

CLEAN SLATE
KENTUCKY



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.

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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 →

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

You cannot have any misdemeanor or

YES → You are not yet eligible. felony convictions on your record for the five years

before you apply for

NO →

expungement.

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

You must wait five years after you

NO → You are not yet eligible. complete your sentence, pay any fines/fees, or

complete probation - whichever

YES →

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 →

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 (Class A, B, and C felonies are not eligible).

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

Does your Class D felony appear on the eligible felonies list (pages 6-7)?

NO → You are not eligible.

YES →

Are there any criminal charges currently pending against you?

YES → You are not currently eligible.

NO →

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

five years?

You cannot have any misdemeanor or

YES → You are not yet eligible. felony convictions on your record for the five years

before you apply for

NO → expungement.

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

NO → You are not yet eligible.

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

YES →

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

YES → You are not eligible.

NO → You are eligible for expungement.

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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. This costs \$40, and you can get it online here: 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 if you'd like, but you may want to consult with an attorney first.

STEP 2: 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** 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 \$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 these fees, use this link to find free/low-cost legal help:
www.CleanSlateKentucky.com/get-help.html

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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 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! Clean Slate Kentucky has a list of resources – private attorneys and low income options – on our website.



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 consumer

365.241 Counterfeiting intellectual property

434.155 Filing illegal lien

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