

July 12, 2016

VIA HAND DELIVERY

Arizona Board of Nursing
c/o Complaints/Investigations
4747 N. 7th Street, Suite 200
Phoenix, AZ 85014

Re: NURSE NAME
LICENSE NUMBER

Dear Sir or Madam:

This firm represents [NAME], [LICENSE NUMBER]. Pursuant to A.R.S. § 32-3208, Mr. [NAME] hereby notifies the Board that on July 4, 2016 he was charged with driving under the influence, A.R.S. § 28-1381.

Mr. [NAME] has plead "not guilty" to the above charges. Please direct all further communication on this matter to this firm

Sincerely,

MITCHELL | STEIN | CAREY, PC

By:

Flynn P. Carey

cc: LICENSEE

Flynn Carey
P 602 358 0294 | M 602 999 0287
flynn@mitchellsteincarey.com

One Renaissance Square, 2 North Central Ave.
Suite 1900, Phoenix, AZ 85004
P 602 358 0290 | F 602 358 0291
MitchellSteinCarey.com

July 8, 2017

VIA EMAIL

Sam R. Nurse, RN
sam@fakeemail.com

Re: Proactive Measures in Your Case

Dear Sam:

You have retained us to assist you in regard to a DUI matter in the Maricopa Justice Court, and with an investigation that we anticipate will be opened by the Arizona Board of Nursing. (As a result of your mandatory self-report to the Arizona Board of Nursing, the Board will start an investigation.)

It is important that we are proactive and address any perceived issues head-on, rather than be reactive. The steps I have outlined below will help us convince the prosecutor that a non-DUI resolution is appropriate in regard to your criminal matter, will give you an opportunity to tell your side of the story to the Board, and will ensure that we have more tools with which to advocate for you.

Based on the DUI charge against you and the fact that you had a prior arrest for a similar offense, I believe the Board will be most focused on whether or not you have a substance abuse/dependence issue. I am not implying that you do have these issues, but based on what you have described as the basis for your charge, I believe the Board may need to be given some evidence that there are no such issues.

Below are the suggested steps I ask you to start on as soon as possible:

First, please prepare an autobiography so that we can present information to the Board at the appropriate time. We want the Board to view you as an individual, rather than as a file number, and we want the Board investigator to get to know you and trust that, if you are given a non-disciplinary resolution, that they do not have to be concerned about future Board referrals.

The following is a list of things to remember and include when you write your autobiography:

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- Be as detailed as possible.
- Include as much information for as far back as you can remember. Treat this as if there has been a video camera on you from the start of your life to present.
- Talk about your upbringing, parents, and formative events in your life.
- Give names of persons who have played an important part in your life; explain what they did and how they impacted you.
- Prepare a work, military, and education history.
- List your accomplishments.
- Explain why you became an RN and what the practice of nursing means to you. Remember, the Board sees you as a representative of the nursing profession, and you must demonstrate an understanding that, in the view of the Board, it is a privilege to be licensed.
- **Describe the events of the evening of your arrest in detail. Where appropriate, take responsibility for your decisions.**
- Describe future plans/goals, including any advanced education you seek to obtain.
- Send us 10 to 15 photographs of you over the years, including photographs of you with your family as a child, growing up, and as an adult. Identify each photograph, i.e., age and place and/or circumstances of photograph. **DO NOT INCLUDE ANY PICTURES WITH PATIENTS.**

Second, I have attached a copy of guidelines for character reference letters for your use. Please provide a copy of these guidelines to those individuals who will be writing on your behalf. The following people should write letters on your behalf: parents, grandparents, teen/adult-age children, teachers, mentors, colleagues, co-workers, friends, counselors, clergy, cousins, confidants, aunts, uncles, sponsors, and any other person who plays a role in your life and who can speak to your good character, and your ability as a professional. You should let them know the purpose of the letters is to assist you in presenting a complete picture of you before the Board.

Third, please seek out Continuing Education programs with an emphasis on stress management, work-life balance, boundaries, and similar programming that, when reviewed by the Board, will show that you are actively participating in education that is relevant to the allegations in this matter. The more you do to demonstrate to the Board that you are dealing with the issues they now perceive you have, the less likely they will be to sanction you.

Fourth, I strongly encourage you to sit for a neuropsychological evaluation concerning your substance use. If you wish to get an evaluation, please let me know and **we will set it up**. You can opt to not do this. However, in my experience, if you do not, the Board will issue an interim order requiring you to get the evaluation.

Fifth, I encourage you to attend AA meetings. We have attached a log for your use. Attending AA is not an admission that you have an alcohol problem. Rather, it shows that you are taking the process seriously, and educating yourself about alcohol use. ***DO NOT ATTEND ANY AA MEETINGS UNTIL YOU HAVE COMPLETED THE EVALUATION IN STEP FOUR.***

Sixth, you should attend a MADD Victim Impact Panel. Information on the panels is located here: <http://www.madd.org/local-offices/az/victim-impact-panels/>. In the event that you accept a plea to a DUI or reckless driving at some point in your case, you will be required to do a MADD Panel.

Seventh, **you will be subjected to drug/alcohol testing in this process**. A dirty drug test can have significant implications for your case, but can be managed if disclosed to me promptly. You will be hair or nail tested; illicit substances can be found in your hair for up to 3 months, and up to 6 months for nail testing. If you have used any illegal substances or any other reason you believe you should not take a drug test, let me know immediately. In addition, narcotic and some analgesic medications will also appear on drug tests. If you are lawfully prescribed those substances, let me know. If you are using any substance without a prescription, let me know.

In addition, many evaluators are now using PeTH testing, which tests for instances of binge drinking (3+ drinks in one sitting). It is critical that you not drink to excess during this process. If you are willing, I encourage you to abstain completely until the Board matter is over, as it shows the Board how seriously you are taking the allegations.

Finally, although the focus of the investigation is your DUI arrest, any and all past criminal history can and will be examined by the Board. For any prior criminal history, we need to discuss that history and the most appropriate ways to manage that history. You have indicated you have a deferred/dismissed prior DUI allegation, but if that is incorrect, let me know immediately. For that arrest, **please provide me as much information as you have, including the date and location of the arrest, the arresting agency (police or sheriff), the name of the Court in which your case was heard, and any paperwork from that matter**. We will need to gather documents related to that matter, as the Board will inquire about any and all prior charges, whether or not they resulted in conviction.

Sam Nurse, RN

July 8, 2017

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I recognize we are asking you to complete many items. It is my practice to give you this information at the beginning of representation to avoid any surprises. While I cannot guarantee a resolution, completing these requirements can mean the difference between a non-disciplinary versus a disciplinary/probationary outcome before the Board.

Sincerely,

MITCHELL | STEIN | CAREY, PC

By:

Flynn P. Carey

POINTS TO MAKE IN LETTER OF SUPPORT FOR SAM R. NURSE

- Address your letter “To Whom It May Concern”
- Acknowledge that you are writing this letter in support of Sam Nurse in relation to his matter before the Arizona State Board of Nursing.
- Set out your general background. Include the length of time you have been in the community, your business, and any other particular circumstances concerning yourself that will allow a reader to get to know you and understand the bases for your opinions about Sam.
- Next, the letter should fully discuss the nature and quality of your relationship with Sam. Describe in detail your relationship with Sam, giving the reader the opportunity to view him as more than just another file number. If you can, relate specific examples demonstrating your relationship.
- Please describe generally any positive experiences you have had with Sam as a colleague, student, mentor, employee, associate, etc. If you have worked with Sam in a professional setting, some areas you should consider discussing are: 1) ability as a nurse; 2) how he is a positive example for the nursing profession; and 3) his dedication to patients.
- Finally, the letter should set out what you think of Sam and the basis of your opinion. Talk about Sam’s character (i.e., responsible personality, peaceful disposition, honesty, integrity, etc.) and any other positive things you can think of that would assist the reader in knowing about her as a person. Again, specific instances of Sam’s conduct would be helpful here.
- Do not attack the system or its interaction with Sam. I will handle those issues. Focus on what Sam has meant to you, others, and the community and your social, professional, and/or business relationship with Sam.
- **Please SIGN and DATE the letter.**
- Feel free to call me, Flynn Carey, at 602-358-0294, or contact me by email at flynn@mitchellsteincarey.com.
- You can send your letter to me by mail, email or facsimile:

Flynn P. Carey
MITCHELL | STEIN | CAREY, PC
One Renaissance Square
2 North Central Avenue, Suite 1900
Phoenix, AZ 85004
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Fax: 602-358-0291

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- Please send me your letter by **August 12, 2016**.

July 8, 2017

VIA EMAIL

T. Criminal Lawyer, Attorney at Law
attorney@attorneyemail.com

Re: Sarah Smith

Dear Terry:

As you know, this firm is currently representing Sarah Smith before Arizona Board of Nursing (“Board”). You have asked our firm to prepare an opinion letter concerning how various sentencing outcomes in CR2014-004923 could impact Ms. Smith’s nursing license.

By way of background, I am an attorney licensed to practice in Arizona since 2007. A large part of my practice involves the representation of licensed professionals before their licensing boards. I appear frequently before the Arizona Board of Nursing in matters involving criminal allegations allegedly committed by a licensed nurses, certified nursing assistants, and nurse practitioners. I am a member of The American Association of Nurse Attorneys, and have been invited to speak by that organization at its national convention in August. My complete biography is attached.

When Ms. Smith was charged in this case, this triggered a mandatory “self-report” pursuant to A.R.S. § 32-3208. She made this report in a timely manner, which triggered an investigation by the Board. Presently, the Board is completing its investigation. Ms. Smith will be participating in an investigative interview on August 14, 2017, and will likely appear before the Board at the September or November meeting.

It is my understanding that the current plea offer gives the Court discretion to decide when and if to designate the offense as a misdemeanor. Unlike many pleas, in which a defendant is not allowed to obtain a misdemeanor until the completion of probation, this plea allows the Court to immediately designate the matter a misdemeanor at sentencing, if it should so choose.

I cannot underscore enough the licensing consequences if Ms. Smith’s offense remains undesignated. The Board has a statutory “felony bar,” which disqualifies a nurse who has a felony from practicing. See A.R.S. § 32-1646(B). Under that section, “[t]he board shall revoke a license of a person or not issue or renew a license to an applicant who has one or more felony convictions and who has not received an absolute discharge from the sentences for all felony convictions three or

more years prior to the date of filing an application pursuant to this chapter.” Id. (emphasis added). The Nursing Board has provided an official interpretation of the Felony Bar:

For purposes of the Nursing Board's felony bar statutes, A.R.S Sections 32-1606(B)(17) and 1646(B), the commission of any felony offense on or after July 23, 2010, which results in a conviction of an **undesigned offense, shall be treated by the Board as a felony** "until such time as the court may actually enter an order designating the offense a misdemeanor" pursuant to A.R.S. Section 13-604(A).

See Interpretation of Felony Bar Statutes, available at <https://www.azbn.gov/discipline-complaints/interpretation-of-felony-bar-statutes/> (emphasis added).

In my experience, if the Court designates the offense a felony, or fails to designate the offense a misdemeanor at sentencing and instead leaves it undesigned, this will result in the immediate revocation of Ms. Smith’s nursing license. Unlike some of the licensing Boards, this decision is not discretionary. Rather, the Board interprets the “shall” language of A.R.S. § 32-1646(B) as mandatory. Until the offense is designated a misdemeanor, Ms. Smith will be prohibited from holding any nursing position.

If the offense is designated a misdemeanor, obviously, this will not prohibit the Court from placing Ms. Smith on an appropriate period of probation, restricting firearm access, and entering other orders in relation to her term of probation. Moreover, the mere fact that her matter is designated a misdemeanor will not prevent the Board from reviewing her case de novo and making decisions about what licensing consequences make sense under the circumstances. That is, if the Court has reservations that a misdemeanor at sentencing may somehow hamper or restrict the Board from proceeding how it sees fit to ensure that Ms. Smith is fit to practice, the Board can still proceed and determine if a licensing consequence is necessary.

In summary, Ms. Smith’s nursing license will, without any question, be revoked if she is sentenced to probation with an undesigned offense. If designated a misdemeanor, she still faces licensing consequences, but has an opportunity to present her case to the Board for continued licensing.

Please contact me if you have questions or need further information.

Sincerely,

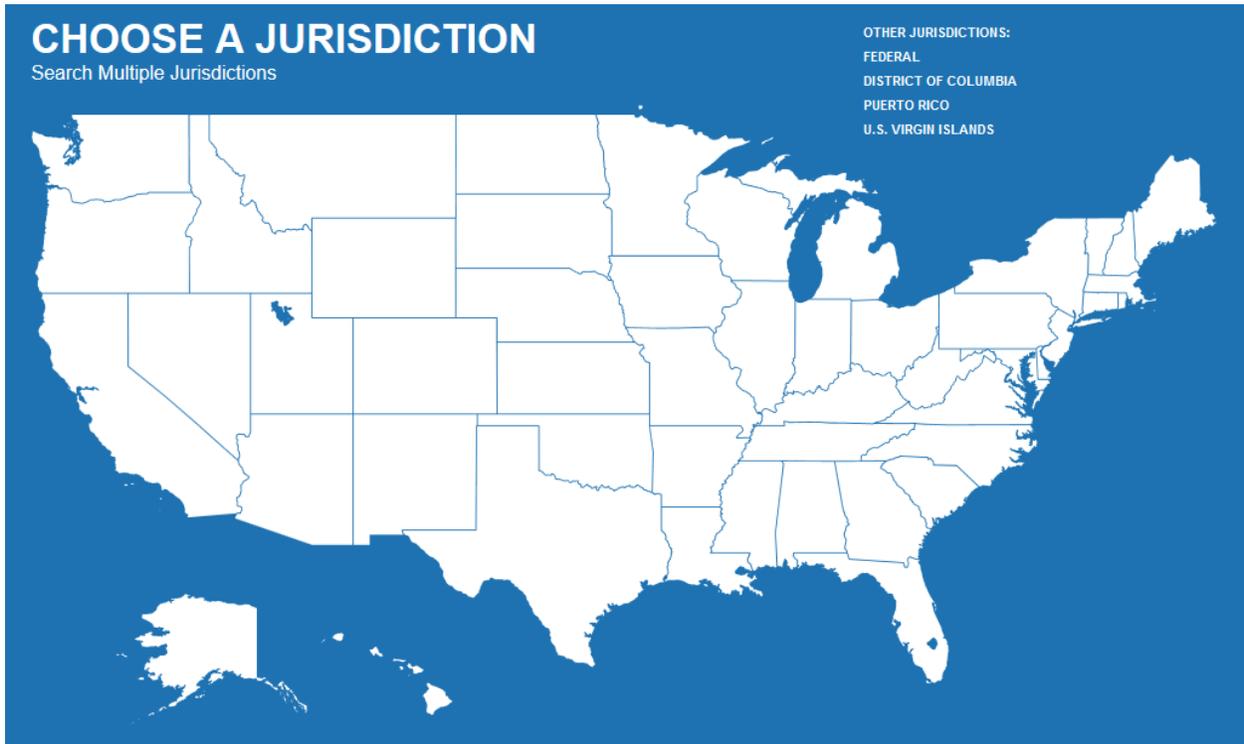
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By:

Flynn P. Carey

Collateral Consequence Map

Website: <https://niccc.csjusticecenter.org/map/>



Choose search criteria:

Ex.: child or employ

Search federal

Include historical data

Categories

Types

Offenses

Review possible consequences:

Citation	Title	Triggering Offense Category	Consequence Type	Duration Category
19 CSR 30-1.017	Deny Missouri Controlled Substance Registration (conviction of officer/employee) (health care/physician/nurse)	Controlled substances offenses	Discretionary	Permanent/Unspecified
19 CSR 30-82.010	Ineligible to operate skilled nursing/immediate care/assisted living/residential care facility (conviction of operator/owner/principal) (health care)	Any felony; Any misdemeanor	Mandatory/Automatic	Permanent/Unspecified
19 CSR 30-84.020	Deny enrollment in certified medication technician training program (education/health care)	Crimes involving fraud, dishonesty, misrepresentation or money-laundering; Crimes of violence, including "person offenses"; Sex offenses	Discretionary; Discretionary (waiver)	Permanent/Unspecified
19 CSR 30-85.042	Ineligible for employment with intermediate care/skilled nursing facility in position involving contact with patient/resident (health care)	Crimes involving fraud, dishonesty, misrepresentation or money-laundering; Crimes of violence, including "person offenses"; Sex offenses	Discretionary; Discretionary (waiver)	Permanent/Unspecified
19 CSR 30-86.042	Ineligible for employment as administrator/manager with residential care facility (health care)	Any offense (including felony, misdemeanor, and lesser offense); Any felony; Any misdemeanor	Mandatory/Automatic	Permanent/Unspecified

AVAILABLE AT: <http://ccresourcecenter.org/state-restoration-profiles/50-state-comparisoncomparison-of-criminal-records-in-licensing-and-employment/>

50-State Comparison Consideration of Criminal Records in Licensing and Employment
50-State Comparison Consideration of Criminal Records in Licensing and Employment – Collateral Consequences Resource Center

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or pardoned	No regulation of licensing or employment
AL						None
AK						None
AZ					If civil rights restored cannot be barred from licensure or public employment "solely because of" conviction; offense must have "reasonable relationship" to employment or occupation. Ariz. Rev. Stat. § 13-904(E).	
AR			Conviction may be considered but may not bar from licensure; 5 years of law-abiding conduct is "prima facie evidence of rehabilitation." Reasons for rejection must be in writing. Ark Code Ann. § 17-1-103.			
CA	It is unlawful for a public or private employer to inquire into or seek information about a conviction that has been set-aside and dismissed. Cal. Labor Code§ 432.7(a); Cal.Code Regs. tit. 2 § 7287.4(d)(1)		"[N]o person shall be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation . . . or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license. . . . Cal.	Ban-the-box: A state or local agency may not inquire into criminal history "until the agency has determined the applicant meets the minimum employment qualifications." Cal. Labor§ 432.9.		

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or pardoned	No regulation of licensing or employment
CO	Court imposing a non-prison sentence may enter order relieving defendant of any collateral consequence. Colo. Rev. Stat. §§ 18-1.3-107 (sentencing alternatives), 18-1.3-213 (probation), and 18-1.3-303 (community corrections). Negligent hiring protection for convictions not "directly related" to employment, or that have been sealed or pardoned. Colo. Rev. Stat. § 8-2-201(b).	Conviction alone may not be basis for refusing employment or licensure unless law specifically authorizes. Colo. Rev. Stat. § 24-5-101(1). Ban-the-box: State agencies and licensing boards may not conduct background check until applicant is a finalist for the position or receives a conditional offer. In determining disqualification, agency must consider (1) the nature of the conviction; (2) the relationship of the conviction to the job; (3) the applicant's rehabilitation and good conduct; and (4) time elapsed since conviction. § 24-5-101(4). Arrest records not leading to conviction may not be used.	Bus. & Prof. § 480(b). Suspension or revocation of license allowed only if crime "substantially related" to qualifications. Id. § 490.			
CT	Ban-the-box in public and private employment. Effective Jan. 2017, no employer may ask about charges or convictions on initial application unless required by law or the position requires fidelity bond. Conn. Gen. Stat. § 31-51i(b) Additional requirements for public	With limited exceptions relating to law enforcement and certain mortgage-related licenses, public employers and licensing authorities may not disqualify a person automatically on		Ban-the-box in public employment. Conn. Gen. Stat. § 46a-80(b) ("no [state employer] shall inquire about a prospective employee's past convictions until such prospective employee has been deemed otherwise qualified for the position").	May not deny employment or licensure based on pardoned offense. Conn. Gen. Stat. §§ 46a-80(a) and (c).	

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or pardoned	No regulation of licensing or employment
employment: § 46a-80(b) ("no [state employer] shall inquire about a prospective employee's past convictions until such prospective employee has been deemed otherwise qualified for the position").	the grounds of a prior conviction but must consider: 1) the nature of crime and its relationship to the job; 2) information pertaining to rehabilitation; and 3) time elapsed since conviction. Conn. Gen. Stat. §§ 46a-80(a) and (c). If conviction used as a basis for rejection of an applicant, it must be in writing and specifically state the evidence presented and reasons for rejection. § 46a-80(d).	Ban-the-box: public employers and contractors prohibited from inquiring into criminal records prior the making an offer of employment. Del. Code Ann. tit. 19, § 711(g); tit.29, § 6909B(a). Uniform licensing policy that crimes must be "substantially related" to the profession or occupation at issue. 74 Del. Laws 262 (2004) (codified in scattered sections of Del. Code Ann., tit. 24).	Licensing: Crimes must "bears directly upon the fitness" of the person to be licensed. D.C. Code §§ 47-2853.17(a), 3-1205.03. Public employment:			
DE	D.C. Code § 1-601.01					
DC	D.C. Code § 1-601.01					

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or pardoned	No regulation of licensing or employment
		Limits pre-employment inquiries for most government positions until after the initial screening. Must consider: duties and responsibilities of the position, bearing on performance of duties, time elapsed, age at time of the offense, the frequency and seriousness of the offense, rehabilitation and good conduct, and public policy interest. D.C. Code § 1-620.42 - .43.				
FL		Crime may be basis of disqualification only if "directly related" to the job. Fla. Stat. §112.011(1)(a). Additional treatment requirements for drug offenders. Fla. Stat. ch. 775.16.			Licensing boards may not reject based on conviction if the person's civil rights have been restored, unless offense conduct is "directly related" to license. Fla. Stat. 112.011(1)(b).	
GA	State-wide ban-the-box in public employment by executive order (2/23/15). "Program and Treatment Completion Certificate" issued by the Board of Corrections, or pardon, protect against liability for negligence. Ga. Code Ann. § 51-1-54.		Professional license may not be denied or revoked in whole or in part because of a felony conviction that does not "directly relate" to the license. See Ga. Code Ann. § 43-1-19(p).			Conviction of any crime involving moral turpitude may be grounds for revocation or refusal of a license, without regard to whether it is related to the practice of the licensed business or profession. See Ga. Code Ann. § 43-1-19(a)(3).]
HI	"Ban-the-box plus:" General FEP law prohibits inquiry into arrest and conviction before a conditional offer of employment,					

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or pardoned	No regulation of licensing or employment
	<p>which may be withdrawn if a conviction within the previous 10 years "bears a rational relationship to the duties and responsibilities of the position." Haw. Rev. Stat. §§ 378-2.5(b), (c). In addition, crime w/in 10 years may be considered only if rational relationship to job or occupation. Haw. Rev. Stat. § 831-3.1(a). Exceptions for healthcare, corrections, and law enforcement. Haw. Rev. Stat. § 831-3.1(f). Arrest records may not be considered at all. See Haw. Rev. Stat. § 378-2.5(b), (c).</p>					
ID						None
IL	<p>Negligent hiring protection where employer relied on certificate of certificate of relief from disabilities. 730 ILCS 5/5-5.5-15(f). Ban-the-box policy in private employment by statute, 30 ILCS 105/5.855, and in public employment by administrative order.</p>		<p>In general, Illinois limits consideration of conviction in connection with occupational licensing only for certain employments, and only where a person has received a certificate of relief from disabilities. ILCS 5/5-5-5. Certain occupational licensing boards use "direct relationship" test. See, e.g., ILCS 450/20.1 (accountant); § 335./9.1(b) (roofer).</p>		<p>Human Rights Act prohibits discrimination based on conviction only if expunged or sealed. ILCS § 5/2-103(A). Waiver by agency permits for certain health-care positions. See § 46/40.</p>	
IN			<p>Except for serious drug offenses, "a license or certificate of registration that an individual is required by law to hold to engage in a business,</p>		<p>It is "unlawful discrimination" for any person to refuse to employ or license a person because of a record that has been expunged or sealed. Ind. Code § 35-38-9-10(a).</p>	

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or pardoned	No regulation of licensing or employment
IA			profession, or occupation may not be denied, revoked, or suspended because the applicant or holder has been convicted of a crime." Ind. Code § 25-1-1.1-1.		Inquiry into expunged convictions prohibited. §35-38-9-10(c).In negligence action an expungement order may be introduced as evidence of due care. § 35-38-9-10(f) and (g). Non-conviction records and records that have been expunged may not be reported by credit reporting companies. §24-4-18-6(a).	Iowa has no general law regulating consideration of conviction in employment or licensure, but applies a direct relationship test in connection with some licenses. See, e.g., Iowa Code§ 147.3 (health-related professions licensing)
KS			"Notwithstanding any other provision of law, any person, board, commission or similar body who determines the qualifications of individuals for licensure, certification or registration may consider any felony conviction of the applicant, but such a conviction shall not operate as a bar to licensure, certification or registration." Kan. Stat. Ann. § 74-120.			No nondiscrimination rule, but it is a misdemeanor for an employer to inquire into an applicant's criminal history record without the applicant's consent. See Kan. Stat. Ann. § 22-4710(a)-(c).

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or pardoned	No regulation of licensing or employment
KY		<p>"No person shall be disqualified from public employment, [or from] . . . any occupation for which a license is required, solely because of a prior conviction of a crime, unless the crime for which convicted is [a felony or misdemeanor punishable by imprisonment] or otherwise directly relates to the position of employment sought or the occupation for which the license is sought." Factors include nature and seriousness of the crime; the relationship of the crime to duties and responsibilities of the position sought. Ky. Rev. Stat. Ann § 335B.020(1) - (3).</p>		<p>Executive Order 2017-064 prohibits state agencies from including questions about criminal history on job applications. Additionally prohibits agency inquiry into criminal history until an interview is offered, unless the agency is "required by law to do so."</p>		
LA			<p>An "otherwise qualified" person may not be denied an occupational or professional license based on conviction unless it involves a felony that "directly relates to the position of employment sought, or to the specific occupation, trade or profession for which the license, permit or certificate is sought." Exemptions for violent and sex offenses, and for specified</p>	<p>Ban-the-box for "unclassified" state employment positions: May not inquire into criminal history until after initial interview or after a conditional offer of employment. HB 266 (2016). "Classified" positions covered by Civil Service Rule 22.4.1</p>		

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			<p>professions, including health, education, finance, and law enforcement. Reasons required, APA enforcement. Exempt licensing entities required to record and report any actions involving convicted individuals to legislature. La. Rev. Stat. §§ 37:32, 37:36.</p>			
ME			<p>May not consider convictions more than 3 years old, or which call for less than a year in prison. Me. Rev. Stat. Ann. tit. 5, § 5303. Certain professions (medical, nursing) have 10-year debarment. Id.</p>			
MD			<p>May not deny occupational license solely on basis of conviction unless "direct relationship," or "would pose unreasonable risk." Md. Crim. Proc. Code Ann. § 1-209. Standards for licensing in COMAR 09.01.10.02 include nature of offense, relationship to licensed activity, length of time since conviction, conduct before and after conviction. Drug offenses specifically subject to similar analysis. Md. State Gov't Code § 10-1405. Effective Oct.</p>	<p>Ban-the-box: State government employers may not inquire about criminal history until after interview. Md. Code Ann., State Pers. & Pens. § 2-203</p>		<p>No general law, but a consumer reporting agency cannot report conviction information that is older than seven years for purposes of employment, if the job about which information sought is expected to pay an annual salary less than \$20,000. Md. Code Ann., Com. Law § 14-1203(a)(5).</p>

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or pardoned	No regulation of licensing or employment
			2017, Certificate of Rehabilitation prohibits denial of license solely on the basis of previous conviction, with exceptions. Md. Code Ann., Corr. Servs. § 7-104.			
MA	Ban-the-box: Public and private employers may not inquire into criminal records on an initial job application, unless the job is one for which a convicted person is presumptively disqualified by law. Mass. Gen. Laws ch. 151B, § 4(9 1/2). Restriction on access to criminal records for licensing, employment, housing, etc by "authorized requestor." Only available for 5 years for misdemeanor, 10 for felony. Exceptions apply. ch. 6, § 172. Stricter limitations for access by general public. Id.				Licensing authorities may not disqualify applicant based on pardoned felony conviction. Mass. Gen. Laws ch. 127, § 152 (2011).	Licensing agency may not disqualify based on conviction alone in certain professions. See, e.g., Mass. Gen. Laws ch. 112 § 52D (dentistry); ch.112, § 61 (medical license); ch. 112, § 189 (real estate appraiser). Limits on inquiry. E.g., employers may not inquire into misdemeanor convictions more than 5 years old or arrest records. Mass. Gen. Laws ch. 151B, § 4(9).
MI			Conviction "shall not be used, in and of itself, by a licensing board or agency as proof of a person's lack of good moral character," but it may be used as evidence in the determination. Mich. Comp. Laws § 338.42. Cannot consider non-conviction records, convictions that did not result in incarceration, or convictions unrelated to capacity to serve the public. § 338.43(1).			
MN	Negligent hiring protections. Minn. Stat.	Must be "direct relationship"			Data mining companies: if	

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or pardoned	No regulation of licensing or employment
§181.981. Ban-the-box for public and private employers. § 364.021(a).	between occupation or license and conviction history and individual must not have shown "sufficient rehabilitation and present fitness to perform" the duties of the public employment or licensed occupation. Minn. Stat § 364.03. Factors to be considered set out. Rehabilitation established by 1 yr. w/o arrest after release, or successful completion of probation or parole. See id.				they know that a criminal record has been sealed, expunged, or is the subject of a pardon, the screening service shall promptly delete the record. Minn. Stat. 332.70 subd 3a.	
MS						None
MO			No denial of license "primarily" because of conviction where sentence fully discharged. Mo. Rev. Stat. § 324.029. Conviction may be considered as "some evidence of an absence of good moral character" but licensing board shall also consider the nature and date of crime, evidence of good character. Mo. Rev. Stat. § 314.200.	Ban-the-box: State agencies, departments, commissions, and boards overseen by the Executive Branch may not ask about criminal history in applications "unless a criminal history would render an applicant ineligible for the position." Executive Order 16-04.		
MT			Conviction shall not operate as bar to licensure for any profession, but may be			

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or pardoned	No regulation of licensing or employment
NE			considered. Mont. Code Ann. § 37-1-201. 203.			None
NV						Nevada has no general law but applies a direct relationship test in connection with some licenses. See, e.g., Nev. Rev. Stat. § 625.410(4) (engineering and land surveying).
NH			No license may be denied or impaired on the basis of conviction unless the licensing entity determines the crime is substantially and directly related to the licensed activity. N.H. Rev. Stat. Ann. § 332-G:10.		Inquiry into annulled offenses limited. N.H. Rev. Stat. Ann. § 651:5(X)(c).	
NJ	2014 Opportunity to Compete Law (A1999) imposes ban-the-box rule for public and private employment. Sentencing court or thereafter a supervisory agency may issue certificate of rehabilitation suspending disabilities, forfeitures or bars to employment or professional licensure. N.J. Stat. Ann. § 2A:168A-7.		Licensing authorities may not "discriminate" on grounds of conviction unless reasonably related to occupation. N.J. Stat. Ann. § 2A:168A-1. Reasons in writing. § 2A:168A-2.		Pardon or expungement, or certificate of rehabilitation, "shall preclude a licensing authority from disqualifying or discriminating against the applicant." N.J. Stat. Ann. § 2A:168A-3.	
NM		A person may be disqualified for public employment or licensure based on prior conviction if: 1) conviction relates directly to the position sought; 2) agency determines after				

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or pardoned	No regulation of licensing or employment
NY	Prohibits discrimination in employment and licensing based on conviction. N.Y. Correct. Law §§ 750-755. Must be direct relationship	<p>investigation that the person so convicted has not been sufficiently rehabilitated to warrant the public trust; or 3) an applicant for a teaching certificate or employment at child-care facility has been convicted of drug trafficking or sex offenses, regardless of rehabilitation. N.M. Stat. Ann. § 28-2-4(A). Completion of parole or probation or a three-year period following release from incarceration creates a presumption of rehabilitation. N.M. Stat. Ann. § 28-2-4(B). Must state reasons in writing. Ban-the-box: Public employer may not inquire into conviction until individual selected as finalist for position. N.M. Stat. Ann. § 28-2-3(A). Records of arrest not resulting in conviction, and misdemeanor convictions not involving "moral turpitude," may not be considered in any application for public employment or licensure. § 28-2-3(B).</p>		Per executive order of Gov. Cuomo, applicants for competitive positions in state agencies may not be required to		

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	<p>and unreasonable risk to property or safety. § 752. Individual is entitled to reasons. § 754. N.Y.S. Human Rights Law, N.Y. Exec. Law § 296(16), prohibits public and private employers and occupational licensing agencies from denying any individual employment or a license (or otherwise discriminating against that person) because of any arrest that did NOT result in a conviction. Negligent hiring: N.Y. Exec. Law § 296(15) excludes evidence in suit for negligent hiring where employer complied with antidiscrimination law. Certificate of Relief from Disabilities, N.Y. Correct. Law §§ 700-706, or a Certificate of Good Conduct, §§ 703-a, 703-b, may be obtained to restore rights, at sentencing for first felony offenders or thereafter for all. NYC Fair Chance Act: No employer may ask about an applicant's criminal history until a conditional offer is made.</p>			disclose prior convictions until an initial hiring decision is made.		
NC	<p>Reliance on Certificate of Relief provides protection in negligent hiring action, N.C. §15A.173.5</p>	<p>Certificate of Relief relieve collateral sanctions, and agency may consider a Certificate favorably in determining whether a conviction should result in disqualification from public employment or licensure. N.C. Gen. Stat. § 15A-173.2(d).</p>	<p>Occupational licensing board may not automatically disqualify based on conviction unless authorized to do so by law governing board. N.C. Gen. Stat. § 93B-8.1(b). Boards authorized to disqualify based on conviction must first consider enumerated factors. Certain law enforcement-related boards excluded.</p>			

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or pardoned	No regulation of licensing or employment
ND			Licenses for most professions and occupations may be denied only if offense has direct bearing, or if insufficient rehabilitation; factors to be considered include nature of offense, evidence of rehabilitation, and date of offense (5 yrs. deemed prima facie evidence of rehabilitation). N.D. Cent. Code § 12.1-33-02.1. Written statement of reasons if denied in whole or in part because of conviction. Id.			
OH	Certificate of qualification for employment "immunity" from negligent hiring liability. Ohio Rev. Code Ann. § 2953.25-G(2).	An individual barred from a particular occupation or license may apply to the court for a "certificate of qualification for employment" that allows consideration on the merits. Ohio Rev. Code Ann. § 2953.25.	Ohio Rev. Code Ann. § 4743.06 (each agency authorized to deny licensure without a hearing based on specified criminal offenses may not add disqualifying offenses without specifying by rule their "substantial relationship" to a person's fitness for the occupation.	"No public employer shall include on any form for application for employment with the public employer any question concerning the criminal background of the applicant." Ohio Rev. Code Ann. § 9.73.	May be questioned about sealed conviction only if it bears if direct and substantial relationship to the position. Ohio Rev. Code Ann. §§ 2953.33(B).	
OK			Most specialized licensing boards may not deny/suspend /revoke a license unless conviction was for a felony that "substantially relates to the practice" or "poses a reasonable threat to public safety." 2015 HB 2168	Ban-the-box: State agencies may not ask about criminal history on application "unless a felony conviction would automatically render an applicant not qualified." Executive Order 2016-03. Does not apply to "sensitive governmental positions in which a criminal history would be an immediate disqualification."	No public or private employer may ask about or consider a sealed conviction. 22 Okla. Stat. Ann. § 19(F).	

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or pardoned	No regulation of licensing or employment
OR	Ban-the-box: Neither public nor private employers may require an applicant to disclose conviction information before an initial interview or, if no interview is conducted, before making a conditional offer. 2015 HB 3025.		May not bar from licensure solely on grounds of conviction; may consider facts of conviction and all intervening circumstances in determining the fitness of the person. Or. Rev. Stat. 670.280(2), (3). Teacher licenses excepted. Id.			
PA	Felony and misdemeanor convictions may be considered only to the extent they "relate to" the applicant's suitability for employment or licensure in the position for which he has applied. 18 Pa. Cons. Stat. §§ 9124 (licensure) 9125 (employment).			Commonwealth hiring policy of Gov. Tom Wolf generally prohibits consideration of summary convictions, expunged/pardoned /annulled convictions, and "convictions that do not relate to an applicant's suitability for Commonwealth employment." Criminal history inquiries prohibited on employment applications. See http://www.oa.pa.gov/Policies/hr/Documents/TM001.pdf		
RI	"Certificate of recovery & re-entry" if no more than one non-violent felony conviction relieves petitioner of some collateral consequences. R.I. Gen. Laws § 13-8.2-1. Ban-the-box: Oral or written inquiries about arrests to applicants for public or private employment prohibited as an unlawful employment practice; and (effective January 1, 2014) convictions until the first interview. R.I. Gen. Laws § 28-5-7(7).					Prohibits inquiries about arrests as unlawful employment practice, but specifically permits inquiries about convictions. See R.I. Gen. Laws § 28-5-7(7) ,
SC			May not be denied a license solely due to conviction unless the criminal			

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or pardoned	No regulation of licensing or employment
			conviction is directly related to the profession or occupation. S.C. Code. Ann. § 40-1-140. But, board may refuse "if . . . it finds the applicant is unfit or unsuited to engage in the profession or occupation." Id.			
SD						None
TN	Judicial restoration of rights and "Certificate of Employability" limits licensing denials, protects against negligent hiring liability. Tenn. Code Ann. § 40-29-107.			Ban-the-box for state employment (not including political subdivisions of the state): May not ask about criminal history on initial application unless federal or state law requires a background check or disqualification based on conviction. SB-2440 (2016).		None
TX	Limitation on negligent hiring suits based solely on conviction. Tex. Civil Practice and Remedies Code § 142.002.		Licensing authority may deny/suspend /revoke license if conviction "directly relates" to the licensed occupation," if offense does not directly relate but is less than 5 years old, or if specified violent and sexual offenses. Tex. Occupations Code§ 53.021(a). §§ 53.022 and 53.023 require licensing agencies to consider a number of factors in determining whether a conviction is directly related to the occupation.			
UT			"Unprofessional conduct" includes commission of crime that "bears	Ban-the-box for public employment (including all state agencies and political		

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or pardoned	No regulation of licensing or employment
			a reasonable relationship to the licensee's or applicant's ability to safely or competently practice the occupation or profession." Utah Code Ann. § 58-1-501(2). Regulations define further at U.A.C. R156-1-302 to include various aggravating and mitigating factors.	subdivisions): May not inquire about criminal history before an initial interview has taken place, or before conditional offer extended (if no interview conducted). Exemptions for many positions, including those for which consideration of criminal history is required by law. Utah Code Ann. §§ 34-52-101 to -201.		
VT	Order of relief or certificate of restoration of rights issued under 13 VSA §§8010 and 8011 are admissible as evidence of due care. Ban-the-box in public/private employment: Beginning July 2017, no employer may ask about criminal history in initial application. Vt. Stat. Ann. tit. 21, § 495j. Does not apply to positions where federal/state law/regulation creates mandatory/presumptive disqualification.		"Conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession," basis for denial of license in over 40 professions. See Vt. Stat. Ann. tit. 3, § 129a(10)			
VA	Ban-the-box in government employment by Executive Order (2014).		May not be denied a license "solely because of" conviction unless "directly related" to the occupation or profession for which the license is sought. Board can refuse a license if applicant is "unfit or unsuited." Va. Code Ann. § 54.1-204. Standards for determining "direct relationship" spelled out in § 54.1-204(B).			

State	Regulation of licensing, public and private employment (including negligent hiring)	Regulation of licensing and public employment	Regulation of licensing only	Regulation of public employment only	Civil rights restored or pardoned	No regulation of licensing or employment
WA	Certificate of Restoration of Opportunity (CROP) available for misdemeanors and certain felonies prohibits denial of many licenses solely because of criminal history. HB-1553 (2016). Crimes for which CROP is granted may not be entered into evidence in employer liability suits. HB-1553 (2016).	May consider a conviction only if within the last 10 years and the crime "directly relates" to the employment or license sought. Several exceptions. Wash. Rev. Code § 9.96A.020(1)-(2).				
WV						No general provision; a few professions require that conviction be "directly related" to the activity. See W. Va Code § 30-3-14(c)(2) (medicine); § 30-16-11(a)(3) (chiropractic); § 47-14-11(a)(4)(pre-need funeral contracts).
WI	Fair employment act bars discrimination by public and private employers, licensing boards, unless crime "substantially relates" to the particular job or licensed activity. Wis. Stat. §§ 111.321, 111.335(1)(c).			Ban-the-box: No inquiry into the criminal history of civil service applicants until after the applicant has been certified for the position. Wis. Stat. § 230.16(ap). However, "If a particular conviction record disqualifies applicants for a certain position in the state civil service, the director may request a person applying for the position to supply information regarding the conviction record."		
WY						None
Fed				Only limitation on employment in Title VII of Civil Rights Act.		No general limitation on licensure.

AVAILABLE AT: <http://ccresourcecenter.org/state-restoration-profiles/50-state-comparison-judicial-expungement-sealing-and-set-aside/>50-State Comparison Judicial Expungement, Sealing, and Set-aside
Collateral Consequences Resource Center

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
AL						Most delinquency adjudications sealed after final discharge or court order if no pending criminal proceedings. May petition to have records destroyed five years after age of majority. Ala. Code §§ 12-15-136, 12-15-137.	Courts may expunge nonconviction records of nonviolent felonies and misdemeanors, including cases where charges dismissed. Records remain available to government regulatory or licensing agencies, utilities, banks and financial institutions. Ala. Code §§ 15-27-1, -2. State record repository must remove arrest record must be removed from rap sheet after 30 days if not charged or if cleared of the offense. Ala. Code § 41-9-625.
AK			Court may suspend imposition of sentence and "set aside" conviction after successful completion of probation for certain offenses. Alaska Stat. § 12.55.085. May not be used as predicate, but limited use for enhancement of sentence. Similar suspended entry of judgement and dismissal also available, with exceptions for certain serious offenses. § 12.55.078. No conviction results and court records may not be published online, § 22.35.030, but no sealing.			Records of juvenile adjudications are generally confidential and unavailable to the public. Court seals most juvenile records at age 18 or release of jurisdiction if later. Alaska Stat. § 47.12.300(c), (e). If charged as adult, most juvenile records sealed five years after completed sentence or after records made public. § 47.12.300(f).	Nonconviction records generally unavailable to the public. Alaska Stat. § 12.62.160(b)(8). Additional sealing of nonconviction records in the case of mistaken identity or false accusation if proven beyond reasonable doubt. § 12.62.180(b). Courts may not publish online records of cases resulting in acquittal or dismissal. § 22.35.030.
AZ	"Set-aside" upon discharge for all but violent and sex offenses. Relieves collateral consequences, but does not seal record and conviction must be disclosed. Predicate. Ariz. Rev. Stat. Ann. § 13-907.					If 18 years or older, may apply to set aside juvenile adjudication upon discharge from probation or absolute discharge for certain offenses. Predicate effect. Ariz. Rev. Stat. §§ 8-348; 8-207, 13-501.	Non-conviction records may not be sealed or expunged but may be amended to note person cleared of any arrests or indictments. Ariz. Rev. Stat. § 13-4051.
AR	Minor felonies and drug convictions eligible for sealing after 5 yrs. (if no more than one prior felony), misdemeanors immediately after			Expungement of in human trafficking cases. Ark. Code Ann. § 16-90-1412.	If ineligible for sealing may seek pardon, which results in automatic sealing for all but a few serious offenses. Ark Code Ann. § 16-90-1411.	For most offenses, may apply to set aside adjudications upon majority if discharged from probation or absolute discharge and no subsequent conviction or pending charge. Ark. Rev. Stat. § 8-348. Set-aside relieves	Arrest records may be sealed if no charges are filed within one year. § 16-90-1409, if charges dismissed, or if no conviction obtained. § 16-90-1410.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
	completion of sentence; Serious violent and sexual offenses ineligible. Sealed conviction "shall be deemed as a matter of law never to have occurred, and the person may state that the underlying conduct did not occur and that a record of the person that was sealed does not exist." Predicate effect. Ark Code Ann. § 16-90-1401 et seq.					penalties and disabilities, with exceptions for those imposed by Dept. of Transportation.	
CA	Courts may issue certificates of rehabilitation, which affect consideration for employment, operate as first step in pardon process. See Cal. Bus. & Prof. § 480(b) and chart #5. Set-aside for probationers, misdemeanants, and minor felony offenders rights restored and disabilities removed, may be used as predicate offense and disclosed in certain contexts. Set-aside does not seal or otherwise limit access to records.		Deferred sentencing for felony convictions, treated as misdemeanors following successful completion of probation. No sealing except for certain under-age misdemeanants. Predicate effect. Cal. Penal §§ 17(b), 1203.4, 1203.4a, 1203.41. Post-plea deferred entry of judgement & probation available for first minor drug offense. See Cal. Penal § 1000, et seq. Successful completion results in dismissal of charges, and plea may be withdrawn upon application to court. § 1203.43.	Misdemeanors under age 18 when crime committed and who are otherwise eligible may apply to have record sealed. Cal. Penal § 1203.45(a).		Most adjudications may be sealed, subject to the courts discretion, either 5 years after termination of jurisdiction or immediately upon reaching age 18. Cal. Welf. & Inst. § 781. Records are confidential and destroyed after 5 years.	In any case where a person has been arrested and an accusatory pleading has been filed, but where no conviction has occurred, the court may, with the concurrence of the prosecuting attorney, order that the records be sealed and destroyed. Cal. Penal § 851.8(d). Pre-trial diversion records sealed after 2 years. § 851.87.
CO	Court imposing a non-prison sentence may relieve any collateral consequence. Colo. Rev. Stat. §§ 18-1.3-107; 18-1.3-213; and 18-1.3-303. Sealing available for select controlled substance offenses committed after 2008. Colo. Rev. Stat. § 24-72-704 (convictions between 2008 and 2011 - 10 yr. waiting period), § 24-72-705 (convictions after July 1, 2011 - 1 to 10 yr. waiting period). May		Deferred adjudication, sentencing, and diversion may lead to sealing. Colo. Rev. Stat. §§ 24-72-308(1)(a) (deferred adjudication); §§ 18-1.3-101, 24-72-702 (pretrial diversion); 18-1.3-102 (deferred sentencing); § 18-13-122(a) (deferred adjudication/diversion for underage alcohol offenses).	Petty offenses and municipal violations (except for traffic offenses). See Colo. Rev. Stat. § 24-72-708. Decriminalized misdemeanor marijuana possession/use, § 24-72-710 (effective August 2017); Victims of human trafficking, § 24-72-706; posting a private image for harassment or pecuniary gain, § 24-72-709; theft of public transportation services by fare evasion, § 24-72-707; underage possession or consumption of alcohol or marijuana, § 18-13-122(13). May deny conviction in		Expungement available for all but serious violent offenses. Colo. Rev. Stat. § 19-1-306. Court must advise at time of sentencing. Automatic for minor offenses, and no significant waiting period otherwise, except for repeat/mandatory sentence offenders. The person and court may indicate that no record exists. .	Courts must seal, upon petition, or request at time of disposition, a criminal record in cases that were not charged, that were resolved through diversion, completely dismissed, or resulted in acquittal. Colo. Rev. Stat. § 24-72-702. May deny conviction in most cases. § 24-72-702(f)(I). Arrests resulting from mistaken identity may be expunged if no charges were filed. § 24-72-701.5

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
	deny conviction in most situations. § 24-72-703(4)(d).			most situations. § 24-72-703(4)(d).			
CT	See entry for pardoned convictions.		Six programs for deferred adjudication may result in "erasure" of record. May deny conviction; predicate unless records destroyed. Conn. Gen. Stat. § 54-142a. Erasure prohibits disclosure by government, bars reliance in any subsequent criminal proceeding, and permits the person to swear under oath that the crime never occurred.	Erasure available for those convicted as "youthful offenders" upon reaching age 21 if no subsequent felony conviction. Conn. Gen. Stat. § 54-76o. May deny conviction. § 31-51i(c) - (f).	Pardoned conviction automatically "erased;" after 3 years; records destroyed; may deny conviction. Conn. Gen. Stat. § 54-142a(d). Pardons routinely available from Board of Pardons and Parole.	Erasure of police and court records available at age 17 and after 2-4 years have elapsed, depending on seriousness of offense. Must have no subsequent convictions or pending charges. Conn. Gen. Stat. § 46b-146. Employers may not require disclosure of erased record on such a record. § 31-51i(c) - (f).	Erasure of criminal records where charges have been dismissed or nolleed, or where person has been acquitted; may deny arrest under oath. Conn. Gen. Stat. §§ 54-142a; 31-51i(d).
DE			Expungement in "Probation Before Judgment" under Del. Code tit.11 § 4218, and for the first offenders controlled substances diversion program, tit. 16 § 4767. See Del. Code Ann. tit. 11 §§ 4372-74 (see non-conviction records). Expungement mandatory for misdemeanors, discretionary for felonies.		Expungement may be available if unconditionally pardoned of some misdemeanor & violation convictions. Del. Code Ann. tit 11, § 4375.	Mandatory & discretionary expungement for juvenile delinquency records. Del. Code Ann. tit.10, § 1014, et seq. Must have no subsequent convictions or pending charges.	Expungement where case results in acquittal or other termination of action in favor of the accused, including in probation before judgement cases, but prior conviction may disqualify. Del. Code Ann. tit. 11 § 4372. Expungement mandatory where charges involve misdemeanor, discretionary in felony cases. §§ 4373, 437.
DC	Sealing for actual innocence, see D.C. Code § 16-802; decriminalized conduct, see § 16-803.02.	Deferred adjudication, treatment, and expungement for drug use and possession. Yes predicate.		Sealing for selected misdemeanors and one felony (failure to appear) after waiting period. May deny conviction in most situations; certain law enforcement, court, employer/licensing access. D.C. Code §§ 16-803, 16-806.		Upon majority, sealing after a two-year waiting period with no subsequent convictions. D.C. Code § 16-2335(a).	Court authorized to seal non-conviction records after waiting period; may deny conviction in most situations; certain law enforcement, court, & employer/licensing access. D.C. Code §§ 16-803, 16-806. Fugitive from justice arrests may be sealed under § 16-803.01
FL			Adjudication may be withheld and defendant placed on probation for second and third degree felonies if requested by prosecutor or if court makes findings of mitigating circumstances; no conviction results and sealing for certain first offenders (no prior record) after 10 years. Fla. Stat. Ann. §§ 948.01(2), 943.0585(2)(h), 775.08435; Fla. Crim. P. Rule 3.670. Sealing defined in §			Records of juvenile adjudications are generally confidential except for serious offenses. See Fla. Stat. § 985.04(2). Expungement for nonjudicial record of minor's arrest (non-violent misdemeanor, first offense) upon successful completion of diversion program. Fla. Stat. Ann. § 943.0582. Expungement defined as destruction of record. § 943045(13).	Court may order sealing/expungement of non-conviction records, with certain exceptions. Prior or subsequent felony & certain misdemeanor convictions are disqualifying. Expungement results in destruction of record; sealing permits limited law enforcement, employment, licensing access. Fla. Stat. Ann. §§ 943.0585, 943.059.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
			943045(14); record remains available to law enforcement, certain employment. .				
GA		First offender drug possession convictions may be restricted pursuant to Ga. Code Ann. § 35-3-37(h) (2)(B), making them unavailable to public or licensing boards.	Discharge without adjudication after completion of probation "completely exonerate[s] the defendant of any criminal purpose and shall not affect any of his or her civil rights or liberties." Ga. Code Ann. §§ 42-8-60, 42-8-62. Restores firearms privileges. 1974 Ga. Op. Att'y Gen. 48 (1974); Ga. Code Ann. § 16-11-131(f). No sealing but certain restrictions on employer access to records. § 35-3-34.	Records of youthful (under 21) misdemeanor convictions may be "restricted" after five years, making them unavailable to public or licensing boards. § 35-3-37(j)(4)(A).		Sealing upon motion to the court after a two-year waiting period and finding of rehabilitation. Ga. Code Ann. § 15-11-701(b).	If released before indictment or acquitted, record may be restricted after waiting period depending on seriousness of charges.. Ga. Code Ann. § 35-3-37(h)(1).
HI			Deferred adjudication for nonviolent first offenders, expungement after one year. Also for certain first-time minor drug offenders on probation. Yes predicate. Haw. Rev. Stat. §§ 712-1255, 712-1256, 831-3.2, 853-1, 853-4.			Court may expunge juvenile adjudication records. Haw. Rev. Stat. §§ 571-88(a). Juvenile records confidential and per se sealed. Id. § 571-84(e).	Only criminal justice agencies and agencies authorized by Hawaii's laws may access non-conviction information. In addition, upon application by the affected individual, the Attorney General "shall issue an expungement order annulling" record of arrest if no conviction results." Person "shall be treated as having not been arrested." Haw. Rev. Stat. § 831-3.2.
ID	Reduction of felony to misdemeanor after completion of probation, with concurrence of prosecutor if earlier than five years or if crime of violence; offenses requiring sex offender registration not eligible. Idaho Code Ann. § 19-2604(3). No sealing or expungement of record. Certain sex offenders may petition for "expungement" from registry after 10 years. Idaho Code Ann. § 18-8310.		Set-aside of plea where sentence deferred or suspended upon successful completion of probation, or reduction of felony to misdemeanor conviction; restores rights but does not expunge or seal (not applicable to sex offenses). Idaho Code Ann. §§ 19-2601, 19-2604(1), (2).			Juvenile convictions may be expunged after waiting period (except for serious offenses). Idaho Code Ann. § 20-525A	No provision except for unreturned arrest warrants. ICAR R. 32.
IL	Courts authorized to remove		Deferred adjudication for first-time non-	Sealing for misdemeanors and	Pardon instrument may	Expungement available upon petition to the	Records of arrest/charges that

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
	employment and licensing bars through certificate of good conduct. 730 Ill. Comp. Stat. Ann. 5/5-5-55. In addition, consideration of conviction limited for certain licenses where court issues certificate of relief from disabilities. Id. at 5/5-5-5.		violent offenders; expungement five years after successful completion of probation. Predicate offense if within five years. 20 Ill. Comp. Stat. Ann. 2630/5.2; 720 Ill. Comp. Stat. Ann. 570/410, 550/10,5/5-6-3.4. Record destroyed. §2630/5.2(a)(1)(E). 2014 "Second Chance Probation" leading to expungement available to first time felony offenders charged with minor non-violent drug, fraud or theft felony offenses, 730 Ill. Comp. Stat. Ann. 5/5-6-3.4. Yes predicate.	nonviolent Class 3/4 felonies. 20 Ill. Comp. Stat. Ann. 2630/5.2.	authorize expungement. 20 Ill. Comp. Stat. Ann. 2630/5.2(e);2630/5.2(a)(1)(E).	court. 705 Ill. Comp. Stat. 405/5-915. Sealing for non-expunged records. Id. 405/5-915(5).	resulted in acquittal or dismissal may be expunged upon petition to the court. 20 Ill. Comp. Stat. Ann. 2630/5.2(b). Record destroyed. §2630/5.2(a)(1)(E).
IN	Expungement of most felony and misdemeanor offenses after waiting periods ranging from five to ten years. Ind. Code § 35-38-9-2 et seq. Expunged records "remain public," although must be "clearly and visibly marked" as being expunged. §35-38-9-7. Records of misdemeanors and minor felonies are automatically "sealed" upon expungement, which limits public access without a court order even to a prosecutor. § 35-38-9-6. Admin. Sealing from state police after 15 yrs. § 35-38-5-5.		Deferred adjudication for drug abusers and alcoholics charged with less serious felonies, if one prior and no charges pending. Ind. Code §§ 12-23-5-1 et seq., 12-23-6-1, 12-23-7-1 et seq.		Pardon "wipes out guilt" and automatically becomes basis for judicial expungement. State v. Bergman, 558 N.E.2d 1111 (Ind. Ct. App. 1990).	Court may expunge juvenile records at any time upon petition. Ind. Code § 31-39-8-2. Records are destroyed.	Nonconviction records and convictions vacated on appeal may be expunged and sealed after one year § 35-38-9-1. Once records are sealed "only a criminal justice agency may access the records without the order of a court." § 35-38-9-1(d).
IA			Deferred adjudication followed by expungement for first offenders. Predicate offense. Iowa Code §§ 907.3, 907.9.			Non-forcible felony records are preemptively non-public. Iowa Code Ann. §§ 232.147(3), 232.149B(1). Forcible felony records may be made non-public upon application. § 232.149A. Sealing at majority upon application to the court after a two-year waiting period if no subsequent offenses. § 232.150(1). Not reported on criminal history from age 21 on if no serious offenses between age 18 and 21. § 692.17(1).	Expungement of records of acquittals and dismissed charges (excluding deferred adjudication) after 180 days. § 901C.1. See also Iowa Code Ann. § 692.17(1) (records of acquittal/dismissal may not be stored in computer data system).

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
KS	Waiting period of 3-5 years; serious violent and sex offenses excluded. Also no expungement if required to register under KS offender registration act. Presumption in favor of expungement if court makes certain findings. May deny conviction except for certain law enforcement, employment and licensing contexts. No guns, predicate offense. Kan. Stat. Ann. § 21-6614.					Expungement of juvenile adjudications, except for serious or violent offenses, following a two-year waiting period if the person is at least age 23 and has no subsequent offenses. Kan. Stat. Ann. § 38-2312(a) - (c).	May be expunged on petition to court where no conviction results from arrest (including where charges dismissed), subject to certain court-ordered grounds for disclosure. May deny arrest. Kan. Stat. Ann. § 22-2410.
KY	Court has discretion to set aside and expunge specified Class D felonies 5 years after completion of sentence. Filing fee of \$500. Effect of expungement destruction of record, except for index kept by court. Ky. Rev. Stat. Ann. § 431.073. Court must expunge most misdemeanors and violations 5 years after completion of sentence if the applicant has no prior felony conviction, and no other criminal violations within that time. Ky. Rev. Stat. Ann. §§ 431.078, 533.250-533.262. Sex offenses or offenses against a child are ineligible.		Deferred adjudication for Class D felonies; no conviction results, and expungement available if charges dismissed. Ky. Rev. Stat. Ann. §§ 431.076, 533.250-533.262.		Pardoned convictions may be set aside and expunged. Ky. Rev. Stat. Ann. § 431.078.	Vacatur and expungement available, upon petition after a two-year waiting period. Ky. Rev. Stat. Ann. § 610.330.	Court has discretion to expunge records of misdemeanor or felony cases that result in dismissals or acquittals and charges not resulting in indictment after 12 months. Ky. Rev. Stat. Ann. §§ 431.076, 510.300.
LA	Most misdemeanors (after five clean years), many felonies (after 10 clean years), and nonconviction records may be expunged. La. Code Crim. Proc. Art. 971 et seq. Record closed to public but		Deferred adjudication for certain misdemeanor and first offender felony convictions sentenced to probation. Upon successful completion expungement under Section 44:9(A) or (B).			Expungement available after age 17 if two crime-free years for misdemeanors, five years for felonies. Serious offenses excluded. La. Child Code Ann. art. 918(A) - (B).	Both felony and misdemeanor non-conviction records may be expunged, but remain available to law enforcement and for certain licensing purposes. La. Code Crim. Proc. Art. 976.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
	remains available for law enforcement and certain licensing purposes. Predicate offense.						
ME		Records of convictions for Class E (misdemeanor) crimes committed between 18 and 21 may be sealed after 4 years if the person has not been convicted of any other offenses and has no charges pending. Me. Rev. Stat. Ann. tit. 15, §§ 2251, et seq.			Information re: pardoned convictions considered "non-conviction" data, though may be available to public upon request. Me. Rev. Stat. Ann. tit. 16, §§ 703(2), 705. Can delete from FBI record after 10 years per tit. 15, § 2167; and no sex offender registration if pardoned under tit. 34A, § 1125-A(6)(c).	Sealing, upon petition, for all adjudication records after a three-year, crime-free waiting period. Me. Rev. Stat. Ann. tit. 15 § 3308.	Non-conviction records may not be publicly disseminated after one year, but disclosure may be made to "[a]ny person who makes a specific inquiry . . . as to whether a named individual was summonsed, arrested or detained or had formal criminal charges initiated on a specific date." Me. Rev. Stat. Ann. tit. 16, §§ 703, 705.
MD			Deferred adjudication available for certain crimes, record may be expunged, destroyed after 3 years. No predicate effect. Md. Code Ann., Crim. Proc. § 6-220; Md. Rule Crim. Proc. 4-511 and 4-512. Jones v. Baltimore City Police Dep't, 606 A.2d 214. Expunged record may be opened only upon court order, with notice to the person concerned and a hearing, or upon ex parte application by the State's attorney and a showing of good cause (including that the record is needed by law enforcement). Md. Code Ann., Crim. Proc. §§ 10-108(a) through (c). Violation a misdemeanor. § 10-108(d). Destruction after three years. See §§ 4-511, 4-512.	Under Second Chance Act of 2015 a handful of minor misdemeanor convictions are eligible for "shielding." Md. Code Ann., Crim. Proc. § 10-301 et seq., Effective Oct. 1, 2017, enumerated misdemeanors may be "expunged" after 10 crime-free years (15 for 2nd degree assault/"domestically related crime"). SB-1005 (2016) (to be codified at Md. Code Ann., Crim. Proc. § 10-110). Expungement for specified nuisance convictions. Md. Code Ann., Crim. Proc. § 10-105(a)(9), (c)(6). Destruction after 3 years. Md. Rule Crim. Proc. 4-511 and 4-512.	Non-violent first offenders pardoned may petition for judicial expungement. Md. Code Ann., Crim. Proc. § 10-105(a)(8). DNA records may be expunged under Md. Code Ann., Public Safety § 2-511 (through 2013) or Crim. Proc. § 6-232(a) (beginning in 2014). Destruction after 3 years. Md. Rule Crim. Proc. 4-511 and 4-512.	Expungement for charges transferred to juvenile court per Md. Code Ann., Crim. Proc. §§ 10-105(a)(7), 10-106. Destruction after 3 years. Md. Rule Crim. Proc. 4-511 and 4-512. Juvenile court records are generally unavailable to the public. Md. Code Ann., Courts & Judic. Proc. § 3-8A-27. Records may be completely sealed at any time for good cause, and must be sealed at age 21. Md. Code Ann., Courts & Judic. Proc. § 3-8A-27(c)	Arrest records not leading to charges are automatically expunged, and other non-conviction records (including probation before judgment) may also be expunged upon petition after a waiting period; records may be opened only upon court order. Md. Code Ann., Crim. Proc. §§ 10-103; 10-105(a)(1)-(4), (c)(1)-(2). Destruction after 3 years. Md. Rule Crim. Proc. 4-511 and 4-512.
MA	Felonies may be sealed after 10 years if no subsequent conviction (misdemeanors 5 years), but no expungement. May deny conviction in employment application, but no guns, predicate offense. Mass. Gen. Laws ch. 276, § 100A; ch. 140, § 122. See also Mass.		Per Mass. Gen. Laws ch. 278, § 18 (2011) ("Continuance Without a Finding"), sealing after 10 years for felonies and five for misdemeanors (Mass. Gen. Laws ch. 6, § 172).		Pardon seals automatically, recipient may deny conviction. May be used as predicate. Mass. Gen. Laws ch. 127, § 152.	Records of adjudication may be sealed after 3-year crime-free waiting period. Mass. Gen. Laws ch. 276, § 100B. Upon discharge of person committed to department, civil rights restored & past commitment cannot be received in evidence or used in subsequent proceedings except as against same person. Mass. Gen. Laws ch. 120, § 21.	Non-conviction records may be sealed on order of court; may not be used to disqualify a person from public employment. May deny sealed arrest on private employment application. Mass. Gen. Laws ch. 276, § 100C.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
	Gen. Laws ch. 151B, § 4(9) (employers may not inquire into misdemeanor convictions more than 5 years old or arrest records).						
MI	Set-aside for first felony offenders with no more than two prior misdemeanors; also for two misdemeanors if no felonies. (Traffic & sex offenses excluded). 5-year eligibility period. Record unavailable to public. May be used by law enforcement and certain employment-related uses. Predicate effect. Mich. Comp. Laws § 780.621		Mich. Comp. Laws § 333.7411 (probation before judgment for drug first offenders): nonpublic records kept by state police, available only to law enforcement (including law enforcement employment) and court.			Subject to exceptions, mandatory destruction of diversion records after reaching age 17; all other records at age 30. MCR 3.925(E)(2), (3). Sealing upon petition and finding of good cause. MCR. 8.119(F). Set-aside of up to 3 delinquency adjudications upon meeting certain criteria. Mich. Comp. Law. Ann. § 712A.18e.	Where first offenders found not guilty or charges dismissed "the fingerprints and arrest card shall be destroyed by the official holding those items" after notice by court. Mich. Comp. Laws § 28.243(8), (12)
MN	Trial court has common law expungement authority; balancing test applied. State v. S.L.H., 755 N.W.2d 271 (Minn. 2008). Expungement (sealing) available for all misdemeanors and many minor non-violent felonies. Minn. Stat. §§ 609A.02, subd. 3. Applies to both court and executive branch records. Sealing of conviction records available for juveniles tried as adults once finally discharged or probation successfully completed (some law enforcement exceptions). Minn. Stat. §§ 609A.02, subd. 2; 609A.03, subd. 7. Minn. Stat. § 13.87 subd. 1(b) conviction data maintained by executive branch is accessible to public for 15 years following discharge.		Deferred sentencing for felony convictions, treated as misdemeanors following probation. Minn. Stat. § 609.13. Deferred prosecution and expungement for minor drug offenses per Minn. Stat. §§ 152.18, 609A.03.		"Pardon extraordinary" has effect of "setting aside and nullifying" conviction, but does not expunge or seal record. Recipient may deny conviction.	Adjudication records (other than for felony offense at age 16 or older) generally available only to victim, schools, and government agencies for specified purposes and only until age 28. Minn. Stat. § 260B.171. Expungement of juvenile delinquency adjudications available for certain offenses and case dispositions. § 260B.198, subd. 6.	Records must be destroyed upon request if no felony/gross misdemeanor conviction in 10 years prior to dismissal of charge prior to probable cause determination. Immediate destruction if no charges filed, or no indictment returned. Minn. Stat. § 299C.11. Alternatively, discretionary expungement available under same authority as conviction records; remain available for certain law enforcement and background check purposes. §§ 609A.02, subd. 3; 609A.03, subd. 7.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
MS		Expungement of first offender misdemeanors, some minor felonies, and less-serious youthful felonies. Miss. Code Ann. § 99-19-71. Restores the person's legal status, but employer may inquire about existence of expunction. Id. Law enforcement retains.	Deferred adjudication followed by dismissal for misdemeanors and certain felonies. § 99-19-26. Expungement "shall" follow successful completion. § 99-19-26(5).			Sealing upon reaching age 20 if case dismissed or set aside; judge has discretion to seal and unseal. Miss. Code Ann. § 43-21-263(2).	Expungement of misdemeanor records not resulting in conviction. Miss. Code Ann. §§ 99-15-59.
MO	Effective 1/2018, expungement will be available for misdemeanors and all non-Class A felonies, with exceptions for violent, sex and other serious crimes. Mo. Rev. Stat. § 610.140(2) Waiting period for misdemeanors will be reduced from 10 to 3 years, 7 for felonies. § 610.140(5)(1).	First time alcohol-related misdemeanors, after 10 yrs. Mo. Rev. Stat. § 577.054.	Sealing for suspended & probationary sentences, becomes "non-conviction" record, need not be reported; sealed records remain available for law enforcement & certain licensing. Mo. Rev. Stat. §§ 557.011, 610.105-610.110.	Bad check felonies and a few public order misdemeanors may be expunged, but limited effect. § 610.140. See expansion effective 1/2018.		Records generally unavailable to the public. Mo. Rev. Stat. § 211.321.1. Court motion may seal and destroy records after age 17. § 211.321.5. Juvenile driving records may be expunged after two years or upon reaching age 21. § 302.545.	Immediate expungement for nolle pros. if arrest based on false information, most misdemeanor motor vehicle offenses if nolle pros., dismissal, acquittal. § 610.122. Effective 2018, expungement available after 3 years for any misdemeanor, non-Class A felony arrest, with exception for violent, sex, other serious offenses. § 610.140(6).
MT			Deferred sentencing for first felony offenders and misdemeanants, after which charges dismissed and access to records limited (but not "expunged" or destroyed). Mont. Code Ann. §§ 46-18-201, 46-18-204.	Effective Oct. 2017, expungement available for all misdemeanors once in a person's lifetime. HBO168 (2017) (to be codified at tit. 6, ch. 18). Record permanently destroyed/deleted /erased.		Automatic sealing of youth court and probation records upon reaching majority. Mont. Code Ann. § 41-5-215'216. May seek court order limiting availability prior to majority. Mont. Privacy Rules § 4.60.	Upon request of individual or order of court, all records in cases not resulting in conviction, or where conviction invalidated must be returned to the subject. Mont. Code Ann. § 44-5-202.
NE			Court may set aside conviction for those sentenced to probation, which "nullifies" conviction and removes "all civil disabilities and disqualifications" but does not expunge or seal record. Neb. Rev. Stat. § 29-2264.			Expungement only where an arrest is due to police error. Neb. Rev. Stat. § 29-3523(3). Limited availability of sealing (no charge, completion of diversion/probation program) upon showing of rehabilitation. § 43-2,108.03; 43-2,108.4. Adjudication treated as if it never occurred.	Automatic sealing of criminal history information. Records not resulting in prosecution may not be disseminated to the public after a period of one year; records where charges were not filed because of completed diversion are not available to the public after two years; and records where charges were filed but later dismissed by the court are removed from the public record immediately. Neb. Rev. Stat. § 29-3523(3). Expungement also available for arrest

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
							records resulting from law enforcement error. Neb. Rev. Stat. § 29-3523(6).
NV	Sealing available after 7-to-15-year waiting period for felonies (depending on offense) and 2-7-year waiting period for misdemeanors, if no subsequent arrest. Conviction may be denied (with law enforcement and firearms exceptions). No predicate effect. Nev. Rev. Stat. §§ 179.245, 179.285, 179.301. Sealing available for more minor offenses (misdemeanors & lesser felonies) under various statutes (e.g., drug offenses per Nev. Rev. Stat. § 453-3365).		Sealing available for those honorably discharged from probation without waiting period per Nev. Rev. Stat. § 176A.850. Nev. Rev. Stat. Ann. § 458.300 authorizes deferred sentencing for persons adjudged an addict or alcoholic; upon successful completion of a treatment program, the conviction may be set-aside and the record sealed.			Automatic sealing upon reaching age 21 for most offenses. Nev. Rev. Stat. § 62H.140. Earlier sealing upon petition and a hearing after a three-year waiting period. Id. Sealing for certain violent/sex offenses available at age 30. § 62H.150.	Non-conviction records may be sealed at any time after completion of case, may deny arrest. Nev. Rev. Stat. §§ 179.255, 179.285.
NH	Convictions for most non-violent offenses may be "annulled" after waiting periods of 1 to 10 yrs., if consistent with rehabilitation and public welfare. Annulled records unavailable to the public, and inquiries must be limited; however, record may be given predicate effect. N.H. Rev. Stat. § 651:5.					Records closed and placed into an inactive file upon reaching age 21, with access remaining for law enforcement. N.H. Rev. Stat. Ann. § 169-B: 35.	Non-conviction data may be expunged by court subject to "public welfare" standard that applies to convictions; arrest deemed never to have occurred. N.H. Rev. Stat. Ann. § 651:5(II).
NJ	Expungement for certain first indictable offense after 10 years (waiting period may be reduced to 5 years if "in the public interest"). May deny record except in connection with judicial and law enforcement jobs. N.J. Stat. Ann. §§ 2C:52-2. Sentencing court may issue certificate evidencing rehabilitation that "suspends	Expungement of low-level 1st offender drug offense committed before age 21 after 1 year. § 2C:52-5.	Deferred adjudication and sealing for minor drug offenses after 6-month waiting period. § 2C:36A-1. Drug court records may be expunged under N.J. Stat. § 2C:35-14.	Expungement of up to 3 disorderly persons offenses after 5 years (may be reduced to 3 years if "in public interest"). N.J. Stat. Ann. § 2C:52-3. 10-year minimum waiting period if person also has a conviction for an indictable offense. § 2C:52-2. May deny record except in connection with judicial and law enforcement jobs. § 2C:52-2.	Pardon makes eligible for expungement. In re L.B., 848 A.2d 899 (N.J. Super. Ct. 2004). May deny record except in connection with judicial and law enforcement jobs.	Expungement available after 2-10 year waiting period, depending on seriousness of offense. N.J. Stat. Ann. § 2C:52-4.1. Sealing available after 2 years if no subsequent conviction/adjudication, or immediately upon military enlistment. § 2A:4A-62.	Arrest and other non-conviction data may be expunged upon application at the time of disposition; episode deemed never to have occurred. N.J. Stat. Ann. § 2C:52-6. § 2C:52-1

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
	certain disabilities, forfeitures or bars to employment or professional licensure." N.J. Stat. Ann. § 2A:168A-7.						
NM			Deferred sentencing (following plea resulting in conviction) available except in first degree felony cases; rights restored but conviction remains. No expungement, and conviction has predicate effect. Does not qualify as "set-aside" for purposes of avoiding federal firearms restrictions. N.M. Stat. Ann. § 31-20-3. Conditional discharge without finding of guilt available once in lifetime except in first degree felony case. § 31-20-13. Record not expunged, but rights are not lost. Predicate effect. Distinct conditional discharge authority for first offender drug possession. § 30-31-28. Expungement available if offense committed while age 18 or younger.			Court may seal records relating to juvenile delinquency petitions after both reaching age 18 (with exceptions) and after 2 year waiting period if no subsequent felony or misdemeanor involving moral turpitude. N.M. Stat. Ann. § 32A-2-26. Treated as though proceeding never took place.	Department of public safety authorized to expunge arrest information relating to misdemeanor or petty misdemeanor offense unless crime of moral turpitude. If final disposition cannot be located, the department "shall expunge the arrest information." N.M. Stat. Ann. § 29-3-8.1(a). Question whether courts have inherent authority to direct expungement is now before the New Mexico Supreme Court.
NY	Effective October 2017, all offenses other than sex offenses and class A felonies and violent felonies may be sealed after 10 years. Available for up to two offenses, only one of which may be a felony. N.Y. Crim. Proc. § 160.59. Certificate of Relief from Disabilities, N.Y. Correct. Law §§ 700-706, or a Certificate of Good Conduct, §§ 703-a, 703-b, may be obtained to restore rights, at sentencing for first felony offenders not sentenced to prison, or thereafter for all from Parole Board.		Deferred adjudication includes automatic expungement upon completion unless DA demonstrates "that the interests of justice require otherwise." N.Y. Crim. Proc. Law §§ 160.58, 216.00 et seq. Conditional sealing of certain drug and other specified felony convictions upon completion of a judicially sanctioned "diversion" or drug treatment program.	Up to three prior misdemeanors may be sealed pursuant to conditional sealing authority described in column to left.	Youthful offender pardons: Cuomo program to pardon for crimes committed at age 16 or 17, limits access to criminal history by private employers, landlords, other companies.	Youthful offender adjudication records are generally unavailable to the public. N.Y. Crim. Proc. Law § 720.35(2). Delinquency adjudications for non-felony offenses may be sealed once reaching age 16 upon petition. NY CLS Family Ct Act § 375.2. Delinquency proceedings resolved in juvenile's favor are automatically sealed. § 375.1.	Sealing automatic upon termination of the action in favor of a person (including deferred adjudication), unless the district attorney demonstrates "that the interests of justice require otherwise." N.Y. Crim. Proc. Law §§ 160.50, 160.55.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
NC	Minor felonies and misdemeanors eligible for judicial Certificate of Relief to remove collateral sanctions; Certificate may be considered favorably in determining whether to disqualify from public employment or licensure. N.C. Gen. Stat. § 15A-173.2(d).	First offender nonviolent felonies & most non-violent misdemeanors eligible for expungement after 15 years. N.C. Gen. Stat. § 15A-145.5. Youthful offenders: First offender nonviolent felonies and misdemeanors committed under age 18 or 21 may be expunged (4 yrs waiting period for felonies, 2 years under 18 misdemeanors & under 21 alcohol misdemeanors). N.C. Gen. Stat. §§ 15A-145, 15A-145.4. Certain gang offenses committed by first offender under age 18 may be expunged. N.C. Gen. Stat. §§ 15A-145.1, 14-458.1(c).	Deferred adjudication for first-time minor drug offenders. No conviction results if probation successfully completed. No predicate effect. Expungement of records only if under 22. N.C. Gen. Stat. §§ 90-96(a), 90-113.14(a). Deferred adjudication for cyberbullying offenses committed under age 18. May be expunged. N.C. Gen. Stat. §§ 15A-145.1, 14-458.1(c).			Juvenile records generally unavailable to the public. N.C. Gen. St. § 7B-3200(b). May be sealed by court order. § 7B-3200(c). Sealed records may be disclosed by court order. Expungement available upon reaching majority after an 18-month waiting period after demonstrating good behavior and no subsequent convictions.	Where charges are dismissed or the person found not guilty, may apply to the court for expungement if no prior felony convictions, and thereafter may deny conviction. N.C. Gen. Stat. § 15A-146(a).
ND		First offender marijuana possession may be sealed if not subsequently convicted within 2 years. N.D. Cent. Code 19-03.1-23(9).	Deferred imposition of sentence available per N.D. Cent. Code § 12.1-32-02, but no expungement/sealing.			Automatic sealing after the conclusion of juvenile proceedings. N.D. Cent. Code § 54-23.4-17(5). Permanent destruction of records after a specified time depending on the adjudication. N.D. Sup. Ct. Admin. R. 19(9).	Courts have inherent authority to expunge non-conviction records for unlawful arrests, State v. Howe, 308 N.W.2d 743, 749 (N.D. 1981), and to limit public Internet access to electronic non-conviction records if charges dismissed or defendant acquitted, N.D. Sup. Ct. Admin. R. 41(6).
OH	Records sealed for one felony and/or up to 2 misdemeanors, after 1-3 yr. waiting period depending on offense if court finds rehabilitation. Certain serious offenses excluded. Applies to federal and out-of-state convictions. May deny conviction w/ some exceptions. Access in law enforcement and		Intervention in lieu of conviction available for certain non-serious first offenses; successful completion and abstinence results in not being treated as a conviction. Ohio Rev. Code Ann. §2951.041. Sealing available under Ohio Rev. Code Ann. § 2953.52.		Courts have no inherent authority to seal record of pardoned conviction. State v. Radcliff (Ohio, 2015).	Sealing of records for delinquency adjudications, except for murder or rape offenses, after 6 months from discharge. Ohio Rev. Code Ann. § 2151.356. Proceedings deemed never to have occurred.	Sealing for records that did not lead to a conviction, or in which conviction was overturned. Ohio Rev. Code Ann. §§ 2953.52, 2953.55. May deny for most purposes. § 2953.55(A).

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
	licensing contexts. Predicate offense. Ohio Rev. Code Ann. §§ 2953.31 et seq. Ohio judges may also issue a "certificate of qualification for employment" that removes automatic sanctions and allows consideration on the merits. Ohio Rev. Code Ann. § 2953.25.						
OK			Deferred adjudication and probation leading to expungement (sealing) for misdemeanants and minor felony offenders. 22 Okla. Stat. Ann. § 991c. Misdemeanants also eligible one year after completion of deferred judgment, id. § 18(8). First drug offenders eligible for deferred sentencing and expungement under 63 Okla. Stat. Ann. § 2-410(A). Sealed record may be ordered "obliterated or destroyed" after an additional 10 years.	Misdemeanor with fine under \$500 and no prison or suspended sentence may be expunged immediately. 22 Okla. Stat. Ann. § 18(A)(10) (eff. Nov. 2016). Otherwise, misdemeanors expunged after 5 years if no charges pending and no prior felonies. 22 Okla. Stat. Ann. § 18(A)(11).	Non-violent first offenders who have been pardoned may petition for expungement after 10 yrs. No more than two pardoned felonies may be expunged after 20 yrs. (eff. Nov. 2016). Those convicted under age 18 may also petition for expungement after pardon. 22 Okla. Stat. Ann. §§ 18(A)(6), (A)(12), (A)(13).	Expungement eligibility upon reaching age 21 if no subsequent criminal behavior. Record sealed, and destroyed after 10 years if not unsealed. May deny existence of record. Okla. Stat. tit. 10A, § 2-6-109.	Expungement (sealing) of records of acquittals, reversals, innocence, or where charges never filed under 22 Okla. Stat. Ann. § 18(A)(1)-(5). Also available for cases in which charges dismissed under § 18(A)(7), if no prior felonies and time has expired for recharging.
OR	Less serious non-violent offenses may be "set aside" after waiting period of 1 to 20 years if no other conviction in past 10 years (or ever, if setting aside Class B felony) or arrest within 3 yrs. Order must issue unless court finds it would not be "in the best interests of justice." Record sealed from public view. May deny conviction, but counts as predicate. Or. Rev. Stat. § 137.225.					Expungement and sealing eligibility for most offenses upon reaching majority. Or. Rev. Stat. § 419A.262(2). 5-year waiting period with no subsequent felony or Class A misdemeanor convictions. § 419A.262(2)(a)-(e). Set-aside available for some offenses not eligible for expungement. § 419C.610.	One year from the date of any arrest, if no accusatory instrument was filed, or at any time after an acquittal or a dismissal of the charge, the arrested person may apply to the court for entry of an order setting aside and sealing the record of such arrest. Or. Rev. Stat. § 137.225(1)(b).
PA	Expungement with complete destruction of records available for those over 70 if no arrests for 10 yrs, and 3 yrs after death. 18 Pa. Cons. Stat. §		Expungement for probation without verdict (ARD) for non-violent first time drug offenses. 35 Pa. Cons. Stat. §§ 780-117, 780-119.	2nd & 3rd degree misdemeanors and ungraded offenses may be sealed under "order of limited access" after 10 years. Records are unavailable to the public, but remain	Pardon basis for judicial expungement. Commonwealth v. C.S., 534 A.2d 1053 (Pa. 1987).	Upon reaching majority, expungement with complete destruction of records available after a five-year waiting period for delinquency adjudications. 18 Pa. Cons. Stat. Ann. § 9123.	May not be disclosed to public after three years with no subsequent conviction. 18 Cons. Stat. § 9121(b)(2)(i). Expungement available for non-conviction records

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
	9122; 234 Pa. Code chs. 4, 7.			available to certain state agencies, including licensing boards. 18 Pa.C.S. § 9122.1. Expungement available for "summary" offenses after 5 yrs; also for underage drinking. 18 Pa. Cons. Stat. § 9122; 234 Pa. Code chs. 4, 7.			where no disposition indicated after 18 months or by court order (includes pre-plea diversion cases after successful completion of probation). 18 Pa. Cons. Stat. § 9122. Constitutional right to seek judicial expungement of an arrest record, based on balancing test. Comm. v. Armstrong, 434 A.2d 1205 (Pa. 1981). Partial expungement of charges nol prossed also available. Comm. v. Hanna, 964 A.2d 923 (Pa. Super. 2009).
PR	Broad expungement authority for all offenses, including violent felonies, after waiting period of six months to 5 years (felony offenders also must provide DNA sample), if applicant demonstrates "good moral reputation in the community." P.R. Laws Ann. tit. 34, §§ 1725a-1 et seq.		Certificate of rehabilitation available to persons who have not completed prison term if deemed totally rehabilitated, psychological recommendation required, court orders conviction not be included in criminal record certificate but may be used for recidivism purposes. P.R. Laws Ann. tit. 4, § 1611 et seq.				Revoked verdicts may be expunged. P.R. Laws. Tit. 34, § 1725b
RI	"Certificate of recovery & re-entry" if no more than one non-violent felony conviction relieves petitioner of some collateral consequences. R.I. Gen. Laws § 13-8.2-1.	Nonviolent first offenders only, after 5-10 yrs. Allows denial except for certain jobs and licenses. Predicate offense. R.I. Gen. Laws §§ 12-1.3-1 et seq.	Deferred sentencing cases may be sealed after successful completion of five (5) year probation period, if no prior felony convictions. R.I. Gen. Laws §§ 12-19-19(c), 12-1-12.1. "Filing" complaints must be sealed upon successful completion of one-year probation, three years for domestic violence cases. R.I. Gen. Laws § 12-10-12.			Automatic sealing, with limited exceptions, upon final disposition of juvenile case. R.I. Gen. Laws §§ 14-1-6.1, 14-1-64(b). Juvenile adjudication can be used for sentencing purposes in adult court and does constitute a conviction for impeachment purposes.	Court sealing of records of persons acquitted or otherwise exonerated (including charges dismissed pursuant to deferred sentencing) if no prior felony convictions. R.I. Gen. Laws § 12-1-12.1.
SC		First offense misdemeanors (except traffic offenses) may be expunged if no other conviction within 3 years (5 years for domestic violence cases). S.C. Code Ann. § 22-5-910(A). Expungement requires destruction of record.	Deferred adjudication for first-time minor drug offenders. No conviction results and record expunged. S.C. Code Ann. § 44-53-450. Non-violent first offenders eligible for pretrial intervention, non-criminal disposition, and expungement. §§ 17-22-10 et seq. No predicate effect. Certain non-violent offenses committed between 17 & 25 years			Expungement available upon majority for status and nonviolent offenses, with certain exceptions for serious crimes and repeat offenders. S.C. Code Ann. § 63-19-2050(A).	If charges dismissed or person found not guilty, all records must be destroyed and "no evidence of such record pertaining to such charge shall be retained by any municipal, county or State law enforcement agency." S.C. Code Ann. § 17-1-40(A)

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
SD		Expungement also available for first fraudulent check offense, first offense resulting in alcohol education program, and first failure to stop for law enforcement signal. §§ 34-11-90(e), 17-22-530(A), 56-5-750(F).	of age resulting in probation & treatment may be expunged after 5 years if no subsequent conviction. § 22-5-920.				
			Suspended imposition of sentence for first offenders charged with non-serious felony and misdemeanor offenses; results in no conviction, records sealed. S.D. Codified Laws §§ 23A-27-12.2 through 17.	Effective 2016, arrest and conviction for Class 2 misdemeanors, municipal violations, petty offenses automatically removed from public record after 10 years. S.D. Codified Laws § 23A-3-34. Director of the Bureau of Criminal Statistics may authorize destruction of records of misdemeanors ten years after discharge, and records of persons seventy-five years of age or older who have been crime-free for at least ten years. S.D. Codified Laws § 23-6-8.1.	Pardon seals record automatically where statutory process followed. S.D. Codified Laws § 24-14-11	Sealing upon petition after a waiting period and finding of no subsequent convictions and rehabilitation. S.D. Codified Laws § 26-7A-115.	Records may be expunged upon application after one year if no prosecution; or where no adjudication of guilt, including deferred adjudication, if prosecutor consents. S.D. Codified Laws §§ 23A-27-14 to 23A-27-17. Restores person to pre-arrest status and seals record, but does not destroy record.
TN	Certain less serious non-violent felonies and misdemeanors eligible for expungement 5 years after discharge, if no more than 2 other convictions; may deny conviction but record remains available to law enforcement. Tenn. Code Ann. § 40-32-101(g), (k). Judicial restoration of rights and "certificate of employability" available to all residents, wherever the conviction obtained; limits licensing denials, protects against negligent hiring liability. Tenn. Code Ann. § 40-29-107. (See		Deferred adjudication for first offenders, results in no conviction, no predicate effect (except subsequent related civil actions), records expunged. Tenn. Code Ann. §§ 40-35-313, 40-32-101(b). Misdemeanants and Class D felons who successfully complete diversion probation eligible for expungement under Tenn. Code Ann. § 40-15-102 to 40-15-106.		Pardon may serve as grounds for expungement and thus restoration of firearms privileges. See Tenn. Code Ann. § 40-29-105(h).	Effective July 2017, mandatory expungement of "misdemeanor"-only records upon petition after one-year waiting period. Tenn. Code Ann. § 37-1-153(f). Otherwise, discretionary expungement available at age 17 if one year has passed since most recent adjudication and certain criteria are met. Tenn. Code Ann. § 37-153(f). Records destroyed.	Court must order "destruction" of records in case of acquittal, or where charges dismissed. Tenn. Code Ann. § 40-32-101(a), (b). Partial expungement: Conviction records may be redacted to expunge charges not resulting in conviction. See State v. L.W., 350 S.W.3d 911 (2011)

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
Chart #5)							
TX		First-offender misdemeanor sealing available upon petition for "order of non-disclosure." No waiting period applies for fine-only misdemeanors; otherwise 2 years. See Tex. Gov't Code §§ 411.073, 411.0735. First-offender DWI convictions also eligible, 2-5 year waiting period. Tex. Gov't Code §§ 411.0731, 411.0736. Order of nondisclosure limits public access, but records may be disclosed to law enforcement and certain licensing purposes.	Deferred adjudication available (certain offenses, such as sex and violent offenses, excluded), results in dismissal of charges and no conviction. For first misdemeanors, court must seal records under "order of non-disclosure" upon discharge. Tex. Gov't Code § 411.072; Tex. Code Crim. Proc. art. 42.12. May otherwise be sealed upon petition. Waiting period may apply (2 years for serious misdemeanor; 5 years for felony). Tex. Gov't Code § 411.0725.		Pardon entitles recipient to judicial expungement. Tex. Code Crim. Proc. Ann. art. 55.01(a).	Automatic restriction to access of records when offender reaches age 21 if no convictions after age 17. Serious offenses ineligible. Tex. Fam. Code Ann. § 58.204. Traditional sealing additionally upon petition after a two-year waiting period for misdemeanors, with stricter requirements for sealing of felonies. Id. § 58.003. May deny existence of record, and limited access to criminal justice agencies.	"Expunction" of all records may be ordered in cases where an arrest does not result in a conviction, except that only Class C misdemeanants eligible in case of deferred adjudication. Tex. Code Crim. Proc. Ann. art. 55.01(a), art. 55.01(2)(B).
UT	Most offenses may be "expunged" after 3-7 yr waiting period. Order must issue unless court finds it would be "contrary to public interest." May deny conviction but otherwise of uncertain effect. Predicate offense. Utah Code Ann. §§ 77-40-101 et seq.				Pardon entitles person to expungement. Utah Code Ann. § 77-40-105(5).	Expungement after a one-year waiting period upon reaching majority and filing a petition with the court if no adult criminal record. Record available only to court thereafter. Utah Code Ann. §§ 78A-6-1105(1)(a)(i) & (ii), (e).	Person arrested may, at least 30 days after arrest, petition for expungement if no charges filed or charges dismissed, or if acquitted. Utah Code Ann. 77-40-104.
VT	Misdemeanors and two minor felonies eligible for expungement after 10 yrs (5 yrs for youthful offenders) if no further conviction, or for sealing if "better serves the interest of justice." Either available after 20 yrs if no conviction within past 15 yrs. Vt. Stat. Ann. tit. 13, §§ 7601 et seq. Primary difference in two forms of relief is	Sealing available under first offender diversion program 2 years after completion of program. Vt. Stat. Ann. tit. 13, § 164.	Deferred sentencing may result in expungement of record, may deny conviction. No predicate effect. Vt. Stat. Ann. tit. 13, § 7041. The only crime specifically excluded by statute is aggravated sexual assault of a child, see § 7041(c), though many are excluded as a matter of policy.			Records sealed 2 yrs after discharge unless additional charges pending & rehabilitation not attained. Vt. Stat. Ann. tit. 33, § 5119(a).	Expungement or sealing of non-conviction records if charges not brought or dismissed before trial. Vt. Stat. Ann. tit. 13, § 7603.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
	that sealed conviction may be used as predicate; in both cases same official response "no record exists." Upon application, court must seal records of crimes committed prior to age 21 two years after final discharge, if the person has had no further criminal involvement and "the person's rehabilitation has been attained to the satisfaction of the court." Vt. Stat. Ann. tit. 33, §§ 5119(g), 5287(d). Courts may relieve collateral sanctions at and after sentencing for all but the most serious offenders. 13 V.S.A. § 8001 et seq. (Vermont Uniform Collateral Consequences of Conviction Act.)						
VI			Deferred adjudication and expungement for non-violent first offenders, and for youthful drug possession. V.I. Code Ann. tit. 19, § 607(b)(1); tit. 5, § 3711(c). Probation and expungement for youthful offenders after 5 yr waiting period. V.I. Code Ann. tit. 5, § 3712.	Expungement of misdemeanor convictions upon petition to court. V.I. Code Ann. tit. 5, § 3734.		Court may vacate and seal juvenile records 2 years after final discharge if no intervening convictions or pending charges. 5 V.I.C. § 2531. Proceedings treated as if they never occurred. Subsequent adjudication or conviction nullifies sealing order.	Records of arrest that do not result in conviction "must be expunged" where case dismissed, acquittal, nolle prossed. Non-conviction records may be expunged by petition in most other cases. V.I. Code Ann. tit. 5, §§ 3732-3733.
VA			Deferred Adjudication for certain first time drug offenders, but no expungement. Va. Code Ann. § 18.2-251.		Absolute pardon (granted only for innocence) entitles person to judicial expungement. Simple pardon (for forgiveness) does not.	Records generally unavailable to the public. Automatic destruction of records annually if juvenile is at least age 19 and five years have passed since last hearing in any juvenile case, with several exceptions. Va. Code Ann. §§ 16.1-306(A) & 307.	Non-conviction records may be expunged in case of acquittal or where charges nolle prossed or dismissed (except in deferred adjudication cases). Va. Code Ann. § 19.2-392.2. Record may be denied and employers cannot inquire. § 19.2-392.4.
WA	All but most serious felonies and misdemeanors may be "vacated" after waiting period of 3 to 10 yrs, depending on		After conviction of "any crime," court may suspend or defer sentence, and place defendant on probation; may petition to have record vacated and sealed		Pardon vacates conviction automatically, and seals record. Wash. Rev. Code § 9.94A.030 (11)(b).	Sealing automatic after age 18 (or after release from confinement or supervision) for most offenses if terms of disposition satisfied, unless state objects. Wash. Rev. Code §	Non-conviction records in criminal justice agency files may be sealed administratively two years after disposition favorable to defendant. Wash.

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
	offense. "Releases" person "all penalties and disabilities resulting from the offense." May deny conviction. Limited predicate effect. Wash. Rev. Code § 9.94A.640. Vacated record may be sealed under General Court Rule 15 if the court determines the need for privacy or safety outweighs the public interest in access.		after probation expired. Wash. Rev. Code §§ 3.66.067, 9.95.200.			13.50.260. Otherwise, available by court order for most offenses after a crime-free waiting period of two to five years depending on the seriousness of the offense. Id.	Rev. Code § 10.97.060.
WV	Effective July 2017, qualifying non-violent felony may be reduced to "reduced misdemeanor" at court's discretion after 10 years. W. Va. Code §§ 61-11B-1 to 61-11B-5.	Youthful (18-26) first offender misdemeanor convictions may be expunged after 1 year (violent, domestic violence, DUI, crimes against children excluded). Records sealed, may be opened only on court order to subject or prosecutor. W. Va. Code § 61-11-26.		See first offender column.	Judicial expungement 1 yr. after pardon and 5 years after discharge if good cause (certain exceptions for violent crimes); may not be considered for licensing and teaching. W. Va. Code § 5-1-16a.	Automatic sealing after later of age 19 or one year after termination of jurisdiction unless case is transferred to adult court. W. Va. Code § 49-5-18(a), (f). Treated as though proceedings never occurred.	Court may expunge records (except those held by the DMV) of acquittals, dismissals if person has not previously been convicted of a felony. W.Va. Code § 61-11-25.
WI	In sentencing youthful offenders (under 25), court may order misdemeanor and minor first felony convictions expunged upon successful completion of sentence. Wis. Stat. § 973.015. Court records destroyed, but prosecutor may ask that offense conduct be considered in context of new crime. See State v. Leitner, 646 N.W.2d 341, 352 (Wis. 2002)		Deferred prosecution in domestic violence & some sex offense cases authorized by Wis. Stat. § 971.37; upon successful completion of deferral, charges dismissed and no conviction results. No provision for expungement of records.			Expungement upon petition after reaching age 17 and a finding that sentencing requirements have been completed and expungement will benefit offender without harming society. Wis. Stat. § 938.355(4m).	No provision for sealing or expunging non-conviction records. However, fingerprint records returned by law enforcement if person arrested is subsequently released without charge or "cleared of the offense through court proceedings." Wis. Stat. § 165.84(1).
WY	Certain less serious felony and misdemeanor convictions may be expunged 10 years after sentence expires	See deferred sentencing column.	Deferred sentencing for first felony offenders and misdemeanants (certain serious crimes excluded); avoids conviction but expungement			May apply for expungement after reaching majority and presenting evidence of rehabilitation and no subsequent offenses. Violent felonies ineligible. Wyo. Stat.	Courts may expunge non-conviction records if no charges pending, 180 days after dismissal of proceedings. Wyo. Stat. Ann. § 7-13-1401. Records

State	General Authority (incl. some felonies)	First Offenders	Probationary Sentences (incl. deferred adjudication)	Misdemeanors Only	Pardoned Offenses	Juvenile Adjudications	Non-Conviction Records
	if no other felony convictions, and if court finds applicant is not a danger. Violent and sexual offenses, and those involving firearms, ineligible. Wyo. Stat. Ann. §§ 7-13-1501, 1502. Records sealed but not destroyed. §§ 7-13-1401(j)(1). .		specifically prohibited. Wyo. Stat. Ann. §§ 7-13-301 et seq.			Ann. § 14-6-241(a). Proceedings deemed never to have occurred.	sealed but not destroyed. Wyo. Stat. Ann. §§ 7-13-1501
Fed			Deferred adjudication for first misdemeanor drug possession under 18 U.S.C. § 3607(a). See also id. at (c) (expungement available if under 21 years old at time of offense).				Some federal courts assert inherent ancillary authority to expunge if arrest or conviction is invalid or subject of clerical error. United States v. Sumner, 226 F.3d 1005 (9th Cir. 2000). Also DNA expunged if conviction overturned. 10 U.S.C. § 1565(e); 42 U.S.C. § 14132(d).