



Office of the District Attorney
Eighteenth Judicial District of Kansas
at the Sedgwick County Courthouse
535 North Main
Wichita, Kansas 67203

Nola Foulston
District Attorney

316-660-3600
1-800-432-6878

Kansas statutes allow any person convicted or granted diversion in this state of a traffic infraction, tobacco infraction, misdemeanor, severity level 6-10 non-drug crimes, and severity level 4 drug crimes, to petition the court for expungement if more than three (3) years have elapsed since the person satisfied the sentence imposed or was discharged from probation, parole, or post-release supervision. [K.S.A. 21-4619 (a) (2)]

Five or more years must have elapsed since the person satisfied the sentence imposed, terms of diversion, or was discharged from probation, parole, or post release supervision if the person was convicted of a class A, B, C Felony, off-grid felony or severity level 1 through 5 non-drug felony, severity level 1 through 3 drug felony, vehicular homicide, driving while the cancelled, suspended or revoked, perjury, applying for a title of a motor vehicle under a false name or address, any crime punishable as a felony, wherein a motor vehicle was used, failing to stop at the scene of an accident, or failing to have motor vehicle insurance. [K.S.A. 21-4619 (b)]

There are certain convictions that cannot be expunged. They are the following offenses: rape, indecent liberties with a child, aggravated indecent liberties with a child, aggravated criminal sodomy, criminal sodomy, indecent solicitation of a child, aggravated indecent solicitation of a child, sexual exploitation of a child, aggravated incest, endangering a child, abuse of a child, capital murder, murder in the first degree, murder in the second degree, voluntary manslaughter, involuntary manslaughter, and involuntary manslaughter while driving under the influence, sexual battery when the victim was less than 18 years of age, aggravated sexual battery, DUI, driving a commercial vehicle while DUI, offenses comparable to those just described that were in effect prior to the effective date of KSA 21-4619. [K.S.A. 21-4619 (c)]

The following documents are to be used as a guideline in preparing the expungement pleadings. The guideline forms include a petition, an affidavit and an order of expungement. You must re-type the petition, affidavit and the order in their entirety, not just fill in the blanks. You can fill out the personal information sheet online and print it to be submitted with your expungement packet. In completing the documents, please provide the requested information in the order listed. Your name must appear as it was written on the original criminal charge. A separate petition, affidavit and order must be completed for each case you want to have expunged.

When you have retyped the forms and completed the personal information sheet, please send them to the Office of the District Attorney at the above address. Once the required records check has been completed and an attorney has reviewed the file, a decision will be made as to eligibility for expungement. If we agree to the expungement, the attorney will sign the Order and return it to you for further handling. At that time, you will need to obtain a judge's signature and then file the petition, affidavit and order with the Clerk of Criminal Court. Please note that the judge's signature must be on the order before it can be filed with the clerk. The clerk's office will advise you regarding how many copies of each document they require.

If this office decides to object to the expungement, you will be so notified and the documents you submitted will be returned to you. You can then decide whether you wish to file the petition, schedule a hearing on the petition, and present your request to the Court.

Please feel free to contact our office if you have any questions.



Personal Information Report for Expungment Applicants
Office of the District Attorney ~ 18th Judicial District of Kansas

Note: all questions must be completed. If not applicable, put N/A in the box

1. First Name	2. Middle Name	3. Last Name
4. Maiden Name or Other Name Used	5. Date of Birth	6. Race/Sex
7. Social Security Number	8. Drivers License Number	9. State of Issuance
10. Present Street Address	11. City	12. State and Zip

13. Who do you live with?	14. Full Name and Address	15. Relationship

16. How long have you lived at this address?	
17. Do you stay at other addresses?	

18. List all addresses where you have lived or stayed since your convictions/arrests
If your conviction/arrest was more than 10 years ago, you need only list addresses for the last 10 years.

Street Address	City , State and Zip Code	How long did you live there?

19. Have you had any law enforcement contact since your conviction on this case?	YES	NO

20. If yes, please list each occurrence, date of occurrence and the circumstances of the contact
Attach additional sheets of paper if necessary.

Law Enforcement Contact and Date	Nature of Contact

21. . List the names and addresses of your children or other minor dependents

Name	Address	Age	Relationship

22. Educational and Vocational Training (include high school or highest grade completed , GED if not high school graduate, as well as education beyond high school).

23. Present Employment

Employer	Telephone Number	Address
Date of Employment	Start Date	Ending Date
Occupation	Present Salary	

24. . Employment History (list employment for the past ten years. Begin with last employer. If you need more space, use blank sheet of paper.)

1. Employer	Address	Dates of Employment
Reason for leaving:		
2. Employer	Address	Dates of Employment
Reason for leaving:		
3. Employer	Address	Dates of Employment
Reason for leaving:		
4. Employer	Address	Dates of Employment
Reason for leaving:		

I swear/or affirm that the above and foregoing information in support of my application for expungment is true and correct to the best of my knowledge and belief.

Signature Date

**IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CRIMINAL DEPARTMENT**

THE STATE OF KANSAS,)	
Plaintiff,)	
)	
vs.)	Case No.
)	
_____)	
Defendant.)	
_____)	

PETITION FOR EXPUNGEMENT

COMES NOW the defendant in the above-captioned matter and petitions the Court for an Expungment of his criminal record pursuant to K.S.A. 21-4619. In support of this petition, defendant alleges and states:

1. That defendant, _____, is a _____ (race) _____ (sex), with a date of birth of XX/XX_____ (Only put in the four digits of the year you were born).

2. That defendant was arrested on _____ under the name of_____.

3. That on _____, defendant entered a plea of guilty before The Honorable _____, Judge of the District Court, to the following crime(s):

_____, Class __ _____, contrary to K.S.A. _____

_____, Class __ _____, contrary to K.S.A. _____

4. That defendant was [diverted][convicted] on _____ and [he][she] was discharged from [diversion][suspended sentence, probation, or

parole] on _____, which is more than [three] or [five] years prior to the filing of this petition.

5. [That defendant has not been arrested or convicted of any felony or misdemeanor since this case and no charges are presently pending or being instituted against this defendant].

OR

5. [That the defendant has not be arrested or convicted of any felony or misdemeanor since _____ on the charge of _____ and no charges are presently pending or being instituted against this defendant.]
6. The defendant's current circumstances and behavior warrant this expungment and this expungment is consistent with public welfare.

Attorney for Defendant or Pro Se

VERIFICATION

STATE OF KANSAS)
)
SEDGWICK COUNTY) ss:

_____, of lawful age, being first duly sworn upon his oath, states:

That I am the Petitioner in the above and foregoing action, that I have read the foregoing Petition for Expungment and that the statements contained therein are true and correct.

SUBSCRIBED AND SWORN to before me, a Notary Public, on this
___ day of _____, 20__.

Notary Public

My Commission Expires: _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Petition for Expungment was mailed, postage prepaid and properly addressed, this ___ day of _____, 20____, to Michelle D. Smith, Assistant District Attorney, Sedgwick County Courthouse, 535 North Main, Wichita, Kansas 67203.

Attorney for Defendant or Pro Se

**IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CRIMINAL DEPARTMENT**

THE STATE OF KANSAS,)	
)	
Plaintiff,)	
)	
vs.)	Case No.
)	
)	
_____)	
Defendant.)	
_____)	

AFFIDAVIT

STATE OF KANSAS)	
)	
) ss:	
COUNTY OF SEDGWICK)	

_____, of lawful age, being first duly sworn on
oath, alleges and states:

1. That he/she is the defendant in the above-captioned matter and is making this Affidavit in support of his/her Petition for Expungment.
2. That he/she is _____ years of age, having been born on XX/XX/19_____
(Only type the year.)
3. [That he/she has not been arrested, charged or convicted of any felony since his/her release from a [conviction][diversion][suspended sentence, parole or probation] on _____.]

OR

3. [That the defendant has not been arrested or convicted of any felony or misdemeanor since _____ on the charge of _____ and no charges are presently pending or being instituted against this defendant.]
4. That he/she is [unemployed] or [employed at _____], and has been since _____].
5. That he/she is [single] or [married] and the [father] [mother] of _____ children.
6. That [he] [she] is a good citizen and it would be in his/her best interest and in the interest of justice if this expungment would be granted.

FURTHER AFFIANT SAITH NOT.

Affiant

ACKNOWLEDGMENT

BE IT REMEMBERED, that on this _____ day of _____, 20 __, before me, a Notary Public, in and for the County and state aforesaid, came _____, who is personally known to me to be the same person who executed the foregoing Affidavit and he/she duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year above written.

Notary Public

5. The defendant was charged with _____,
a (Severity Level _____person/non-person Felony)(Class ____
[Felony][Person/Non-Person][Misdemeanor]), contrary to K.S.A.
_____;
6. The defendant was [placed on diversion][convicted on said charges] on the
_____ day of _____, 19__, and he/she [fulfilled the terms of the
diversion agreement][was discharged from probation, suspended sentence or
parole] on the _____ day of _____, 19__;
7. The defendant was [convicted][diverted] in the Eighteenth Judicial District Court
of Sedgwick County, Kansas;
8. More than [three] [five] years have elapsed since the defendant [satisfied the
terms of the diversion agreement][was convicted and has satisfied the sentence
imposed, or was discharged from probation/suspension of sentence or parole];
9. The defendant has not been convicted of a felony within the past two (2) years,
and no proceedings involving a felony are presently pending or being instituted
against the defendant;
10. The circumstances of behavior of the defendant warrant expungement of his/her
record, and is consistent with the public welfare and good.

****FOR DIVERSION - use the following paragraph****

[IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the
defendant's diversion and related arrest records should be and is hereby expunged and he/she

shall be treated as not having been arrested or diverted; except as set out below or otherwise set out by law;]

****FOR CONVICTION - use the following paragraph****

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the defendant's conviction should be and is hereby expunged, and he/she shall be treated as not having been arrested or convicted, except as set out below or otherwise set out by law, including conviction for any subsequent crime.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant shall disclose the arrest and [conviction][diversion] herein expunged as follows:

1. In any employment application as a detective with a private detective agency, as defined by K.S.A. 75-7b01, or as a security personnel with a private patrol operator, as defined by K.S.A. 75-7b91, or with an institution, as defined by K.S.A. 76-12a01, of the Department of Social and Rehabilitation Services;
2. In any application for admission, or for an order of reinstatement, to the practice of law;
3. In any request for employment with the Kansas Lottery or State Gaming Agency;
4. In any request for employment with the Kansas Racing Commission or in any request for licensing or renewal of license by the Kansas Racing Commission;
5. In any application for a commercial drivers license under K.S.A. 8-2,125 through 8-2,142;
6. In any request for employment with a tribal gaming commission or in any request to hold a license issued pursuant to a tribal - state gaming compact;

7. In any agreement for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-1252;
8. The Department of Wildlife and Parks and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a permit as a commercial guide or associate guide under K.S.A. 32-964;
9. In any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon entry of this Order of Expungment, the expunged arrest and [conviction][diversion] shall not be disclosed, except when requested by:

1. The defendant;
2. A private detective agency, or a private patrol operator, and the request is being made in conjunction with an employment application with such agency or operator by the person whose record has been expunged;
3. A court, upon a subsequent conviction of the person whose record has been expunged;
4. The Secretary of Social and Rehabilitation Services, or a designee of the Secretary, as a result of an employment application;
5. A person entitled to such information pursuant to the terms of the Expungment Order;
6. A prosecuting attorney when the expunged conviction is an element of an offense being prosecuted;

7. The Kansas Supreme Court, or Clerk thereof, Disciplinary Administrator, the State Board for Admission of Attorneys, or the State Board for Discipline of Attorneys, when made as a result of an application for admission or readmission to practice law;
8. The Kansas Lottery, as a result of an application for employment;
9. The Governor or the Kansas Racing Commission, as a result of an application for employment or licensing, renewal of license or continued licensing by the Commission;
10. The Kansas Sentencing Commission;
11. The State Gaming Agency, when an application for employment or licensing is made with 1) the State Gaming Agency; or 2) the Tribal Gaming Commission;
12. The Kansas Securities Commission as a result of an application for registration as a broker-dealer, agent, investment advisor or investment advisor representative;
13. The Department of Wildlife and Parks and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a permit as a commercial guide or associate guide under K.S.A. 32-964.
14. The Kansas Law Enforcement Training Commission and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto; or
15. A law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of the District Court, upon receipt and filing herein, shall send a certified copy of the Order of Expungment to the Federal Bureau of Investigation, the Kansas Bureau of Investigation, the Secretary of Corrections, the arresting law enforcement agency, the District Attorney's Office, the probation department, any other criminal justice agency which may have a record of the arrest or [conviction][diversion] described herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon filing of the Order of Expungment the defendant shall be treated as not having been arrested or [convicted] [diverted] of the crimes herein, subject to the provisions and conditions stated herein and stated in K.S.A. 21-4619.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Order of Expungment does not effect any previous Court Order dealing with costs, fees, and restitution. All amounts unpaid still due and owing unless otherwise specified within this Order of Expungment.

JUDGE OF THE DISTRICT COURT
EIGHTEENTH JUDICIAL DISTRICT

APPROVED:

MICHELLE D. SMITH, #20719
Assistant District Attorney

Attorney for Defendant or Pro Se