Downtown
535 North Main
Wichita, Kansas 67203

Office of the District Attorney

18th Judicial District of Kansas

Juvenile
1900 East Morris
Wichita, Kansas 67211

The Kansas statute allows any person convicted or granted diversion in this state of a traffic infraction, tobacco infraction, misdemeanor, a Class D or E felony, 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, a diversion agreement or was discharged from probation, a community correctional services program, parole, post-release supervision, conditional release or a suspended sentence.
[K.S.A. 21-4619 (a) (1)]

Kansas statutes allow any person convicted or granted diversion 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 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, failing to have motor vehicle insurance or a violation of K.S.A. 21-3405b (Vehicular Homicide) prior to its repeal, to petition the court for expungement if more than five (5) years have elapsed since the person satisfied the sentence imposed, a diversion agreement or was discharged from probation, a community correctional services program, parole, post-release supervision, conditional release or a suspended sentence. [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, criminal sodomy, aggravated criminal sodomy, indecent solicitation of a child, aggravated indecent solicitation of a child, sexual exploitation of a child, aggravated incest, endangering a child, aggravated 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 a 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 K.S.A. 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, personal information report and an order of expungement. You can fill out the documents online and print to submit.

In completing the documents, please provide the requested information in the order listed. Your name must appear as it was written on the original charge. A separate petition, affidavit and order must be completed for each case you want to have expunged.

When you have completed the forms, please send them to the Office of the District Attorney at the downtown 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.

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Personal Information Report for Expungement Applicants

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/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? Full Name	14. 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).

School	Description

23. Present Employment

Employer	Telephone Number	Address
Date of Employment	**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 expungement 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 Expungement of his/her 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 list the year you were born.)

2. That Defendant was arrested on _____ under the name of _____

3. That on _____, defendant was _____ before The Honorable _____, Judge of the District Court, to the following crimes: (list charges, severity level or class of felony, person/non-person Felony/misdemeanor, and statute numbers)

4. That defendant: (choose one)

   _____

   on _____, which is more than _____ years prior to the filing of this petition.

5. That defendant has not been arrested, charged, or convicted of any felony or misdemeanor since:

Box 1- Select appropriate option
Box 2- Enter date or N/A
Box 3- Enter charge information or N/A

in this case except Box 2 on the charge of:

Box 3

and no charges are presently pending or being instituted against me.

6. The defendant's current circumstances and behavior warrant this expungement and this expungement is consistent with public welfare.

_____
Attorney for Defendant or Pro Se

VERIFICATION

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

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

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

_____
Defendant

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 Expungement was delivered or mailed, postage prepaid and properly addressed, this _____ day of _____, 20___, to _____, Assistant District Attorney, Sedgwick County Courthouse, 535 North Main, Wichita Kansas 67203.

_____
Attorney for Petitioner 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 I am the defendant in the above-captioned matter and am making this Affidavit in support of my Petition for Expungement.

2. That I am _____ years of age, having been born on XX/XX _____. (Only type in the year.)

3. That I have not been arrested, charged, or convicted of any felony or misdemeanor since:

Box 1- Select appropriate option
Box 2- Enter date or N/A
Box 3- Enter charge information or N/A

[ ]

in this case except [ ] Box 2 on the charge of:

[ ] Box 3

and no charges are presently pending or being instituted against me.

4. That I am _____ _____

and have been since _____];

5. That I am _____ and the parent of _____ children; and

6. That I am a good citizen and it would be in my best interest and in the interest of justice if this expungement would be granted.

FURTHER AFFIANT SAITH NOT.

_____
Affiant

ACKNOWLEDGMENT

State of _____)
)
County of _____)

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

My Commission Expires: _____

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

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

ORDER OF EXPUNGEMENT

NOW on this _____ day of _____, 20____, this matter comes on for hearing upon the defendant's Petition for Expungement filed herein. The State of Kansas appears by _____ , Assistant District Attorney. The defendant appears _____. There are no other appearances.

WHEREUPON, the Court, after hearing evidence, reviewing the files, hearing statements of counsel, and becoming knowledgeable in the premises, finds as follows:

1. The defendant's full name is _____;
2. The defendant's full name at the time of _____ in the above-entitled action was _____;
3. The defendant is a _____ (race/sex), who was born on XX/XX/_____; (Only type in the year.)
4. The defendant was arrested on _____ by _____ _____ (Law Enforcement Agency) under the name of _____
5. The defendant was convicted of : (list charges, severity level or class of felony, person/non-person Felony/misdemeanor, and statute numbers)

6. The defendant was _____ on the _____ day of _____, _____ (year) and defendant: (choose one) _____ on the _____ day of _____, _____;

7. The defendant was _____ in the Eighteenth Judicial District Court of Sedgwick County, Kansas;

8. More than _____ years have elapsed since the defendant: (choose one below) _____

9. The defendant has not been convicted of a felony within the past two (2) years and no proceeding involving a felony is presently pending or being instituted against the defendant;

10. The circumstances and behavior of the defendant warrant expungement of defendant's record, and expungement is consistent with the public welfare.

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

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that the defendant shall disclose the arrest and _____ herein expunged as follows:

1. In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, 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 in this state;
3. To aid in determining the defendant's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
4. to aid in determining the defendant's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;
5. to aid in determining the defendant's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;
6. upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;
7. to aid in determining the defendant's qualifications to be an employee of the state gaming agency;
8. to aid in determining the defendant's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;
9. in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;
10. in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

11. for applications received on and after July 1, 2006, to aid in determining the defendant's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 75-7c01 et seq., and amendments thereto;

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

1. The person whose record was expunged;
2. a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
3. a court, upon a showing of 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, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;
5. a person entitled to such information pursuant to the terms of the expungement order;
6. a prosecutor, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;
7. the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;
8. the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

9. the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;
10. the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;
11. the Kansas sentencing commission;
12. the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;
13. the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;
14. the Kansas commission on peace officers' standards and training 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;
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; or

16. the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act.

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 Expungement to the Kansas Bureau of Investigation which shall notify the Federal Bureau of Investigation, the Secretary of Corrections, and 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 Expungement 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 Expungement does not affect any previous Court Order dealings with cost, fees, and restitution. All amounts unpaid are still due and owing unless otherwise specified within this Order of Expungement.

_____
JUDGE OF THE DISTRICT COURT
EIGHTEENTH JUDICIAL DISTRICT

APPROVED:

_____
#
Assistant District Attorney

_____
Attorney for Defendant or Pro Se

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