

# Kansas Legal Services

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



www.kansaslegalservices.org

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## Kansas Severity of Crimes and Expungement Chart

In 2015, changes were made in Kansas to the **Severity of Crimes and Expungement** chart. The chart shows how soon a criminal record may be expunged. The waiting times are for after all jail time, probation and parole is served. **You can see and/or download the chart here.**

The chart gives the waiting period before different crimes can be erased from your record. There are several changes which may affect some persons wishing to legally clear their records.

- A major change is for a first offense of driving under the influence (DUI). DUI needs only **five years** of waiting time before it can be legally expunged from a record. The waiting time used to be ten years.
- Another change is for first offense of "Failure to submit to test for drugs/alcohol." This crime also requires **five years** before it can be expunged.

Second offenses of either driving under the influence or failure to agree to test for drugs/alcohol will still need a waiting period of **ten years**. Third, fourth and further offenses will also need ten years.

- For a non-grid felony committed after 07/01/1993, based on current non-drug grid with a severity level of 6 through 10.
  - The chart states that these cases will need **three years** of waiting after the sentence (parole, probation and jail time).
- For a non-grid felony committed after 07/01/1993, based on current non-drug grid with a severity level of 1 through 5.
  - These cases will need **five years** of waiting after the sentence (parole, probation and jail time) .

A severity level 4 Drug Crime, committed after 07/01/2012 will need a waiting period of **five years** . Previously the waiting time was three years.

- This shows that drug crimes more recently committed are held to be more severe.

A severity level 4 Drug Crime committed between 07/01/1993 and 07/01/2012 will still need a waiting period of **three years**.

A severity level 5 Drug Crime committed after 07/01/2012 will need a waiting period of **three years**.

- This is a new category which includes possession or growing of a controlled substance. To learn more about the details, ask an attorney.
- **The Kansas Sentencing Commission** says that: "All possession offenses are now severity level five. Severity levels for possession with intent to distribute and distribution are dependent on quantity of the controlled substance."

Crimes that may not be expunged have remained the same including rape, capital murder, abuse of a child, etc.

- They are all listed on **the chart**.

**Read more about expungement and look at Kansas Legal Services' free legal form to expunge records.**

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

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<http://www.kansaslegalservices.org/node/1951/kansas-severity-crimes-and-expungement-chart>

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