

# Instructions for Expungement of Arrest and Conviction or Diversion

## ADULT CASES ONLY

The forms required for this process:

1. Instructions
2. Petition for Expungement of Arrest and Conviction or Diversion
3. Order for Investigation by Court Services
4. Notice of Hearing
5. Order for Expungement of Arrest and Conviction or Diversion
6. Order Denying Expungement of Arrest and Conviction or Diversion

**Caution: Use of forms without the assistance of an attorney could harm your legal rights. You may want to have an attorney review your completed forms before you file them with the court. These are basic forms and may not cover every situation.**

### **Read Directions Completely – Please Type or Print Neatly**

1. Defendant: Complete a Order for Investigation by Court Services. Provide this form to the Saline County Clerk of the District Court when you file your petition.
2. Complete the Petition for Expungement of Arrest and Conviction/Diversion to include the case number(s). Where your name is required, insert your full legal name. Review the information below to determine whether you can expunge your conviction after three, five, or ten years or not at all.
3. Sign the Petition for Expungement of Arrest and Conviction/Diversion. Your signature is your affirmation that all the information in the petition is accurate to the best of your knowledge.
4. Mail or deliver a copy of the Petition for Expungement of Arrest and Conviction/Diversion to:

**Saline County Attorney  
300 W. Ash, Rm. 302  
Salina, KS 67401**

and to the arresting agency:

**Salina Police Department  
255 N. 10<sup>th</sup>  
Salina, KS 67401**

**Saline County Sheriff's Office  
251 N. 10<sup>th</sup>  
Salina, KS 67401**

**Kansas Highway Patrol  
2019 E. Iron Ave.  
Salina, KS 67401**

**Kansas Bureau of Investigation  
1620 SW. Tyler St.  
Topeka, KS 66612**

5. Have the Order for Investigation signed by the County Attorney's Office located in Room 302 of the City-County Building, 300 W. Ash, Salina, Kansas.
6. File the original Petition for Expungement of Arrest and Conviction/Diversion and Order of Expungement of Arrest and Conviction/Diversion Evaluation with the Saline County Clerk of the District Court and pay the required docket fee of \$176.00 and a \$19.00 surcharge imposed by the Supreme Court. This fee is to be applied to each case number expungement is requested on.
7. If you do not know the case number, you can obtain it from the Clerk of the Court. A research fee may be required.  
You will receive a copy of the evaluation from Court Services once it is completed.
8. If Court Services recommends expungement and there are no costs or restitution owing in your case, send the Order for Expungement of Arrest and Conviction/Diversion to the Saline County Attorney for their approval. If Court Services does not recommend expungement or costs and restitution are still owing, you must set the case for hearing.
9. Complete the Notice of Hearing and set the petition for scheduling on a Monday docket. The Clerk of the Court or the judge's administrative assistant can assist you. Mail a copy of the Notice of Hearing to the County Attorney. File the original with the Clerk of the Court.

Judge Jared Johnson	(785) 309-5837 (Administrative Assistant)
Judge Patrick Thompson	(785) 309-5840 (Administrative Assistant)
Judge Rene Young	(785) 309-5838 (Administrative Assistant)

10. Complete paragraphs numbered 1 through 8 of the Order for Expungement of Arrest and Conviction/Diversion and paragraphs numbered 1 through 4 of the Order Denying Expungement of Arrest and Conviction/Diversion (just in case). Bring both orders to the hearing.
11. Attend the hearing and answer any questions the court may have.
12. Should someone appear in opposition to your petition, the court may set your petition for an evidentiary hearing at a later date.

**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).

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)