



Office of the District Attorney
18th Judicial District of Kansas

GENERAL INFORMATION

Kansas statute (K.S.A 22-4908) allows for certain drug offenders to be relieved of their duty to register under the Kansas Offender Registration Act (KORA) after five years of substantial compliance with registration requirements. This relief is not available to violent offenders or sex offenders.

The Office of the Sedgwick County District Attorney reviews requests for relief. Certain out of state convictions may be considered for offenders registering in Sedgwick County (see below for eligibility).

An offender requesting relief from registration must continue to register as required by KORA until an Order relieving the offender of the duty to register is filed with the court.

ELIGIBILITY

Pursuant to statute, an individual with an out of state conviction who is required to register pursuant to KORA is eligible for relief if they meet the following requirements:

- The offender is registering only for drug offense(s);
- The offender was not or is no longer required to register in the state of conviction;
- The offender is currently registering in Sedgwick County;
- At least five years have passed since the relevant date of conviction or date of parole, discharge or release from imprisonment, whichever date is most recent;
- During those five years, the offender has substantially complied with the requirements of KORA;
- The offender has not been convicted or adjudicated of a felony, other than a violation of K.S.A. 22-4903, within the preceding five years and no felony proceedings are currently pending or being instituted against the offender;
- The offender can demonstrate they are sufficiently rehabilitated based on their circumstances, behavior and treatment history; and
- Registration of the offender is no longer necessary to promote public safety.

DOWNTOWN
525 N. MAIN, SUITE 235
WICHITA, KANSAS 67203

DOCUMENTS AND PROCEDURE

The following documents can be used as a guideline in preparing pleadings for relief from registration. The forms include a petition, a personal information report and an order of relief. 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. 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 relief from registration. 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 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 requested relief, then 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 the matter for hearing before a Judge for determination of your eligibility for relief from registration. Should you decided to set the matter 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)

Kansas Highway Patrol, Records, 122 SW 7th, Topeka, KS 66603 (785) 296-6800 (#2)

Completed and signed forms can be mailed or hand-delivered to:

Office of the District Attorney, 525 N. Main, Ste 235, 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.

Person information report for relief from offender registration applicants

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

First Name _____ Middle Name _____ Last Name _____

Maiden Name/Other Name Used _____ Date of Birth _____ Race/Sex _____

Social Security Number _____ Driver's License Number _____ State of Issuance _____

Present Street Address _____ City, State and Zip _____

Phone Number _____

Have you been convicted of any felony in the last five (5) years? Yes No

Have you been incarcerated in any jail or correctional facility in the last five (5) years for any reason?

Yes No

If yes, please list the facility of incarceration and the dates of incarceration. Attach additional sheets of paper if necessary.

Facility of Incarceration

Date of Incarceration

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

Signature _____

Date _____

9. Petitioner states he/she has substantially complied with all registration requirements for a period of at least five years after the date of conviction or date of parole, discharge or release, whichever date is most recent.

10. *Choose one of the following*

Petitioner has not been convicted, adjudicated, or entered into a diversion agreement for any crime in the past five years and no proceeding involving any such crime is presently pending or being instituted against petitioner.

OR

Petitioner has been convicted, adjudicated, or entered into a diversion agreement for the following crimes during the period he/she was required to register:

11. The following are the names of all treatment providers and agencies that have treated petitioner for mental health, substance abuse, and offense-related behavior since the date of the offense(s) requiring registration:

12. Petitioner's circumstances, behavior and treatment history demonstrate that he/she has been sufficiently rehabilitated to warrant relief, and that registration is no longer necessary to promote the public safety, because:

Petitioner affirms under penalty of perjury that the statements in this Petition are accurate to the best of his/her knowledge and respectfully requests that the Court set this matter for hearing and grant the relief requested.

Defendant _____
Name (Print) _____

Attorney for Defendant (*if applicable*) _____
Name (Print) _____
Supreme Court Number _____

IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT OF SEDGWICK COUNTY, KANSAS
CRIMINAL DIVISION

THE STATE OF KANSAS

Case Number _____

vs.

_____ [Name]
Defendant

ORDER OF RELIEF FROM OFFENDER REGISTRATION
Out of State Conviction

On this day ____ of _____20_____, the Court considers the Petition for Relief from Offender Registration filed herein pursuant to K.S.A. 22-4908. The State is represented by _____, Assistant District Attorney. Petitioner is **pro se** **represented by** [Attorney's name]_____. Others appearing, if any, are _____

The Court finds jurisdiction and venue are proper. Notice to parties and those required to receive notice has been given as required by law.

The Court, upon agreement of parties_____, having reviewed file_____, having received evidence _____, and/or having heard statements of counsel _____, finds as follows:

1. Petitioner's full name is _____ ;
2. Petitioner's full name at the time of his/her arrest or conviction, if different that #1, was _____ ;
3. Petitioner is a [Race] _____ [Sex] _____ who was born in [Year of Birth]_____;
4. Petitioner was convicted in _____[city, county and state of conviction], under case number(s) _____ on _____ [Date], before the Honorable _____, [Judge's name], of the following drug offense(s) requiring registration in Kansas [list charges, statute numbers, severity level (if designated), and associated law enforcement agency case number]:
5. If confined in jail or prison for the offense, petitioner's most recent date of parole, discharge or release was _____[Date].
6. Petitioner was not required to or is no longer required to register under the laws of the state of conviction.

7. Petitioner is currently registered as a drug offender in the following counties: _____ .
8. Petitioner has substantially complied with all registration requirements for a period of at least five years after the date of conviction or date of parole, discharge or release, whichever date is most recent.
9. Petitioner has not been convicted of a felony, other than a felony violation or aggravated felony violation of K.S.A. 22-4903, within the five years immediately preceding the filing of the petition and no proceedings involving any such felony are presently pending or being instituted against petitioner.
10. Petitioner has demonstrated by clear and convincing evidence that petitioner's circumstances, behavior and treatment history demonstrate that petitioner is sufficiently rehabilitated to warrant relief and registration is no longer necessary to promote public safety.

IT IS THEREFORE ORDERED that petitioner shall be removed from the offender registry and petitioner is no longer required to comply with the registration requirements of the Kansas Offender Registration Act. The Clerk of the District Court, upon receipt and filing herein, shall send a certified copy of this Order of Relief from Offender Registration to the Kansas Bureau of Investigation, to the sheriff of each county listed in paragraph 7, and to the Office of the District Attorney for the 18th Judicial District of Kansas.

IT IS ORDERED this day ____ of _____, 20____.

 Judge of the District Court
 Eighteenth Judicial District, Division_____

Submitted by:

Signature of Petitioner/Petitioner Attorney _____
 Name (print) _____
 Supreme Court Number _____

Approved by

Assistant District Attorney _____
 Name (print) _____
 Supreme Court Number _____