



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

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

No. Nothing is removed from your record without getting an expungement.

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

**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.

You can apply to expunge an unlimited number of misdemeanors, even if they were in different cases or counties.

Are there any criminal charges currently pending against you?

**YES → You are not currently eligible.**

**NO → NEXT QUESTION**

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

**YES → You are not yet eligible.**

**NO → NEXT QUESTION**

You cannot have any misdemeanor or felony convictions on your record for the five years before you apply for expungement.

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

**NO → You are not yet eligible.**

**YES →**

You must wait five years after you complete your sentence, pay any fines/fees, or complete probation - whichever was later.

Do you have a conviction for a sex offense or an offense against a child?

**YES → You are not eligible to expunge that misdemeanor.**

**NO → NEXT QUESTION**

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.**

## Use this chart if you were convicted of Class D Felony (Class A, B, & C Felonies are not Eligible)

Are there any criminal charges currently pending against you?

**YES → You are not currently eligible.**

**NO → NEXT QUESTION**

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

**YES → You are not yet eligible.**

**NO → NEXT QUESTION**

You cannot have any misdemeanor or felony convictions on your record for the five years before you apply for expungement.

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

**NO → You are not yet eligible.**

**YES → NEXT QUESTION**

You must wait five years after you complete your sentence, pay any fines/fees, or complete probation - whichever was later.

**Is the Class-D felony listed on pages 4-5 of this pamphlet?**

**YES  ~~Y~~ ~~X~~ ~~D~~ ~~U~~ ~~H~~ ~~O~~ ~~N~~ ~~H~~ ~~O~~ ~~H~~ ~~O~~ ~~E~~ ~~O~~ ~~H~~ ~~I~~ ~~U~~ ~~H~~ ~~S~~ ~~X~~ ~~Q~~ ~~H~~ ~~P~~ ~~H~~ ~~I~~ ~~Q~~ ~~W~~**

**NO  NEXT QUESTION**

**Is the Class D felony a conviction for abuse of a public office, a sex offense, an offense against a child, or an offense that resulted in serious bodily injury or death?**

**YES  You are not eligible to expunge that felony.**

**NO → You may be eligible, contact an attorney.**

### Speak to an Attorney If:

- If you are seeking expungement of multiple Class-D felonies and your felonies are a "single incident" or "series of felonies."
- You already received a Class-D expungement prior to July 2019 and are seeking expungement of a second Class-D felony.

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# Class D Felonies eligible for expungement under HB40

<b>Statute</b>	<b>Offense</b>
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/decals
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	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	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

**2019 UPDATE:** 218A.500 Possession of Drug Paraphernalia, 2nd or subsequent offense

## Use this chart if you were convicted of a misdemeanor or felony as a juvenile

You can expunge more than one felony conviction only if they are part of the same case or arose from the same incident.

Was your conviction in juvenile court (not transferred to adult court)?

**YES → See the adult felony chart.**

**NO →**

Are there any criminal charges currently pending against you?

**YES → You are not currently eligible.**

**NO →**

Have two years passed since the date of termination of the court's jurisdiction or two years since release from DJJ or CHFS.

**NO → You are not currently eligible.**

**YES →**

You must wait two years from when the court loses jurisdiction or release from DJJ/CHFS. There is an exception for extraordinary circumstances. Speak to a lawyer to see if you qualify.

Is the offense a sex offense or a violent offense?

**YES → You are not eligible.**

**NO →**

Are you seeking expungement of a misdemeanor or violation?

**YES → You are eligible for expungement.**

**NO →**

Are you seeking felony expungement and you have not received felony expungement previously?

**YES → You are eligible for expungement.**

**NO → You are not eligible.**

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# I think I'm eligible!

## How do I get an expungement?

### STEP 1: Get a Certificate of Eligibility.

- You must have a Certificate of Eligibility to request an expungement for any conviction. **You DO NOT need a Certificate of Eligibility for expungement of a dismissed charge.** The certificate costs \$40, and you can get it online here: [courts.ky.gov/expungement](https://courts.ky.gov/expungement)
  - You can also request your certificate by mail. Send the **Certification Form** with a \$40 money order to: Records Unit / Administrative Office of the Courts / 1001 Vandelay Drive / Frankfort, KY 40601
- Your packet 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. We recommend speaking to an attorney.

### STEP 2: File your packet and expungement request form with the court.

- Once you receive your certification packet, you 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](https://courts.ky.gov/courts/clerks)
- For an acquittal or dismissal, file the **Acquittal/Dismissal Expungement Form** along with your certification packet.
  - There is no fee to expunge an acquittal or dismissal.
- For a misdemeanor conviction, file the **Misdemeanor Conviction Expungement Form** along with 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 \$50 at the time of filing and another \$250 if expungement is granted.
  - **If you are granted expungement but cannot pay the cost in full, the charge will be vacated but NOT EXPUNGED. Once paid in full, the charge will be fully expunged.**

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# Frequently Asked Questions

## 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 the charge was dismissed without prejudice, you are eligible for expungement after 5 years. 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. Register 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.

## What if I have convictions in different counties?

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

## 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! We recommend speaking with an attorney from the Department of Public Advocacy or other agencies or attorneys who provide information on expungement.

**If you are seeking expungement of a Class D felony that does not appear on the list on pages 4-5, or if you are seeking expungement of multiple Class-D felonies, it is important to speak to an attorney.**

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