

IN THE \_\_\_\_\_ JUDICIAL DISTRICT  
DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS

THE STATE OF KANSAS

Case No. \_\_\_\_\_

vs.

\_\_\_\_\_ [Name]  
Defendant

**PETITION FOR EXPUNGEMENT OF CONVICTION OR DIVERSION**

Pursuant to K.S.A. 21-6614.

I respectfully request of the Court an order of expungement of my  conviction and related arrest records **OR**  diversion record and related arrest records. In support thereof, I state the following:

1. My full name is \_\_\_\_\_;
2. My full name at the time of my arrest or conviction, if different than #1, was \_\_\_\_\_;
3. I am a \_\_\_\_\_ [Race] \_\_\_\_\_ [Sex] born in \_\_\_\_\_ [Year of Birth];
4. I was arrested in \_\_\_\_\_ County, Kansas on \_\_\_\_\_ [Date] by \_\_\_\_\_ [Law Enforcement Agency] and charged with the crime of \_\_\_\_\_;
5. I was convicted of \_\_\_\_\_ on \_\_\_\_\_ [Date];

**OR**

- I was granted a diversion for the crime of \_\_\_\_\_ on \_\_\_\_\_ [Date];
6. The convicting court or diverting authority was \_\_\_\_\_;

- 7. The date of final discharge was \_\_\_\_\_;
- 8. More than  one  three  five  ten years have elapsed since I fulfilled the terms of a diversion agreement, satisfied the sentence imposed, or was discharged from probation, a community services program, parole, post-release supervision, conditional release or a suspended sentence;
- I was convicted/ received a diversion for prostitution and I can prove that I was acting under coercion. Coercion means: threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person; or the abuse or threatened abuse of the legal process.
- 9. I have 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 me;
- 10. The conviction or diversion for which expungement is sought is not one of the offenses set out in K.S.A. 21-6614(e), for which no expungement is permitted; I affirm under penalty of perjury that the statements in this Petition are accurate to the best of my knowledge and I respectfully request that the Court set this matter for hearing and grant the expungement.

\_\_\_\_\_  
 Defendant, Pro Se  
 Name (Print): \_\_\_\_\_  
 Address 1: \_\_\_\_\_  
 Address 2: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_  
 [Fax Number]: \_\_\_\_\_  
 [E-mail Address]: \_\_\_\_\_

## Authority

K.S.A. 21-6614.

## Notes on Use

A person may not receive an expungement for convictions of:

- Rape
- Indecent liberties with a child
- Aggravated indecent liberties with a child
- Criminal sodomy
- Aggravated criminal sodomy
- Indecent solicitation of a child
- Aggravated indecent solicitation of a child
- Sexual exploitation of a child
- Internet trading in child pornography
- Aggravated internet trading in child pornography
- Aggravated incest
- Endangering a child
- Aggravated endangering a child
- Abuse of a child
- Capital murder
- Murder in the first degree
- Murder in the second degree
- Voluntary manslaughter
- Involuntary manslaughter
- Involuntary manslaughter while driving under the influence
- Sexual battery when the victim is less than 18 years of age
- Aggravated sexual battery
- Commercial driving under the influence, including any diversion for such violation
- Any comparable offense if the conviction was in effect at any time prior to July 1, 2011.

K.S.A. 21-6614(e).

Please consult the chart on the next page if your crime is not listed above.

Conviction	Date when crime was committed	Time since sentence completed	Time since diversion completed	Time since discharged from probation, community correctional services, parole, postrelease supervision, conditional release or suspended sentence	Expungement Available	K.S.A. with more details
		Or	Or			
applying for title of a motor vehicle under a false name or address	Not relevant	5 years	5 years	5 years	Yes	21-6614(c)
crime punishable as a felony wherein a motor vehicle was used	Not relevant	5 years	5 years	5 years	Yes	21-6614(c)
cigarette or tobacco infraction	Not relevant	3 years	3 years	3 years	Yes	21-6614(a)
driving under the influence – regardless of number of offenses ( <i>see</i> K.S.A. 8-1567)	Prior to July 1, 2006	5 years	5 years	5 years	Yes	21-4619 (repealed and transferred to 21-6614 – L. 2010, Ch. 136)
driving under the influence – 1 <sup>st</sup> offense ( <i>see</i> K.S.A. 8-1567)	On or after July 1, 2006	5 years	5 years	5 years	Yes	21-6614(d)
driving under the influence – 2 <sup>nd</sup> or subsequent offense ( <i>see</i> K.S.A. 8-1567)	*On or after July 1, 2006 except those committed on or after July 1, 2014, and prior to July 1, 2015	10 years	N/A	10 years	Yes	21-6614(d)
driving under the influence – 2 <sup>nd</sup> or subsequent offense ( <i>see</i> K.S.A. 8-1567)	*On or after July 1, 2014, and prior to July 1, 2015	7 years	N/A	7 years	Yes	21-6614(d) L. 2014, Ch. 102 § 6. L. 2015 Ch. 71, § 4.
driving while canceled, suspended or revoked	Not relevant	5 years	5 years	5 years	Yes	21-6614(c)
failing to have motor vehicle insurance	Not relevant	5 years	5 years	5 years	Yes	21-6614(c)
failing to stop at the scene of an accident and perform required duties	Not relevant	5 years	5 years	5 years	Yes	21-6614(c)
misdemeanor	Not relevant	3 years	3 years	3 years	Yes	21-6614(a)
nondrug crime ranked in severity levels 1 through 5	On or after July 1, 1993	5 years	5 years	5 years	Yes	21-6614(c)
nondrug crime ranked in severity levels 6 through 10	On or after July 1, 1993	3 years	3 years	3 years	Yes	21-6614(a)
perjury	Not relevant	5 years	5 years	5 years	Yes	21-6614(c)

prostitution	Not relevant	1 year	1 year	1 year	Yes	21-6614(b)
traffic infraction	Not relevant	3 years	3 years	3 years	Yes	21-6614(a)
vehicular homicide	Not relevant	5 years	5 years	5 years	Yes	21-6614(c)
class A, B, or C felony	Not relevant	5 years	5 years	5 years	Yes	21-6614(c)
class D or E felony	Not relevant	3 years	3 years	3 years	Yes	21-6614(a)
felony ranked in severity levels 1 through 3 of drug grid	Between July 1, 1993 and July 1, 2012	5 years	5 years	5 years	Yes	21-6614(c)
felony ranked in severity levels 1 through 4 of drug grid	On or after July 1, 2012	5 years	5 years	5 years	Yes	21-6614(c)
felony ranked in severity level 4 of drug grid	Between July 1, 1993 and July 1, 2012	3 years	3 years	3 years	Yes	21-6614(a)
felony ranked in severity level 5 of drug grid	On or after July 1, 2012	3 years	3 years	3 years	Yes	21-6614(a)
off-grid felony	On or after July 1, 1993	5 years	5 years	5 years	Yes	21-6614(c)

\* Based on *State v. Anderson*, 12 Kan. App. 2d 342, 744 P.2d 143 (1987), the law in effect at the time of the offense applies with regard to eligibility for expungement unless the current law is more beneficial to the defendant. The current statute, K.S.A. 21-6614(d)(2), says a second or subsequent DUI conviction under K.S.A. 8-1567 cannot be expunged until 10 or more years have elapsed, but from July 1, 2014, to June 30, 2015, the statute allowed any DUI conviction or diversion to be expunged after 7 years. L. 2014 Ch. 102, § 6, effective July 1, 2014; L. 2015 Ch. 71, § 4, effective July 1, 2015. For a first DUI conviction or diversion, the current law, allowing expungement after 5 years, applies because it is more beneficial to a defendant than the 7 years required from July 1, 2014, to June 30, 2015. For a second or subsequent DUI conviction, the current statute, K.S.A. 21-6614(d)(2), does not allow expungement until 10 or more years have elapsed. Therefore, for second or subsequent DUIs that were committed on July 1, 2014, through June 30, 2015, the statute in effect at the time of the crime that allowed expungement after 7 years applies because it is more beneficial to the defendant.