disabilities and disqualifications” but does not expunge or seal record. Neb. Rev. Stat. § 29-2264.			Expungement only where an arrest is due to police error. Neb. Rev. Stat. § 29-3523(3). Limited availability of sealing upon showing of rehabilitation. <i>Id.</i> § 43-2,108.04(3), (4).	Criminal history information that has not resulted in a prosecution after a period of one year may not be disseminated except to law enforcement agencies. Also expungement for arrest records resulting from law enforcement error. Neb. Rev. Stat. § 29-3523.
<b>NV</b>	Sealing available after 7-to-15-year waiting period for felonies (depending on offense) and 2-7-year waiting period for misdemeanors, if no subsequent arrest. Conviction may be denied (with law enforcement and firearms exceptions). No predicate effect. Nev. Rev. Stat. §§ 179.245, 179.285, 179.301.		Nev. Rev. Stat. Ann. § 458.300 authorizes deferred sentencing for persons adjudged an addict or alcoholic; upon successful completion of a treatment program, the conviction may be set-aside and the record sealed. Also sealing available for those honorably discharged from probation without waiting period per Nev. Rev. Stat. § 176A.850.	Sealing available for more minor offenses (misdemeanors & lesser felonies) under various statutes (e.g., drug offenses per Nev. Rev. Stat. § 453.3365).		Automatic sealing upon reaching age 21 for most offenses. Nev. Rev. Stat. ann. § 62H.140. Earlier sealing upon petition and a hearing after a three-year waiting period. <i>Id.</i>	Non-conviction records may be sealed at any time after completion of case, may deny arrest. Nev. Rev. Stat. §§ 179.255, 179.285.

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NH	Convictions for most non-violent offenses may be “annulled” after waiting periods of 1 to 10 yrs. Public access and inquiries limited, but it may be given predicate effect. N.H. Rev. Stat. § 651:5.					Records closed and placed into an inactive file upon reaching age 21, with access remaining for law enforcement. N.H. Rev. Stat. Ann. § 169-B: 35.	Non-conviction data may be expunged by court subject to same “public welfare” standard; arrest deemed never to have occurred. N.H. Rev. Stat. Ann. § 651:5(II).
NJ	Sentencing court may issue certificate evidencing rehabilitation that “suspends certain disabilities, forfeitures or bars to employment or professional licensure.” N.J. Stat. Ann. § 2A:168A-7.	Expungement for first offenders for less-serious crimes after 10 years (waiting period reduced or waived in some situations). May deny except in connection with judicial and law enforcement jobs. N.J. Stat. Ann. §§ 2C:52-1 et seq.	N.J. Stat. Ann. § 2C:36A-1 authorizes deferred adjudication and sealing for minor drug offenses after 6-month waiting period		Pardon makes eligible for expungement. <i>In re L.B.</i> , 848 A.2d 899 (N.J. Super. Ct. 2004).	Expungement for most juvenile adjudications after 5-yrs, with no subsequent convictions. N.J. Stat. Ann. §§ 2A:4A-44; 2C:52-2, 4.1. Special expungement procedure for drug convictions occurred before age 21. <i>Id.</i> § 2C:52-5. Sealing upon good behavior or military enlistment. <i>Id.</i> § 2A:4A-62.	Arrest and other non-conviction data may be expunged upon petition; episode deemed never to have occurred. N.J. Stat. Ann. § 2C:52-6. § 2C:52-1
NM		Expungement available for first offender drug possession if 18 or under at time of offense. N.M. Stat. Ann. § 30-31-28(D).	Deferred sentencing available except in first degree felony cases; rights restored but conviction remains. No expungement, and conviction has predicate effect. Does not qualify as “set-aside” for purposes of avoiding federal firearms restrictions. N.M. Stat. Ann. § 31-20-3.			Court may seal records relating to juvenile delinquency petitions. N.M. Stat. Ann. § 32A-2-26.	Arrest information may be expunged completely (including law enforcement) if for misdemeanor (excluding moral turpitude offense) and no records of final outcome can be found. N.M. Stat. Ann. § 29-3-8.1.

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<p><b>NY</b></p>			<p>Deferred adjudication includes automatic expungement upon completion unless DA demonstrates “that the interests of justice require otherwise.” N.Y. Crim. Proc. Law §§ 160.58, 216.00 et seq. Conditional sealing of certain drug and other specified felony convictions upon completion of a judicially sanctioned “diversion” or drug treatment program.</p>	<p>Up to three prior misdemeanors may be sealed pursuant to conditional sealing authority described in column to left.</p>		<p>Sealing applicable to juvenile offender adjudications and proceedings. N.Y. Crim. Proc. Law § 720.35</p>	<p>Sealing automatic upon termination of the action in favor of a person (including deferred adjudication), unless the district attorney demonstrates “that the interests of justice require otherwise.” N.Y. Crim. Proc. Law §§ 160.50, 160.55.</p>
<p><b>NC</b></p>		<p>First offender felonies and misdemeanors committed under age 18 or 21 may be expunged (2 years waiting period for under 18 misdemeanors &amp; under 21 alcohol misdemeanors). N.C. Gen. Stat. §§ 15A-145 et seq.</p>	<p>Deferred adjudication for first-time minor drug offenders. No conviction results if probation successfully completed. No predicate effect. Expungement of records only if under 21. N.C. Gen. Stat. §§ 90-96(a), 90-113.14(a).</p>	<p>Minor nonviolent felonies &amp; most non-violent misdemeanors eligible for expungement after 15 years. N.C. Gen. Stat. § 15A-145.5.</p>		<p>May petition for expungement upon reaching majority after an 18-month waiting period after demonstrating good behavior and no subsequent convictions. N.C. Gen. St. § 7B-3200(b). Certain gang crimes &amp; cyberbullying offenses committed under age 18 may be expunged. N.C. Gen. Stat. §§ 15A-145.1, 14-458.1(c).</p>	<p>Where charges are dismissed or the person found not guilty, may apply to the court for expungement if no prior felony convictions. N.C. Gen. Stat. § 15A-146(a).</p>
<p><b>ND</b></p>	<p>Minor felony convictions set aside and “knocked down” to misdemeanor after successful completion of probation. Sealing automatic. Predicate effect. N.D. Cent. Code §§ 12.1-32-02, 12.1-32-07.1, 12.1-32-07.2(2).</p>	<p>.First offender marijuana possession can be sealed upon court motion if not subsequently convicted within 2 years. N.D. Cent. Code 19-03.1-23(9).</p>	<p>Deferred imposition of sentence available per N.D. Cent. Code § 12.1-32-02, but no expungement/sealing.</p>			<p>Automatic sealing after the conclusion of juvenile proceedings. N.D. Cent. Code § 54-23.4-17(5). Permanent destruction of records after a specified time depending on the adjudication. N.D. Sup. Ct. Admin. R. 19(9).</p>	<p>Courts have inherent authority to expunge nonconviction records, <i>State v. Howe</i>, 308 N.W.2d 743, 749 (N.D. 1981). and to limit access to internet files of nonconviction records.</p>

Chart # 4 - Judicial Expungement, Sealing, and Set-aside

State	All Or Most Offenses	First Offenders	Probationary Sentences (incl. Deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-conviction records
<b>OH</b>	Records sealed for one felony and/or up to 2 misdemeanors, after 1-3 yr. waiting period depending on offense if court finds rehabilitation. Certain serious offenses excluded. Applies to federal and out-of-state convictions. May deny conviction w/ some exceptions. Access in law enforcement and licensing contexts. Predicate offense. Ohio Rev, Code Ann. §§ 2953.31 et seq. (amended June 2012). Ohio judges may also issue a “certificate of qualification for employment” that removes automatic sanctions and allows consideration on the merits. Ohio Rev. Code Ann. § 2953.25.		Intervention in lieu of conviction available for certain non-serious first offenses; successful completion and abstinence results in not being treated as a conviction. Ohio Rev. Code Ann. §2951.041		Pardon may be basis for sealing record, but sealing is not automatic. <i>State v. Boykin</i> , 2013-Ohio-4582, 2013 Ohio LEXIS 2330 (Ohio, 2013).	Sealing of records for delinquency adjudications, except for murder or rape offenses, after 6 months from discharge. Ohio Rev. Code Ann. § 2151.356.	Sealing for records that did not lead to a conviction, or in which conviction was overturned. Ohio Rev. Code Ann. §§ 2953.52, 2953.55
<b>OK</b>			Deferred adjudication and probation leading to expungement (sealing) for misdemeanants and minor felony offenders. 22 Okla. Stat. Ann. § 991c. Misdemeanants also eligible one year after completion of deferred judgment, id. § 18(8). First drug offenders eligible for deferred sentencing and expungement under 63 Okla. Stat. Ann. § 2-410(A). Sealed record may be ordered “obliterated or destroyed” after an additional 10 years.	Misdemeanors expunged after 10 years if no charges pending and no prior felonies. 22 Okla. Stat. Ann. § 18(10)	Non-violent first offenders who have been pardoned (after 10 years) and those under age 18 at time of conviction who have been pardoned. 22 Okla. Stat. Ann. §§ 18(6), 18(11).	Expungement eligibility upon reaching age 21 and no subsequent criminal behavior. Okla. Stat. tit. 10A, § 2-6-109(A)	Expungement (sealing) of records of acquittals, reversals, innocence, or where charges never filed under 22 Okla. Stat. Ann. § 18(1)-(5). Expungement for cases in which charges dismissed under 22 Okla. Stat. Ann. § 18(7), if no prior felonies and time has expired for recharging.

Chart # 4 - Judicial Expungement, Sealing, and Set-aside

<p><b>OR</b></p>	<p>Less serious non-violent offenses may be “set aside” after waiting period of 1 to 20 years, no other conviction in past 10 years (or ever, if setting aside Class B felony), or arrest within 3 yrs. Order must issue unless court finds it would not be “in the best interests of justice.” May deny conviction, but counts as predicate. Or. Rev. Stat. § 137.225.</p>					<p>Expungement and sealing eligibility upon reaching majority. Or. Rev. Stat. § 419A.262(2). Expungement after a five-year waiting period with no subsequent felony or Class A misdemeanor convictions. <i>Id.</i> § 419A.262(2)(a)-(e).</p>	<p>One year from the date of any arrest, if no accusatory instrument was filed, or at any time after an acquittal or a dismissal of the charge, the arrested person may apply to the court for entry of an order setting aside the record of such arrest. Or. Rev. Stat. § 137.225(1)(b).</p>
<p><b>PA</b></p>	<p>Expungement available for “summary” offenses after 5 yrs; also for underage drinking, and for those over 70 if no arrests for 10 yrs, and 3 yrs after death. 18 Pa. Cons. Stat. § 9122; 234 Pa. Code chs. 4, 7.</p>		<p>Expungement for probation without verdict (ARD) for non-violent first time drug offenses. 35 Pa. Cons. Stat. §§ 780-117, 780-119.</p>		<p>Pardon basis for judicial expungement. <i>Commonwealth v. C.S.</i>, 534 A.2d 1053 (Pa. 1987).</p>	<p>Upon reaching majority, expungement with complete destruction of records available after a five-year waiting period for delinquency adjudications. 18 Pa. Cons. Stat. Ann. § 9123.</p>	<p>Expungement available for non-conviction records where no disposition indicated after 18 months or by court order (includes pre-plea diversion cases after successful completion of probation). 18 Pa. Cons. Stat. § 9122. Constitutional right to seek judicial expungement of an arrest record, based on balancing test. <i>Comm. v. Armstrong</i>, 434 A.2d 1205 (Pa. 1981). Partial expungement of charges nol prossed also available. <i>Comm. v. Hanna</i>, 964 A.2d 923 (Pa. Super. 2009)</p>

Chart # 4 - Judicial Expungement, Sealing, and Set-aside

State	All Or Most Offenses	First Offenders	Probationary Sentences (incl. Deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-conviction records
<b>PR</b>	Broad expungement authority for all offenses, including violent felonies, after waiting period of six months to 5 years (felony offenders also must provide DNA sample), if applicant demonstrates “good moral reputation in the community.” P.R. Laws Ann. tit. 34, §§ 1725a-1 et seq.		Certificate of rehabilitation available to persons who have not completed prison term if deemed totally rehabilitated, psychological recommendation required, court orders conviction not be included in criminal record certificate but may be used for recidivism purposes. P.R. Laws Ann. tit. 4, § 1611 et seq.				Revoked verdicts may be expunged. P.R. Laws. Tit. 34, § 1725b
<b>RI</b>		Nonviolent first offenders only, after 5-10 yrs. Allows denial except for certain jobs and licenses. Predicate offense. R.I. Gen. Laws §§ 12-1.3-1 et seq.	Deferred sentencing cases may be sealed after successful completion of five (5) year probation period, if no prior felony convictions. R.I. Gen. Laws §§ 12-19-19(c), 12-1-12.1. “Filing” complaints must be sealed upon successful completion of one-year probation, three years for domestic violence cases. R.I. Gen. Laws § 12-10-12.			Automatic sealing, with limited exceptions, upon final disposition of juvenile case. R.I. Gen. Laws §§ 14-1-6.1, 14-1-64(b). Juvenile adjudication can be used for sentencing purposes in adult court and does constitute a conviction for impeachment purposes.	Court sealing of records of persons acquitted or otherwise exonerated (including charges dismissed pursuant to deferred sentencing) if no prior felony convictions. R.I. Gen. Laws § 12-1-12.1.
<b>SC</b>		Expungement for first offense fraudulent check, alcohol education program, and failure to stop for law enforcement signal offenses. S.C. Code Ann. §§ 34-11-90(e), 17-22-530(A), 56-5-750(F).	Deferred adjudication for first-time minor drug offenders, no conviction results and expunged. S.C. Code Ann. § 44-53-450. Non-violent first offenders eligible for pretrial intervention, non-criminal disposition, and expungement. S.C. Code Ann. §§ 17-22-10 et seq. No predicate effect. Expungement of records if under 25, non-violent felony, and first offense. S.C. Code Ann. § 22-5-920(B).	First offense misdemeanors (ex. traffic offenses) may be expunged if no other conviction within 3 years (5 years for domestic violence cases). S.C. Code Ann. § 22-5-910(A)		Expungement available upon majority for status and nonviolent offenses, with certain exceptions for serious crimes and repeat offenders. S.C. Code Ann. § 63-19-2050(A).	If charges dismissed or person found not guilty, all records must be destroyed and “no evidence of such record pertaining to such charge shall be retained by any municipal, county or State law enforcement agency.” S.C. Code Ann. § 17-1-40(A)

Chart # 4 - Judicial Expungement, Sealing, and Set-aside

<b>SD</b>			Deferred adjudication for first felony offenders, except for serious offenders; results in no conviction, records sealed. S.D. Codified Laws §§ 23A-27-14 – 23A-27-17.	Records of misdemeanor offenses may be destroyed after 10 years (incl. records for offenders over age 75). S.D. Codified Laws § 23-6-8.1.	Pardon seals record automatically where statutory process followed. S.D. Codified Laws § 24-14-11	Sealing upon petition after a waiting period and finding of no subsequent convictions and rehabilitation. S.D. Codified Laws § 26-7A-115.	Records sealed where no adjudication of guilt, including deferred adjudication. S.D. Codified Laws §§ 23A-27-14 – 23A-27-17.
<b>TN</b>	Effective July 2012, certain less serious non-violent offenses eligible for expungement if not convicted of another offense and 5 yrs elapsed since completion of sentence; may deny conviction; remain available to law enforcement. Tenn. Code Ann. § 40-32-101.		Deferred adjudication for first offenders, results in no conviction, no predicate effect (except subsequent related civil actions), records expunged. Tenn. Code Ann. § 40-35-313. Misdemeanants and Class D felons who successfully complete probation eligible for expungement under Tenn. Code Ann. § 40-15-102 – 40-15-106.		Effective May 2013, a pardon is grounds for expungement and thus restoration of firearms privileges. <i>See</i> Tenn. Code Ann. § 40-29-105(h).	Expungement upon majority or after a one-year waiting period if certain criteria are met. Tenn. Code Ann. § 37-153(f).	Court may order “destruction” of records in case of acquittal, or where charges dismissed. Tenn. Code Ann. § 40-32-101(a). Conviction records may be redacted to expunge charges not resulting in conviction. <i>See State v. L. W.</i> , 350 S.W.3d 911 (2011)
<b>TX</b>			Deferred adjudication available (certain offenses, such as sex and violent offenses, excluded), results in dismissal of charges and no conviction; may result in sealing for most offenses, after 5-year waiting period for felony offenses. Tex. Gov’t Code § 411.081(d); Tex. Code Crim. Proc. art. 42.12.		Pardon basis for judicial expungement. Tex. Code Crim. Proc. Ann. art. 55.01(a).	Automatic restriction to access of records when offender reaches age 21 if no convictions after age 17. Tex. Fam. Code Ann. § 58.204. Traditional sealing upon petition after a two-year waiting period for misdemeanors, with stricter requirements for sealing of felonies. <i>Id.</i> § 58.003.	“Expunction” of all records may be ordered in cases where an arrest does not result in a conviction, except that only Class C misdemeanants eligible in case of deferred adjudication. Tex. Code Crim. Proc. Ann. art. 55.01(a), art. 55.01(2)(B).



Chart # 4 - Judicial Expungement, Sealing, and Set-aside

State	All Or Most Offenses	First Offenders	Probationary Sentences (incl. Deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-conviction records
UT	Most offenses may be “expunged” after 3-7 yr waiting period. Order must issue unless court finds it would be “contrary to public interest.” May deny conviction. Predicate offense. Utah Code Ann. §§ 77-40-101 et seq.				Pardon entitles person to expungement. Utah Code Ann. § 77-40-105(5).	Expungement after a one-year waiting period upon reaching majority and filing a petition with the court if no adult criminal record. Utah Code Ann. §§ 78A-6-1105(1)(a)(i)–(ii), (e).	Person arrested may petition for expungement if acquitted or charges dismissed 30 days after arrest took place. Class C misdemeanors where adjudication deferred may also qualify. Utah Code Ann. § 77-40-104.
VT	Misdemeanors and two minor felonies eligible for expungement after 10 yrs with no further conviction, or sealing if “better serves the interest of justice.” Either available after 20 yrs if no misdemeanor conviction within past 15 yrs. Vt. Stat. Ann. tit. 13, §§ 7601 et seq. Effective 2016, courts may relieve collateral sanctions at and after sentencing for all but the most serious offenders. 13 V.S.A. § 8001 et seq.		Deferred sentencing and diversion may result in expungement of record, may deny conviction. No predicate effect. Vt. Stat. Ann. tit. 13, § 7041. Sealing available under first offender diversion program 2 years after completion of program. Vt. Stat. Ann. tit. 3, § 164.			Records sealed 2 yrs after discharge unless additional charges pending & rehabilitation not attained. Vt. Stat. Ann. tit. 33, § 5119(a)	Expungement or sealing of non-conviction records if charges not brought or dismissed before trial. Vt. Stat. Ann. tit. 13, § 7603.
VI			Deferred adjudication and expungement available for non-violent first offenders, and for first time drug possession offenses committed under age 21. V.I. Code Ann. tit. 19, § 607(b)(1); tit. 5, § 3711(c). Probation and expungement of any offense after 5 yr waiting period if under age 21 when offense committed. V.I. Code Ann. tit. 5, § 3712.	Expungement of misdemeanor convictions upon petition to court. V.I. Code Ann. tit. 5, § 3734.		V.I. Code Ann. tit. 5, § 3712 (probation and expungement for first offenders after 5-year waiting period if under 21 when offense committed. V.I. Code Ann. tit. 19, § 607(b)(1) (deferred adjudication and expungement for time drug possession committed under age 21).	Records of arrest that do not result in conviction “must be expunged” where case dismissed, acquittal, nolle prossed. Non-conviction records may be dismissed in other cases. V.I. Code Ann. tit. 5, §§ 3732-3733.

Chart # 4 - Judicial Expungement, Sealing, and Set-aside

VA			Deferred Adjudication for certain first time drug offenders, but no expungement. Va. Code Ann. § 18.2-251.		Absolute pardon (granted for innocence) entitles person to judicial expungement.	Automatic destruction of records annually if juvenile is at least age 19 and five years have passed since last hearing in any juvenile case, with several exceptions. Va. Code Ann. §§ 16.1-306(A)–307.	Non-conviction records may be expunged in case of acquittal or where charges nolle prossed or dismissed. Va. Code Ann. § 19.2-392.2.
WA	All but most serious offenses may be “vacated” after waiting period of 5 to 10 yrs; conviction erased, limited predicate effect. Wash. Rev. Code § 9.94A.640. “Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed.” <i>Id.</i>		After conviction of “any crime,” court may suspend or defer sentence, and place defendant on probation; may petition to have record vacated and sealed after probation expired. § 9.94A.640. Wash. Rev. Code §§ 3.66.067, 9.95.200.	Most misdemeanors eligible to be vacated after 3-5 yr waiting period. Wash. Rev. Code § 9.96.060.	Pardon vacates conviction automatically, and seals record. Wash. Rev. Code § 9.94A.030 (11)(b).	Diversion records may be destroyed by court order or automatically in certain situations. Wash. Rev. Code § 13.50.050(3). Sealing available by court order for most offenses after a crime-free waiting period of two to five years depending on the seriousness of the offense. <i>Id.</i> § 13.50.050(11), (12).	Non-conviction records in criminal justice agency files may be sealed administratively two years after disposition favorable to defendant. Wash. Rev. Code § 10.97.060.
WV				Youthful (18-26) first misdemeanor convictions may be expunged after 1 year (violent, domestic violence, DUI, crimes against children excluded). W. Va. Code § 61-11-26.	Judicial expungement one year after pardon and at least 5 years after discharge of sentence (certain exceptions for violent crimes); may not be considered for licensing and teaching. W. Va. Code § 5-1-16a.	Automatic sealing after a one-year waiting period or reaching majority unless case is transferred to adult court. W. Va. Code § 49-5-18(a), (f).	Court may expunge records of acquittals, dismissals for first felony offenders only (no DMV expungements). W. Va. Code § 61-11-25.

Chart # 4 - Judicial Expungement, Sealing, and Set-aside

State	All Or Most Offenses	First Offenders	Probationary Sentences (incl. Deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-conviction records
<b>WI</b>			Deferred prosecution in domestic violence & some sex offense cases authorized by Wis. Stat. § 971.37; upon successful completion of deferral, charges dismissed and no conviction results.	Misdemeanor and minor felony convictions may be ordered expunged by the trial court at the time of sentencing if committed before age 25; law enforcement and prosecutor access. Wis. Stat. § 973.015.		Expungement upon petition after reaching age 17 and a finding that sentencing requirements have been completed and expungement will benefit offender without harming society. Wis. Stat. § 938.355(4m).	No provision for sealing or expunging non-conviction records.
<b>WY</b>	Certain felony convictions may be expunged 10 years after sentence expires if no other felony convictions, court must find applicant is not a danger. Wyo. Stat. Ann. § 7-13-1502. Complete destruction of records.		Deferred sentencing for first felony offenders and misdemeanants (certain serious crimes excluded); specifically prohibits expungement. Wyo. Stat. Ann. §§ 7-13-301 et seq.	Expungement of certain misdemeanors five years after completion of sentence if offense did not involve use of firearm. Wyo. Stat. Ann. § 7-13-1501		May apply for expungement after reaching majority and presenting evidence of rehabilitation and no subsequent offenses. Wyo. Stat. Ann. § 14-6-241(a).	Courts may expunge non-conviction records if no charges pending, 180 days after dismissal of proceedings. Wyo. Stat. Ann. § 7-13-1401. Records destroyed.
<b>FD</b>	Some federal courts assert inherent ancillary authority to expunge if arrest or conviction is invalid or subject of clerical error. <i>United States v. Sumner</i> , 226 F.3d 1005 (9 <sup>th</sup> Cir. 2000). Also DNA expunged if conviction overturned. 10 U.S.C. § 1565(e); 42 U.S.C. § 14132(d).		Deferred adjudication for first misdemeanor drug possession under 18 U.S.C. § 3607(a). See also id. at (c) (expungement available if under 21 years old at time of offense).				No provision for sealing or expunging non-conviction records.