



Expungement of Criminal Records

Expungement is the process of removing (sealing) a criminal record from the public under certain circumstances. Criminal records are used for a variety of purposes. Having something on your criminal record can make it more difficult to find a job or rent an apartment. Removing records that are eligible for expungement may improve your job, school, and housing opportunities. If a record is expunged, no one (other than law enforcement) can see the records and you do not have to disclose the record to employers or anyone else.

Criminal records contain more than just court records and convictions. The records contain all criminal history including arrests and records of original charges, even if those charges were later reduced or dismissed. It is important to understand what is in your criminal record. Criminal records can be hard to understand. If you don't know what is on your criminal record or what the information in the records mean, you should contact a lawyer for advice and help. In Wyoming, you can get a copy of your criminal record from the Division of Criminal Investigation. For more information about obtaining your Wyoming criminal history report, go to <http://wyomingdci.wyo.gov/dci-criminal-justice-information-systems-section/criminal-records-section/criminal-history-checks>.

What is the process for getting an expungement?

The first step to getting an expungement is to file a *Petition for Expungement* with the proper court. The person applying for the expungement, the Petitioner, will have to prepare the *Petition for Expungement*, or hire an attorney to do so. In any legal case, mistakes can have serious consequences. It is always best to get help from a lawyer. After preparing the *Petition*, it must be filed with the proper court. The proper court to file the *Petition* depends on the offense that is being expunged. If there were charges filed and there was a court case, then the *Petition* will probably need to be filed in the same court that the case was in originally.

Once the *Petition* is filed, other parties must be notified and served with the *Petition*. The *Petition* must be served on the proper parties, which, depending on the case, include the prosecuting attorney, division of criminal investigation, and the victims of the crime being expunged. The parties served with the *Petition* are called Respondents. If any of the Respondents object to the expungement, then the Court will set the case for a hearing. At the court hearing, the court will decide if the offense qualifies for an expungement. If the court grants an expungement, the Petitioner will need to prepare an *Order for Expungement* to present to the court for the judge's signature. The court will usually expect the Petitioner to have an *Order* drafted and ready for the judge's signature at the hearing. After the judge signs the *Order of Expungement*, the court's file will be sealed and removed from public access. The court will send a copy of the *Order* to the division of criminal investigation and any records of arrest, charge, or disposition that is in the state's central records that are related to the offense will be removed from public access.

What happens to the record once it has been expunged?

The record is sealed from public access and can only be seen by law enforcement. Any rights that were lost as a result of the conviction are returned. Other types of records that were made as part of the case may also be expunged in some circumstances, but things like newspaper articles containing information about the arrest or conviction cannot be expunged and may still be available to the public.

What criminal records can be expunged?

It depends on the type of record and what happened in the case. You may need to speak to an attorney to see if a record can be expunged. There are several ways to qualify for an expungement depending on the circumstances. However, only crimes in Wyoming can be expunged by a Wyoming court. If you have a criminal history in another state, you will have to see if you qualify for expungement in the state where you have the criminal history.

Arrest but no conviction (deferred adjudication cannot be expunged using this process)	The arrest must be at least 6 months old. There can be no criminal charges currently against you. The incident that led to your arrest, that you want expunged, must fall in to one of three categories: 1.) There were no convictions of any kind resulting from the arrest; 2.) No formal charges were filed from the incident (arrest); or 3.) All criminal proceedings from the arrest were dismissed by the prosecutor or the Court. A deferred adjudication <u>cannot</u> be expunged under this process, but it can still be expunged if it meets the requirements for expungement under one of the following procedures.
Misdemeanor conviction	The misdemeanor conviction must be at least 5 years old. The misdemeanor must be at least 1 year old if you are a minor (under 18 years of age) and the offense was not a criminal act. The misdemeanor cannot involve the use or attempted use of a firearm. You can expunge misdemeanors from your record only one time.
Felony conviction	The sentence resulting from the felony must be completed at least 10 years ago. You can expunge multiple felonies only if they all come out of the same incident. The felony you are expunging must be the first felony of which you have been convicted. The felony cannot involve the use or attempted use of a firearm. The felony <u>cannot be any of the following</u> : murder, manslaughter, kidnapping, robbery, aggravated assault, aircraft hijacking, arson in the first or second degree, aggravated burglary, aggravated vehicular homicide, drug induced homicide, any crimes involving sexual assault, a second or subsequent domestic battery, child abuse, aggravated assault and battery on a corrections or detention officer, sexual exploitation of children, incest, endangering children with controlled substances (methamphetamine), bribery, disarming a police officer on official duty, escape from official detention or escape by violence/assault/while armed, any crime that requires registering as a sex offender. You can expunge a felony from your record only one time.
Juvenile delinquency	Any minor adjudicated (like being found guilty) of a delinquent act, other than a violent felony, may expunge their record after reaching the age of 18. You cannot have been convicted of a felony since the juvenile charge and no felony can be pending. The minor must show that they have been rehabilitated (are staying out of trouble).

