

IN THE _____ JUDICIAL DISTRICT
DISTRICT COURT OF _____ COUNTY, KANSAS

THE STATE OF KANSAS

Case No. _____

vs.

_____ [Name]
Defendant

PETITION FOR EXPUNGEMENT OF CONVICTION OR DIVERSION

Pursuant to K.S.A. 21-6614.

I respectfully request of the Court an order of expungement of my conviction and related arrest records **OR** diversion record and related arrest records. In support thereof, I state the following:

1. My full name is _____.
2. My full name at the time of my arrest or conviction, if different than #1, was _____.
3. I am a _____ [Race] _____ [Sex] born in _____ [Year of Birth].
4. I was arrested in _____ County, Kansas on _____ [Date] by _____ [Law Enforcement Agency] and charged with the crime of _____.
5. I was convicted of _____ on _____ [Date].

OR

I was granted a diversion for the crime of _____ on _____ [Date].

6. The convicting court or diverting authority was _____.

7. The date of final discharge was _____.

8. (Select and complete either Option A or B, NOT both)

Option A.

- i. More than one three five ten years have elapsed since I fulfilled the terms of a diversion agreement, satisfied the sentence imposed, or was discharged from probation, a community services program, parole, post-release supervision, conditional release or a suspended sentence; and
- ii. I have not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against me.
- iii. (check box if applicable)

I was convicted/ received a diversion for prostitution and I was acting under coercion.

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.

OR

Option B.

I successfully completed a specialty court program. My conviction is for an offense that would normally be eligible for expungement after three years. No proceeding involving a felony is presently pending or being instituted against me.

9. The conviction or diversion for which expungement is sought is not one of the offenses set out in K.S.A. 21-6614(e), for which no expungement is permitted.

I affirm under penalty of perjury that the statements in this Petition are accurate to the best of my knowledge and I respectfully request that the Court set this matter for hearing and grant the expungement.

Defendant, Pro Se
Name (Print): _____
Address 1: _____
Address 2: _____
City, State, Zip: _____
Telephone Number: _____
Fax Number: _____
E-mail Address: _____

Authority

K.S.A. 21-6614.

Notes on Use

A person may not receive an expungement for convictions of:

- 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
- Internet trading in child pornography
- Aggravated internet trading in child pornography
- 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
- Involuntary manslaughter while driving under the influence
- Sexual battery when the victim is less than 18 years of age
- Aggravated sexual battery
- Commercial driving under the influence, including any diversion for such violation
- Any comparable offense if the conviction was in effect at any time prior to July 1, 2011.

K.S.A. 21-6614(e).

A person who is required to register as a sex offender or violent offender under the Kansas Offender Registration Act may not receive an expungement for any conviction while the person is required to register. However, a person who is required to register as a drug offender under the Kansas Offender Registration Act may be eligible to petition for relief from registration and for expungement of the drug offense at the same time if all applicable requirements are met. See the chart on the next page for the applicable time requirements for expungement of drug offenses. Forms to request relief from drug offender registration are also available on the Judicial Council website.

Please consult the chart on the next page if your crime is not listed above.

Conviction	Date when crime was committed	Time since sentence completed Or	Time since diversion completed Or	Time since discharged from probation, community correctional services, parole, postrelease supervision, conditional release or suspended sentence	Expungement Available	K.S.A. with more details
applying for title of a motor vehicle under a false name or address	Not relevant	5 years	5 years	5 years	Yes	21-6614(c)
crime punishable as a felony wherein a motor vehicle was used	Not relevant	5 years	5 years	5 years	Yes	21-6614(c)
cigarette or tobacco infraction ⁺	Not relevant	3 years	3 years	3 years	Yes	21-6614(a)
driving under the influence – regardless of number of offenses (<i>see</i> K.S.A. 8-1567)	Prior to July 1, 2006	5 years	5 years	5 years	Yes	21-4619 (repealed and transferred to 21-6614 – L. 2010, Ch. 136)
driving under the influence – 1 st offense (<i>see</i> K.S.A. 8-1567)	On or after July 1, 2006	5 years	5 years	5 years	Yes	21-6614(d)
driving under the influence – 2 nd or subsequent offense (<i>see</i> K.S.A. 8-1567)	*On or after July 1, 2006 except those committed on or after July 1, 2014, and prior to July 1, 2015	10 years	N/A	10 years	Yes	21-6614(d)
driving under the influence – 2 nd or subsequent offense (<i>see</i> K.S.A. 8-1567)	*On or after July 1, 2014, and prior to July 1, 2015	7 years	N/A	7 years	Yes	21-6614(d) L. 2014, Ch. 102 § 6. L. 2015 Ch. 71, § 4.
driving while canceled, suspended or revoked	Not relevant	5 years	5 years	5 years	Yes	21-6614(c)
failing to have motor vehicle insurance	Not relevant	5 years	5 years	5 years	Yes	21-6614(c)
failing to stop at the scene of an accident and perform required duties	Not relevant	5 years	5 years	5 years	Yes	21-6614(c)
misdemeanor ⁺	Not relevant	3 years	3 years	3 years	Yes	21-6614(a)
nondrug crime ranked in severity levels 1 through 5	On or after July 1, 1993	5 years	5 years	5 years	Yes	21-6614(c)
nondrug crime ranked in severity levels 6 through 10 ⁺	On or after July 1, 1993	3 years	3 years	3 years	Yes	21-6614(a)
perjury	Not relevant	5 years	5 years	5 years	Yes	21-6614(c)

Conviction	Date when crime was committed	Time since sentence completed	Time since diversion completed	Time since discharged from probation, community correctional services, parole, postrelease supervision, conditional release or suspended sentence	Expungement Available	K.S.A. with more details
		Or	Or			
prostitution	Not relevant	1 year	1 year	1 year	Yes	21-6614(b)
traffic infraction ⁺	Not relevant	3 years	3 years	3 years	Yes	21-6614(a)
vehicular homicide	Not relevant	5 years	5 years	5 years	Yes	21-6614(c)
class A, B, or C felony	Not relevant	5 years	5 years	5 years	Yes	21-6614(c)
class D or E felony ⁺	Not relevant	3 years	3 years	3 years	Yes	21-6614(a)
felony ranked in severity levels 1 through 3 of drug grid	Between July 1, 1993 and July 1, 2012	5 years	5 years	5 years	Yes	21-6614(c)
felony ranked in severity levels 1 through 4 of drug grid	On or after July 1, 2012	5 years	5 years	5 years	Yes	21-6614(c)
felony ranked in severity level 4 of drug grid ⁺	Between July 1, 1993 and July 1, 2012	3 years	3 years	3 years	Yes	21-6614(a)
felony ranked in severity level 5 of drug grid ⁺	On or after July 1, 2012	3 years	3 years	3 years	Yes	21-6614(a)
off-grid felony	On or after July 1, 1993	5 years	5 years	5 years	Yes	21-6614(c)

* Based on *State v. Anderson*, 12 Kan. App. 2d 342, 744 P.2d 143 (1987), the law in effect at the time of the offense applies with regard to eligibility for expungement unless the current law is more beneficial to the defendant. The current statute, K.S.A. 21-6614(d)(2), says a second or subsequent DUI conviction under K.S.A. 8-1567 cannot be expunged until 10 or more years have elapsed, but from July 1, 2014, to June 30, 2015, the statute allowed any DUI conviction or diversion to be expunged after 7 years. L. 2014 Ch. 102, § 6, effective July 1, 2014; L. 2015 Ch. 71, § 4, effective July 1, 2015. For a first DUI conviction or diversion, the current law, allowing expungement after 5 years, applies because it is more beneficial to a defendant than the 7 years required from July 1, 2014, to June 30, 2015. For a second or subsequent DUI conviction, the current statute, K.S.A. 21-6614(d)(2), does not allow expungement until 10 or more years have elapsed. Therefore, for second or subsequent DUIs that were committed on July 1, 2014, through June 30, 2015, the statute in effect at the time of the crime that allowed expungement after 7 years applies because it is more beneficial to the defendant.

⁺*Completion of a Specialty Court Program*

A person who has completed the requirements of a specialty court program may petition for immediate expungement of any offense which is otherwise eligible for expungement after 3 years. This early expungement opportunity does not apply to offenses for which expungement is not available or to offenses which require a 1, 5, 7 or 10-year waiting period.