

Expungement in the South

State	Misdemeanor	Misdemeanor Waiting Period	Felony	Felony Waiting Period	Court Petition?	Hearing	Other Requirements / Interesting Notes	Multiple Convictions	Pardoned Offenses Expunged	Can Deny
Arkansas (A.C.A. 16-90-1405)	Yes - Automatic	Sentence Completion	Yes	5 years after sentence completion	Yes	Discretionary	Minor Felony / Drug Conviction: <ul style="list-style-type: none"> No more than one prior felony Serious Violent/Sexual Offenses ineligible Also: Records are considered "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." Ark Code Ann. § 16-90-1401 et seq.	Misdemeanors Only	Yes, if ineligible for sealing. Ark Code Ann. § 16-90-1411.	
Georgia O.C.G.A. 35-3-37	Youthful Offenders	5 years after sentence completion	No	N/A	Yes – "youthful offenders"	Discretionary	Youthful Offender: <ul style="list-style-type: none"> Must be under 21 at time of conviction Sentence Completion 5 years with no criminal activity 	Yes	No	No
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	Misdemeanor: <ul style="list-style-type: none"> No other conviction within the 5-year time Ky. Rev. Stat. Ann. 431.078 Sex offenses and offenses against children ineligible Must be informed of right to expunge at adjudication Felony: <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) No pending criminal charge Felony expungement restores right to vote Also: <ul style="list-style-type: none"> Expunged records are deleted from official databases (including law enforcement) \$500 filing fee 	Yes	Yes	

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<p>Louisiana La. Code Crim. Proc. Art. 971 et seq.</p>	<p>Yes</p>	<p>5 years after sentence completion</p>	<p>Certain</p>	<p>10 years after sentence completion</p>	<p>Yes</p>	<p>Upon objection – objecting party must show by a preponderance of the evidence why the motion should not be granted</p>	<p>Misdemeanor:</p> <ul style="list-style-type: none"> • No felony conviction within 5 years • No pending felony case <p>Felony:</p> <ul style="list-style-type: none"> • No pending case <p><u>Also:</u></p> <ul style="list-style-type: none"> - Records are closed to public but are available for law enforcement and licensing purposes. La. Code Crim. Proc. Art. 972 	<p>Yes (recently changed)</p>		
<p>Maryland Md. Code Ann., Crim. Proc. 10-110 (Oct. 1, 2017)</p>	<p>Yes</p>	<p>10 years after sentence completion 15 years for 2nd degree assault and “domestically related crimes” SB 1005 (2016) (effective Oct. 2017)</p>	<p>No</p>	<p>N/A</p>	<p>Yes</p>	<p>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)</p>	<p>Misdemeanor:</p> <ul style="list-style-type: none"> • No felony conviction within 5 years • No pending case or new crime <p><u>Also:</u></p> <ul style="list-style-type: none"> - MD regards “expungement” as having greater protection than “shielding” - Destruction of records, including DNA, after 3 years. Md. Rule Crim. Proc. 4-511, 4-512 	<p>Yes (an ineligible charge from a single render all charges ineligible) 10-110(D)(3), 10-107</p>	<p>Yes, Non-violent First Offenders</p>	
<p>Missouri Mo. Rev. Stat. 610.140(2) (by SB-588)</p>	<p>Yes</p>	<p><u>Current Law</u> 10 years <u>New Law (2018)</u> 3 years</p>	<p>Certain</p>	<p>7 years</p>	<p>Yes</p>	<p><u>Current Law</u> Discretionary <u>New Law (2018)</u> Pleading application “create[s] a rebuttable presumption that the expungement is warranted.” No longer discretionary. If not rebutted the court “shall”</p>	<p><u>Current Law</u> Misdemeanor:</p> <ul style="list-style-type: none"> • First time alcohol-related after 10 years. <p><u>New Law (2018)</u> Felony:</p> <ul style="list-style-type: none"> • Class A Felonies are ineligible • Certain violent crimes, sex crimes, driving offenses are ineligible <p><u>Also:</u></p> <ul style="list-style-type: none"> - Sealed records available for law enforcement and licensing. Mo. Rev. Stat. §§ 557.011, 610.105-610.110 - Must disclose expungement in application for professional license, 610.140, and the court § 610.140(7). 	<p><u>Current Law</u> No <u>New law</u> Only one felony and two misdemeanors within lifetime § 610.140(12)</p>	<p>No</p>	

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						order expungement.	<ul style="list-style-type: none"> - A person, upon expungement, returns "to the status he or she occupied prior to [conviction] as if such events had never taken place." <i>Id.</i> - Records are no longer "destroyed," but "closed" to public, but not court, law enforcement, or employers entrusted to care for vulnerable populations. § 610.120 			
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) Also: <ul style="list-style-type: none"> - Records retained for law enforcement purposes 	No	No	N/A
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		Yes
South Carolina	No	N/A	No	N/A	N/A	N/A	N/A	No	No	N/A
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	
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
West Virginia W. Va. Code 61-11-26	If pardoned Or If Youthful Misdemeanant	1 year after pardon, and at least 5 years	If pardoned	1 year after pardon, and at least 5 years from	Yes	Yes See W. Va. Code 61-11-26(c)(9) and (10)	Pardoned Misdemeanor or Felony <ul style="list-style-type: none"> • No pending case • Exceptions for certain violent crimes § 5-1-16a(a) 	Yes	Yes	Yes

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	First Offender 61-11-26(a)	from discharge from sentence		discharge from sentence			<p>Youthful Misdemeanant First Offenders:</p> <ul style="list-style-type: none"> • <p><u>Also:</u></p> <ul style="list-style-type: none"> - Educational institutions and licensing authorities may not consider expunged records 5-1-16a(b) - Records are 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) 			
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