

SOUTHERN STATES SHOWING EXPUNGEMENT / RESTRICTION OF CONVICTIONS

SOUTHERN STATES THAT ALLOW SOME FELONIES TO BE RESTRICTED:

Arkansas, Kentucky, Louisiana, Missouri, Mississippi, North Carolina Tennessee, West Virginia

State	Misdemeanor	Waiting Period	Felony	Waiting Period	Court Petition Req.	Hearing	Other Requirements / Interesting Notes	Multiple Convictions	Pardoned Offenses Expunged
Arkansas (A.C.A. 16-90-1405)	Yes - Automatic	Sentence Completion	Certain	5 years after sentence completion	Yes	Discretionary	<ul style="list-style-type: none"> Eligible felony Sentence completion 	Misdemeanors Only	
Kentucky KRS 431.078	Yes	5 years after sentence completion	Yes	5 years for certain non-violent Class D felonies or those with full pardon	Yes	Mandatory w/notice to county attorney and victim	<p>Misdemeanor</p> <ul style="list-style-type: none"> No other conviction within the 5 year time Ky. Rev. Stat. Ann. 431.078 Offenses against child ineligible Must be informed of his right to expunge at adjudication <p>Felony:</p> <ul style="list-style-type: none"> Vacatur and expungement may only be sought once in a lifetime (multiple felonies from same charge ok under single petition) Felony expungement restores right to vote¹ <p>\$500 filing fee</p> <p>Expunged records are deleted from official databases (including law enforcement)</p>	Yes	Yes
Louisiana La. R.S. 44:9	Yes	5 years after sentence completion	Certain	10 years after sentence completion	Yes	Upon objection – objecting party must show by a preponderance of the	<p>Misdemeanor</p> <ul style="list-style-type: none"> Eligible offense 	Yes (recently changed)	

¹ 2015 bill limited disenfranchisement to those serving prison terms, enacted over Governor Larry Hogan's veto.

State	Misdemeanor	Waiting Period	Felony	Waiting Period	Court Petition Req.	Hearing	Other Requirements / Interesting Notes	Multiple Convictions	Pardoned Offenses Expunged
						evidence why the motion should not be granted	<ul style="list-style-type: none"> No felony conviction within 5 years No pending felony case Felony <ul style="list-style-type: none"> Eligible offense No conviction within 10 years No pending case 		
Missouri Mo. Rev. Stat. 610.140(2) (by SB-588)	Yes	3 years	Certain	7 years	Yes	Pleading application “create[s] a rebuttable presumption that the expungement is warranted.” No longer discretionary. If not rebutted the court “shall” order expungement.	Felonies: <ul style="list-style-type: none"> Class A Felonies ineligible for expungement Certain violent crimes, sex crimes, driving offenses Must disclose expungement in application for professional license. 610.140		
Mississippi 99-19-71	Yes	5 years	Certain Underage Felonies	5 years	Yes	Underage Felony: Discretionary for “violent crime or felony related to distribution of controlled substance”	Misdemeanor: <ul style="list-style-type: none"> Any first misdemeanor other than traffic offense. Miss. Code Ann. 99-19-71(2)(a) Felony: <ul style="list-style-type: none"> Single minor felony conviction. <i>Id.</i> Single more serious felony committed before 18 years old. 99-19-71(2)(b) Records retained for law enforcement purposes	No	No
North Carolina N.C. Gen. Stat. 15A-145.5	Certain	15 years after sentence completion	Certain	15 years after sentence completion	Yes		<ul style="list-style-type: none"> Sentence completion Good moral character No other criminal history Two affidavits of unrelated supporters Recent criminal background check 	No	

State	Misdemeanor	Waiting Period	Felony	Waiting Period	Court Petition Req.	Hearing	Other Requirements / Interesting Notes	Multiple Convictions	Pardoned Offenses Expunged
Tennessee Tenn. Code. Ann. 40-32-101	Yes	5 years after sentence completion	Certain	5 years after sentence completion	Yes	No – evidence can be filed by individual and prosecutor	<ul style="list-style-type: none"> • Sentence completion • Pardon obtained • Interest of individual must outweigh the best interests of justice and public safety • \$450 filing fee 	No	Yes
West Virginia W. Va. Code 61-11-26	If pardoned Or If Youthful Misdemeanant First Offender 61-11-26(a)	1 year after pardon, and at least 5 years from discharge from sentence	If pardoned	1 year after pardon, and at least 5 years from discharge from sentence	Yes	Yes <i>See</i> W. Va. Code 61-11-26(c)(9) and (10)	Pardoned offense <ul style="list-style-type: none"> • No pending case • Exceptions for certain violent crimes 5-1-16a(a) Youthful Misdemeanant First Offenders: Educational institutions and licensing authorities may not consider expunged records 5-1-16a(b) Sealed from agencies and officials, including law- enforcement. Agencies must certify deletion within 60 days, orders enforcing this procedure are also sealed. W. Va. Code 61-11-26(j)	Yes	Yes

SOUTHERN STATES THAT ALLOW FOR SOME MISDEMEANORS ONLY TO BE RESTRICTED: GEORGIA & MARYLAND

Georgia O.C.G.A. 35-3-37	Certain – Youthful Offenders	5 years after sentence completion	No	N/A	Yes – “youthful offenders”	Discretionary	<ul style="list-style-type: none"> Under 21 at time of conviction Sentence completion 5 years with no criminal activity 	Yes	No	No
Maryland Md. Code Ann., Crim. Proc. 10-110 (Oct. 1, 2017)	Yes	10 years after sentence completion 15 years for 2 nd Degree Assault (3-203), and “domestically related crimes” (6-233) Unit Rule: 10-110(D)(3), 10-107	No	N/A	Perhaps	Hearing held if the victim or the State’s Attorney objects within 30 days of notice. 10-110(E)(1) Standard: 10-110(F)(2)	No pending case No new crime \$30 petition fee	Unit Rule: if one from single incident is ineligible all are ineligible		

STATES THAT ALLOW FOR NO RESTRICTION OF CONVICTIONS: VIRGINIA & SOUTH CAROLINA

Virginia	No	N/A	No	N/A	No	N/A	Only those convictions subject to absolute pardon. Va. Code Ann. 19.2-392.2	No	Yes, absolute pardon	N/A
South Carolina	No	N/A	No	N/A	N/A	N/A	N/A	No	No	N/A