



Downtown
535 North Main
Wichita, Kansas 67203

Office of the District Attorney
18th Judicial District of Kansas

Juvenile
1900 East Morris
Wichita, Kansas 67211

GENERAL INFORMATION

Kansas statutes allow expungement of some convictions and diversions after a certain time frame has passed since the sentence or diversion was completed. Other offenses are not eligible for expungement. The statutes that apply are KSA 21-6614 for offenses committed on or after July 1, 2010 and KSA 21-4619 for offenses committed prior to July 1, 2010. The expungement statute in effect at the time of the offense governs.

The Office of the Sedgwick County District Attorney reviews for expungement only those cases that were prosecuted by this office. Requests for expungements of convictions prosecuted by other agencies, including the Wichita City Prosecutor's Office and other municipal court prosecutors, should be sent to that prosecuting agency or the court of conviction for review.

ELIGIBILITY

Per statute, some convictions are eligible for expungement after a required time has elapsed since the person satisfied the sentence imposed, diversion agreement or was discharged from probation, community correctional services program, parole, post-release supervision, conditional release or a suspended sentence, as follows:

Per statute, the following are eligible to be considered for expungement if **three** years have elapsed:

- Traffic or tobacco infractions
- Misdemeanors
- Class D or E felonies, severity level 6-10 non-drug offenses, severity level 4 drug offenses committed prior to July 1, 2012, and severity level 5 drug offenses

To following are eligible to be considered for expungement if **five** years have elapsed:

- Class A, B or C felonies or off-grid felonies
- Severity level 1-5 non-drug offenses, severity level 1-3 drug offenses, and severity level 4 drug offenses committed on or after July 1, 2012
- Vehicular homicide
- Driving with a canceled, suspended or revoked license
- 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
- Failure to stop at the scene of an accident
- Failure to have motor vehicle insurance
- Violation of KSA 21-3405b (vehicular homicide) prior to its repeal

A person convicted of **prostitution** or **selling sexual relations** may be eligible to be considered for expungement after **one** year has elapsed if such person can prove that at the time of the offense he/she was acting under coercion caused by the act of another. Coercion means threats of harm or physical restraint against any person, a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person, or the abuse or threatened abuse of the legal process.

First violation **DUI** offenses occurring on or after 1982 are eligible to be considered for expungement if **five** years have elapsed.

Second or subsequent violation **DUI** offenses occurring on or after July 1, 2014 but prior to July 1, 2015 are eligible to be considered for expungement if **seven** years have elapsed.

Second or subsequent violation **DUI** offenses occurring on or after July 1, 2006 to June 30, 2014, and on or after July 1, 2015 to present are eligible to be considered for expungement if **ten** years have elapsed.

INELIGIBILITY

Kansas statutes **prohibit** expungement of convictions of the following offenses:

- Rape
- Indecent liberties with a child or aggravated indecent liberties with a child
- Criminal sodomy or aggravated criminal sodomy
- Indecent solicitation of a child or aggravated indecent solicitation of a child
- Sexual exploitation of a child
- Internet trading in child pornography or aggravated internet trading in child pornography
- Aggravated incest
- Endangering a child or 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 when driving under the influence
- Sexual battery when the victim was less than 18 years of age or aggravated sexual battery
- Driving a commercial vehicle while under the influence
- Convictions for offenses comparable to those above that occurred prior to July 1, 2011

Any offender who is required to register as provided in the **Kansas offender registration act** is not eligible for expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act. KSA 21-6614(f).

If the appropriate time has elapsed that applies to the conviction, the person may nonetheless be **ineligible** for expungement if:

- The petitioner has been convicted of a felony in the past two years or has proceedings involving felonies pending or being instituted against the petitioner;
- The circumstances or behavior of the petitioner do not warrant the expungement; or
- The expungement is not consistent with public welfare.

DOCUMENTS AND PROCEDURE

The following documents can be used as a guideline in preparing expungement pleadings. The forms include a petition, an affidavit, a 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 every 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 your pleadings, facts of the case and your criminal history or background, a decision will be made regarding the appropriateness of expungement. If we agree to the expungement, our attorney will sign the Order and return it to you for further handling. You will then need to obtain a judge's signature and file the Petition, Affidavit and Order with the Clerk of the Criminal Court on the 7th floor of the Sedgwick County Courthouse, 525 North Main Street, Wichita. The Clerk's office will advise you regarding how many copies of each document that they require. You will be required to pay a filing fee.

If the reviewing attorney decides to object to the expungement, you will be notified and the documents you submitted will be returned to you. You have the right to file your petition with the court and set this matter for hearing before a Judge for determination of your eligibility for expungement. Should you decide to set this case for hearing, please notify our office in writing no less than 21 days prior to the hearing date. That amount of time is necessary to provide victim notification as required by statute.

RESOURCES FOR COMPLETING THE EXPUNGEMENT PROCESS

For information on dates and charges, you can contact the District Court Clerk's Office, Records Department, on the 6th floor of the Sedgwick County Courthouse. (316-660-5720)

For arrest records you must contact the agency who arrested you:
Sedgwick County Sheriff's Department, 141 West Elm, Wichita (316-660-3888)
Wichita Police Department, Records, 455 North Main, Wichita (316-268-4186)

Completed and signed forms can be mailed or hand-delivered to:
Office of the District Attorney, 535 North Main, Wichita, KS 67203

The Office of the District Attorney cannot give you legal advice. If you need legal assistance consider using the "Find a Lawyer" Service that can be found on the Wichita Bar Association website, www.wichitabar.org.



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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, State, and Zip	12. Phone Number

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 ten (10) years ago, you need to only list addresses for the last ten (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?	<input type="radio"/> YES	<input type="radio"/> NO
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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 dependants.

Name	Address	Age	Relationship

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

School	Description

23. Present Employer

Employer	Telephone Number	Address
Date of Employment	Occupation	Present Salary

24. Employment History (List employment for the past ten (10) years. Begin with the last employer. If you need more space, use a 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.)
)
)
)
 Defendant.)

)

Case No.

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 or K.S.A. 21-6614. 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

[Empty rectangular box]

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

[Empty rectangular box with "Box 3" label on the right]

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)

[Empty rectangular box], 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: _____

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.

The expungement of a felony conviction does not relieve the defendant from complying with any state or federal law relating to the use, shipment, transportation, receipt or possession of firearms by persons previously convicted of a felony, except as provided in K.S.A. 21-6304(a)(3)(A).

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 Kansas department for aging and disability services;
2. In any application for admission, or for an order of reinstatement, to the practice of law in this state;
3. In any request for employment with the Kansas lottery or State gaming agency;
4. In any request for employment with the Kansas Racing and Gaming 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 and amendments thereto;
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. 17-12a102 and amendments thereto;
8. In any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto;
9. In any application to determine qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act as set forth in K.S.A. 75-7c01 et seq and amendments thereto;
10. To aid in determining the petitioner's qualifications for a license to act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through 75-7e09 and K.S.A. 2019 Supp. 50-6,141, 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, an attorney with the Office of the District Attorney, 18th Judicial District, Kansas and the defense attorney of record.
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 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 for Aging and Disability 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 Expungement Order;
6. A prosecuting attorney and the request is accompanied by a statement that 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 the request is accompanied by a statement that the request is being made as a result of an application for admission or readmission to practice law;
8. The Kansas Lottery, and the request is accompanied by a statement that the request is as a result of an application for employment;
9. The Governor or the Kansas Racing and Gaming Commission, and the request is accompanied by a statement that the request is 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, and the request is accompanied by a statement that the request is 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 and the request is accompanied by a statement that the request is a result of an application for registration as a broker-dealer, agent, investment advisor, or investment advisor representative;

13. 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;
14. 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;
15. 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, or act as bail enforcement agent pursuant to K.S.A. 75-7e01 - 75-7e09 and K.S.A. 50-6,141 and amendment thereto; or
16. For records created after July 1, 2011 the Kansas Bureau of Investigation for the purpose of: completing a person's criminal history record information within the central repository, in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or providing information or documentation to the Federal Bureau of Investigation in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

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 for offenses committed prior to June 30, 2011 and K.S.A. 21-6614 for offenses committed on or after July 1, 2011.

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 #

Date

Attorney for Defendant or Pro Se

Date