



Clearing your criminal record through expungement can help you find a job and move on from a criminal charge

Expungement Guidebook

What is expungement?

In Kentucky, when you are charged with a crime or convicted of a crime, that information stays on your criminal record. Expungement is the legal process of completely removing an arrest, charge, or conviction from your record.

Why should I get an expungement?

If you get an expungement, all records relating to the charge or conviction are deleted. It means that you can answer “NO” when asked on an application if you have been convicted of a crime. This can help you find a job or a place to live.

How do I know if I’m eligible to get an expungement?

Only certain things can be removed from your record in Kentucky. You may be eligible if:

- You have misdemeanor or Class D felony convictions
- You were acquitted or charges against you were dismissed
- You received a pardon from the governor

Before seeking an expungement, figure out if you are eligible under Kentucky law by using the following flowcharts.

You may need to look at a copy of your criminal record. You can get one online here for \$20: <http://courts.ky.gov/aoc/criminalrecordreports/Pages/default.aspx>

**Clean Slate Kentucky is a free public service that provides information and training.
We aim to make expungement more accessible to all Kentuckians.**

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Use this chart if you were convicted of misdemeanors.

Are there any criminal charges currently pending against you?

YES → You are not eligible for expungement.

NO →

Have you been convicted of any misdemeanors or felonies in the past five years?

YES → You must wait five years to expunge.

NO →

Have five years passed since the completion of your sentence (including payment of fines and probation)?

NO → You must wait five years to expunge.

YES →

Was your conviction for a sex offense or an offense against a child?

YES → You may be eligible. Contact an attorney.

NO →

Was your offense subject to enhancement for a second or subsequent offense?

YES → You may be eligible. Contact an attorney.

NO → You are eligible for expungement.

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Use this chart if you were convicted of Class D felonies.

Does your Class D felony appear on the “eligible felonies” list?

NO → You are not eligible for expungement.

YES →

Are there any criminal charges currently pending against you?

YES → You are not eligible for expungement.

NO →

Have five years passed since the completion of your sentence (including payment of fines and probation)?

NO → You must wait five years to expunge.

YES →

Have you been convicted of any misdemeanors or felonies in the past five years?

YES → You must wait five years to expunge.

NO →

Have you ever expunged a Class D felony from your record before?

YES → You are not eligible for expungement.

NO → You are eligible for expungement.

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I think I'm eligible!

How do I get an expungement?

First, get a Certificate of Eligibility.

- You must have a Certificate of Eligibility to request an expungement. This costs \$40, and you can get it online here: courts.ky.gov/expungement
 - You can also order your certificate by mail. Send the **Certification Form** with a \$40 money order to: Records Unit / Administrative Office of the Courts / 1001 Vandalay Drive / Frankfort, KY 40601
- You will receive your certification packet **within 60 days**. It will confirm whether you are eligible to expunge your record.
 - If the packet says that you are not eligible, its always possible there was a mistake. You may still file for expungement if you'd like, but you should consult with an attorney.

Next, file your packet and expungement request form with the court.

- Once you receive your certification packet, you or your attorney have **30 days to file** your documents with the court. After that time, your certification packet will expire.
- You must file in the county where the conviction took place. Find location information here: courts.ky.gov/courts/clerks
- For an acquittal or dismissal, file the **Acquittal/Dismissal Expungement Form** and attach your certification packet.
 - There is no fee to expunge an acquittal or dismissal.
- For a misdemeanor conviction, file the **Misdemeanor Conviction Expungement Form** and attach your certification packet.
 - Expunging a misdemeanor conviction costs \$100 per case. If your expungement is not granted, you will be refunded \$50. A judge may schedule a hearing. If so, it will be within one month of filing.
- For a Class D felony conviction, file the **Application to Vacate Felony Conviction Form** and attach your certification packet.
 - Expunging a Class D felony costs \$500 per case. If your expungement is not granted, you will be refunded \$450. It may take up to four months for the judge to make a decision.
 - If you can't afford the fees, you can contact legal aid or a public defender.

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Frequently Asked Questions

Don't my charges automatically fall off my record after 5 or 10 years?

No. Even very old convictions are never removed from your record unless you go through the expungement process.

Can I expunge an acquittal or dismissal?

If you were found not guilty or charges against you were dismissed with prejudice, you will be eligible to expunge those charges 60 days later. If you went to a grand jury and were not indicted, you will be eligible to expunge those charges 12 months later.

If I expunge my felony, will I be able to vote?

Your voting rights will be restored as long as you have no other felonies remaining on your record. You can register to vote here: <https://vrsws.sos.ky.gov/ovrweb/>

I got a pardon from the governor. Does that mean my record is clear?

No. After receiving a pardon, convictions will remain on your record, and you still must acknowledge them. You may apply to expunge your pardoned convictions to completely remove them from your record.

Can I expunge a federal conviction?

Currently, there is no procedure for expunging federal convictions. Some legislators are working to pass a law, the REDEEM Act, which would create a federal expungement process.

Can I expunge more than one misdemeanor conviction?

Yes. Also, you are not blocked from receiving misdemeanor expungement multiple times in your lifetime.

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What if I have convictions in different counties?

If you have convictions in different counties, you will need to file separately in each county. You can use the same Certificate of Eligibility for each, but will need to file a new expungement form in each county, as well as paying the expungement fee in each county.

What if I want to expunge both a Class D felony and a misdemeanor?

You may use the same Certificate of Eligibility for both your felony and misdemeanor, but you must file two different forms and pay both the misdemeanor and felony expungement fees. However, if the convictions are part of the same case/arose from the same incident, you can expunge them at the same time without paying separate fees.

Can I expunge more than one Class D felony conviction?

You may only expunge more than one felony conviction if they are part of the same case/arose from the same incident. You may not expunge felonies from different cases. Also, you may only receive Class D felony expungement once in your lifetime.

How could an expungement affect my immigration status?

If you are not a United States citizen, speak with an immigration attorney before filing for expungement. Expungement of your criminal case may be harmful to any current or future immigration action.

Do I need an attorney?

You may file for expungement on your own, without an attorney. However, the law can be tricky! Clean Slate Kentucky has a list of resources – private attorneys and low income options – on our website.

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Class D Felonies eligible for expungement under HB40

Statute	Offense
218A.1415	Possession of controlled substance, 1st degree
530.050	Flagrant non support
516.060	Criminal possession of forged instrument, 2nd degree
514.030	Theft by unlawful taking
512.020	Criminal mischief, 1st degree
514.110	Receiving stolen property under \$10,000
511.040	Burglary, 3rd degree
524.100	Tampering with physical evidence
516.030	Forgery, 2nd degree
514.040	Theft by deception under \$10,000
514.160	Theft of identity
514.070	Theft by failure to make required disposition of property
218A.140	Prohibited acts relating to controlled substances
218A.140(1A)	Attempting to obtain a prescription for a controlled substance by fraud or forgery
218A.140(1B)	Making a false statement to procure a controlled substance
218A.140(1C)	Use of false name or address to procure a controlled substance
218A.140(1D)	Making a false statement regarding a prescription
218A.140(2)	Possess, manufacture, sell, dispense, etc. a counterfeit substance
218A.140(3)	Obtain a prescription without having formed a practitioner-patient relationship
218A.284	Criminal possession of a forged prescription
186.990	Theft of motor vehicle plates/decal
514.140	Theft of mail matter
218A.1418	Theft of controlled substance
218A.282	Forgery of a prescription for a controlled substance, 1st offense
218A.286	Theft, criminal possession, or trafficking of a prescription for controlled substance
514.060	Theft of services
217.181	Theft of a legend drug
514.150	Possession of stolen mail matter
218A.1423	Cultivation of marijuana
218A.1416	Possession of controlled substance in 2nd degree *ENH*
514.050	Theft of property lost, mislaid, or delivered by mistake
218A.1417	Possession of controlled substance in 3rd degree *ENH*
516.090	Possession of a forgery device
217.208	Forgery of a prescription for a legend drug, 1st offense
530.010	Bigamy
514.080	Theft by extortion
514.100	Unauthorized use of automobile or other propelled vehicle

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Class D Felonies eligible for expungement under HB40

17.175	Unauthorized use/dissemination/receipt of DNA info
217.207	Theft, criminal possession, or trafficking of a prescription for legend drug
218A.1439	Trafficking in or transferring a dietary supplement
528.020	Promoting gambling Unlawful sale/shipment of alcoholic beverages by out-of-state seller to a KY consumer
244.165	
365.241	Counterfeiting intellectual property
434.155	Filing illegal lien
434.675	Use of scanning device or reencoder to obtain payment card information
434.872	Disclosure of information from financial information repository
514.065	Possession, use, or transfer of device for theft of telecommunication services
516.108	Criminal simulation in the first degree
525.113	Institutional vandalism
194A.505	False statement or misrepresentation to receive benefits under \$100 False statement or misrepresentation to receive benefits under \$100 (repealed in 2005)
194B.505	
218A.320	Criminal possession of a medical record
218A.322	Theft of a medical record
218A.324	Criminal falsification of a medical record
286.11-057	False Statement/Certification in money transmission record
304.47-025	Felony offense involving dishonesty or breach of trust -- Fraudulent Insurance Act
324.990	Engaging in real estate brokerage without license
434.850	Unlawful access to a computer in the second degree
514.090	Theft of labor
514.120	Obscuring identity of machine or other property
517.120	Operating a sham or front company
518.040	Sports bribery
522.040	Misuse of confidential information
526.020	Eavesdropping
526.030	Installing eavesdropping device
528.040	Conspiracy to promote gambling
528.050	Possession of gambling records in the first degree