

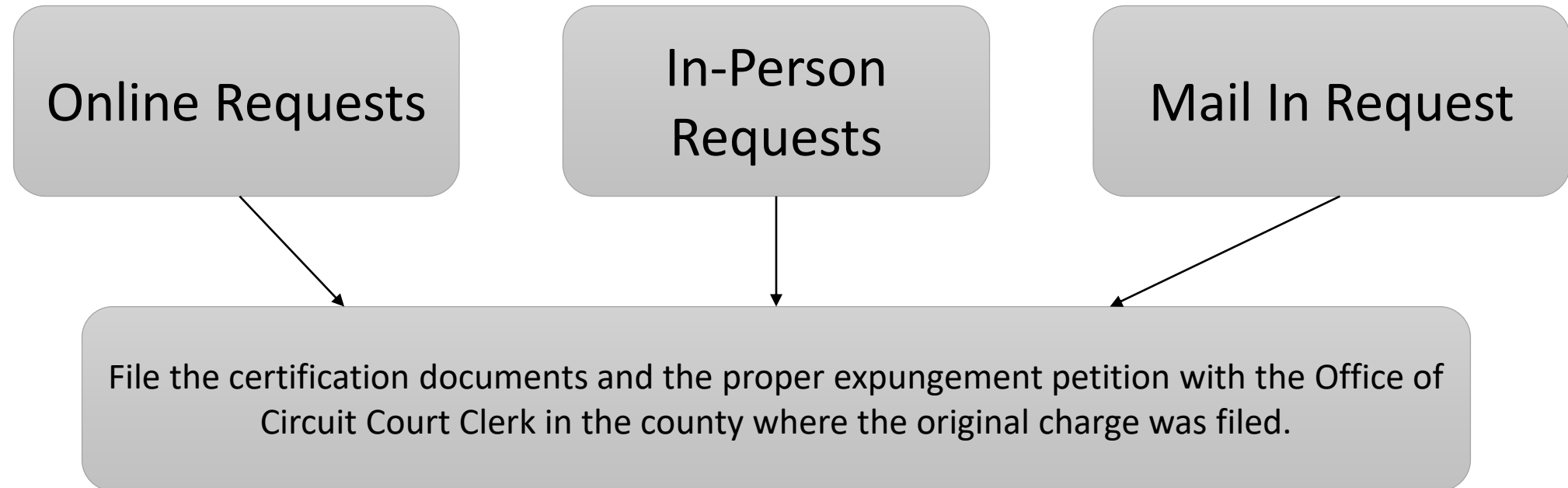
Expungement Certifications



Overview

- State law (KRS 431.079) requires **every** petition for expungement in Kentucky to include a certificate of eligibility for expungement. Individuals who wish to have their criminal records (charges/cases) expunged must complete the expungement certification process to determine if they are eligible for expungement.
- The Kentucky State Police will oversee this process in conjunction with the Administrative Office of the Courts. Both agencies must run criminal record reports on the person petitioning for the expungement. Then KSP will certify the eligibility of the expungement request.
- Expungement certification costs \$40 and the process takes up to 60 days. It is important to note that a certification is not an expungement. Only a judge can expunge a charge/case. Individuals who obtain an expungement certification may then file a petition for expungement with the Office of Circuit Court Clerk in the county where the original charge was filed.
- The expungement certification is valid for 30 days and the petition for expungement must be filed before the certification expires.

Three (3) different ways to request an Expungement Certification



How the Certification is Created

- All the charges from AOC and KSP are combined into one list of charges.
 - Most common reasons the records are not the same –
 - AOC has all charges someone has been to court for. Examples: Speeding, minor violations.
 - AOC retention schedule is much shorter than KSP. Typically 5 years.
 - KSP only has offenses that someone was arrested and fingerprinted for.
 - KSP retention schedule for criminal history is 80 years.

- Each individual charge is then evaluated for eligibility based on all the requirements listed in KRS 431.073, 431.076 and 431.078.
 - This can be done quickly on a certification that has only a few charges or it can take hours for a certification that has hundreds of charges.
 - The average number of charges per certification in the last 5 years is 57.



EXPUNGEMENT ELIGIBILITY CERTIFICATION NOTICE

Expungement certification expires 30 days from report date listed below.

Report Date: 05/18/2018

Name: [REDACTED]
Request ID: [REDACTED]

DOB: [REDACTED]
SSN: [REDACTED]

This expungement certification contains 3 parts: (1) Certification Notice, (2) Kentucky State Police Criminal History Report and (3) Administrative Office of the Courts Criminal Record Report. The pages are sequentially numbered for authentication purposes.

Pursuant to KRS 431.079, the Administrative Office of the Courts and the Department of Kentucky State Police hereby certify that they have conducted a search of their respective criminal history repositories and that the subject identified above is or is not eligible for an expungement pursuant to KRS 431.076 or 431.078, for the charges listed below.

Example 1

Arrest Date:		Case:	██████████	██████████	<u>Eligible</u>
Charge: 2	FAILURE OF OWNER TO MAINTAIN REQUIRED INSURANCE/SECURITY 1ST				YES
Disposition:	09/14/2017 DISMISSED				
Arrest Date:		Case:	██████████	██████████	<u>Eligible</u>
Charge: 1	FAILURE TO USE CHILD RESTRAINT DEVICE IN VEHICLE				NO
Disposition:	09/14/2017 GUILTY				KRS 431.078(2)

Arrest Date:		Case:	██████████	██████████	<u>Eligible</u>
Charge: 1	POSS OF MARIJUANA				NO
Disposition:	03/30/2018 DISMISSED				KRS 431.076(2)

Example 2

Arrest Date:		Case:	██████████	██████████	<u>Eligible</u>
Charge: 1	FLAGRANT NON SUPPORT				NO
Disposition:	08/15/2014 DIVERSION				KRS 431.073(4)(c)

Arrest Date:		Case:	██████████	██████████	<u>Eligible</u>
Charge: 1	FLAGRANT NON SUPPORT				NO
Disposition:	11/19/2008 AMENDED DOWN				KRS 431.078(4)(c)

Arrest Date:		Case:	██████████	██████████	<u>Eligible</u>
Charge: 1A	NON SUPPORT				NO
Disposition:	12/22/2010 GUILTY				KRS 431.078(4)(c)
