



Clearing your criminal record through expungement can help you find a job, access housing and educational support, 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, convictions are never automatically expunged. Only acquittals and dismissals with prejudice which occur after July 2020 will be automatically expunged.

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 offered by the Kentucky Department of Public Advocacy which provides information and training.

dpa.ky.gov/home-2/clients/expungement/

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Use this chart if you were convicted of a misdemeanor.

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 for expungement.**

NO → go to NEXT QUESTION

You cannot have any pending charges against you at the time that you apply for expungement.

Were you convicted of a misdemeanor or felony in the past five years?

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

NO → go to NEXT QUESTION

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

Has five years passed since the completion of your sentence, including payment of fines and probation?

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

YES → go to NEXT QUESTION

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

Is the conviction for a sexual offense or an offense against a child?

YES → You are not eligible, consult with an attorney to confirm.

NO → go to NEXT QUESTION

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

YES → **You may be eligible, speak with an attorney**

NO → **You are eligible for expungement**

At the completion of the enhancement period, if other conditions are met you will be eligible for expungement.

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Use this chart if you were convicted of a Class D Felony.

Class C, B, A and Capital Offenses are not eligible for expungement.

Are there any criminal charges currently pending against you?

YES → You are not currently eligible for expungement.

NO → go to NEXT QUESTION

Were you convicted of a misdemeanor or felony in the past five years?

YES → You are not currently eligible for expungement.

NO → go to NEXT QUESTION

Has five years passed since the completion of your sentence, including payment of fines and probation?

NO → You are not currently eligible.

YES → go to NEXT QUESTION

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

YES → You are eligible for expungement.

NO → go to NEXT QUESTION

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

YES → You are not eligible for expungement.

NO → You are eligible for expungement, speak with an attorney.

Speak to an Attorney if you are seeking expungement of a more than one felony. The law changed to expand expungement to multiple felonies, but these expungements will be subject to a higher standard with the court and will likely require a hearing with the judge. It may be best to consult a legal expert.

Class D Felonies presumptively eligible for expungement.

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

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Class D Felonies presumptively eligible for expungement.

Statute

Offense

514.100	Unauthorized use of automobile or other propelled vehicle
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
244.165	Unlawful sale/shipment of alcoholic beverages by out-of-state seller
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 194B.505 2005)
218A.320	Criminal possession of a medical record
218A.322	Theft of a medical record
218A.324	Criminal falsification of a medical record
218A.500	Possession of Drug Paraphernalia, 2 nd or subsequent offense
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

Speak to an Attorney if you are seeking expungement of multiple Class-D felonies and your felonies are a "single incident" or "series of felonies" OR received a felony expungement prior to July 2019 and are seeking expungement.

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Use this chart if you were convicted as a child.

Was your juvenile conviction transferred to adult court?

YES → See the felony expungement chart for eligibility.

NO → go to NEXT QUESTION

Are there any criminal charges currently pending against you?

YES → You are not currently eligible for expungement.

NO → go to NEXT QUESTION

Has two years passed since release from DJJ or CHFS?

NO → You are not currently eligible.

YES → go to NEXT QUESTION

Is the conviction for a sex offense or violent offense?

YES → You are not currently eligible for expungement.

NO → go to NEXT QUESTION

Are you seeking expungement of a misdemeanor or violation?

NO → You are eligible for expungement.

YES → go to NEXT QUESTION for felony expungement.

Are you seeking expungement of more than one felony conviction?

NO → Review the felony expungement chart for eligibility

YES → Please speak with an attorney, the law recently changed

Acquittal, Dismissal & Failure to Indict.

- **A certificate of eligibility is NOT required.**
- **Acquittal or Dismissal with Prejudice:** automatic expungement after July 2020, meaning no action required but you may file if expungement is not automatically granted. After 60-days from dismissal/acquittal, file the Acquittal Form in the court of acquittal/dismissal. There is no fee.
- **Dismissal without Prejudice:**
 - **Misdemeanor:** Eligible for expungement after **1-year**. There is no filing fee. File the Dismissal Form in the court of dismissal.
 - **Felony:** Eligible for expungement after **3-years**. There is no filing fee. File the Dismissal Form in the court of dismissal.
- **Failure to Indict:** If you are charged with a felony in district court and after **6-months** you have not been indicted, you may file for expungement. There is no filing fee. File the “Failure to Indict” Form in the court you were charged.

I think I’m eligible!

How do I get an expungement?

STEP 1: Get a Certificate of Eligibility (only needed for expungement of a conviction)

- You must have a Certificate of Eligibility to request an expungement for any conviction.
- A certificate of eligibility costs \$40 and can be ordered online or by mail.
 - Online: <https://kycourts.gov/AOC/Information-and-Technology/Pages/Expungement.aspx>
 - Mail: sending the “certification form” and a \$40 money order to:
Records Unit / Administrative Office of the
Courts / 1001 Vandalay Drive / Frankfort, KY 40601
- Your packet will confirm whether you are eligible to expunge your record. If the packet says you are not eligible, there could be a mistake. You can always file as the Court ultimately decides eligibility. We suggest you speak with 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.
- Misdemeanor: file the misdemeanor conviction expungement form, with certification packet, and a filing fee of \$100 per case (\$50 refunded if not granted). A judge may schedule a hearing. If so, it will be within 1-month of filing.
- Class D Felony: file felony conviction expungement form, with certification packet, and a filing fee of \$50. If the judge scheduled a hearing, it will be within 1-month of filing.
 - If granted, for the expungement to become final you must pay an additional \$250. Remember that you can ask the court to waive fees if the seeking party is indigent.
 - Payment plans are available but the expungement is not final until paid in full.

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Frequently Asked Questions

Can I expunge an acquittal or dismissal?

Yes. For details on how to apply for expungement and when you are eligible, please see the paragraph at the top of page 7.

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. Persons who were convicted of non-violent felonies and have completed their sentence may be entitled to automatic restoration of voting rights under Governor's Order 2019-003. More information at <https://civilrightsrestoration.ky.gov/Pages/home.aspx>. With both restoration of rights and expunged felonies, you must register to vote: <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. Expungement is available for all categories of misdemeanors and felonies.

Can I expunge a federal conviction?

Currently, there is no procedure for expunging federal convictions.

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.

Can fees associated with expungement be waived?

Expungement fees can be waived for indigent persons, but it is up to the judge. You can ask the judge to waive all filing fees required for expungement by filing a motion to proceed in forma pauperis and file it with the court. You can request the needed forms from the clerks office. If possible, speak to an attorney before asking the court to waive fees.

If you are seeking expungement of a Class D felony that does not appear on the list on pages 4-5 of this pamphlet or if you are seeking expungement of multiple Class-D felonies, please speak to an attorney. The judge may require you to appear in court for a hearing where you answer questions and present evidence to support your request for expungement.