



CRITERIA FOR A CERTIFICATE OF ELIGIBILITY



Updated January 2025

A petitioner seeking to expunge a record of arrest, investigation, detention or conviction must first obtain a certificate of eligibility.

WAITING PERIODS TO EXPUNGE A RECORD OF CONVICTION OR DISMISSAL

- Felony** - 7 Years (5 Years for drug possession offenses)
- Class A Misdemeanor** - 5 Years
- Class B Misdemeanor** - 4 Years
- Class C Misdemeanor OR Infraction** - 3 Years
- Misdemeanor DUI** - 10 Years

CONVICTIONS THAT CANNOT BE EXPUNGED

- Capitol Offenses
- First Degree Felonies
- Violent Felonies
- Felony DUI
- Registerable Sex Offenses
- Registerable Child Abuse Offenses

30-180 DAY WAITING PERIODS

The following are circumstances in which a record of arrest can be expunged if 30-180 days have passed and there are no criminal charges pending against the petitioner

- The case was screened by the police and the prosecutor declined to file charges - 30 days
- The case was dismissed with prejudice - 30 days
- The case was dismissed without prejudice - 180 days
- The petitioner was acquitted at trial - 30 days
- The statute of limitations has expired

FEES

- The petitioner must pay the \$65 application fee to start the expungement process.
- If the petitioner is eligible to receive a certificate of eligibility for a conviction, plea in abeyance, or a special certificate there is an additional \$65 fee per certificate.
- If the petitioner is eligible to receive a certificate of eligibility for a case that has been declined, dismissed with no plea in abeyance, or the petitioner was acquitted there is no fee per certificate.

REASONS FOR DENIAL

- Two or more felony convictions contained in separate episodes. (Three or more felony convictions for drug possession offenses)
- Any combination of three or more convictions that include two class A misdemeanor convictions contain in separate episodes.
- Any combination of four or more convictions that include three class B misdemeanor convictions contained in separate episodes.
- Five or more convictions of any degree whether misdemeanor or felony, excluding infractions, each of which contained in separate episodes.

OTHER REASONS FOR DENIAL

- Criminal proceeding is pending against the petitioner.
- All fines, fees, and interest ordered by the court related to the conviction has not been paid in full.
- The petitioner has a criminal protective order OR criminal stalking injunction in effect for the case.
- The petitioner is currently incarcerated, on parole, or probation.
- There is a plea in abeyance for a misdemeanor or felony offense pending.
- The petitioner intentionally or knowingly provides false or misleading information on the application.