

Kansas Legal Services

A non-profit law firm and community education organization helping low and moderate income people in Kansas

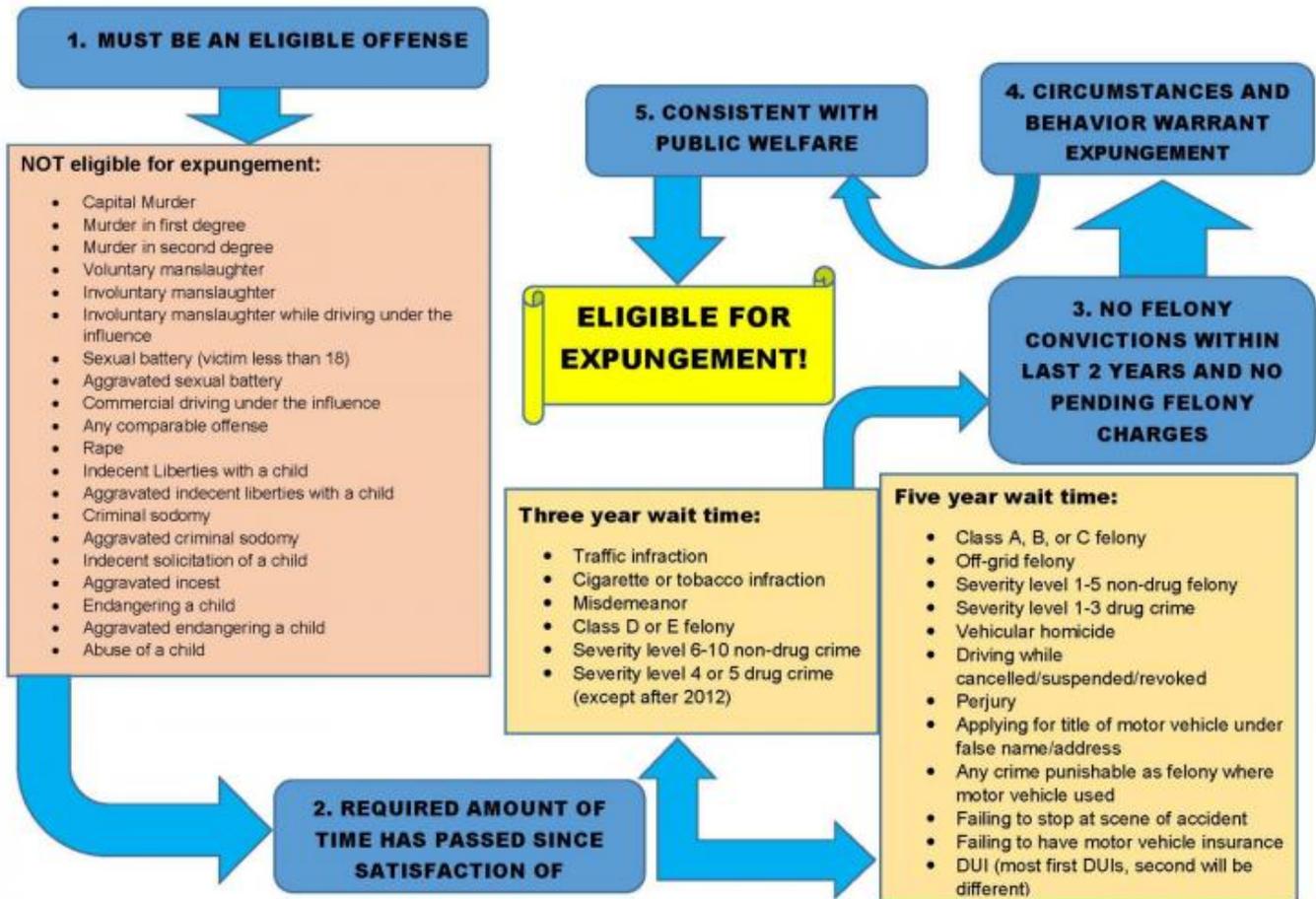


www.kansaslegalservices.org

Facts About Expungement in Kansas

NEW: Here is a handy flow chart that you can download that shows the steps for expungement.

TO BE ELIGIBLE FOR EXPUNGEMENT ON YOUR CONVICTION OR DIVERSION:



What is an expungement?

Expungement is the removal of an arrest or conviction from a person's criminal record.

When a person's record is expunged, no information related to the arrest or conviction may be disclosed, with certain exceptions.

What records can be expunged?

Arrest records, criminal convictions, and juvenile adjudications can all be expunged in Kansas.

What arrest records can be expunged in Kansas?

An arrest record can be expunged if:

- The arrest occurred because of mistaken identity;
- A court found there was no probable cause for the arrest;
- You were found not guilty in court proceedings; or
- The expungement would be in the best interests of justice and either charges have been dismissed or no charges are likely to be filed.

Any arrest record can be expunged and no time limit is required.

What criminal convictions can be expunged in Kansas?

Your criminal conviction can be expunged if the required amount of time has passed and you have not been convicted of a felony in the past 2 years.

Some convictions can be expunged 3 years after payment of all fines and the completion of the sentence. Those convictions include minor offenses, traffic violations, and some felonies

Other felonies and motor vehicle offenses, such as driving while suspended, can be expunged 5 years after the completion of the sentence.

Look at [this chart](#) to determine how long you have to wait.

Severity of crimes and expungement

[This chart](#) shows the length of time that must pass between the completion of all aspects of a criminal sentence or diversion and the filing of an expungement petition.

Click on this picture to see the chart:

What criminal convictions *cannot* be expunged in Kansas?

- Capital murder
- Murder in the first or second degree
- Voluntary and involuntary manslaughter
- Rape
- Aggravated sexual battery
- Sexual battery of underage victim
- Indecent liberties with a child
- Criminal sodomy
- Indecent solicitation of a child
- Sexual exploitation of a child

- Aggravated incest
- Endangering a child
- Abuse of a child

Do I have to get my convictions expunged to vote in Kansas?

No, you can vote as soon as you have been discharged from supervision. That is usually at the end of a period of probation or parole.

If you are granted probation or parole, you are “under supervision” until the probation or parole are finished. When those are finished, you can register and vote in Kansas.

Only people who have been convicted of a state or federal **felony** lose their voting rights. State law (KSA 21-4603, 21-4603d, 21,4615) prevents persons who have been convicted of a felony from registering to vote, voting, holding public office or serving on a jury.

You have to *reregister* to vote, even if you were registered before, when you become eligible.

You will not be asked for any proof that you have been discharged from supervision. The voter registration application form contains an affidavit that you sign stating that your right to vote has been restored.

You can use the paper form or apply electronically, online.

To apply online, go here: [**Federal voter registration form**](#)

To print, sign and mail the online form, go here: [**Paper Voter Registration form**](#)

What juvenile adjudications can be expunged in Kansas?

Most juvenile adjudications can be expunged if:

- The juvenile has reached the age of 23 or it has been 2 years since the sentence was completed;
- Since the sentence was completed, there are no pending criminal cases; and
- The circumstances and behavior of the juvenile warrant expungement.

What juvenile adjudications *cannot* be expunged in Kansas?

- Murder
- Manslaughter
- Rape
- Indecent liberties
- Criminal Sodomy
- Indecent solicitation
- Sexual exploitation
- Aggravated incest
- Endangering a child
- Abuse of a child

Disclaimer: This is general information. For specific advice on individual matters, you should consult an attorney.

Read more about **expungement** on this page adapted from the Kansas Criminal Defense Law website.

KLS offers a free legal form, Expungement, to expunge records - click here

Also check out:

- [Resolve barriers to employment and housing with legal help](#)
- [Learn about your housing rights under the Fair Housing Act](#)
- [Read about real Kansans who changed their lives with record expungement](#)
- [Expungement Brochure](#), created by Attorney Kristin Maun of KLS - Pittsburg.

 [Expungement Brochure rev 2018.pdf](#)

 [Chart of eligibilty for Expungement.pdf](#)

 [Eligibility Flow Chart-Expungement.pdf](#)

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<http://www.kansaslegalservices.org/node/1915/facts-about-expungement-kansas>

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