

## EXPUNGEMENT INFORMATION PACKET

This is an outline of the requirements for expungements and basic guidelines for completing expungement forms. Attached are examples of expungement motions and orders. Court staff cannot give legal advice. If you have questions about preparing an expungement beyond what is contained here, please consult an attorney. For the purposes of this procedure, “expungement” means the sealing of records so that they are unavailable except to the Petitioner, criminal justice agencies and as otherwise provided for by federal, state and municipal laws. See: Charter Ordinance 224.

In preparing your expungement pleadings, please be aware of the specific Court Rules as to style and paper size for court documents. Court rules require the following (the most frequent problems that cause rejection have been bolded):

... papers prepared ... for filing in the courts shall, ... be **typed or printed legibly with black ink on one side only of a standard size (8.5 x 11) sheets and shall include the name, address, and telephone number of the attorney (or of the defendant, if the defendant has no attorney) filing them.** Typing shall be double-spaced except that single spacing may be used for subparagraphs, legal descriptions of real estate, itemizations, quotations, and similar subsidiary portions of the instrument. The **Municipal Court docket number ... and the Wichita Police Department case number must be included** with the caption upon each pleading to be filed.

- Your original must be double-spaced, on one side only of 8.5 x 11 paper.
- Include name, address, and telephone number (see sample).
- When filing, you will need to supply the original Motion and original Order with one (1) copy.
- The sample Motions and Orders are samples. You must use their wording and then personalize them by filling in the required information about your specific case.
- There are two samples:

Sample No. 1 is for situations where you were arrested and convicted of an offense or you were granted deferred judgment or diversion. It is to be used if you are trying to expunge the conviction(s) or a diversion/deferred judgment and the related arrest records.

Sample No. 2 is for situations where you were arrested but never charged with an offense, where you were charged but the case was dismissed, or where you were charged and subsequently found “not guilty” after trial. It is to be used if you are trying to expunge arrest record(s) and the subsequent court proceedings, if any.

- If you need the information requested (dates, case numbers, etc.) you must request a self-record check for expungement from the Court Clerk’s Office.
- The cost for filing an expungement is **\$90.00 per police case (not court case).**
- Motions are filed at the Attorney Window (adjacent to the Court Clerk’s Office on the 2<sup>nd</sup> Floor of the City Hall building, 455 N. Main, Wichita, KS 67202) between 8 a.m. and 4:45 p.m.

**EXPUNGEMENT OF CONVICTION(S), DIVERSIONS OR  
DEFERRED JUDGMENT(S) AND RELATED ARREST RECORDS**

Charter Ordinance No. 224, Section 12, of the Code of the City of Wichita provides a procedure by which you may have your Municipal Court conviction(s) and/or diversion/deferred judgment(s), and related arrest records, expunged.

**REQUIREMENTS**

Any person who has been convicted of an offense or has been placed on a diversion/deferred judgment for a violation of a City of Wichita Ordinance may petition the court for an order of expungement if three or more years have elapsed since the person:

1. Satisfied the sentence imposed; or
2. Was discharged from probation, parole or a suspended sentence; or
3. Fulfilled the terms of the diversion/deferred judgment agreement.

However, no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed, or fulfilled the terms of a diversion/deferred judgment agreement, or was discharged from probation, parole or suspended sentence if such person was convicted of or granted diversion/deferred judgment from a violation of one of the following crimes:

1. Driving while license is suspended or revoked (Section 11.42.030(c));
2. Failure to stop at the scene of an accident and perform the duties required (Sections 11.12.010,11.12.020,11.12.030, 11.12.040 and 11.12.050);
3. Failure to carry Liability Insurance (Section 11.13.010).

Additionally, no person may petition for expungement until ten or more years have elapsed since the person satisfied the sentence imposed, or fulfilled the terms of a diversion/deferred judgment agreement, or was discharged from probation, parole or suspended sentence if such person was convicted of or granted diversion/deferred judgment from a violation of one of the following crimes:

1. Driving Under the Influence of Alcohol and/or Drugs (Section 11.38.150)

Per state law, you cannot expunge a conviction or diversion for driving a commercial vehicle while under the influence of alcohol and/or drugs (Section 11.38.155). The law in effect at the time of your arrest will determine if the offense may be expunged.

**PROCEDURE FOR REQUESTING THE EXPUNGEMENT OF A CONVICTION,  
DIVERSION OR DEFERRED JUDGMENT AND RELATED ARREST RECORDS**

To request an expungement of conviction, diversion or deferred judgment and the related arrest records, the Petitioner must submit to the Municipal Court Clerk's Office an original plus one (1) copy of the Motion and Order.

The \$90 filing fee must accompany the Motion and Order.

The Court will set a date for a hearing on the Motion. **Unless presented by an attorney, you must attend the hearing.** Any expungement for crimes falling within the scope of the Victim's Rights Act require notification of the hearing to the victim and he/she will be given an opportunity to address the Court regarding the motion for expungement.

The Motion and Order must contain the following information:

1. The Petitioner's full name;
2. The Petitioner's full name at the time of arrest, conviction or diversion/deferred judgment, if different;
3. The Petitioner's sex, race, date of birth and social security number;
4. The offense(s) and the ordinance number(s) for which the Petitioner was arrested, convicted, or diverted;
5. The date of arrest(s), conviction(s) or diversion/deferred judgment(s);
6. The citation number(s), docket number(s) and the Wichita Police Department Case Numbers for the conviction(s) or diversion(s)/deferred judgment(s);
7. The date showing the fulfillment of the terms of the diversion/deferred judgment agreement, or the conditions of parole/probation (if any);
8. Whether there has been a conviction of a felony in the past two (2) years and whether there are any traffic or criminal proceedings which are currently pending or will be instituted against the Petitioner in any court or jurisdiction; and
9. Facts setting forth the reason Petitioner's conviction(s) or diversion/deferred judgment(s) and related arrest records should be expunged;

If your case was appealed to the District Court, the motion for expungement should be filed in District Court.

## EXPUNGEMENT OF ARREST RECORDS

Charter Ordinance No. 224, Section 13 of the Code of the City of Wichita provides a procedure by which any person who has been arrested for a violation of a city ordinance may petition the Municipal Court for expungement of the arrest records when:

1. No charges have been or are likely to be filed;
2. Charges have been dismissed; or
3. The Petitioner has been found not guilty in court proceedings.

### PROCEDURE FOR EXPUNGEMENT OF ARREST RECORDS

To request an expungement of arrest records, the Petitioner must submit to the Municipal Court Clerk's Office an original and one (1) copy of a Motion and Order. Only one arrest may be expunged in each original petition and a \$90 filing fee will be assessed per arrest. The filing fee must accompany the Motion and Order.

The Court shall set a date for hearing on the Motion. **Unless you are represented by an attorney, you must attend the hearing.** Any expungement for arrest records falling within the scope of the Victim's Rights Act require notification to the victim(s). At the hearing, the victim(s) will be given an opportunity to address the court regarding the expungement.

The Motion and Order for Expungement of Arrest Records must contain the following information:

1. The Petitioner's full name;
2. The Petitioner's full name at the time of arrest, if now different;
3. The Petitioner's sex, race, date of birth, and social security number;
4. The offense(s) and the ordinance number(s) for which the Petitioner was arrested;
5. The date of arrest(s);
6. The Wichita Police Department Case Number(s) for the incident involving the arrest;
7. If the Petitioner was found not guilty in a court proceeding, or the charges have been dismissed, the applicable court, the case number or docket number and the date of final disposition.