

## Expungement Instructions

K.S.A 12-4516 sets forth the requirements for obtaining an expungement of your conviction, diversion or arrest. A copy is attached to these instructions for your review. Please be advised that the statute is subject to change.

In Order to have your conviction, diversion or arrest expunged you must fully complete the petition of expungement, including your notarized signature. **Upon receipt of the fully completed petition and a nonrefundable \$50 fee**, the Municipal Court Clerk will assign a hearing date and time for the court to review your petition. **You or your attorney must appear at the hearing or your petition will be considered withdrawn and you will have to file another petition and pay another \$50 fee to have your conviction expunged.**

At the hearing, the Judge may ask you questions about your background. Any person who may have relevant information about you may testify at the hearing. In order to grant your expungement, the Judge must find that the circumstances and your behavior warrant expungement and the expungement is consistent with the public welfare. **The Judge is not required to grant your petition.**

Once your conviction, diversion or arrest is expunged, you shall be treated as not having been convicted, diverted, or arrested of the crime **except that;**

1. Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence imposed;
2. **You must disclose the conviction:**
  - A. In any application for employment as: a detective with a private agency, security personnel with a private patrol operator, or with a state hospital or mental health facility of the Department of Social and Rehabilitation Services;
  - B. In any application for admission, or for an order or reinstatement, to the practice of law in this state;
  - C. To aid in determining your qualification for employment in certain jobs with the Kansas Lottery or the Kansas Racing Commission;
  - D. Upon application for a commercial driver's license;
  - E. In connection with a determination of qualifications for licensure or renewal of licensure by the Kansas Racing Commission;

- F. To aid in determining the qualifications to be an employee of the state gaming agency;
- G. To aid in determining the qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;
- H. In the case resulting in a conviction or diversion, the information shall also be disclosed in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A 17-1252 and amendments thereto;
- I. Under any other conditions ordered by the court in the Order of Expungement;
- J. In a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged.

IN THE MUNICIPAL COURT OF   AUGUSTA  , KANSAS

CITY OF   AUGUSTA  , KANSAS  
PLAINTIFF

VS.

CASE NO. \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT

**PETITION FOR EXPUNGEMENT OF ARREST RECORD**

Petitioner's name is now \_\_\_\_\_

Petitioner's name at the time of the arrest \_\_\_\_\_

Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ SSN: \_\_\_\_\_

On \_\_\_\_\_ petitioner was arrested by the \_\_\_\_\_  
DATE LAW ENFORCEMENT AGENCY

For \_\_\_\_\_  
CHARGE(S)

The petitioner is entitled to an expungement of above arrest record for the following reason:

- \_\_\_\_\_ The arrest occurred because of mistaken identity; or
- \_\_\_\_\_ a court has found that there was no probable cause for the arrest; or
- \_\_\_\_\_ the petitioner was found not guilty in court proceedings; or
- \_\_\_\_\_ the expungement would be in the best interests of justice and
- \_\_\_\_\_ charges have been dismissed; or
- \_\_\_\_\_ no charges have been or are likely to be filed.

Wherefore, the petitioner prays that this Court grant this petition for the purpose of expunging the petitioner's record.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of Petitioner**

IN THE MUNICIPAL COURT OF   AUGUSTA  , KANSAS

CITY OF   AUGUSTA  , KANSAS  
PLAINTIFF

VS.

CASE NO. \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT

**ORDER OF EXPUNGEMENT OF ARREST RECORD**

Now on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the above-captioned matter comes on for hearing on the defendant's Petition for Expungement pursuant of K.S.A 12-4516.

After reviewing the matter, the Court finds as follows:

1. Petitioner's full name is, and was at the time of arrest and conviction, the same as set out in the caption above.
2. The sex, race, and birth date of the petitioner are as follows:

\_\_\_\_\_

3. Petitioner was arrested on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, for a violation of Ordinance No. \_\_\_\_\_, to wit:

\_\_\_\_\_

**NOW, THEREFORE, IT IS THE ORDER OF THE THIS COURT** that the arrest of the defendant-petitioner, as described herein, should be and the same is hereby ordered expunged, for the following reason(s):

- \_\_\_\_\_ The arrest occurred because of mistaken identity; or
- \_\_\_\_\_ a court has found that there was no probable cause for the arrest; or
- \_\_\_\_\_ the petitioner was found not guilty in court proceedings; or
- \_\_\_\_\_ the expungement would be in the best interests of justice and
- \_\_\_\_\_ charges have been dismissed; or
- \_\_\_\_\_ no charges have been or are likely to be filed.

**IT IS SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_, **Municipal Court Judge**

## EXPUNGEMENT CHECKLIST

For court clerk use **ONLY**

\_\_\_\_\_ Give defendant instruction sheet & petition

\_\_\_\_\_ When Petition is returned, check that **ALL** items are filled in and it is **SIGNED &**

### **NOTARIZED.**

\_\_\_\_\_ Collect \$50 for **FILING FEE.**

\_\_\_\_\_ Pull original file & verify the information provided is correct.

\_\_\_\_\_ Set a hearing date & fill out a **NOTICE OF HEARING.** Give Defendant a **COPY.**

\_\_\_\_\_ Type the Order of Expungement.

\_\_\_\_\_ Run an alert and traffic check on the defendant and attach it to the petition for the Judge's  
File.

\_\_\_\_\_ Give a copy to the City Prosecutor.

\_\_\_\_\_ Put Petition, Order, Criminal History information and original file in the appropriate trial  
Folder.

\_\_\_\_\_ Once Order of expungement is signed by the Judge, review the file to make sure appropriate  
notations appear on the originals and in the court's computer.

\_\_\_\_\_ Certify **three** copies of the Order of Expungement (Including the KDAR if possible)

\_\_\_\_\_ Send a copy to:

**Kansas Bureau of Investigation**

**1620 Tyler**

**Topeka, Kansas 66612**

**Attn: Identification Division**

\_\_\_\_\_ Send a copy to the **Defendant and/or their attorney.**

\_\_\_\_\_ Put a copy of this completed checklist in the Defendants file.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature**

IN THE MUNICIPAL COURT OF   AUGUSTA  , KANSAS

CITY OF   AUGUSTA  , KANSAS  
PLAINTIFF

VS.

CASE NO. \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT

**PETITION FOR EXPUNGEMENT**

Petitioner's name is now \_\_\_\_\_

Petitioner's name at the time of the arrest \_\_\_\_\_

Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ SSN: \_\_\_\_\_

The petitioner moves this court for an order of expungement for **Case No.** \_\_\_\_\_

Issued on \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ for the charge of \_\_\_\_\_

For the following reasons:

1. More than three/five years have elapsed since the petitioner satisfied the sentence imposed or was discharged from probation, parole, or a suspended sentence.
2. Petitioner has not been convicted of a felony in the past two years, and no proceeding involving any such crime is presently pending or being instituted against petitioner.
3. The circumstances and behavior of the petitioner warrant the expungement.
4. The expungement is consistent with the public welfare.

Wherefore, the petitioner prays that this Court will grant this petition for the purpose of expunging the petitioner's record of arrest, diversion and/or conviction for the aforementioned offense.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of Petitioner**

CITY OF   AUGUSTA  , KANSAS  
PLAINTIFF

VS.

CASE NO. \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT

**ORDER OF EXPUNGEMENT**

Now on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the above-captioned matter comes on for hearing on the defendant's Petition for Expungement pursuant of K.S.A 12-4516.

After reviewing the matter, the Court finds as follows:

1. Petitioner's full name is, and was at the time of arrest and conviction, the same as set out in the caption above.
2. The sex, race, and birth date of the petitioner are as follows:

\_\_\_\_\_  
\_\_\_\_\_

3. Petitioner was arrested on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, for a violation of Ordinance No. \_\_\_\_\_, to wit:

\_\_\_\_\_

4. More than three/five years have elapsed since the petitioner satisfied the sentence imposed or was discharged from probation, parole, or a suspended sentence.
5. Petitioner has not been convicted of a felony in the past two years, and no proceeding involving any such crime is presently pending or being instituted against petitioner.
6. The circumstances and behavior of the petitioner warrant the expungement.
7. The expungement is consistent with the public welfare.

**IT IS SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_, Municipal Court Judge

IN THE MUNICIPAL COURT OF   **AUGUSTA**  , KANSAS

CITY OF   **AUGUSTA**  , KANSAS  
PLAINTIFF

VS.

CASE NO. \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT

**NOTICE OF HEARING ON PETITION FOR EXPUNGEMENT**  
**OF CONVICTION OR DIVERSION**

The court will hold hearing on this matter on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at  
\_\_\_\_\_:\_\_\_\_  a.m.  p.m. at the **Augusta Municipal Court.**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Petitioner**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Court Clerk**